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House of Representatives

The House met at 9 a.m.

Rabbi Amy Rader, B'nai Torah Congregation, Boca Raton, Florida, offered the following prayer:

When the theologian of my tradition, Dr. Abraham Joshua Heschel, marched in Selma, Alabama, with Dr. Martin Luther King, Jr., Rabbi Heschel said: ''My feet were praying.''

Esteemed men and women in this Chamber, I ask for God's help to move our prayers from our lips to our feet. Our world is in desperate need of action, change, and presence. As the leaders of this sacred democracy, your feet in any one place can make the difference between life and death.

May it be God's will that your feet lead our country on the path of compassion and justice. May your feet walk steadily to draw the estranged closer and the vulnerable into protection. May your feet stand firmly and united as the agents of freedom, equality, progress, and hope.

Master of the universe, inspire our deeds to be their own prayers. May our work join with God's spirit to bring about a better day for all creation. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. SHAW 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.

WELCOMING RABBI AMY RADER

The SPEAKER. Without objection, the gentleman from Florida is recognized for 1 minute.

There was no objection.

Mr. SHAW. Mr. Speaker, I am pleased and I am most honored today to welcome Rabbi Amy Rader and her family here to Washington, DC.

Rabbi Rader is an excellent leader and role model for the Jewish community, and for people of all beliefs. I proudly nominated her to share her faith and offer her prayers for our country on the House floor this morning, and I thank her for coming.

After having studied in both Jerusalem and Los Angeles, Rabbi Rader was ordained by the Jewish Theological Seminary of America in New York City in 1999. Rabbi Rader also served as the rabbi for the Lakeland Hills Jewish Center in New Jersey, and was the first Jewish chaplain at Methodist Hospital in her hometown of Minneapolis.

Rabbi Rader is now an associate rabbi at B'nai Torah Congregation in Boca Raton, where she directs their Mitzvah program. In her 4 years in the Boca Raton community, Rabbi Rader has earned a reputation as a compassionate pastoral counselor as well as an inspiring teacher and lecturer. I am honored to have her here with us today.

RECESS

The SPEAKER. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 9 o'clock and 4 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1000

AFTER RECESS

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain ten 1-minutes per side.

THE FACE OF THE ENEMY

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

Mr. POE. Mr. Speaker, in a few days Americans will see the face of the enemy. He will set foot on American soil and speak before the United Nations.

President Mahmoud Ahmadinejad of Iran, the person who denies the Holocaust ever happened and wants Israel decimated and destroyed, insists he is not making nuclear bombs but just nuclear power. No one believes him, and why should we?

This is the same man who is accused of holding U.S. soldiers hostage after taking the U.S. embassy in Tehran. And some people say this picture proves it; here he is with an American hostage that he is holding.

But the Iranian attack on our embassy in 1979 is overshadowed by IEDs in Iraq, supplied by Iran, to kill American soldiers every day. In a recent interview, he did not deny having suicide bombers ready to strike America.

We would never have invited Lenin, Stalin, Hitler or Mussolini to the U.S. Now we are welcoming this terrorist on American soil. Instead of receiving keys to the city, shouldn't he receive keys to the jailhouse?

And that's just the way it is.

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CONGRATULATING THE DETROIT SHOCK ON WINNING THE 2006 WOMEN'S NATIONAL BASKETBALL ASSOCIATION CHAMPIONSHIP

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

Ms. KILPATRICK of Michigan. Mr. Speaker, I stand to congratulate the Detroit Shock, the Women's National Basketball Association's champions for 2006, the second time they have won the title in 3 years; 12 outstanding women, who have come forth and persevered and won the championship one more time. Six of those women were on the world championship team of 2003.

Congratulations to Coach Bill Laimbeer, Assistant Coach Rick Mahorn, as well as Cheryl Reeve. Most valuable player Deanna Nolan, congratulations for those jump shots and tenacity.

You stand in history in the Women's National Basketball Association, as well as the National Basketball Association, as winners. Let women all over the world know that you can persevere in whatever you choose to be.

Congratulations, Detroit Shock, 2006 Women's National Basketball Association winners. We love you.

HONORING XAVIER UNIVERSITY, DILLARD UNIVERSITY AND SOUTHERN UNIVERSITY AT NEW ORLEANS

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

Mr. JEFFERSON. Mr. Speaker, as we honor Historically Black Colleges and Universities this week, I rise to applaud the commitment and tradition of HBCUs in my district. I am proud to say that in my district I am able to represent three of the most well-known HBCUs in the country: Xavier University, Dillard University and Southern University at New Orleans.

Xavier University ranks among the top in sending African Americans to medical school and accounts for a large share of African American pharmacists nationwide.

Dillard, highly regarded by U.S. News and World Report, has become widely known for its nursing program.

After starting with only two buildings SUNO has produced leading African Americans in the disparate fields of social work and computer science.

Collectively, these schools have served as profiles in courage and leadership as they rebuild in the face of Hurricane Katrina, which still threatens the future of all of them.

They have done a great deal with sometimes lean resources; however, that is the signature of HBCUs across the Nation. As a proud graduate of Southern University in Baton Rouge, I have been one of the many beneficiaries of the positive, nurturing and high-quality education provided by these nationally significant institutions.

I urge my colleagues to work towards ensuring that generations of African American students are able to benefit from the very special contribution that HBCUs provide to higher education.

MOURNING THE LOSS OF FORMER TEXAS GOVERNOR ANN RICHARDS

(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, it is my sad duty to report to the House of Representatives the loss of an American original, and that is our former governor, the great Ann Richards. Governor Richards died yesterday after a long battle with throat cancer. She was 73.

I can tell you for sure that Ann Richards made us proud to be Texans. Dorothy Ann Willis Richards began her career in politics in the early 1970s after having raised four children. A Democrat, she served as County Commissioner in Travis County, Texas, from 1977 to 1982. Ann Richards was elected to the first of two terms as Texas State Treasurer in 1982.

She was born in Lakeview, Texas. She grew up in Waco, Texas, and graduated from Waco High School. And she loved her Texas.

After graduation, she taught social studies and history at Fulmore Junior High School in Austin, Texas, from 1955 to 1956. She had two daughters and two sons in the following years, and she campaigned for Texas liberals and progressives such as Henry B. Gonzalez, Ralph Yarborough, and Sarah Weddington, and she was not ashamed.

In 1976, Richards ran against and defeated a three-term incumbent on the Travis County, Texas, Commissioner Court.

Ann Richards gave that unforgettable keynote address in the 1988 Democratic National Convention, and she turned the Nation around.

In 1990, she sought the Democratic gubernatorial nomination. She won and she won as governor. And I am reminded of the Honorable Barbara Jordan, who campaigned for her; and the two of them were Texas' dynamic duo.

She did a lot as governor. The first thing she said was to cut the shackles off of the governor's house and opened it to the people of Texas. That is the kind of public official Ann Richards was and continued to be, someone who believed in the people's house and the people first.

She helped jump-start the economy in Texas. She helped reform the prison system by providing an abuse program for inmates, and she instituted the Texas lottery so that educational opportunities could be improved for our children.

Texas has lost a wonderful native daughter, someone who loved and cherished democracy, justice, the opportunity for those who could not speak for themselves.

Ann Richards stood for the opportunity for women in the public sector. She said to us, do not turn back, and yes, we can.

None of us who knew and loved Ann Richards will ever forget her or the way she heightened and brightened the lives of all the people she served. She was one in a million and she will be deeply missed. She will never be replaced. She was an American original. She was my friend. We will forever be in her debt and forever miss her.

Thank you, Ann Richards, for being the kind of role model for all the women, all the girls and all of America.

FEAR IS ALL THE REPUBLICANS HAVE TO OFFER

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

Mr. McDERMOTT. Mr. Speaker, the Republicans gave us their November 7 resolution last night. Five years ago, the Nation stood as one, but the Republicans have divided us ever since. They believe dividing America is the best hope for clinging to power in the November election.

They can pass self-congratulatory resolutions that have more to do with November 7 than September 11, but patting themselves on the back is no substitute for protecting the American people by adopting the recommendations of the bipartisan 9/11 Commission.

Republicans have not done that. Instead, Republicans have been ordered by the President to continue his fiction that Iraq and al Qaeda were connected. The evidence proves otherwise, so Republican leaders are trying to hide the evidence beneath their rhetoric.

Just remember this: Republicans have propped up this President by spending more on the Iraq war than on domestic security. Republicans have given us fear and fiction around the fifth anniversary of 9/11. Just imagine what they have in store for us in the next weeks.

Fear has never made America safer, but that is all the Republicans have to offer, and that is simply not enough to protect and defend America in the 21st century.

WE NEED A NEW DIRECTION ON SECURITY IN AMERICA

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

Ms. SOLIS. Mr. Speaker, today I rise because America needs a new direction for homeland security. Our Republican colleagues are ignoring our Nation's real security needs.

The 9/11 Commission made 41 recommendations on ways to make our Nation safer, but just this December America received a flunked Homeland

Security 101, receiving 10 Cs, 12 Ds and 4 Fs.

Only 6 percent of containers at our ports are being screened, most air cargo is not being screened, and 5 years after 9/11, the Nation still lacks a unified terrorist watch list for airline passengers.

We need a new direction for America's security. We must guard against future attacks by implementing all the 9/11 Commission recommendations; and we must screen 100 percent of our containers and cargo bound to the United States in ships and planes; and we must ensure our first responders have the training, equipment and technology they need.

PRESIDENT'S ATTEMPTS TO CONNECT IRAQ WITH THE OVERALL WAR ON TERROR

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

Ms. LEE. Mr. Speaker, President Bush continues to say that one of the most difficult parts of his job is trying to connect the war in Iraq with the overall war on terror, but I tell you it is a difficult job because it is clear there is no connection between the war in Iraq and the overall global war on terror.

Just this past week, a bipartisan Senate Intelligence Committee report concluded that there was no link between Saddam Hussein and al Qaeda. In fact, the Senators wrote that Saddam, ''only expressed negative sentiments about Osama bin Laden.''

And yet, President Bush continues to contend that our Nation's safety depends on what happens on the streets of Baghdad. With all due respect, this is just not the case.

The President is trying to convince the American people that al Qaeda is responsible for all of the violence in Iraq. In reality, the overall majority of the violence today comes from the growing sectarian divisions between the Sunnis and the Shias, a civil war which some of us believe has begun.

From day one, the Iraq war diverted the Bush administration's attention from those who attacked us on 9/11. Today, Osama bin Laden is still at large, and the Taliban is alive and well in Afghanistan.

It is time for the President to focus his attention on those responsible for the horrific 9/11 attacks 5 years ago.

AMERICA IS NOT SAFER ACCORDING TO BIPARTISAN PANEL OF FOREIGN POLICY EXPERTS

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

Mr. CARNAHAN. Mr. Speaker, the President says America is safer today than it was before 9/11, but according to a new report recently released from Foreign Policy magazine at foreignpolicy.com, an overwhelming majority of America's foreign policy experts across the political spectrum believe we are less safe today.

Eighty-four percent of those interviewed for the survey said we are losing the war on terror, and 86 percent said the world is becoming more dangerous for the U.S. and for the American people. Again, this is a study of the top 100 national security experts in our Nation, weighted for balance between conservatives and liberals.

Leslie Gelb, the president emeritus of the Council on Foreign Relations, stated, ''Foreign-policy experts have never been in so much agreement about an administration's performance abroad. The reason is that it's clear to nearly all that President Bush and his team have had a totally unrealistic view of what they can accomplish with military force and threats of force.''

In other words, our Nation not only needs a military strategy, but it also needs a diplomatic strategy. It is time for a new approach, a new direction that includes both.

U.S. MUST USE INFLUENCE IN A POSITIVE WAY IN THE MIDDLE EAST

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

Mr. KUCINICH. Mr. Speaker, the United States must begin to use its influence in a positive way in the Middle East to help secure Israel by first bringing all parties together in the region, without preconditions, for peace talks. The U.S. made a mistake by standing aside during the 34-day war. We now must help to create the circumstances which stabilize the Government of Lebanon by assisting with the recovery and by helping with the restoration of housing, businesses and infrastructure.

Secondly, the situation in Gaza is desperate. Unemployment is approaching 50 percent. The government workforce, 40 percent of all workers have been paid only about a dime on a dollar due in wages since the beginning of the year. Childhood malnutrition cannot even be resolved by the massive U.N. aid now, which characterizes 70 percent of the population as refugees.

With no jobs, little or no electricity, limited access to water, conditions are dire. The U.S. cannot stand by and permit this humanitarian disaster to continue. We must do everything we can to help Israel secure itself.

We also have to remember that we must use our influence to bring about peace by recognizing the conditions which exist.

□ 1015

IN MEMORY OF JOHN WATTERS WRIGHT, CORPORAL, WORLD WAR II

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

Mr. LARSEN of Washington. Mr. Speaker, today I rise to honor the life of John Watters Wright. I had the privilege of meeting John 3 short years ago when I was able to present a commendation and his Bronze Star he had earned in World War II.

In 1944, as a soldier in World War II, actually as a marine in World War II, John was badly wounded during a sniper attack. Despite serious injuries, he kept fighting. He destroyed the enemy sniper's nest, saving himself and the lives of others in his division. His CO recognized John's heroism and promised to cite him for a deserved medal to commemorate his actions.

In 2003, I had the privilege of presenting John with the awards that he had earned 59 years earlier. So nearly 60 years after his self-sacrificing actions, the United States finally acknowledged the heroism he displayed in World War II with a Bronze Star, but it was an acknowledgment delayed far too long.

Corporal Wright died last month, and as we honor the life of Corporal Wright, we are challenged by his patriotism. He challenged us not only to recognize our veterans, but he challenged us to care for our veterans when they come home from deployments. He challenged us to defend the Constitution and the Bill of Rights without question, but do that through debate and sometimes dissents.

So I stand today to honor the life of Corporal John Watters Wright, who is truly an American hero.

SECRETARY OF DEFENSE DONALD RUMSFELD

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

Ms. SCHWARTZ of Pennsylvania. Mr. Speaker, more than 3 years after President Bush declared ''mission accomplished,'' U.S. troops, their families, and all Americans continue to pay a high price for the Bush administration's ''stay the course'' policy in Iraq.

We cannot afford to stay the course in Iraq. We need a new direction, which must begin with new leadership at the Department of Defense. Secretary Rumsfeld must be held accountable for his misconduct of this war. He has executed it with no plan beyond the initial invasion, rejecting sound advice and guidance from experienced generals, Middle East experts, troops on the ground, and elected officials from both sides of the aisle.

From his failure to prepare the military for extended deployments, to his decision to disband the Iraqi military, to his unwillingness to acknowledge miscalculations and false information, he has demonstrated that he does not grasp the challenges facing the Iraqi people or the challenges facing our Nation and the military.

His failed management of the war has not made us safer, and his recent attacks against Americans who question our strategy undermine the very freedoms he has sworn to protect.

To fulfill our national security mission, it is time for a new Secretary of Defense and time for a new direction in Iraq.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 1442. An act to complete the codification of title 46, United States Code, ''Shipping'', as positive law.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 1902. An act to amend the Public Health Service Act to authorize funding for the establishment of a program on children and the media within the Centers for Disease Control and Prevention to study the role and impact of electronic media in the development of children.

S. 2464. An act to revise a provision relating to a repayment obligation of the Fort McDowell Yavapai Nation under the Fort McDowell Indian Community Water Rights Settlement Act of 1990, and for other purposes.

PROVIDING FOR CONSIDERATION OF H.R. 6061, SECURE FENCE ACT OF 2006

Mr. SESSIONS. Mr. Speaker, by the direction of the Committee on Rules, I call up House Resolution 1002 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

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. 6061) to establish operational control over the international land and maritime borders of the United States. The amendment printed in the report of the Committee on Rules accompanying this resolution 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, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Homeland Security; and (2) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

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

This rule provides for 1 hour debate in the House, equally divided and controlled by the chairman and ranking minority member of the Committee on Homeland Security. It waives all points of order against consideration of the bill and provides that the amendment printed in the Rules Committee report accompanying the resolution shall be considered as adopted. Finally, the rule provides the minority with one motion to recommit, with or without instructions.

Mr. Speaker, I rise today in strong support of this rule and the underlying bill, H.R. 6061, the Secure Fence Act of 2006. This legislation, much of which has already been passed by the House as part of H.R. 4437, the Border Protection, Anti-terrorism, and Illegal Control Act of 2005, is a positive step in regaining operational control of our borders and achieving broad reform of the immigration process.

This legislation is the product of five formal hearings in standing committees during this Congress alone. It also draws on a number of hearings in past Congresses and a wealth of information learned through field hearings conducted over the August recess by Members of this Republican majority.

Last month, many Members of this body, who were greatly concerned with addressing the problem of our porous borders, traveled across the country to determine what steps could be taken to harden our borders and ensure that those who would wish to harm us cannot exploit this well-documented weakness.

Like many other Members, over August I traveled to our border. I traveled with Congressmen CHARLIE DENT, HENRY CUELLAR, JOHN DOOLITTLE, and JO BONNER to meet with Border Patrol agents from Laredo, Texas, and to see firsthand the needs of our country as it relates to border protection.

We discussed with these dedicated men and women on the front line of our border how best to address the rampant drug and human smuggling that occurs in an area along our southern border. We learned firsthand of the challenges faced by our brave Border Patrol agents in combating the flood of criminal activity that occurs along our southern border on a daily basis. The information we learned on this trip, and the information learned from dozens of other field hearings just like this from this past August, all have been incorporated in the legislation that we will hope to take up today.

The Secure Fence Act of 2006 advances the rule of law and protects our Nation by providing our Border Patrol with the tools they need to achieve operational control of the border. The language closely mirrors sections 101, 1002, and 1003 of the border bill already passed by the House, and authorizes more than 700 miles of two-layered reinforced fencing along the southwest border with prioritized placement at critical, highly populated areas. It also requires an evaluation of infrastructure needs along the northern border of America.

The Secure Fence Act also mandates that the Department of Homeland Security achieve and maintain operational control over the entire border through a ''virtual fence'' utilizing leading edge technology and through established best practices to create optimum results at the most efficient cost. This includes the deployment of cameras, ground sensors, unmanned aerial vehicles, and integrated surveillance technology.

This legislation further requires the Department of Homeland Security to provide all necessary authority to border personnel to disable fleeing vehicles, similar to the authority already held by United States Coast Guard for maritime vessels.

Finally, this legislation requires DHS to assess our Nation's vulnerability on our northern border and to address how they can be effectively and efficiently resolved.

Mr. Speaker, this legislation represents a commonsense step that this Congress can take to deal with problems of alien smuggling, illicit drug running, and illegal immigration. The House has already passed a more comprehensive bill that enjoyed the support of 239 bipartisan Members. But because a broader package of reforms may not be enacted into law this year, our Republican leadership has decided to take the least controversial portions of this broader reform effort and to pass them in pieces that the other body can then take up and pass.

I would like to commend Speaker HASTERT and Majority Leader BOEHNER for their vision and leadership in bringing this commonsense bill to the floor today. I would also like to thank my dear friend, Mr. SENSENBRENNER, chairman of the Judiciary Committee, and Chairman PETE KING, who is chairman of Homeland Security, and all the members of the Judiciary and Homeland Security Committees for their hard work in doing the research and hearings that were necessary to bring this bill to the floor.

I encourage all my colleagues to support this rule and the underlying legislation to provide operational control of our borders.

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

Mr. HASTINGS of Florida. Mr. Speaker, I thank the gentleman from Texas, my friend, Mr. SESSIONS, for the time, and I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong opposition to this closed rule and the underlying legislation, which is nothing more than political gamesmanship in the run-up to the mid-term election. Sounds good, does nothing.

To paraphrase the Vice President, it seems to me that the majority is in the last throes of keeping control of the House and is throwing vacuous public policy at us in a vain attempt to fool the American public. Well, Mr. Speaker, I believe the American people are much smarter than that. They can see

through these charades to see that this country needs a new direction.

This bill is a case in point. If you were to believe my colleague, my friend from Texas, Mr. SESSIONS, and the other proponents of this legislation, this bill would lead to the construction of a fence along some parts of the United States-Mexican border. But guess what? This bill does not authorize a single nickel or dime for construction.

I asked the distinguished chairman of the Homeland Security Committee, our colleague, and my friend, PETER KING of New York, yesterday, point-blank, in the Rules Committee, ''Does this bill fund construction of a fence along our border?'' The transcript of the Rules Committee hearing will back me up when I say that Chairman KING answered with, ''No, but.'' And Members of the majority party always seem to have an excuse at the ready when they pretend to legislate but simply pontificate.

If Americans want to see results instead of rhetoric, if taxpayers would like solutions instead of sound bites, and hard work instead of horse trading, I suggest you take a short look, and it won't take much longer, at the accomplishments of this Congress.

I don't intend to waste too much of our time on this lazy attempt at legislating. I will let others do that. However, there are a few other things to consider when thinking about this bill.

This so-called border security bill not only doesn't spend a nickel, a penny, or a dime of money to construct a fence, it also does not increase the number of Border Patrol agents, customs, and immigration enforcement authorities.

□ 1030

It doesn't help law enforcement. It doesn't provide accountability, and it won't stop illegal immigration into this country.

I said in last night's meeting, there ain't no mountain high enough and there ain't no river valley wide enough to stop the tide of what is happening on our border unless we do it comprehensively.

Get real, folks. If the Congress had any real intent in making this country safer and more secure, they would have allowed the ranking Democratic member of the Homeland Security Committee to offer a substitute bill.

If our colleague and my very good friend, Mr. BENNIE THOMPSON of Mississippi, had an opportunity to offer his legislation, then we could have had a serious debate. But, of course, the majority has no interest in allowing the House to work its will; thus, closed this rule. That only happens in a democracy. But had Mr. THOMPSON been allowed to offer his substitute, we would have seen what a real homeland security bill looks like.

The Thompson legislation would have provided the technology, personnel and equipment needed to monitor and secure every mile of the border 24 hours a day, 7 days a week. And there is no one in this body or in America that is concerned about this issue that does not understand the need to secure our borders. Everybody knows that.

The Thompson legislation authorized 3,000 additional Border Patrol agents. It would have allowed for the creation of 2,000 more immigration officials and hundreds more detention officials. It would have enlisted 250 more Federal marshals and more than 70 new judgeships to deal strictly with immigration issues.

Yes, all of this could have been considered today on the House floor. It would have been considered if the majority party was truly interested in protecting the American people instead of their own positions as the majority. Sounds good, does nothing.

I invite my colleague, Mr. SESSIONS, to point out in this legislation where any money is spent to put a border along the United States-Mexico border.

I urge a ''no'' vote on this closed rule and the underlying bill.

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

Mr. SESSIONS. Mr. Speaker, at this time I would like to yield 7 minutes to the gentleman from Fullerton, California, chairman of the International Terrorism and Nonproliferation Subcommittee, Chairman ROYCE.

Mr. ROYCE. Mr. Speaker, let me say, in order to spend the money, you first have to authorize the money. In the Senate, as I rise in support of this rule to consider H.R. 6061, let me say that the Senate has attached to the defense authorization bill language, and this is what is anticipated, that will discuss the building of a border fence. But we want to make certain on the House side as we pass the authorization language and go into conference with the Senate that we disabuse our colleagues in the other House from one concept, and that is the language that would preclude the construction of any border fence without consultation with the Government of Mexico. Let me explain why I think that approach would not be in the interest of the United States.

We in California have dealt for some years now with trying to close one breach in our border fence. It is called Smugglers Gulch, a fence that runs from the foothills to the ocean. Through that small 3-mile breach, it has taken 8½ years to get the California Coastal Commission to go along with closing that fence in consultation, 8½ years, and it took an act of Congress that we passed here to do it.

So if the Senate prevails on this issue, it means no border fence. We need this legislation to authorize the border fence before we go into conference with the Senate.

I am a cosponsor of this bill, and I was a cosponsor of the border fence amendment offered by Congressman DUNCAN HUNTER and myself that was added to the House-passed border security bill last September.

As chairman of the Subcommittee on International Terrorism and Nonproliferation, I held field hearings in San Diego on July 5 and Laredo, Texas, on July 7. We heard from the men and women of the Border Patrol whose job it is to secure our border. We heard from the sheriffs whose deputies have been shot in the line of duty. We heard from Federal inspectors who have smuggled across that porous border the materials for a dirty bomb.

And so this hearing that was focused on border vulnerabilities, we heard from these witnesses and we heard them express that the border fence is very effective. The Border Patrol testified as to that effectiveness. Daryl Griffin, who is the chief agent in San Diego, said, ''It is a great force multiplier. It expands our enforcement capacity. It allows us the discretion to redeploy agents to areas of vulnerability or risk. It is one component that certainly has been integral to everything we have accomplished here, raising the level of security.''

A fair question is, how effective has it been in San Diego? Well, apprehensions along the region with a security fence dropped from 202,000 in 1992 to 9,000 in 1994.

With the establishment of the border fence in San Diego, crime rates have fallen off dramatically. Vehicle drive-throughs have fallen. San Diego is no longer one of the most prolific drug-smuggling corridors.

This amendment puts a fence where it is needed most: in areas that have the highest instances of drug smuggling and illegal border crossings. It allows the Border Patrol to focus its resources and better protect our border. It is past time that we strengthen operational control of all the borders and ports through additional physical barriers and fencing.

In this bill is greater use of state-of-the-art technology and surveillance along the Southwest border. Expanding the border fence is needed and it is needed now. The first step is to get the authorization, and the second step is to get the appropriation with the Senate.

This last year, I can tell you, just over this last 12 months, over 450 OTMs were apprehended illegally entering the United States from special-interest countries, also from countries that are state sponsors of terrorism. So we see people coming over the border illegally from Afghanistan, Angola, Jordan, Qatar, Pakistan, Yemen. I will give you one example. Mohammed Karani is the brother of a commander of Hezbollah in south Lebanon. He came over the border in my State in the trunk of a car. He paid a coyote to get him across the border. He was later arrested in Dearborn, Michigan. He is serving 4½ years. He is a member of Hezbollah. He was in the process of securing funds and resources for Hezbollah in the United States.

Two border Governors have declared states of emergency over illegal immigration. This is something I think we

can all agree upon, and it shouldn't be held hostage to immigration policies. The 9/11 Commission studied the problem. Border security is national security. At some point we have to come to grips with the fact that our Border Patrol agents need a border fence on our southern border in order for them to be able to secure an area where we are now facing infiltration by members of terrorist organizations like Hezbollah. We should listen to those agents.

There is one who told me his personal story of stopping a man who had been trained in an Afghan training camp, originally from Uzbekistan. This man injured him, actually bit his arm as he was trying to take him down. He told me one of his concerns was, this was the second time this man tried to get illegally into the United States. Post-9/11, we have to be serious about border security. This bill should pass this House.

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

Mr. Speaker, I would say to the gentleman from California (Mr. ROYCE), if the gentleman you described was in the back of a car, in the trunk, then he came through a port of entry. He didn't ride across no mountain, and you could have built every fence on Earth and he still could have been in the back of the car.

Now let me straighten you out on something else. We already, with the Hunter amendment to the border security measure, passed the identical language that is in here. This is nothing but political gamesmanship when all is said and done. And for you to say that we have to do this before we can authorize puts the lie to you being in the majority. You have the power to authorize. You could authorize. Don't tell the American people that we have to wait for some mish-mash language that has no money in it to build a fence, that that is the only way that we can do that.

Mr. Speaker, I yield to Mr. ROYCE to respond.

Mr. ROYCE. Mr. Speaker, I appreciate the gentleman yielding.

The reason we cannot get the bill through the Senate is because of the opposition of Senator KENNEDY and others, and others, to the concept of the border fence.

Now the reason that it would be helpful to have the fence is, when you are stopping cars coming through and checking the trunks, if your Border Patrol agents are spread out all along the Southwest, it is a force multiplier to have that fence. You can then deploy more agents to the points where the smugglers bring people in in the trunks of cars.

Mr. HASTINGS of Florida. So you also favor a fence along the Canadian border because terrorists have come through from that area as well?

Mr. ROYCE. Let me just say in this very bill is a study to do just that, and study the northern border as well to look at those areas where people are crossing illegally.

Mr. HASTINGS of Florida. Reclaiming my time, Mr. ROYCE, I am tired of studying and the American people are tired of studying. The Thompson substitute that was not allowed because of this closed rule does, in fact, do what is necessary for secure borders.

Mr. Speaker, at this time I am more than pleased to yield 5 minutes to a colleague that I served with on the Permanent Select Committee on Intelligence and who, for 26 years, was in charge of border security, the chief of two major regions of border security and who happened to be at the hearings that you were at, Mr. ROYCE, my distinguished colleague, SILVESTRE REYES.

Mr. REYES. Mr. Speaker, as we debate the issue of border security here, as we talk about an issue that is so vitally important to the American people, I am disappointed that we can't seem to work together on this particular issue. I have been in Congress for 10 years. I have been advocating that we hire 1,000 to 1,500 Border Patrol agents a year along with the resources necessary to support them. Yet we get this proposal for a fence.

This is the best we can do? This is the best you can do to assure the American people that we are going to focus on border security? It falls woefully short, and I say that with all due respect because I spent 26½ years on America's border. When I retired, I had been the chief for a little over 12 years in charge of McAllen sector and El Paso sector. I am the one who instituted Operation Hold the Line that shifted border enforcement away from apprehension and towards deterrence. I have, I think, the kind of experience that we ought to be able to count on on both sides of the aisle.

I have tried to work with many Members on the other side of the aisle and have always, as I put forth my ideas on the issue of border security for the last 10 years, have always been told, well, it is not the right time. It's too expensive, it is not the right strategy to pursue at this time.

I really felt after 9/11 we would have a new focus on border security. Today, 5 years later, the American people are focused like a laser on the fact that our borders are vulnerable.

I would say to my distinguished colleague, Chairman ROYCE, I was at the hearing in Laredo with you, as I have been at numerous hearings the last 2 months, hearings where the message has come across loud and clear from members of Customs and Border Protection. What they need: They need manpower, they need technology and they need infrastructure.

In Naco, Arizona, we have 1,200 to 1,300 Border Patrol agents housed out of a station that was designed for 25 people.

□ 1015

That is infrastructure that we need. How can we expect them to be professionals if we don't treat them like professionals, if we don't invest in the infrastructure that is so desperately needed? We were there, looking at their sensor systems, and it was a bipartisan group from the interparliamentary group. We looked at not just the physical layout of the station, but the condition of their vehicles. They need vehicles.

The vehicles, the technology that they were using, the cameras that they were monitoring, were over 15 years old. The sensors were 20 years old. That is why, consistently, the message has been at all these hearings the last couple of months that they need manpower, they need technology, and they need infrastructure support, new technology that is available that will serve as the force multiplier, Chairman, that you were referring to.

We can do much better than this. A fence is ludicrous in the face of the needs of the Customs and Border Patrol people.

When we talk about the issue of fencing, and we compare that with all the other needs, and, believe me, at all the hearings I was at the message was consistent. In fact, when the question was asked of the chiefs, what about fencing, well, fencing has limited use. As a former chief for over 12 years, I can tell you fencing would be down after those three priorities, because across that 2,000-mile border with Mexico that everybody is so concerned with, probably less than 10 percent, much less than 10 percent, in one of the hearings that we were talking about, we were concerned about a range in Yuma, Arizona. It seemed like it was an area that needed hundreds of miles of fencing. You know what? It came out to 37 miles of fencing that was needed.

I say, put up a fence for those 37 miles. I supported the fencing with my friend and colleague, DUNCAN HUNTER, in San Diego, because it makes sense. But it does not make sense to put a 2,000-mile fence along our southern border. It does not make sense, and it is not in the best interests of the taxpayers to foolishly commit to spending at least $7 billion just on the construction of this fencing. We can do much better.

I am extremely disappointed that after all we hear about post-9/11, after all we hear about the concern that terrorists are apt to hit us here in the homeland again, that this is the best we can do. This is the equivalent of a doctor in the emergency room having a patient come in from a severe automobile accident with broken limbs and wounds over most parts of his body, and the physician saying, nurse, give me a Band-Aid. This is a Band-Aid approach that we can do much better with.

Let us do a comprehensive piece of legislation that addresses the three major priorities that the Border Patrol wants, manpower, technology, infrastructure. Let's not forget that there is a whole pipeline. If you hire more Border Patrol agents, you need to hire

marshals, you need to hire detention officers. You need to hire judges. You need to hire prosecutors. All of that is essential. Let's do a comprehensive piece of legislation that the American people will finally say, this Congress gets the fact that we are in danger from terrorism. We can do better. This is a ludicrous proposal, as far as I am concerned.

Mr. SESSIONS. Mr. REYES, by the way, this entire body not only recognizes but appreciates your service to this Nation, not only for the professionalism that you continue to exhibit but that which you did for your 26 years.

I would say to the gentleman two things, if I could politely suggest to him that he knows it is not truthful to say that we are going to have a 2,000-mile fence along the border. That has not been suggested. We have never talked about that, and to insinuate that would simply be untruthful.

We have not suggested that, and this bill very specifically, and I would like to have the gentleman, if he would like to get a copy, relates to adding 10 miles of fencing that extends 10 miles west of the Tecate, California port entry to 10 miles east of the Tecate, California, port of entry; 10 miles west of Calexico, California to 5 miles east of Douglas, Arizona; 5 miles west of the Columbus, New Mexico, port of entry to 10 miles east of El Paso; extending 5 miles northwest of Del Rio to 5 miles southeast of Eagle Pass, Texas; extending 15 miles northwest of the Laredo, Texas, port of entry to the Brownsville, Texas, port of entry. This will be literally 100 miles worth of fencing. It will be 700 miles worth of fencing when you add up the total. What we are trying to do is to take the things that we heard firsthand that the men and women who work on the border said. This is the priority, not 2,000 miles.

Mr. REYES. Will the gentleman yield on that point?

Mr. SESSIONS. I yield to the gentleman from Texas.

Mr. REYES. The reference to 2,000 miles of fencing I heard repeatedly by Members of your party at the hearing.

Mr. SESSIONS. I would like to reclaim my time. We have talked about this since 2001. The fact of the matter is that this bill is very specific. It aims directly at where the problem is. I would like to also note that not one mile of fencing is in the Democrat plan, not even 15 feet worth of fencing. I don't know how you can have a comprehensive plan when you talk directly to Border Patrol agents who are in Laredo, Texas and other points along the border, and they say their number one concern, they are asked is the fencing, first of all, to allow them for their own safety, their own safety. The men and women of law enforcement who are down there have asked for, and, in the Republican bill, will get the fencing that they have asked for.

Mr. REYES. Will the gentleman yield?

Mr. SESSIONS. I will not at this time, but I know that the gentleman has lots of time left to continue the debate.

We need to make sure that we are doing what the men and women of law enforcement are asking for. What else are they asking for? They are also asking for, and I have seen firsthand, the need to better protect those people, the unassuming people, who illegally are entering our country, who do so at great risk and peril. These fences, which are in our bill, not their bill, not 10 feet of fencing that is in their bill, will allow our Border Patrol agents to effectively deal with this huge number of people who are coming here to wall off areas that are dangerous for our men and women, as well as people who are just dumped off on the border late at night and told, go that way.

Mr. Speaker, we have taken time, Republicans and Democrats have taken time to come to our border and see what we need. It is the Republicans that heard from the Border Patrol agents and others. We need to help protect this country, yes, but we need to do it to protect people who many times get in trouble, many times who need desperate help, and it is to help save our agents as well as those people.

I am proud of my bill. For the characterization that this is a do-nothing bill, I would say, I am sorry that you didn't hear what was said at these important hearings and did something about it. That is all this bill is. It is to take what we heard of the most immediate concerns. We know we have a debate with the Senate. We know we have got some problems trying to negotiate that through, but this should not be held hostage.

I would like to go directly, Mr. Speaker, to H.R. 6061, which is what we are discussing here, but bringing in to incorporate the things that we know we have already done under our FY07 Department of Homeland Security appropriations. We are going to provide for $19.6 billion for border protection.

What we are going to do, as I recall it is darn near September, and as soon as this month is over with we want to have new money. We are going to pay for this fencing. To assume or to say that it is not going to happen would really be, I think, less than honest. The administration is working with this body. We are opening up this information to the other party that had been a part of the hearings, and they know that we are going to have money that is available directly for the needs of what this bill is about.

But what this bill specifically does is it says this is the priority at this time. We believe the fencing is there for good and intended purposes.

Mr. Speaker, at this time I yield 8 minutes to the gentleman from Indiana (Mr. SOUDER), the vice chairman of the Criminal Justice and Drug Policy Subcommittee.

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

Mr. SOUDER. Mr. Speaker, it has been my privilege here in Congress to serve as the Drug Policy chairman, and also as a senior member of the Homeland Security Committee, and thus, during most of my career, I have been on both the north and south border. A number of years ago, prior to the creation of the Homeland Security Committee, we did a major border report, the most comprehensive border report ever done in the history of this Congress.

In that process, we had done roughly, I believe, six hearings on the Mexican border and three on the Canadian border, and I have personally visited nearly every border crossing on both the north and south border with very few exceptions.

In that course of time, it becomes apparent that some of what Mr. REYES has been saying is absolutely true. We do not have enough money for the Border Patrol. We do not have a salary scale with which to keep them in the Border Patrol, and I have worked over multiple years to keep increasing that.

In fact, we have tried to increase the Border Patrol here in Congress, because it is not easy to just stay standing in the sand, in the heat, day after day. We have tried to vary their positions, but when they get other opportunities to be air marshals, when they get other opportunities to take other posts, they tend to leave.

We, in spite of our hiring, have been putting hundreds and thousands through training and can barely gain in the numbers. We need to be more aggressive, and we need to have a realistic pay scale and job opportunities for the people who go into our Border Patrol, but absolutely we need to ramp up at a faster rate the number of Border Patrol people. We need to make sure they have adequate facilities with them, cars, equipment, radios, that when some of the drug terrorists or people who are moving large numbers of people come out with more military weapons and guns than our Border Patrol have, and in greater numbers, we have a human problem at the border, and we need to understand that in many cases those who are trying to invade us are armed, and armed more aggressively.

We may have places where we have one agent or two agents with 100 to 200 people coming at them. It is a very difficult job, and we ought to raise, defend, expand and give the equipment to our Border Patrol. That is what we do in the Homeland Security bill, and we need to ramp it up faster.

But there is another problem here, and my friend Mr. REYES and I have been at joint hearings, we have traveled together, and I very much respect his position. But with the people along the border, it is a much more controversial issue. But as we look at a broader immigration strategy in the United States, and I absolutely agree with that, we have three different problems, the illegal immigration problem,

the terrorism problem and the narcotics and contraband problem. Narcotics and contraband would also include chemical, nuclear and biological weapons and parts.

Basically, if you can't protect your border, you are not safe. If you can't protect your border, you don't know who is here. If you can't protect your border, we cannot stop what will be a flood now of meth precursors and meth coming across the border now that we have changed our internal laws.

This is a comprehensive question, and we need a comprehensive solution. But part of that is a fence, and you have to have different types of fencing, physical fencing, fences that keep people out or at least going over the top so the Border Patrol can kind of bend behind them and get them in groups, rather than having to station 20,000 Border Patrol agents who cannot cover 1,000 miles. You have to have fencing to drive them to certain locations to give time for the Border Patrol to sag and work with that. It is not realistic.

That is why the fences work well in San Diego, why the fences worked well in El Paso. In the areas where there are gaps in those fences, and it is difficult in Mr. REYES' home area in El Paso, is where the road comes so close to the line or the railroad comes close, and there isn't fencing, and there is a huge challenge for the Border Patrol.

Now, we have some places, let me give you an illustration, which I have talked to Chairman HUNTER, and I don't believe is in the 700 miles, but we have talked about we need to add it, that is over in west Texas in the sector, I believe it is Marfa, just right at the edge of the Marfa sector just east of El Paso. There we have a place called Neely's crossing.

We recently had a case where a truck was moving what we believe was 10,000 pounds of marijuana, 10,000 pounds, 5 tons. Our Border Patrol came up on the vehicle.

□ 1100

They negotiated with them and they said they got stuck in the sand, because when they saw the Border Patrol coming they tried to back up and they got stuck. They got about 1,700 pounds, they estimate, out; and then they came back with their guns and said basically, we have got a tow vehicle here. You can't take this. Now, if you can smuggle 10,000 pounds of marijuana, you can certainly get nuclear, chemical and biological.

Now, why are they running trucks through that area? The Rio Grande in that area is not a continuous, huge, wide river. It is pockets of water. There are only certain places in the Rio Grande and other places on the border where you can take a truck that handles 10,000 pounds because it sinks.

But there is gravel in that area, and guess what? They have a bulldozer on the other side. Every time they try to put up a border on that side, they bring the bulldozer across from the Mexican side and bulldoze it down. They bulldoze it down. When I was there with the sector chiefs on either side, they started up the bulldozer and they said, ''Mr. SOUDER, you need to get out of here. It is not safe anymore.'' Our agents had to retreat when they came out with their guns.

This is a huge problem at Neely's Crossing. That is one of the areas where there has to be at a minimum a barrier fence that can take a 40-mile-an-hour hit from a large vehicle, because no Border Patrol agent can stop it.

In New Mexico, as I was visiting in New Mexico, we pioneered a fence there because there have been vehicles at high speed and knocking down some of these fences that will now take that kind of hit, as well as they are doing it in Yuma, Arizona. People are coming into the Barry Goldwater Air Range. We have to either stop our training or we are going to drop a bomb on these individuals.

They are going through the Organ Pipe Cactus Park, and some of the most beautiful hiking trails in America are no longer safe. We had a park ranger killed there. It is chaos in Organ Pipe.

In South Padre Island National Park, they have, they said, drug dealers coming up, all sorts of things. It is in times in danger of being overrun. We have fish and wildlife areas where habitat is being absolutely destroyed by the number and the quantity of illegal immigrants moving through.

We need to have more Border Patrol agents, but they need the supplemental fencing to help control that. And it will not reduce the number of Border Patrol agents. It will decrease the demand.

The thing the American people need to understand is, this will be expensive. We can't work out our internal controls and figure out whether we are going to do work visas, what we are going to do for the people here, if we don't have secure IDs and we don't have a fence because, as I just heard in one of the hearings I conducted for Ms. HARRIS, Mrs. MYRICK, Ms. FOXX and Mr. MCHENRY in North Carolina, they had a lady whose daughter and son-in-law were killed in an automobile wreck, one was killed, one is still comatose, and they had been deported three times for drunk driving before. Until we control the Southwest border, until we figure out how to get secure IDs, all this other talk is basically irrelevant.

I favor trying to work this out, but we can't; when you have multiple people calling in with similar names and just picture IDs and no fingerprints, you can't run employer enforcement. And if you are going to deport them, if you don't have a way to stop them at the border, it won't work.

This needs to be incremental, it needs to be comprehensive, but it has got to start with the border, and fencing is a key part of that. The agents will always be the critical part, because they will come around the fences, they will come over the fences, but it is one way to control the size of the vehicles, the size of the weapons, the quantity that is coming at you. And I strongly believe that we need this fence, and I do not understand, I do not understand, the Democratic opposition to a fence.

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

Mr. Speaker, before yielding again to Mr. REYES, I would say to Mr. SOUDER, there is nobody here that has opposition. We have already passed a measure that has 370 miles of fencing. Why don't the people over here just fess up? Their argument is against the Senate plan that has a guest worker program in it. It already has fence in it, so that is not even the issue.

What I continue to ask, and I invite Mr. SESSIONS again to answer, is whether or not the measure we are discussing today has one penny, one nickel or one dime in it to build a fence.

Mr. Speaker, I yield an additional minute to Mr. REYES to respond to some of the matters that were brought to our attention earlier.

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

Mr. Speaker, there is a fundamental difference in how we approach this issue. Our plan says, we want to fund infrastructure, let the chief make the decisions.

When the gentleman from Texas talks about there isn't any proposal in our bill for fencing, here is what infrastructure entails. It entails buildings, antivehicle barriers, observation towers, access roads and fencing. The difference is, we don't legislate from here and tell a chief patrol agent, this is how much fence you are going to get. We tell them, this is what is available, you tell us what you need.

When the gentleman talks about what is needed, what the testimony was, heard along the border, I don't know how many hearings he attended, but I can tell you this, at the hearings that I attended, the chief patrol agents wanted three things, and I will reiterate them: manpower, technology and infrastructure. All of those things are included under ''infrastructure.''

I think the professionals that we charge in protecting the border deserve the courtesy of telling us what it is that they need, what kind of combination.

Mr. SESSIONS. Mr. Speaker, I yield 1 minute to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, let me say this as simply as I possibly can: The American people are fed up with our porous borders and illegal immigration. If you had the conversations that I had with constituents over the August recess, then you all know how the American

people feel about the problems at our southern border with illegal immigration.

I had an opportunity in July to travel to the southern border with Speaker HASTERT and Chairman KING, and I saw the situation firsthand. I saw some of the fencing being built in Yuma, by the Kentucky National Guard actually, who was there at that time. We need this fence.

I also was proud during the month of August to welcome the House Armed Services Committee to my district, which shares a very long, liquid border with Canada. I live in Michigan, of course. There we had this hearing to investigate the issue of northern border security.

As a result of that hearing, this legislation also requires the Department of Homeland Security to conduct a study that will allow us to field a state-of-the-art barrier system on the northern border. And let me say that it is very much needed. Every day smugglers are bringing drugs and people and other contraband across our northern border, which is met with little or no resistance. Terror cells have been rounded up in Toronto, which is literally only a 3-hour drive from my district.

While it is very important to secure our southern border, I am glad that this House is not losing sight of our northern border as well. I urge my colleagues to support the rule and the underlying legislation.

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

Mr. Speaker, this place never ceases to amaze me. Our friend from Michigan talks about the southern border. I gather that there is no illegal immigration on the northern border which she lives close to.

Mr. Speaker, I am very pleased to yield 3 minutes to my distinguished colleague and good friend, the gentleman from Mississippi (Mr. THOMPSON), who is the distinguished ranking member of the Homeland Security Committee and author of the substitute that was not allowed under this closed rule, that would handle the problems of comprehensive border control as well as immigration.

Mr. THOMPSON of Mississippi. Mr. Speaker, where I stand, I have to say the majority sure seem like ponies. Last week, we were down here on the floor voting on a horse protection bill. This week, the majority is again on the floor having us vote on a bill that has already passed.

This ''one trick pony'' approach to legislating is stale. The majority is out of fresh ideas on how to secure the border, and it shows.

Last night, I offered an amendment in Rules that would have provided an all-encompassing approach to border security and ensured that every mile of the border is monitored and secured 24 hours a day, 7 days a week.

A fence alone won't protect us from those who want to harm us. Even the Department of Homeland Security has come to realize that we need an integrated approach that combines personnel, equipment, technology and infrastructure.

The timing of this vote, Mr. Speaker, is bizarre. Why are we telling the Department to build a fence before they have come up with a comprehensive solution? Are we really going to tie up billions and billions in border security dollars to build a fence when the Border Patrol and ICE need more agents and investigators? Estimates on what it would cost to just build the fence alone is in the neighborhood of $7 billion. Once you add the maintenance costs, we are looking at possibly doubling that number.

My amendment, that the Rules Committee rejected, would have provided the Border Patrol with 3,000 more agents. We know they need the help. Why else would the National Guard be there now? It also would have added 2,000 new ICE investigators and 250 detention officers. It would have provided the men and women who police the border with equipment they need to get the job done. It would have given them helicopters, all-terrain vehicles, radio communication, GPS devices and night-vision goggles.

There are many more provisions in my bill that I am prepared to discuss today, had my amendment been allowed to be considered. But given that there are many speakers who wish to be recognized, Mr. Speaker, I will close.

The only thing I want to share is that people talk about operational control. The only way you can do it is comprehensively.

This is an unfunded mandate. There are no dollars attached to it. Republicans always talk about unfunded mandates. The priority at this time is not a fence, it is a comprehensive strategy, and because we have no comprehensive strategy for border protection at this time, I am in opposition, Mr. Speaker, to the rule.

Mr. SESSIONS. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. KING), the chairman of the Committee on Homeland Security.

Mr. KING of New York. Mr. Speaker, I thank the gentleman from Texas for yielding, and I rise in strong support of H.R. 6061. H.R. 6061, to me, addresses the most direct need of the American people, and that is to show that we can take meaningful action to secure our border.

I have never seen more of a disconnect between the American people and the elite in Washington, between the American people and the American media, because overwhelmingly the American people want us to secure the border. They want us to show that we can fulfill the most basic requirement of a government, and that is to ensure the sanctity and the security of our borders.

Now, we did pass comprehensive legislation last December by a large vote, including almost 40 Democrats, H.R. 4437, and I strongly stand by that. The fact is that right now is not moving as quickly as we would like it to, and, therefore, rather than saying we are going to wait until everything can be done before we do anything, I am saying, let's pick areas where there has been agreement.

The Senate has agreed to have a 370-mile fence along the border. We now have a 700-mile fence. This is something which clearly can be done. It will work. Is it the entire fence? Absolutely not. More has to be done. But, in the meantime, let's show progress. Let's get this done. Let's show the American people that we have listened to what they have said and we are going to do what they want.

Then we can deal in a comprehensive way, we can go issue by issue, we can go item by item, but let's focus on what we know will work. And this will work. You add this fence, in addition to the new Border Patrol agents which are in the FY07 bills which are going to result in a 40 percent increase since 2001, and we hope to double that by 2008.

Also the idea of having a fence, it can also allow better reallocation of Border Patrol agents because the fence will serve a security purpose which can actually allow Border Patrol agents to expand their own focus more.

So, with that, Mr. Speaker, I just strongly urge the adoption of this. The American people are watching. The American people have spoken loudly and clearly. We have responded to that in a responsible, effective way. And for the life of me, I don't know why people on the other side are saying, just because we can't do everything, we should do nothing.

Doing nothing is the worst thing Congress can do, and that is why we are doing something very meaningful. I urge its adoption.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume before yielding to my good friend, the distinguished gentlewoman from Texas, just to say to the chairman of the Homeland Security Committee, last night in the Rules Committee I asked him a simple question. He said he can't for the life of him understand what our opposition is, just because we can't do everything, we do nothing.

□ 1115

This measure that we are discussing today does nothing other than provide midterm yacking before the election. There are no dollars, not a penny, not a nickel, not a dime in this measure to build any fence. We have already passed legislation that has 370 miles of fences in it.

So why are we here? We have got an election coming up. That is why we are here. So you have to do things to put on a bumper sticker.

The American public can see through this charade. There isn't opposition to

protecting the border. But we are saying that you cannot come forward with something that does nothing, and that is what this is. Nothing. Talk. We need action.

Mr. Speaker, I am pleased to yield 5 minutes to the distinguished gentlewoman from Houston, Texas (Ms. JACKSON-LEE), who has attended a lot of these hearings that we are talking about and is a distinguished member of the Judiciary Committee and the Homeland Security Committee.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I do not intend to play hide and seek with the American people this morning. I think unabashedly, I believe in comprehensive immigration reform, and, frankly, so does most of America.

My disappointment with my good friends is, one, that they are politicizing this very important debate. And, of course, my friend from Indiana wanted to make sure that he cast his hand to our side of the aisle and suggested that the Democrats do not want a fence or the Democrats do not believe in getting the job done.

The question that really should be asked is why the Republican majority passed a legislative initiative dealing with the immigration concerns of America and yet cannot get a compromise between the House and the Senate, both controlled by Republicans, and the presidency controlled by Republicans.

But I am not prepared to play with the lives of the American people. This legislation, 730 miles of fence, does not deal with the lives of our Border Patrol agents and Customs and Border Protection. And the reality is that time and time again we have seen that Republicans have spoken the word but have done nothing about it.

For example, this particular amendment that we had way back in 2001. Each and every time we offered amendments to provide for border security, 2001, after 9/11, Republicans voted ''no.'' In 2003 Republicans voted ''no.'' In 2001 we asked for $78 million for detention beds. The Republicans voted ''no.'' In 2003 again we asked for border security funding, Democrats. Republicans voted ''no.'' We asked for numbers of items for our Border Patrol agents and Customs and Border Protection. We asked for power boats. We asked for night goggles. We asked for laptop computers.

For those who believe that only Republicans have the knowledge of the border, I have walked the border in the day and night, and I have been at hearings all throughout the summer. I would venture to say that there were more questions asked by Border Patrol agents. It was, When are we going to get more Border Patrol agents? And as you can see, the average number of new Border Patrol agents added per year decreased under this Republican administration, 411 in 2005, but in the Democratic, President Clinton's administration we were giving them at least 642 a year. The 9/11 Commission asked us to give 2,000 a year. This administration has yet to commit to 2,000 Border Patrol agents in a year.

So, Mr. Speaker, I believe in comprehensive immigration reform. I also believe that we can compromise in a conference committee. They know that you do not need this freestanding bill that is very limited. You can go to conference and actually agree to the fencing language, if that is a priority, in the Senate's conference bill.

Now, my question to Mr. SESSIONS, who is on the Rules Committee, is, does he have an agreement that the Senate leadership is going to take this bill? Because if he does not, we have literally 2 weeks before we are out of session. And is there a commitment to this bill? If it is, tell us on the floor of the House. We might want to join in a reasonable response if we know that you are going to go to conference with your bill, which will pass because you have the numbers, but with the idea of comprehensive immigration reform.

Let me share a letter that has just come from Governor Rick Perry of Texas, a Republican; Governor Janet Napolitano, Governor of Arizona; the Governor of California, Governor Schwarzenegger; and Governor Bill Richardson of New Mexico. Allow me to read this:

''As governors who are on the front lines of America's immigration crisis, we write to urge you to take real action and pass comprehensive reform legislation that secures the border, protects taxpayers, and restores the rule of law by practically dealing with the estimated 12 million illegal immigrants currently in this country.

''Instead of holding dozens of field hearings that do little but stir the pot of discontent, we urge you to get back to work and pass legislation that puts the interests of taxpayers first and solves this crisis once and for all. We ask that you pass comprehensive reform and address this critical crisis before Congress adjourns for the year.''

These are two Republican governors and two Democrats who are on the front lines of immigration issues in America. And I will submit this letter for the RECORD.

I am not going to hide the ball. I want comprehensive immigration reform, but I am not afraid of border security. Read H.R. 4044, 100,000 detention beds. That is by a Democrat.

Mr. Speaker, I think it is important that we vote down this rule, we do what the Governors have asked us to do, comprehensive immigration reform. Let us not operate in the darkness. Let us not label Democrats weak on border security. We are ready to fight the battle. We know that 9/11 impacted all of America. I am not going to take that rap. You need to do your job.

AUGUST 25, 2006.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives, Washington, DC.
Hon. BILL FRIST,
U.S. Senate, Washington, DC.

DEAR MR. SPEAKER AND SENATOR FRIST: As governors who are on the front lines of America's immigration crisis, we write to urge you to take real action and pass comprehensive reform legislation that secures the border, protects taxpayers and restores the rule of law by practically dealing with the estimated 12 million illegal immigrants currently in the country. We believe that a solution modeled on these principles would attain these goals and greatly benefit taxpayers in our states.

In all of our states, we face a crisis not of our making. Over the past 6 years the combination of lax and ineffective enforcement of our borders and the failure to enforce immigration laws has led to an explosion in the illegal immigration population. As a result, our states are flooded with illegal immigrants, our taxpayers are angry, and citizens and noncitizens alike are losing respect for the rule of law.

We are doing our part. At President Bush's request, we have sent our National Guard to the border to do the job the federal government is supposed to do. We have used state and local law enforcement to help enforce the laws the federal government is supposed to enforce. We ask you to do your part.

Instead of holding dozens of field hearings that do little but stir the pot of discontent, we urge you to get back to work and pass legislation that puts the interest of taxpayers first and solves this crisis once and for all. We ask that you pass comprehensive reform and address this critical issue before Congress adjourns for the year.

Respectfully,

RICK PERRY,
Governor of Texas.
JANET NAPOLITANO,
Governor of Arizona.
ARNOLD SCHWARZENEGGER,
Governor of California.
BILL RICHARDSON,
Governor of New Mexico.

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

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased at this time to yield an additional 1 minute to my colleague from Texas, the distinguished gentleman, Mr. SILVESTRE REYES.

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

Again, Mr. Speaker, let me reframe the difference between what we want to do on this side of the aisle and what is being proposed on that side of the aisle.

First and foremost, we want to work together to address the issue of border security. We want to give the professionals the support that they have been asking for throughout these last 2 months of hearings. We want to make sure that we provide them the opportunity to tell us what kind of infrastructure, including fencing, they need. The buildings, the anti-vehicle barriers, the observation towers, the access roads, all of the kinds of things that they have told us are a priority in order for them to be able to control the border.

The fundamental difference is we trust them to make those decisions. We do not tell them we need a fence starting from 5 miles east of the port of

entry in Del Rio to 6 miles east of the port of entry of Eagle Pass. Let them make those kinds of decisions. They are the professionals. They are charged with that responsibility. Our job is to provide them the support and the resources. That is the fundamental difference.

As I have said, we need to work together on this thing. Regrettably, this rule freezes us out and we are unable to participate in this.

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

As I close, Mr. Speaker, I say what I said earlier, and that is the measure that we are discussing today sounds good, is needed, in part, along with comprehensive immigration reform, but does nothing.

Mr. Speaker, last night in the Rules Committee I misquoted the song, but the intent was the same: There ain't no mountain high enough and there ain't no river wide enough to stop people from seeking a better opportunity for themselves.

Some years ago outside Boynton Beach in Florida, I was among the first people to arrive at the scene of Haitian immigrants who were seeking to enter our country illegally. They all had died, and I stepped over the body of a nude pregnant woman. That hurt me an awful lot, that in seeking freedom and opportunity she and her unborn child were in that posture. I have seen many a situation where Cubans have lost their lives seeking to come to this country.

We need to get a grip and understand that we cannot become neoisolationists in a society as diverse as our own and that the most brilliant people that I know serve here in the House of Representatives on both sides of the aisle and those persons are very capable of advancing comprehensive immigration reform that will address all of our needs, including border security.

Mr. Speaker, I urge all Members of this House to vote ''no'' on the previous question so I can amend the rule and make in order the substitute offered by Homeland Security Ranking Member THOMPSON and Representative REYES. This amendment was offered in the Rules Committee last night but was rejected.

Mr. Speaker, I ask unanimous consent that the text of the amendment and extraneous materials be printed in the RECORD immediately prior to the vote on the previous question.

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

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, the Reyes-Thompson substitute provides for a comprehensive approach to our border security, not simply the inadequate piecemeal approach called for in the underlying bill. The substitute requires the Department of Homeland Security to develop a comprehensive border security strategy with increased Border Patrol agent deployment as well as increased surveillance using advanced technology. It provides long-term financial support for significant increases in personnel to help the Border Patrol meet its mission, including Border Patrol agents, Immigration and Customs agents, United States marshals, Coast Guard personnel, port of entry inspectors, canine enforcement teams, and other vital personnel necessary to guard and protect our borders more effectively. It will provide needed equipment such as helicopters, power boats, radio communications, night vision equipment, body armor, and other crucial tools in the war against terror.

The substitute also reestablishes the 9/11 Commission to allow them to fulfill their mission and to provide oversight and accountability.

I urge all Members of this body to vote ''no'' on the previous question so we can bring up this comprehensive and responsible alternative that will actually do something to help make this Nation less vulnerable to those from outside who would do us harm.

Mr. SESSIONS. Mr. Speaker, I yield myself the balance of my time.

My colleagues and good friends not only from Texas, Mr. REYES, but also the gentleman from Florida and the gentlewoman from Texas have spoken very eloquently about the needs of this great Nation. I have every reason to believe all three of those individuals joined many other Members of this body in hearing from people about the needs of the Border Patrol, the communities along the borders and the things which they would want and need.

□ 1130

This bill is very specific. It talks about the types of things that would be necessary and needed on an interim basis.

Both you and I, Mr. Speaker, understand that we have passed bills many times before this that are more comprehensive, that are larger, that contain money, that do a lot of things that will enable us to get closer. The bottom line is, we need this interim step to get done now. It comes as a result of the hearings, it comes as a result of feedback from the Border Patrol, it comes as a result of communities who have asked us to please help them. So we are going to do that.

I am going to ask Members to vote ''aye.'' I am going to ask them to support this bill. And it is my prediction, Mr. Speaker, that this will be a bipartisan-passed bill today on the floor of the House of Representatives because it represents the balance and integrity of not only our Speaker, DENNIS HASTERT, but also JOHN BOEHNER and our great chairman of Homeland Security, PETE KING.

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

PREVIOUS QUESTION ON H. RES. 1002, RULE FOR H.R. 6061 SECURE FENCE ACT OF 2006

In the resolution strike ''and (2)'' and insert the following:

''(2) the amendment in the nature of a substitute printed in Section 2 of this resolution if offered by Representative Reyes of Texas or Representative Thompson of Mississippi or a 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 60 minutes equally divided and controlled by the proponent and an opponent; and (3)''

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

''SEC. 2. The amendment by Representatives Reyes (TX) and Thompson (MS) referred to in Section 1 is as follows:

AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 606

OFFERED BY MR. THOMPSON OF MISSISSIPPI

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Border Security and Terrorism Prevention Act of 2006''.

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

Sec. 1. Short title; table of contents
Sec. 2. Definitions

TITLE I—SECURING UNITED STATES BORDERS

Sec. 101. Achieving operational control on the border
Sec. 102. National strategy for border security
Sec. 103. Implementation of cross-border security agreements
Sec. 104. Biometric data enhancements
Sec. 105. One face at the border initiative
Sec. 106. Secure communication
Sec. 107. Border patrol agents
Sec. 108. Immigration enforcement agents
Sec. 109. Port of entry inspection personnel
Sec. 110. Canine detection teams
Sec. 111. Secure border initiative financial accountability
Sec. 112. Border patrol training capacity review
Sec. 113. Airspace security mission impact review
Sec. 114. Repair of private infrastructure on border
Sec. 115. Border Patrol unit for Virgin Islands
Sec. 116. Report on progress in tracking travel of Central American gangs along international border
Sec. 117. Collection of data
Sec. 118. Deployment of radiation detection portal equipment at United States ports of entry
Sec. 119. Sense of Congress regarding the Secure Border Initiative
Sec. 120. Report regarding enforcement of current employment verification laws

TITLE II—BORDER SECURITY COOPERATION AND ENFORCEMENT

Sec. 201. Joint strategic plan for United States border surveillance and support
Sec. 202. Border security on protected land
Sec. 203. Border security threat assessment and information sharing test and evaluation exercise
Sec. 204. Border Security Advisory Committee
Sec. 205. Center of excellence for border security
Sec. 206. Sense of Congress regarding cooperation with Indian Nations

TITLE III—DETENTION AND REMOVAL

Sec. 301. Enhanced detention capacity
Sec. 302. Increase in detention and removal officers

Sec. 303. Expansion and effective management of detention facilities
Sec. 304. Enhancing transportation capacity for unlawful aliens
Sec. 305. Report on financial burden of repatriation
Sec. 306. Training program
Sec. 307. GAO study on deaths in custody

TITLE IV—EFFECTIVE ORGANIZATION OF BORDER SECURITY AGENCIES

Sec. 401. Enhanced border security coordination and management
Sec. 402. Making Our Border Agencies Work

TITLE V—KEEPING OUR COMMITMENT TO ENSURE SUFFICIENT, WELL TRAINED AND WELL EQUIPPED PERSONNEL AT THE UNITED STATES BORDER

Subtitle A—Equipment Enhancements to Address Shortfalls to Securing United States Borders

Sec. 501. Emergency deployment of United States Border Patrol agents
Sec. 502. Helicopters and power boats
Sec. 503. Motor vehicles
Sec. 504. Portable computers
Sec. 505. Radio communications
Sec. 506. Hand-held global positioning system devices
Sec. 507. Night vision equipment
Sec. 508. Body armor
Sec. 509. Weapons

Subtitle B—Human Capital Enhancements to Improve the Recruitment and Retention of Border Security Personnel

Sec. 511. Maximum student loan repayments for United States Border Patrol agents
Sec. 512. Recruitment and relocation bonuses and retention allowances for personnel of the Department of Homeland Security
Sec. 513. Law enforcement retirement coverage for inspection officers and other employees
Sec. 514. Increase United States Border Patrol agent and inspector pay
Sec. 515. Compensation for training at Federal Law Enforcement Training Center

Subtitle C—Securing and Facilitating the Movement of Goods and Travelers

Sec. 531. Increase in full time United States Customs and Border Protection import specialists
Sec. 532. Certifications relating to functions and import specialists of United States Custom and Border Protection
Sec. 533. Expedited traveler programs

TITLE VI—ENSURING PROPER SCREENING

Sec. 601. US–VISIT Oversight Task Force
Sec. 602. Verification of security measures under the Customs-Trade Partnership Against Terrorism (C–TPAT) program and the Free and Secure Trade (FAST) program
Sec. 603. Immediate international passenger prescreening pilot program

TITLE VII—ALIEN SMUGGLING; NORTHERN BORDER PROSECUTION; CRIMINAL ALIENS

Subtitle A—Alien Smuggling

Sec. 701. Combating human smuggling
Sec. 702. Reestablishment of the United States Border Patrol anti-smuggling unit
Sec. 703. New nonimmigrant visa classification to enable informants to enter the United States and remain temporarily
Sec. 704. Adjustment of status when needed to protect informants
Sec. 705. Rewards program
Sec. 706. Outreach program
Sec. 707. Establishment of a special task force for coordinating and distributing information on fraudulent immigration documents

Subtitle B—Northern Border Prosecution Initiative Reimbursement Act

Sec. 711. Short title
Sec. 712. Northern Border Prosecution Initiative
Sec. 713. Authorization of appropriations

Subtitle C—Criminal Aliens

Sec. 721. Removal of criminal aliens
Sec. 722. Assistance for States incarcerating undocumented aliens charged with certain crimes
Sec. 723. Reimbursement of States for indirect costs relating to the incarceration of illegal aliens
Sec. 724. ICE strategy and staffing assessment
Sec. 725. Congressional mandate regarding processing of criminal aliens while incarcerated
Sec. 726. Increase in prosecutors and immigration judges and United States Marshals

Subtitle D—Operation Predator

Sec. 731. Direct funding for Operation Predator

TITLE VIII—FULFILLING FUNDING COMMITMENTS MADE IN THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004

Subtitle A—Additional Authorizations of Appropriations

Sec. 801. Biometric center of excellence
Sec. 802. Portal detection systems
Sec. 803. Border security technologies for use between ports of entry
Sec. 804. Immigration security initiative

Subtitle B—National Commission on Preventing Terrorist Attacks Upon the United States

Sec. 821. Establishment of Commission
Sec. 822. Purposes
Sec. 823. Composition of Commission
Sec. 824. Powers of commission
Sec. 825. Compensation and travel expenses
Sec. 826. Security clearances for commission members and staff
Sec. 827. Reports of Commission
Sec. 828. Funding

TITLE IX—FAIRNESS FOR AMERICA'S HEROS

Sec. 901. Short title
Sec. 902. Naturalization through combat zone service in Armed Forces
Sec. 903. Immigration benefits for survivors of persons granted posthumous citizenship through death while on active-duty service
Sec. 904. Effective date

TITLE X—MISCELLANEOUS PROVISIONS

Sec. 1001. Location and deportation of criminal aliens
Sec. 1002. Agreements with State and local law enforcement agencies to identify and transfer to Federal custody criminal aliens
Sec. 1003. Denying admission to foreign government officials of countries denying alien return
Sec. 1004. Border patrol training facility
Sec. 1005. Sense of Congress

SEC. 2. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEE.—The term ''appropriate congressional committee'' has the meaning given it in section 2(2) of the Homeland Security Act of 2002 (6 U.S.C. 101(2)).

(2) STATE.—The term ''State'' has the meaning given it in section 2(14) of the Homeland Security Act of 2002 (6 U.S.C. 101(14)).

TITLE I—SECURING UNITED STATES BORDERS

SEC. 101. ACHIEVING OPERATIONAL CONTROL ON THE BORDER.

(a) IN GENERAL.—The Secretary of Homeland Security shall take all actions the Secretary determines necessary and appropriate to achieve and maintain operational control over the entire international land and maritime borders of the United States, to include the following—

(1) systematic surveillance of the international land and maritime borders of the United States through more effective use of personnel and technology, such as unmanned aerial vehicles, ground-based sensors, satellites, radar coverage, and cameras;

(2) physical infrastructure enhancements to prevent unlawful entry by aliens into the United States and facilitate access to the international land and maritime borders by United States Customs and Border Protection, such as additional checkpoints, all weather access roads, and vehicle barriers; and

(3) increasing deployment of United States Customs and Border Protection personnel to areas along the international land and maritime borders of the United States where there are high levels of unlawful entry by aliens and other areas likely to be impacted by such increased deployment.

(b) OPERATIONAL CONTROL DEFINED.—In this section, the term ''operational control'' means the prevention of the entry into the United States of terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband.

(c) DEPLOYMENT OF SURVEILLANCE SYSTEMS ALONG U.S-MEXICO BORDER.—

(1) PLAN.—Not later than September 30, 2007, the Secretary of Homeland Security shall develop a comprehensive plan to fully deploy technological surveillance systems along the U.S.-Mexico border. Surveillance systems included in the deployment plan must—

(A) Ensure continuous monitoring of every mile of the U.S-Mexico border; and

(B) to the extent practicable, be fully interoperable with existing surveillance systems, such as the Integrated Surveillance Intelligence Systems already in use by the Department of Homeland Security.

(2) ADDITIONAL ELEMENTS.—Additionally, the deployment plan should include, but not be limited to, the following elements:

(A) A description of the specific technology to be deployed.

(B) An assessment of the success of existing technologies to determine if one technology is better than another, or whether there is a way to combine the capabilities of various detection devices into a single device.

(C) A description of the technological features of surveillance systems allowing for compatibility, if practicable, with existing surveillance technologies.

(D) A description of how the U.S. Border Patrol is working, or will work, with the Directorate of Science and Technology to analyze high altitude monitoring technologies (such as unmanned aerial vehicles and tethered aerostat radar systems) for use with land-based monitoring technologies.

(E) A description of how radiation portal monitors will be deployed to ports of entry along the U.S.-Mexico border, and other border locations.

(F) A description of how K-9 detection units will be increased along the U.S.-Mexico border.

(G) A description of how surveillance technology will provide for continuous monitoring of the border.

(H) The identification of any obstacles that may impede full implementation of the deployment plan.

(I) A detailed estimate of all costs associated with the implementation of the deployment plan.

(3) DEPLOYMENT.—Not later than September 30, 2008, the Secretary of Homeland Security shall fully implement the plan described in subsection (a).

(4) REPORT.—Not later than September 30, 2007, the Secretary of Homeland Security shall submit the plan described in subsection (a) to the appropriate congressional committee (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)).

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $200,000,000 for each of fiscal years 2007 and 2008, and such sums as may be necessary for each succeeding fiscal year.

SEC. 102. NATIONAL STRATEGY FOR BORDER SECURITY.

(a) SURVEILLANCE PLAN.—Not later than six months after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the appropriate congressional committees a comprehensive plan for the systematic surveillance of the international land and maritime borders of the United States. The plan shall include the following:

(1) An assessment of existing technologies employed on such borders.

(2) A description of whether and how new surveillance technologies will be compatible with existing surveillance technologies.

(3) A description of how the United States Customs and Border Protection is working, or is expected to work, with the Directorate of Science and Technology of the Department of Homeland Security to identify and test surveillance technology.

(4) A description of the specific surveillance technology to be deployed.

(5) The identification of any obstacles that may impede full implementation of such deployment.

(6) A detailed estimate of all costs associated with the implementation of such deployment and continued maintenance of such technologies.

(7) A description of how the Department of Homeland Security is working with the Federal Aviation Administration on safety and airspace control issues associated with the use of unmanned aerial vehicles in the National Airspace System.

(b) NATIONAL STRATEGY FOR BORDER SECURITY.—Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the heads of other appropriate Federal agencies, shall submit to the appropriate congressional committees a National Strategy for Border Security to achieve operational control over all ports of entry into the United States and the international land and maritime borders of the United States. The Secretary shall update the Strategy as needed and shall submit to the Committee, not later than 30 days after each such update, the updated Strategy. The National Strategy for Border Security shall include the following:

(1) The implementation timeline for the surveillance plan described in subsection (a).

(2) An assessment of the threat posed by terrorists and terrorist groups that may try to infiltrate the United States at points along the international land and maritime borders of the United States.

(3) A risk assessment of all ports of entry to the United States and all portions of the international land and maritime borders of the United States with respect to—

(A) preventing the entry of terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband into the United States; and

(B) protecting critical infrastructure at or near such ports of entry or borders.

(4) An assessment of the most appropriate, practical, and cost-effective means of defending the international land and maritime borders of the United States against threats to security and illegal transit, including intelligence capacities, technology, equipment, personnel, and training needed to address security vulnerabilities.

(5) An assessment of staffing needs for all border security functions, taking into account threat and vulnerability information pertaining to the borders and the impact of new security programs, policies, and technologies.

(6) A description of the border security roles and missions of Federal, State, regional, local, and tribal authorities, and recommendations with respect to how the Department of Homeland Security can improve coordination with such authorities, to enable border security enforcement to be carried out in an efficient and effective manner.

(7) A prioritization of research and development objectives to enhance the security of the international land and maritime borders of the United States.

(8) A description of ways to ensure that the free flow of legitimate travel and commerce of the United States is not diminished by efforts, activities, and programs aimed at securing the international land and maritime borders of the United States.

(9) An assessment of additional detention facilities and bed space needed to detain unlawful aliens apprehended at United States ports of entry or along the international land borders of the United States in accordance with the National Strategy for Border Security required under this subsection.

(10) A description of how the Secretary shall ensure accountability and performance metrics within the appropriate agencies of the Department of Homeland Security responsible for implementing the border security measures determined necessary upon completion of the National Strategy for Border Security.

(11) A timeline for the implementation of the additional security measures determined necessary as part of the National Strategy for Border Security, including a prioritization of security measures, realistic deadlines for addressing the security and enforcement needs, and resource estimates and allocations.

(c) CONSULTATION.—In creating the National Strategy for Border Security described in subsection (b), the Secretary shall consult with—

(1) State, local, and tribal authorities along the international land and maritime borders of the United States; and

(2) an appropriate cross-section of private sector and nongovernmental organizations with relevant expertise.

(d) PRIORITY OF NATIONAL STRATEGY.—The National Strategy for Border Security described in subsection (b) shall be the controlling document for security and enforcement efforts related to securing the international land and maritime borders of the United States.

(e) IMMEDIATE ACTION.—Nothing in this section shall be construed to relieve the Secretary of the responsibility to take all actions necessary and appropriate to achieve and maintain operational control over the entire international land and maritime borders of the United States pursuant to section 101 of this Act or any other provision of law.

(f) REPORTING OF IMPLEMENTING LEGISLATION.—After submittal of the National Strategy for Border Security described in subsection (b) to the Committee on Homeland Security of the House of Representatives, such Committee shall promptly report to the House legislation authorizing necessary security measures based on its evaluation of the National Strategy for Border Security.

SEC. 103. IMPLEMENTATION OF CROSS-BORDER SECURITY AGREEMENTS.

(a) IN GENERAL.—Not later than six months after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the appropriate congressional committees a report on the implementation of the cross-border security agreements signed by the United States with Mexico and Canada, including recommendations on improving cooperation with such countries to enhance border security.

(b) UPDATES.—The Secretary shall regularly update the Committee concerning such implementation.

SEC. 104. BIOMETRIC DATA ENHANCEMENTS.

Not later than October 1, 2007, the Secretary of Homeland Security shall—

(1) in consultation with the Attorney General, enhance connectivity between the IDENT and IAFIS fingerprint databases to ensure more expeditious data searches; and

(2) in consultation with the Secretary of State, collect ten fingerprints from each alien required to provide fingerprints during the alien's initial enrollment in the integrated entry and exit data system described in section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1221 note).

SEC. 105. ONE FACE AT THE BORDER INITIATIVE.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to Congress a report—

(1) describing the tangible and quantifiable benefits of the One Face at the Border Initiative established by the Department of Homeland Security;

(2) identifying goals for and challenges to increased effectiveness of the One Face at the Border Initiative;

(3) providing a breakdown of the number of inspectors who were—

(A) personnel of the United States Customs Service before the date of the establishment of the Department of Homeland Security;

(B) personnel of the Immigration and Naturalization Service before the date of the establishment of the Department;

(C) personnel of the Department of Agriculture before the date of the establishment of the Department; or

(D) hired after the date of the establishment of the Department;

(4) describing the training time provided to each employee on an annual basis for the various training components of the One Face at the Border Initiative; and

(5) outlining the steps taken by the Department to ensure that expertise is retained with respect to customs, immigration, and agriculture inspection functions under the One Face at the Border Initiative.

SEC. 106. SECURE COMMUNICATION.

The Secretary of Homeland Security shall, as expeditiously as practicable, develop and implement a plan to ensure clear and secure two-way communication capabilities—

(1) among all Border Patrol agents conducting operations between ports of entry;

(2) between Border Patrol agents and their respective Border Patrol stations;

(3) between Border Patrol agents and residents in remote areas along the international land border who do not have mobile communications, as the Secretary determines necessary; and

(4) between all appropriate Department of Homeland Security border security agencies and State, local, and tribal law enforcement agencies.

SEC. 107. BORDER PATROL AGENTS.

(a) INCREASE IN BORDER PATROL AGENTS.—To provide the Department of Homeland Security with the resources it needs to carry out its mission and responsibility to secure United States ports of entry and the international land and maritime borders of the United States and the Secretary of Homeland Security shall increase by not less than 3,000 in each of the fiscal years 2007 through 2010 the number of positions for full-time active-duty border patrol agents, subject to the availability of appropriations for such purpose. There are authorized to be appropriated to the Secretary of Homeland Security such funds as may be necessary through fiscal year 2010.

(b) ASSOCIATED COSTS.—There are authorized to be appropriated to the Secretary of Homeland Security such funds for fiscal years 2007 through 2010 as may be necessary to pay the costs associated with—

(1) the number of mission or operational support staff needed;

(2) associated relocation costs;

(3) required information technology enhancements; and

(4) costs to train such new hires.

SEC. 108. IMMIGRATION ENFORCEMENT AGENTS.

The Secretary of Homeland Security shall increase by not less than 2,000 in each of the fiscal years 2007 through 2010 the number of positions for full-time active-duty immigration enforcement agents, subject to the availability of appropriations for such purpose. There are authorized to be appropriated to the Secretary of Homeland Security such funds as may be necessary through fiscal year 2010.

SEC. 109. PORT OF ENTRY INSPECTION PERSONNEL.

There are authorized to be appropriated to the Secretary of Homeland Security—

(1) $107,000,000 for fiscal year 2007 to hire 400 Customs and Border Protection Officers above the number of such positions for which funds were allotted for fiscal year 2006;

(2) $154,000,000 for fiscal year 2008 to hire 400 Customs and Border Protection Officers above the number of such positions for which funds were allotted for fiscal year 2007;

(3) $198,000,000 for fiscal year 2009 to hire 400 Customs and Border Protection Officers above the number of such positions for which funds were allotted for fiscal year 2008; and

(4) $242,000,000 for fiscal year 2010 to hire 400 Customs and Border Protection Officers above the number of such positions for which funds were allotted for fiscal year 2009.

SEC. 110. CANINE DETECTION TEAMS.

In each of fiscal years 2007 through 2011, the Secretary of Homeland Security shall, subject to the availability of appropriations, increase by not less than 25 percent above the number of such positions for which funds were allotted for the preceding fiscal year the number of trained detection canines for use at United States ports of entry and along the international land and maritime borders of the United States.

SEC. 111. SECURE BORDER INITIATIVE FINANCIAL ACCOUNTABILITY.

(a) IN GENERAL.—The Inspector General of the Department of Homeland Security shall review each contract action related to the Department's Secure Border Initiative having a value greater than $20,000,000, to determine whether each such action fully complies with applicable cost requirements, performance objectives, program milestones, inclusion of small, minority, and women-owned business, and timelines. The Inspector General shall complete a review under this subsection with respect to a contract action—

(1) not later than 60 days after the date of the initiation of the action; and

(2) upon the conclusion of the performance of the contract.

(b) REPORT BY INSPECTOR GENERAL.—Upon completion of each review described in subsection (a), the Inspector General shall submit to the Secretary of Homeland Security a report containing the findings of the review, including findings regarding any cost overruns, significant delays in contract execution, lack of rigorous departmental contract management, insufficient departmental financial oversight, bundling that limits the ability of small business to compete, or other high risk business practices.

(c) REPORT BY SECRETARY.—Not later than 30 days after the receipt of each report required under subsection (b), the Secretary of Homeland Security shall submit to the appropriate congressional committees a report on the findings of the report by the Inspector General and the steps the Secretary has taken, or plans to take, to address the problems identified in such report.

(d) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts that are otherwise authorized to be appropriated to the Office of the Inspector General, an additional amount equal to at least five percent for fiscal year 2007, at least six percent for fiscal year 2008, and at least seven percent for fiscal year 2009 of the overall budget of the Office for each such fiscal year is authorized to be appropriated to the Office to enable the Office to carry out this section.

SEC. 112. BORDER PATROL TRAINING CAPACITY REVIEW.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a review of the basic training provided to Border Patrol agents by the Department of Homeland Security to ensure that such training is provided as efficiently and cost-effectively as possible.

(b) COMPONENTS OF REVIEW.—The review under subsection (a) shall include the following components:

(1) An evaluation of the length and content of the basic training curriculum provided to new Border Patrol agents by the Federal Law Enforcement Training Center, including a description of how the curriculum has changed since September 11, 2001.

(2) A review and a detailed breakdown of the costs incurred by United States Customs and Border Protection and the Federal Law Enforcement Training Center to train one new Border Patrol agent.

(3) A comparison, based on the review and breakdown under paragraph (2) of the costs, effectiveness, scope, and quality, including geographic characteristics, with other similar law enforcement training programs provided by State and local agencies, non-profit organizations, universities, and the private sector.

(4) An evaluation of whether and how utilizing comparable non-Federal training programs, proficiency testing to streamline training, and long-distance learning programs may affect—

(A) the cost-effectiveness of increasing the number of Border Patrol agents trained per year and reducing the per agent costs of basic training; and

(B) the scope and quality of basic training needed to fulfill the mission and duties of a Border Patrol agent.

SEC. 113. AIRSPACE SECURITY MISSION IMPACT REVIEW.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives a report detailing the impact the airspace security mission in the National Capital Region (in this section referred to as the ''NCR'') will have on the ability of the Department of Homeland Security to protect the international land and maritime borders of the United States. Specifically, the report shall address:

(1) The specific resources, including personnel, assets, and facilities, devoted or planned to be devoted to the NCR airspace security mission, and from where those resources were obtained or are planned to be obtained.

(2) An assessment of the impact that diverting resources to support the NCR mission has or is expected to have on the traditional missions in and around the international land and maritime borders of the United States.

SEC. 114. REPAIR OF PRIVATE INFRASTRUCTURE ON BORDER.

(a) IN GENERAL.—Subject to the amount appropriated in subsection (d) of this section, the Secretary of Homeland Security shall reimburse property owners for costs associated with repairing damages to the property owners' private infrastructure constructed on a United States Government right-of-way delineating the international land border when such damages are—

(1) the result of unlawful entry of aliens; and

(2) confirmed by the appropriate personnel of the Department of Homeland Security and submitted to the Secretary for reimbursement.

(b) VALUE OF REIMBURSEMENTS.—Reimbursements for submitted damages as outlined in subsection (a) shall not exceed the value of the private infrastructure prior to damage.

(c) REPORTS.—Not later than six months after the date of the enactment of this Act and every subsequent six months until the amount appropriated for this section is expended in its entirety, the Secretary of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives a report that details the expenditures and circumstances in which those expenditures were made pursuant to this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There shall be authorized to be appropriated an initial $50,000 for each fiscal year to carry out this section.

SEC. 115. BORDER PATROL UNIT FOR VIRGIN ISLANDS.

Not later than September 30, 2007, the Secretary of Homeland Security shall establish at least one Border Patrol unit for the Virgin Islands of the United States.

SEC. 116. REPORT ON PROGRESS IN TRACKING TRAVEL OF CENTRAL AMERICAN GANGS ALONG INTERNATIONAL BORDER.

Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall report to the Committee on Homeland Security of the House of Representatives on the progress of the Department of Homeland Security in tracking the travel of Central American gangs across the international land border of the United States and Mexico.

SEC. 117. COLLECTION OF DATA.

Beginning on October 1, 2007, the Secretary of Homeland Security shall annually compile data on the following categories of information:

(1) The number of unauthorized aliens who require medical care taken into custody by Border Patrol officials.

(2) The number of unauthorized aliens with serious injuries or medical conditions Border Patrol officials encounter, and refer to local hospitals or other health facilities.

(3) The number of unauthorized aliens with serious injuries or medical conditions who arrive at United States ports of entry and

subsequently are admitted into the United States for emergency medical care, as reported by United States Customs and Border Protection.

(4) The number of unauthorized aliens described in paragraphs (2) and (3) who subsequently are taken into custody by the Department of Homeland Security after receiving medical treatment.

SEC. 118. DEPLOYMENT OF RADIATION DETECTION PORTAL EQUIPMENT AT UNITED STATES PORTS OF ENTRY.

(a) DEPLOYMENT.—Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall deploy radiation portal monitors at all United States ports of entry and facilities as determined by the Secretary to facilitate the screening of all inbound cargo for nuclear and radiological material.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the Department's progress toward carrying out the deployment described in subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out subsection (a) such sums as may be necessary for each of fiscal years 2007 and 2008.

SEC. 119. SENSE OF CONGRESS REGARDING THE SECURE BORDER INITIATIVE.

It is the sense of Congress that—

(1) as the Secretary of Homeland Security develops and implements the Secure Border Initiative and other initiatives to strengthen security along the Nation's borders, the Secretary shall conduct extensive outreach to the private sector, including small, minority-owned, women-owned, and disadvantaged businesses; and

(2) the Secretary also shall consult with firms that are practitioners of mission effectiveness at the Department of Homeland Security, homeland security business councils, and associations to identify existing and emerging technologies and best practices and business processes, to maximize economies of scale, cost-effectiveness, systems integration, and resource allocation, and to identify the most appropriate contract mechanisms to enhance financial accountability and mission effectiveness of border security programs.

SEC. 120. REPORT REGARDING ENFORCEMENT OF CURRENT EMPLOYMENT VERIFICATION LAWS.

The Secretary of Homeland Security shall issue a biannual report regarding the Federal employment verification laws that were enacted in 1986, as amended, the efforts of the Department of Homeland Security to sanction employers for knowingly hiring unauthorized workers, and an assessment of the impact of enhanced removal authorities sought by the Department.

TITLE II—BORDER SECURITY COOPERATION AND ENFORCEMENT

SEC. 201. JOINT STRATEGIC PLAN FOR UNITED STATES BORDER SURVEILLANCE AND SUPPORT.

(a) IN GENERAL.—The Secretary of Homeland Security and the Secretary of Defense shall develop a joint strategic plan to use the authorities provided to the Secretary of Defense under chapter 18 of title 10, United States Code, to increase the availability and use of Department of Defense equipment, including unmanned aerial vehicles, tethered aerostat radars, and other surveillance equipment, to assist with the surveillance activities of the Department of Homeland Security conducted at or near the international land and maritime borders of the United States.

(b) REPORT.—Not later than six months after the date of the enactment of this Act, the Secretary of Homeland Security and the Secretary of Defense shall submit to Congress a report containing—

(1) a description of the use of Department of Defense equipment to assist with the surveillance by the Department of Homeland Security of the international land and maritime borders of the United States;

(2) the joint strategic plan developed pursuant to subsection (a);

(3) a description of the types of equipment and other support to be provided by the Department of Defense under the joint strategic plan during the one-year period beginning after submission of the report under this subsection; and

(4) a description of how the Department of Homeland Security and the Department of Defense are working with the Department of Transportation on safety and airspace control issues associated with the use of unmanned aerial vehicles in the National Airspace System.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as altering or amending the prohibition on the use of any part of the Army or the Air Force as a posse comitatus under section 1385 of title 18, United States Code.

SEC. 202. BORDER SECURITY ON PROTECTED LAND.

(a) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Secretary of the Interior, shall evaluate border security vulnerabilities on land directly adjacent to the international land border of the United States under the jurisdiction of the Department of the Interior related to the prevention of the entry of terrorists, other unlawful aliens, narcotics, and other contraband into the United States.

(b) SUPPORT FOR BORDER SECURITY NEEDS.—Based on the evaluation conducted pursuant to subsection (a), the Secretary of Homeland Security shall provide appropriate border security assistance on land directly adjacent to the international land border of the United States under the jurisdiction of the Department of the Interior, its bureaus, and tribal entities.

SEC. 203. BORDER SECURITY THREAT ASSESSMENT AND INFORMATION SHARING TEST AND EVALUATION EXERCISE.

Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall design and carry out a national border security exercise for the purposes of—

(1) involving officials from Federal, State, territorial, local, tribal, and international governments and representatives from the private sector;

(2) testing and evaluating the capacity of the United States to anticipate, detect, and disrupt threats to the integrity of United States borders; and

(3) testing and evaluating the information sharing capability among Federal, State, territorial, local, tribal, and international governments.

SEC. 204. BORDER SECURITY ADVISORY COMMITTEE.

(a) ESTABLISHMENT OF COMMITTEE.—Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall establish an advisory committee to be known as the Border Security Advisory Committee (in this section referred to as the ''Committee'').

(b) DUTIES.—The Committee shall advise the Secretary on issues relating to border security and enforcement along the international land and maritime border of the United States.

(c) MEMBERSHIP.—The Secretary shall appoint members to the Committee from the following:

(1) State and local government representatives from States located along the international land and maritime borders of the United States.

(2) Community representatives from such States.

(3) Tribal authorities in such States.

SEC. 205. CENTER OF EXCELLENCE FOR BORDER SECURITY.

(a) ESTABLISHMENT.—The Secretary of Homeland Security shall establish a university-based Center of Excellence for Border Security following the merit-review processes and procedures and other limitations that have been established for selecting and supporting University Programs Centers of Excellence.

(b) ACTIVITIES OF THE CENTER.—The Center shall prioritize its activities on the basis of risk to address the most significant threats, vulnerabilities, and consequences posed by United States borders and border control systems. The activities shall include the conduct of research, the examination of existing and emerging border security technology and systems, and the provision of education, technical, and analytical assistance for the Department of Homeland Security to effectively secure the borders.

SEC. 206. SENSE OF CONGRESS REGARDING COOPERATION WITH INDIAN NATIONS.

It is the sense of Congress that—

(1) the Department of Homeland Security should strive to include as part of a National Strategy for Border Security recommendations on how to enhance Department cooperation with sovereign Indian Nations on securing our borders and preventing terrorist entry, including, specifically, the Department should consider whether a Tribal Smart Border working group is necessary and whether further expansion of cultural sensitivity training, as exists in Arizona with the Tohono O'odham Nation, should be expanded elsewhere; and

(2) as the Department of Homeland Security develops a National Strategy for Border Security, it should take into account the needs and missions of each agency that has a stake in border security and strive to ensure that these agencies work together cooperatively on issues involving Tribal lands.

TITLE III—DETENTION AND REMOVAL

SEC. 301. ENHANCED DETENTION CAPACITY.

To avoid a return to the ''catch and release'' policy and to address long-standing shortages of available detention beds, and to further authorize the provisions of section 5204 of the Intelligence Reform and Terrorist Prevention Act of 2004 (Public Law 108–458), there are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary for each of fiscal years 2007 through 2010 to increase by 25,000 for each fiscal year the number of funded detention bed spaces.

SEC. 302. INCREASE IN DETENTION AND REMOVAL OFFICERS.

There are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary to add 250 detention and removal officers for each of fiscal years 2007 through 2010.

SEC. 303. EXPANSION AND EFFECTIVE MANAGEMENT OF DETENTION FACILITIES.

Subject to the availability of appropriations, the Secretary of Homeland Security shall fully utilize—

(1) all available detention facilities operated or contracted by the Department of Homeland Security; and

(2) all possible options to cost effectively increase available detention capacities, including the use of temporary detention facilities, the use of State and local correctional facilities, private space, and secure alternatives to detention.

SEC. 304. ENHANCING TRANSPORTATION CAPACITY FOR UNLAWFUL ALIENS.

(a) IN GENERAL.—The Secretary of Homeland Security is authorized to enter into contracts with private entities for the purpose of providing secure domestic transport of aliens who are apprehended at or along the international land or maritime borders from the custody of United States Customs and Border Protection to detention facilities and other locations as necessary.

(b) CRITERIA FOR SELECTION.—Notwithstanding any other provision of law, to enter into a contract under paragraph (1), a private entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. The Secretary shall select from such applications those entities which offer, in the determination of the Secretary, the best combination of service, cost, and security.

SEC. 305. REPORT ON FINANCIAL BURDEN OF REPATRIATION.

Not later than October 31 of each year, the Secretary of Homeland Security shall submit to the Secretary of State and Congress a report that details the cost to the Department of Homeland Security of repatriation of unlawful aliens to their countries of nationality or last habitual residence, including details relating to cost per country. The Secretary shall include in each such report the recommendations of the Secretary to more cost effectively repatriate such aliens.

SEC. 306. TRAINING PROGRAM.

Not later than six months after the date of the enactment of this Act, the Secretary of Homeland Security—

(1) review and evaluate the training provided to Border Patrol agents and port of entry inspectors regarding the inspection of aliens to determine whether an alien is referred for an interview by an asylum officer for a determination of credible fear;

(2) based on the review and evaluation described in paragraph (1), take necessary and appropriate measures to ensure consistency in referrals by Border Patrol agents and port of entry inspectors to asylum officers for determinations of credible fear.

SEC. 307. GAO STUDY ON DEATHS IN CUSTODY.

The Comptroller General of the United States, within 6 months after the date of the enactment of this Act, shall submit to Congress a report on the deaths in custody of detainees held on immigration violations by the Secretary of Homeland Security. The report shall include the following information with respect to any such deaths and in connection therewith:

(1) Whether any crimes were committed by personnel of the Department of Homeland Security.

(2) Whether any such deaths were caused by negligence or deliberate indifference by such personnel.

(3) Whether Department practice and procedures were properly followed and obeyed.

(4) Whether such practice and procedures are sufficient to protect the health and safety of such detainees.

(5) Whether reports of such deaths were made under the Deaths in Custody Act.

TITLE IV—EFFECTIVE ORGANIZATION OF BORDER SECURITY AGENCIES

SEC. 401. ENHANCED BORDER SECURITY COORDINATION AND MANAGEMENT.

The Secretary of Homeland Security shall ensure full coordination of border security efforts among agencies within the Department of Homeland Security, including United States Immigration and Customs Enforcement, United States Customs and Border Protection, and United States Citizenship and Immigration Services, and shall identify and remedy any failure of coordination or integration in a prompt and efficient manner. In particular, the Secretary of Homeland Security shall—

(1) oversee and ensure the coordinated execution of border security operations and policy;

(2) establish a mechanism for sharing and coordinating intelligence information and analysis at the headquarters and field office levels pertaining to counter-terrorism, border enforcement, customs and trade, immigration, human smuggling, human trafficking, and other issues of concern to both United States Immigration and Customs Enforcement and United States Customs and Border Protection;

(3) establish Department of Homeland Security task forces (to include other Federal, State, Tribal and local law enforcement agencies as appropriate) as necessary to better coordinate border enforcement and the disruption and dismantling of criminal organizations engaged in cross-border smuggling, money laundering, and immigration violations;

(4) enhance coordination between the border security and investigations missions within the Department by requiring that, with respect to cases involving violations of the customs and immigration laws of the United States, United States Customs and Border Protection coordinate with and refer all such cases to United States Immigration and Customs Enforcement;

(5) examine comprehensively the proper allocation of the Department's border security related resources, and analyze budget issues on the basis of Department-wide border enforcement goals, plans, and processes;

(6) establish measures and metrics for determining the effectiveness of coordinated border enforcement efforts; and

(7) develop and implement a comprehensive plan to protect the northern and southern land borders of the United States and address the different challenges each border faces by—

(A) coordinating all Federal border security activities;

(B) improving communications and data sharing capabilities within the Department and with other Federal, State, local, tribal, and foreign law enforcement agencies on matters relating to border security; and

(C) providing input to relevant bilateral agreements to improve border functions, including ensuring security and promoting trade and tourism.

SEC. 402. MAKING OUR BORDER AGENCIES WORK.

(a) IN GENERAL.—Title IV of the Homeland Security Act of 2002 (6 U.S.C. 201 et seq.) is amended—

(1) in subtitle A, by amending the heading to read as follows: ''**Bureau of Border Security and Customs**'';

(2) by striking section 401 and inserting the following section:

"SEC. 401. BUREAU OF BORDER SECURITY AND CUSTOMS.

''(a) ESTABLISHMENT.—There shall be in the Department of Homeland Security a Bureau of Border Security and Customs (in this section referred to as the 'Bureau').

''(b) COMMISSIONER.—

''(1) IN GENERAL.—The head of the Bureau shall be the Commissioner of Border Security and Customs (in this section referred to as the 'Commissioner'). The Commissioner shall report directly to the Secretary.

''(2) APPOINTMENT.—The Commissioner shall be appointed—

''(A) by the President, by and with the advice and consent of the Senate; and

''(B) from individuals who have—

''(i) a minimum of ten years professional experience in law enforcement; and

''(ii) a minimum of ten years of management experience.

''(c) COORDINATION.—Among other duties, the Commissioner shall develop and implement a comprehensive plan to protect the northern and southern land borders of the United States and address the different challenges each border faces by—

''(1) coordinating all Federal border security activities;

''(2) improving communications and data sharing capabilities within the Department and with other Federal, State, local, tribal, and foreign law enforcement agencies on matters relating to border security; and

''(3) providing input to relevant bilateral agreements to improve border functions, including ensuring security and promoting trade and tourism.

''(d) ORGANIZATION.—The Bureau shall include five primary divisions. The head of each division shall be an Assistant Commissioner of Border Security and Customs who shall be appointed by the Secretary of Homeland Security. The five divisions and their responsibilities are as follows:

''(1) OFFICE OF IMMIGRATION ENFORCEMENT.—It shall be the responsibility of the Office of Immigration Enforcement to enforce the immigration laws of the United States.

''(2) OFFICE OF CUSTOMS ENFORCEMENT.—It shall be the responsibility of the Office of Customs Enforcement to enforce the customs laws of the United States.

''(3) OFFICE OF INSPECTION.—It shall be the responsibility of the Office of Inspection to conduct inspections at official United States ports of entry and to maintain specialized immigration, customs, and agriculture secondary inspection functions.

''(4) OFFICE OF BORDER PATROL.—It shall be the responsibility of the Office of Border Patrol to secure the international land and maritime borders of the United States between ports of entry.

''(5) OFFICE OF MISSION SUPPORT.—It shall be the responsibility of the Office of Mission Support to provide assistance to the Bureau, including all offices of the Bureau, and additional agencies as determined appropriate by the Secretary. The Office shall include, at a minimum, detention and removal functions, intelligence functions, and air and marine support.

''(e) REORGANIZATION.—The reorganization authority described in section 872 shall not apply to this section.'';

(3) in section 402, in the matter preceding paragraph (1), by striking ''acting through the Under Secretary for Border and Transportation Security,'' and inserting ''acting through the Commissioner of Border Security and Customs,''; and

(4) by inserting after section 403 the following new section:

"SEC. 404. TRANSFER.

''The Bureau of Customs and Border Protection and the Bureau of Immigration and Customs Enforcement of the Department of Homeland Security, created pursuant to the 'Reorganization Plan Modification for the Department of Homeland Security' submitted to Congress as required under section 1502, is hereby transferred into the Bureau of Border Security and Customs, established pursuant to section 401.''.

(b) CLERICAL AMENDMENTS.—The table of contents of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(1) by striking the item related to section 401 and inserting the following item:

''Sec. 401. Bureau of Border Security and Customs''; and

(2) by inserting after the item relating to section 403 the following new item:

''Sec. 404. Transfer''.

(c) SHADOW WOLVES TRANSFER.—

(1) TRANSFER OF EXISTING UNIT.—In conjunction with the creation of the Bureau of Border Security and Customs under section 401 of the Homeland Security Act of 2002, as amended by section 201(a) of this Act, the Secretary of Homeland Security shall transfer to United States Immigration and Customs Enforcement all functions (including the personnel, assets, and liabilities attributable to such functions) of the Customs Patrol Officers unit operating on the Tohono O'odham Indian reservation (commonly known as the ''Shadow Wolves'' unit).

(2) ESTABLISHMENT OF NEW UNITS.—The Secretary is authorized to establish Shadow Wolves units within both the Office of Immigration Enforcement and Office of Customs Enforcement in the Bureau of Border Security and Customs.

(3) DUTIES.—The Customs Patrol Officer unit transferred pursuant to paragraph (1), and additional units established pursuant to paragraph (2), shall operate on Indian lands by preventing the entry of terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband into the United States.

(4) BASIC PAY FOR JOURNEYMAN OFFICERS.—A Customs Patrol Officer in a unit described in this subsection shall receive equivalent pay as a special agent with similar competencies within United States Immigration and Customs Enforcement pursuant to the Department of Homeland Security's Human Resources Management System established under section 841 of the Homeland Security Act (6 U.S.C. 411).

(5) SUPERVISORS.—The Shadow Wolves unit created within the Office of Immigration Enforcement shall be supervised by a Chief Immigration Patrol Officer. The Shadow Wolves unit created within the Office of Customs Enforcement shall be supervised by a Chief Customs Patrol Officer. Each such Officer shall have the same rank as a resident agent-in-charge of the Office of Investigations within United States Immigration and Customs Enforcement.

(d) TECHNICAL AND CONFORMING AMENDMENTS TO THE HOMELAND SECURITY ACT OF 2002.—

(1) TRANSPORTATION SECURITY ADMINISTRATION.—Section 424(a) of the Homeland Security Act of 2002 (6 U.S.C. 234(a)) is amended by striking ''under the Under Secretary for Border Transportation and Security''.

(2) OFFICE FOR DOMESTIC PREPAREDNESS.—Section 430 of such Act (6 U.S.C. 238) is amended—

(A) in subsection (a), by striking ''The Office for Domestic Preparedness shall be within the Directorate of Border and Transportation Security.'' and inserting ''There shall be in the Department an Office for Domestic Preparedness.''; and

(B) in subsection (b), in the second sentence, by striking ''Under Secretary for Border and Transportation Security'' and inserting ''Secretary of Homeland Security''.

(3) BUREAU OF BORDER SECURITY.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(A) in section 402 (6 U.S.C. 202)—

(i) in the matter preceding paragraph (1), by striking '', acting through the Under Secretary for Border and Transportation Security,'';

(ii) by redesignating paragraph (8) as paragraph (9); and

(iii) by inserting after paragraph (7) the following new paragraph:

''(8) Administering the program to collect information relating to nonimmigrant foreign students and other exchange program participants described in section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372), including the Student and Exchange Visitor Information System established under that section, and using such information to carry out the enforcement functions of the Bureau.'';

(B) by inserting after section 404 (as added by section 102(a)(4) of this Act) the following new sections:

''SEC. 405. CHIEF OF IMMIGRATION POLICY AND STRATEGY.

''(a) IN GENERAL.—There shall be a position of Chief of Immigration Policy and Strategy for the Bureau of Border Security and Customs.

''(b) FUNCTIONS.—In consultation with Bureau of Border Security and Customs personnel in local offices, the Chief of Immigration Policy and Strategy shall be responsible for—

''(1) making policy recommendations and performing policy research and analysis on immigration enforcement issues; and

''(2) coordinating immigration policy issues with the Chief of Policy and Strategy for the Bureau of Citizenship and Immigration Services (established under subtitle E), as appropriate.

''SEC. 406. IMMIGRATION LEGAL ADVISOR.

''There shall be a principal immigration legal advisor to the Commissioner of the Bureau of Border Security and Customs. The immigration legal advisor shall provide specialized legal advice to the Commissioner of the Bureau of Border Security and Customs and shall represent the Bureau in all exclusion, deportation, and removal proceedings before the Executive Office for Immigration Review.''; and

(C) by striking section 442 (6 U.S.C. 252) and redesignating sections 443 through 446 as sections 442 through 445, respectively.

(4) CONFORMING AMENDMENTS.—

(A) BUREAU OF BORDER SECURITY AND CUSTOMS.—Each of the following sections of the Homeland Security Act of 2002 is amended by inserting ''and Customs'' after ''Border Security'' each place it appears:

(i) Section 442, as redesignated by subsection (c)(3).

(ii) Section 443, as redesignated by subsection (c)(3).

(iii) Section 444, as redesignated by subsection (c)(3).

(iv) Section 451 (6 U.S.C. 271).

(v) Section 459, (6 U.S.C. 276).

(vi) Section 462 (6 U.S.C. 279).

(vii) Section 471 (6 U.S.C. 291).

(viii) Section 472 (6 U.S.C. 292).

(ix) Section 474 (6 U.S.C. 294).

(x) Section 475 (6 U.S.C. 295).

(xi) Section 476 (6 U.S.C. 296).

(xii) Section 477 (6 U.S.C. 297).

(B) COMMISSIONER OF THE BUREAU OF BORDER SECURITY AND CUSTOMS.—The Homeland Security Act of 2002 is amended—

(i) in section 442, as redesignated by subsection (c)(3), in the matter preceding paragraph (1), by striking ''Under Secretary for Border and Transportation Security'' and inserting ''Commissioner of Border Security and Customs'';

(ii) in section 443, as redesignated by subsection (c)(3), by striking ''Under Secretary for Border and Transportation Security'' and inserting ''Commissioner of Border Security and Customs'';

(iii) in section 451(a)(2)(C) (6 U.S.C. 271(a)(2)(C)), by striking ''Assistant Secretary'' and inserting ''Commissioner'';

(iv) in section 459(c) (6 U.S.C. 276(c)), by striking ''Assistant Secretary'' and inserting ''Commissioner''; and

(v) in section 462(b)(2)(A) (6 U.S.C. 279(b)(2)(A)), by striking ''Assistant Secretary'' and inserting ''Commissioner''.

(5) REFERENCE.—Any reference to the Bureau of Border Security in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to the Bureau is deemed to refer to the Bureau of Border Security and Customs.

(6) CLERICAL AMENDMENTS.—The table of contents of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(A) by inserting after the item relating to section 404 (as added by section 102(b)(2) of this Act) the following new items:

''Sec. 405. Chief of Policy and Strategy
''Sec. 406. Legal advisor'';

(B) by striking the item related to section 442; and

(C) by redesignating the items relating to sections 443 through 446 as items relating to sections 442 through 445, respectively.

TITLE V—KEEPING OUR COMMITMENT TO ENSURE SUFFICIENT, WELL TRAINED AND WELL EQUIPPED PERSONNEL AT THE UNITED STATES BORDER

Subtitle A—Equipment Enhancements to Address Shortfalls to Securing United States Borders

SEC. 501. EMERGENCY DEPLOYMENT OF UNITED STATES BORDER PATROL AGENTS.

(a) IN GENERAL.—If the Governor of a State on an international border of the United States declares an international border security emergency and requests additional United States Border Patrol agents from the Secretary of Homeland Security, the Secretary is authorized, subject to subsections (b) and (c), to provide the State with up to 1,000 additional United States Border Patrol agents for the purpose of patrolling and defending the international border, in order to prevent individuals from crossing the international border and entering the United States at any location other than an authorized port of entry.

(b) CONSULTATION.—The Secretary of Homeland Security shall consult with the President upon receipt of a request under subsection (a), and shall grant it to the extent that providing the requested assistance will not significantly impair the Department of Homeland Security's ability to provide border security for any other State.

(c) COLLECTIVE BARGAINING.—Emergency deployments under this section shall be made in conformance with all collective bargaining agreements and obligations.

SEC. 502. HELICOPTERS AND POWER BOATS.

(a) IN GENERAL.—The Secretary of Homeland Security shall increase by not less than 100 the number of United States Border Patrol helicopters, and shall increase by not less than 250 the number of United States Border Patrol power boats. The Secretary of Homeland Security shall ensure that appropriate types of helicopters are procured for the various missions being performed. The Secretary of Homeland Security also shall ensure that the types of power boats that are procured are appropriate for both the waterways in which they are used and the mission requirements.

(b) USE AND TRAINING.—The Secretary of Homeland Security shall establish an overall policy on how the helicopters and power boats described in subsection (a) will be used and implement training programs for the agents who use them, including safe operating procedures and rescue operations.

SEC. 503. MOTOR VEHICLES.

The Secretary of Homeland Security shall establish a fleet of motor vehicles appropriate for use by the United States Border Patrol that will permit a ratio of at least

one police-type vehicle per every 3 United States Border Patrol agents. Additionally, the Secretary of Homeland Security shall ensure that there are sufficient numbers and types of other motor vehicles to support the mission of the United States Border Patrol. All vehicles will be chosen on the basis of appropriateness for use by the United States Border Patrol, and each vehicle shall have a ''panic button'' and a global positioning system device that is activated solely in emergency situations for the purpose of tracking the location of an agent in distress. The police-type vehicles shall be replaced at least every 3 years.

SEC. 504. PORTABLE COMPUTERS.

The Secretary of Homeland Security shall ensure that each police-type motor vehicle in the fleet of the United States Border Patrol is equipped with a portable computer with access to all necessary law enforcement databases and otherwise suited to the unique operational requirements of the United States Border Patrol.

SEC. 505. RADIO COMMUNICATIONS.

The Secretary of Homeland Security shall augment the existing radio communications system so all Federal law enforcement personnel working in every area in which United States Border Patrol operations are conducted have clear and encrypted two-way radio communication capabilities at all times.

SEC. 506. HAND-HELD GLOBAL POSITIONING SYSTEM DEVICES.

The Secretary of Homeland Security shall ensure that each United States Border Patrol agent is issued, when on patrol, a state-of-the-art hand-held global positioning system device for navigational purposes.

SEC. 507. NIGHT VISION EQUIPMENT.

The Secretary of Homeland Security shall ensure that sufficient quantities of state-of-the-art night vision equipment are procured and regularly maintained to enable each United States Border Patrol agent patrolling during the hours of darkness to be equipped with a portable night vision device.

SEC. 508. BODY ARMOR.

The Secretary of Homeland Security shall ensure that every United States Border Patrol agent is issued high-quality body armor that is appropriate for the climate and risks faced by the individual officer. Each officer shall be allowed to select from among a variety of approved brands and styles. All body armor shall be replaced at least once every five years.

SEC. 509. WEAPONS.

The Secretary of Homeland Security shall ensure that United States Border Patrol agents are equipped with weapons that are reliable and effective to protect themselves, their fellow officers, and innocent third parties from the threats posed by armed criminals. In addition, the Secretary shall ensure that the policies of the Department of Homeland Security allow all such officers to carry weapons selected from a Department approved list that are suited to the potential threats that such officers face.

Subtitle B—Human Capital Enhancements to Improve the Recruitment and Retention of Border Security Personnel

SEC. 511. MAXIMUM STUDENT LOAN REPAYMENTS FOR UNITED STATES BORDER PATROL AGENTS.

Section 5379(b) of title 5, United States Code, is amended by adding at the end the following:

''(4) In the case of an employee (otherwise eligible for benefits under this section) who is serving as a full-time active-duty United States Border Patrol agent within the Department of Homeland Security—

''(A) paragraph (2)(A) shall be applied by substituting '$20,000' for '$10,000'; and

''(B) paragraph (2)(B) shall be applied by substituting '$80,000' for '$60,000'.''.

SEC. 512. RECRUITMENT AND RELOCATION BONUSES AND RETENTION ALLOWANCES FOR PERSONNEL OF THE DEPARTMENT OF HOMELAND SECURITY.

The Secretary of Homeland Security shall ensure that the authority to pay recruitment and relocation bonuses under section 5753 of title 5, United States Code, the authority to pay retention bonuses under section 5754 of such title, and any other similar authorities available under any other provision of law, rule, or regulation, are exercised to the fullest extent allowable in order to encourage service in the Department of Homeland Security.

SEC. 513. LAW ENFORCEMENT RETIREMENT COVERAGE FOR INSPECTION OFFICERS AND OTHER EMPLOYEES.

(a) AMENDMENTS.—

(1) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—

(A) Paragraph (17) of section 8401 of title 5, United States Code, is amended by striking ''and'' at the end of subparagraph (C), and by adding at the end the following:

''(E) an employee (not otherwise covered by this paragraph)—

''(i) the duties of whose position include the investigation or apprehension of individuals suspected or convicted of offenses against the criminal laws of the United States; and

''(ii) who is authorized to carry a firearm; and

''(F) an employee of the Internal Revenue Service, the duties of whose position are primarily the collection of delinquent taxes and the securing of delinquent returns;''.

(B) CONFORMING AMENDMENT.—Section 8401(17)(C) of title 5, United States Code, is amended by striking ''(A) and (B)'' and inserting ''(A), (B), (E), and (F)''.

(2) CIVIL SERVICE RETIREMENT SYSTEM.—Paragraph (20) of section 8331 of title 5, United States Code, is amended by inserting after ''position.'' (in the matter before subparagraph (A)) the following: ''For the purpose of this paragraph, the employees described in the preceding provision of this paragraph (in the matter before 'including') shall be considered to include an employee, not otherwise covered by this paragraph, who satisfies clauses (i) and (ii) of section 8401(17)(E) and an employee of the Internal Revenue Service the duties of whose position are as described in section 8401(17)(F).''.

(3) EFFECTIVE DATE.—Except as provided in subsection (b), the amendments made by this subsection shall take effect on the date of the enactment of this Act, and shall apply only in the case of any individual first appointed (or seeking to be first appointed) as a law enforcement officer (within the meaning of those amendments) on or after such date.

(b) TREATMENT OF SERVICE PERFORMED BY INCUMBENTS.—

(1) LAW ENFORCEMENT OFFICER AND SERVICE DESCRIBED.—

(A) LAW ENFORCEMENT OFFICER.—Any reference to a law enforcement officer described in this paragraph refers to an individual who satisfies the requirements of section 8331(20) or 8401(17) of title 5, United States Code (relating to the definition of a law enforcement officer) by virtue of the amendments made by subsection (a).

(B) SERVICE.—Any reference to service described in this paragraph refers to service performed as a law enforcement officer (as described in this paragraph).

(2) INCUMBENT DEFINED.—For purposes of this subsection, the term ''incumbent'' means an individual who—

(A) is first appointed as a law enforcement officer (as described in paragraph (1)) before the date of the enactment of this Act; and

(B) is serving as such a law enforcement officer on such date.

(3) TREATMENT OF SERVICE PERFORMED BY INCUMBENTS.—

(A) IN GENERAL.—Service described in paragraph (1) which is performed by an incumbent on or after the date of the enactment of this Act shall, for all purposes (other than those to which subparagraph (B) pertains), be treated as service performed as a law enforcement officer (within the meaning of section 8331(20) or 8401(17) of title 5, United States Code, as appropriate), irrespective of how such service is treated under subparagraph (B).

(B) RETIREMENT.—Service described in paragraph (1) which is performed by an incumbent before, on, or after the date of the enactment of this Act shall, for purposes of subchapter III of chapter 83 and chapter 84 of title 5, United States Code, be treated as service performed as a law enforcement officer (within the meaning of section 8331(20) or 8401(17), as appropriate), but only if an appropriate written election is submitted to the Office of Personnel Management within 5 years after the date of the enactment of this Act or before separation from Government service, whichever is earlier.

(4) INDIVIDUAL CONTRIBUTIONS FOR PRIOR SERVICE.—

(A) IN GENERAL.—An individual who makes an election under paragraph (3)(B) may, with respect to prior service performed by such individual, contribute to the Civil Service Retirement and Disability Fund the difference between the individual contributions that were actually made for such service and the individual contributions that should have been made for such service if the amendments made by subsection (a) had then been in effect.

(B) EFFECT OF NOT CONTRIBUTING.—If no part of or less than the full amount required under subparagraph (A) is paid, all prior service of the incumbent shall remain fully creditable as law enforcement officer service, but the resulting annuity shall be reduced in a manner similar to that described in section 8334(d)(2) of title 5, United States Code, to the extent necessary to make up the amount unpaid.

(C) PRIOR SERVICE DEFINED.—For purposes of this subsection, the term ''prior service'' means, with respect to any individual who makes an election under paragraph (3)(B), service (described in paragraph (1)) performed by such individual before the date as of which appropriate retirement deductions begin to be made in accordance with such election.

(5) GOVERNMENT CONTRIBUTIONS FOR PRIOR SERVICE.—

(A) IN GENERAL.—If an incumbent makes an election under paragraph (3)(B), the agency in or under which that individual was serving at the time of any prior service (referred to in paragraph (4)) shall remit to the Office of Personnel Management, for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund, the amount required under subparagraph (B) with respect to such service.

(B) AMOUNT REQUIRED.—The amount an agency is required to remit is, with respect to any prior service, the total amount of additional Government contributions to the Civil Service Retirement and Disability Fund (above those actually paid) that would have been required if the amendments made by subsection (a) had then been in effect.

(C) CONTRIBUTIONS TO BE MADE RATABLY.—Government contributions under this paragraph on behalf of an incumbent shall be

made by the agency ratably (on at least an annual basis) over the 10-year period beginning on the date referred to in paragraph (4)(C).

(6) EXEMPTION FROM MANDATORY SEPARATION.—Nothing in section 8335(b) or 8425(b) of title 5, United States Code, shall cause the involuntary separation of a law enforcement officer (as described in paragraph (1)) before the end of the 3-year period beginning on the date of the enactment of this Act.

(7) REGULATIONS.—The Office shall prescribe regulations to carry out this section, including—

(A) provisions in accordance with which interest on any amount under paragraph (4) or (5) shall be computed, based on section 8334(e) of title 5, United States Code; and

(B) provisions for the application of this subsection in the case of—

(i) any individual who—

(I) satisfies subparagraph (A) (but not subparagraph (B)) of paragraph (2); and

(II) serves as a law enforcement officer (as described in paragraph (1)) after the date of the enactment of this Act; and

(ii) any individual entitled to a survivor annuity (based on the service of an incumbent, or of an individual under clause (i), who dies before making an election under paragraph (3)(B)), to the extent of any rights that would then be available to the decedent (if still living).

(8) RULE OF CONSTRUCTION.—Nothing in this subsection shall be considered to apply in the case of a reemployed annuitant.

SEC. 514. INCREASE UNITED STATES BORDER PATROL AGENT AND INSPECTOR PAY.

Effective as of the first day of the first applicable pay period beginning on the date that is one year after the date of the enactment of this Act, the highest basic rate of pay for a journey level United States Border Patrol agent or immigration, customs, or agriculture inspector within the Department of Homeland Security whose primary duties consist of enforcing the immigration, customs, or agriculture laws of the United States shall increase from the annual rate of basic pay for positions at GS-11 of the General Schedule to the annual rate of basic pay for positions at GS-12 of the General Schedule.

SEC. 515. COMPENSATION FOR TRAINING AT FEDERAL LAW ENFORCEMENT TRAINING CENTER.

Official training, including training provided at the Federal Law Enforcement Training Center, that is provided to a customs officer or canine enforcement officer (as defined in subsection (e)(1) of section 5 of the Act of February 13, 1911 (19 U.S.C. 267), or to a customs and border protection officer shall be deemed work for purposes of such section. If such training results in the officer performing work in excess of 40 hours in the administrative workweek of the officer or in excess of 8 hours in a day, the officer shall be compensated for that work at an hourly rate of pay that is equal to 2 times the hourly rate of the basic pay of the officer, in accordance with subsection (a)(1) of such section. Such compensation shall apply with respect to such training provided to such officers on or after January 1, 2002. Not later than 60 days after the date of the enactment of this Act, such compensation shall be provided to such officers, together with any applicable interest, calculated in accordance with section 5596(b)(2) of title 5, United States Code.

Subtitle C—Securing and Facilitating the Movement of Goods and Travelers

SEC. 531. INCREASE IN FULL TIME UNITED STATES CUSTOMS AND BORDER PROTECTION IMPORT SPECIALISTS.

(a) IN GENERAL.—The number of full time United States Customs and Border Protection non-supervisory import specialists in the Department of Homeland Security shall be not less than 1,080 in fiscal year 2007.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary to fund these positions and related expenses including training and support.

SEC. 532. CERTIFICATIONS RELATING TO FUNCTIONS AND IMPORT SPECIALISTS OF UNITED STATES CUSTOM AND BORDER PROTECTION.

(a) FUNCTIONS.—The Secretary of Homeland Security shall annually certify to Congress, that, pursuant to paragraph (1) of section 412(b) of the Homeland Security Act of 2002 (6 U.S.C. 212(b)) the Secretary has not consolidated, discontinued, or diminished those functions described in paragraph (2) of such section that were performed by the United States Customs Service, or reduced the staffing level or reduced resources attributable to such functions.

(b) NUMBER OF IMPORT SPECIALISTS.—The Secretary of Homeland Security shall annually certify to Congress that, in accordance with the requirement described in section 302(a), the number of full time non-supervisory import specialists employed by United States Customs and Border Protection is at least 1,080.

SEC. 533. EXPEDITED TRAVELER PROGRAMS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the expedited travel programs of the Department of Homeland Security should be expanded to all major United States ports of entry and participation in the pre-enrollment programs should be strongly encouraged. These programs assist frontline officers of the United States in the fight against terrorism by increasing the number of known travelers crossing the border. The identities of such expedited travelers should be entered into a database of known travelers who have been subjected to in-depth background and watch-list checks. This will permit border control officers to focus more closely on unknown travelers, potential criminals, and terrorists.

(b) MONITORING.—

(1) IN GENERAL.—The Secretary of Homeland Security shall monitor usage levels of all expedited travel lanes at United States land border ports of entry.

(2) FUNDING FOR STAFF AND INFRASTRUCTURE.—If the Secretary determines that the usage levels referred to in paragraph (1) exceed the capacity of border facilities to provide expedited entry and exit, the Secretary shall submit to Congress a request for additional funding for increases in staff and improvements in infrastructure, as appropriate, to enhance the capacity of such facilities.

(c) EXPANSION OF EXPEDITED TRAVELER SERVICES.—The Secretary of Homeland Security shall—

(1) open new enrollment centers in States that do not share an international land border with Canada or Mexico but where the Secretary has determined that a large demand for expedited traveler programs exist;

(2) reduce fee levels for the expedited traveler programs to encourage greater participation; and

(3) cooperate with the Secretary of State in the public promotion of benefits of the expedited traveler programs of the Department of Homeland Security.

(d) REPORT ON EXPEDITED TRAVELER PROGRAMS.—The Secretary of Homeland Security shall, on biannually in 2007, 2008, and 2009, submit to Congress a report on participation in the expedited traveler programs of the Department of Homeland Security.

(e) INTEGRATION AND INTEROPERABILITY OF EXPEDITED TRAVELER PROGRAM DATABASES.—Not later than six months after the date of the enactment of this Act, the Secretary of Homeland Security shall develop a plan to full integrate and make interoperable the databases of all of the expedited traveler programs of the Department of Homeland Security, including NEXUS, AIR NEXUS, SENTRI, FAST, and *Register Traveler*.

TITLE VI—ENSURING PROPER SCREENING

SEC. 601. US-VISIT OVERSIGHT TASK FORCE.

(a) IN GENERAL.—In order to assist the Secretary of Homeland Security to complete the planning and expedited deployment of US-VISIT, as described in section 7208 of such Act, and consistent with the findings of the National Commission on Terrorist Attacks upon the United States, the Secretary shall convene a task force.

(b) COMPOSITION.—The task force shall be composed of representatives from private sector groups with an interest in immigration and naturalization, travel and tourism, transportation, trade, law enforcement, national security, the environment, and other affected industries and areas of interest. Members of the task force shall be appointed by the Secretary for the life of the task force.

(c) DUTIES.—The task force shall advise and assist the Secretary regarding ways to make US-VISIT a secure and complete system to track visitors to the United States.

(d) REPORT.—Not later than December 31, 2007, and annually thereafter that the task force is in existence, the task force shall submit to the House Committee on Homeland Security and the Committee on Homeland Security and Government Reform of the Senate a report containing the findings, conclusions, and recommendations of the task force with respect to making US-VISIT a secure and complete system, in accordance with paragraph (3). The report shall also measure and evaluate the progress the task force has made in providing a framework for completion of the US-VISIT program, an estimation of how long any remaining work will take to complete, and an estimation of the cost to complete such work.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such funds as may be necessary to carry out this subsection.

SEC. 602. VERIFICATION OF SECURITY MEASURES UNDER THE CUSTOMS–TRADE PARTNERSHIP AGAINST TERRORISM (C-TPAT) PROGRAM AND THE FREE AND SECURE TRADE (FAST) PROGRAM.

(a) GENERAL VERIFICATION.—Not later than one year after the date of the enactment of this Act, and on a biannual basis thereafter, the Commissioner of the Bureau of Customs and Border Protection of the Department of Homeland Security shall verify on-site the security measures of each individual and entity that is participating in the Customs–Trade Partnership Against Terrorism (C-TPAT) program and the Free And Secure Trade (FAST) program.

(b) POLICIES FOR NONCOMPLIANCE WITH C-TPAT PROGRAM REQUIREMENTS.—The Commissioner shall establish policies for noncompliance with the requirements of the C-TPAT program by individuals and entities participating in the program, including probation or expulsion from the program, as appropriate.

SEC. 603. IMMEDIATE INTERNATIONAL PASSENGER PRESCREENING PILOT PROGRAM.

(a) PILOT PROGRAM.—Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall initiate a pilot program to evaluate the use of automated systems for the immediate

prescreening of passengers on flights in foreign air transportation, as defined by section 40102 of title 49, United States Code, that are bound for the United States.

(b) REQUIREMENTS.—At a minimum, with respect to a passenger on a flight described in subsection (a) operated by an air carrier or foreign air carrier, the automated systems evaluated under the pilot program shall—

(1) compare the passenger's information against the integrated and consolidated terrorist watchlist maintained by the Federal Government and provide the results of the comparison to the air carrier or foreign air carrier before the passenger is permitted board the flight;

(2) provide functions similar to the advanced passenger information system established under section 431 of the Tariff Act of 1930 (19 U.S.C. 1431); and

(3) make use of machine-readable data elements on passports and other travel and entry documents in a manner consistent with international standards.

(c) OPERATION.—The pilot program shall be conducted—

(1) in not fewer than 2 foreign airports; and

(2) in collaboration with not fewer than one air carrier at each airport participating in the pilot program.

(d) EVALUATION OF AUTOMATED SYSTEMS.—In conducting the pilot program, the Secretary shall evaluate not more than 3 automated systems. One or more of such systems shall be commercially available and currently in use to prescreen passengers.

(e) PRIVACY PROTECTION.—The Secretary shall ensure that the passenger data is collected under the pilot program in a manner consistent with the standards established under section 552a of title 5, United States Code.

(f) DURATION.—The Secretary shall conduct the pilot program for not fewer than 90 days.

(g) PASSENGER DEFINED.—In this section, the term ''passenger'' includes members of the flight crew.

(h) REPORT.—Not later than 30 days after the date of completion of the pilot program, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the following:

(1) An assessment of the technical performance of each of the tested systems, including the system's accuracy, scalability, and effectiveness with respect to measurable factors, including, at a minimum, passenger throughput, the rate of flight diversions, and the rate of false negatives and positives.

(2) A description of the provisions of each tested system to protect the civil liberties and privacy rights of passengers, as well as a description of the adequacy of an immediate redress or appeals process for passengers denied authorization to travel.

(3) Cost projections for implementation of each tested system, including—

(A) projected costs to the Department of Homeland Security; and

(B) projected costs of compliance to air carriers operating flights described in subsection (a).

(4) A determination as to which tested system is the best-performing and most efficient system to ensure immediate prescreening of international passengers. Such determination shall be made after consultation with individuals in the private sector having expertise in airline industry, travel, tourism, privacy, national security, or computer security issues.

(5) A plan to fully deploy the best-performing and most efficient system tested by not later than January 1, 2007.

TITLE VII—ALIEN SMUGGLING; NORTHERN BORDER PROSECUTION; CRIMINAL ALIENS

Subtitle A—Alien Smuggling

SEC. 701. COMBATING HUMAN SMUGGLING.

(a) REQUIREMENT FOR PLAN.—The Secretary shall develop and implement a plan to improve coordination between the Bureau of Immigration and Customs Enforcement and the Bureau of Customs and Border Protection of the Department of Homeland Security and any other Federal, State, local, or tribal authorities, as determined appropriate by the Secretary, to improve coordination efforts to combat human smuggling.

(b) CONTENT.—In developing the plan required by subsection (a), the Secretary shall consider—

(1) the interoperability of databases utilized to prevent human smuggling;

(2) adequate and effective personnel training;

(3) methods and programs to effectively target networks that engage in such smuggling;

(4) effective utilization of—

(A) visas for victims of trafficking and other crimes; and

(B) investigatory techniques, equipment, and procedures that prevent, detect, and prosecute international money laundering and other operations that are utilized in smuggling;

(5) joint measures, with the Secretary of State, to enhance intelligence sharing and cooperation with foreign governments whose citizens are preyed on by human smugglers; and

(6) other measures that the Secretary considers appropriate to combating human smuggling.

(c) REPORT.—Not later than 1 year after implementing the plan described in subsection (a), the Secretary shall submit to Congress a report on such plan, including any recommendations for legislative action to improve efforts to combating human smuggling.

SEC. 702. REESTABLISHMENT OF THE UNITED STATES BORDER PATROL ANTI-SMUGGLING UNIT.

The Secretary of Homeland Security shall reestablish the Anti-Smuggling Unit within the Office of United States Border Patrol, and shall immediately staff such office with a minimum of 500 criminal investigators selected from within the ranks of the United States Border Patrol. Staffing levels shall be adjusted upward periodically in accordance with workload requirements.

SEC. 703. NEW NONIMMIGRANT VISA CLASSIFICATION TO ENABLE INFORMANTS TO ENTER THE UNITED STATES AND REMAIN TEMPORARILY.

(a) IN GENERAL.—Section 101(a)(15)(S) (8 U.S.C. 1101(a)(15)(S)) is amended

(1) in clause (i), by striking ''or'' at the end;

(2) in clause (ii), by striking the comma at the end and inserting ''; or'';

(3) by inserting after clause (ii) the following:

''(iii) who the Secretary of Homeland Security, the Secretary of State, or the Attorney General determines—

''(I) is in possession of critical reliable information concerning a commercial alien smuggling organization or enterprise or a commercial operation for making or trafficking in documents to be used for entering or remaining in the United States unlawfully;

''(II) is willing to supply or has supplied such information to a Federal or State court; or

''(III) whose presence in the United States the Secretary of Homeland Security, the Secretary of State, or the Attorney General determines is essential to the success of an authorized criminal investigation, the successful prosecution of an individual involved in the commercial alien smuggling organization or enterprise, or the disruption of such organization or enterprise or a commercial operation for making or trafficking in documents to be used for entering or remaining in the United States unlawfully.'';

(4) by inserting '', or with respect to clause (iii), the Secretary of Homeland Security, the Secretary of State, or the Attorney General'' after ''jointly''; and

(5) by striking ''(i) or (ii)'' and inserting ''(i), (ii), or (iii)''.

(b) ADMISSION OF NONIMMIGRANTS.—Section 214(k) (8 U.S.C. 1184(k)) is amended

(1) by adding at the end of paragraph (1) the following: ''The number of aliens who may be provided a visa as nonimmigrants under section 101(a)(15)(S)(iii) in any fiscal year may not exceed 400.''; and

(2) by adding at the end the following:

''(5) If the Secretary of Homeland Security, the Secretary of State, or the Attorney General determines that a nonimmigrant described in clause (iii) of section 101(a)(15)(S), or that of any family member of such a nonimmigrant who is provided nonimmigrant status pursuant to such section, must be protected, such official may take such lawful action as the official considers necessary to effect such protection.''.

SEC. 704. ADJUSTMENT OF STATUS WHEN NEEDED TO PROTECT INFORMANTS.

Section 245(j) (8 U.S.C. 1255(j)) is amended—

(1) in paragraph (3), by striking ''(1) or (2),'' and inserting ''(1), (2), (3), or (4),'';

(2) by redesignating paragraph (3) as paragraph (5);

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

''(3) if, in the opinion of the Secretary of Homeland Security, the Secretary of State, or the Attorney General—

''(A) a nonimmigrant admitted into the United States under section 101(a)(15)(S)(iii) has supplied information described in subclause (I) of such section; and

''(B) the provision of such information has substantially contributed to the success of a commercial alien smuggling investigation or an investigation of the sale or production of fraudulent documents to be used for entering or remaining in the United States unlawfully, the disruption of such an enterprise, or the prosecution of an individual described in subclause (III) of that section,

the Secretary of Homeland Security may adjust the status of the alien (and the spouse, children, married and unmarried sons and daughters, and parents of the alien if admitted under that section) to that of an alien lawfully admitted for permanent residence if the alien is not described in section 212(a)(3)(E).

''(4) The Secretary of Homeland Security may adjust the status of a nonimmigrant admitted into the United States under section 101(a)(15)(S)(iii) (and the spouse, children, married and unmarried sons and daughters, and parents of the nonimmigrant if admitted under that section) to that of an alien lawfully admitted for permanent residence on the basis of a recommendation of the Secretary of State or the Attorney General.''; and

(4) by adding at the end the following:

''(6) If the Secretary of Homeland Security, the Secretary of State, or the Attorney General determines that a person whose status is adjusted under this subsection must be protected, such official may take such lawful action as the official considers necessary to effect such protection.''.

SEC. 705. REWARDS PROGRAM.

(a) REWARDS PROGRAM.—Section 274 (8 U.S.C. 1324) is amended by adding at the end the following:

''(e) REWARDS PROGRAM.—

''(1) IN GENERAL.—There is established in the Department of Homeland Security a program for the payment of rewards to carry out the purposes of this section.

''(2) PURPOSE.—The rewards program shall be designed to assist in the elimination of commercial operations to produce or sell fraudulent documents to be used for entering or remaining in the United States unlawfully and to assist in the investigation, prosecution, or disruption of a commercial alien smuggling operation.

''(3) ADMINISTRATION.—The rewards program shall be administered by the Secretary of Homeland Security, in consultation, as appropriate, with the Attorney General and the Secretary of State.

''(4) REWARDS AUTHORIZED.—In the sole discretion of the Secretary of Homeland Security, such Secretary, in consultation, as appropriate, with the Attorney General and the Secretary of State, may pay a reward to any individual who furnishes information or testimony leading to—

''(A) the arrest or conviction of any individual conspiring or attempting to produce or sell fraudulent documents to be used for entering or remaining in the United States unlawfully or to commit an act of commercial alien smuggling involving the transportation of aliens;

''(B) the arrest or conviction of any individual committing such an act;

''(C) the arrest or conviction of any individual aiding or abetting the commission of such an act;

''(D) the prevention, frustration, or favorable resolution of such an act, including the dismantling of an operation to produce or sell fraudulent documents to be used for entering or remaining in the United States, or commercial alien smuggling operations, in whole or in significant part; or

''(E) the identification or location of an individual who holds a key leadership position in an operation to produce or sell fraudulent documents to be used for entering or remaining in the United States unlawfully or a commercial alien smuggling operation involving the transportation of aliens.

''(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection. Amounts appropriated under this paragraph shall remain available until expended.

''(6) INELIGIBILITY.—An officer or employee of any Federal, State, local, or foreign government who, while in performance of his or her official duties, furnishes information described in paragraph (4) shall not be eligible for a reward under this subsection for such furnishing.

''(7) PROTECTION MEASURES.—If the Secretary of Homeland Security, the Secretary of State, or the Attorney General determines that an individual who furnishes information or testimony described in paragraph (4), or any spouse, child, parent, son, or daughter of such an individual, must be protected, such official may take such lawful action as the official considers necessary to effect such protection.

''(8) LIMITATIONS AND CERTIFICATION.—

''(A) MAXIMUM AMOUNT.—No reward under this subsection may exceed $100,000, except as personally authorized by the Secretary of Homeland Security.

''(B) APPROVAL.—Any reward under this subsection exceeding $50,000 shall be personally approved by the Secretary of Homeland Security.

''(C) CERTIFICATION FOR PAYMENT.—Any reward granted under this subsection shall be certified for payment by the Secretary of Homeland Security.''.

SEC. 706. OUTREACH PROGRAM.

Section 274 (8 U.S.C. 1324), as amended by subsection (a), is further amended by adding at the end the following:

''(f) OUTREACH PROGRAM.—The Secretary of Homeland Security, in consultation, as appropriate, with the Attorney General and the Secretary of State, shall develop and implement an outreach program to educate the public in the United States and abroad about—

''(1) the penalties for—

''(A) bringing in and harboring aliens in violation of this section; and

''(B) participating in a commercial operation for making, or trafficking in, documents to be used for entering or remaining in the United States unlawfully; and

''(2) the financial rewards and other incentives available for assisting in the investigation, disruption, or prosecution of a commercial smuggling operation or a commercial operation for making, or trafficking in, documents to be used for entering or remaining in the United States unlawfully.''.

SEC. 707. ESTABLISHMENT OF A SPECIAL TASK FORCE FOR COORDINATING AND DISTRIBUTING INFORMATION ON FRAUDULENT IMMIGRATION DOCUMENTS.

(a) In General.—The Secretary of Homeland Security shall establish a task force (to be known as the Task Force on Fraudulent Immigration Documents) to carry out the following:

(1) Collect information from Federal, State, and local law enforcement agencies, and Foreign governments on the production, sale, and distribution of fraudulent documents intended to be used to enter or to remain in the United States unlawfully.

(2) Maintain that information in a comprehensive database.

(3) Convert the information into reports that will provide guidance for government officials on identifying fraudulent documents being used to enter or to remain in the United States unlawfully.

(4) Develop a system for distributing these reports on an ongoing basis to appropriate Federal, State, and local law enforcement agencies.

(b) DISTRIBUTION OF INFORMATION.—Distribute the reports to appropriate Federal, State, and local law enforcement agencies on an ongoing basis.

Subtitle B—Northern Border Prosecution Initiative Reimbursement Act

SEC. 711. SHORT TITLE.

This Act may be cited as the ''Northern Border Prosecution Initiative Reimbursement Act''.

SEC. 712. NORTHERN BORDER PROSECUTION INITIATIVE.

(a) INITIATIVE REQUIRED.—From amounts made available to carry out this section, the Attorney General, acting through the Director of the Bureau of Justice Assistance of the Office of Justice Programs, shall carry out a program, to be known as the Northern Border Prosecution Initiative, to provide funds to reimburse eligible northern border entities for costs incurred by those entities for handling case dispositions of criminal cases that are federally initiated but federally declined-referred. This program shall be modeled after the Southwestern Border Prosecution Initiative and shall serve as a partner program to that initiative to reimburse local jurisdictions for processing Federal cases.

(b) PROVISION AND ALLOCATION OF FUNDS.—Funds provided under the program shall be provided in the form of direct reimbursements and shall be allocated in a manner consistent with the manner under which funds are allocated under the Southwestern Border Prosecution Initiative.

(c) USE OF FUNDS.—Funds provided to an eligible northern border entity may be used by the entity for any lawful purpose, including the following purposes:

(1) Prosecution and related costs.

(2) Court costs.

(3) Costs of courtroom technology.

(4) Costs of constructing holding spaces.

(5) Costs of administrative staff.

(6) Costs of defense counsel for indigent defendants.

(7) Detention costs, including pre-trial and post-trial detention.

(d) DEFINITIONS.—In this section:

(1) The term ''eligible northern border entity'' means—

(A) any of the following States: Alaska, Idaho, Maine, Michigan, Minnesota, Montana, New Hampshire, New York, North Dakota, Ohio, Pennsylvania, Vermont, Washington, and Wisconsin; or

(B) any unit of local government within a State referred to in subparagraph (A).

(2) The term ''federally initiated'' means, with respect to a criminal case, that the case results from a criminal investigation or an arrest involving Federal law enforcement authorities for a potential violation of Federal criminal law, including investigations resulting from multijurisdictional task forces.

(3) The term ''federally declined-referred'' means, with respect to a criminal case, that a decision has been made in that case by a United States Attorney or a Federal law enforcement agency during a Federal investigation to no longer pursue Federal criminal charges against a defendant and to refer of the investigation to a State or local jurisdiction for possible prosecution. The term includes a decision made on an individualized case-by-case basis as well as a decision made pursuant to a general policy or practice or pursuant to prosecutorial discretion.

(4) The term ''case disposition'', for purposes of the Northern Border Prosecution Initiative, refers to the time between a suspect's arrest and the resolution of the criminal charges through a county or State judicial or prosecutorial process. Disposition does not include incarceration time for sentenced offenders, or time spent by prosecutors on judicial appeals.

SEC. 713. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this section $28,000,000 for fiscal year 2007 and such sums as may be necessary for fiscal years after fiscal year 2007.

Subtitle C—Criminal Aliens

SEC. 721. REMOVAL OF CRIMINAL ALIENS.

(a) IN GENERAL.—Within one year after the date of the enactment of this Act the Department of Homeland Security shall locate and remove all criminal aliens who have been ordered deported as of such enactment date.

(b) CONTINUATION AND EXPANSION OF INSTITUTIONAL REMOVAL PROGRAM.—

(1) IN GENERAL.—The Attorney General and the Secretary of Homeland Security shall continue to operate and implement the Institutional Removal Program, under section 238(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1228(a)(1)), which identifies removable criminal aliens serving sentences in Federal and State correctional facilities for crimes set forth in section 238(a)(1) of such Act, ensures such aliens are not released into the community, and removes such aliens from the United States upon completion of their sentences. The Institutional Removal Program shall be designed in accordance with section 238(a)(3) of such Act such

that removal proceedings may be initiated and, to the extent possible, completed before completion of a criminal sentence.

(2) EXPANSION.—The Institutional Removal Program shall be made available to all States. The Attorney General and Secretary of Homeland Security shall increase the personnel for such program by 750 full-time equivalent personnel for fiscal years 2007 through 2010.

(3) TRAINING AND TECHNICAL ASSISTANCE.—The Secretary of Homeland Security shall provide training and technical assistance to State and local correctional officers about the Institutional Removal Program, the roles and responsibilities of Federal immigration authorities in identifying and removing criminal aliens pursuant to section 238(a)(3) of the Immigration and Nationality Act, and methods for communicating between State and local correctional facilities and the Federal immigration agents responsible for removals.

(4) COOPERATION, IDENTIFICATION, AND NOTIFICATION.—Any State that receives federal funds pursuant to section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)) shall—

(A) cooperate with Federal Institutional Removal Program officials in carrying out criminal alien removals pursuant to section 238(a)(1) of such Act ;

(B) permit Federal agents to expeditiously and systematically identify such aliens designated under such section serving criminal sentences in State and local correctional facilities; and

(C) facilitate the transfer of such aliens to Federal custody as a condition for receiving such funds.

(5) TECHNOLOGY USAGE.—Technology, such as videoconferencing, shall be used to the extent necessary in order to make the Institutional Removal Program available to facilities in remote locations. The purpose of such technology shall be to ensure inmate access to consular officials, and to permit federal officials to screen inmates for deportability pursuant to section 238(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1228(a)(1)). Use of technology should in no way impede or interfere with an individual's right to access to legal counsel, full and fair immigration proceedings, and due process.

(6) REPORT TO CONGRESS.—The Secretary of Homeland Security shall submit an annual report to Congress on the participation of States in the Institutional Removal Program. The report should also evaluate the extent to which States and localities submit qualified requests for reimbursement pursuant to section 241(i) of the Immigration and National Act, but do not receive compensatory funding for lack of appropriations.

(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the institutional removal program—

(A) $100,000,000 for fiscal year 2007;

(B) $115,000,000 for fiscal year 2008;

(C) $130,000,000 for fiscal year 2000; and

(D) $145,000,000 for fiscal year 2010.

SEC. 722. ASSISTANCE FOR STATES INCARCERATING UNDOCUMENTED ALIENS CHARGED WITH CERTAIN CRIMES.

(a) IN GENERAL.—Section 241(i)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(3)(A)) is amended by inserting ''charged with or'' before ''convicted''.

(b) AUTHORIZATION OF APPROPRIATIONS; LIMITATION ON USE OF FUNDS.—Section 241(i) of such Act (8 U.S.C. 1231(i)) is amended by striking paragraphs (5) and (6) and inserting the following:

''(5) There are authorized to be appropriated to carry out this subsection $500,000,000 for fiscal year 2007 and $1,000,000,000 for each of the succeeding ten fiscal years.

''(6) Amounts appropriated pursuant to paragraph (5) that are distributed to a State or political subdivision of a State, including a municipality, may be used only for correctional purposes.''.

SEC. 723. REIMBURSEMENT OF STATES FOR INDIRECT COSTS RELATING TO THE INCARCERATION OF ILLEGAL ALIENS.

Section 501 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1365) is amended—

(1) in subsection (a)—

(A) by striking ''for the costs'' and inserting the following: ''for—

''(1) the costs''; and

(B) by striking ''such State.'' and inserting the following: ''such State; and

''(2) the indirect costs related to the imprisonment described in paragraph (1).''; and

(2) by striking subsections (c) through (e) and inserting the following:

''(c) MANNER OF ALLOTMENT OF REIMBURSEMENTS.—Reimbursements under this section shall be allotted in a manner that gives special consideration for any State that—

''(1) shares a border with Mexico or Canada; or

''(2) includes within the State an area in which a large number of undocumented aliens reside relative to the general population of that area.

''(d) DEFINITIONS.—As used in this section:

''(1) INDIRECT COSTS.—The term 'indirect costs' includes—

''(A) court costs, county attorney costs, detention costs, and criminal proceedings expenditures that do not involve going to trial;

''(B) indigent defense costs; and

''(C) unsupervised probation costs.

''(2) STATE.—The term 'State' has the meaning given such term in section 101(a)(36) of the Immigration and Nationality Act.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $200,000,000 for each of the fiscal years 2005 through 2011 to carry out subsection (a)(2).''.

SEC. 724. ICE STRATEGY AND STAFFING ASSESSMENT.

(a) IN GENERAL.—Not later than December 31 of each year, the Secretary of Homeland Security shall submit to the Government Accountability Office and the appropriate congressional committees (as defined by section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)) a written report describing its strategy for deploying human resources (including investigators and support personnel) to accomplish its border security mission.

(b) REVIEW.—Not later than 90 days after receiving any report under subsection (a), the Government Accountability Office shall submit to each appropriate congressional committee (as defined by section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)) a written evaluation of such report, including recommendations pertaining to how U.S. Immigration and Customs Enforcement could better deploy human resources to achieve its border security mission through legislative or administrative action.

SEC. 725. CONGRESSIONAL MANDATE REGARDING PROCESSING OF CRIMINAL ALIENS WHILE INCARCERATED.

The Secretary of Homeland Security shall work with prisons in which criminal aliens are incarcerated to complete their removal or deportation proceeding before such aliens are released from prison and sent to Federal detention.

SEC. 726. INCREASE IN PROSECUTORS AND IMMIGRATION JUDGES AND UNITED STATES MARSHALS.

(a) IMMIGRATION JUDGE INCREASE.—The Executive Office for Immigration Review in the Department of Justice shall increase the number of immigration judges by not less than 75 judges for each of fiscal years 2007 through 2010.

(b) US ATTORNEY OFFICE INCREASE.—The Department of Justice shall dedicate an additional 100 attorney positions at offices of the United States Attorney in the States of Arizona, New Mexico, and Texas for the enforcement of immigration law and create a supervisory staff position to coordinate the enforcement activities in each of fiscal years 2007 through 2010.

(c) US MARSHALL INCREASE.—The Department of Justice shall provide for an increase of 250 United States Marshals to provide support for border patrol agents in each of fiscal years 2007 through 2010.

Subtitle D—Operation Predator

SEC. 731. DIRECT FUNDING FOR OPERATION PREDATOR.

(a) IN GENERAL.—The Operation Predator initiative of the Bureau of Immigration and Customs Enforcement (ICE) of the Department of Homeland Security is responsible for identifying child predators and removing them from the United States if they are subject to deportation.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the Operation Predator initiative such funds as may be necessary for fiscal year 2007 through fiscal year 2011.

TITLE VIII—FULFILLING FUNDING COMMITMENTS MADE IN THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004

Subtitle A—Additional Authorizations of Appropriations

SEC. 801. BIOMETRIC CENTER OF EXCELLENCE.

In addition to such other sums as are authorized under law, to carry out section 4011(d) of the Intelligence Reform and Terrorism Prevention Act of 2004 (118 Stat. 3714), there is authorized to be appropriated $1,000,000 for fiscal year 2007 for the establishment of a competitive center of excellence that will develop and expedite the Federal Government's use of biometric identifiers.

SEC. 802. PORTAL DETECTION SYSTEMS.

In addition to such other sums as are authorized under law, to carry out section 44925 of title 49, United States Code, there is authorized to be appropriated to the Secretary of Homeland Security for the use of the Transportation Security Administration $250,000,000 for fiscal year 2007 for research, development, and installation of detection systems and other devices for the detection of biological, chemical, radiological, and explosive materials.

SEC. 803. BORDER SECURITY TECHNOLOGIES FOR USE BETWEEN PORTS OF ENTRY.

In addition to such other sums as are authorized under law, to carry out subtitle A of title V of the Intelligence Reform and Terrorism Prevention Act (118 Stat. 3732), there is authorized to be appropriated $25,000,000 for fiscal year 2007 for the formulation of a research and development program to test various advanced technologies to improve border security between ports of entry as established in sections 5101, 5102, 5103, and 5104 of the Intelligence Reform and Terrorism Prevention Act of 2004.

SEC. 804. IMMIGRATION SECURITY INITIATIVE.

In addition to such other sums as are authorized under law, to carry out section 7206 of the Intelligence Reform and Terrorism Prevention Act (118 Stat. 3817), there are authorized to be appropriated to the Secretary of Homeland Security to carry out the amendments made by subsection (a) $40,000,000 for fiscal year 2007.

Subtitle B—National Commission on Preventing Terrorist Attacks Upon the United States

SEC. 821. ESTABLISHMENT OF COMMISSION.

There is established in the legislative branch the National Commission on Preventing Terrorist Attacks Upon the United States (in this subtitle referred to as the ''Commission'').

SEC. 822. PURPOSES.

The purposes of the Commission are to examine and report on the changes taken since the terrorist attacks of September 11, 2001 to structure, coordination, management policies, and procedures of the Federal Government, and, if appropriate, State and local governments and nongovernmental entities, relative to detecting, preventing, and responding to future terrorist attacks on the United States.

SEC. 823. COMPOSITION OF COMMISSION.

(a) MEMBERS.—The Commission shall be composed of 10 members, of whom—

(1) 1 member shall be appointed by the President, who shall serve as chairman of the Commission;

(2) 1 member shall be appointed by the leader of the Senate (majority or minority leader, as the case may be) of the Democratic Party, in consultation with the leader of the House of Representatives (majority or minority leader, as the case may be) of the Democratic Party, who shall serve as vice chairman of the Commission;

(3) 2 members shall be appointed by the senior member of the Senate leadership of the Democratic Party;

(4) 2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Republican Party;

(5) 2 members shall be appointed by the senior member of the Senate leadership of the Republican Party; and

(6) 2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Democratic Party.

(b) QUALIFICATIONS; INITIAL MEETING.—

(1) POLITICAL PARTY AFFILIATION.—Not more than 5 members of the Commission shall be from the same political party.

(2) NONGOVERNMENTAL APPOINTEES.—An individual appointed to the Commission may not be an officer or employee of the Federal Government or any State or local government.

(3) OTHER QUALIFICATIONS.—It is the sense of Congress that individuals appointed to the Commission should be prominent United States citizens, with national recognition and significant depth of experience in such professions as governmental service, law enforcement, the armed services, law, public administration, intelligence gathering, commerce (including aviation matters), and foreign affairs.

(4) DEADLINE FOR APPOINTMENT.—All members of the Commission shall be appointed on or before January 30, 2007.

(5) INITIAL MEETING.—The Commission shall meet and begin the operations of the Commission as soon as practicable.

(c) QUORUM; VACANCIES.—After its initial meeting, the Commission shall meet upon the call of the chairman or a majority of its members. Six members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(d) SENSE OF CONGRESS REGARDING APPOINTMENTS.—It is the Sense of Congress that each individual responsible for appointing a member of the Commission should select one of the individuals who previously served as a member of the National Commission on Terrorist Attacks Upon the United States authorized by Public Law 107-306.

SEC. 824. POWERS OF COMMISSION.

(a) IN GENERAL.—

(1) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this subtitle—

(A) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths; and

(B) subject to paragraph (2)(A), require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, as the Commission or such designated subcommittee or designated member may determine advisable.

(2) SUBPOENAS.—

(A) ISSUANCE.—

(i) IN GENERAL.—A subpoena may be issued under this subsection only—

(I) by the agreement of the chairman and the vice chairman; or

(II) by the affirmative vote of 6 members of the Commission.

(ii) SIGNATURE.—Subject to clause (i), subpoenas issued under this subsection may be issued under the signature of the chairman or any member designated by a majority of the Commission, and may be served by any person designated by the chairman or by a member designated by a majority of the Commission.

(B) ENFORCEMENT.—

(i) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under subsection (a) the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(ii) ADDITIONAL ENFORCEMENT.—In the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this section, the Commission may, by majority vote, certify a statement of fact constituting such failure to the appropriate United States attorney, who may bring the matter before the grand jury for its action, under the same statutory authority and procedures as if the United States attorney had received a certification under sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194).

(b) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties under this subtitle.

(c) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government, information, suggestions, estimates, and statistics for the purposes of this subtitle. Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the chairman, the chairman of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission.

(2) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—Information shall only be received, handled, stored, and disseminated by members of the Commission and its staff consistent with all applicable statutes, regulations, and Executive orders.

(d) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the Commission's functions.

(2) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance prescribed in paragraph (1), departments and agencies of the United States may provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

(e) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(f) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

(g) IN GENERAL.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(h) PUBLIC MEETINGS AND RELEASE OF PUBLIC VERSIONS OF REPORTS.—The Commission shall—

(1) hold public hearings and meetings to the extent appropriate; and

(2) release public versions of the reports required under section 610(a) and (b).

(i) PUBLIC HEARINGS.—Any public hearings of the Commission shall be conducted in a manner consistent with the protection of information provided to or developed for or by the Commission as required by any applicable statute, regulation, or Executive order.

SEC. 825. COMPENSATION AND TRAVEL EXPENSES.

(a) COMPENSATION.—Each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(b) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

SEC. 826. SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.

The appropriate Federal agencies or departments shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements, except that no person shall be provided with access to classified information under this subtitle without the appropriate security clearances.

SEC. 827. REPORTS OF COMMISSION.

Not later than December 31 of each year after the year of enactment of this Act, the Commission shall make a report to Congress containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

SEC. 828. FUNDING.

To fulfill the purposes of this subtitle, $10,000,000 is authorized for each fiscal year.

TITLE IX—FAIRNESS FOR AMERICA'S HEROS

SEC. 901. SHORT TITLE.

This title may be cited as the ''Fairness for America's Heros Act''.

SEC. 902. NATURALIZATION THROUGH COMBAT ZONE SERVICE IN ARMED FORCES.

Section 329 of the Immigration and Nationality Act (8 U.S.C. 1440) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

''(c)(1) Any person eligible under paragraph (3) who, while an alien or a noncitizen national of the United States, performs active duty in the Armed Forces of the United States in a combat zone (as defined in section 112(c) of the Internal Revenue Code of 1986 (26 U.S.C. 112(c))) shall be admitted to citizenship upon the completion of six months of such service or discharge or redeployment resulting from a physical or psychological disability or injury, or posthumous citizenship in the case of death..

''(2) The executive department issuing the order for the service described in paragraph (1) shall, at the time of such issuance, inform the person of the benefits available under this subsection and of the procedure established by such department for satisfying the requirement of paragraph (3).

''(3) In order to be eligible for naturalization under this subsection, a person shall inform the executive department issuing the order for the service described in paragraph (1) that the person desires to be admitted to citizenship in accordance with this subsection upon the completion of six months of such service or discharge or redeployment resulting from a physical or psychological disability or injury, or posthumous citizenship in the case of death.

''(4) The appropriate executive department shall notify the Secretary of Homeland Security when a person has been naturalized in accordance with this subsection and of the effective date of such naturalization. The Secretary of Homeland Security, not later than 30 days after receipt of such notification, shall issue to the person a certificate of naturalization reflecting such date and any other information the Secretary determines to be appropriate.''.

SEC. 903. IMMIGRATION BENEFITS FOR SURVIVORS OF PERSONS GRANTED POSTHUMOUS CITIZENSHIP THROUGH DEATH WHILE ON ACTIVE-DUTY SERVICE.

Section 329A(e) of the Immigration and Nationality Act (8 U.S.C. 1440–1(e)) is amended to read as follows:

''(e) BENEFITS FOR SURVIVORS.—

''(1) IN GENERAL.—Subject to this subsection, any immigration benefit available under Federal law to a spouse, child, or parent of a citizen of the United States shall be available to a spouse, child, or parent of a person granted posthumous citizenship under this section as if the person's death had not occurred.

''(2) SPOUSE.—For purposes of this Act, a person shall be considered a spouse of a person granted posthumous citizenship under this section if the person was not legally separated from the citizen at the time of the citizen's death.

''(3) CHILDREN.—For purposes of this Act, a person shall be considered a child of a person granted posthumous citizenship under this section if the person would have been considered a child (as defined in section 101(b)(1)) at the time of the citizen's death.

''(4) PARENTS.—For purposes of section 201(b)(2)(A)(i), the requirement that the citizen be at least 21 years of age shall not apply in the case of a parent of a person granted posthumous citizenship under this section.

''(5) SELF-PETITIONS.—For purposes of petitions and applications for immigration benefits required to be filed under this Act on behalf of a spouse, child, or parent by a citizen of the United States, the spouse, child, or parent shall be permitted to self-petition for such benefits as if filed by the person granted posthumous citizenship under this section. Any requirement under this Act for an affidavit of support pursuant to such a petition or application shall be waived.

''(6) NO BENEFITS FOR OTHER RELATIVES.—Nothing in this section or section 319(d) shall be construed as providing for any benefit under this Act for any relative of a person granted posthumous citizenship under this section who is not treated as a spouse, child, or parent under this subsection.''.

SEC. 904. EFFECTIVE DATE.

The amendments made by this title shall take effect as if enacted on September 11, 2001.

TITLE X—MISCELLANEOUS PROVISIONS

SEC. 1001. LOCATION AND DEPORTATION OF CRIMINAL ALIENS.

(a) IN GENERAL.—The Secretary of Homeland Security shall locate and deport all aliens in the United States who are deportable under section 237(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2), relating to criminal aliens), including such aliens who under a ''catch and release'' policy have been apprehended and released by Border Patrol agents or other immigration officers pending review of their cases.

(b) INCREASE IN PROSECUTORS AND OTHER PERSONNEL.—There are authorized to be appropriated such sums as may be necessary to provide for additional prosecutors and other personnel to effect the deportation of aliens under subsection (a).

SEC. 1002. AGREEMENTS WITH STATE AND LOCAL LAW ENFORCEMENT AGENCIES TO IDENTIFY AND TRANSFER TO FEDERAL CUSTODY CRIMINAL ALIENS.

Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall enter into written agreements under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) with States and political subdivisions of States to train and deputize jail and prison custodial officials—

(1) to identify each individual in their custody who is a alien and who appears to be deportable under section 237(a)(2) of such Act (8 U.S.C. 1227(a)(2));

(2) to contact the Department of Homeland Security concerning each alien so identified; and

(3) to transfer each such identified alien to a Federal law enforcement official for deportation proceedings.

SEC. 1003. DENYING ADMISSION TO FOREIGN GOVERNMENT OFFICIALS OF COUNTRIES DENYING ALIEN RETURN.

Subsection (d) of section 243 of the Immigration and Nationality Act (8 U.S.C. 1253) is amended to read as follows:

''(d) DENYING ADMISSION TO FOREIGN GOVERNMENT OFFICIALS OF COUNTRIES DENYING ALIEN RETURN.—Whenever the Secretary of Homeland Security determines that the government of a foreign country has denied or unreasonably delayed accepting an alien who is a citizen, subject, national, or resident of that country after the alien has been ordered removed from the United States, the Secretary, in consultation with the Secretary of State, may deny admission to any citizen, subject, national, or resident of that country who has received a nonimmigrant visa pursuant to subparagraphs (A) or (G) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), unless such denial of admission violates an international treaty in force between the United States and that country.''.

SEC. 1004. BORDER PATROL TRAINING FACILITY.

The Secretary of Homeland Security shall establish a Border Patrol training facility at a location that is centrally and geographically located at United States-Mexico border to assist in the training of additional Border Patrol agents authorized under this Act or any other provision of law.

SEC. 1005. SENSE OF CONGRESS.

It is the sense of the Congress that the United States will not be fully secure until we enhance border security and enforcement, overhaul the immigration system, and take a realistic and bipartisan approach to dealing with the 12,000,000 undocumented workers already present in the country.

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-IIIinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

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

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee

on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

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

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

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

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

Mr. HASTINGS of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 2965, to be considered shortly.

The SPEAKER pro tempore (Mr. SESSIONS). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

FEDERAL PRISON INDUSTRIES COMPETITION IN CONTRACTING ACT OF 2006

The SPEAKER pro tempore. Pursuant to House Resolution 997 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2965.

□ 1132

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2965) to amend title 18, United States Code, to require Federal Prison Industries to compete for its contracts minimizing its unfair competition with private sector firms and their noninmate workers and empowering Federal agencies to get the best value for taxpayers' dollars, to provide a 5-year period during which Federal Prison Industries adjusts to obtaining inmate work opportunities through other than its mandatory source status, to enhance inmate access to remedial and vocational opportunities and other rehabilitative opportunities to better prepare inmates for a successful return to society, to authorize alternative inmate work opportunities in support of nonprofit organizations and other public service programs, and for other purposes, with Mr. BOOZMAN in the chair.

The Clerk read the title of the bill.

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

The gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

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

Mr. Chairman, I rise in strong support of H.R. 2965, the Federal Prison Industries Competition and Contracting Act of 2006. This bill is substantially similar to H.R. 1829, which this body passed overwhelmingly during the 108th Congress by a vote of 350–65.

As reported by the Judiciary Committee, the bill includes additional bipartisan improvements that resulted from negotiations with the Justice Department, prison fellowship, and other interested parties.

Since my early days in the Congress, I have been committed to reforming Federal Prison Industries, or FPI, because I believe the manner in which this program currently operates imposes unacceptable burdens on government agencies, taxpayers, inmates, and private sector businesses.

Under the current system, Federal agencies are required by law to purchase FPI products that meet the agencies' requirements and do not exceed current market prices. The mandatory source requirement eliminates competition with the private sector, harming businesses and stifling the creation of new jobs for law-abiding Americans. FPI enjoys a mandatory market for its goods, a facility to produce them in and cheap labor to manufacture them.

Despite these advantages, government agencies frequently pay more for FPI products than if they were purchased from the private sector. The Government Accountability Office concluded in a 1988 report that ''The only limitation on FPI's price is that it may not exceed the upper end of the current market price range.'' The GAO report also raised questions about the timeliness of delivery of these products and the quality of FPI products.

While the FPI has had serious problems, this legislation does not seek to eliminate it, but would reform FPI to require that it compete for Federal Government contracts in the same manner as other businesses. FPI is well equipped to succeed in the competitive marketplace because it is not faced with the same operating costs as average businesses, such as providing health insurance, retirement benefits, or paying union wages. And the facilities, of course, that FPI does use in the manufacturing process are Federal prisons and not on property tax rolls.

In recent years, FPI has demonstrated its competitiveness by obtaining several large, multiyear contracts with the Department of Defense and other Federal agencies, even though government procurement policies have been changed to permit these agencies to determine whether FPI products meet competitive pricing and quality benchmarks.

This legislation also helps inmates by establishing a position of Inmate Work Training Administrator to create additional inmate work opportunities, and allows FPI to create a program that will allow inmates to perform jobs that are being performed outside the United States. The bill also addresses concerns about providing meaningful training for inmates by requiring FPI to devote some of its earnings to additional inmate vocational training, education opportunities, and release preparation.

The bill increases access to educational opportunities, including remedial and modern, hands-on vocational programs which have been shown to be effective in reducing recidivism. The bill provides alternative inmate work opportunities by authorizing the production of products or services for donation to community service organizations, and allows Federal inmates to perform public service work for units of local government.

Finally, the bill addresses concerns about the low wages paid to inmates by requiring the Secretary of Labor to establish an inmate training wage in consultation with the Attorney General for those performing FPI jobs.

Mr. Chairman, as Members of Congress, we have a duty to ensure that government corporations do not take away opportunities from small businesses. We have a duty to ensure that the taxpayers' money is wisely spent. Neither of these things can be guaranteed under the current FPI regime. By passing this legislation we will ensure that all Federal Government agencies will have the ability to utilize taxpayer dollars in the most efficient manner possible, and that private industry will have the right to compete with FPI for contracts.

H.R. 2965 will also ensure the continued viability of FPI, and provides many avenues for FPI to pursue alternative rehabilitative work and training opportunities for inmates.

Mr. Chairman, I am proud of this comprehensive legislation to reform the Federal Prison Industries. I urge Members to support it.

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

Mr. CONYERS. Mr. Chairman, I yield myself as much time as I may consume.

Ladies and gentlemen of the Congress, this is a very important and sensitive issue that is being brought by Chairman SENSENBRENNER and myself

today in support of H.R. 2965: How do we deal with the rehabilitation of prisoners and balance it against the rising unemployment that is affecting and afflicting this Nation so much?

As currently drafted, this bill, to me, strikes the appropriate balance between the needs of Federal inmates versus the needs of everyday men and women looking for gainful employment in the civilian workforce; and this was arrived at through a great deal of activity and negotiation with Members on both sides of the aisle.

First, the legislation establishes a gradual phaseout of the current mandatory source requirement. As many know, the mandatory source requirement compels all Federal agencies to purchase their goods and services from the Federal Prison Industries program. A phaseout of this requirement will allow private sector companies to effectively compete for additional Federal contracts, which in turn will produce an increase in private sector jobs, many to be filled by members of our local labor unions across the country.

The second thing we do here is to ensure that the Federal inmates continue to have adequate access to training opportunities during and after the phaseout. The legislation authorizes a minimum of $75 million a year for purposes of educating inmates and teaching them valuable vocational skills. This new language was added to the text of the underlying bill at my request and will guarantee that all Federal inmates are equipped with the necessary skills to successfully reenter society upon their release from prison.

This has been a very difficult problem in the corrections arena over the years. This is not new. It is something we have been working on for a long time, and we have come to this new agreement that is embodied in H.R. 2965.

And, finally, to protect against inmate idleness and assure that the safety of prison guards is intact, the legislation includes what has been referred to as a safety valve. The safety valve would allow the Attorney General to direct the award of a sole-source contract to the Federal Prison Industries whenever necessary to, ''prevent circumstances that could reasonably be expected to significantly endanger the safe and effective administration'' of a particular prison.

Now, we all know that the job market, and the economy as a whole for that matter, have not fared well under the current administration. In Michigan alone the State's unemployment rate is roughly 7 percent, but in some areas it is 5 or 6 times that much, which, as of this summer, tied Michigan's unemployment rate for the second highest in the Nation.

Something has to be done to help these hardworking men and women obtain jobs in the private sector and yet continue the support for Prison Industries which has worked so well, and this bill represents the best thinking in that regard. That is why this legislation has been endorsed by the United Automobile Workers, the Teamsters, the Food and Commercial Workers, the United Brotherhood of Carpenters, the Machinists United, and many others. I think that we finally reached the kind of a compromise that takes both of these matters into consideration, how we deal with the problem of rising unemployment in the private sector, and with the great challenge to prepare those who are coming out of incarceration to gain valuable vocational skills and prepare themselves for returning to our society.

I urge your serious consideration of this matter.

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

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

Mr. CONYERS. I yield 7 minutes to my colleague who has worked on this matter for many years, BOBBY SCOTT, a distinguished member of the Judiciary Committee from Virginia.

Mr. SCOTT of Virginia. Mr. Chairman, I rise in opposition to H.R. 2965, the Federal Prison Industries Competition in Contracting Act.

The Federal Prison Industries program was signed into law by President Roosevelt in 1934, in the midst of the Great Depression. This program was enacted as a way to protect the public by teaching prisoners real work habits and skills, so that when they are released, they will be better able to find and hold a job to support themselves and their families and be less likely to commit crimes in the future.

□ 1145

It is clear that the program has done just that. Follow-up studies covering as much as 16 years of data have shown that inmates who participate in Prison Industries are much more likely to be employed and much less likely to commit crimes than prisoners who do not participate in the program. While this certainly benefits offenders and their families, the real public policy benefit is that, as a result of this program, there are fewer victims of crime.

Contrary to the indication given by the proponents of this bill, the FPI program does not have a significant impact on business and labor. In its first year of operation, the percent of Federal contract procurement from FPI represented one-fourth of 1 percent of total annual Federal agency procurement dollars; and it is the same today, one-fourth of 1 percent, and this is just Federal procurement. It is obviously a minuscule portion of the total economy.

Critics, who were philosophically opposed to the program back in the 1930s and they are still opposed today, suggest that FPI has caused substantial losses in jobs for law-abiding citizens. The furniture and apparel industries are the two industries in which FPI has traditionally done most of its work. When asked under oath, representatives of these industries testified that the FPI sales represent an insignificant and negligible portion of their industries. At our last hearing, the office furniture industry representative was not able to point to any loss to his industry caused by FPI.

I am the first to concede that there may be problems with FPI that need improvement, and we have made improvements through activities in Congress and the FPI board over the last 10 years. While it is understandable that every company that does not get a contract that FPI gets may be disappointed, just as they would be disappointed if another company got the same contract, the public safety and institutional safety and management benefits of this program have an insignificant impact on business and labor, and it is a public policy success story.

All able inmates in the Federal system are required, by law, to work. Non-FPI inmate jobs pay about $0.12 to $0.30 an hour, while FPI jobs pay about $1 up to $1.15 per hour. There are currently enough FPI jobs for only 18 percent of the work-eligible population. The other 82 percent of the prisoners work in non-FPI-related maintenance jobs.

In 2000, FPI jobs represented 25 percent of the prison jobs. In recent years, however, because we have passed restrictions like there are in this bill, there are fewer jobs and that has caused the elimination of over 2,000 jobs at the same time that the prison population has increased by 23,000 inmates, and it is still increasing. This bill will shrink FPI jobs even more.

We need to promote, not reduce, Federal Prison Industries jobs because the FPI program strongly supports education. To hold down an FPI job, an inmate must have completed high school, or be making steady progress towards obtaining a GED, and maintain a good record of behavior. This is not only true for those who hold FPI jobs but also those who are on the waiting list for a job, as well as those seeking to establish eligibility to be placed on the waiting list; and once in an FPI job, an inmate cannot earn more than $0.40 an hour until he earns a GED. That is why FPI is not only a great job skills development and education development tool, but it is also a great management tool to help ensure prisons operate efficiently and safely for prison employees as well as inmates. I have never met a prison administrator who does not support this program.

Few offenders enter the program with marketable work skills. The vast majority do not even have basic work habits, such as showing up for work on time each day and working cooperatively and productively with others. Such work habits are required to maintain an FPI job. These are the same work habits required to be a good, productive, desirable worker anywhere, and that is why inmates who have FPI work experience have been found to be significantly more employable than those that do not.

I oppose this bill because it will obviously reduce job opportunities. The bill amends the current requirement in law for agencies to purchase goods from FPI and establishes a competitive bid process for agency purchases of goods and services from FPI, unless the Attorney General and the Bureau of Prisons certify that they cannot safely run the prisons without the particular contract award. It is unrealistic to expect that any official would publicly admit such a level of incompetence in order to obtain a contract, so it is unlikely that that provision will ever be used.

The bill claims to make an effort to replace mandatory source and service contracts by providing a transition preference program for agencies using FPI, by authorizing new options such as providing products or services to charitable and nonprofit organizations contingent on appropriations, by allowing FPI to provide services and products to Federal agencies on a noncompetitive basis if they would otherwise be provided from offshore, and by authorizing work training programs for FPI to produce goods and services for private companies if the goods and services are not produced anywhere in the United States.

However, there is no basis for concluding that these authorities would replace the loss of jobs now available and legally sanctioned, and it is unlikely to suspect that the appropriations would be made or that the job training programs will be sufficient because most of the job training programs are 2 years at most. Obviously, people with longer sentences cannot benefit from that.

So before we decimate what the Department of Justice defines as the most important rehabilitation program, without a reliable replacement for those jobs, I believe we should direct a comprehensive study of its impact on labor and business and its beneficial impact on public safety before we do anything else.

In the face of all the good that this program does, I do not believe that we should throw the baby out with the bath water. Mr. Chairman, I would hope that we would defeat the bill and we maintain these jobs.

Mr. SENSENBRENNER. Mr. Chairman, I yield 4 minutes to the gentleman from Michigan (Mr. HOEKSTRA), the author of the bill.

Mr. HOEKSTRA. Mr. Chairman, I would like to thank the chairman of the Judiciary Committee, as well as the ranking member of the committee, for the great work that we have been able to do together and the support that I have gotten from various individuals, as well as Mr. FRANK, Mr. COBLE, Mrs. MALONEY. We have put together a very effective bipartisan team to work on this issue.

My colleague from Wisconsin calls me the Johnny-come-lately to this issue, and he was working on this well before I did. I feel honored to have him call me the author of this bill, and I am only the author of this bill because in all the other things that the chairman of Judiciary Committee is working on he has given me the opportunity to lead on this issue.

But I very much appreciate the work that we have done with Mr. CONYERS as well. It has been a very, very effective group.

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

Mr. HOEKSTRA. I yield to the gentleman from the great State of Michigan.

Mr. CONYERS. Mr. Chairman, I want to thank Mr. HOEKSTRA personally for the great work that he has done, not just on this bill but earlier bills as well. This is not a subject on which you have just jumped onboard. I appreciate, across the years, our working together on it.

Mr. HOEKSTRA. Well, thank you very much, and it is because of this kind of cooperation.

My objective is still to get our other colleague over there, Mr. SCOTT, onboard. We have evolved this bill a long way to try to get Mr. SCOTT to be onboard in terms of the phase-in and phase-out of the provisions of this bill, the number of other work opportunities that we have put into this bill, the opportunities to work with not-for-profits and those types of things, but we are not quite there yet. Are we there?

Mr. SCOTT of Virginia. Mr. Chairman, will the gentleman yield?

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

Mr. SCOTT of Virginia. Mr. Chairman, I thank the gentleman for yielding.

I would tell my friend from Michigan that you would get my support if you just guaranteed that the jobs would be there. We need people working on these jobs. If they are working on jobs, there will be less crime. So anything that will guarantee the jobs I can support.

Mr. HOEKSTRA. Reclaiming my time, I think the bill allows the Attorney General and gives the Attorney General the responsibility to make sure that the Attorney General can take the actions necessary to keep prisons safe and to allow workers or prisoners to get the skills that they need.

We have put together a very, very good coalition, the business groups, the Teamsters, the organized labor, UAW, UNITE-HERE, Machinists, Carpenters and a lot of other folks.

Mr. CONYERS. Mr. Chairman, if the gentleman would yield to just allow me this, because I think what the gentleman from Virginia raised is a very important point, somebody better guarantee me the jobs, too, because that is what this is all about. We are not just writing language to go into the law books. We want some action, and I do not know who gives out guarantees around here, but I will be the first one in line to get it. I am glad that that is your position as well.

Mr. HOEKSTRA. Mr. Chairman, I will reclaim my time. I am sure Mr. SCOTT is going to have a little bit more time.

If I could complete my statement, I recognize the difference, but I would hope that folks on both sides would recognize the tremendous effort that we have put in bringing together a lot of different folks to address the issues, both from the workers and the industries that may be affected, but also the individuals in the prisons.

This effort is also supported by Prison Fellowship, that has a very great passion for making sure that people who have found their way into our prison systems, that when they come out, that they have developed the skills that have enabled them to integrate effectively back into society.

I think, with the support that we have developed, it is a clear indication that this is a well-balanced approach between those competing interests.

I will close with my comments. It is just good to be able to stand here on this bill, to be able to work with the chairman and to be able to work across the aisle and to take a look at the consensus that we have developed on this bill. It is how the House should work.

I encourage my colleagues to support this bill that has come through the Judiciary Committee. Let us move this forward and let us work together to get something done in the Senate as well.

Mr. Chairman, H.R. 1965, the Hoekstra-Frank-Maloney-Sensenbrenner-Conyers-Coble Federal Prison Industries Competition in Contracting Act of 2006 will bring fundamental, comprehensive, and balanced reform to Federal Prison Industries, Inc. (FPI).

Because of FPI's status as a mandatory source, non-inmate workers and the firms that employ them are completely precluded from having the opportunity to even bid on $800 million in Federal contracting opportunities. Non-inmate workers and the firm's that employ them are denied the job opportunities funded by their tax dollars.

That is why the bill is supported by a broad Coalition of business groups, led by the U.S. Chamber of Commerce NFIB, and NAM. That is why the bill is concurrently supported by many unions in organized labor including the Teamsters, UAW, UNITE-HERE, Machinists, Carpenters, and UFCW.

Because of FPI's mandatory source status, FPI's captive Federal agency customers cannot get the best value for the taxpayer dollars entrusted to their care. That is why H.R. 1829 enjoys the support of federal managers represented by the Federal Managers Association.

The justification for FPI's mandatory source status is that inmate work opportunities helps combat idleness and better prepares inmates for a successful return to society. Neither of those cited benefits are linked to the corrosive manner in which FPI is currently permitted to operate in the Federal market.

Frequently cited is the statistic that inmates participating in prison industry program are 24% less likely to return to prison. That finding is drawn from the report on a multi-year study by the Federal Bureau of Prisons, the Post-Release Employment Project (PREP). What

the proponents of the status quo forget to mention is that the same PREP study demonstrated that inmates participating in remedial and vocational educational programs were 33 percent less likely to return to prison. Such programs better prepare inmates for a successful return to society, but FPI does not use one dime of its gross profits, which were $117 million in Fiscal Year 2004, to fund such educational programs. No, those gross profits are devoted exclusively to FPI's expansion.

Thanks to the work of my friend from Michigan (Mr. CONYERS) and my friend from Massachusetts (Mr. FRANK) the bill expands the opportunities for Federal inmates to participate in remedial and modern hands-on vocational training programs. Those that are more likely to reduce recidivism.

Similarly, the H.R. 2965 provides alternative work opportunities for inmate by authorizing them to do work for non-profit entities and units of local governments and special purpose districts, like school districts.

During the Committee's consideration of the bill a Work-based Employment Preparation Program for Federal inmates. This program will provide Federal inmates with

FPI's current model's cause real problems. H.R. 2965 provides the fundamental, comprehensive, and balanced solutions.

I urge my colleagues to support our bill.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Illinois (Mr. DAVIS), my friend and colleague, who has worked on this area for a long time.

Mr. DAVIS of Illinois. Mr. Chairman, I appreciate the work that the Judiciary Committee has spent dealing with this very difficult and complex issue, and I want to thank the gentleman from Michigan for yielding.

All of us know that one of the biggest problems facing inmates when they get out of prison is the ability to get a job. The best way that you can convince a potential employer that you understand the world of work is that you have been working. Therefore, this program which provides inmates an opportunity to work needs all of the protection that it can possibly get.

I agree that we need to change some things about it. I would agree that we need to find a way to pay the inmates more, especially as they get close to release time so that maybe when they get out, they have got a little bit of money in their pocket that they can get started with back in civilian life.

But to do anything that would reduce the possibility of individuals working while they are incarcerated goes against the grain. It does not benefit our correctional system. It does not benefit our correctional institutions.

I spend time in the Federal prisons, and every administrator that I have come into contact with supports this program and wants to see it expanded, not reduced or possibly eliminated.

I again thank the gentleman from Michigan.

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. Mr. Chairman, I thank the chairman for yielding.

Mr. Chairman, this body has deliberated the role of Federal Prison Industries for several years. In 2003, the House approved a version of the vote by a decisive vote, and while that bill was not enacted, the House Judiciary Committee has continued to deliberate on reforming FPI.

□ 1200

I want to applaud the diligence of Chairman SENSENBRENNER and Chairman HOEKSTRA, the distinguished gentleman from Michigan (Mr. CONYERS), the ranking member of the full committee, and even though my good friend from Tidewater, Virginia, is misguided on this bill, we continue to be good friends. We have all worked together, and I think it is a good bill.

I supported FPI reform in 2003, Mr. Chairman. While I still support this reform today, I am pleased with the changes in the bill to ensure that FPI will not be discouraged by its implementation of the bill before us. I have always argued that the sole source rule was really not justified and worked inevitably to the detriment of the private sector.

Office furniture is an enormous business, as we all know. H.R. 2965 will balance the playing field in the market for supply furniture to the Federal Government. Furniture manufacturing is an economic engine in the Sixth District of North Carolina, which I represent, and would welcome the opportunity to compete with FPI.

Mr. Chairman, recidivism in our Federal penitentiaries is of grave concern. H.R. 2965, it appears to me, should not be construed as a movement away from inmate training. And, finally, the Second Chance Act, which Mr. SCOTT and I have nurtured through the House Judiciary Committee, is another example of this new trend regarding incarceration and, of course, that bill will be examined at a subsequent date.

Mr. CONYERS. Mr. Chairman, I would like at this time to recognize the gentlewoman from New York (Mrs. MALONEY) for 2 minutes.

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

Mrs. MALONEY. Mr. Chairman, I thank the gentleman for yielding and for leading so strongly on this important issue, and I rise in strong support of H.R. 2965, of which I have been a lead sponsor in many prior Congresses.

This bill will bring comprehensive, fundamental, and balanced reform to the Federal Prison Industries, which is long overdue. This bill before us reflects improvements upon the bill in the 108th Congress, which passed 350–65.

At the core of the bill is providing access to the Federal contract opportunities, now reserved for FPI because of its status as a mandatory source of supply for the various Federal agencies. In fiscal year 2004, that amounted to $802 million in business opportunities upon which private sector firms had no opportunity to bid. It will also protect jobs of American workers. FPI will no longer be able to come in and arbitrarily announce that they are taking their work, their contracts away, which happened to my constituents.

Like many in this Chamber, I came to this issue from a problem created by FPI. FPI was about to take the contract that Glamour Glove, a manufacturer in my district, had won from the Department of Defense on a competitive basis. Glamour Glove, now called Glove Street, was the last union shop glove manufacturer in New York, and its proud members are members of UNITE.

Working with my friend from Michigan, Mr. HOEKSTRA, and the leadership of UNITE, we were able to persuade the FPI board to change its plans. I know that my constituents were wondering why they had to seek the mercy of six people in Washington and the FPI board of directors to maintain their jobs.

Out of that experience, Mr. HOEKSTRA and I began working together to put forward an opportunity for American workers to compete for these jobs. Each year, the bill has been modified to provide alternative rehab work opportunities for Federal inmates, and I congratulate Mr. FRANK for his leadership and Mr. CONYERS on the amendments they have added to improve the bill.

From the outset of our effort, Mr. FRANK led our effort to find alternative-inmate work opporunties for Federal inmates that would not provide unfair competition with non-inmate workers. First, by doing public service work for non-profit organizations that serve the poor. This first step has been broadened in each succeeding year.

In the last Congress, we granted authority for Federal inmates to provide work in support of units of local government and special purpose districts, such as school districts. Protections were included against any displacement of non-inmate workers, either public employees or private sector.

During the Committee's consideration H.R. 2965, they added a Work-based Employment Preparation Program for Federal inmates. This program will provide Federal inmates with access to work-based training under the tuteledge of real-world employers. Again, the new provision has clear and enforceable protections against unfair competition with non-inmate workers and the firms that employ them.

When H.R. 2965 is enacted into law, working men and women, who perform contracts for the Federal Government will no longer have to be concerned that FPI will simply be able to take their work opportunities. They will have a chance to bid on the Federal contracts that are funded by their tax dollars.

I look forward to this debate. The proponents are on the right side and have the strong support of the business community and organized labor, as well as federal managers, represented by the Federal Managers Association.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to my friend and brother, the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Chairman, I appreciate Mr. CONYERS giving

me the opportunity to respond to my friend from North Carolina, who suggested that I was misguided by opposing the bill. Perhaps I am misguided, because the bill increases crime and I am trying to reduce crime.

We know that increasing jobs will reduce crime. This bill, we know, reduces jobs. The goal of FPI has been traditionally for 25 percent of the jobs to be FPI jobs. As a result of the initiatives in this bill, many of which were enacted in 2001, the percentage of jobs has gone from 25 to 18, 2,000 fewer jobs. And if we had maintained the 25 percent, there would be 9,000 more people working in FPI jobs, with a much lower chance of getting into trouble when they are released.

This reduction in jobs will increase crime. Maybe opposing an increase in crime is misguided, but I think we ought to reguide ourselves and support those initiatives, which will actually reduce crime, not increase crime, as this bill does.

Mr. CONYERS. Mr. Chairman, I yield myself 1 minute to point out that this bill does not increase crime because we have got a vocational educational training program for inmates that will prepare them not only in vocational skills but prepare them as a whole person.

So to say that we are increasing crime because we are phasing out this Federal Prison Industries program is not exactly accurate. Besides, there is a not-for-profit section that we are going to ramp up. Local governments, school districts, and religious organizations will all be able to benefit under this new provision to create more jobs.

And so I just want to guarantee everybody, and particularly my friend from Virginia, that if this doesn't create more jobs, then I want to change the law myself. But to predict that this is what we are doing is not exactly accurate.

Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the ranking member, and I speak strongly in support of this bill. I have not yet had anyone explain to me why it is our strong policy to ban the products of prison labor that come over in trade, but we then encourage them to compete with American workers if it is domestic prison labor.

I agree it is a good idea for inmates to have work opportunities, but I am hoping that marketing is not one of those things in which prisoners engage. That is, it is the actual process of making the product that has its rehabilitative effect. And as the gentleman from Michigan just mentioned, it is the intention of many of us to increase the extent to which prisoners could be used to make products that could be distributed to various entities in our society in a way that wouldn't be competitive with the market.

But I do not understand how you tell low-wage workers, because the level at which the prison products exist is at the low-wage level, how do we tell low-wage workers they are going to lose their jobs because of prisoners? How do you tell people who have been hard-working people trying to support themselves and their families that prisoners are taking their jobs because of the inherent subsidy that is involved?

Now, the way to resolve that, it seems to me, is to leave the market, to the extent that we can, to people who are in the market, in the private sector; and try, as the gentleman from Michigan said, as we try in this legislation, to increase the extent to which prisoners can be employed and learn skills and make products that will be distributed to the nonmarket segment. And there is no loss there. Again, the marketing is not part of the prison experience and shouldn't be.

So it is entirely possible to have prisoners learning skills, improving their skills by producing things that can then be distributed to a nonmarket segment. But the fundamental principle that we should not allow prison labor to take jobs away from hard-working people, particularly at the low-wage level, is at the core of this bill.

Mr. CONYERS. Mr. Chairman, I would yield 1 minute more, this is very unusual, but I will yield 1 minute more to Mr. SCOTT.

Mr. SCOTT of Virginia. Mr. Chairman, I thank the gentleman for yielding, because, as I indicated, as a result of the initiatives that are in this bill, we have already lost thousands of jobs. And if we had had the law as it was in 2000, we would have about 9,000 more people working.

The gentleman from Massachusetts has said there are other alternatives. If we were guaranteed funding for that, I would support it. The problem is that the FPI pays for itself, so it doesn't need appropriation. If we can guarantee the funding, there wouldn't be any debate on this. The job training also may not have funding. So we don't know that that is going to take place. So there is no guarantee.

The problem with this approach is that there is no guarantee for funding. The FPI program pays for itself, and has been paying for itself for over 70 years. It works well. We know it works, and the replacements are just speculative.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. My problem with my friend from Virginia's argument, well, there are two; first of all, if there are 9,000 fewer jobs in Prison Industries, that means there are 9,000 more jobs in the private sector.

So the second point is that he concedes that if we funded this it wouldn't be a problem. Well, rather than put the burden on lower-wage working people in the garment industry, the furniture industry, et cetera, then let us work to get the funding. It is not a huge amount. But there is, to some extent, a replacement of prison jobs and private sector jobs.

Mr. SCOTT of Virginia. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Virginia.

Mr. SCOTT of Virginia. First of all, we will work together on the funding, no question about that. Furthermore, there is not a one-to-one replacement. You have about four people in prison working on what would otherwise be one job.

Mr. FRANK of Massachusetts. Well, then I would say this. Then that furthers reinforces the point. Because what you are then saying is the underpayment, the subsidy element is such that you are still losing private sector jobs to prison jobs.

And I would say to the gentleman, let us end on a note of approval. Yes, I look forward to working with the gentleman for better funding, and if things go well in November it will be easier than it has been.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Chairman, I thank the chairman of the committee for yielding time.

I rise in opposition to this bill. Now, I represent two prisons in my district, and grandma used to say that idle hands are the devil's workshop. We have to find ways to keep these people busy; but, more importantly, we have to give them real job skills.

Now, I understand that in some cases this may be taking jobs away from the private sector, but that is very rare, Members. Mostly what we are doing in those prisons today are jobs that either aren't done in the United States much any more, or they are jobs that nobody wants. And we need to keep these guys busy. We need to give them some job skills. And I am afraid we are going to throw this baby out with the bath water today.

Now, it may well be that we have to reform the Federal Prison Industries a bit. And I hear the talk about, well, we can find $75 million for job training programs. Maybe that is true. But in the middle are these folks who are working in the Federal Prison Industries in my district who are earning a little bit of money, who are making a difference, and are providing products that the United States military needs.

Mr. Chairman, I rise to speak in opposition to this legislation. I represent a number of employees and inmates at the Federal Correctional Institution in Waseca, Minnesota, and they have a vested interest in this matter.

Federal Prison Industries employs approximately 200 inmates in Waseca. The jobs they have give these inmates real-life skills that offer opportunity for rehabilitation and a chance at success when they leave prison. The program is carefully overseen by trained prison employees.

Mr. Chairman, changes might be necessary to improve the FPI program, but I am not convinced that the legislation before us accomplishes that. H.R. 2965 would authorize a $75

million work-based training program to replace FPI. The likelihood that Congress will not appropriate these dollars threatens to make a bad situation worse. Stresses on our federal budget could lead to a worse-case scenario of having no education or job training program at all for these inmates.

Many products made by FPI are used by our armed forces, and very few of these products are made by U.S. companies who make these products. In fact, the private sector companies who procure them already make their purchases from foreign manufacturers, not U.S. companies.

Mr. Chairman, the existing FPI program works well. This is a classic case of Congress trying to fix something that is not broken. I urge my colleagues to oppose this legislation and to work to improve the FPI program for inmates and small businesses alike.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, it is pretty hard for somebody in the private sector that pays taxes on their manufacturing equipment, that pays property taxes on the building that is used to house the manufacturing equipment, that pays their employees a decent wage, that takes out Social Security and State and Federal income taxes and, hopefully, provides benefits, including health care benefits, to compete against those who are working in the prison where the taxpayers pay for the medical benefits, the taxpayers pay for the room and board, and the land and the prison is completely tax exempt.

Now, the gentleman from Minnesota says that what FPI provides is bought by the Department of Defense. What this bill does is to provide the same reforms that were provided a few years earlier with FPI contracting with the Department of Defense. The gentleman from Minnesota says it has worked with the Department of Defense. What we want to do is to have it work with every other Federal agency as successfully as it has done with the Department of Defense.

Mr. EHLERS. Mr. Chairman, I rise in strong support of H.R. 2965. This bill restores a modicum of sense to our current government procurement system.

Let me highlight two important aspects of this bill. One, the bill helps federal agencies manage taxpayer dollars more responsibly. For the first time, private-sector firms will be free to bid on federal contracting opportunities currently reserved for Federal Prison Industries. To assure that a buying agency is getting adequate value for the taxpayer dollars being spent on clothing, textiles, electronics, office furniture, equipment, services, or other procurement items, the buying agency—rather than FPI—would be empowered to determine whether the offered product and delivery schedule meet the buying agency's needs. Similarly, the buying agency would be empowered to determine whether FPI's offered price meets the procurement standard for a ''fair and reasonable price.''

Two, the bill is eminently more fair to contractors. Let me give you one example of the egregiously unfair practices under the current system. Back in 2003, the FAA was seeking to procure office furniture for its headquarters building. Through the General Services Administration, it solicited bids for the contract. On April 16, 2003, Steelcase (which is a major office furniture manufacturer based in my district) submitted its final bid for this contract to the GSA. A week later, Steelcase was informed by GSA that they were likely the winning bid on the contract. On May 7, they were informed by GSA that FPI had copied the proposal word for word and exactly matched Steelcase's bid. FPI asserted its sole source authority and decided not to grant a waiver for this contract. This was completely unfair as Steelcase had spent over 1,000 man hours and hundreds of thousands of dollars preparing the design, construction schedule, labor and material costs and other elements of this bid, only to have FPI duplicate the offer and undercut them. Thankfully, FPI eventually relented after considerable political pressure was brought to bear by myself and others.

We cannot continue to fight these kinds of situations on a case-by-case basis. That is why I support comprehensive FPI reform. If FPI can compete on quality and price, then great! Let me note that the bill does not alter a broad array of other advantages that FPI enjoys when it competes with private-sector firms, including extremely low wage rates, low overhead costs and no tax liability. But the current mandatory source privilege is anathema to principles of the free market and open enterprise.

I commend my colleague, Mr. HOEKSTRA, for his steadfast dedication to addressing this problem and for working with all the interested stakeholders. I urge everyone to support this bill.

Mr. WOLF. Mr. Chairman, I rise in opposition to the bill. Before I make some comments, let me say I have great respect for the gentleman from Michigan (Mr. HOEKSTRA). He is a good person. But I do not believe this approach is the way to go.

I appreciate the hard work of Mr. HOEKSTRA and his staff in trying to develop a bill that addresses concerns raised by myself and others, including the Justice Department. And while I appreciate his genuine efforts to address the issue of providing additional opportunities for inmates, I remain concerned that the alternatives provided in this proposal will not be enough to replace the mandatory source authority currently relied upon by Federal Prison Industries (FPI).

H.R. 2965 would decimate the FPI program by eliminating the mandatory source preference without an adequate replacement. Mandatory source preferences account for the majority of inmate jobs in the program.

I also want to acknowledge Mr. HOEKSTRA's efforts to work with the Justice Department to craft a workable alternative to the currert mandatory source authority that is responsible for many of jobs currently available through FPI. While there have been a number of changes from the proposal that was considered during the last Congress, the Department of Justice has stated that they cannot support this bill in the current form.

The Department of Justice calls FPI ''the Department's most important correctional management tool.'' DOJ has a fiduciary relationship in running these prisons and I certainly wish they had been stronger in articulating their concerns. However, the fact remains that the bill before us does not have their support.

Winston Churchill said one of the best tests of whether we are truly a civilized people is the temper, the mood of the public in regard to the treatment of crime and criminals.

I like to think of myself as a compassionate conservative. I've had the chance to work with prisoners. Before I was elected, I was involved in a program at Lorton Prison called ''Man to Man'' where we would meet with and counsel the inmates. Knowing what this bill could do in terms of prison work opportunities, I think this bill should be defeated.

You cannot put a man in prison for years and expect him to be rehabilitated without work. The Bible says, ''Remember the prisoner as though in prison with them.''

Currently, FPI is a self-supporting government program that provides job skills opportunities to federal Bureau of Prisons (BOP) inmates by producing products and services for federal agencies. The FPI prison inmate work program fosters BOP prison safety by helping to keep thousands of prison inmates productively occupied in labor-intensive work activities and furthers BOP prisoner rehabilitation by providing prison inmates with opportunities to develop job skills that will allow them to reenter our communities as productive, law-abiding citizens.

This bill would make it difficult to operate a prison. Inmates without work who are idle are prisoners that are going to later come back and commit a crime. Prisoners that participate in the FPI program have a 24 percent lower recidivism rate than prisoners who are not in the program.

This bill also has major budget impacts. To those on my side of the aisle who talk about balancing the budget, the cost of this bill over 5 years will be $500 million. In an era of limited discretionary funding, I have to ask: does it make sense to replace the self-sustaining FPI program with an alternative work program that would cost hundreds of millions a year, without considering any additional staffing needs that would arise from a loss of FPI jobs?

The FPI program provides those incarcerated with a unique opportunity to learn discipline, responsibility, and job skills needed to re-enter society. We should be supporting these prisoners as they serve their time and seek to make the transition back into society, not undercutting one of the most important programs offered by the prison system to help them do so. I am very concerned that the bill before us does not set up an alternative system that can ensure FPI will be able to continue offering inmate work and training opportunities in the future.

In the last four years, the percentage of inmates able to participate in FPI has plummeted from 25 percent to 17 percent, with the BOP estimating a continued decline if this legislation passes. That is the key. There is no alternative system for ensuring there will continue to be jobs if these reforms are implemented. That would be tragic.

If this bill is not amended, I believe, and I may be wrong, that this bill, as surely as the night follows the day, will make it very difficult to operate prisons. With the opportunity to work comes the chance to restore dignity. Later, I am offering a commonsense amendment with my colleagues Messrs. LUNGREN, CHABOT and SCOTT that would simply postpone the mandatory source phase-out for one year if the FPI prisoner enrollment falls below the current level of 17 percent.

In a time of low national unemployment, it is hard to believe that we are about to make it harder for incarcerated Americans to learn discipline, responsibility, and job skills that working develops.

I urge my colleagues to vote against this underlying bill and for the Lungren-Chabot-Wolf-Scott amendment.

Mr. MANZULLO. Mr. Chairman, Federal Prison Industries takes jobs away from law-abiding citizens of this nation. Many people are concerned about their future job security or where their next job will come from. If it is within one of the more than 250 industries FPI already is in, watch out!

We all understand the need to control a potentially violent prison population. This bill points to a better way to train prisoners for real jobs in the outside world than to have them unfairly compete against small businesses for the precious few contracts with the Federal Government. It will also allow FPI to manufacture products that are no longer made in America and to also perform work in support of non-profits such as Habitat for Humanity.

The jobs of law-abiding citizens—the forgotten Americans—who get up every day, dress their kids for school, and set off for a long hard day of work should not be sacrificed for convicted felons. The unintended and indirect message from FPI to the forgotten American is that if you want a job, commit a crime. That's not the American way! Some of my small business constituents from northern Illinois have had difficulty in selling to the Federal Government because of the unfair competition from FPI.

I support H.R. 2965 because it will simply require that FPI compete like every other business for contracts with the Federal Government. FPI already has many advantages off the bat, such as a captive below minimum wage work force and no health care, worker's compensation or other benefits to pay for. Even with these advantages, small businesses still believe they can beat FPI because various government agencies have long complained about the quality and timeliness of delivery of products from FPI.

Mr. Chairman, let's allow small businesses to compete against FPI. We should convey the message to the forgotten American that if you play by the rules, you have a fair shot at all the opportunities this society has to offer. Convicted felons should not receive better treatment than law-abiding citizens. I urge a "yes" vote on FPI and a "no" vote on any amendment that weakens this well-thought out bill.

Mr. HOLT. Mr. Chairman, can you, or another member, tell me why we are considering this legislation? Why when we have the largest prison population in the world, why when we have one of the worst recidivism rates in the world, why when we have enormous expense from crime and imprisonment, and why when America's historic and ethical attitude towards crime is based predominantly on a redemptive view of human nature, why are we doing this?

Ms. WATERS. Mr. Chairman, I rise in support of H.R. 2965, the Federal Prison Industries Competition in Contracting Act of 2005.

I thank my colleagues in the Committee on the Judiciary for their overwhelming support of the "sense of Congress" language I offered during Full Committee markup that would clarify the work-based program newly established in Section 17 of this legislation. As previously drafted, the "heart" of the wage provision of the work-based program was only an alternative to a scenario where the Secretary of Labor—at her discretion—would promulgate an inmate training wage. If the Secretary fails to do so within 180 days, she would be able to prescribe an interim training wage that is no less than 50% of the prevailing federal minimum wage—a provision that, in and of itself, is conditional.

I was elected to Congress in 1991, and I have continually stressed the importance of providing individuals, who have paid their debt to society, a realistic opportunity to transition from federal prison back into the community. The truth is that the current system, sets them up for failure. By turning them out on the street without a dime in their pocket many of the individuals who are fortunate enough to make it out of the system will start "in the red." Already faced with the pressing need to provide for food, shelter, and healthcare, with no money in their pockets they are left with few alternatives to pay for baby formula, HIV medication, a hot meal for one night, or even a place to stay.

For these reasons, during the 108th Congress, my language was accepted to establish a $2.50 minimum wage "floor" to eradicate the severe economic disparities created by the existing wage scale, which spans from $0.23 to a mere $1.15 per hour for inmates whose term of imprisonment will expire within 2 years. I thank my colleagues for retaining this important language, because it takes a good first step toward providing a realistic and livable economic base for individuals reentering the community from the federal system.

By and large, the individuals for whom I make my most passionate appeals are those who deserve a second chance—those who did not commit heinous and violent crimes and who have truly paid their debt to society. In the real world, individuals who reenter the community from incarceration already have families who depend upon them and they have no job waiting for them. To further exacerbate this situation, many employers will outright reject their application for a job once they discover that an applicant has a criminal record.

Nevertheless, the work-based program established in this bill makes a good effort to help these individuals by giving them a chance to earn an apprenticeship certificate to substantiate their work experience. In fact, the spirit of this program is consistent with the "Prisoner Re-entry Initiative" proposed by President Bush in his State of the Union Address when he called for a four-year, $300 million initiative to—and I quote—"reduce recidivism and the societal costs of reincarceration by helping inmates find work when they return to their communities."

Therefore, I support this legislation and ask that my colleagues vote yes on its final passage.

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

Mr. CONYERS. Mr. Chairman, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. GILLMOR). All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 2965

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Federal Prison Industries Competition in Contracting Act of 2006".

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

Sec. 1 Short title; table of contents.
Sec. 2. Governmentwide procurement policy relating to purchases from Federal Prison Industries.
Sec. 3. Public participation regarding expansion proposals by Federal Prison Industries.
Sec. 4. Transitional mandatory source authority.
Sec. 5. Authority to perform as a Federal subcontractor.
Sec. 6. Inmate wages and deductions.
Sec. 7. Clarifying amendment relating to services.
Sec. 8. Conforming amendment.
Sec. 9. Rules of construction relating to chapter 307.
Sec. 10. Providing additional rehabilitative opportunities for inmates.
Sec. 11. Re-entry employment preparation through work-based training and apprenticeship.
Sec. 12. Restructuring the Board of Directors.
Sec. 13. Providing additional management flexibility to Federal Prison Industries operations.
Sec. 14. Transitional personnel management authority.
Sec. 15. Federal Prison Industries report to Congress.
Sec. 16. Definitions.
Sec. 17. Implementing regulations and procedures.
Sec. 18. Rules of construction.
Sec. 19. Effective date and applicability.
Sec. 20. Clerical amendments.

SEC. 2. GOVERNMENTWIDE PROCUREMENT POLICY RELATING TO PURCHASES FROM FEDERAL PRISON INDUSTRIES.

Section 4124 of title 18, United States Code, is amended to read as follows:

"§4124. Governmentwide procurement policy relating to purchases from Federal Prison Industries

"(a) IN GENERAL.—Purchases from Federal Prison Industries, Incorporated, a wholly owned Government corporation, as referred to in section 9101(3)(E) of title 31, may be made by a Federal department or agency only in accordance with this section.

"(b) SOLICITATION AND EVALUATION OF OFFERS AND CONTRACT AWARDS.—(1)(A) If a procurement activity of a Federal department or agency has a requirement for a specific product or service that is authorized to be offered for sale by Federal Prison Industries, in accordance with section 4122 of this title, and is listed in the catalog referred to in subsection (g), the procurement activity shall solicit an offer from Federal Prison Industries, if the purchase is expected to be in excess of the micro-purchase threshold (as defined by section 32(f) of the Office of Federal Procurement Policy Act (41 U.S.C. 428(f))).

"(B) The requirements of subparagraph (A) shall also apply to a procurement that a Federal

department or agency intends to meet by placing an order against a contract maintained by the General Services Administration under the Multiple Award Schedule Contracts Program.

''(C) Federal Prison Industries, upon its request, shall be listed on any Schedule, referred to in subparagraph (B), as offering products or services which Federal Prison Industries believes to be comparable to those products and services being offered by commercial contractors through the Multiple Award Schedule Contracts Program.

''(2) A contract award for such product or service shall be made using competitive procedures in accordance with the applicable evaluation factors, unless a determination is made by the Attorney General pursuant to paragraph (3) or an award using other than competitive procedures is authorized pursuant to paragraph (7).

''(3) The procurement activity shall negotiate with Federal Prison Industries on a noncompetitive basis for the award of a contract if the Attorney General determines that—

''(A) Federal Prison Industries cannot reasonably expect fair consideration to receive the contract award on a competitive basis; and

''(B) the contract award is necessary to maintain work opportunities otherwise unavailable at the penal or correctional facility at which the contract is to be performed to prevent circumstances that could reasonably be expected to significantly endanger the safe and effective administration of such facility.

''(4) Except in the case of an award to be made pursuant to paragraph (3), a contract award shall be made with Federal Prison Industries only if the contracting officer for the procurement activity determines that—

''(A) the specific product or service to be furnished will meet the requirements of the procurement activity (including any applicable prequalification requirements and all specified commercial or governmental standards pertaining to quality, testing, safety, serviceability, and warranties);

''(B) timely performance of the contract can be reasonably expected; and

''(C) the contract price does not exceed a current market price.

''(5) A determination by the Attorney General pursuant to paragraph (3) shall be—

''(A) supported by specific findings by the warden of the penal or correctional institution at which a Federal Prison Industries workshop is scheduled to perform the contract;

''(B) supported by specific findings by Federal Prison Industries regarding why it does not expect to win the contract on a competitive basis; and

''(C) made and reported in the same manner as a determination made pursuant to section 303(c)(7) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(7)).

''(6) If the Attorney General has not made the determination described in paragraph (3) within 30 days after Federal Prison Industries has been informed of a contracting opportunity by a procurement activity, the procurement activity may proceed to conduct a procurement for the product or service in accordance with the procedures generally applicable to such procurements by the procurement activity.

''(7) A contract award may be made to Federal Prison Industries using other than competitive procedures if such product or service is only available from Federal Prison Industries and the contract may be awarded under the authority of section 2304(c)(1) of title 10 or section 303(c) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(1)), as may be applicable, and pursuant to the justification and approval requirements relating to such noncompetitive procurements specified by law and the Governmentwide Federal Acquisition Regulation.

''(8) A contract award may be made to Federal Prison Industries using other than competitive procedures by the Federal Bureau of Prisons.

''(9) A solicitation for a contract shall first be made to Federal Prison Industries using other than competitive procedures if the product or service to be acquired would otherwise be furnished by a contractor performing the work outside of the United States.

''(c) OFFERS FROM FEDERAL PRISON INDUSTRIES.—(1) A timely offer received from Federal Prison Industries to furnish a product or service to a Federal department or agency shall be considered for award without limitation as to the dollar value of the proposed purchase, unless the contract opportunity has been reserved for competition exclusively among small business concerns pursuant to section 15(a) of the Small Business Act (15 U.S.C. 644(a)) and its implementing regulations.

''(2)(A) Any offer made by Federal Prison Industries to furnish a product or service may exclude from the offer the price of the following:

''(i) The costs related to security of the facilities at which the contract will be performed.

''(ii) The costs of educating and training the prison work force performing the contract.

''(iii) Excess capital costs of machinery and excess inventories used within a prison environment that are the result of the unique environment of prison life.

''(iv) Other costs of performing the contract resulting from the unique environment of prison facilities.

''(d) PERFORMANCE BY FEDERAL PRISON INDUSTRIES.—Federal Prison Industries shall perform its contractual obligations under a contract awarded by a Federal department or agency to the same extent as any other contractor.

''(e) FINALITY OF CONTRACTING OFFICER'S DECISION.—(1) A decision by a contracting officer regarding the award of a contract to Federal Prison Industries or relating to the performance of such contract shall be final, unless reversed on appeal pursuant to paragraph (2) or (3).

''(2)(A) The Chief Operating Officer of Federal Prison Industries may protest a decision by a contracting officer not to award a contract to Federal Prison Industries pursuant to subsection (b)(4), in accordance with section 33.103, (Protests to the agency) of the Federal Acquisition Regulation (48 C.F.R. part 33.103).

''(B) In the event of an adverse decision of a protest filed pursuant to subparagraph (A), the Assistant Attorney General for Administration may request a reconsideration of such adverse decision by the head of the Federal agency or department, which shall be considered de novo and the decision issued by such agency head on a non-delegable basis. Such decision upon reconsideration by the agency head shall be final.

''(3) A dispute between Federal Prison Industries and a procurement activity regarding performance of a contract shall be subject to—

''(A) alternative means of dispute resolution pursuant to subchapter IV of chapter 5 of title 5; or

''(B) final resolution by the board of contract appeals having jurisdiction over the procurement activity's contract performance disputes pursuant to the Contract Disputes Act of 1978 (41 U.S.C. 601 et seq.).

''(f) REPORTING OF PURCHASES.—Each Federal department or agency shall report purchases from Federal Prison Industries to the Federal Procurement Data System (as referred to in section 6(d)(4) of the Office of Federal Procurement Policy Act (41 U.S.C. 405(d)(4))) in the same manner as it reports to such System any acquisition in an amount in excess of the simplified acquisition threshold (as defined by section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11))).

''(g) CATALOG OF PRODUCTS.—Federal Prison Industries shall publish and maintain a catalog of all specific products and services that it is authorized to offer for sale. Such catalog shall be periodically revised as products and services are added or deleted by its board of directors (in accordance with section 4122(b) of this title).

''(h) COMPLIANCE WITH STANDARDS.—Federal Prison Industries shall be subject to Federal occupational, health, and safety standards with respect to the operation of its industrial operations.''.

SEC. 3. PUBLIC PARTICIPATION REGARDING EXPANSION PROPOSALS BY FEDERAL PRISON INDUSTRIES.

Section 4122(b) of title 18, United States Code, is amended—

(1) by redesignating paragraph (6) as paragraph (13); and

(2) by striking paragraphs (4) and (5) and inserting the following new paragraphs:

''(4)(A) Federal Prison Industries is authorized to offer a new specific product or furnish a new specific service in response to a competitive solicitation or other purchase request issued by a Federal department or agency. No subsequent offering of such product or service may be made by Federal Prison Industries until the board of directors has approved the offering for sale of such new specific product or new specific service, in conformance with the requirements of paragraphs (5) through (9).

''(B) Federal Prison Industries may produce a product or furnish a service in excess of the authorized level of production for such product or service, in response to an order placed pursuant to an existing contract with a Federal department or agency, if the agency's need for the product or service is of such an urgency that it would justify the use of procedures other than competitive procedures pursuant to section 2304(c)(2) of title 10 or section 303(c)(2) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(2)), as may be applicable.

''(5) A decision to authorize Federal Prison Industries to offer a new specific product or specific service or to expand the production of an existing product or service for sale to the Federal Government shall be made by its board of directors in conformance with the requirements of subsections (b), (c), (d), and (e) of section 553 of title 5, and this chapter.

''(6)(A) Whenever Federal Prison Industries proposes to offer for sale a new specific product or specific service or to expand production of a currently authorized product or service, the Chief Operating Officer of Federal Prison Industries shall submit an appropriate proposal to the board of directors and obtain the board's approval before initiating any such expansion. The proposal submitted to the board shall include a detailed analysis of the probable impact of the proposed expansion of sales within the Federal market by Federal Prison Industries on private sector firms and their non-inmate workers.

''(B)(i) The analysis required by subparagraph (A) shall be performed by an interagency team on a reimbursable basis or by a private contractor paid by Federal Prison Industries.

''(ii) If the analysis is to be performed by an interagency team, such team shall be led by the Administrator of the Small Business Administration or the designee of such officer with representatives of the Department of Labor, the Department of Commerce, and the Federal Procurement Data Center.

''(iii) If the analysis is to be performed by a private contractor, the selection of the contractor and the administration of the contract shall be conducted by one of the entities referenced in clause (ii) as an independent executive agent for the board of directors. Maximum consideration shall be given to any proposed statement of work furnished by the Chief Operating Officer of Federal Prison Industries.

''(C) The analysis required by subparagraph (A) shall identify and consider—

''(i) the number of vendors that currently meet the requirements of the Federal Government for the specific product or specific service;

''(ii) the proportion of the Federal Government market for the specific product or specific service currently furnished by small businesses during the previous 3 fiscal years;

''(iii) the share of the Federal market for the specific product or specific service projected for

Federal Prison Industries for the fiscal year in which production or performance will commence or expand and the subsequent 4 fiscal years;

''(iv) whether the industry producing the specific product or specific service in the private sector—

''(I) has an unemployment rate higher than the national average; or

''(II) has a rate of unemployment for workers that has consistently shown an increase during the previous 5 years;

''(v) whether the specific product is an import-sensitive product;

''(vi) the requirements of the Federal Government and the demands of entities other than the Federal Government for the specific product or service during the previous 3 fiscal years;

''(vii) the projected growth or decline in the demand of the Federal Government for the specific product or specific service;

''(viii) the capability of the projected demand of the Federal Government for the specific product or service to sustain both Federal Prison Industries and private vendors; and

''(ix) whether authorizing the production of the new product or performance of a new service will provide inmates with the maximum opportunity to acquire knowledge and skill in trades and occupations that will provide them with a means of earning a livelihood upon release.

''(D)(i) The board of directors may not approve a proposal to authorize the production and sale of a new specific product or continued sale of a previously authorized product unless—

''(I) the product to be furnished is a prison-made product; or

''(II) the service to be furnished is to be performed by inmate workers.

''(ii) The board of directors may not approve a proposal to authorize the production and sale of a new prison-made product or to expand production of a currently authorized product if the product is—

''(I) produced in the private sector by an industry which has reflected during the previous year an unemployment rate above the national average; or

''(II) an import-sensitive product.

''(iii) The board of directors may not approve a proposal for inmates to provide a service in which an inmate worker has access to—

''(I) personal or financial information about individual private citizens, including information relating to such person's real property, however described, without giving prior notice to such persons or class of persons to the greatest extent practicable;

''(II) geographic data regarding the location of surface and subsurface infrastructure providing communications, water and electrical power distribution, pipelines for the distribution of natural gas, bulk petroleum products and other commodities, and other utilities; or

''(III) data that is classified.

''(iv)(I) Federal Prison Industries is prohibited from furnishing through inmate labor construction services, unless to be performed within a Federal correctional institution pursuant to the participation of an inmate in an apprenticeship or other vocational education program teaching the skills of the various building trades.

''(II) For purposes of this clause, the term 'construction' has the meaning given such term by section 2.101 of the Federal Acquisition Regulation (48 C.F.R. part 2.101), as in effect on June 1, 2004, including the repair, alteration, or maintenance of real property in being.

''(7) To provide further opportunities for participation by interested parties, the board of directors shall—

''(A) give additional notice of a proposal to authorize the production and sale of a new product or service, or expand the production of a currently authorized product or service, in a publication designed to most effectively provide notice to private vendors and labor unions representing private sector workers who could reasonably be expected to be affected by approval of the proposal, which notice shall offer to furnish copies of the analysis required by paragraph (6) and shall solicit comment on the analysis;

''(B) solicit comments on the analysis required by paragraph (6) from trade associations representing vendors and labor unions representing private sector workers who could reasonably be expected to be affected by approval of the proposal to authorize the production and sale of a new product or service (or expand the production of a currently authorized product or service); and

''(C) afford an opportunity, on request, for a representative of an established trade association, labor union, or other private sector representatives to present comments on the proposal directly to the board of directors.

''(8) The board of directors shall be provided copies of all comments received on the expansion proposal.

''(9) Based on the comments received on the initial expansion proposal, the Chief Operating Officer of Federal Prison Industries may provide the board of directors a revised expansion proposal. If such revised proposal provides for expansion of inmate work opportunities in an industry different from that initially proposed, such revised proposal shall reflect the analysis required by paragraph (6)(C) and be subject to the public comment requirements of paragraph (7).

''(10) The board of directors shall consider a proposal to authorize the sale of a new specific product or specific service (or to expand the volume of sales for a currently authorized product or service) and take any action with respect to such proposal, during a meeting that is open to the public, unless closed pursuant to section 552(b) of title 5.

''(11) In conformance with the requirements of paragraph (10) of this subsection, the board of directors may—

''(A) authorize the donation of products produced or services furnished by Federal industries and available for sale;

''(B) authorize the production of a new specific product or the furnishing of a new specific service for donation; or

''(C) authorize a proposal to expand production of a currently authorized specific product or specific service in an amount in excess of a reasonable share of the market for such product or service, if—

''(i) a Federal agency or department, purchasing such product or service, has requested that Federal Prison Industries be authorized to furnish such product or service in amounts that are needed by such agency or department; or

''(ii) the proposal is justified for other good cause and supported by at least two-thirds of the appointed members of the board.''.

SEC. 4. TRANSITIONAL MANDATORY SOURCE AUTHORITY.

(a) IN GENERAL.—Notwithstanding the requirements of section 4124 of title 18, United States Code (as amended by section 2 of this Act), a Federal department or agency having a requirement for a product that is authorized for sale by Federal Prison Industries and is listed in its catalog (referred to in section 4124(g) of title 18, United States Code) shall first solicit an offer from Federal Prison Industries and make purchases on a noncompetitive basis in accordance with this section or in accordance with section 2410n of title 10, United States Code, or section 318 of title III of the Federal Property and Administrative Services Act of 1949 (as added by subsection (i)).

(b) PREFERENTIAL SOURCE STATUS.—Subject to the limitations of subsection (d), a contract award shall be made on a noncompetitive basis to Federal Prison Industries if the contracting officer for the procurement activity determines that—

(1) the product offered by Federal Prison Industries will meet the requirements of the procurement activity (including commercial or governmental standards or specifications pertaining to design, performance, testing, safety, serviceability, and warranties as may be imposed upon a private sector supplier of the type being offered by Federal Prison Industries);

(2) timely performance of the contract by Federal Prison Industries can be reasonably expected; and

(3) the negotiated price does not exceed a fair and reasonable price.

(c) CONTRACTUAL TERMS.—The terms and conditions of the contract and the price to be paid to Federal Prison Industries shall be determined by negotiation between Federal Prison Industries and the Federal agency making the purchase. The negotiated price shall not exceed a fair and reasonable price determined in accordance with the procedures of the Federal Acquisition Regulation.

(d) PERFORMANCE OF CONTRACTUAL OBLIGATIONS.—

(1) IN GENERAL.—Federal Prison Industries shall perform the obligations of the contract negotiated pursuant to subsection (c).

(2) PERFORMANCE DISPUTES.—If the head of the contracting activity and the Chief Operating Officer of Federal Prison Industries are unable to resolve a contract performance dispute to their mutual satisfaction, such dispute shall be resolved pursuant to section 4124(e)(3) of title 18, United States Code (as added by section 2 of this Act).

(e) LIMITATIONS ON USE OF AUTHORITY.—

(1) IN GENERAL.—As a percentage of the sales made by Federal Prison Industries during the base period, the total dollar value of sales to the Government made pursuant to subsection (b) and subsection (c) of this section shall not exceed—

(A) 90 percent in fiscal year 2007;

(B) 85 percent in fiscal year 2008;

(C) 70 percent in fiscal year 2009;

(D) 55 percent in fiscal year 2010; and

(E) 40 percent in fiscal year 2011.

(2) SALES WITHIN VARIOUS BUSINESS SECTORS.—Use of the authority provided by subsections (b) and (c) shall not result in sales by Federal Prison Industries to the Government that are in excess of its total sales during the base year for each business sector.

(3) LIMITATIONS RELATING TO SPECIFIC PRODUCTS.—Use of the authorities provided by subsections (b) and (c) shall not result in contract awards to Federal Prison Industries that are in excess of its total sales during the base period for such product.

(4) CHANGES IN DESIGN SPECIFICATIONS.—If a buying agency directs a change to the design specification for a specific product, the costs associated with the implementation of such specification change by Federal Prison Industries shall not be considered for the purposes of computing sales by Federal Prison Industries for the purposes of paragraphs (2) and (3).

(f) ADDITIONAL AUTHORITY TO SUSTAIN INMATE EMPLOYMENT.—During the period specified in subsection (g), the authority of section 4122(b)(11)(C)(ii) of title 18, United States Code (as added by section 3), may be used by the Board to sustain inmate employment.

(g) DURATION OF AUTHORITY.—The preferential contracting authorities authorized by subsection (b) may not be used on or after October 1, 2011, and become effective on the effective date of the final regulations issued pursuant to section 17.

(h) DEFINITIONS.—For the purposes of this section—

(1) the term ''base period'' means the total sales of Federal Prison Industries during the period October 1, 2003, and September 30, 2004 (Fiscal Year 2004);

(2) the term ''business sectors'' means the seven product/service business groups identified in the 2004 Federal Prison Industries annual report as the Clothing and Textiles Business Group, the Electronics Business Group, the Fleet Management and Vehicular Components

Business Group, the Industrial Products Business Group, the Office Furniture Business Group, the Recycling Activities Business Group, and the Services Business Group; and

(3) the term ''fair and reasonable price'' shall be given the same meaning as, and be determined pursuant to, part 15.8 of the Federal Acquisition Regulation (48 C.F.R. 15.8).

(i) FINDING BY ATTORNEY GENERAL WITH RESPECT TO PUBLIC SAFETY.—(1) Not later than 60 days prior to the end of each fiscal year specified in subsection (e)(1), the Attorney General shall make a finding regarding the effects of the percentage limitation imposed by such subsection for such fiscal year and the likely effects of the limitation imposed by such subsection for the following fiscal year.

(2) The Attorney General's finding shall include a determination whether such limitation has resulted or is likely to result in a substantial reduction in inmate industrial employment and whether such reductions, if any, present a significant risk of adverse effects on safe prison operation or public safety.

(3) If the Attorney General finds a significant risk of adverse effects on either safe prison management or public safety, he shall so advise the Congress.

(4) In advising the Congress pursuant to paragraph (3), the Attorney General shall make recommendations for additional authorizations of appropriations to provide additional alternative inmate rehabilitative opportunities and additional correctional staffing, as may be appropriate.

(j) PROCEDURAL REQUIREMENTS FOR CIVILIAN AGENCIES RELATING TO PRODUCTS OF FEDERAL PRISON INDUSTRIES.—Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) is amended by adding at the end the following new section:

"SEC. 318. PRODUCTS OF FEDERAL PRISON INDUSTRIES: PROCEDURAL REQUIREMENTS.

''(a) MARKET RESEARCH.—Before purchasing a product listed in the latest edition of the Federal Prison Industries catalog under section 4124(g) of title 18, United States Code, the head of an executive agency shall conduct market research to determine whether the Federal Prison Industries product is comparable to products available from the private sector that best meet the executive agency's needs in terms of price, quality, and time of delivery.

''(b) COMPETITION REQUIREMENT.—If the head of the executive agency determines that a Federal Prison Industries product is not comparable in price, quality, or time of delivery to products available from the private sector that best meet the executive agency's needs in terms of price, quality, and time of delivery, the agency head shall use competitive procedures for the procurement of the product or shall make an individual purchase under a multiple award contract. In conducting such a competition or making such a purchase, the agency head shall consider a timely offer from Federal Prison Industries.

''(c) IMPLEMENTATION BY HEAD OF EXECUTIVE AGENCY.—The head of an executive agency shall ensure that—

''(1) the executive agency does not purchase a Federal Prison Industries product or service unless a contracting officer of the agency determines that the product or service is comparable to products or services available from the private sector that best meet the agency's needs in terms of price, quality, and time of delivery; and

''(2) Federal Prison Industries performs its contractual obligations to the same extent as any other contractor for the executive agency.

''(d) MARKET RESEARCH DETERMINATION NOT SUBJECT TO REVIEW.—A determination by a contracting officer regarding whether a product or service offered by Federal Prison Industries is comparable to products or services available from the private sector that best meet an executive agency's needs in terms of price, quality, and time of delivery shall not be subject to review pursuant to section 4124(b) of title 18.

''(e) PERFORMANCE AS A SUBCONTRACTOR.—(1) A contractor or potential contractor of an executive agency may not be required to use Federal Prison Industries as a subcontractor or supplier of products or provider of services for the performance of a contract of the executive agency by any means, including means such as—

''(A) a contract solicitation provision requiring a contractor to offer to make use of products or services of Federal Prison Industries in the performance of the contract;

''(B) a contract specification requiring the contractor to use specific products or services (or classes of products or services) offered by Federal Prison Industries in the performance of the contract; or

''(C) any contract modification directing the use of products or services of Federal Prison Industries in the performance of the contract.

''(2) In this subsection, the term 'contractor', with respect to a contract, includes a subcontractor at any tier under the contract.

''(f) PROTECTION OF CLASSIFIED AND SENSITIVE INFORMATION.—The head of an executive agency may not enter into any contract with Federal Prison Industries under which an inmate worker would have access to—

''(1) any data that is classified;

''(2) any geographic data regarding the location of—

''(A) surface and subsurface infrastructure providing communications or water or electrical power distribution;

''(B) pipelines for the distribution of natural gas, bulk petroleum products, or other commodities; or

''(C) other utilities; or

''(3) any personal or financial information about any individual private citizen, including information relating to such person's real property however described, without the prior consent of the individual.

''(g) DEFINITIONS.—In this section:

''(1) The term 'competitive procedures' has the meaning given such term in section 4(5) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(5)).

''(2) The term 'market research' means obtaining specific information about the price, quality, and time of delivery of products available in the private sector through a variety of means, which may include—

''(A) contacting knowledgeable individuals in government and industry;

''(B) interactive communication among industry, acquisition personnel, and customers; and

''(C) interchange meetings or pre-solicitation conferences with potential offerors.''.

SEC. 5. AUTHORITY TO PERFORM AS A FEDERAL SUBCONTRACTOR.

(a) IN GENERAL.—Federal Prison Industries is authorized to enter into a contract with a Federal contractor (or a subcontractor of such contractor at any tier) to produce products as a subcontractor or supplier in the performance of a Federal procurement contract. The use of Federal Prison Industries as a subcontractor or supplier shall be a wholly voluntary business decision by the Federal prime contractor or subcontractor, subject to any prior approval of subcontractors or suppliers by the contracting officer which may be imposed by the Federal Acquisition Regulation or by the contract.

(b) LIMITATIONS ON USE.—Federal Prison Industries is prohibited from being a subcontractor or supplier at any tier if—

(1) the product or service is to be acquired by a Federal department or agency pursuant to section 3 of the Javits-Wagner-O'Day Act (41 U.S.C. 48); or

(2) the product to be acquired by the Federal department or agency is subject to section 2533a of title 10, United States Code.

(c) COMMERCIAL SALES PROHIBITED.—The authority provided by subsection (a) shall not result, either directly or indirectly, in the sale in the commercial market of a product or service resulting from the labor of Federal inmate workers in violation of section 1761(a) of title 18, United States Code. A Federal contractor (or subcontractor at any tier) using Federal Prison Industries as a subcontractor or supplier in furnishing a commercial product pursuant to a Federal contract shall implement appropriate management procedures to prevent introducing an inmate-produced product into the commercial market.

(d) PROHIBITIONS ON MANDATING SUBCONTRACTING WITH FEDERAL PRISON INDUSTRIES.—Except as authorized under the Federal Acquisition Regulation, the use of Federal Prison Industries as a subcontractor or supplier of products or provider of services shall not be imposed upon prospective or actual Federal prime contractors or a subcontractors at any tier by means of—

(1) a contract solicitation provision requiring a contractor to offer to make use of Federal Prison Industries, its products or services;

(2) specifications requiring the contractor to use specific products or services (or classes of products or services) offered by Federal Prison Industries in the performance of the contract;

(3) any contract modification directing the use of Federal Prison Industries, its products or services; or

(4) any other means.

SEC. 6. INMATE WAGES AND DEDUCTIONS.

Section 4122(b) of title 18, United States Code (as amended by section 3 of this Act), is further amended by adding after paragraph (11) a new paragraph (12) as follows:

''(12)(A) The Board of Directors of Federal Prison Industries shall prescribe the rates of hourly wages to be paid inmates performing work for or through Federal Prison Industries. The Director of the Federal Bureau of Prisons shall prescribe the rates of hourly wages for other work assignments within the various Federal correctional institutions. In the case of an inmate whose term of imprisonment is to expire in not more than 2 years, wages shall be earned at an hourly rate of not less than $2.50, but paid at the same rate and in the same manner as to any other inmate, and any amount earned but not paid shall be held in trust and paid only upon the actual expiration of the term of imprisonment.

''(B) The various inmate wage rates shall be reviewed and considered for increase on not less than a biannual basis.

''(C) The Board of Directors of Federal Prison Industries shall—

''(i) not later than September 30, 2008, increase the maximum wage rate for inmates performing work for or through Federal Prison Industries to an amount equal to 50 percent of the minimum wage prescribed by section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)); and

''(ii) not later than September 30, 2013, increase such maximum wage rate to an amount equal to such minimum wage.

''(D) Wages earned by an inmate worker shall be paid in the name of the inmate. Deductions, aggregating to not more than 80 percent of gross wages, shall be taken from the wages due for—

''(i) applicable taxes (Federal, State, and local);

''(ii) payment of fines and restitution pursuant to court order;

''(iii) payment of additional restitution for victims of the inmate's crimes (at a rate not less than 10 percent of gross wages);

''(iv) allocations for support of the inmate's family pursuant to statute, court order, or agreement with the inmate;

''(v) allocations to a fund in the inmate's name to facilitate such inmate's assimilation back into society, payable at the conclusion of incarceration; and

''(vi) such other deductions as may be specified by the Director of the Bureau of Prisons.

''(E) Each inmate worker working for Federal Prison Industries shall indicate in writing that such person—

''(i) is participating voluntarily; and

''(ii) understands and agrees to the wages to be paid and deductions to be taken from such wages.''.

SEC. 7. CLARIFYING AMENDMENT RELATING TO SERVICES.

(a) IN GENERAL.—Section 1761 of title 18, United States Code, is amended in subsection (a) and (c) by striking ''goods, wares, or merchandise manufactured, produced, or mined'' each place it appears and inserting ''products manufactured, services furnished, or minerals mined''.

(b) COMPLETION OF EXISTING AGREEMENTS.—Any prisoner work program operated by a prison or jail of a State or local jurisdiction of a State which is providing services for the commercial market through inmate labor on October 1, 2004, may continue to provide such commercial services until—

(1) the expiration date specified in the contract or other agreement with a commercial partner on October 1, 2004, or

(2) until September 30, 2010, if the prison work program is directly furnishing the services to the commercial market.

(c) APPROVAL REQUIRED FOR LONG-TERM OPERATION.—A prison work program operated by a correctional institution operated by a State or local jurisdiction of a State may continue to provide inmate labor to furnish services for sale in the commercial market after the dates specified in subsection (b) if such program has been certified pursuant to section 1761(c)(1) of title 18, United States Code, and is in compliance with the requirements of such subsection and its implementing regulations.

(d) EXISTING WORK OPPORTUNITIES FOR FEDERAL INMATES.—Any private for-profit business entity having an agreement with Federal Prison Industries in effect on the date of enactment of this Act, under which Federal inmates are furnishing services that are being introduced into the commercial market, may continue to furnish such services for the duration of the term of such agreement.

(e) ADDITIONAL AMENDMENT.—Section 1761 of title 18, United States Code, is further amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

''(d) This section shall not apply to services performed as part of an inmate work program conducted by a State or local government to disassemble, scrap, and recycle products, other than electronic products, that would otherwise be disposed of in a landfill. Recovered scrap from such program may be sold.''.

SEC. 8. CONFORMING AMENDMENT.

Section 4122(a) of title 18, United States Code, is amended by striking ''production of commodities'' and inserting ''production of products or furnishing of services''.

SEC. 9. RULES OF CONSTRUCTION RELATING TO CHAPTER 307.

Chapter 307 of title 18, United States Code, is further amended by adding at the end the following:

''§ 4130. Construction of provisions

''Nothing in this chapter shall be construed—

''(1) to establish an entitlement of any inmate to—

''(A) employment in a Federal Prison Industries facility; or

''(B) any particular wage, compensation, or benefit on demand, except as otherwise specifically provided by law or regulation;

''(2) to establish that inmates are employees for the purposes of any law or program; or

''(3) to establish any cause of action by or on behalf of any inmate against the United States or any officer, employee, or contractor thereof.''.

SEC. 10. PROVIDING ADDITIONAL REHABILITATIVE OPPORTUNITIES FOR INMATES.

(a) ADDITIONAL EDUCATIONAL, TRAINING, AND RELEASE-PREPARATION OPPORTUNITIES.—

(1) PROGRAM ESTABLISHED.—There is hereby established the Enhanced In-Prison Educational and Vocational Assessment and Training Program within the Federal Bureau of Prisons.

(2) COMPREHENSIVE PROGRAM.—In addition to such other components as the Director of the Bureau of Prisons deems appropriate to reduce inmate idleness and better prepare inmates for a successful reentry into the community upon release, the program shall provide—

(A) in-prison assessments of inmates' needs and aptitudes;

(B) a full range of educational opportunities;

(C) vocational training and apprenticeships; and

(D) comprehensive release-readiness preparation.

(3) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of carrying out the program established by paragraph (1), $75,000,000 is authorized for each fiscal year after fiscal year 2008, to remain available until expended. It is the sense of Congress that Federal Prison Industries should use some of its net earnings to accomplish the purposes of the program.

(4) SCHEDULE FOR IMPLEMENTATION.—All components of the program shall be established—

(A) in at least 25 percent of all Federal prisons not later than 2 years after the date of the enactment of this Act;

(B) in at least 50 percent of all Federal prisons not later than 4 years after such date of enactment;

(C) in at least 75 percent of all Federal prisons not later than 6 years after such date of enactment; and

(D) in all Federal prisons not later than 8 years after such date of enactment.

(b) ADDITIONAL INMATE WORK OPPORTUNITIES THROUGH PUBLIC SERVICE ACTIVITIES.—

(1) IN GENERAL.—Chapter 307 of title 18, United States Code, is further amended by inserting after section 4124 the following new section:

''§ 4124a. Additional inmate work opportunities through public service activities

''(a) IN GENERAL.—Inmates with work assignments within Federal Prison Industries may perform work for an eligible entity pursuant to an agreement between such entity and the Inmate Work Training Administrator in accordance with the requirements of this section.

''(b) DEFINITION OF ELIGIBLE ENTITIES.—For the purposes of this section, the term 'eligible entity' means an entity—

''(1) that is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code and that has been such an organization for a period of not less than 36 months prior to inclusion in an agreement under this section;

''(2) that is a religious organization described in section 501(d) of such Code and exempt from taxation under section 501(a) of such Code; or

''(3) that is a unit of local government, a school district, or another special purpose district.

''(c) INMATE WORK TRAINING ADMINISTRATOR.—There is hereby established the position of Inmate Work Training Administrator, who shall be responsible for fostering the creation of alternative inmate work opportunities authorized by this section. The Administrator shall be designated by the Chief Executive Officer of Federal Prison Industries, with the approval of the Board of Directors, and be under the supervision of the Chief Operating Officer, but may directly report to the Board.

''(d) PROPOSED AGREEMENTS.—An eligible entity seeking to enter into an agreement pursuant to subsection (a) shall submit a detailed proposal to the Inmate Work Training Administrator. Each such agreement shall specify—

''(1) types of work to be performed;

''(2) the proposed duration of the agreement, specified in terms of a base year and number of option years;

''(3) the number of inmate workers expected to be employed in the specified types of work during the various phases of the agreement;

''(4) the wage rates proposed to be paid to various classes of inmate workers; and

''(5) the facilities, services and personnel (other than correctional personnel dedicated to the security of the inmate workers) to be furnished by Federal Prison Industries or the Bureau of Prisons and the rates of reimbursement, if any, for such facilities, services, and personnel.

''(e) REPRESENTATIONS.—

''(1) ELEEMOSYNARY WORK ACTIVITIES.—Each proposed agreement shall be accompanied by a written certification by the chief executive officer of the eligible entity that—

''(A) the work to be performed by the inmate workers will be limited to the eleemosynary work of such entity in the case of an entity described in paragraph (1) or (2) of subsection (b);

''(B) the work would not be performed in the United States but for the availability of the inmate workers; and

''(C) the work performed by the inmate workers will not result, either directly or indirectly, in the production of a new product or the furnishing of a service that is to be offered for other than resale or donation by the eligible entity or any affiliate of the such entity.

''(2) PROTECTIONS FOR NON-INMATE WORKERS.—Each proposed agreement shall also be accompanied by a written certification by the chief executive officer of the eligible entity that—

''(A) no non-inmate employee (including any person performing work activities for such governmental entity pursuant to section 607 of subchapter IV of the Social Security Act (42 U.S.C. 607)) of the eligible entity (or any affiliate of the entity) working in the United States will have his or her job abolished or work hours reduced as a result of the entity being authorized to utilize inmate workers; and

''(B) the work to be performed by the inmate workers will not supplant work currently being performed in the United States by a contractor of the eligible entity.

''(f) APPROVAL BY BOARD OF DIRECTORS.—

''(1) IN GENERAL.—Each such proposed agreement shall be presented to the Board of Directors, be subject to the same opportunities for public comment, and be publicly considered and acted upon by the Board in a manner comparable to that required by paragraphs (7) and (8) of section 4122(b).

''(2) MATTERS TO BE CONSIDERED.—In determining whether to approve a proposed agreement, the Board shall—

''(A) give priority to an agreement that provides inmate work opportunities that will provide participating inmates with the best prospects of obtaining employment paying a livable wage upon release;

''(B) give priority to an agreement that provides for maximum reimbursement for inmate wages and for the costs of supplies and equipment needed to perform the types of work to be performed;

''(C) not approve an agreement that will result in the displacement of non-inmate workers contrary to the representations required by subsection (e)(2) as determined by the Board or by the Secretary of Labor (pursuant to subsection (i)); and

''(D) not approve an agreement that will result, either directly or indirectly, in the production of a new product or the furnishing of a service for other than resale by an eligible entity described in paragraph (1) or (2) of subsection (b) or donation.

''(g) WAGE RATES AND DEDUCTIONS FROM INMATE WAGES.—

''(1) IN GENERAL.—Inmate workers shall be paid wages for work under the agreement at a basic hourly rate to be negotiated between the eligible entity and Federal Prison Industries and specified in the agreement. The wage rates

set by the Director of the Federal Bureau of Prisons to be paid inmates for various institutional work assignments are specifically authorized.

''(2) PAYMENT TO INMATE WORKER AND AUTHORIZED DEDUCTIONS.—Wages shall be paid and deductions taken pursuant to section 4122(b)(12)(D).

''(3) VOLUNTARY PARTICIPATION BY INMATE.—Each inmate worker to be utilized by an eligible entity shall indicate in writing that such person—

''(A) is participating voluntarily; and

''(B) understands and agrees to the wages to be paid and deductions to be taken from such wages.

''(h) ASSIGNMENT TO WORK OPPORTUNITIES.—Assignment of inmates to work under an approved agreement with an eligible entity shall be subject to the Bureau of Prisons Program Statement Number 1040.10 (Non-Discrimination Toward Inmates), as contained in section 551.90 of title 28 of the Code of Federal Regulations (or any successor document).

''(i) ENFORCEMENT OF PROTECTIONS FOR NON-INMATE WORKERS.—

''(1) PRIOR TO BOARD CONSIDERATION.—Upon request of any interested person, the Secretary of Labor may promptly verify a certification made pursuant subsection (e)(2) with respect to the displacement of non-inmate workers so as to make the results of such inquiry available to the Board of Directors prior to the Board's consideration of the proposed agreement. The Secretary and the person requesting the inquiry may make recommendations to the Board regarding modifications to the proposed agreement.

''(2) DURING PERFORMANCE.—

''(A) IN GENERAL.—Whenever the Secretary deems appropriate, upon request or otherwise, the Secretary may verify whether the actual performance of the agreement is resulting in the displacement of non-inmate workers or the use of inmate workers in a work activity not authorized under the approved agreement.

''(B) SANCTIONS.—Whenever the Secretary determines that performance of the agreement has resulted in the displacement of non-inmate workers or employment of an inmate worker in an unauthorized work activity, the Secretary may—

''(i) direct the Inmate Work Training Administrator to terminate the agreement for default, subject to the processes and appeals available to a Federal contractor whose procurement contract has been terminated for default; and

''(ii) initiate proceedings to impose upon the person furnishing the certification regarding non-displacement of non-inmate workers required by subsection (d)(2)(B) any administrative, civil, and criminal sanctions as may be available.''.

(2) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated $5,000,000 for each of the fiscal years 2008 through 2012 for the purposes of paying the wages of inmates and otherwise undertaking the maximum number of agreements with eligible entities pursuant to section 4124a of title 18, United States Code, as added by paragraph (1).

(3) SENSE OF CONGRESS.—For purposes of sections 4124a and 4124b of title 18, United States Code, as added by sections 10(b) and 11, respectively, it is the sense of Congress that an inmate training wage that is at least 50 percent of the minimum wage prescribed pursuant to section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) will facilitate successful achievement of the goals of the work-based training and apprenticeship program authorized under such section 4124a.

(c) INMATE WORK OPPORTUNITIES IN SUPPORT OF NOT-FOR-PROFIT ENTITIES.—

(1) PROPOSALS FOR DONATION PROGRAMS.—The Chief Operating Officer of Federal Prison Industries shall develop and present to the Board of Directors of Federal Prison Industries proposals to have Federal Prison Industries donate products and services to eligible entities that provide goods or services to low-income individuals who would likely otherwise have difficulty purchasing such products or services in the commercial market.

(2) SCHEDULE FOR SUBMISSION AND CONSIDERATION OF DONATION PROGRAMS.—

(A) INITIAL PROPOSALS.—The Chief Operating Officer shall submit the initial group of proposals for programs of the type described in paragraph (1) within 180 days after the date of the enactment of this Act. The Board of Directors of Federal Prison Industries shall consider such proposals from the Chief Operating Officer not later than the date that is 270 days after the date of the enactment of this Act.

(B) ANNUAL OPERATING PLAN.—The Board of Directors of Federal Prison Industries shall consider proposals by the Chief Operating Officer for programs of the type described in paragraph (1) as part of the annual operating plan for Federal Prison Industries.

(C) OTHER PROPOSALS.—In addition to proposals submitted by the Chief Operating Officer, the Board of Directors may, from time to time, consider proposals presented by prospective eligible entities.

(3) DEFINITION OF ELIGIBLE ENTITIES.—For the purposes of this subsection, the term ''eligible entity'' means an entity—

(A) that is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code and that has been such an organization for a period of not less than 36 months prior to inclusion in a proposal of the type described in paragraph (1), or

(B) that is a religious organization described in section 501(d) of such Code and exempt from taxation under section 501(a) of such Code.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $7,000,000 for each of the fiscal years 2008 through 2012 for the purposes of paying the wages of inmates and otherwise carrying out programs of the type described in paragraph (1).

(d) MAXIMIZING INMATE REHABILITATIVE OPPORTUNITIES THROUGH COGNITIVE ABILITIES ASSESSMENTS.—

(1) DEMONSTRATION PROGRAM AUTHORIZED.—

(A) IN GENERAL.—There is hereby established within the Federal Bureau of Prisons a program to be known as the ''Cognitive Abilities Assessment Demonstration Program''. The purpose of the demonstration program is to determine the effectiveness of a program that assesses the cognitive abilities and perceptual skills of Federal inmates to maximize the benefits of various rehabilitative opportunities designed to prepare each inmate for a successful return to society and reduce recidivism. The demonstration program shall be undertaken by a contractor with a demonstrated record of enabling the behavioral and academic improvement of adults through the use of research-based systems that maximize the development of both the cognitive and perceptual capabilities of a participating individual, including adults in a correctional setting.

(B) SCOPE OF DEMONSTRATION PROGRAM.—The demonstration program shall to the maximum extent practicable, be—

(i) conducted during a period of three consecutive fiscal years, commencing during fiscal year 2008;

(ii) conducted at 12 Federal correctional institutions; and

(iii) offered to 6,000 inmates, who are categorized as minimum security or less, and are within five years of release.

(C) REPORT ON RESULTS OF PROGRAM.—Not later than 60 days after completion of the demonstration program, the Director shall submit to Congress a report on the results of the program. At a minimum, the report shall include an analysis of employment stability, stability of residence, and rates of recidivism among inmates who participated in the program after 18 months of release.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $3,000,000 in each of the three fiscal years after fiscal year 2007, to remain available until expended, for the purposes of conducting the demonstration program authorized by subsection (a).

(e) PRERELEASE EMPLOYMENT ASSISTANCE.—

(1) IN GENERAL.—The Director of the Federal Bureau of Prisons shall, to the maximum extent practicable, afford to inmates opportunities to participate in programs and activities designed to help prepare such inmates to obtain employment upon release.

(2) PRERELEASE EMPLOYMENT PLACEMENT ASSISTANCE.—Such prerelease employment placement assistance required by subsection (a) shall include—

(A) training in the preparation of resumes and job applications;

(B) training in interviewing skills;

(C) training and assistance in job search techniques;

(D) conduct of job fairs; and

(E) such other methods deemed appropriate by the Director.

(3) PRIORITY PARTICIPATION.—Priority in program participation shall be accorded to inmates who are participating in work opportunities afforded by Federal Prison Industries and are within 24 months of release from incarceration.

SEC. 11. RE-ENTRY EMPLOYMENT PREPARATION THROUGH WORK-BASED TRAINING AND APPRENTICESHIP.

(a) IN GENERAL.—Chapter 307 of title 18, United States Code, is further amended by inserting after section 4124a, as added by section 10(b), the following new section:

''§4124b. Re-entry employment preparation through work-based training and apprenticeship.

''(a) PARTICIPATION AUTHORIZED.—A private for-profit business entity shall be an eligible entity for participation in the program authorized by section 4124a of this title, if such participation conforms with the requirements and limitations of this section.

''(b) REQUIREMENTS RELATING TO PRODUCTS AND SERVICES.—A private for-profit business entity is eligible for such participation if such business entity proposes to train participating inmates, pursuant to subsection (c), by producing a product or performing a service, if such product or service is of a type for which there is no production or performance within the United States by noninmate workers.

''(c) REQUIREMENTS RELATING TO TRAINING.—

''(1) IN GENERAL.—For purposes of this section, the training of participating inmates shall be work-based training that provides to a participating inmate apprenticeship training or a functionally equivalent structured program that combines hands-on work experience with conceptual understanding of the work being performed. Other inmates with regular work assignments within Federal Prison Industries may be assigned to support the program.

''(2) DOCUMENTATION OF PROGRAM PARTICIPATION.—

''(A) Each inmate who successfully completes participation in training undertaken pursuant to this section shall be provided a certificate or other written document memorializing such successful completion, providing a marketable summary of the skills learned and an overall assessment of performance.

''(B) Copies of such documents shall be furnished to perspective employers upon the request of the participant for a period of not less than 24 months from the date of such participant's release from incarceration.

''(3) DOCUMENTS REQUIRED FOR EMPLOYMENT.—The Federal Bureau of Prisons, in cooperation with a business entity providing an inmate work-based training at the time of his or her scheduled release, shall make every reasonable effort to help the inmate timely obtain such documentation (including a State government-

issued photo identification card) as a person may be required to provide to a prospective employer, after such person completes an Employment Eligibility Verification (ICE Form I-9).

''(d) WAGE RATES.—

''(1) IN GENERAL.—Business entities participating in the program authorized by subsection (a) shall propose wages for inmates participating in the program at rates not less than the inmate training wage promulgated pursuant to section 17(c) of the Federal Prison Industries Competition in Contracting Act of 2006.

''(2) INMATE TRAINING WAGE.—Not more than 30 days after the date of enactment of this section, the Board of Directors of Federal Prison Industries shall request the Secretary of Labor to promulgate an inmate training wage pursuant to section 14(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 214(a)).

''(e) SUPPORT FOR OTHER RELEASE PREPARATION PROGRAMS.—In addition to the matters listed in section 4124a(d) of this title, a proposal for an agreement referred to in such section submitted by an eligible business entity shall specify an amount of any supplemental funding, specified as a per-capita amount for each inmate participating pursuant to the agreement, that the business entity will provide for the purpose of supporting remedial, vocational, and other release preparation programs for other nonparticipating inmates.

''(f) ADDITIONAL STANDARDS APPLICABLE.—In considering a proposed agreement pursuant to section 4124a(f)(1) of this title, the Board of Directors shall—

''(1) give preference to an agreement that proposes—

''(A) work-based training opportunities that provide the participating inmate the best prospects for obtaining employment paying a livable wage upon release;

''(B) the highest per-capita amount pursuant to subsection (e) relating to providing financial support for release preparation for other inmates; and

''(C) the highest inmate wage rates;

''(2) not approve any agreement with respect to furnishing services of the type described in section 4122(b)(6)(D)(iii) of this title;

''(3) not approve any agreement with respect to furnishing construction services described in section 4122(b)(6)(D)(iv) of this title, unless to be performed within a Federal correctional institution;

''(4) not approve an agreement that does not meet the standards of subsection (b); and

''(5) request a determination from the International Trade Commission (and such other executive branch entities as may be appropriate), regarding whether a product or service is of the type being produced or performed in the United States by noninmate workers, whenever the Board determines that such an additional assessment is warranted, including upon a request from an interested party presenting information that the Board deems to warrant such additional assessment prior to the Board's consideration of the proposed agreement.

''(g) LIMITATIONS ON THE USE OF THE AUTHORITY.—

''(1) NO SALES BY FEDERAL PRISON INDUSTRIES.—Federal Prison Industries is prohibited from directly offering for commercial sale products produced or services furnished by Federal inmates, including through any form of electronic commerce.

''(2) DURATION.—

''(A) No proposed agreement pursuant to this subsection may be approved by the Board of Directors after September 30, 2016.

''(B) Performance of all such agreements shall be concluded prior to October 1, 2021.''.

(b) REVIEW AND REPORTING BY THE ATTORNEY GENERAL.—Not less than biannually, beginning in fiscal year 2008, the Attorney General shall meet in person jointly with the Chairman of the Board of Directors and the Chief Executive Officer of Federal Prison Industries to review the progress that Federal Prison Industries is making in maximizing the use of the authority provided by sections 4124a and 4124b of title 18, United States Code. The Attorney General shall provide annually a written report to the Committees on the Judiciary and Appropriations of the House of Representatives and the Senate addressing such progress by Federal Prison Industries.

(c) GAO ASSESSMENT OF WORK-BASED TRAINING PROGRAM.—

(1) IN GENERAL.—The Comptroller General of the United States shall undertake an on-going assessment of the authority granted by section 4124b of title 18, United States Code, as added by subsection (a).

(2) MATTERS TO BE ASSESSED.—In addition to such other matters as the Comptroller General deems appropriate, the assessment shall include—

(A) efforts to recruit private for-profit business entities to participate;

(B) the quality of training provided to inmates;

(C) the amounts and types of products and services that have been produced incident to the work-based training programs;

(D) the types of worksite arrangement that encourage business concerns to voluntarily enter into such partnerships;

(E) the extent and manner of the participation of supervisory, quality assurance, and other management employees of the participating business entity in worksites within correctional facilities of various levels of security;

(F) the extent of the facilities, utilities, equipment, and personnel (other than security personnel) provided by the host correctional agency, and extent to which such resources are provided on a nonreimbursable basis;

(G) the rates of wages paid to inmate workers and the effect that such wage rates have on willingness of business entities to participate;

(H) any complaints filed regarding the displacement of noninmate workers or of inmate workers being paid less than required wages and the disposition of those complaints;

(I) any sanctions recommended relating to displacement of noninmate workers or payment of less than the required wages, and the disposition of such proposed sanctions;

(J) the extent to which the new authority provided additional inmate work opportunities assisting the Bureau of Prisons in attaining its objective of providing 25 percent of the work-eligible inmates with work opportunities within Federal Prison Industries;

(K) measures of any adverse impacts of implementation of the new authority on business concerns using noninmate workers that are engaged in providing similar types of products and services in direct competition; and

(L) a compilation of data relating work opportunities for Federal inmates with work assignments with Federal Prison Industries provided by—

(i) sales to Federal agencies pursuant to the status of Federal Prison Industries as a mandatory source of supply during the period fiscal year 1990 through fiscal year 2007;

(ii) sales to Federal agencies of services, both through non-competitive interagency transfers and as a result of direct competition from private-sector offerors during the period fiscal year 1990 though fiscal year 2007;

(iii) performance as a subcontrator to a Federal prime contractor or Federal subcontractor at a higher tier beginning in fiscal year 1990;

(iv) introduction of inmate-furnished services into the commercial market, beginning in the second quarter of fiscal year 1998;

(v) alternative inmate work opportunities, beginning in fiscal year 2007, provided by agreements with—

(I) non-profit organizations, pursuant to section 4124a(b)(1) of title 18, United States Code, as added by section 10(b), and section 10(c);

(II) religious organizations, pursuant to section 4124a(b)(2) of title 18, United States Code;

(III) units of local governments, school districts, or other special purpose districts, pursuant to section 4124a(b)(3) of title 18, United States Code;

(IV) work-based Employment Preparation Programs for Federal inmates, pursuant to section 4124b of title 18, United States Code, as added by section 11; or

(V) other means.

(3) OPPORTUNITY FOR PUBLIC COMMENT.—The Comptroller General shall provide an opportunity for public comment on the proposed scope and methodology for the assessment required by paragraph (1), making such modifications in response to such comments as he deems appropriate.

(4) REPORTS AND RECOMMENDATIONS.—

(A) IN GENERAL.—The Comptroller General shall submit to the Congress in accordance with this subsection two interim reports and a final report of the assessment of implementation of the new authority, including such recommendations as the Comptroller General may deem appropriate.

(B) INTERIM REPORTS.—The two interim reports shall encompass the assessment of the implementation of the new authority—

(i) from the effective date of the authority through the end of fiscal year 2007; and

(ii) from the effective date of the authority through the end of fiscal year 2010.

(C) FINAL REPORT.—The final report shall assess the implementation of the new authority from the effective date of the authority through the end of fiscal year 2013.

(D) SUBMISSION TO CONGRESS.—The Comptroller General shall submit the reports required by this paragraph within 6 months after the end of the fiscal years referred to in subparagraphs (B) and (C).

(d) CONFORMING AMENDMENT.—Section 1761 of title 18, United States Code, as amended by section 7, is further amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) inserting after subsection (d) the following new subsection:

''(e) This section shall not apply to products produced or services furnished with inmate labor incidental to the work-based training program authorized pursuant to section 4124b of this title.''.

SEC. 12. RESTRUCTURING THE BOARD OF DIRECTORS.

(a) IN GENERAL.—Section 4121 of title 18, United States Code, is amended to read as follows:

''§4121. Federal Prison Industries; Board of Directors: executive management

''(a) Federal Prison Industries is a government corporation of the District of Columbia organized to carry on such industrial operations in Federal correctional institutions as authorized by its Board of Directors. The manner and extent to which such industrial operations are carried on in the various Federal correctional institutions shall be determined by the Attorney General.

''(b)(1) The corporation shall be governed by a board of 11 directors appointed by the President.

''(2) In making appointments to the Board, the President shall assure that 3 members represent the business community, 3 members represent organized labor, 1 member shall have special expertise in inmate rehabilitation techniques, 1 member represents victims of crime, 1 member represents the interests of Federal inmate workers, and 2 additional members whose background and expertise the President deems appropriate. The members of the Board representing the business community shall include, to the maximum extent practicable, representation of firms furnishing services as well as firms producing products, especially from those industry categories from which Federal Prison Industries derives substantial sales. The members of the Board representing organized labor shall, to

the maximum practicable, include representation from labor unions whose members are likely to be most affected by the sales of Federal Prison Industries.

''(3) Each member shall be appointed for a term of 5 years, except that of members first appointed—

''(A) 2 members representing the business community shall be appointed for a term of 3 years;

''(B) 2 members representing labor shall be appointed for a term of 3 years;

''(C) 2 members whose background and expertise the President deems appropriate for a term of 3 years;

''(D) 1 member representing victims of crime shall be appointed for a term of 3 years;

''(E) 1 member representing the interests of Federal inmate workers shall be appointed for a term of 3 years;

''(F) 1 member representing the business community shall be appointed for a term of 4 years;

''(G) 1 member representing the business community shall be appointed for a term of 4 years; and

''(H) the members having special expertise in inmate rehabilitation techniques shall be appointed for a term of 5 years.

''(4) The President shall designate 1 member of the Board as Chairperson. The Chairperson may designate a Vice Chairperson.

''(5) Members of the Board may be reappointed.

''(6) Any vacancy on the Board shall be filled in the same manner as the original appointment. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of that term.

''(7) The members of the Board shall serve without compensation. The members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, to attend meetings of the Board and, with the advance approval of the Chairperson of the Board, while otherwise away from their homes or regular places of business for purposes of duties as a member of the Board.

''(8)(A) The Chairperson of the Board may appoint and terminate any personnel that may be necessary to enable the Board to perform its duties.

''(B) Upon request of the Chairperson of the Board, a Federal agency may detail a Federal Government employee to the Board without reimbursement. Such detail shall be without interruption or loss of civil service status or privilege.

''(9) The Chairperson of the Board may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

''(c) The Director of the Bureau of Prisons shall serve as Chief Executive Officer of the Corporation. The Director shall designate a person to serve as Chief Operating Officer of the Corporation.''.

(b) CONTINUED GOVERNANCE.—The members of the Board of Directors serving on the date of enactment of this Act, and the person selected by them as Chairman, shall continue to exercise the duties and responsibilities of the Board until the earlier of—

(1) the date on which the President has appointed at least 6 members of the Board and designated a new Chairman, pursuant to section 4121 of title 18, United States Code (as added by section 12(a) of this Act); or

(2) the date that is 365 days after the date of enactment of this Act.

SEC. 13. PROVIDING ADDITIONAL MANAGEMENT FLEXIBILITY TO FEDERAL PRISON INDUSTRIES OPERATIONS.

Section 4122(b)(3) of title 18, United States Code, is amended—

(1) by striking ''(3)'' and inserting ''(3)(A)''; and

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

''(B) Federal Prison Industries may locate more than one workshop at a Federal correctional facility.

''(C) Federal Prison Industries may operate a workshop outside of a correctional facility if all of the inmates working in such workshop are classified as minimum security inmates.''.

SEC. 14. TRANSITIONAL PERSONNEL MANAGEMENT AUTHORITY.

Any correctional officer or other employee of Federal Prison Industries being paid with nonappropriated funds who would be separated from service because of a reduction in the net income of Federal Prison Industries during any fiscal year specified in section 4(e)(1) shall be—

(1) eligible for appointment (or reappointment) in the competitive service pursuant to title 5, United States Code;

(2) registered on a Bureau of Prisons reemployment priority list; and

(3) given priority for any other position within the Bureau of Prisons for which such employee is qualified.

SEC. 15. FEDERAL PRISON INDUSTRIES REPORT TO CONGRESS.

Section 4127 of title 18, United States Code, is amended to read as follows:

''§4127. Federal Prison Industries report to Congress

''(a) IN GENERAL.—Pursuant to chapter 91 of title 31, the board of directors of Federal Prison Industries shall submit an annual report to Congress on the conduct of the business of the corporation during each fiscal year and the condition of its funds during the fiscal year.

''(b) CONTENTS OF REPORT.—In addition to the matters required by section 9106 of title 31, and such other matters as the board considers appropriate, a report under subsection (a) shall include—

''(1) a statement of the amount of obligations issued under section 4129(a)(1) of this title during the fiscal year;

''(2) an estimate of the amount of obligations that will be issued in the following fiscal year;

''(3) an analysis of—

''(A) the corporation's total sales for each specific product and type of service sold to the Federal agencies and the commercial market;

''(B) the total purchases by each Federal agency of each specific product and type of service;

''(C) the corporation's share of such total Federal Government purchases by specific product and type of service; and

''(D) the number and disposition of disputes submitted to the heads of the Federal departments and agencies pursuant to section 4124(e) of this title;

''(4) an allocation of the profits of the corporation, both gross and net, to—

''(A) educational, training, release-preparation opportunities for inmates;

''(B) opening new factories; and

''(C) improving the productivity and competitiveness of existing factories;

''(5) an analysis of the inmate workforce that includes—

''(A) the number of inmates employed;

''(B) the number of inmates utilized to produce products or furnish services sold in the commercial market;

''(C) the number and percentage of employed inmates by the term of their incarceration; and

''(D) the various hourly wages paid to inmates employed with respect to the production of the various specific products and types of services authorized for production and sale to Federal agencies and in the commercial market; and

''(6) data concerning employment obtained by former inmates upon release to determine whether the employment provided by Federal Prison Industries during incarceration provided such inmates with knowledge and skill in a trade or occupation that enabled such former inmate to earn a livelihood upon release.

''(c) PUBLIC AVAILABILITY.—Copies of an annual report under subsection (a) shall be made available to the public at a price not exceeding the cost of printing the report.''.

SEC. 16. DEFINITIONS.

Chapter 307 of title 18, United States Code, is amended by adding at the end the following new section:

''§4131. Definitions

''As used in this chapter—

''(1) the term 'assembly' means the process of uniting or combining articles or components (including ancillary finished components or assemblies) so as to produce a significant change in form or utility, without necessarily changing or altering the component parts;

''(2) the term 'current market price' means, with respect to a specific product, the fair market price of the product within the meaning of section 15(a) of the Small Business Act (15 U.S.C. 644(a)), at the time that the contract is to be awarded, verified through appropriate price analysis or cost analysis, including any costs relating to transportation or the furnishing of any ancillary services;

''(3) the term 'import-sensitive product' means a product which, according to Department of Commerce data, has experienced competition from imports at an import to domestic production ratio of 25 percent or greater;

''(4) the term 'labor-intensive manufacture' means a manufacturing activity in which the value of inmate labor constitutes at least 10 percent of the estimate unit cost to produce the item by Federal Prison Industries;

''(5) the term 'manufacture' means the process of fabricating from raw or prepared materials, so as to impart to those materials new forms, qualities, properties, and combinations;

''(6) the term 'reasonable share of the market' means a share of the total purchases by the Federal departments and agencies, as reported to the Federal Procurement Data System for—

''(A) any specific product during the 3 preceding fiscal years, that does not exceed 20 percent of the Federal market for the specific product; and

''(B) any specific service during the 3 preceding fiscal years, that does not exceed 5 percent of the Federal market for the specific service; and

''(7) the term 'services' has the meaning given the term 'service contract' by section 37.101 of the Federal Acquisition Regulation (48 C.F.R. 36.102), as in effect on July 1, 2004.''.

SEC. 17. IMPLEMENTING REGULATIONS AND PROCEDURES.

(a) FEDERAL ACQUISITION REGULATION.—

(1) PROPOSED REVISIONS.—Proposed revisions to the Governmentwide Federal Acquisition Regulation to implement the amendments made by this Act shall be published not later than 60 days after the date of the enactment of this Act and provide not less than 60 days for public comment.

(2) FINAL REGULATIONS.—Final regulations shall be published not later than 180 days after the date of the enactment of this Act and shall be effective on the date that is 30 days after the date of publication.

(3) PUBLIC PARTICIPATION.—The proposed regulations required by subsection (a) and the final regulations required by subsection (b) shall afford an opportunity for public participation in accordance with section 22 of the Office of Federal Procurement Policy Act (41 U.S.C. 418b).

(b) BOARD OF DIRECTORS.—

(1) IN GENERAL.—The Board of Directors of Federal Prison Industries shall issue regulations defining the terms specified in paragraph (2).

(2) TERMS TO BE DEFINED.—The Board of Directors shall issue regulations for the following terms:

(A) Prison-made product.

(B) Prison-furnished service.

(C) Specific product.

(D) Specific service.

(3) SCHEDULE FOR REGULATORY DEFINITIONS.—

(A) Proposed regulations relating to the matter described in subsection (b)(2) shall be published not later than 60 days after the date of

enactment of this Act and provide not less than 60 days for public comment.

(B) Final regulations relating to the matters described in subsection (b)(2) shall be published not less than 180 days after the date of enactment of this Act and shall be effective on the date that is 30 days after the date of publication.

(4) ENHANCED OPPORTUNITIES FOR PUBLIC PARTICIPATION AND SCRUTINY.—

(A) ADMINISTRATIVE PROCEDURE ACT.—Regulations issued by the Board of Directors shall be subject to notice and comment rulemaking pursuant to section 553 of title 5, United States Code. Unless determined wholly impracticable or unnecessary by the Board of Directors, the public shall be afforded 60 days for comment on proposed regulations.

(B) ENHANCED OUTREACH.—The Board of Directors shall use means designed to most effectively solicit public comment on proposed regulations, procedures, and policies and to inform the affected public of final regulations, procedures, and policies.

(C) OPEN MEETING PROCESSES.—The Board of Directors shall take all actions relating to the adoption of regulations, operating procedures, guidelines, and any other matter relating to the governance and operation of Federal Prison Industries based on deliberations and a recorded vote conducted during a meeting open to the public, unless closed pursuant to section 552(b) of title 5, United States Code.

(c) SECRETARY OF LABOR.—

(1) SCHEDULE FOR REGULATORY ACTION.—Upon receipt of a request from the Federal Prison Industries Board of Directors, pursuant to section 11(d)(2), to establish an inmate training wage pursuant to section 14(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 214(a)), the Secretary of Labor, in consultation with the Attorney General, shall issue—

(A) an advanced notice of proposed rulemaking within 60 days;

(B) an interim regulation with concurrent request for public comments within 180 days; and

(C) a final regulation within 365 days.

(2) ALTERNATIVE TO TIMELY ISSUANCE.—In the event that the Secretary of Labor fails to issue an interim inmate training wage by the date required by paragraph (1)(B), the Federal Prison Industries Board of Directors may prescribe an interim inmate training wage, which shall be in an amount not less than 50 percent of the amount of the minimum wage prescribed pursuant to section 6(a)(1) of such Act (29 U.S.C. 206(a)(1)).

(3) CONTINUED USE OF INTERIM INMATE TRAINING WAGE.—

(A) The interim inmate training wage issued pursuant to paragraph (1)(B) or prescribed under paragraph (2) shall remain in effect until the effective date of a final regulation, issued pursuant to paragraph (1)(C).

(B) An eligible entity having an approved agreement with Federal Prison Industries pursuant to section 4124b of title 18, United States Code, may continue to pay participating inmates at the wages prescribed in the agreement for the duration of the agreement, if those wages comply with the standards of the interim inmate training wage issued pursuant to paragraph (1)(B) or prescribed under paragraph (2).

(4) EXISTING AGREEMENTS WITH NONCONFORMING WAGES.—Any for-profit business concern having an agreement with Federal Prison Industries in effect on the date of enactment of this Act, under which Federal inmates are furnishing services that are being introduced into the commercial market, may continue to pay wages at rates specified in the agreement for the duration of the term of such agreement.

SEC. 18. RULES OF CONSTRUCTION.

(a) AGENCY BID PROTESTS.—Subsection (e) of section 4124 of title 18, United States Code, as amended by section 2, is not intended to alter any rights of any offeror other than Federal Prison Industries to file a bid protest in accordance with other law or regulation in effect on the date of the enactment of this Act.

(b) JAVITS-WAGNER-O'DAY ACT.—Nothing in this Act is intended to modify the Javits-Wagner-O'Day Act (41 U.S.C. 46 et seq.).

SEC. 19. EFFECTIVE DATE AND APPLICABILITY.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on the date of enactment of this Act.

(b) APPLICABILITY.—Section 4124 of title 18, United States Code, as amended by section 2, shall apply to any requirement for a product or service offered by Federal Prison Industries needed by a Federal department or agency after the effective date of the final regulations issued pursuant to section 17(a)(2), or after September 30, 2007, whichever is earlier.

SEC. 20. CLERICAL AMENDMENTS.

The table of sections for chapter 307 of title 18, United States Code, is amended—

(1) by amending the item relating to section 4121 to read as follows:

''4121. Federal Prison Industries; Board of Directors: executive management.'';

(2) by amending the item relating to section 4124 to read as follows:

''4124. Governmentwide procurement policy relating to purchases from Federal Prison Industries.'';

(3) by inserting after the item relating to section 4124 the following new items:

''4124a. Additional inmate work opportunities through public service activities.

''4124b. Re-entry employment preparation through work-based training and apprenticeship.'';

(4) by amending the item relating to section 4127 to read as follows:

''4127. Federal Prison Industries report to Congress.'';

and

(5) by adding at the end the following new items:

''4130. Construction of provisions.

''4131. Definitions.''.

The Acting CHAIRMAN. No amendment to the committee amendment is in order except the amendments printed in House Report 109–647. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. SENSENBRENNER

The Acting CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 109–647.

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. SENSENBRENNER:

Page 8, lines 13 and 14, strike ''offer the price of'' and insert ''offered price''.

Page 20, line 3, strike ''(i)'' and insert ''(j)''.

Page 21, line 21, strike ''2007'' and insert ''2008''.

Page 21, line 22, strike ''2008'' and insert ''2009''.

Page 21, line 23, strike ''2009'' and insert ''2010''.

Page 21, line 24, strike ''2010'' and insert ''2011''.

Page 21, line 25, strike ''2011'' and insert ''2012''.

Page 23, line 1, strike ''2011'' and ''2012''.

Page 33, lines 16 and 20, strike ''2004'' each place it appears and insert ''2006''.

Page 33, line 21, strike ''2010'' and insert ''2011''.

Page 36, line 26, strike ''2008'' and insert ''2007''.

Page 55, lines 3 and 4, strike ''International Trade Commission'' and insert ''Department of Commerce''.

Page 61, line 2, strike ''2007'' and insert ''2009''.

Page 61, line 4, strike ''2010'' and insert ''2012''.

Page 61, line 8, strike ''2013'' and insert ''2014''.

Page 66, strike lines 1 through 3, and insert the following (and conform the table of contents accordingly):

SEC. 13. MANAGEMENT MATTERS.

Page 66, line 4, insert ''(a) ADDITIONAL FLEXIBILITIES.—'' before ''Section 4122(b)(3)''.

Page 66, after line 15, insert the following:

(b) COST ACCOUNTING SYSTEM.—

(1) ESTABLISHMENT.—Federal Prison Industries shall establish a cost accounting system that meets the requirements of part 30 (Cost Accounting Standards Administration) of the Federal Acquisition Regulation (48 C.F.R. part 30). The compliance of the cost accounting system with such standards shall be annually verified as part of the independent audit of Federal Prison Industries, Inc., pursuant to section 9106(b) of title 31, United States Code.

(2) APPLICATION OF RELATED PROVISION.—Section 4124(c)(2) of title 18, United States Code, shall apply when Federal Prison Industries has been found to have a complaint cost accounting system pursuant to paragraph (1).

The Acting CHAIRMAN. Pursuant to House Resolution 997, the gentleman from Wisconsin (Mr. SENSENBRENNER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin.

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

Mr. Chairman, this manager's amendment would make technical corrections to H.R. 2965. The amendment modifies 13 dates in various provisions of the bill to reflect the passage of time since its introduction, and also corrects one sectional cross-reference, and a reference to an executive branch agency.

In addition, this amendment adds a provision to correct an amendment that was accepted during the Judiciary Committee's markup, which would require Federal Prison Industries, Inc., to establish a cost accounting system. This technical change is necessary to implement the amendment. Finally, the proposed amendment makes a grammatical correction.

The changes are all technical in nature, but essential to the proper implementation of the bill. I urge my colleagues to support the amendment.

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

The Acting CHAIRMAN. Does the gentleman from Michigan claim the time in opposition?

Mr. CONYERS. I do.

The Acting CHAIRMAN. The gentleman from Michigan is recognized for 5 minutes.

Mr. CONYERS. Mr. Chairman, I rise to support the amendment because it is technical in nature, and I am sure thereby that there will be little objection to it.

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

Mr. SENSENBRENNER. Mr. Chairman, I yield myself the balance of my time.

I am happy that between the time the gentleman rose to oppose the amendment and the time he started speaking he was persuaded to support the amendment.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. SENSENBRENNER).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. SCOTT OF VIRGINIA

The Acting CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 109–647.

Mr. SCOTT of Virginia. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. SCOTT of Virginia:

Page 7, line 21, insert before the period the following: ''and, in the discretion of the Attorney General, other agencies and offices of the Department of Justice, on a contract-by-contract basis''.

The Acting CHAIRMAN. Pursuant to House Resolution 997, the gentleman from Virginia (Mr. SCOTT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment would also authorize the Justice Department to acquire products from the Federal Prison Industries on a noncompetitive basis as deemed appropriate by the Attorney General.

Along with the Bureau of Prisons, the Attorney General has the responsibility for the safe, productive operation of Federal prisons and should, therefore, have the authority to ensure that all operations under his control are available to be directed to this effort. And insofar as Federal Prison Industries program is concerned, we know it is an effective tool to help the prison operations.

This could be a much more realistic option for the Attorney General to ensure against disruption at a prison from the loss of jobs and contracts than the notion in the bill that he would have to declare the prison unmanageable without a particular contract. That is what is in the bill.

It is not the wholesale authority for the Attorney General to direct any agency to award all of its FPI contracts, but only as deemed necessary or appropriate by the Attorney General, and it only covers Justice Department agencies.

Remember, Mr. Chairman, we are trying to create jobs and manage the prisons. That is what this amendment would help the Attorney General do. I hope it would be the body's pleasure to adopt the amendment.

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

Mr. SENSENBRENNER. Mr. Chairman, I claim the time in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Wisconsin is recognized.

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

Mr. Chairman, the underlying bill permits sole-source contracts between the Federal Bureau of Prisons and the Federal Prison Industries. This amendment would extend the sole-source authority to the entire Department of Justice.

Existing law allows a head of any executive agency to make a sole-source contract award, if the agency head makes a determination that such an award is in the ''public interest.'' Following such a determination, Congress must be notified and the contract award suspended for 30 calendar days.

This bill expressly provides the Attorney General to grant a noncompetitive contract whenever it is deemed necessary to maintain prison safety. Additionally, the bill allows the FPI board of directors to exceed the level specified for FPI sales if good cause is shown, which would include maintaining inmate equipment.

DOJ operates a number of agencies, and the cost to the private sector in lost jobs and businesses would be extensive. In addition, the Department of Justice contains several law enforcement agencies, and requiring their personnel to utilize products made by inmates may raise safety concerns.

Finally, the purpose of this legislation is to ensure that the government corporations do not take away opportunities from private businesses and to ensure that the taxpayers' money is wisely spent. The amendment would undermine that goal by denying the entire Department of Justice access to the benefits of competitive pricing, thereby forcing the taxpayer to bear the burden of higher prices.

I urge my colleagues to reject this amendment.

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

PARLIAMENTARY INQUIRY

Mr. SENSENBRENNER. Parliamentary inquiry, Mr. Chairman. Do either Mr. CONYERS or I have the right to close?

The Acting CHAIRMAN. The gentleman from Wisconsin has the right to close.

Mr. SENSENBRENNER. It is the intention of the gentleman from Wisconsin to yield for the closing statement to the gentleman from Michigan, but I would ask the gentleman from Virginia to use up his time and then Mr. CONYERS can close.

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself the balance of my time.

I would close by saying this amendment would allow the Attorney General to make sure that there are enough jobs in the Federal Prison Industries to help manage the prisons. We know the more jobs there are, the less crime there will be in the future. That is the purpose of this amendment, managing the prisons and reducing crime.

I would hope we would adopt that goal by allowing prisons to be managed better and reducing crime by adopting the amendment.

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

Mr. SENSENBRENNER. Mr. Chairman, I yield the balance of my time to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman, I thank the gentleman for yielding me this time.

When you examine this amendment, this creates a loophole that could undermine the entire bill and any attempt that we have toward educating inmates, teaching vocational skills, and getting contracts for jobs because I, for one, am not for putting this into the tender hands and the gentle mercies of the Attorney General of the United States.

I mean, I have never heard them even suggest that they support anything in this bill. So for me to want to create this carve-out to allow the Attorney General to direct agencies within the Department of Justice to award individual contracts to Federal Prison Industries on a noncompetitive basis is going way too far in terms of us trying to bring some justice to this bill.

Now, we have to control our emotions here, ladies and gentlemen. This is about how we help people who have violated the law return to society. There is more than one way to do it. There are several ways to do it. We are in the process of creating what we think will be a new and better and more balanced way than the way that we have now.

This is not slamming the Federal Prison Industries. As a matter of fact, under the provisions of this bill, they will be able to operate with nonprofits, with government organizations, with churches. There are a lot of ways to deal with this.

The important thing is we all come together and get the money. Somebody said $75 million. Do you know how far $75 million goes in the expenditures that we are making on Iraq every day? This should not be the toughest assignment that those of us who support rehabilitation programs would make.

I urge that if there is any one amendment that should be rejected, it would be one that would leave this measure to the tender mercies of the Attorney General of the United States.

I thank the gentleman for yielding me this time.

Mr. SENSENBRENNER. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. SCOTT).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. SCOTT of Virginia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

It is now in order to consider amendment No. 3 printed in House Report 109–647.

It is now in order to consider amendment No. 4 printed in House Report 109–647.

AMENDMENT NO. 5 OFFERED BY MR. SCOTT OF VIRGINIA

The Acting CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 109–647.

Mr. SCOTT of Virginia. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. SCOTT of Virginia:

Page 35, line 6, insert after ''services'' the following: '', except that the Board of Directors may authorize Federal Prison Industries to continue providing to private, for-profit businesses services of the type and to the extent being performed on the date of the enactment of the Federal Prison Industries Competition in Contracting Act of 2006, on a competitive basis''.

The Acting CHAIRMAN. Pursuant to House Resolution 997, the gentleman from Virginia (Mr. SCOTT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment would allow the level of service contracts now being performed by FPI to continue at that level while prohibiting further expansion. There is no mandatory source provision for service contracts so they are already competitive. Most of the contracts involve work that would otherwise be done offshore, so FPI's competition is with foreign workers, not Americans.

There have been no complaints about service contracts. Service contracts constitute a significant portion of the inmate work opportunities now in the program. None of these authorities individually or combined in the bill will realistically produce sufficient work opportunities for inmates to replace the loss of jobs from the elimination of mandatory source and the loss of current service contract jobs.

Stable FPI jobs are critical to the efficient and safe operation of Federal prisons and the rehabilitation of inmates which correlates directly with public safety. There is no record to suggest that this part of FPI is broken beyond the philosophical view that it represents some kind of unfair competition to American businesses and workers; but in this case, there is virtually no competition. The reality is that this is not true, and no one has suggested that FPI service contracts today have any significant impact on American businesses or workers.

Let us at least continue the level of service contracts we have now in an effort to reduce crime in the future. We are trying to reduce crime, trying to help manage the prisons. This will be go a little way into preserving some of those opportunities.

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

□ 1230

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. SENSENBRENNER. Mr. Chairman, this amendment is a bad one because it would authorize the FPI to sell inmate-furnished services in the commercial market, which it first initiated in August of 1998.

In February of that year, FPI obtained a legal memorandum from the Department of Justice Criminal Division stating that the sale of inmate-furnished services was not expressly prohibited by existing law, notwithstanding the fact that 18 U.S.C. section 1761(a) generally prohibits the introduction of results of inmate labor into the commercial market.

This view was later adopted as the Department's official position, and though not issued by the Office of Legal Counsel, the then Attorney General offered FPI's new commercial market service initiative based on the Criminal Division's opinion.

FPI's 1934 authorizing statute prohibits sales into the commercial market. The Attorney General was persuaded to authorize commercial sales of inmate-furnished services by FPI because neither FPI's authorizing statute nor the generally applicable prohibition, also from the 1930s, specifically mentions services. In the 1930s, services were not a large part of the economy, so they were not specifically mentioned by the legislation.

However, the clear intent of the statute was to prohibit such sales in the commercial market, because they would create unfair competition and cause liability concerns. The reinterpretation reversed 75 years of precedent. The bill would clarify that FPI cannot sell either goods or services in the commercial marketplace. It would grandfather all contracts that are operational at the time of the agreement. That for the first time specifically authorized FPI to enter into services contracts with Federal agencies. However, it would not allow new contracts for services in the commercial marketplace.

The amendment would permit FPI to continue its 1998 self-authorized expansion into the commercial services marketplace without restriction. It would continue to subject non-inmate workers being paid market driven wages, and the firms that employ them to unfair competition, using FPI workers being paid an average FPI wage of $.90 an hour. If you are for the minimum wage, you would have to be against this amendment, because there is competition.

Additionally, telemarketing contracts, which are the most common forms of services provided, might allow inmates access to the personal financial information of individuals, raising significant privacy concerns. If you are for privacy, you ought to be against the amendment.

For these reasons, I hope the amendment is defeated.

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

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself such time as I may consume, and just acknowledge this amendment is just designed to preserve a few of the jobs that we have got left. The amendments that passed in 2000 and 2001 have cost. If they had not passed, we would have 9,000 more jobs than we have now. We have already lost jobs. We would have had a lot more jobs than we had.

We are just trying to preserve job opportunities, which have been shown to reduce crime. Now, I know it has already been said that trying to reduce crime is misguided around here, but that is the goal of the bill, and everybody who has studied it knows that is what would happen. If you have more jobs, you will have less crime. That is all we are trying to do.

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

Mr. SENSENBRENNER. Mr. Chairman, I yield the balance of my time to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. I thank the gentleman from Wisconsin.

Mr. Chairman, this amendment raises an interesting question. We exclude services, for-profit business services, but we include everything else. What is the difference between the services and the products? We have to move in an organized fashion or not. To bifurcate this into services being excluded, I think, doesn't make any sense at all.

Now, we are back to the continued mantra that less jobs mean more crime, so if you are for less crime, you

are for more jobs. But what we are doing, in this bill, goes back to an earlier consideration in which we said, which the gentleman from Virginia said, that we could guarantee these jobs and the $75 million, that this would work out.

Of course, I don't know where we get guarantee tickets around here. But I am going to work to the best of my ability, and I have been in this corrections business for quite a while, to make sure that we get the money. It is very, very important that we do that.

I am going to urge our Members not to buy into this half-of-a-loaf notion that services should somehow be allowed to continue and Federal Prison Industries not.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. SCOTT).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. SCOTT of Virginia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 2 by Mr. SCOTT of Virginia.

Amendment No. 5 by Mr. SCOTT of Virginia.

The Chair will reduce to 5 minutes the time for the second electronic vote in this series.

AMENDMENT NO. 2 OFFERED BY MR. SCOTT OF VIRGINIA

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 77, noes 339, not voting 16, as follows:

[Roll No. 441]

AYES—77

Bachus
Barrow
Berry
Bishop (GA)
Boyd
Brown, Corrine
Campbell (CA)
Carson
Chabot
Clay
Clyburn
Cummings
Davis (IL)
Davis (KY)
Davis, Tom
Doggett
Farr
Fattah
Filner
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hastings (FL)
Hefley
Hensarling
Hinchey
Holden
Holt
Honda
Hyde
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kanjorski
Kolbe
Kucinich
LaHood
Larson (CT)
Lewis (CA)
Lofgren, Zoe
Lungren, Daniel E.
McDermott
McHugh
McKinney
Meeks (NY)
Melancon
Miller (NC)
Mollohan
Moore (WI)
Moran (VA)
Murtha
Pastor
Payne
Petri
Price (NC)
Rahall
Rogers (KY)
Ross
Rush
Sabo
Saxton
Schakowsky
Scott (VA)
Serrano
Sherwood
Shimkus
Spratt
Taylor (MS)
Thompson (MS)
Udall (CO)
Visclosky
Wasserman Schultz
Watson
Wolf
Wynn

NOES—339

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carter
Castle
Chandler
Chocola
Coble
Cole (OK)
Conaway
Conyers
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Davis (AL)
Davis (CA)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Hooley
Hostettler
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Istook
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Jones (NC)
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McIntyre
McKeon
McMorris Rodgers
McNulty
Meehan
Meek (FL)
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Moore (KS)
Moran (KS)
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Stearns
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Walden (OR)
Walsh
Wamp
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Woolsey
Wu
Young (AK)
Young (FL)

NOT VOTING—16

Boustany
Case
Cleaver
Cooper
Culberson
Davis (FL)
Dingell
Hoyer
Johnson, Sam
Kaptur
Keller
Murphy
Ney
Stark
Strickland
Sullivan

□ 1306

Ms. HARRIS, Messrs. SIMPSON, SOUDER, SMITH of New Jersey, Mrs. MALONEY, Mrs. NORTHUP, Ms. LEE, Messrs. CROWLEY, MEEK of Florida, and CANNON changed their vote from ''aye'' to ''no.''

Messrs. TAYLOR of Mississippi, KUCINICH, CAMPBELL of California, RAHALL, MCHUGH, and HENSARLING changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. MURPHY. Mr. Chairman, on rollcall No. 441, had I been present, I would have voted "no."

AMENDMENT NO. 5 OFFERED BY MR. SCOTT OF VIRGINIA

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. SCOTT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 80, noes 332, not voting 20, as follows:

[Roll No. 442]

AYES—80

Bachus
Barrow
Berry
Blumenauer
Boyd
Campbell (CA)
Cardoza
Carson
Chabot
Clay
Clyburn
Costa
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Tom
Doggett
Farr
Fattah
Feeney
Filner
Goodlatte
Green (WI)
Gutierrez
Gutknecht
Hastings (FL)
Hensarling
Hinchey
Holden
Holt
Honda
Hyde
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Kanjorski
Kolbe
Kucinich
LaHood
Lofgren, Zoe
Lungren, Daniel E.
McCollum (MN)
McDermott
McHugh
McKinney
Meeks (NY)
Melancon
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murtha
Oberstar
Obey
Paul
Payne
Petri
Price (NC)
Rahall
Rogers (KY)
Rush
Sabo
Saxton
Schakowsky
Scott (VA)
Serrano
Sherwood
Shimkus
Spratt
Taylor (MS)
Thompson (MS)
Towns
Udall (CO)
Visclosky
Wasserman Schultz
Watson
Wolf
Wynn

NOES—332

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carnahan
Carter
Castle
Chandler
Chocola
Coble
Cole (OK)
Conaway
Conyers
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Davis (AL)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall
Harman
Hart
Hayes
Hayworth
Hefley
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Hooley
Hostettler
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Istook
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Jones (NC)
Jones (OH)
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas
Lynch
Mack
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCotter
McCrery
McGovern
McHenry
McIntyre
McKeon
McMorris Rodgers
McNulty
Meehan
Meek (FL)
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Moore (KS)
Moran (KS)
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Northup
Norwood
Nunes
Nussle
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Walden (OR)
Walsh
Wamp
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wilson (NM)
Wilson (SC)
Woolsey
Wu
Young (AK)
Young (FL)

NOT VOTING—20

Boswell
Case
Cleaver
Cooper
Culberson
Davis (FL)
Harris
Hastings (WA)
Hoyer
Johnson, Sam
Kaptur
Keller
Maloney
Murphy
Ney
Ross
Stark
Strickland
Waters
Wicker

□ 1314

Mr. OBEY and Mr. BLUMENAUER changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. ROSS. Mr. Chairman, earlier this afternoon I missed rollcall vote 442. I would like to state for the RECORD that I would have voted for rollcall vote 442, which was the Scott (D–VA) amendment that would allow the Federal Prison Industries to continue contracts, of the type being performed on the date of enactment of the bill, that provide services to for-profit businesses.

Stated for:

Mr. MURPHY. Mr. Chairman, on rollcall No. 442, had I been present, I would have voted "no."

PERSONAL EXPLANATION

Mr. COOPER. Mr. Chairman, earlier today, I was speaking at an event being held in the basement of the Rayburn building and because the clock and bell system did not work in Room B–338, I missed two votes on amendments to H.R. 2965, the Federal Prison Industries Reform Act of 2006. Had I been present, I would have voted "aye" on the first Scott Amendment and "aye" on the second Scott Amendment.

The Acting CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SHIMKUS) having assumed the chair, Mr. GILLMOR, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2965) to amend title 18, United States Code, to require Federal Prison Industries to compete for its contracts minimizing its unfair competition with private sector firms and their non-inmate workers and empowering Federal agencies to get the best value for taxpayers' dollars, to provide a 5-year period during which Federal Prison Industries adjusts to obtaining inmate work opportunities through other than its mandatory source status, to enhance inmate access to remedial and vocational opportunities and other rehabilitative opportunities to better prepare inmates for a successful return to society, to authorize alternative inmate work opportunities in support of non-profit organizations and other public service programs, and for other purposes, pursuant to House Resolution 997, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on passage of H.R. 2965 will be followed by 5-minute votes on ordering the previous question on H. Res. 1002, and adoption of H. Res. 1002, if ordered.

The vote was taken by electronic device, and there were—yeas 362, nays 57, not voting 13, as follows:

[Roll No. 443]

YEAS—362

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carnahan
Carson
Carter
Castle
Chandler
Chocola
Clay
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Fattah
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lynch
Mack
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCotter
McCrery
McGovern
McHenry
McIntyre
McKeon
McMorris Rodgers
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore (KS)
Moran (KS)
Moran (VA)
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Northup
Norwood
Nunes
Nussle
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—57

Andrews
Bachus
Berry
Blumenauer
Brown-Waite, Ginny
Campbell (CA)
Cardoza
Chabot
Davis (CA)
Davis (IL)
Davis (KY)
DeGette
Doggett
Farr
Filner
Green (WI)
Gutknecht
Hastings (FL)
Hensarling
Herger
Holden
Holt
Honda
Hyde
Kanjorski
LaHood
Lofgren, Zoe
Lucas
Lungren, Daniel E.
McCollum (MN)
McDermott
McHugh
McKinney
Mollohan
Moore (WI)
Murtha
Oberstar
Obey
Payne
Peterson (PA)
Petri
Poe
Rahall
Reyes
Rogers (KY)
Ross
Rush
Sabo
Saxton
Schakowsky
Scott (VA)
Serrano
Sherwood
Shimkus
Taylor (MS)
Visclosky
Wolf

NOT VOTING—13

Becerra
Case
Cleaver
Culberson
Davis (FL)
Gilchrest
Johnson, Sam
Keller
Maloney
Murphy
Ney
Stark
Strickland

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1334

Mr. FARR and Mr. REYES changed their vote from ''yea'' to ''nay.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. MURPHY. Mr. Speaker, on rollcall No. 443, had I been present, I would have voted "yes."

PERSONAL EXPLANATION

Mrs. MALONEY. Mr. Speaker, on September 14, 2006, I was unavoidably detained and missed rollcall votes 442 and 443. Rollcall vote 442 as on the Scott Amendment to H.R. 2965, "The Federal Prison Industries Competition in Contracting Act." Rollcall vote 443 was on final passage of H.R. 2965, "The Federal Prison Industries Competition in Contracting Act."

As a lead sponsor of H.R. 2965, had I been present I would have voted "nay" on rollcall vote 442 and "aye" on rollcall vote 443.

SECURE FENCE ACT OF 2006

The SPEAKER pro tempore. The pending business is the vote on ordering the previous question on House Resolution 1002, on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 224, nays 190, not voting 18, as follows:

[Roll No. 444]

YEAS—224

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
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
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Dent
Diaz-Balart, L.
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
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Jones (NC)
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—190

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

NOT VOTING—18

Becerra
Case
Cleaver
Culberson
Davis (FL)
Diaz-Balart, M.
Forbes
Johnson, Sam
Keller
Maloney
Marshall
Murphy
Ney
Pickering
Rangel
Stark
Strickland
Weldon (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1342

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. PICKERING. Mr. Speaker, on rollcall No. 444 I was unavoidably detained. Had I been present, I would have voted "yea."

Mr. MURPHY. Mr. Speaker, on rollcall No. 444, had I been present, I would have voted "yes."

PERSONAL EXPLANATION

Mr. BECERRA. Mr. Speaker, on Thursday, September 14, 2006, I was unable to cast my floor vote on rollcall Nos. 443 and 444. The votes I missed included final passage of H.R. 2965, the Federal Prison Industries Competition in Contracting Act and a vote on ordering the previous question for providing for the consideration of H.R. 6061, the Secure Fence Act of 2006.

Had I been present for the votes, I would have voted "aye" on rollcall vote 443 and "no" on rollcall vote 444.

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

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. KING of New York. Mr. Speaker, pursuant to House Resolution 1002, I call up the bill (H.R. 6061) to establish operational control over the international land and maritime borders of the United States, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1002, the amendment printed in House Report 109–653 is adopted and the bill, as amended, is considered read.

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

H.R. 6061

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 "Secure Fence Act of 2006".

SEC. 2. ACHIEVING OPERATIONAL CONTROL ON THE BORDER.

(a) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Homeland Security shall take all actions the Secretary determines necessary and appropriate to achieve and maintain operational control over the entire international land and maritime borders of the United States, to include the following—

(1) systematic surveillance of the international land and maritime borders of the United States through more effective use of personnel and technology, such as unmanned aerial vehicles, ground-based sensors, satellites, radar coverage, and cameras; and

(2) physical infrastructure enhancements to prevent unlawful entry by aliens into the United States and facilitate access to the international land and maritime borders by United States Customs and Border Protection, such as additional checkpoints, all weather access roads, and vehicle barriers.

(b) OPERATIONAL CONTROL DEFINED.—In this section, the term "operational control" means the prevention of all unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband.

(c) REPORT.—Not later than one year after the date of the enactment of this Act and annually thereafter, the Secretary shall submit to Congress a report on the progress made toward achieving and maintaining operational control over the entire international land and maritime borders of the United States in accordance with this section.

SEC. 3. CONSTRUCTION OF FENCING AND SECURITY IMPROVEMENTS IN BORDER AREA FROM PACIFIC OCEAN TO GULF OF MEXICO.

Section 102(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 8 U.S.C. 1103 note) is amended—

(1) in the subsection heading by striking "NEAR SAN DIEGO, CALIFORNIA"; and

(2) by amending paragraph (1) to read as follows:

"(1) SECURITY FEATURES.—

"(A) REINFORCED FENCING.—In carrying out subsection (a), the Secretary of Homeland Security shall provide for least 2 layers of reinforced fencing, the installation of additional physical barriers, roads, lighting, cameras, and sensors—

"(i) extending from 10 miles west of the Tecate, California, port of entry to 10 miles east of the Tecate, California, port of entry;

"(ii) extending from 10 miles west of the Calexico, California, port of entry to 5 miles east of the Douglas, Arizona, port of entry;

"(iii) extending from 5 miles west of the Columbus, New Mexico, port of entry to 10 miles east of El Paso, Texas;

"(iv) extending from 5 miles northwest of the Del Rio, Texas, port of entry to 5 miles southeast of the Eagle Pass, Texas, port of entry; and

"(v) extending 15 miles northwest of the Laredo, Texas, port of entry to the Brownsville, Texas, port of entry.

"(B) PRIORITY AREAS.—With respect to the border described—

"(i) in subparagraph (A)(ii), the Secretary shall ensure that an interlocking surveillance camera system is installed along such area by May 30, 2007, and that fence construction is completed by May 30, 2008; and

"(ii) in subparagraph (A)(v), the Secretary shall ensure that fence construction from 15 miles northwest of the Laredo, Texas, port of entry to 15 southeast of the Laredo, Texas, port of entry is completed by December 31, 2008.

"(C) EXCEPTION.—If the topography of a specific area has an elevation grade that exceeds 10 percent, the Secretary may use other means to secure such area, including the use of surveillance and barrier tools.".

SEC. 4. NORTHERN BORDER STUDY.

(a) IN GENERAL.—The Secretary of Homeland Security shall conduct a study on the feasibility of a state-of-the-art barrier system along the northern international land and maritime border of the United States and shall include in the study—

(1) the necessity of constructing such a system;

(2) the feasibility of constructing such a system; and

(3) the economic impact implementing such a system will have along the northern border.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report that contains the results of the study conducted under subsection (a).

SEC. 5. EVALUATION AND REPORT RELATING TO CUSTOMS AUTHORITY TO STOP CERTAIN FLEEING VEHICLES.

(a) EVALUATION.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Homeland Security shall—

(1) evaluate the authority of personnel of United States Customs and Border Protection to stop vehicles that enter the United States illegally and refuse to stop when ordered to do so by such personnel, compare such Customs authority with the authority of the Coast Guard to stop vessels under section 637 of title 14, United States Code, and make an assessment as to whether such Customs authority should be expanded;

(2) review the equipment and technology available to United States Customs and Border Protection personnel to stop vehicles described in paragraph (1) and make an assessment as to whether or not better equipment or technology is available or should be developed; and

(3) evaluate the training provided to United States Customs and Border Protection personnel to stop vehicles described in paragraph (1).

(b) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report that contains the results of the evaluation conducted under subsection (a).

The SPEAKER pro tempore. The gentleman from New York (Mr. KING) and the gentleman from Mississippi (Mr. THOMPSON) each will control 30 minutes.

The Chair recognizes the gentleman from New York.

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

Mr. Speaker, I rise today in strong support of H.R. 6061, the Secure Fence Act of 2006.

Mr. Speaker, as Members of Congress return to their districts, as Members of Congress speak with the American people, it is obvious there is no more defining issue in our Nation today than stopping illegal immigration.

□ 1345

This is an issue which is absolutely essential if we are to gain the confidence of the American people, if we are going to show to the American people that we can perform the most basic obligation of any government, and that is to secure the Nation's borders.

Now, we passed very comprehensive legislation in December of last year, H.R. 4437, and I was a strong advocate and cosponsor of that, along with Chairman SENSENBRENNER, but the reality is that legislation is right now bogged down. What we have to do is we have to prove to the American people and also we have to make substantial progress in combating illegal immigration.

One issue in which there appears to be a consensus between the United States Senate and the Congress is on the issue of building a secure fence. So rather than wait, and wait for God knows how long until comprehensive legislation is enacted, there is no reason whatsoever why we should not move forward on targeted legislation which is effective and meaningful. We have to bridge this disconnect between the American people and its government, between the American people and the elite, and we have to show we are responsive.

Now, the legislation today incorporates very much what was already passed by the House with significant Democratic votes back in December. It provides over 700 miles of two-layered reinforced fencing. It also mandates that the Department of Homeland Security achieve and maintain operational control over the entire border through a virtual fence, deploying cameras, ground sensors, unmanned aerial vehicles, integrated surveillance technology, and it also requires the Department of Homeland Security to provide the necessary authority to border personnel to disable fleeing vehicles, similar to the authority which is already held by the United States Coast Guard for maritime vessels.

We also realize there is concern at the northern border, and I want to especially thank my colleague from New York (Congressman REYNOLDS) for his efforts in homeland security, particularly on the northern border. With his help, we were able to enhance the Secure Fence Act to ensure that appropriate technology and infrastructure are being considered and that border security efforts are implemented in a manner that does not stop or deny commerce.

Mr. Speaker, this is an issue where the American people are crying out for help. They are crying out for us to take meaningful action. There is, to me, no reason why, and I am trying to anticipate arguments coming against it, basically saying we need comprehensive legislation, and that is a debate we can have. We passed comprehensive legislation in December. But the fact is just because we cannot do everything today doesn't mean that we should do nothing.

So I am saying let us do something very, very positive. Let us pass this legislation, which will build a secure fence, which will build a virtual fence, and would also give the border personnel the assistance and the power that they need.

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

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today the House continues its efforts to be known as the ''do-nothing Congress'' by voting on a bill that has already been voted on before. In December, we voted on this fence issue as part of the border legislation offered by Mr. SENSENBRENNER and Mr. KING. Then, the Senate passed a bipartisan comprehensive bill, the McCain-Bush bill, and House Republicans had the opportunity to work with the Senate on a bill that would be voted on and sent to the President to be made into law, but the Republicans decided to do nothing.

Then they decided rather than doing nothing they would waste taxpayers' dollars to hold hearings over the summer, hearings that showed that a lot of their ideas, such as the very fence being discussed today, weren't so good. Rather than listening to the American people and creating laws that actually do something, the Republicans have decided to spend the next 2 weeks voting on things we have already voted on.

Mr. Speaker, voting on a fence today, especially when it is already part of legislation to be moved, isn't going to solve our border security woes. Indeed, voting on a fence without allocating funds to pay for it is just another example of Republican efforts to sell security on the cheap to the American people.

I have seen estimates that just to build the fence is going to cost us at least $7 billion. Where is the money coming from to pay for it? I am from rural Mississippi, and I know that when you build a fence you have to maintain it, mend it, and fix it. How much is it going to cost to maintain this 700-mile fence? Who is going to do it? This fence is starting to feel like the bridge to nowhere that Congress once considered.

Mr. Speaker, the British statesman Edmund Burke once said ''All that is necessary for the forces of evil to win in the world is for enough good men to do nothing.'' Mr. Speaker, it is time for the Congress to stop being the ''do-nothing Congress.'' It is time for us to take a real stand against the forces of evil and move forward with existing legislation to secure our borders. Instead of spinning our wheels passing the same bill over and over again, let us move forward.

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

GENERAL LEAVE

Mr. KING of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 6061.

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

There was no objection.

Mr. KING of New York. Mr. Speaker, I would just make several references, one to my good friend, the gentleman from Mississippi, who is ranking member and does such an outstanding job on the Homeland Security Committee, that I don't think it is ever a waste of taxpayer dollars to go out and hold hearings and listen to what the American people have to say. Sometimes it is good to get away from just reading editorials in the New York Times and the Washington Post and actually hear what real people have to say.

Secondly, if we are going to show that we are genuinely against doing nothing, then let's do something and pass legislation which we know the overwhelming majority of the American people want, and that is to build this fence.

Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I rise today in strong support of this legislation, and listened to the assessment offered by my good friend from Mississippi. Yes, it is the political season. Yes, the description is one that is offered almost reflexively, to which we could answer with I believe the fairer characterization of ''obstructionism.''

And, really, perhaps that is a theme that should be pursued with reference to our borders. The graffiti is strewn on the wall at our international border in Nogales. ''Borders are scars upon the earth,'' it reads. No, Mr. Speaker and my colleagues, borders are not scars upon the earth. They are reasonable and necessary lines of political demarcation between nation states to ensure the sovereignty and security of those nation states in the post-9/11 world.

It is absolutely necessary that we move to secure our borders. And as the poet wrote, ''good fences make good neighbors.'' Because, Mr. Speaker, this far exceeds the notion of a fence and mere physical, not to mention debate obstruction. This brings to bear technology necessary to secure the border.

Now, much has been said about process already, and it will no doubt continue. But I think it is the duty of the people's House to time and again take this case to the other body on this Hill and to make clear to the American people, Republicans, Democrats, Independents, Libertarians, and vegetarians, that as Americans we understand this basic truth: When you have got a hole in your roof, the first thing you do is patch the hole.

Let us move forward with an effective fence. Support this legislation.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Speaker, I rise in strong opposition to H.R. 6061, entitled the Secure Fence Act. This bill is almost the same bad legislation that was brought before us in the House this summer, but it is even worse because it contains no funding. It ignores real enforcement measures, like hiring more Border Patrol personnel, and instead builds a Berlin Wall on our southern border.

I was born and raised in south Texas on the Texas-Mexico border. We who live and work along the border are acutely aware that the immigration system is broken and that a complete overhaul is required to restore any semblance of order.

So long as employers need workers in this country, and while our immigration systems impede rather than facilitate timely access of willing workers to those opportunities, undocumented immigration will never be controlled. Walls, barriers, and military patrols will only force those immigrants to utilize ever more dangerous routes and increase the number of people who die in search of an opportunity to feed and clothe their families.

The answer to this issue is comprehensive immigration reform. Fix immigration systems and you are assured better border security. Trade is the lifeblood of the Mexico-U.S. border communities and of this Nation. In the Rio Grande Valley, thousands of people cross back and forth across the border daily to shop, to work, to get medical care, and to go to school. Fences will stifle that trade and destroy the economic gains border communities have made. The McAllen Chamber of Commerce says, and I quote, ''This bill is a 19th century solution to a 21st century problem. It is a waste of taxpayers' dollars.''

I participated in the sham hearings in Laredo, Texas, in August of 2006 that only allowed testimony from one side of the issue and are being used to justify this bill. Instead of wasting time with this legislation, this House should be participating in a conference with the Senate on legislation that has already passed.

The McAllen Hispanic Chamber of Commerce stands on the feelings that ''we don't need more fencing, we need a real solution. We need a bill that will protect our borders without a fence and consider possible solutions temporarily, legalizing undocumented people who are currently working in the United States, with certain homeland security provisions and allowing future workers to enter legally, reunite families, and provide worker protections.''

I urge my colleagues to oppose this misguided legislation, H.R. 6061, named the Secure Fence Act.

Mr. KING of New York. Mr. Speaker, I would just remind my good friend from Texas that just a 14-mile fence in San Diego has brought about a significant decrease in crime. And also one of the reasons why we believe this fence is essential is for the humanitarian reason of not allowing so many people to die in the desert the way they do today because there is no fence.

Mr. Speaker, I am privileged to yield 3 minutes to the distinguished chairman of the Rules Committee, the gentleman from California (Mr. DREIER).

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

Mr. DREIER. Mr. Speaker, I rise in strong support of this effort, and I want to congratulate the chairman of the Homeland Security Committee, Mr. KING, for his very hard work on this, and all my colleagues that have been involved.

I hate the idea of our having to put up a fence. The fact of the matter is we have no choice. We have no choice because this week, as we marked the fifth anniversary of September 11, we are in the midst of a global war on terror. We face the threat of someone who would like to do us in coming across our border.

We know that the fence is not the panacea. But the fact of the matter is the fence is essential, and every shred of empirical evidence that we have so far is that it has been helpful in dealing with the challenge that we have.

Chairman KING just mentioned the 14-mile border fence. I have had the privilege of working with our colleague, Mr. HUNTER, and before that our former colleague, Doug Ose, from Sacramento, who worked hard on our effort to complete that 14-mile fence.

□ 1400

The reason we have to have that fence in that area is that the populations on both sides of the border are very, very heavy, and so it makes it easy for someone to assimilate into society once they get across that border; and having a fence, and a double fence, is one way in these heavily populated areas to focus attention on this.

We have a 1,973-mile border between the United States and Mexico. It extends from the Pacific Ocean all the way to the Gulf of Mexico. No one is advocating that we fence the entire border. We have 21st century technology that is going to allow us to utilize motion detectors, unmanned aerial vehicles, and a host of other things that allow us to deal with areas that don't have heavy concentrations of populated areas, number one; and, number two, areas known to be utilized for smuggling.

This measure is the right thing for us to do. The American people know we can secure our borders. I believe that this effort is a very important one in that quest, and I am proud to be strongly supportive of it.

Mr. THOMPSON of Mississippi. Mr. Speaker, in response to my chairman, I have heard a fence called a lot of things, but hearing it called a ''humanitarian gesture'' is something very new. I guess you learn something every time you are on the floor.

Mr. Speaker, I yield 3½ minutes to the gentlewoman from California (Ms. LORETTA SANCHEZ).

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I come to the floor today disappointed that we once again are debating a bill that will not be a real solution to our Nation's border security and to our immigration problem.

This summer the Republican leadership held hearings all around the country under the pretense of learning about what was needed to secure our borders. The various hearings received extensive testimony, but one of the things they told us was that fencing alone is not an adequate solution.

The simple fact is that fences are not the silver-bullet solution that the Republicans are painting them to be. It will not add more Border Patrol agents, who are the ones that do the real work at securing our border. And it will not add more detention space for people who are apprehended. There are no more DAs, no more judges, it won't process these people.

I am also concerned that the bill does nothing to secure the northern border. Just think about it, when you plug one place, people come in through other places: our coasts, our airports, our northern border.

This summer I attended a hearing on the Washington State-Canadian border, and it was very clear that the northern border has major problems, considerable challenges. And what does this bill do to help the northern border? They are going to do a study. I am going to tell you something, the people who were before our committee did not ask for a study. They asked for more Border Patrol agents. They asked for help

from unmanned vehicles. They didn't ask for a study.

The fence proposed today is not cost effective. A low-ball estimate based on an estimate from the Department of Homeland Security says $9 million per mile. So it would cost almost $7 billion to build the 730-mile fence. In contrast, with just $360 million, we could hire, train and equip the 2,000 Border Patrol agents that would make it operational and secure at the borders, the ones that we said we were going to hire in the 9/11 act.

So today we are not discussing a comprehensive bill like the substitute drafted by my colleague, Mr. THOMPSON, the ranking member of the Homeland Security Committee, the one that gives technology, personnel, equipment to monitor and secure every mile of the border 24 hours a day, 7 days a week. Unfortunately, the Republican leadership would not allow an up-or-down vote on that amendment.

I am a strong supporter of border security, and today, today I wish we were voting on a strong border security bill. I want to work with my colleague on the other side of the aisle, but I cannot support this bill. It will cost billions of dollars, take many years to implement, and it still won't solve our border security problem.

Mr. KING of New York. Mr. Speaker, I would say to my good friend from California, all of us agree no one provision is going to solve illegal immigration, but this is a significant provision going forward.

In addition, this year's appropriation bill provides for 1,200 new Border Patrol agents which will bring us up to 14,580, an increase of over 80 percent since September 11, 2001, and over 1,200 ICE officers.

Mr. Speaker, I yield 1½ minutes to the gentleman from Virginia (Mr. GOODE).

Mr. GOODE. Mr. Speaker, I salute the gentleman from New York and his committee for their efforts on the fence bill.

As stated previously, I agree that the fence is not the total solution. In fact, I would like to see more than 700 miles of fence along our southern border, but 700 miles of fence is a start. I would also like to see a firm no-amnesty policy ever for those illegally in the country. That is not part of this bill. But this bill is a substantial and correct step in the right direction.

The invasion into this country is from south of the border primarily. That is why we need the fence along the southern border first, and we will study the situation along the northern border.

Cost: $7 billion is a small fraction of the cost that illegal immigration imposes upon the taxpayers of the United States and the taxpayers of the various States of this country. It costs in excess of $70 billion per year.

Let's take this very firm, very positive step and I urge everyone to support the King legislation.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 2 minutes to Mr. GRIJALVA, the gentleman from Arizona.

Mr. GRIJALVA. Mr. Speaker, I rise in strong opposition to this so-called Secure Fence Act, H.R. 6061. This bill could require the Department of Homeland Security to construct a wall across the entire Arizona border with Mexico. The House has already considered and passed this legislation, but since the majorities of both bodies in Congress have been unable to come to an agreement on immigration reform, the majority here wants to appear that we are accomplishing something as we are nearing election. But this is a sham.

Because of a failure of leadership to comprehensively address immigration in a sensible, humane way, we see before us a bill, to quote a majority member of the other body, that is a 19th century solution to a 20th century problem.

Instead of using our abilities as representatives of the American people who want to see a comprehensive solution to this problem, this is merely an attempt to sweep the serious root causes of immigration under the table and appeal to the lowest common denominator.

Building a wall between us and Mexico will not work. Not only will it not keep people from crossing illegally, it will be a budget-busting endeavor. I note that this bill contains no specific authorization of funds for this wall which will run into the billions.

In the deserts of the Southwest, the fragile and unique national treasures that we have there are bearing the brunt of an immigration policy that has failed. Earlier this year, the Interior Subcommittee of the Appropriations Committee held a hearing on immigration's impact on borderlands. Professional land managers testified at this hearing and expressed serious skepticism about the negative impacts to the environment and wildlife that could result from building walls or fences on the border.

It saddens me that instead of working hard to address the border question, the majority continues to push a measure that has little chance of being signed into law. Nowhere in this bill do we see discussion of larger issues at hand that are in dire need of solutions.

The American people will see through this. They know it is nothing more than election year politics. I urge my colleagues to reject H.R. 6061.

Mr. KING of New York. Mr. Speaker, I yield 1 minute to the gentlewoman from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Mr. Speaker, I rise today in support of the bill before us because we need to act immediately to seal our borders and protect the American people.

My office is full of bricks, bricks mailed to me by my constituents, and to the offices of many of my colleagues, with urgent pleas to act to secure our borders. These bricks are more than a strong message from our constituents. They represent the passionate pleas of a country that knows we are losing the battle at our border and the demands of a Nation that understands we will never be secure until we have control over who is entering our country.

The Secure Fence Act will take the necessary steps to give our Border Patrol agents the tools they need to regain control of our borders so they can protect our country.

This legislation authorizes additional fencing as well as state-of-the-art technology and surveillance equipment to help us regain control of our borders.

The Secure Fence Act tells the American people we are serious about getting control of our borders, stopping illegal immigration and securing our country.

It is appropriate legislation. It will help get the job done, and I urge its passage.

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

Mr. KING of New York. Mr. Speaker, I yield 1 minute to the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Speaker, it is interesting to hear some of the folks on the other side of the aisle, especially Members from Arizona and New Mexico, who come here and say this is not a good idea, we shouldn't be moving ahead with it and it won't solve any problems.

It is their States, it is the Governor of the State of Arizona and the Governor of the State of New Mexico who have declared states of emergency in those two States. Something has to be done; that is what they are telling us. These are Democrat Governors in States where they have enormous problems, and they are saying we have an emergency. This is one way to try to address it. It is just one, but it is one way to do so. It is an important step that we take.

In terms of effectiveness, we have a model. On our southern border today, we have a chunk of fence about 14 miles long in the San Diego area, and it has worked. It has worked well. It is hard to find anyone on either side of the border at that location that wants that fence taken down because it has improved life.

This is a good step to take, and I commend my colleagues for bringing it forward.

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

Mr. KING of New York. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Mr. Speaker, I commend the chairman and the leadership for their continued astute work on this most important matter.

On December 16 of last year, the House responsibly debated and passed H.R. 4437. Part of that bill was an amendment that I authored that is now

incorporated into section 2 of this bill. It is the accountability portion. It is the oversight portion. And accountability is truly the key.

We are in this position today because of benign neglect from Washington. In 1986, another bill was passed that promised border security. That was not done, and the American people lost trust in Washington on this issue.

In order to restore that trust, we must first gain operational control. Operational control of the border is the imperative, and section 2 is what accomplishes that. It will ensure that the American people will know with certainty that that task has been accomplished.

My friends on the other side of the aisle say a fence is not the only answer, and this bill recognizes that. Look at section 2; it states that Homeland Security shall take all actions necessary and appropriate to achieve and maintain operational control over the entire international land and maritime borders of the United States, including systematic surveillance of the international land and maritime borders and physical infrastructure.

This is not just a fence bill, Mr. Speaker. It is also not just a Republican issue, it is not a Democrat issue; it is an American issue. I encourage and challenge my friends and colleagues on both sides of the aisle to support this important measure that all of our constituents demand.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

In reference to what the last speaker said, that this is not a fence bill, looking at the title, it is the Secure Fence Act of 2006.

□ 1415

Undoubtedly, there is some misunderstanding. The other point I would like to raise, Mr. Speaker, we have already voted on this matter. It is already on the books, been sent to the Senate, and basically it is there. We could be spending significant time doing other items like adding Border Patrol agents to a bill, technology, other equipment that we already know that we need. But this unfunded mandate in terms of this fence is unfortunate, because we are just doing and repeating what we have already done in the past.

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

Mr. KING of New York. Mr. Speaker, could I inquire how much time both sides have?

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from New York has 15½ minutes, and the gentleman from Mississippi has 18.

Mr. KING of New York. Mr. Speaker, I yield 1 minute to the real gentleman from Iowa and the real Mr. KING.

Mr. KING of Iowa. I thank the gentleman from New York, and I am pleased to be called a real gentleman here on the floor of Congress. I am very pleased to be standing here to endorse the King bill, and the chairman's work is exemplary.

I also endorse the definition in here of operational control of this border. It is a right-on-the-spot definition that we need to adhere to across this country. Last August 22 I called for a fence, August 22, 2005. The news media lambasted me for a radical idea.

Since that time, this House has voted to pass a fence, and the Senate has voted twice to pass a fence. It has now become bipartisan, and the White House understands the need for a physical barrier on the border. Two thousand miles, and we are spending $8 billion a mile to watch the border. That is $4 million a mile, $8 billion a year; $4 million a mile, and $2 million will build a fence and a wall. Then we can have an effective operational control that meets this definition.

So we need to have a fence and a wall on this border, and we are also watching today as 4 million illegals cross this border a year, that's 11,000 a night. Santa Ana's army was 6,000 strong. Twice that number every night is coming into America. You can't sit on the border in the dark like I have and listen to that infiltration and believe that you can do it with something called virtual. It has got to be a physical barrier.

There are $65 billion of illegal drugs pushing on that wall. We can shut all of that off and save America drug addicts at the same time.

I support the bill.

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

Mr. KING of New York. Could I inquire of my friend from Mississippi if he intends to use all his time with more speakers?

Mr. THOMPSON of Mississippi. Mr. Speaker, we are waiting for two more speakers.

Mr. KING of New York. I thank the gentleman.

Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Texas (Mr. POE).

Mr. POE. Mr. Speaker, I appreciate Chairman KING's work on this bill showing that it is a national security issue and not just a problem that we have in the Southwest. Many in this Congress have been following what they believe to be the absurd anti-American prosecution of two Border Patrol agents, Ignacio Ramos and Jose Compean, who were doing their jobs to protect the U.S. border and protect drugs from entering America.

Instead they were improperly put on trial for what the U.S. Attorney who prosecuted this case said was the unlawful pursuit of an illegal invader into this Nation who was bringing 800 pounds of dope into this country.

One part of the bill that I wish to highlight is section 5. This portion directs the Border Patrol to make clear the policy on pursuit and whether the authority should even be expanded. The Border Patrol lists among its objectives to detect, apprehend and deter drug smugglers. Our Border Patrol agents in the field need a clear, all-inclusive pursuit policy to show that we are serious about defending the border.

This bill will show our Border Patrol agents we are more concerned about them and border security than we are about drug smugglers. Anything less makes our Border Patrol nothing more than highly specialized and trained Wal-Mart greeters.

I urge adoption of this bill.

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

Mr. KING of New York. Mr. Speaker, I yield 2 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. I thank the gentleman from New York for his dedication to our Nation's security and border security, which is a huge part of that.

Mr. Speaker, after our Congress on the Road border security hearings, I would have constituents who would say tell me what you learned. What we learned is this, is that every town is a border town and every State is a border State, regardless of where it sits in this Nation. We also learned that what Americans want is to secure the border first.

That is their priority, and they are in hopes that we are going to join them and work with them. We know it has been the House's priority, and we are hoping that the administration and the Senate will join us in this effort.

We have also learned that what America wants to see is some type of border wall or fence or technology that is going to get results and that will end illegal entry into this country, whether it is of drugs, whether it is of individuals. They want the illegal entry to end.

The Secure Fence Act is a result of our hearings. We have heard. We are heeding what we have heard, and we know this is not the be all and end all, but it is one part of this important process. We get it. We hear the American people. We hear the border guards, and we also hear American law enforcement officers at the local and State level.

We are committed to doing the right thing. As I said, I hope that the President and Senate will join us in supporting these endeavors. We welcome bipartisan support on this issue. For those who have sat back and have avoided the issue or refused to take a position, now is the appropriate time for them to basically get off the fence and join us in supporting this. It is responsible, and, indeed, it is an issue of national security.

Mr. THOMPSON of Mississippi. Mr. Speaker, we have two speakers en route, one we just talked to, who assures us he will be here shortly.

Mr. Chairman, do you have someone else?

Mr. KING of New York. Actually, we have a pinch hitter. I yield 1½ minutes

to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Speaker, Iraqis have been caught trying to infiltrate our southern border. Iranians have been detained trying to cross our southern border, Jordanians and people from countries where al Qaeda recruits.

Border security is national security, and yet the Democrats are now holding hostage border security for their amnesty plan. This is wrong. Mr. Speaker, we have the means to control our border, but do the Democrats have the will?

When they talk about immigration, the question is not yes or no, the question is illegal versus legal. That is the question. We know that a fence does not solve the entirety of the problem, but if you talk to our Border Patrol, as I have, if you have talked to our border sheriffs, as I have, you will note that strategically placed fences and walls, particularly where these human smugglers will gather, is a very important part of a comprehensive strategy to control our border and helping stem the tide of illegal entry.

We know that many people are coming here for the right reasons, but many people are also coming for the wrong reasons. Unbridled, illegal immigration threatens our national security, our border security and the rule of law. We should approve this legislation and take that first bold step in helping secure our borders.

Mr. THOMPSON of Mississippi. Mr. Speaker, putting a fence up really doesn't stop people if you don't put the support system around it. So I would encourage my colleagues at some point to look at comprehensive border security and that approach, as well as developing a comprehensive border security plan. Just because somebody happens to be Jordanian or Iranian or what have you does not make them illegal, and I think what we have to do is do it the right way. If you have a fence and don't have staff to support it, you still haven't done much.

Mr. Speaker, I yield as much time as he may consume to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. I thank the gentleman greatly.

Mr. Speaker, like Humpty-Dumpty atop a great wall, the Republican leadership's false proposal that we consider today is really on the edge of a great fall.

This is not so much about broken immigration policies, as it is about a House leadership that is desperately trying to cling to power and realizing that it is about to take a great fall. A great fall because, in part, on immigration, as with so many other issues, it has had years to act, and years to respond. Like this Administration, it has failed to secure our borders or find a meaningful way to deal with immigration.

So today, as part of the campaign of fear and hate that it has promoted over the recess with hearings across America, this bill is designed to erect a fence along the entire border of Texas, including all of the area that I represent along the Rio Grande River between Texas and Mexico.

With no funding accompanying the bill, it is really less of a fortification than a fairy tale, and it is also results from public concerns on this issue that arise from the failure of the Administration to fund the 2,000 Border Patrol agents that we proposed in 2004 when it ended up providing only 210.

It is similar in concern to the raid that President Bush and his Administration made on our Texas Border Patrol agents, when it moved them to Arizona, in what even my Republican colleagues condemned as an ''outrage.'' They cannot put Humpty-Dumpty together again because reality does not comport with their rhetoric.

The solution to our problems with immigration will take more than concrete. You cannot build a wall high enough or long enough. You cannot pour in the billions and billions of dollars that they propose over the next decade for this wall, if it were ever funded, to keep people who are hungry from coming to this country.

What we need is a comprehensive approach that includes securing our borders, but at the same time realizes that much of our American industry and agriculture depends on immigrant labor. We need a way to encourage that labor to enter the country in a legal, not illegal fashion. If you do nothing but erect a false barrier and fail to include at the same time a legal way for labor to enter this country to seek a better life and to help us have a better life, one is left with a tremendous false sense of security for a wall that didn't work in Berlin, didn't work around Hong Kong, and hasn't worked in many other areas and is not the kind of comprehensive solution we need.

History and Humpty-Dumpty teach us that great walls are not the answer. What we need today is not a facade like that which is being proposed, we need leadership and real action.

Any high school student who has completed, even at the C level, a civics course at Johnson High School or Crockett or Bowie High School in Austin, Texas, knows that when the House passes one bill and the Senate passes another bill, both Republican bodies, with the President seeming to timidly favor the Senate bill, that the solution isn't to go around and have a round of show hearings and piecemeal a measure. One must cause the two bodies to come together and try to achieve a reasonable consensus.

Instead, House Republicans have done everything that they possibly can to stymie consensus and stymie a comprehensive solution. Instead, they bring us the false hope of a giant and costly wall that will not solve this problem. We need the President and a Congress who support real security and who are willing to stake some of their future on that, not some kind of barbed-wire smokescreen.

The citizens I represent who live on the southern edge of the country live in the very area that this wall would be built. Those who I represent that live hundreds of miles away are recognizing that we shouldn't be punished by posturing politicians high on the prospects of stirring up fear thousands of miles away with people who have never been to our Texas border.

Rather our entire country, all of our families, will be safer if we have a plan for enhancing border security enforcement, as well as for overhauling our immigration system. One of the biggest wrongs committed in this round of hearings, this dog and pony show that House Republicans have taken around the country, is to make an attempt to confuse the violence associated with drug cartels along our border with immigrants coming here seeking a better future, the same kinds of immigrants that came here in previous centuries looking for a better life in America. The two are separate, except to the extent that enforcement policy only drives some seeking a better life to some of the gangs that are also responsible for drug violence.

Similarly, the attempt to confuse our people and make them think that Osama bin Laden is headed north in a sombrero and that we face a great invasion of terrorists across the Rio Grande is also appealing to fear and the unknown rather than appealing to the reality of how we secure our borders.

□ 1430

Many Americans have a legitimate concern for securing our borders. In some areas, it may be that limited use of walls and certainly much broader use of our Border Patrol will provide part of that solution. But without the comprehensive approach that we so desperately need, we will not have solved the problem of immigration, of its contribution to our economy, and of the concerns it raises for some of our border communities.

I salute the gentleman from Mississippi for his leadership on this matter, and I believe that next year, when we have a more responsive Congress that cares about placing a priority on the real problems that affect American families, we may be able to finally move toward a comprehensive immigration approach, and not just a series of campaign speeches by people who want to distort and who want to shift the focus of debate from the failures that they have been responsible for these many years in the House of Representatives.

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

Mr. Speaker, I have been trying to listen as carefully as I can to the debate, and the only real argument that I hear that really make any sense is that building a fence is not the only answer. I think all of us on this side agree. But we also believe it is a very

essential part of the answer, a significant step; and the fact that, again I repeat, that we can't do everything, does not mean we should do nothing. That is why it is, I believe, essential to go forward with the legislation today, since there is broad support for it; both here in the House and in the Senate, as well, there is support for it, and also among the American people.

Also, as far as the references made to terrorists coming across the southern border, there is no doubt that there have been captured al Qaeda documents which indicate the desire of al Qaeda to bring people across the southern border.

Mr. Speaker, I am privileged to yield 2 minutes to the gentleman from Georgia, Dr. Gingrey, a member of the Rules Committee.

Mr. GINGREY. Mr. Speaker, I thank the chairman for yielding.

Mr. Speaker, on December 16, 2005, the House of Representatives passed H.R. 4437, the Border Protection, Antiterrorism and Illegal Immigration Control Act of 2005, by a vote of 239–182. Included in the final version of that bill was an amendment that was offered by Mr. HUNTER, Mr. DREIER, Mr. GOODE, Mr. ROYCE and myself to construct a high-tech security fence along the most populated and in-need parts of our border.

This past August, I had the opportunity to visit the border fence in San Diego, California, and I can vouch for its effectiveness. I agree that it may not be cost effective or even necessary to line our whole northern and southern borders with a security fence, but in the most populated areas where there is not much room separating two cities, like Tijuana, Mexico, and San Diego, California, a secure border fence would be a valuable investment because it provides our Border Patrol the time necessary to apprehend smugglers and others crossing the border illegally.

I commend Chairman KING and the House leadership for revisiting this issue, because it is the most basic and effective means for securing our border, in this Congress. Like locking the door to your house before turning on the alarm, it only makes sense to begin enforcement of our borders with physical barriers.

Mr. Speaker, we need to stop the fluidness of our borders before we consider any other immigration idea. In the words of a doctor, we need to stop the bleeding before we can stitch the wound. Constructing barriers on our borders is a critical first step toward curing this patient.

Mr. THOMPSON of Mississippi. Mr. Speaker, I am happy to say at this time that there is bipartisan opposition to this bill. I would like to yield 3 minutes to a border State Representative, the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Speaker, I thank the gentleman for yielding, and I thank the gentleman from New York for his consideration as well.

Mr. Chairman, here we are again. Nine months ago, we were on this floor passing half measures to deal with the problem. Now we are back to dealing with it in quarter measures. We don't need these kinds of approaches. We know what the problems are. We don't need to have the faux hearings all over the country that we had this summer to tell us what the problems are.

The time has come to reject these kinds of partial measures, more of the same that we have been doing, and get at the root of the problem. And the root of the problem, as we well know, is the job magnet that exists in this country, that pulls migrants in, that makes them willing to do the jobs that most Americans are not willing to do, hard, back-breaking work out in the hot sun.

Fences are not going to stop these people from coming. They are determined to come here. They have been coming against all odds, and they are going to continue to come.

Furthermore, half of all the people who are in this country illegally came here on a legal visa. This doesn't do anything to deal with that, it doesn't do anything to deal with the people who come from other than across our southern border, and it doesn't really deal with that.

We need to have a comprehensive fix to the problem. I know people are tired of hearing that word, ''comprehensive,'' but tell me a better word to describe something that deals with all of the parts of the problem and that that is what we don't have here. Not just fencing, not just sensors, not just UAVs. Those are important. Those are part of the problem. And I have no difficulty with the idea of a fence, but we need to have it as something more than just on its own. By itself, this falls very short.

We have got to have a guest worker program. We have got to have a realistic, honest assessment and solution to the 12 million people who are in this country now in an undocumented status. Unless we do that, we only exacerbate the problem.

Mr. Speaker, there is no evidence that any terrorist has come across our southern border. None. And that was testified to time and again this summer. So if we are really concerned about terrorists, we ought to be much more concerned about our northern border, where there are many more miles of unprotected border without camera sensors, without fencing. And it is also a country where we know there are terrorist cells that exist there. So we know that the problem exists up there.

So what are we really debating here? We are really not debating anything that is of substance. This is a feel-good piece of legislation. We have sent the bill to the Senate. They have sent the bill back to us. This is simply a rerun of what we have done before.

Chairman KING said a moment ago that we can't do everything, we ought to do something. Well, sometimes the half measures are actually things that make things worse.

What we need to do, and we know that we can get more than this, all we have to do is be willing to walk 100 yards across the Capitol to the other side and negotiate, to start talking with them about a comprehensive solution, something that will secure our borders once and for all.

So, Mr. Chairman, I urge that we reject this piecemeal, this rerun bill, and do what is right for the American people. Let's go to conference with the Senate.

Mr. KING of New York. Mr. Speaker, I yield 1 minute to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. Mr. Speaker, I rise today to support the Secure Fence Act. House Republicans have been committed to taking action which will strengthen border security now. I have long been committed to this issue. The people of the Fifth District of North Carolina and the people of this country want us to fulfill our constitutional duty to secure our borders.

H.R. 6061, the Secure Fence Act, will address our immediate need to secure our borders. We must address our vulnerability and strengthen our operational controls on our borders through more personnel, greater state-of-the-art technology and surveillance, and additional physical barriers.

We know there is more that needs to be done to deal with the illegal alien issue, but this is definitely the right first step. I urge my colleagues to vote in support of the Secure Fence Act.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 4 minutes to the minority whip, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentleman from Mississippi for yielding.

Mr. Speaker, every single Member of this House understands that we must secure our Nation's borders. Our Nation is at war, and those who seek to harm our homeland and our people will attempt to exploit our national security vulnerabilities. There is no question, to protect our country, we must know who is in our country.

But rather than work with Democrats to achieve this consensus national security objective, the House Republican majority today is engaging in a cynical charade, I suggest.

This is not a feel-good measure. I agree with most of what my friend from Arizona had to say. This is not a feel-good measure; this is a political measure. This is a political measure, because Americans are rightfully concerned about their borders being secure. They were concerned about that in 2001, 2002, 2003, 2004, 2005, and, yes every day up until today. But they know our borders are not secure.

Now, we haven't been in charge of the administration, the Congress or the Senate. Prior to that, if you look at the record, we were more secure at the

borders. If you look at the record, honestly, you will see in terms of the numbers of people coming in, the numbers of people being stopped, the numbers of fines being levied on employers, there was more, not less, in the Clinton administration than there is in the Bush administration.

This is, I suggest to you, to score political points that are going to be, not could be, are going to be demagogued in 30-second ads. I guarantee you they will be used in ads.

The legislation before us solely contains the border fence provisions that were added to the Sensenbrenner immigration reform bill that passed this House last December with overwhelming Republican support.

This is what I call to some degree the ''regurgitation process'' that we are in so much. We pass a bill, it doesn't go anywhere in the Senate; we pass it again, it doesn't go anywhere in the Senate; we pass it again. Why do we do so? To appeal to the fears and the passions of our people.

Let me just say, building a fence along 700 miles of our southern border is no panacea to our very real national concerns that must be addressed. In my view, it is a political grandstand play that wastes precious time.

Here, in fact, is what the President of the United States, President Bush, said, in May regarding the issue of immigration reform and border security, exactly what the gentleman from Arizona, the Republican chairman of one of our subcommittees of the Appropriations Committee. President Bush said, ''An immigration reform bill needs to be comprehensive because all elements of this problem must be addressed together or none of them will be solved at all.''

We passed a bill. The Senate passed a bill. But we haven't gone to conference. The Republican leadership of the Senate and the House have been stuck in the mud while America knew it had a problem that needed to be solved.

Today, the House Republicans come forward with this rifle-shot bill, this regurgitation of one aspect of the legislation.

Mr. Speaker, we all know that the Republican bill, if it does pass, is going nowhere. It will not be passed. We are wasting our time and the American people's time.

For months now, Republican infighting has prevented this Congress from enacting true immigration reform and protection, and that infighting and unwillingness to compromise on the part of House Republicans is what instigated this narrow bill.

Now, what compels us on this bill? We only have 2½ weeks, 3 weeks to go, the elections are coming, and, very frankly, the Republicans aren't doing too well, and the fear factor is one of their major political ploys.

Our Republican friends are desperate for a legislative victory and desperate for political talking points. They recognize that, as Senator SPECTER, the Republican chairman of the Judiciary Committee, said, ''Republicans control both Houses and the White House. If we don't move forward and solve the immigration reform problem and border security, we are not doing our job.'' Today, we are pretending to do our job.

We are not doing our job. There is a bill in conference, but we are not working on it.

Today, I urge you to support the comprehensive alternative that will be offered by the ranking member of the Homeland Security Committee, which deals in a comprehensive way, which is what President Bush suggested we ought to do.

We should be coming together, on a bipartisan basis, on comprehensive legislation that would make us safer by beefing up security along our borders.

That is precisely what the Reyes-Thompson substitute would do—providing the technology, personnel, equipment and infrastructure to monitor and secure every mile of the border every hour of every day.

Instead, House Republicans are engaging in this charade.

Mr. KING of New York. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished majority whip, the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Speaker, I thank the gentleman for yielding, and I thank Chairman KING also for his hard work on this legislation and for the tremendous efforts of his committee, a committee that this Congress didn't have as a standing committee until a year and a few months ago when he put together, and his colleagues, the first effort congressionally from a permanent committee to look at these important issues.

Our immigration system, Mr. Speaker, is fundamentally flawed. There are millions of workers in the United States who entered the country illegally. Most of those individuals mean no harm to anyone. But any government that cannot account for all those entering and leaving the country, either legally or illegally, must deal seriously and quickly with that problem, especially if the government is at war with an enemy that has publicly stated its efforts to exploit every weakness we have.

As one border sheriff said, standing by me at a news conference earlier this year—a border sheriff, by the way, from the other party, a border sheriff who understood this problem intimately every day. He said, ''If you can come across the border for the perfectly understandable reason of a better job, you can come across the border in a way that does much more harm to people than anyone can now anticipate.''

□ 1445

As I have been discussing with many of my colleagues in recent days, the House has already had success in securing resources, such as additional Border Patrol agents and vehicles, for immediate border security needs in this year's current budget, in the supplemental budget, in the budget that we will vote on for next year later this month.

I draw my colleagues' attention to these pictures, pictures of the kind of work that has been going on along the border for months now: Seventy-five miles of fence already completed, 42 miles of fence nearing completion, more Border Control officers, more detention facilities, the return of people who have illegally entered this country to their country for the first time in decades, the assistance of the National Guard. All have led to a more secure border. Today we continue our efforts to undertake emergency measures to ensure that the operational control of the border will continue to improve.

Again, I commend Chairman KING for his leadership. This act, the Secure Fence Act of 2006, will provide over 700 miles of two-layered, reinforced fencing along the border. It will mandate that the Department of Homeland Security maintain operational control over the entire border through a ''virtual fence'' comprised of electronic surveillance and equipment.

I urge my colleagues to take another step today for greater border security by voting for this act.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished ranking member for yielding, and I would like to associate myself with the majority whip's comments, as he explained the comprehensive approach that we are arguing for, supporting on the floor of the House.

I raised this earlier, a letter from four governors, two Republicans Governor Schwarzenegger from California and Governor Perry from Texas, the Governor of Arizona and the Governor of New Mexico. They begged this body to enforce a response to immigration by making it a comprehensive response. They begged us to stop holding field hearings that do little but stir up discontent, and they asked this Congress to get to work, and that is what Democrats are saying.

This whole idea of a fence is not a new idea. My colleagues on the other side of the aisle know that the fence language is in the Senate bill. A simple conference could move a comprehensive response forward, but more importantly, as the Christian Science Monitor said, the fence is only a tactic. It is not a policy. And that is what has happened in this Congress. We failed in the overall policy of addressing the question of immigration. And so we fail our Border Patrol agents, we fail our Customs and Border Protection agents to the extent that they do not have enough resources to have what we call secondary inspections.

So what we are talking about is adding 3,000 new Border Patrol agents, making sure we have 12,000 new agents;

creating 2,000 new Immigration and Customs Enforcement agent positions, having coordination between the northern and southern border. They don't talk to each other. Creating detention beds, having a virtual reality.

Does anybody know what we will do with those individuals that are caught? We are creating 25,000 new detention beds. That is what Democrats are talking about, comprehensive reform.

Then I might suggest that the other aspect of what we are saying is that we must have surveillance. We must have physical infrastructure. We have got to be able to address this question from both sides, not a single one-target issue. This issue before us is dividing and divisive.

We ask that you support the Democratic motion to recommit but, more importantly, that you answer the question, not a tactic, Mr. Speaker, but yet a policy.

And I close by saying read the newspapers. This is a drug fight at the border. Where is the DEA? Where is the FBI? Where is more funding? That is really what we are addressing.

Mr. Speaker, I rise in opposition to H.R. 6061, the so-called "Secure Fence Act of 2006." I oppose the bill because it neither a serious nor comprehensive measure to secure our nation's borders. It does not provide any specific dollar amounts to build the fence called for in the bill, and nowhere does the bill authorize the additional Border Patrol, Immigration and Customs Enforcement, or Customs Inspectors needed to secure the border. In short, Mr. Speaker, H.R. 6061 is an election-year gimmick intended to obscure the fact that the majority party has done nothing of consequence in the past 5 years to secure the nation's borders from terrorist attack. It is time to try a new approach; it is time for a new direction. The Democratic Substitute offered by Mr. THOMPSON, the Ranking Member of the Homeland Security Committee, is a large step in the right direction and that is why I find that legislative proposal far superior to H.R. 6061.

Mr. Speaker, building walls and fences is not a panacea and a "one size fits all" approach is a wholly unrealistic and inadequate means of securing the border. Although some communities seem to approve of border fences, many others do not. For instance, Alex Perrone, the Mayor of Calexico, California, is opposed to additional fences. Calexico already has a border crossing as well as a chain-link fence that separates it from its Mexican neighbor. According to Mayor Perrone, the border towns have had a close relationship for more than 100 years, and a massive fence would strain their friendship and symbiotic relationship. Mayor Perrone believes that it would change how our neighbors view us and how we do business.

According to U.S. Customs and Border Protection Commissioner W. Ralph Basham, it does not make sense to construct fences along the border. Stemming the flow of illegal immigration and drug trafficking requires a combination of manpower, technology, and infrastructure, not just barriers.

History shows that even the most substantial walls can be breached. In California, the border fence has been circumvented by tunneling (20 tunnels have been discovered) and by going around both ends of the fence. This has diverted illegal traffic to more remote areas, but it has not stopped people from crossing. It just makes crossing more dangerous and increases reliance on professional smugglers. The diversion to more desolate areas has exacted a heavy toll in human lives. Moving through the mountains and scorching-hot deserts has resulted in many deaths. The number of persons who have died crossing the border since the fences were constructed is conservatively estimated at 3,600. Mr. Speaker, this is not the way to secure our borders.

A NEW DIRECTION ON BORDER SECURITY

What we should do instead is follow the direction charted for us in the Thompson Substitute which, among other things:

1. Establishes Operational Control of All Borders and Ports by requiring the Department of Homeland Security (DHS) to develop a comprehensive border security strategy that increases deployment of Border Patrol agents, provides increased surveillance through the use of technology, and ensures the free flow of legitimate travel and trade. It also mandates placement of technology to monitor every mile of the border 24 hours a day, 7 days a week and permits the emergency deployment of up to 1,000 additional U.S. Border Patrol agents for the purpose of patrolling and defending the international border.

2. Provides Significant New Resources Annually to Secure the Border including 3,000 new Border Patrol agents (12,000 total) and a new Border Patrol training facility to expand capacity and an increase in Border Patrol agent and inspector pay from GS–11 to GS–13. There are substantial increases in personnel authorized for Immigration and Customs Enforcement (ICE), U.S. Marshals, U.S. Attorneys, Immigration Judges, Coast Guard, Investigators of Fraudulent Schemes and Documents, Port of entry inspectors, and Canine Enforcement Teams.

3. Provides the Equipment and Resources Needed to Get the Job Done. The Thompson Substitute recognizes the importance of providing the tools needed to secure our borders by authorizing the purchase of additional helicopters, power boats, motor vehicles, portable computers, radio communications, hand-held global positioning system devices, night vision equipment, body armor, and weapons.

4. Ends the "Catch and Release" Practice. To maintain effective control over the border, we must end the Bush Administration's practice of "catch and release." The Substitute makes this possible by authorizing 100,000 additional detentions bed spaces through FY 2010 to assist with the deportation of undocumented individuals. It also increases the number of Detention and Removal Officers by 1,000 through FY 2010 to manage the additional detention facilities and capacity and to enhance the removal process.

5. Promotes International Policies to Deter Illegal Immigration by requiring DHS to report to Congress on the progress of cross-border security agreements signed between Mexico and Canada and the United States, including the Smart Border Accord and the Security Partnership for Prosperity.

6. Orders DHS to Locate Undocumented Immigrants that Have Been Set Free Under the "Catch and Release" program and instructs DHS to locate all 110,000 of those undocumented immigrants and deal with these cases, deporting those who are deportable or providing other results as required by law.

7. Finally, the Thompson Substitute Directs DHS to:

Locate and Deport ALL Criminal Aliens;

Deport ALL Deportable Criminal Aliens Serving Sentences in State or Federal Correctional Facilities;

Ensure that Local and State Correctional Facilities Cooperate in the Deportation of Criminal Aliens at the End of Criminal Sentences;

Improve and Strengthen Border and Immigration Enforcement; and

Return Deported Aliens to Countries that Delay or Deny Return of their Citizens.

Mr. Speaker, were the majority party in this House serious about securing the nation's borders, it would eagerly embrace and adopt the Thompson Substitute. A vote for H.R. 6061 is a vote to continue down the same wrong-headed path that got us into the fix we are in. It is foolish to maintain the status quo and stay the course. It is time for change. It is time for a new direction.

I urge you therefore to vote against H.R. 6061, the "Secure Fence" (but insecure Border) Act.

Mr. KING of New York. Mr. Speaker, I am proud to yield 1 minute to the gentlewoman from Florida, a member of the committee, Ms. GINNY BROWN-WAITE.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today in strong support of the Secure Fence Act.

Americans want real border security now.

When I went to the border, the sheriffs along the border, the Border Patrol, they support the House bill, which we have now had to break up.

I heard over the August recess from about 25,000 constituents who almost unanimously opposed the Senate's amnesty bill. They want the border closed before we work on a guest worker program. Yet obviously the Senate refused to consider the whole package that the American public supports. Instead, they decide to play fast and loose with Americans' hard-earned benefits by agreeing to broad amnesty.

Though the Senate put us in a terrible logjam, Chairman KING is showing with this bill that the House is serious about securing our borders.

Listen up, America. We agree that lax border security is a threat. Illegal aliens, criminals, and terrorists alike can too easily cross the gaps too long left unplugged. We are a Nation at war and cannot afford to play Russian roulette with border security.

I obviously urge my colleagues to support the Secure Fence Act, and I would like to briefly quote Robert Frost, who said, "Good fences make good neighbors." And that is really what this is all about.

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

Mr. KING of New York. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. HUNTER), who is the author of the original amendment on the wall.

Mr. HUNTER. Mr. Speaker, I thank the chairman for yielding.

My colleagues, since 9/11 border enforcement became not an immigration issue primarily but a national security issue primarily. We have to know who is coming across our borders and what they are bringing with them. That requires a fence.

The fence in San Diego works. When we built that fence, we had border gangs robbing, raping, murdering, killing mostly the illegal aliens who came through, preying on those people. We had 300 drug trucks a month ramming across the open border, coming through the sagebrush. We had a border that was out of control. It was the primary smuggling corridor in the world for smuggling of people and narcotics.

We built the double fence. We stopped the drug trucks cold. We stopped the murderers. We stopped the border gangs. And the crime rate in the City of San Diego dropped by more than 50 percent, according to FBI statistics.

The fence works, and moving this fence across the Southwest before the next hot season, before the sun gets to be 110 in the shade, which will happen next summer, getting that first stretch of fence across the hot Arizona desert will save many lives because about 400 people a year die in that desert of dehydration or sunstroke after their smuggler tells them it is just a few miles north to the road and it turns out to be 10 or 20 miles.

The fence works. Let's replicate this fence across the Southwest border so we know who is coming into the country and what they are bringing with them.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr. BECERRA).

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

Mr. Speaker, with approximately 12 days left in this legislative 2-year session, we are talking about retreads, an idea that we have already voted on before, an idea that has passed this House but has been rejected by the Senate. That is what we are being left with to tell the people of America what we will do about our broken immigration laws. We are on a path to do nothing once again in this Congress on immigration reform.

This is a bill which says we want to build a fence but provides not a single penny to get the job done on a project that will cost several billion dollars. This is a bill that says we should try to protect our borders but does not one single thing to increase the number of Border Patrol agents, Immigration Enforcement officers, or Customs inspectors that we need to make sure that we protect our borders. This is a bill that says it wants to protect America but does not a single thing about the cargo containers that are coming into this country through all our seaports every day, some 12 million or so cargo containers per year. We are not doing anything to increase our inspection of them when only one of every 16 of those cargo containers that enter into our country is inspected as we speak.

Mr. Speaker, we are on a path to do nothing. We are in essence moonwalking on the issue of immigration reform once again. Without the Senate's supporting us in the last 12 days of this legislative 2-year session, what can we accomplish? Not a great deal.

There is a bipartisan bill out there that we could vote on today and get this done to the American people's satisfaction, but that is not being proposed today. Instead, we have a prescription to do nothing.

It is time to change. Democrats are ready to sit down with our Republican colleagues and friends and come up with a bipartisan approach that is tough, smart, and comprehensive. Let's get it done.

Mr. KING of New York. Mr. Speaker, I yield myself the balance of my time.

At the outset let me commend and thank my friend Mr. THOMPSON from Mississippi both for, I believe, the high quality of debate certainly on his side and hopefully on our side today and also for the cooperation that he has given throughout the time that I have been chairman over the last year as chairman of the Homeland Security Committee.

Mr. Speaker, there is no issue that is more on the minds of the American people than illegal immigration, and there is one part of the bill that we passed last December which has overwhelming support, and that is the construction of a fence along significant parts of the southern border, operational control of the balance of the border, and also to give Border Patrol agents the authority to stop vehicles, to use force to stop vehicles. But, again, the key part of this is operational control and significant control, including the use of a fence along the southern border.

We can tell the American people we have heard the message. We can tell the American people that we are willing to put aside political correctness and do the right thing.

It is legislation that is humane because it will save lives. It is legislation that will work as it was done in San Diego. It is legislation which would tell the American people that we are serious about combating illegal immigration. And rather than wait for everything, we will do what we can and we will just step up to the plate and get it done.

With that, I urge passage of H.R. 6061.

Mr. VAN HOLLEN. Mr. Speaker, I want to make my position on this issue clear. I support the construction of a fence to better secure our border and supported its funding in the Homeland Security Appropriations Act. However, this bill simply doesn't provide for a fence. In a typical example of congressional overreaching and micromanagement, the bill specifies exactly how such a fence will be built and the precise location of each segment of the fence. We are neither engineers nor construction managers nor do we know the best alignment of such a fence. We should simply direct the experts to construct a fence that accomplishes the objective of preventing illegal immigration and allow it to be built in the most cost-effective manner.

Mr. WELDON of Florida. Mr. Speaker, I rise to strongly support H.R. 6061, the Secure Fence Act of 2006. It is critical that we pass this bill to further strengthen our borders.

House Republicans have been forced to pursue this measure separately, because of the earlier opposition by the vast majority of Democrats who opposed that border security bill. Unfortunately, liberals in the Senate weakened the House approved bills so much when they brought it up for consideration in the Senate, that it is more of an amnesty bill than a border security bill. I cannot support any bill that weakens our borders and provides more benefits to illegal aliens, but that is what the Senate bill does.

H.R. 6061 places security first. Border security is national security. According to Customs and Border Patrol, 644 illegal immigrants from countries that sponsor terrorism were apprehended by the Border Patrol in 2005. The fact that these individuals were caught illegally crossing into the U.S. should concern us all. These illegal aliens were from terrorist-sponsoring nations such as Somalia, Iran, Indonesia, and Bangladesh, as well as from other nations, such as Afghanistan, Iraq, and Saudi Arabia, where Islamic militants, such as al-Qaida, operate. We do not know how many succeeded in entering illegally, nor do we know whether they entered with plans to harm Americans.

As further proof that terrorists are attempting to enter our country, the Sheriff of Zapata County, Texas indicated recently that Iranian currency, Arabic military badges, jackets and other clothing are among items that have been discovered along the banks of the Rio Grande River. Some of these attempting to cross the border illegally are from militant Islamic groups that have conducted terrorism on the U.S. A living example is Mahmoud Kourani, the brother of a Lebanese military leader of Hezbollah, an organization clearly identified as a terrorist organization. He was able to come into our country by bribing a Mexican consulate official to obtain a Mexican visa and was smuggled into California. Fortunately, he was later caught.

H.R. 6061 will help shut down the flow of illegal immigration into the United States through utilizing additional physical barriers, fencing, and state-of-the-art technology such as UAVs. It calls for immediate construction of nearly 100 miles of two-layered reinforced fencing along the southwest border. Additionally, it authorizes the Border Patrol to disable vehicles fleeing from Border Patrol agents.

This is a good bill that takes immediate steps to close gaping holes in our border security. Having these fences in place will also enable the Border Patrol to shift agents from those areas to focus on non-fenced areas, better utilizing our agents.

The border fence in San Diego has proven to cut down on illegal entry. It is long overdue that we expand this effective means of securing our border. I am also pleased that the bill requests a study on the necessity and feasibility of constructing a state-of-the-art barrier system along the border with Canada.

I urge the adoption of this resolution.

Mr. FARR. Mr. Speaker, I rise in opposition to H.R. 6061. The consideration of H.R. 6061 is a thinly veiled effort from the Republican Leadership to garner their party's base support in November. H.R. 6061 is a red herring to the real issue that Congress should address: comprehensive immigration reform.

But, as we all know, ''Politics . . . (for) all too long, has been concerned with right or left instead of right or wrong.'' (Richard Armour)

This bill's objectives are not new to this body, in fact, we have already voted on them in the form of H.R. 4377, the very bill which has spurred protests all year long, throughout the country, due to its punitive and unjust nature.

The major initiative in H.R. 6061 is to complete segments of fencing, eventually ensuring 700 miles of it along the southwestern border. One section of this wall would cover practically the whole Arizona-California border.

But Republicans and Democrats know that more fencing along the border is like placing a band-aid on a gaping wound. It will not fix our broken immigration system; it will only serve to move the flow of illegal immigration into more remote and dangerous portions of the country.

In fact, Homeland Security Secretary Michael Chertoff has called fencing ''a less efficient way'' to address border security than adding more border security officers and yet this Republican led House insists on considering this bill.

Furthermore, building a 2-layer fence through hundreds of miles of public lands and National Parks will have severe ramifications on the delicate ecosystems of the desert. Already in Arizona alone, the Border Patrol estimates that 39 protected or proposed to be protected species are being affected by its operations. This only serves to highlight how this issue has not been viewed through a comprehensive lens.

As people cross our southern border, what kind of image do we want to portray to visitors, our own citizens or their family members? We should not convince ourselves that America is exempt from the images associated with other historic barriers, such as the Berlin Wall, the Maginot Line and the Great Wall of China.

I urge the Republican Leadership of the House of Representatives to address comprehensive reform of the Nation's immigration system so that immigration is legal, safe, orderly, and reflective of the needs of American families, businesses, and national security instead of engaging in this election year political grandstanding.

Ms. LEE. Mr. Speaker, I rise today in strong opposition to H.R. 6016, the so-called Secure Fence Act.

Once again, we are playing politics instead of debating sound public policy. As we conduct the last legislative business before November's mid-terms, the Republican Leadership has fast-tracked a bill that was introduced just yesterday, in a cynical attempt to mislead the American people, who are demanding real policy, not this political pandering.

Mr. Speaker, we have had plenty of time to have an actual debate on immigration. This rhetoric is simply a way to make it look like Republicans are doing something, when they have squandered opportunities to pass amendments offered by Democrats to help address immigration and border security. Over the past four and a half years, Republicans have voted against Democratic amendments that would have added an additional 6,600 Border Patrol agents, 14,000 more beds to detain undocumented people, and 2,700 more ICS agents.

However, these Band-Aid bills that the Republicans keep bringing to the floor do not address the overall wound—our immigration system needs an overhaul from the top down. Arming troops to intimidate the defenseless and building up costly fences will not address the issues of immigration backlogs and more effective border patrol and customs management.

Mr. Speaker, let's address the real issues when it comes to immigration. Let's talk about the work these people are literally dying to come over here to do. Let's talk about why our neighbors would risk their lives and well-being, and that of their children and loved ones, to get across the border for low-paying jobs, in often less-than-desirable work environments—picking from pesticide sprayed crops, or teetering 40 stories high in the air to make the high rises they probably also helped build, look clean.

Mr. Speaker, I ask you—when does the Republican Leadership stop playing politics here, and start working on actual policy; Policy to address the real issues important to Americans—like real immigration reform, like healthcare, education, rebuilding of our Gulf Coast, and ending the bloodshed in Iraq.

Mr. SMITH of Texas. Mr. Speaker, I support this legislation and appreciate Chairman KING's leadership on this issue.

There is perhaps no more important issue than national security. And border security is national security.

So I am pleased that the House Leadership has chosen to bring this bill to a vote. And because our colleagues on the other side of the Capitol say they want to secure the borders, I am hopeful this bill will soon be signed by the President.

The bill requires the Department of Homeland Security to prevent illegal entry into the United States within 18 months of enactment by using technological and physical infrastructures. Many of us have been calling for this for years.

In fact, another provision of H.R. 6061 builds on a concept included in the 1996 Illegal Immigration Reform and Immigrant Responsibility Act, which I authored as Chairman of the Immigration Subcommittee. In that bill we required fencing to be built near San Diego, California, because of the large number of illegal border crossings.

That fencing was built and it was effective—the number of illegal immigrants crossing in that area fell drastically.

And now illegal immigrants cross the border in places with no barriers or that have only vehicle barriers that are easy to climb.

Over one million people were apprehended crossing the border illegally last year; millions of others crossed illegally but were not apprehended. It is clear that Congress and the Administration need to do everything possible to secure the border.

Anything less leaves our country more vulnerable to terrorist attack and leaves our citizens and legal immigrants paying the welfare, education, healthcare and other costs associated with illegal immigration.

I urge my colleagues to support the bill.

Mr. KIND. Mr. Speaker, as a nation founded and built by immigrants, the United States has a proud history of reaching out to foreigners and offering refuge and opportunity to those who seek it. We must, however, find better ways of ensuring that people who wish to enter our country to study, to work, to reunite with family, or to seek refuge—do so legally and maintain their legal status so they can be integrated properly and fully into American society.

The current immigration system is broken and requires comprehensive reform that strengthens border security; bolsters enforcement of immigration laws; recognizes the importance of the immigrant workforce to the U.S. economy; and provides a realistic and practical solution for the twelve million undocumented immigrants residing within our borders. Thus it is not sufficient to focus entirely on border security.

The bill before us today, however, addresses only one aspect of the immigration problem. Studies have shown that a large portion of people living illegally in this country entered through legal, work-based immigration channels, but then failed to renew their status. This shows that a bill focusing primarily on border enforcement will not prevent the increase of immigrants living in this country illegally.

Therefore, while immediate measures need to be taken to address the status of immigrants residing both within and outside our borders, we must work to ensure a responsible measure is produced that secures our border and enforces current law, does not penalize American businesses, and addresses the undocumented workers already living and working in our country.

While I will vote for H.R. 6061 today as a step forward in securing our borders, I continue to hope that this Congress will enact a more thoughtful and long-lasting solution to this most pressing issue.

Mr. ORTIZ. Mr. Speaker, I rise to oppose the Border Fence bill. It is yet another instance when the leaders in this Congress chose to ignore the real issues facing Americans and consider legislation this Congress has already passed. I opposed the legislation for the border fence when it was before the House earlier this year and I will oppose it again this time.

There is an awful practice this House has consistently gotten into . . . passing bills with great fanfare, then not funding them. That is what we have done with the 9–11 report . . . the Majority was guilted to pass into law the reforms the 9/11 Commission told us would prevent us from another attack. Then we never funded it.

This border fence is a profoundly bad policy because it won't work. Yet it is already included in 2 bills passed by the House this year. This is election year politics at its worst. The $2.2 billion it is estimated this bill would cost could fund almost 2,500 new Border Patrol agents for five years, a 22% increase in the force.

This is not about security. You want security? Then you want comprehensive immigration reform. This President and this Congress brought us to this place . . . where our Border Patrol agents routinely release OTMs (Other than Mexicans) into the U.S. population because we have no room to hold them.

It is in the national security interest of this nation to know who is living inside our borders, and we cannot do that without offering them a path to citizenship so they can come out of the shadows and be part of this economy. That's how you secure this country—not with a fence.

As the founder and co-chair of the Congressional Border Caucus, I have been advocating for adequate border security funding before it was a political issue this year. In particular I have been concerned with the lack of detention space, the need for adequate technology for our United States Border Patrol, the need for more immigration judges, prosecutors and customs agents, and the importance of sanctions on employers illegally employing immigrants.

None of those issues are addressed in the bill before us today. Rather, this bill simply authorizes 700 miles of fencing—again—along the 2,000 mile U.S.-Mexico Border.

The Southern part of my district rests along the U.S-Mexico border and my constituents want real solutions. We have 8–10 million people living in this country that we have absolutely no information on. This is a national security issue. In a post September 11th world, we must comprehensively address immigration and border security. When Congress last addressed immigration reform it was in the late 1980s and they did not do it together—that was a mistake and this Congress is going down that same wrong path.

Border security and immigration enforcement are very serious issues which deserve solemn debate and discussion in Congress. They are not getting them with this controversial political ploy.

Here's a real solution: provide a virtual fence to substantially improve border security and immigration enforcement, as the Reyes-Thompson substitute proposes. Their motion includes provisions to provide the technology, personnel, and equipment needed to monitor and secure every mile of the border 24 hours a day, 7 days a week.

I urge the members to vote ''no'' on the border fence, and to support the Reyes-Thompson substitute.

Mr. STARK. Mr. Speaker, I rise in strong opposition to H.R. 6061, the Secure Fence Act. I ask my colleagues: If you were considering illegally immigrating to a country, which would be more likely to keep you out: a fence, or knowing that it would be impossible to get a job in that country?

The answer is obvious. You can't tunnel around unemployment.

So why won't my Republican colleagues support comprehensive immigration reform that would provide a stable, legal workforce and harshly punish employers who hire illegal immigrants? Maybe they don't want to admit that we need some immigrant labor to make this country run. Maybe they don't want to offend their corporate backers who want to continue exploiting illegal immigrants by paying them low wages without benefits. Maybe they think the image of a fence will play well to their base in the upcoming election. Maybe they think it will distract voters from the fact that they haven't done anything to fix our dysfunctional immigration system.

Whatever the ploy, I refuse to go along. This is the United States of America—not the former East Germany. We don't solve problems by building fences. We can be smarter and we can do better. I urge my colleagues to reject this embarrassing bill.

Mr. CARDIN. Mr. Speaker, I am disappointed today that the House is once again refusing to take up substantive, comprehensive border security and immigration reform legislation which could actually be enacted into law before we adjourn for the year.

Mr. Speaker, it is absolutely critical that Congress pass meaningful and effective border security and immigration reform. Since the 9/11 terrorist attacks, Congress has taken significant steps to secure our border and prevent another terrorist attack on our soil. Congress created the Department of Homeland Security (DHS) and a strong Director of National Intelligence, which constituted the largest reorganization of our law enforcement and intelligence services since World War II.

As a former member of the House Homeland Security Committee, I know that the United States must move rapidly to: establish operational control of all borders and ports; end our ''catch and release'' practice of aliens apprehended crossing the border illegally; effectively organize the border security agencies within the Department of Homeland Security; and promote international policies to deter illegal immigration.

I support the Motion to Recommit to this legislation, which would: create 3,000 new U.S. Border Patrol agent positions; create 2,000 new Immigration and Customs Enforcement agent positions; improve recruitment and retention of border security personnel; create 25,000 new detention beds annually, for a total of 100,000 new detention beds; and develop a comprehensive border surveillance system.

I agree with the former 9/11 Commissioners, who recently issued a report which concluded that Congress and the Administration have much more work to do to make America safer, and gave our government fair to poor grades for our current level of border security. This legislation does nothing to provide the significant new resources called for by the 9/11 Commission report.

I am disappointed, therefore, that the leadership of the House of Representatives has failed to allow the House to take up a comprehensive homeland security and immigration reform bill that addresses the pressing vulnerabilities in our border security. The House has already passed legislation in December which authorizes the creation of new fencing, and the Senate has passed a much broader border security and immigration reform measure. The House leadership should immediately proceed to a conference with the Senate to reconcile these differences. Border security is too important and should be included in legislation that can be quickly enacted into law.

Mr. BLUMENAUER. Mr. Speaker, today's house bill H.R. 6061 signals a complete abrogation of responsibility on the part of the House Republican leadership. If they were serious about solving the problems of immigration they would not just introduce another bill that will go nowhere in the Senate. They should instead convene a conference committee. The House passed an immigration bill on December 16th, 2005, and the Senate passed its own version 112 days ago. Instead of moving forward to have a serious discussion to resolve policy differences, they have ground the legislative process to a halt and engaged in acts of political theater.

The most notable of these acts was the series of well-publicized pretend hearings around the country, which were designed to score media points and not resolve differences to move the legislation forward. The introduction and passage of this border security legislation is the latest in a line of political acts. Rather than continue this game, the majority leadership should be willing to move forward in an honest effort to resolve differences and pass a real bill.

Questions of border security and immigration reform should be dealt with in a very serious manner. By choosing to play politics with an important and sensitive issue we are just breeding more cynicism on the part of the American public and making scapegoats out of both undocumented immigrants as well as the many who are here legally and are feeling increasingly uncomfortable because of this polarization.

Fortunately, the American public will have a say in November and have a chance to vote for new leadership and bring an end to the charade surrounding immigration and border security reform.

Ms. KILPATRICK of Michigan. Mr. Speaker, I rise today in opposition to H.R. 6061, the Secure Fences Act of 2006. We need a comprehensive solution for our immigration policy. This measure irresponsibly attempts to gloss over the problem of securing our nation's borders rather than working to finalize negotiations on a all-encompassing solution. It is a transparent political attempt by the majority to coerce voters into believing something is being done, when in fact this measure does not even outline a funding mechanism to put these provisions into action.

According the Department of Homeland Security, we need a varied approach to the border security problem combining personnel, equipment, technology, and infrastructure improvements. For the estimated cost of the fence proposed in H.R. 6061, we could instead spend $2 billion to purchase the 35,000 detention beds authorized in the 9/11 Act of 2004 and end the ''catch and release'' practice. For $360 million we could hire, train, and equip 2,000 new border control agents also outlined in the 9/11 Act. For $400 million we could hire 250 port-of-entry inspectors or acquire 1,000 radiation monitors to screen 100 percent of the cargo entering U.S. ports for nuclear material. Spending what will likely be over $7 billion to build a fence instead of providing the enhanced manpower and technology the Department of Homeland Security has identified as necessary is a misuse of taxpayers' money.

American citizens deserve real solutions. The problem of securing our Nation's borders is not one exclusive to the southern border. The lack of adequate border control enforcement at the northern border presents a serious threat to our national security, particularly in respect to the war on terror. A border security measure calling for nothing more than a study on the northern border is grossly underestimating the threat an unsecured northern border presents to our national security.

My colleague, Representative BENNIE THOMPSON, ranking member on the Homeland Security Committee, presented a responsible alternative to this measure with realistic and possible solutions. His substitute amendment would have provided the funding authorization for the personnel and technology

needed to realistically secure the entire border, not just the Mexican border. Unfortunately, the majority did not allow the substitute bill to be considered and receive an up or down vote on the House floor.

It is for these reasons I strongly encourage my colleagues to reject this measure and devote our time and effort to developing a responsible, comprehensive solution to secure our borders.

Mr. MCCAUL of Texas. Mr. Speaker, I want to thank Chairman KING and Majority Leader BOEHNER for their leadership in bringing this important piece of legislation to the floor. It cannot be overstated how crucial the need is for America to have secure borders, and this bill is a step in that direction.

For too long we have seen the effects of a porous border. An estimated eight to twelve million undocumented aliens are here illegally in the United States. Last year alone, over a million illegal aliens were apprehended at the border, but the Border Patrol estimates that many more have crossed undetected. In addition, there is evidence to support that Al Qaeda would like to exploit our South West Border. We cannot let this happen

I urge my colleagues to pass this legislation which is vital to the security of our borders and our Nation.

Mr. ETHERIDGE. Mr. Speaker, I rise to speak on H.R. 6061, the Secure Fence Act. Although I voted to pass this bill to demonstrate my support of strong border enforcement, it is yet another example of the House Republican leadership's piecemeal approach to immigration reform.

America's immigration system is broken, but instead of implementing comprehensive, commonsense solutions such as increasing the number of border agents, funding more detention beds and enforcing current immigration law, House Republicans have chosen to manipulate this issue for partisan political purposes.

In December of 2004 I voted in favor of H.R. 10, the 9/11 Commission Recommendations Implementation Act. This bill, which passed the House on a vote of 282–134 and which the President signed into law on December 17 of that year, authorized Customs and Border Patrol to hire 10,000 new border agents over the next 5 years as well as add 35,000 detention beds to hold illegal immigrants while they are being process for deportation.

Although the bill passed overwhelmingly, House Republicans refused to back up this important legislation with the necessary funds to implement the provisions. The President, who signed the bill into law, only provided funds for 210 border agents in his fiscal year 2006 budget request.

The United States cannot secure its borders with only physical barriers. We can only achieve effective immigration reform and border security through a combination of consistent enforcement of current immigration law, the addition of the thousands of additional border security personnel that Congress has already authorized, and the implementation of a fair, balanced immigration plan that encourages lawfulness, rewards hard work and safeguards families.

Mr. ROGERS of Alabama. Mr. Speaker, I rise in strong support of H.R. 6061, the Secure Fence Act of 2006.

I commend the distinguished majority leader, Mr. BOEHNER and the chairman of the Committee on Homeland Security, Mr. KING of New York, for moving this bill and for their strong leadership on border security issues.

The last two years, I have toured parts of our nation's southwest border with Mexico. Only after seeing the vastness of the landscape and the nearly invisible line that separates our country from Mexico, did I come to fully appreciate the border security crisis our nation faces today.

I support this bill because it provides for the use of personnel and technology—such as cameras and sensors, satellites and unmanned aerial vehicles—to gain operational control of our borders. These are vital tools for our Border Patrol agents who are the tip of the spear in protecting our country.

Beginning in June of last year, the Homeland Security Subcommittee that I chair began a series of hearings to closely examine the Department's existing border technology program, know as ISIS—the Integrated Surveillance Intelligence System. Unfortunately, our reviews uncovered waste and mismanagement of precious funds provided for border technology.

Last November, the Department of Homeland Security announced the launch of the Secure Border Initiative—the Department's multibillion dollar effort to integrate technology, infrastructure, and personnel to secure our borders.

While I support the Department's efforts, my subcommittee has already begun to closely monitor this program and we will hold an oversight hearing this fall on the new SBI contract.

In closing, I would like to reiterate my support for this important bill and hope my colleagues on both sides of the aisle support this important legislation.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1002, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. THOMPSON OF MISSISSIPPI

Mr. THOMPSON of Mississippi. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. THOMPSON of Mississippi. In its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Thompson moves to recommit the bill, H.R. 6061, to the Committee on Homeland Security with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. MONITORING AND SECURING THE UNITED STATES BORDER.

(a) OPERATIONAL CONTROL OF THE BORDER.—Not later than September 30, 2007, the Secretary of Homeland Security shall obtain operational control over the entire international land and maritime border of the United States.

(b) WORKFORCE ENHANCEMENTS.—In obtaining operational control over the border under subsection (a), the Secretary shall:

(1) Increase—

(A) by not less than 3,000 in each of fiscal years 2007 through 2010 the number of positions for full-time active duty Border Patrol agents; and

(B) by not less than 2,000 in each of fiscal years 2007 through 2010 the number of positions for full-time active duty immigration enforcement agents for work at the border.

(2) Establish northern and southern border coordinators to oversee the security of the border in their respective geographic areas.

(3) Establish a plan to improve the recruitment and retention of border security personnel.

(c) SECURITY ENHANCEMENTS.—In obtaining operational control over the border under subsection (a), the Secretary shall:

(1) Increase by not less than 25,000 in each of fiscal years 2007 through 2010 the number of detention bed spaces.

(2) Establish a plan to reduce the use of fraudulent immigration documents to gain admission to the United States.

(d) SURVEILLANCE SYSTEM.—In obtaining operational control over the border under subsection (a), the Secretary shall:

(1) Develop a surveillance system of the international land and maritime borders of the United States that, when combined with the personnel authorized in subsection (b), and otherwise authorized under law, ensures continuous monitoring of every mile of the United States border on a 24-hour basis, 7 days a week, and is fully interoperable with existing surveillance systems used by the Department of Homeland Security.

(2) Not later than March 1, 2007, the Secretary of Homeland Security shall submit a plan for surveillance over the United States border to the appropriate congressional committees (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)). The plan shall set forth—

(A) an assessment of existing technologies to determine if one technology is better than another, or whether there is a way to combine the capabilities of various detection devices into a single system;

(B) an assessment of how the United States Border Patrol is working, or will work, with the Directorate of Science and Technology to analyze high altitude monitoring technologies (such as unmanned aerial vehicles and tethered aerostat radar systems) for use with land-based monitoring technologies;

(C) a description of how radiation portal monitors will be deployed to ports of entry;

(D) a description of the use of K–9 detection units along the United States border;

(E) a list of any obstacles that may impede full implementation of the deployment plan; and

(F) a detailed estimate of all costs associated with the implementation of the deployment plan.

(d) PHYSICAL INFRASTRUCTURE ENHANCEMENTS.—In obtaining operational control over the United States border under subsection (a), the Secretary shall make physical infrastructure enhancements to prevent unlawful entry by aliens into the United States and facilitate access to the international land and maritime borders by the Bureau of Customs and Border Protection, including but not limited to additional checkpoints, all weather access roads, and vehicle barriers, while maintaining the speed of commerce through such points of entry.

(e) OPERATIONAL CONTROL DEFINED.—In this section, the term ''operational control'' means the prevention of all unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to

carry out this section $5,290,000,000 for fiscal year 2007, and such sums as may be necessary for each succeeding fiscal year.

Mr. THOMPSON of Mississippi (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 Mississippi?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi is recognized for 5 minutes in support of his motion.

Mr. THOMPSON of Mississippi. Mr. Speaker, today we have heard over and over again from Republicans that good fences make good neighbors. Ironically, that tag line comes from a Robert Frost poem entitled ''Mending Wall'' that seemingly questions whether a wall in need of repair is worth the effort. Even more ironic in this is the fact that this poem is about mending a fence, something that this bill does not pay for. In fact, H.R. 6061 does not even pay for the fence to be built. If border security is so important, why do my colleagues across the aisle refuse to do it right?

Mr. REYES and I are offering this motion to recommit to ensure that the Department of Homeland Security has the resources and capabilities to address our border security problems. This motion to recommit would secure our borders and protect the American people.

That is not to say there is not more to be done. Congress still must face the issues of comprehensive immigration reform, which Republicans refuse to bring to the floor and have used parliamentary procedure to keep it from discussion today. But if Republicans insist on voting yet again on border security, let's do it right.

Mr. Speaker, I yield the remainder of my time to the former Border Patrol chief from El Paso, Texas, my colleague SILVESTRE REYES.

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

This debate today is about whether or not this Congress can afford to micromanage what the United States Customs and Border Protection does on our border. This bill calls for a fence from Calexico to Douglas, from Laredo to Brownsville, from Columbus to El Paso, from Del Rio to Eagle Pass, and a fence in the Tecate area as well.

Our position in this motion to recommit is, instead of micromanaging, let us give the Customs and Border Protection the resources that they need. Let us give them real meaningful legislative support.

Under our bill we give them additional Border Patrol agents.

□ 1500

Under our bill we give them security enhancements, we give them surveillance enhancements, we give them practical infrastructure enhancements. In other words, what we do is, we provide them the support and ask them, what is it that you need; tell us how you are going to enhance the ability to better monitor the border.

We think that makes sense. We can do much better than micromanage from here. We wouldn't micromanage and tell generals in Iraq or Afghanistan how to fight that war. Why should we do that when we are trying to defend our homeland? We can do much better.

This bill, from my perspective, and from my 26½ years of experience with the Border Patrol, as I walked in, I listened to my colleague from California, Congressman HUNTER. He was talking about a fence that was effective. There are limited areas where fencing is effective, but to put a fence from Columbus to El Paso, a stretch of 88 miles, is ridiculous. It is not only expensive, but the maintenance and the effectiveness is going to be expensive and questionable.

Part of this process has to include common sense.

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

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

Mr. HASTINGS of Florida. Mr. Speaker, would my colleague answer one question for me.

In the measure that is before us today, is there any money in this measure to build any kind of fence?

Mr. REYES. Mr. Speaker, there is none. There is no money provided in this bill. This is purely a political ploy. This again, unfortunately, proves that the leadership of this House is putting politics ahead of good policy.

We can do better, we must do better, we must work together. Let's vote ''no'' on the bill itself, vote ''yes'' on this motion to recommit.

Mr. THOMPSON of Mississippi. Mr. Speaker, this Democratic motion to recommit solves the problem. We hope we can get support from the majority of the body.

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

Mr. KING of New York. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman is recognized for 5 minutes.

Mr. KING of New York. Mr. Speaker, let me just state at the outset, again, the great regard I have for Mr. THOMPSON and also for Mr. REYES. But in that context, I must say that I strongly disagree with their motion to recommit, primarily because even though this is the Secure Fence Act of 2006, the motion to recommit nowhere even mentions the word ''fence.'' And it is significant that they seem unwilling to address this fundamental issue.

We believe on our side and a solid majority of the House of Representatives believed last December, and indeed a majority of the United States Senate believed, that a fence is essential, that a fence is important. And that is why it was passed last December, that is why the overwhelming majority of the American people support it today, and that is why we are bringing it forward now.

The reality is that comprehensive legislation is not going to be moving. But, again, the American people are crying out; they are demanding that we take action. This is an issue which goes right to the heart of America today, whether you live on the border or whether you live in the north, the Northeast, Northwest, Midwest, it is an issue. As Members went back to their districts this summer, last spring, the one issue that resonated completely was the issue of stopping illegal immigration. One proven way is to build a fence and to get operational control over the entire border.

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

Mr. KING of New York. I yield to the gentleman from Texas.

Mr. REYES. Our motion to recommit includes physical infrastructure enhancements; fencing is part of that. There is fencing in there, there are access roads, there are buildings in there. All of that is included in there.

Mr. KING of New York. If I could reclaim my time, I do believe that it is significant that in a fence act, even though fencing was mentioned in December legislation passed in the House, even though fencing was mentioned in the Senate bill, there is no reference to it, which to me is bowing to political correctness. We are up front about what we are asking for.

Also, I don't believe we should abdicate responsibility to the Department of Homeland Security. We should make it clear what we want, tell them what we want. If they want some variations within there, fine. But we feel so strongly about this, the American people feel so strongly about it, I believe it is essential that we make it loud and clear what we do want.

Now, having said that, on the issue, for instance, of Border Patrol agents, the appropriations bill for fiscal year 2007 will include 1,200 new Border Patrol agents. That will get us up to 14,580, an increase of almost 50 percent over the last several years. There are 1,012 new ICE officers, which will get us up to 11,500. This appears to be about as many as the system can absorb as we train new officers, and we are going forward with that. If more are needed, I pledge to the ranking member we will work to bring that about as we go into the next session.

But it is essential that we do this today to tell the American people that we have gotten the message, that we are willing to take the action that is needed, we are willing to go on the line this is needed, this is essential; and we are calling for it, we are demanding it, we are voting for it. The easiest way to say that we are going to do the right thing on illegal immigration, to stop illegal immigration, and also to be humane and stop the deaths in the desert.

I was at the desert with Speaker HASTERT and Congressman RUSH and Congresswoman MILLER this past July, went to Yuma and Nogales in Arizona, we helicoptered across the desert. To me, a fence is absolutely essential in certain parts of that border. That is what this is about. Let's put aside political correctness, let's have the guts to do the right thing.

I urge defeat of the Democratic motion to recommit and passage of the underlying bill, H.R. 6061.

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.

Mr. THOMPSON of Mississippi. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 6061, if ordered, and the motion to instruct on H.R. 2864.

The vote was taken by electronic device, and there were—yeas 193, nays 224, not voting 15, as follows:

[Roll No. 445]

YEAS—193

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

NAYS—224

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

NOT VOTING—15

Case
Cleaver
Culberson
Davis (FL)
Evans
Fitzpatrick (PA)
Forbes
Jenkins
Johnson, Sam
Keller
Ney
Reynolds
Ryun (KS)
Strickland
Westmoreland

□ 1531

Mr. ROGERS of Alabama, Mr. NEUGEBAUER, Mrs. MYRICK, Mr. MURPHY, and Mr. SODREL changed their vote from ''yea'' to ''nay.'' ÷

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

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. KING of New York. 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 283, noes 138, answered ''present'' 1, not voting 10, as follows:

[Roll No. 446]

AYES—283

Aderholt
Akin
Alexander
Andrews
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capuano
Cardoza
Carter
Castle
Chabot
Chandler
Chocola
Coble
Cole (OK)
Cooper
Costa
Costello
Cramer
Crenshaw
Cubin
Davis (AL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
Dent
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Etheridge
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hobson
Hoekstra
Holden
Hooley
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Israel
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Jones (NC)
Kanjorski
Kelly
Kennedy (MN)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski

LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marshall
Matheson
McCarthy
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pascrell
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Sodrel
Souder
Spratt
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOES—138

Abercrombie
Ackerman
Allen
Baca
Baldwin
Becerra
Berman
Blumenauer
Brady (PA)
Butterfield
Capps
Cardin
Carnahan
Carson
Clay
Clyburn
Conaway
Conyers
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeGette
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Farr
Fattah
Filner
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Higgins
Hinchey
Hinojosa
Holt
Honda
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kennedy (RI)
Kilpatrick (MI)
Kolbe
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Markey
Matsui
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller, George
Moore (WI)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne
Pelosi
Price (NC)
Rangel
Reyes
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Slaughter
Snyder
Solis
Stark
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Woolsey
Wu
Wynn
Young (AK)

ANSWERED ''PRESENT''—1

Kaptur

NOT VOTING—10

Case
Cleaver
Culberson
Davis (FL)
Evans
Forbes
Johnson, Sam
Keller
Ney
Strickland

□ 1541

Mr. CLYBURN and Mr. EMANUEL changed their vote from ''aye'' to ''no.''

Mr. RAHALL changed his vote from ''no'' to ''aye.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated For:

Mr. FORBES. Mr. Speaker, I was unable to be present at the vote for H.R. 6061, the Secure Fence Act of 2006. Had I been present, I would have voted ''aye'' on final passage.

APPOINTMENT OF CONFEREES ON H.R. 2864, WATER RESOURCES DEVELOPMENT ACT OF 2005

MOTION TO INSTRUCT OFFERED BY MR. MELANCON

The SPEAKER pro tempore (Mr. KLINE). The unfinished business is the vote on the motion to instruct on H.R. 2864 offered by the gentleman from Louisiana (Mr. MELANCON) on which the yeas and nays are ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 340, nays 79, not voting 13, as follows:

[Roll No. 447]

YEAS—340

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boehlert
Boehner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Calvert
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Cole (OK)
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Foley
Ford
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gonzalez
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hastings (FL)
Hayworth
Hefley
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hyde
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kirk
Kline
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—79

Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Blackburn
Blunt
Bonilla
Bonner
Brady (TX)
Brown (SC)
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Coble
Conaway
Cubin
Deal (GA)
Dreier
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Harris
Hart
Hastings (WA)
Hayes
Hensarling
Hobson
Hostettler
Hunter
Inglis (SC)
Istook
King (IA)
Kingston
Linder
Mack
Marchant
McHenry
McMorris Rodgers
Miller (FL)
Miller (MI)
Miller, Gary
Murphy
Musgrave
Myrick
Neugebauer
Norwood
Nunes
Otter
Oxley
Paul
Pence
Price (GA)
Putnam
Radanovich

Rehberg	Shadegg	Thomas
Rogers (MI)	Shuster	Thornberry
Rohrabacher	Simpson	Tiahrt
Royce	Smith (TX)	Westmoreland
Ryun (KS)	Stearns	Wilson (SC)
Sessions	Taylor (NC)	

NOT VOTING—13

Butterfield	Evans	Kolbe
Case	Forbes	Ney
Cleaver	Johnson, Sam	Strickland
Culberson	Keller	
Davis (FL)	Kennedy (MN)	

□ 1551

Messrs. GOODLATTE, SHUSTER, Camp of Michigan and BURTON of Indiana changed their vote from ''yea'' to ''nay.''

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. KOLBE. Mr. Speaker, on rollcall No. 447, my vote was not recorded. Had I been present, I would have voted "yea."

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

From the Committee on Transportation and Infrastructure, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. YOUNG of Alaska, DUNCAN, BAKER, GARY G. MILLER of California, BROWN of South Carolina, BOOZMAN, OBERSTAR, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. COSTELLO, and Mr. BISHOP of New York.

From the Committee on Resources, for consideration of sections 2017, 2020, 2025, and 2027 of the House bill, and sections 3019, 5007, and 5008 of the Senate amendment, and modifications committed to conference: Mr. POMBO, Mrs. MUSGRAVE, and Mr. KIND.

There was no objection.

GENERAL LEAVE

Mr. DREIER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and that I may be permitted to include extraneous material on House Resolution 1003.

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

There was no objection.

PROVIDING FOR EARMARKING REFORM IN THE HOUSE OF REPRESENTATIVES

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1003 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1003

Resolved, That upon adoption of this resolution, House Resolution 1000, amended by the amendment in the nature of a substitute recommended by the Committee on Rules now printed in the resolution, is hereby adopted.

The SPEAKER pro tempore. The gentleman from California (Mr. DREIER) is recognized for 1 hour.

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

Mr. Speaker, today we are considering a very important reform that is a bipartisan reform. It is bipartisan because it is an issue that I am happy to say, as we have moved down the road towards reform, has enjoyed strong bipartisan support. In fact, it was a key provision in the House-passed Lobbying Accountability and Transparency Act, which did enjoy bipartisan support, not as strong as I would have liked, but it did enjoy bipartisan support.

Specifically, Mr. Speaker, with this new rule, Member-directed spending to projects in their district, or earmarks, will no longer be anonymous. It is very simple.

We all know, as it stands now, there are no disclosure requirements in appropriations, tax bills or authorizing legislation. Earmarks can be buried in the text of bills that often number into the thousands of pages. There is no easy way to account for how many earmarks are in a bill or who is sponsoring them.

This new rule requires sponsors of earmarks to be listed in committee reports. Conference reports must also have a list of earmarks that are ''airdropped'' or brought into an agreement in the conference report itself. It is just that simple.

We are blowing away the fog of anonymity so the public can have a clear picture of what the projects are, how much they cost, and who is sponsoring them. It is just a very simple case of transparency.

Mr. Speaker, this is a victory for fiscal responsibility and a victory for spending taxpayer dollars more wisely.

As an enforcement mechanism, this new rule also provides for a question of consideration when a bill or conference report does not contain a list of earmarks. The question of consideration is debatable for 30 minutes, 15 minutes equally divided.

Mr. Speaker, if a Member feels strongly enough about a proposed earmark, they will have to attach their name to it. That is all we are asking. And they need to be prepared to make their case in full view of their colleagues, their constituents, and the American people as a whole.

Mr. Speaker, the earmark reform bill will build on the reforms that have already been implemented by the Appropriations Committee, and I take my hat off to the Appropriations Committee for the very bold and dynamic reforms that they have made. They have reduced the number of earmarks already by 37 percent. Overall spending on Member projects was reduced by $7.8 billion below last year's level.

Over the last 2 years, Member project spending has decreased by over $10 million, and I want to especially express my appreciation to my very dear friend, JERRY LEWIS, who has so ably chaired the Appropriations Committee and has stepped up to the plate and taken on this issue of reform and done it with great success because of the fact that he has been able to rein in Federal spending. It doesn't get a lot of attention, but he has been very successful in doing that.

Mr. Speaker, I also want to make very clear that our focus is not solely on appropriations. This was one of the requests that Chairman LEWIS made of us as we were proceeding with this work.

For this reform to be effective, it must be comprehensive, and that was the commitment that the Speaker of the House and our leadership team made to our Members. So let me point out that this earmark reform applies across the board. It doesn't just apply to some committees. It covers all committees, all appropriations, all tax, all authorizing legislation, anything that moves through this House through regular order.

Mr. Speaker, we have taken great care to clearly and precisely state what constitutes a tax, an appropriation, or an authorizing earmark. And the good news is that there is more agreement than disagreement on those definitions. Yet clearly there is no magic bullet. There is not going to be one definition that will be perfect and please everybody. But at the end of the day, we have to come together. We have to come together, Mr. Speaker, and move this process forward. If there is an earmark in a bill, it belongs on a list. It is just that simple.

□ 1600

If there is an earmark, we need to see it. Now, is this new disclosure going to completely end the practice of earmarking? I certainly hope not. I don't want it to, because I believe that earmarking is part of our constitutional responsibility. But it will shine a spotlight on earmarks without grinding the legislative process to a halt.

Let me make very clear that the larger goal of this new rule is to make a profound and lasting change in how this institution handles earmarks and spends taxpayer dollars. The goal is to increase transparency, disclosure and accountability, and the goal is to pull back the curtain on earmarks for the public, because I believe, Mr. Speaker, that they have a right to know.

For this earmark reform to be both meaningful and lasting, everyone, from committee chairmen on down, must make a good-faith effort to comply with the spirit of the new rule. Our leadership, and certainly the Rules Committee, has made such a commitment, and we are determined to make this work.

Mr. Speaker, I would also like to point out that while this is an important milestone in the path toward reform, we have not reached the goal

line. In fact, I don't believe that we will ever reach the absolute goal line because reform is a continuous process. It gains momentum from Members who never let up and never settle for the status quo.

Mr. Speaker, I urge my colleagues to vote ''yes'' for reforming earmarks, and ''yes'' to setting the stage for more reforms that we will face down the road.

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

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

Mr. Speaker, it is no secret why fewer than 30 percent of Americans approve of the job that Congress is doing. It is not hard to figure out why nearly 75 percent of Americans feel as though the country is headed in the wrong direction, and it is easy to see why so few citizens are confident that this government will turn things around.

Our elected officials routinely abuse the public trust, promising one thing and delivering another. They intentionally disguise business as usual to look like positive reform, and Members of the House have ignored the rules written in the public interest, and have allowed the deliberative process at the heart of our democracy to be captured by special interests.

The result has been a Congress where corrupt lobbyists write the bills, 15-minute votes are held open for 3 hours and entirely new legislation is crammed into acts in the dead of night. The American people know it, and they are tired of the old games. When finally faced with public awareness and anger over just how corrupt our House has become, Republicans promised a great deal.

In fact, they opened 2006 with a flurry of promises. My good friend and colleague, DAVID DREIER, the chairman of the Rules Committee and Republican ethics reform leader, had this to say on the floor in February, and I quote, ''We are committed to bold, strong, dynamic reforms for this institution,'' he said. Adding the quote, ''the Republican Party has stood for reform ever since I can remember.''

But since then, Mr. Speaker, very little of anything has come from my Republican friends, even though their party controls the House, the Senate and the White House. If they were interested in ethics reform, they would have passed it swiftly. Instead they seem here at the last throes simply determined to merely run out the clock on the issue of passing a few deceptive bills here and there while secretly hoping the whole subject would go away.

We saw this strategy with the first ethics reform act passed by the House in February, which was a minor rules change that simply prevented former Members from using the House gym, as if that is the only place that dishonest business transpires in Washington.

Then in May a broader Republican bill theoretically focused on preventing future lobbyist abuses was lambasted by commentators of all stripes for being what it was, a sham. It has been a history of deliberate inaction, Mr. Speaker, and the same story here today.

As this legislative session comes to a close, it is truly shameful that bills like this one are all the House is going to be able to accomplish. Consider the context in which this bill comes to us.

While my colleagues on the other side spent years railing against the evils of Congressional earmarks, they have been presiding over the greatest earmark explosion in American history. According to the Heritage Foundation, earmarks are appropriations bills that increased tenfold between 1995 and 2005. In the mid-1990s, they accounted for $10 billion in Federal spending. Today it is over $27 billion.

Nonappropriation earmarks have skyrocketed as well. Last year's transportation reauthorization bill, for example, contains 6,371 earmarks, totaling $25 billion, including the ''Bridge to Nowhere.''

We cannot afford to keep spending in such an irresponsible way, Mr. Speaker. One look at our skyrocketing national deficit is proof enough of that. But this is about more than just debt, it is about the future of democracy itself.

Unchecked earmarks, and many of them for relatives of the persons who wrote them, or for businesses that they own, are a cause of the culture of corruption that pervades Washington and undermines our democracy. They are routinely traded for political favors, exchanged for votes and used to benefit family members. They are, in the words of Representative FLAKE, the currency of corruption in Washington.

Yet, my Republican friends have given us a bill today that is a nonresponse to the crucial issue, a deceptive bill that is riddled with loopholes. Just like the previous legislation, this is, once again, a sham.

This measure is supposed to increase disclosure of which Members are behind which earmarks. But it is intentionally limited. It leaves numerous means by which Members can conceal their earmarks. The rules change proposed to the resolution applies only to reported bills, so a Member who wanted to avoid disclosing earmarks to the public could simply include them in the manager's amendment or bring the bill straight to the House floor without a committee markup, therefore, no identifiable earmarks. That is a loophole you could drive a truck through.

If that is not bad enough, the bill defines many types of earmarks right out of existence. For example, spending on Federal entities can no longer be classified as an earmark under the bill. That would have allowed the infamous $200 million ''Bridge to Nowhere'' earmark that blew up in a scandal last year to avoid disclosure entirely. The $400 million Home Depot ceiling fan giveaway that we heard so much about would not have counted as a earmark either, just because the resolution did not include tariff and duty changes in its definition.

Of course, this entire piece of legislation would expire in January. Let me make that point again. What we are doing here today, when this passes today, it is only good till the end of the year. How serious a bill is that?

This is a deeply flawed solution to a serious problem, a temporary stopgap measure, and I think we won't be writing any more earmarks this year, which is designed to do little more than get the Republicans through the November elections.

As always, there is an alternative. More than 6 months ago my Democrat colleagues and I offered a tough, commonsense report package that would have corrected many of the most rampant abuses plaguing Washington, abuses that have diverted the work being done here away from the good of the people and toward the wants of a few.

Legislation I introduced on behalf of the Democratic leadership in May bans travel on corporate gifts, bans lobbyist gifts, slows down the revolving door between Capitol Hill and K Street, prohibits lobbyists writing the bills, addresses many of the broken procedures and rules here in this House.

It focuses on earmarks, too, in a much more direct and systemic way than the bill before us does now. In fact, it requires Members to publicly disclose all district-specific earmark requests that they make on bills and conference reports. This past May I am proud to say that 16 Republicans joined with the Democrats in support of this bill.

In the end, it failed the House by only two votes. It was deeply encouraging to see rank-and-file Republicans of conscience challenge their Republican Party's leadership, to see them back up their pledge to clean up the House with real action. They will have other chances to do it, too, because Democrats have not given up this fight.

We have always prided ourselves on delivering what we have promised, and we are committed to eliminating the corruption that plagues our Congress today. We won't stop until we get there.

Together, we will give the country a Congress they can be proud of again.

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

Mr. DREIER. Mr. Speaker, I yield myself 30 seconds to say in response to my good friend from New York once again, this is a bipartisan effort. I know that the Democratic Caucus has talked about the need to implement this reform. We hope very much, when we come back to majority status in January of next year, to renew and build on this kind of reform.

Mr. Speaker, I yield 2 minutes to my very good friend, a hardworking member of the Commerce Committee, the

gentleman from Phoenix, Arizona (Mr. SHADEGG).

Mr. SHADEGG. I thank the gentleman for yielding. I compliment him for his hard work in this effort at earmark reform, and I also compliment the leaders of this House.

Mr. Speaker, just a year ago, I think no one would have believed that we would have been standing here now on the verge of adopting very far-reaching earmark reform. I compliment everybody engaged in this debate, from my Democrat colleagues to my Republican colleagues, all of the people involved, including the chairman of the Appropriations Committee, who has engaged in this vigorously.

This is a milestone. This is a step forward for the American people. This is a day in which we are saying the American people get to know how their money is spent.

Importantly, when we passed similar language several months ago, the chairman of the Appropriations Committee said it is wrong to single out a single committee. This should apply to all committees, and he was right then, and he is right now. It is important, indeed, I would argue it is vital that the American people be able to know how every dollar they send us in taxes gets spent, and this legislation will allow that to happen.

It says that every earmark and every Member who requested an earmark must be openly acknowledged in the legislation itself. By shedding the light of day on the earmarks that move through this Congress, we are being open and straightforward. Those who have what they consider to be a good earmark for the country can come to this floor and defend it and explain it, and the American people can examine it. I believe this is a tremendous step forward.

I want to caution people listening to the debate. What you will hear in the debate here today is that this bill isn't right, because it is not perfect. It doesn't go far enough. The definitions aren't quite precise. We just heard the minority say it is not a good bill because there has been an explosion in earmarks. So, somehow, since there has been an explosion in earmarks, we should not do anything.

That is outrageous. No bill that I have voted on in my career in this Congress has been perfect. No bill has had every definition exactly right. This is a tremendous step forward. This is a vote for sunshine. This is a vote for openness in our government, and I urge my colleagues to support it.

I compliment our leadership and the chairman of the Rules Committee.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Speaker, after all the scandals, after all the corruption, after all the unethical abuse of earmarks, after all the public outrage, this is it? This is the best that you can do? With all due respect to my colleague from Arizona, who just spoke, I don't want your compliments. I don't want to take credit for this.

This measure before us is not earmark reform or any other kind of real reform. It is not accountability, and it is not transparency. It is, at best, a press release. There are so many loopholes in this measure that you could drive a Mack truck right through it. Unreported bills, manager's amendments and other amendments are not subject to this so-called reform.

That is where a great deal of the earmarking abuse occurs, but it is all exempt. We need to clean this place up. We need to change the culture of corruption in this House of Representatives. We need a comprehensive lobbying bill that has teeth in it, that means something.

Let me say to my colleagues, this entire institution has suffered as a result of the corrupt practices of the Tom DeLays and the Duke Cunninghams. It has suffered under the 12 years of mismanagement by the Republican majority here. People have had it. People have lost faith in this institution.

This chairman of the Rules Committee talks about how the Republican majority is interested in reining in spending. Federal spending has gone up 40 percent since George Bush took office. In terms of earmarks, they are coming late to this game. In 1995, when they took power, there were about 1,400 earmarks. There are over 14,000 earmarks as of 2005.

You know, the only way to regain the confidence of the American people is by combating the corruption, by cleaning up this institution, by implementing real, honest-to-goodness reform.

□ 1615

This is not it. If you are going to do something, do it right.

Mr. DREIER. Mr. Speaker, I am happy to yield 2 minutes to a very hardworking member of the Committee on Rules, my very, very good friend from Marietta, Georgia, Dr. GINGREY.

Mr. GINGREY. Mr. Speaker, I thank the chairman for yielding.

Mr. Speaker, I rise today in support of H. Res. 1000, a resolution providing for earmark reform in the U.S. House of Representatives. I want to say that I support this resolution because I take my responsibility to allocate the hard-earned money of the residents of Georgia's 11th District very, very seriously.

There are fundamental duties of the Federal Government, tasks that the American people cannot do individually, but they rely on the collective strength of our Nation's capital to accomplish. Some of these tasks are national security, ensuring the safety of our citizens at home and abroad, and maintaining our national highways and infrastructure. However, over the years, the Federal Government has expanded this definition to encompass many extraneous projects that cannot be defended.

Mr. Speaker, there is a reason earmarks have become such an integral part of the appropriation and authorization process in Congress. It is because each individual Member of Congress knows what is needed in their own districts better than anyone else. It is for this reason that I fully support this legislation, because it does not outlaw earmarks. Rather, it represents reform that is long overdue.

Mr. Speaker, I have submitted earmark requests on behalf of my constituents, but I have always tried to prioritize these projects in an effort to maintain my credibility as a trustworthy steward of the taxpayer dollars.

So I rise today not to condemn the earmark process, but rather to applaud the legislation that inherently reforms it. This legislation takes a stand for transparency in an effort to curb the current trend of frivolous Federal spending. Congress always needs to remember to whom we are ultimately accountable, and because of this legislation, Congress will be able to restore that full credibility.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. MATSUI).

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

Ms. MATSUI. Mr. Speaker, I thank my good friend from New York for yielding me time.

Mr. Speaker, the American people are demanding real reform of Congress. This bill isn't it.

The second session of the 109th Congress began with Members on both sides of the aisle deeply concerned that the dignity of this great institution had been tarnished. Newspapers across the country ran stories almost every day about the illegal practices of well-connected lobbyists. Stories discussed the ways in which unethical conduct had become the cost of doing business in Congress.

We read about the K Street Project. We read about legislation written in secret by lobbyists and about back-room deals to benefit narrow special interests. Editorial boards from all 50 States called for reform.

In May, the House passed a fundamentally flawed approach to reform. It included some new restrictions on lobbyists, yes, but we showed no willingness to demand reform of ourselves. That sent a terrible message to our constituents.

There is a better approach. I have joined many of my colleagues as a cosponsor of the Honest Leadership Open Government Act. It injects transparency and accountability into Congress itself. There would be no more K Street Project. There would be no more meals or gifts from lobbyists. No more travel on corporate jets. And it would ensure better legislation. Members would be guaranteed 24 hours to read a bill before voting on it. And we would end the common practice of last-minute provisions slipped into conference reports.

The majority is interested in none of this. The legislation was rejected in May along party lines. And since then, the House has not shown any interest in moving ahead with any meaningful reform.

So here we are in the waning days of the 109th Congress debating only a narrow earmark reform resolution full of exceptions and unlikely to pass.

Every Member of this House knows that this bill is not what the American people demanded of us at the beginning of the year. Certainly, this resolution will not restore the integrity of the institution in which we serve.

Mr. Speaker, the American people want real reform. They will not be fooled by fig leaves.

We still have time to act in a unified fashion to restore the dignity of this House. Unfortunately, this resolution falls far short of that necessary effort.

Mr. DREIER. Mr. Speaker, at this time I am very happy to yield 1 minute to the very distinguished majority leader, who has been a great champion of earmark reform for many, many years, my friend, the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Speaker, let me thank my colleague from California (Mr. DREIER), the chairman of the Rules Committee, for yielding, and thank him and the Speaker for their tremendous work on this rule change.

Mr. Speaker, today is an important day for the House as an institution. There has been much written this year about the practice of earmarking, which has allowed lawmakers to anonymously insert spending projects into bills without scrutiny or significant debate. It is a major source of frustration, I think, for the American people, and for those of us who believe that we need greater accountability and transparency in the way Congress works.

Earlier this year, I, along with many of my colleagues, called for reforms to this earmark process. We need a process where we can determine what are worthy projects and distinguish those from worthless pork. These reforms before us will help accomplish that goal so unworthy projects can be publicly identified, debated and, hopefully, weeded out.

I think the reforms before us are very straightforward. They specify that if the House considers a bill which includes earmarks, it must be accompanied by a list identifying those earmarks as well as the names of the Members who requested them. The reforms also ensure that in the case of a conference report, the list includes any earmarks that were what we call ''airdropped,'' or in other words, not included in either the House or Senate bills.

No longer will Members, the media or average taxpayers have to thumb through pages of legislative and report language looking for earmarks that are sometimes added at the eleventh hour. This information will be publicly available for everyone to see.

I think it is simple common sense. If you request a project, you ought to be willing to put your name on it, and if you aren't willing to put your name on a project, you shouldn't expect the American people to pay for it.

Fulfilling a commitment made by Republican leaders earlier this year to treat everyone equally, these reforms will apply to all committees, authorizers, appropriators and tax writers alike. The goal here is to bring earmarking out of the shadows and into the light of public scrutiny. These reforms will bring sunshine and transparency to the earmark process, resulting in greater accountability for lawmakers and greater public confidence in how their taxpayer dollars are spent.

Importantly, it also likely will result in fewer earmarks, building on the progress already made by leaders such as chairman of the Appropriations Committee, JERRY LEWIS. This year during the appropriations process, there were 37 percent fewer earmarks than the year before and the cost of those earmarks has been reduced by some $7.8 billion.

Earmark reform is just one component of Republicans' larger effort to promote fiscal discipline and ensure that Congress spends America's taxpayer dollars wisely.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Kansas (Mr. MOORE).

Mr. MOORE of Kansas. Mr. Speaker, I thank the gentlewoman.

Former Secretary of State William Jennings Bryan once said, ''The government being the people's business, it necessarily follows that its operations should be at all times open to the public view. Publicity, therefore, is as essential to honest administration as freedom of speech is to representative government.''

Public scrutiny and oversight is what our earmarking process needs, and one of the best ways to do this is by implementing meaningful reforms that bring transparency and accountability to the process.

The Republican leadership has offered a very modest rules amendment, but I think we should go even further. It is in that spirit that I have introduced H.R. 1008, a resolution outlining a comprehensive approach to earmark reform that brings real transparency and publicity to the earmarking process for appropriations, authorizations and tax benefits.

My comprehensive proposal, H.R. 1008, includes requirements not only for reporting the Member's name along with the earmark request; it also requires that earmark requests be submitted to the committee or committees at least 7 days before an earmark request is scheduled to be voted upon.

But, most importantly, most importantly, my proposal requires that information on all earmarks be posted on committee Web sites for public inspection at least 48 hours prior to the time of the vote, and also directs the Clerk of the House to establish a public Web site that provides links to all committee Web sites with information on earmark requests. By providing easily accessible information on earmarks and ''one-stop shopping'' for American taxpayers, we can bring real accountability to the earmarking process.

The need to control the growth of earmarks should not be a partisan issue. This is not about Democrats and Republicans, it is about a good idea and something good for the American public. We should come together to pass comprehensive earmark reform that brings real accountability and transparency to the process.

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

Mr. MOORE of Kansas. I yield to the gentleman from California.

Mr. DREIER. I thank my friend for yielding.

Mr. Speaker, I would simply say that the gentleman has some very interesting, creative ideas. As I said in my opening remarks, the reform process is an ongoing thing that we are dealing with, and I am more than happy to look at the proposals that the gentleman has, especially as we look at our opening day rules package for January of next year.

Mr. MOORE of Kansas. Mr. Speaker, I would ask the gentleman to accept the amendment to his proposal.

Mr. DREIER. Mr. Speaker, I am very happy to yield 2 minutes to a strong proponent of the issue of earmark reform, our friend from Mesa, Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Speaker, I thank the chairman for yielding.

Mr. Speaker, the United States Congress is a wonderful and storied institution. It is with great reverence and pride that each of us who is elected comes into this body. But with earmarking, we have departed from the practices and traditions of the People's House.

When working properly, the House of Representatives follows the time-honored practice of authorization, appropriation and oversight. Earmarking short circuits this process. Today, we do far too little authorizing, far too much appropriating and far too little oversight.

When I was first elected, I had visions of participating in the great debates of our time. It is not that these policy debates haven't occurred. They have and they do. But I believe it is safe to say that they are diminishing.

In Congress, policies and priorities are established when money is attached to them. When the carefully designed process of authorization, appropriation and oversight is adhered to, these policies and priorities are given a thorough vetting. But when earmarks are inserted into bills at the last minute behind closed doors, there is no debate, deliberation or scrutiny.

When appropriation bills reach the House floor, passage by a lopsided margin is virtually assured because Members with earmarks are obligated to

vote for the entire bill. The scope of debate is substantially narrowed when even partisan disagreements that would otherwise occur are hushed as Republicans and Democrats find common cause in protecting their earmarks.

I am under no illusion that this legislation, which deals only with the issue of transparency, will solve the problem of earmarking. Too many in this body have been convinced that they have both the right and the obligation to personally direct funding to their district. But this bill does represent an important first step.

Mr. Speaker, we owe this institution more than we are giving it. Let's pass this bill and give it more of the respect it deserves.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY).

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

Mr. Speaker, this bill represents the death of lobby reform. Over the last year, as we all know, this House has received a black eye because of the DeLay scandal, stories about lobbyists paying for golf trips to Scotland, the Cunningham blatant bribery case, the Abramoff scandal, and we have been awash in talk of reform. But comprehensive reform packages have not been allowed to come to this floor. We have not been allowed by the majority to have votes on them.

But now, 7 weeks before the election, we get a chance to see that the majority has labored long and produced a mouse, or a fig leaf at best.

My old friend, Archie the Cockroach, said once, ''The trouble with most people is that they lose their sense of proportion; of what use is it for a queen bee to fall in love with a bull?'' Think about it a minute.

The problem with this bill is that there is a huge problem and this bill proposes a minuscule solution. The answer of the majority leadership is to require a list of what they call earmarks. But this package is more notable for what it does not include than it is for what it does include.

□ 1630

I would call it the 1 percent solution.

Now, my personal anger about earmarks I think is well known in this body. The last time I chaired the Appropriations Committee there was not a single earmark in the Labor-H appropriation bill. Today there are over 1,200. And 3 years ago the Labor-H Subcommittee used the earmarks as blackmail by threatening to cut off earmarks for any Member who refused to vote for an inadequate bill. I did not especially like that and I made that quite clear. But the point is that the problem is not earmarks. It is the abuse of the earmark process.

This proposal does nothing to ensure institutional integrity. It is consumer fraud masquerading as earmark reform. Look at what it does not cover: It applies only to committee reported bills. It exempts managers' amendments. That means the famous ''Bridge to Nowhere'' would be exempted from this bill. On tax earmarks this bill actually makes the existing law worse. Right now a tax earmark is defined as a special treatment for 100 or fewer persons. This bill says the only time that it is going to be counted as a tax earmark is if it affects one entity. That means you can have a huge tax break for two multinational oil companies and it isn't even covered in this package.

In the 1986 tax bill, there were 340 separate transition rules costing over $10 billion. There were special tax breaks for two Chrysler plants. This bill wouldn't cover it. The only way that that would be exposed under this bill is if there had only been one tax break for one of those Chrysler plants.

The tax bill that passed last year that provided special treatment for ceiling fan imports or for U.S. horse and dog racing or Hollywood studios that produce the movies in the Gulf, all exempt under this bill.

There were 190 special provisions in the Pension Protection Act of 2000, costing $180 million in taxpayers' money—virtually all of them would be exempt under this proposition.

If you want to save taxpayers' dollars, rather than continuing this silly game of Trivial Pursuit, what you would do is to require that reconciliation bills can be used only to reduce the deficit rather than increase it as the majority party has cynically used the reconciliation process the last 4 years. This bill, indeed, is Trivial Pursuit.

I don't care if you list the Members who sponsor earmarks. I put out press releases on every one of them. I attended a ceremony last week where we had a groundbreaking for an expansion of the Mel Laird Medical Center in my district. I got that earmark. I am proud of it, and I am proud to stand for it. The problem is what this package doesn't contain.

This is a joke. It is a fraud. It plays Trivial Pursuit. It focuses on the minutiae instead of the big problems. That should not be surprising given the track record of the majority party in this House. But this House ought to be able to do better.

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

Mr. Speaker, the majority leader, and I, in my role as chairman of the Committee on Rules, have made a commitment not only to the appropriators but to all Members of this body that we will enforce this rule with respect to unreported measures and amendments, including managers' amendments, submitted to the Rules Committee. If the House considers a bill that has not been reported by a committee, the committee of jurisdiction must comply with the earmark rule and provide a list of earmarks along with the name of the Member who requested the earmark. If the House considers a manager's amendment on a bill, the committee must comply with the earmark rule and provide a list of earmarks along with the name of the Member who requested the earmark. By adopting this new rule, we as a body are not only making the commitment to live under its provisions, but every Member must make a commitment to adhere to the spirit of this new rule. This is more than just adding a new rule. It is making a commitment to change the culture of this institution.

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

Mr. DREIER. I am happy to yield to my friend from Wisconsin.

Mr. OBEY. I thank you. Will you tell me how this is going to apply to the defense appropriations bill that will be coming back to us this year from conference?

Mr. DREIER. Yes. If I could reclaim my time, the agreement that we have for implementaton of this rule means that if there is anything that has a so-called airdrop provision in it, this rule will apply to—

Mr. OBEY. So none of the earmarks presently in the bill will be required?

Mr. DREIER. So this rule will be implemented immediately.

Mr. OBEY. So none of the Senate earmarks will be included; the Senate will continue to be anonymous?

Mr. DREIER. Mr. Speaker, if I could reclaim my time, I will tell you this. I know full well that the United States Senate is watching this debate very, very closely and they very much are interested in seeing us comply with this.

Mr. Speaker, at this point I would be happy to yield 2 minutes to my very good friend from Columbus, Indiana, the chairman of the Republican Study Committee, Mr. PENCE.

Mr. PENCE. Mr. Speaker, I thank the chairman for yielding, and I thank him for his leadership on House Resolution 1000, providing for earmarking reform in the House of Representatives. I also feel moved to thank particularly the House majority leader, JOHN BOEHNER, for his yeoman's leadership and keeping his word on this issue with Members in our effort to bring this modest but meaningful reform to the floor of the Congress.

Under Article I of the Constitution of the United States, the power of the purse is the power of the House of Representatives. And today we will not yield that power in any way. The Constitution gives this body the ability to spend the money of the American people in ways large and small. House Resolution 1000 simply requires that we earmark the earmarks.

Mr. Speaker, we actually had a cow farm when I was growing up, and I know what an earmark is. It is a tag in the ear of a cow that will tell you whose cow it is. Well, the reality is under the rules that have developed over generations here in the House, we can add provisions to legislation, authorizing bills and appropriation bills,

without adding names. Today by H. Res. 1000 we will simply require that we earmark the earmarks.

Transparency promotes accountability, and this institution would do well to embrace this modest but meaningful step toward greater transparency.

As JEFF FLAKE, a great leader on this issue, said earlier, it saddens me to see evidence of the low regard that millions of Americans hold the institution of the Congress. It is an historic institution filled with men and women of both parties of goodwill and integrity. By adopting this modest but meaningful earmarking reform today, we will take an important step toward restoring public confidence in the fundamental integrity of our legislative process at the national level.

I urge my colleagues in both parties to say ''yes'' to transparency and greater accountability, say ''yes'' to earmarking reform.

Ms. SLAUGHTER. Mr. Speaker, for the purpose of giving a response, I would like to yield 1 minute to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I thank the gentlewoman for yielding me this time.

I would simply point out under this provision, when the defense appropriations bill comes back from the Senate, not a single Senate earmark will be listed, and in the future only House earmarks will be listed. The Senate earmarks will not be listed.

I would also point out that if you read the language of this resolution, it makes quite clear that the tax provisions covered by this bill are, in fact, fewer than under existing law and also that same fact applies to trade preferences.

Trade bills are hard enough to pass now. So what happens is they slip in all kinds of special deals for special commodities in order to get 218 votes.

This bill will not lay a glove on them, and for that matter, it will not lay a glove on a single appropriations earmark. It doesn't do anything to any earmark in the House or the Senate. This bill is a fraud.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Speaker, 9 months ago the Speaker said, ''Now is the time for action'' on real lobbying and ethics reform. At the same time, the current majority leader said we must act ''because of a growing perception that the United States Congress is for sale.''

And yet here we are today discussing legislation that will do nothing to prevent the abuses that have occurred on the Republican Congress' watch by both parties and both parties' Members. In short, business as usual continues here in the people's House.

When Members of Congress make millions from land deals tied to earmarks, you know something is wrong in the people's House. When Members' spouses are paid six-figure salaries for ''no-show'' lobbying jobs, you know something is wrong in the people's House. When a mid-level staffer gets a $2 million buyout from a lobbying firm only to have the revolving door return him to his old job on the committee, you know something is wrong in the people's House. And this bill simply tells all the current players that the House remains open for business. Business as usual continues.

When the Speaker's gavel comes down, it is intended to open the people's House, not the auction house. The fact is we have an institutional problem requiring an institutional solution.

To that end Representatives VAN HOLLEN, DOGGETT, DELAHUNT, BEAN, BARROW, and I introduced real earmark reform legislation yesterday to eliminate the abuses. Our bill prohibits earmarks that personally benefit Members, their spouses, and immediate family members. It bans earmarks that benefit lobbyists who chair a Member's leadership PAC. It prohibits earmarks to any entity or lobbying firm employing the spouse, family member, or former staffer of the earmark sponsor. Finally, it eliminates the ''sweetheart'' tax provisions for a single individual or corporation, and it ends the practice of adding new earmarks into conference reports in the dead of night.

This is real reform the American people are demanding, and I challenge my colleagues to let us have a vote on it. But I know they won't because 12 years ago the Republicans came to Congress to change Washington and in those 12 years Washington changed them.

It is time for a new direction. It is time for a change. The ''for sale'' sign still exists on the West Lawn of the people's House.

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

Well, Mr. Speaker, I guess it is pretty obvious that we are 54 days away from an election. I listened to that speech, and the only thing that I can say is that we have seen a challenge here, both political parties in this institution, and we have stepped up to the plate, and we believe that accountability, transparency, and disclosure will provide an opportunity to address the understandable concerns that have existed, and I believe that we have a great opportunity with this legislation to bring about that change.

Let me just respond to Mr. OBEY's concern briefly, before I yield to my colleague, on the issue of bringing back the defense conference report. When we implement this rule, we will clearly be placing onto the shoulders of whoever is chairing that conference from the House side the responsibility of bringing back a conference report that includes a full listing, full transparency and full disclosure of all earmarks that were not in that measure when it was passed through either the House or the Senate. So for that reason we in the House would not be able to bring up and pass a report that did not have that full list that we are looking for.

Mr. Speaker, I yield 2 minutes to the gentleman from Dallas, our good friend who has worked very hard on this issue, Mr. HENSARLING.

Mr. HENSARLING. Mr. Speaker, I thank the gentleman for yielding, and I certainly thank him for his leadership in helping bring this rule.

Two hundred and seventy-three thousand dollars to implement ''garden mosaics'' at a local university, $179,000 to produce hydroponic tomatoes, $550,000 for a Museum of Glass, $400,000 for an Italian market in the Bronx, $500,000 for buses at Disneyland.

Mr. Speaker, there are many worthy earmarks, worthy of this institution, but today there are still too many that do not pass the smell test, that do not pass the laugh test, and certainly do not pass the fiscal responsibility test.

Ultimately, Mr. Speaker, we have to decide do we wish to be judged by the principles on which we stand or the pork that we are able to carry? For the integrity of our institution and the fiscal future of our republic, I certainly hope it is the former.

The simple but profound rule that we are debating today will empower Members to engage in a proper debate as to whether an earmark is truly worthwhile and the opportunity to challenge its merits if it is not.

This is truly a defining moment for those who claim fealty to fiscal responsibility. The question, Mr. Speaker, now is will Democrats put their votes where their mouths are and support this rule? If they do not, they will once again be exposed for the reckless and wasteful spenders that they are.

I want to thank the Republican leadership for bringing this rule to the floor. I want to thank Chairman LEWIS for the great progress that has been made in dealing with earmarks under his watch. And I personally want to thank the gentleman from Arizona (Mr. FLAKE) for his courage and relentless commitment to fight irresponsible Federal spending in the area of earmarks, and I urge the adoption of this rule.

□ 1645

Ms. SLAUGHTER. The world knows who is doing the big spending. We have the worst deficit we have ever seen. And as far as stepping up to the plate, the Democrats never get a chance at bat. We have absolutely nothing we can do, all we can do is vote up or down. We don't know when the bills were written, we have no impact on them at all. As far as the deliberative body, it is all on your side. So I urge all of my colleagues to vote ''no'' on this today.

Mr. Speaker, I yield 4 minutes to the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. Mr. Speaker, despite the huge scandals that have worked this town, this Congress has failed to pass a lobbying reform bill, we failed to pass an ethics reform bill, we failed to deal with the gift ban, we

failed to stop the flying on the corporate jets, we failed to shut the resolving door. There has been a shameful lack of accountability.

Now, I support greater transparency in the earmark process, I support greater sunshine. But we should get right at the root of the problem and eliminate the worst abuses outright. Now, Mr. EMANUEL and I and others offered an amendment the other day in the Rules Committee to stop the inside dealing and to stop the sweetheart deals, and the Republican leadership said no.

What did that amendment do? It was pretty simple. It said a Member of Congress can't take Federal taxpayers' dollars and earmark them for an organization that employs their spouse or their family members. They said no to that. It says let's not take Federal taxpayer dollars and steer them to an organization that just employed one of their former staffers. They said no to that.

Mr. DREIER. Would the gentleman yield?

Mr. VAN HOLLEN. Not out of my time, Mr. Chairman.

Mr. DREIER. If I could yield myself 10 seconds out of my time.

Mr. VAN HOLLEN. I would be happy to.

Mr. DREIER. I was just going to say that there was no amendment offered in the Rules Committee whatsoever, so nothing was rejected.

Mr. VAN HOLLEN. There was an amendment.

Mr. DREIER. No, there wasn't. I chair the committee, and I will tell you that there was not an amendment that was offered in the Rules Committee.

Mr. VAN HOLLEN. There was a proposal.

We made some proposals to address that issue.

Mr. DREIER. It wasn't offered in the Rules Committee.

Mr. VAN HOLLEN. Thank you.

There is a proposal also out there that we have sponsored that I hope you will address and make in order to this particular piece of legislation with respect to prohibiting funds from going to somebody who has an organization, if that person is also the head of a political action committee of a leadership PAC, some simple rules of the game that we should all therefore be able to agree to, I hope. If you didn't take it up in the Rules Committee, maybe we can take it up now today if we all agree that those are abuses that we should end.

Ms. SLAUGHTER. If the gentleman will yield, and I will give him the extra time, but let me make clear that this amendment was submitted to the Rules Committee for consideration. The fact that you would not take it up is not the fault of Mr. VAN HOLLEN.

Mr. VAN HOLLEN. Mr. Speaker, we submitted an amendment to the Rules Committee for its consideration. I am sorry that the chairman decided not to take up the amendment, but what the amendment did was outline the very simple prohibitions that we talked about, to prohibit us from steering Federal taxpayers' dollars to organizations that employed family members, that employed former staff members, or where monies were steered through lobbyists and lobbyist organizations that employed spouses or family members or former staff members.

The key issue here is trying to end the sort of inside dealing and sweetheart deals that have rocked this town. We have not done that. What worries me about this piece of legislation is that people are going to pass it and they are going to go home to their congressional districts and they are going to tell people: We have cleaned up Washington; that we have stopped the abuses, that we have done something about the nexus between lobbying problems and the earmark process, when in fact we haven't done it.

The earmarks have skyrocketed since the Republicans took control of Congress, and yet they have also refused to adopt a rule that we proposed for a pay-as-you-go budget. The President and others complain about earmarks, but he hasn't vetoed a single bill except the stem cell bill. We keep hearing about the problems on the spending side, and yet every one of the bills that has gone through this Congress has been signed by the President. Again, the only bill he has vetoed is the bill dealing with stem cell research.

So if we are serious about fiscal accountability, let's adopt the pay-as-you-go rule that has been proposed by the Democrats, and let's adopt the measures that I talked about that we submitted to the Rules Committee that would end the worst abuses. And I still don't understand why the Rules Committee failed to take up and consider those proposals.

I thank my colleague from New York for the time. Let's send a signal to the people around this country that we recognize the abuses that have taken place, that we are going to do something real, let's not just pretend we are doing something. There is some momentum to do things here. We are not taking advantage of it. Let's do that.

Mr. DREIER. Mr. Speaker, I yield myself 45 seconds to say to my friend that to call increasing transparency, accountability, and disclosure as pretend is absolutely outrageous.

There is bipartisan concern about this problem, as stated from my friend from Wisconsin and from other Members on both sides of the aisle, and I believe that this measure will allow us to do that.

The proposal that the gentleman is talking about may have been listed upstairs, but it wasn't offered on the Committee on Rules for us to consider. And in looking at it, Mr. Speaker, I have got to tell you that we found that it was the most impractical thing imaginable.

Mr. Speaker, I yield 2 minutes to my very good friend from Newport Beach, Mr. CAMPBELL.

Mr. CAMPBELL of California. Mr. Speaker, I have been in this House for less than a year, not a very long time, but it is long enough to know that this is real reform.

In the first 90 days after I was elected to this House, I received 70, that is 7–0, requests for various earmarks. A whole lot of those, frankly, were not appropriate; whether there wasn't a Federal nexus, whether there wasn't a public benefit, for whatever reason, they weren't appropriate. Now, I submitted seven of those 70 for consideration by the Appropriations Committee, and I have made very public what those seven were. Because if we are going to spend taxpayer money, we ought to be able to justify it and to stand behind what we are doing, why we are doing it, and who is doing it. And that is what this does. It simply says if we are going to spend the taxpayers' money in this way, and there is nothing inappropriate if there is a Federal nexus, et cetera, about Members spending money on things that have a Federal nexus and are appropriate and have a public good in their district. There is nothing wrong with that process. But you should be able to shine the light of day on it, to stand behind it, to say this is what I am doing and this is why I am doing it and this is who is doing it. And that is what this does.

Now, you could sit there as some of our friends on the other side of the aisle want to do and try to indicate everything that is inappropriate. But isn't it better if we just simply say, here it is and here is the name, so that the person doing it, if they know that there is anything there, then they won't come forward with it.

Now, I have to tell you this is unlikely to save any money, unlikely to reduce spending, but what it will do is I think it will add greatly to what we do spend being spent better.

Mr. DREIER. Mr. Speaker, I yield 1½ minutes to the gentleman from Austin, Texas (Mr. MCCAUL).

Mr. MCCAUL of Texas. I thank the chairman for his leadership on this important resolution.

Mr. Speaker, in the past we have seen abusive earmarks in appropriation bills while the Members responsible hide from the scrutiny of the American taxpayer. We have also seen earmarks included in the conference process in the darkness of night. Well, this bill changes all that. As a former Federal prosecutor in the Public Integrity Section, I have always said that sunlight is the best disinfectant.

From now on, our appropriations tax and authorizing earmarks will have a bright light shined upon them. From now on, all reported bills and conference reports will include a list of earmarks and the name of the Member requesting them. Members will also be able to challenge any ''air-dropped earmark.''

This is exactly the transparency and accountability that the House needs, and it is something that the American

people have come to expect and deserve. I urge my colleagues to vote for this important step to restoring integrity to the process.

Mr. DREIER. Mr. Speaker, at this time I am happy to yield 2 minutes to the gentleman from Wantage, New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Mr. Speaker, it is time for us to open up our books to the American people so that everyone in the public can be fully apprised as to how their hard-earned dollars are spent by the Federal Government. I rise in support of this bill for reform.

Accountability is not something that should be or could be postponed. It should be instinctive in all of our work as stewards of the American taxpayer. It should be reflective, but sadly it is not.

I am encouraged that we are taking up this bill. I believe it is an important first step forward in accountability. The reforms we consider today in essence broaden the efforts of our earlier reforms and lobbying reform package of legislation that we passed earlier. It goes now to appropriations, authorization, and tax bills.

We must stop the process of loading up authorization bills with pork the way we loaded up appropriations bills. That infamous Bridge to Nowhere, that was an appropriations bill. It was an earmark in a bill authorizing Federal spending giving the congressional imprimatur to the project.

We must police Federal tax laws better as well. We load up our tax bills with special tax breaks, making the IRS Code totally incomprehensible even to the most skilled and practiced CPA. We cannot begin the process of simplifying the Tax Code until we end the practice of random tax cut earmarks.

For too long these earmarks have lived a really quiet existence in the back room, in the dead of night; they slip into language without even the public's awareness to it. But let me just make this other point: Not all earmarks are bad. There are local projects that are worthy of Federal assistance. But worthy projects will be those that stand up to the light of day in public scrutiny and floor debate. And as we work to curb spending and government waste, such accountability is crucial.

So as one of my fellow Members likes to say, and I often quote him, we must put the focus back on the family budget and not on the Federal budget. In fact, until we get a handle on all earmarks, all our other efforts to rein in spending, to reduce the deficit, and to fund true national priorities like protecting our Nation from terrorism will be useless.

Ms. SLAUGHTER. Mr. Speaker, I will be asking for a ''no'' vote on the previous question so I can amend the rule to give the House an opportunity to vote today up or down on a comprehensive reform package.

I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question. That will include the listing of the amendments at the Rules Committee.

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

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, the Republican leadership in this House has promised for months it would enact comprehensive ethics and lobbying reform legislation in this Congress. We all know that it has not and most likely will not happen before the House adjourns for the mid-term elections in just 2 weeks. But we still have time and opportunity to do something today if we will defeat the previous question.

The amendment provides that, immediately after the House adopts this rule, it will bring up ethics and lobbying reform legislation that is identical to the motion to recommit that I offered this past May. That motion to recommit, which had bipartisan support, came within three votes of passing.

□ 1700

This legislation, called the Honest Leadership and Open Government Act, is a truly comprehensive ethics and lobbying reform initiative. It takes a tough stand on a number of the problems that have led to the culture of corruption that has evolved in the 109th Congress.

I urge all Members to vote ''no'' on the previous question so we can bring up legislation and give Members of this House the right to cast a vote for cleaning up the ethics problems that have plagued this institution for too long. Time is running out for the 109th Congress. If we do not act now, there will be no opportunity to show the American people that we are serious about reform.

Vote ''no'' on the previous question and vote ''no'' on the rule for this piece of legislation that will only live for two more weeks.

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

Mr. DREIER. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, under the very able leadership of my California colleague JERRY LEWIS we have seen a 37 percent reduction in the number of earmarks. We have seen either a flat line or real cuts in the appropriations bills with the exception of our priorities of national defense and homeland security, and we have seen a very strong commitment to institutional reform. I take my hat off to JERRY LEWIS for the fine work that he has done.

Mr. Speaker, we are constantly looking at more reform. The Speaker of the House, the majority leader, I believe that Members on both sides of the aisle believe that we should pursue greater transparency, greater disclosure and greater accountability. I have heard Democrats and Republicans alike say that over the past hour. We have an opportunity to do just that right now.

We, I am very happy to say, have put into place bold economic policies that have led to a $58 billion reduction in the deficit over last year's number.

We today have the lowest unemployment rate on the face of the earth. There is no other country in the world with an unemployment rate as low as our unemployment rate, and yet we need to continue to do everything that we can to try and rein in Federal spending.

I, as a Republican, believe that the reach of government not only costs money, but it impinges on individual initiative and opportunity. I believe that as we focus on this kind of reform we will be in a position where we will be able to improve the quality of life and the standard of living for our constituents.

Mr. Speaker, vote ''yes'' on the previous question and ''yes'' on this rule.

Mr. DINGELL. Mr. Speaker, I rise today in opposition to the legislation before us today. This legislation is not real reform; it is merely an empty shell riddled with loopholes that will allow the culture of corruption that has infected this House to continue virtually unchecked.

This bill—for which the text has only been available for less than 12 hours—is simply a poorly masked effort by Republicans to distract voters from the fact that they have failed to live up to their promises to pass real ethics and lobbying reform. The only reform they can claim victory for is banning former Members who are now lobbyists from the Members' gym. While this is of course an admirable step, it is a baby step at most.

Mr. Speaker, I believe that sunshine is the best disinfectant—and I can truly say that this House has never been more in need of a good dose of sunshine. Over the past few years, we have seen some truly appalling abuses of power. Legislation has been passed without Members even knowing what they are voting for; votes have been held open for record amounts of time; and lobbyists have had more access to conference negotiations than Members of the conference. This shameful behavior should not be acceptable to Members of either party, and this bill is just another example of how Congress has done nothing to stop it.

I urge my colleagues to reject this bill and to make valid, meaningful reform a genuine priority for the 109th Congress.

Mr. SHAYS. Mr. Speaker, I urge support of H. Res. 1000, which will require disclosure of earmark sponsors in the text of any legislation considered in the House. This is a commonsense change that should improve the transparency of the earmarking process and eliminate questions about who is really behind the funding of thousands of projects.

I believe securing federal funding for local projects can be an important role for a member of Congress, so long as the project meets basic requirements. I use two tests to determine whether to seek funding. First, I ensure that transportation projects have the support of the local chief executive, regional planning agency and the Connecticut Department of Transportation.

Secondly, I apply my "community meeting" test. If I can't justify the funding to constituents, I know it's not a project I should support.

Earmarks have funded a broad array of transportation projects in the Fourth Congressional District, including the Bridgeport Intermodal Center, the Norwalk Pulse Point Improvement project, and the Stamford Urban Transitway, and projects promoting urban development in our urban areas and education.

Unfortunately, projects like Alaska's "Bridge to Nowhere," taint views of all congressionally-directed funding.

I do not believe adoption of this resolution today lessens the need for comprehensive lobbying and ethics reform, because today's action still does not prevent the type of behavior we have witnessed in recent months. The resolution does provide additional sunlight on the process, however, which I think we can all agree is a good thing,

Mr. SMITH of Texas. Mr. Speaker, I strongly support this resolution to reform the earmark process in Congress.

Not all spending requests are bad. Many of them fund legitimate public projects.

The Constitution gives Congress the power of the purse, and Members of Congress are often in a better position to determine the priorities of their districts than government employees in Washington.

However, the often secret process that has been used in recent years to fund earmarks has led to wasteful and unnecessary spending.

The earmark process needs more sunshine on it, and this new rule provides for that.

This bill will bring greater transparency to the legislative process, ensuring that Members of Congress are held accountable for their requests.

By requiring a list of earmarks and their sponsors to accompany every bill and conference report considered by the House we will deter wrongful behavior and give the public a better view of what their elected officials are doing in Washington.

Full disclosure will enable our constituents to decide whether spending requests are justified and whether they serve the public interest.

I have long advocated for this important reform and I am glad the House is acting on it.

Republicans in the House have a strong record of implementing ethics reform. This rule change governing earmarks represents a great improvement over the current system and is another example of our party's leadership on ethics reform.

At this time, I request unanimous consent to place in the RECORD an op-ed I wrote on the subject.

I am hopeful that we will continue to implement additional reforms, including greater public disclosure of lobbying activities, and continue to uphold the integrity of the House.

Mr. Speaker, I am glad this resolution has been brought to the floor and urge my colleagues to support it.

Mr. DREIER. Mr. Speaker, I am inserting in the RECORD a list of additional Members who would like to be considered as cosponsors of H. Res. 1000.

Additional Members include: MARK GREEN, JOHN LINDER, and CHARLES BASS.

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

PREVIOUS QUESTION ON H. RES. 1003 RULE PROVIDING FOR CONSIDERATION OF H. RES. 1000

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

"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 a bill consisting of the text specified in Section 3. 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 Rules; and (2) one motion to recommit with or without instructions."

SEC. 3. The text referred to in section 2 is as follows:

H.R.—

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

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Honest Leadership and Open Government Act of 2006".

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

Sec. 1. Short title and table of contents.

TITLE I—CLOSING THE REVOLVING DOOR

Sec. 101. Extension of lobbying ban for former Members and employees of Congress and executive branch officials.
Sec. 102. Elimination of floor privileges and access to Members exercise facilities for former Member lobbyists.
Sec. 103. Disclosure by Members of Congress and senior congressional staff of employment negotiations.
Sec. 104. Ethics review of employment negotiations by executive branch officials.
Sec. 105. Wrongfully influencing a private entity's employment decisions or practices.

TITLE II—FULL PUBLIC DISCLOSURE OF LOBBYING

Sec. 201. Quarterly filing of lobbying disclosure reports.
Sec. 202. Electronic filing of lobbying disclosure reports.
Sec. 203. Additional lobbying disclosure requirements.
Sec. 204. Disclosure of paid efforts to stimulate grassroots lobbying.
Sec. 205. Disclosure of lobbying activities by certain coalitions and associations.
Sec. 206. Disclosure by registered lobbyists of past executive and congressional employment.
Sec. 207. Public database of lobbying disclosure information.
Sec. 208. Conforming amendment.

TITLE III—RESTRICTING CONGRESSIONAL TRAVEL AND GIFTS

Sec. 301. Ban on gifts from lobbyists.
Sec. 302. Prohibition on privately funded travel.
Sec. 303. Prohibiting lobbyist organization and participation in congressional travel.
Sec. 304. Prohibition on obligation of funds for travel by legislative and executive branch officials.
Sec. 305. Per diem expenses for congressional travel.

TITLE IV—ENFORCEMENT OF LOBBYING RESTRICTIONS

Sec. 401. Office of public integrity.
Sec. 402. Increased civil and criminal penalties for failure to comply with lobbying disclosure requirements.
Sec. 403. Penalty for false certification in connection with congressional travel.
Sec. 404. Mandatory annual ethics training for House employees.

TITLE V—OPEN GOVERNMENT

Sec. 501. Fiscal responsibility.
Sec. 502. Curbing abuses of power.
Sec. 503. Ending 2-day work weeks.
Sec. 504. Knowing what the House is voting on.
Sec. 505. Full and open debate in conference.

TITLE VI—ANTI-CRONYISM AND PUBLIC SAFETY

Sec. 601. Minimum requirements for political appointees holding public safety positions.
Sec. 602. Effective date.

TITLE VII—ZERO TOLERANCE FOR CONTRACT CHEATERS

Sec. 701. Public availability of Federal contract awards.
Sec. 702. Prohibition on award of monopoly contracts.
Sec. 703. Competition in multiple award contracts.
Sec. 704. Suspension and debarment of unethical contractors.
Sec. 705. Criminal sanctions for cheating taxpayers and wartime fraud.
Sec. 706. Prohibition on contractor conflicts of interest.
Sec. 707. Disclosure of Government contractor overcharges.
Sec. 708. Penalties for improper sole-source contracting procedures.
Sec. 709. Stopping the revolving door.

TITLE VIII—PRESIDENTIAL LIBRARIES

Sec. 801. Presidential libraries.

TITLE IX—FORFEITURE OF RETIREMENT BENEFITS

Sec. 901. Loss of pensions accrued during service as a Member of Congress for abusing the public trust.

TITLE I—CLOSING THE REVOLVING DOOR

SEC. 101. EXTENSION OF LOBBYING BAN FOR FORMER MEMBERS AND EMPLOYEES OF CONGRESS AND EXECUTIVE BRANCH OFFICIALS.

Section 207 of title 18, United States Code, is amended—

(1) in subsection (c)—

(A) in the subsection heading, by striking "One-year" and inserting "Two-year";

(B) in paragraph (1), by striking "1 year" and inserting "2 years" in both places it appears; and

(C) in paragraph (2)(B), by striking "1-year period" and inserting "2-year period;"

(2) in subsection (d)—

(A) in paragraph (1), by striking "1 year" and inserting "2 years"; and

(B) in paragraph (2)(A), by striking "1 year" and inserting "2 years"; and

(3) in subsection (e)—

(A) in paragraph (1)(A), by striking "1 year" and inserting "2 years";

(B) in paragraph (2)(A), by striking "1 year" and inserting "2 years";

(C) in paragraph (3), by striking "1 year" and inserting "2 years";

(D) in paragraph (4), by striking "1 year" and inserting "2 years";

(E) in paragraph (5)(A), by striking "1 year" and inserting "2 years"; and

(F) in paragraph (6), by striking "1-year period" and inserting "2-year period".

SEC. 102. ELIMINATION OF FLOOR PRIVILEGES AND ACCESS TO MEMBERS EXERCISE FACILITIES FOR FORMER MEMBER LOBBYISTS.

(a) FLOOR PRIVILEGES.—(1) Clause 4 of rule IV of the Rules of the House of Representatives is amended to read as follows:

''4. (a) A former Member, Delegate, or Resident Commissioner; a former Parliamentarian of the House; or a former elected officer of the House or former minority employee nominated as an elected officer of the House; or a head of a department shall not be entitled to the privilege of admission to the Hall of the House and rooms leading thereto if he or she—

''(1) is a registered lobbyist or agent of a foreign principal as those terms are defined in clause 5 of rule XXV;

''(2) has any direct personal or pecuniary interest in any legislative measure pending before the House or reported by a committee; or

''(3) is in the employ of or represents any party or organization for the purpose of influencing, directly or indirectly, the passage, defeat, or amendment of any legislative proposal.

''(b) The Speaker may promulgate regulations that exempt ceremonial or educational functions from the restrictions of this clause.''.

(2) Clause 2(a)(12) of rule IV of the Rules of the House of Representatives is amended by inserting ''(subject to clause 4)'' before the period.

(b) EXERCISE FACILITIES.—(1) The House of Representatives may not provide access to any exercise facility which is made available exclusively to Members and former Members of the House of Representatives to any former Member who is a lobbyist registered under the Lobbying Disclosure Act of 1995 or any successor statute. For purposes of this section, the term ''Member of the House of Representatives'' includes a Delegate or Resident Commissioner to the Congress.

(2) The Committee on House Administration shall promulgate regulations to carry out this section.

SEC. 103. DISCLOSURE BY MEMBERS OF CONGRESS AND SENIOR CONGRESSIONAL STAFF OF EMPLOYMENT NEGOTIATIONS.

Rule XXIII of the Rules of the House of Representatives is amended by redesignating clause 14 as clause 15 and by adding at the end the following new clause:

''14. (a) A Member, Delegate, Resident Commissioner, officer, or employee of the House covered by the post employment restriction provisions of title 18, United States Code, shall notify the Committee on Standards of Official Conduct that he or she is negotiating or has any arrangement concerning prospective private employment if a conflict of interest or the appearance of a conflict of interest may exist.

''(b) The disclosure and notification under subparagraph (a) shall be made within 3 business days after the commencement of such negotiation or arrangement.

''(c) A Member or employee to whom this rule applies shall recuse himself or herself from any matter in which there is a conflict of interest for that Member or employee under this rule and notify the Committee on Standards of Official Conduct of such recusal.

''(d)(1) The Committee on Standards of Official Conduct shall develop guidelines concerning conduct which is covered by this paragraph.

''(2) The Committee on Standards of Official Conduct shall maintain a current public record of all notifications received under subparagraph (a) and of all recusals under subparagraph (c).''.

SEC. 104. ETHICS REVIEW OF EMPLOYMENT NEGOTIATIONS BY EXECUTIVE BRANCH OFFICIALS.

Section 208 of title 18, United States Code, is amended—

(1) in subsection (b)(1)—

(A) by inserting after ''the Government official responsible for appointment to his or her position'' the following: ''and the Office of Government Ethics''; and

(B) by striking ''a written determination made by such official'' and inserting ''a written determination made by the Office of Government Ethics, after consultation with such official,''; and

(2) in subsection (b)(3), by striking ''the official responsible for the employee's appointment, after review of'' and inserting ''the Office of Government Ethics, after consultation with the official responsible for the employee's appointment and after review of''; and

(3) in subsection (d)(1)—

(A) by striking ''Upon request'' and all that follows through ''Ethics in Government Act of 1978.'' and inserting ''In each case in which the Office of Government Ethics makes a determination granting an exemption under subsection (b)(1) or (b)(3) to a person, the Office shall, not later than 3 business days after making such determination, make available to the public pursuant to the procedures set forth in section 105 of the Ethics in Government Act of 1978, and publish in the Federal Register, such determination and the materials submitted by such person in requesting such exemption.''; and

(B) by striking ''the agency may withhold'' and inserting ''the Office of Government Ethics may withhold''.

SEC. 105. WRONGFULLY INFLUENCING A PRIVATE ENTITY'S EMPLOYMENT DECISIONS OR PRACTICES.

(a) IN GENERAL.—Chapter 11 of title 18, United States Code, is amended by adding at the end the following:

''§ 226. Wrongfully influencing a private entity's employment decisions by a Member of Congress

''Whoever, being a Senator or Representative in, or a Delegate or Resident Commissioner to, the Congress or an employee of either House of Congress, with the intent to influence on the basis of partisan political affiliation an employment decision or employment practice of any private entity—

''(1) takes or withholds, or offers or threatens to take or withhold, an official act; or

''(2) influences, or offers or threatens to influence, the official act of another;

shall be fined under this title or imprisoned for not more than 15 years, or both, and may be disqualified from holding any office of honor, trust, or profit under the United States.''.

(b) NO INFERENCE.—Nothing in section 226 of title 18, United States Code, as added by this section, shall be construed to create any inference with respect to whether the activity described in section 226 of title 18, United States Code, was already a criminal or civil offense prior to the enactment of this Act, including sections 201(b), 201(c), and 216 of title 18, United States Code.

(c) CHAPTER ANALYSIS.—The chapter analysis for chapter 11 of title 18, United States Code, is amended by adding at the end the following:

''226. Wrongfully influencing a private entity's employment decisions by a Member of Congress.''.

(d) HOUSE RULES.—Rule XXIII of the Rules of the House (as amended by section 103) is further amended by redesignating clause 15 as clause 16, and by inserting after clause 14 the following new clause:

''15. No Member, Delegate, or Resident Commissioner shall, with the intent to influence on the basis of partisan political affiliation an employment decision or employment practice of any private entity—

''(1) take or withhold, or offer or threaten to take or withhold, an official act; or

''(2) influence, or offer or threaten to influence, the official act of another.''.

TITLE II—FULL PUBLIC DISCLOSURE OF LOBBYING

SEC. 201. QUARTERLY FILING OF LOBBYING DISCLOSURE REPORTS.

(a) QUARTERLY FILING REQUIRED.—Section 5 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604) is amended—

(1) in subsection (a)—

(A) by striking ''Semiannual'' and inserting ''Quarterly'';

(B) by striking ''the semiannual period'' and all that follows through ''July of each year'' and insert ''the quarterly period beginning on the first days of January, April, July, and October of each year''; and

(C) by striking ''such semiannual period'' and insert ''such quarterly period''; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''semiannual report'' and inserting ''quarterly report'';

(B) in paragraph (2), by striking ''semiannual filing period'' and inserting ''quarterly period'';

(C) in paragraph (3), by striking ''semiannual period'' and inserting ''quarterly period''; and

(D) in paragraph (4), by striking ''semiannual filing period'' and inserting ''quarterly period''.

(b) CONFORMING AMENDMENTS.—

(1) DEFINITION.—Section 3(10) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602) is amended by striking ''six month period'' and inserting ''three-month period''.

(2) REGISTRATION.—Section 4 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1603) is amended—

(A) in subsection (a)(3)(A), by striking ''semiannual period'' and inserting ''quarterly period''; and

(B) in subsection (b)(3)(A), by striking ''semiannual period'' and inserting ''quarterly period''.

(3) ENFORCEMENT.—Section 6 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1605) is amended in paragraph (6) by striking ''semiannual period'' and inserting ''quarterly period''.

(4) ESTIMATES.—Section 15 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1610) is amended—

(A) in subsection (a)(1), by striking ''semiannual period'' and inserting ''quarterly period''; and

(B) in subsection (b)(1), by striking ''semiannual period'' and inserting ''quarterly period''.

(5) DOLLAR AMOUNTS.—

(A) Section 4 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1603) is amended—

(i) in subsection (a)(3)(A)(i), by striking ''$5,000'' and inserting ''$2,500'';

(ii) in subsection (a)(3)(A)(ii), by striking ''$20,000'' and inserting ''$10,000'';

(iii) in subsection (b)(3)(A), by striking ''$10,000'' and inserting ''$5,000''; and

(iv) in subsection (b)(4), by striking ''$10,000'' and inserting ''$5,000''.

(B) Section 5 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604) is amended—

(i) in subsection (c)(1), by striking ''$10,000'' and ''$20,000'' and inserting ''$5,000'' and ''$10,000'', respectively; and

(ii) in subsection (c)(2), by striking ''$10,000'' both places such term appears and inserting ''$5,000''.

SEC. 202. ELECTRONIC FILING OF LOBBYING DISCLOSURE REPORTS.

Section 5 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604) is amended by adding at the end the following:

''(d) ELECTRONIC FILING REQUIRED.—A report required to be filed under this section shall be filed in electronic form, in addition to any other form that may be required by the Secretary of the Senate or the Clerk of

the House of Representatives. The Secretary of the Senate and the Clerk of the House of Representatives shall provide for public access to such reports on the Internet.''.

SEC. 203. ADDITIONAL LOBBYING DISCLOSURE REQUIREMENTS.

(a) DISCLOSURE OF CONTRIBUTIONS AND PAYMENTS.—Section 5(b) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604(b)) is amended—

(1) in paragraph (5), as added by section 204(c), by striking the period and inserting a semicolon; and

(2) by adding at the end the following:

''(6) for each registrant (and for any political committee, as defined in section 301(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(4)), affiliated with such registrant) and for each employee listed as a lobbyist by a registrant under paragraph 2(C)—

''(A) the name of each Federal candidate or officeholder, leadership PAC, or political party committee, to whom a contribution was made, and the amount of such contribution; and

''(B) the name of each Federal candidate or officeholder, or a leadership PAC of such candidate or officeholder, or political party committee for whom a fundraising event was hosted, cohosted, or otherwise sponsored, the date and location of the event, and the total amount raised by the event;

''(7) a certification that the lobbying firm or registrant has not provided, requested, or directed a gift, including travel, to a Member or employee of Congress in violation of clause 5 of rule XXV of the Rules of the House of Representatives;

''(8) the date, recipient, and amount of funds contributed or disbursed by, or arranged by, a registrant or employee listed as a lobbyist—

''(A) to pay the costs of an event to honor or recognize a covered legislative branch official or covered executive branch official;

''(B) to, or on behalf of, an entity that is named for a covered legislative branch official or covered executive branch official, or to a person or entity in recognition of such official;

''(C) to an entity established, financed, maintained, or controlled by a covered legislative branch official or covered executive branch official, or an entity designated by such official; or

''(D) to pay the costs of a meeting, retreat, conference or other similar event held by, or for the benefit of, 1 or more covered legislative branch officials or covered executive branch officials;

except that this paragraph shall not apply to any payment or reimbursement made from funds required to be reported under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434); and

''(9) the name of each Member of Congress contacted by lobbyists employed by the registrant on behalf of the client.''.

(b) LEADERSHIP PAC.—Section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602) is amended by adding at the end the following:

''(17) LEADERSHIP PAC.—The term 'leadership PAC' means an unauthorized multicandidate political committee that is established, financed, maintained, and controlled by an individual who is a Federal officeholder or a candidate for Federal office.''.

(c) FULL AND DETAILED ACCOUNTING.—Section 5(c)(1) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604(c)(1)) is amended by striking ''shall be rounded to the nearest $20,000'' and inserting ''shall be rounded to the nearest $1,000''.

(d) NOTIFICATION OF MEMBERS.—Section 6 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1605) is amended in paragraph (2) by striking ''review, and, where necessary'' and inserting ''review and—

''(A) if a report states (under section 5(b)(9) or otherwise) that a Member of Congress was contacted, immediately notify that Member of that report; and

''(B) where necessary,''.

SEC. 204. DISCLOSURE OF PAID EFFORTS TO STIMULATE GRASSROOTS LOBBYING.

(a) DISCLOSURE OF PAID EFFORTS TO STIMULATE GRASSROOTS LOBBYING.—Section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602) is amended—

(1) in paragraph (7), by adding at the end the following: ''Lobbying activities include paid efforts to stimulate grassroots lobbying, but do not include grassroots lobbying.''; and

(2) by adding at the end the following:

''(18) GRASSROOTS LOBBYING.—The term 'grassroots lobbying' means the voluntary efforts of members of the general public to communicate their own views on an issue to Federal officials or to encourage other members of the general public to do the same.

''(19) PAID EFFORTS TO STIMULATE GRASSROOTS LOBBYING.—The term 'paid efforts to stimulate grassroots lobbying'—

''(A) means any paid attempt to influence the general public, or segments thereof, to engage in grassroots lobbying or lobbying contacts; and

''(B) does not include any attempt described in subparagraph (A) by a person or entity directed to its members, employees, officers or shareholders, unless such attempt is financed with funds directly or indirectly received from or arranged by a lobbyist or other registrant under this Act retained by another person or entity.

''(20) GRASSROOTS LOBBYING FIRM.—The term 'grassroots lobbying firm' means a person or entity that—

''(A) is retained by 1 or more clients to engage in paid efforts to stimulate grassroots lobbying on behalf of such clients; and

''(B) receives income of, or spends or agrees to spend, an aggregate of $50,000 or more for such efforts in any quarterly period.''.

(b) REGISTRATION.—Section 4(a) of the Act (2 U.S.C. 1603(a)) is amended—

(1) in paragraph (1), by striking ''45'' and inserting ''20'';

(2) in the flush matter at the end of paragraph (3)(A)—

(A) by striking ''as estimated'' and inserting ''as included''; and

(B) by adding at the end the following: ''For purposes of clauses (i) and (ii) the term 'lobbying activities' shall not include paid efforts to stimulate grassroots lobbying.'';

(3) by redesignating paragraph (3) as paragraph (4); and

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

''(3) GRASSROOTS LOBBYING FIRMS.—Not later than 20 days after a grassroots lobbying firm first is retained by a client to engage in paid efforts to stimulate grassroots lobbying, such grassroots lobbying firm shall register with the Secretary of the Senate and the Clerk of the House of Representatives.''.

(c) SEPARATE ITEMIZATION OF PAID EFFORTS TO STIMULATE GRASSROOTS LOBBYING.—Section 5(b) of the Act (2 U.S.C. 1604(b)) is amended—

(1) in paragraph (3), by—

(A) inserting after ''total amount of all income'' the following: ''(including a separate good faith estimate of the total amount relating specifically to paid efforts to stimulate grassroots lobbying and, within that amount, a good faith estimate of the total amount specifically relating to paid advertising)''; and

(B) striking ''and'' after the semicolon;

(2) in paragraph (4), by—

(A) inserting after ''total expenses'' the following: ''(including a good faith estimate of the total amount relating specifically to paid efforts to stimulate grassroots lobbying and, within that total amount, a good faith estimate of the total amount specifically relating to paid advertising)''; and

(B) striking the period and inserting a semicolon;

(3) by adding at the end the following:

''(5) in the case of a grassroots lobbying firm, for each client—

''(A) a good faith estimate of the total disbursements made for grassroots lobbying activities, and a subtotal for disbursements made for grassroots lobbying through paid advertising;

''(B) identification of each person or entity other than an employee who received a disbursement of funds for grassroots lobbying activities of $10,000 or more during the period and the total amount each person or entity received; and

''(C) if such disbursements are made through a person or entity who serves as an intermediary or conduit, identification of each such intermediary or conduit, identification of the person or entity who receives the funds, and the total amount each such person or entity received.''; and

(4) by adding at the end the following:

''Subparagraphs (B) and (C) of paragraph (2) shall not apply with respect to reports relating to paid efforts to stimulate grassroots lobbying activities.''.

(d) LARGE GRASSROOTS EXPENDITURE.—Section 5(a) of the Act (2 U.S.C. 1604(a)) is amended—

(1) by striking ''No later'' and inserting:

''(1) IN GENERAL.—Except as provided in paragraph (2), not later''; and

(2) by adding at the end the following:

''(2) LARGE GRASSROOTS EXPENDITURE.—A registrant that is a grassroots lobbying firm and that receives income of, or spends or agrees to spend, an aggregate amount of $250,000 or more on paid efforts to stimulate grassroots lobbying for a client, or for a group of clients for a joint effort, shall file—

''(A) a report under this section not later than 20 days after receiving, spending, or agreeing to spend that amount; and

''(B) an additional report not later than 20 days after each time such registrant receives income of, or spends or agrees to spend, an aggregate amount of $250,000 or more on paid efforts to stimulate grassroots lobbying for a client, or for a group of clients for a joint effort.''.

SEC. 205. DISCLOSURE OF LOBBYING ACTIVITIES BY CERTAIN COALITIONS AND ASSOCIATIONS.

(a) IN GENERAL.—Paragraph (2) of section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602) is amended to read as follows:

''(2) CLIENT.—

''(A) IN GENERAL.—The term 'client' means any person or entity that employs or retains another person for financial or other compensation to conduct lobbying activities on behalf of that person or entity. A person or entity whose employees act as lobbyists on its own behalf is both a client and an employer of such employees.

''(B) TREATMENT OF COALITIONS AND ASSOCIATIONS.—

''(i) IN GENERAL.—Except as provided in clauses (ii) and (iii), in the case of a coalition or association that employs or retains other persons to conduct lobbying activities, each of the individual members of the coalition or association (and not the coalition or association) is the client. For purposes of section 4(a)(3), the preceding sentence shall not apply, and the coalition or association shall be treated as the client.

''(ii) EXCEPTION FOR CERTAIN TAX-EXEMPT ASSOCIATIONS.—In case of an association—

''(I) which is described in paragraph (3) of section 501(c) of the Internal Revenue Code

of 1986 and exempt from tax under section 501(a) of such Code, or

''(II) which is described in any other paragraph of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code and which has substantial exempt activities other than lobbying with respect to the specific issue for which it engaged the person filing the registration statement under section 4,

the association (and not its members) shall be treated as the client.

''(iii) EXCEPTION FOR CERTAIN MEMBERS.—

''(I) IN GENERAL.—Information on a member of a coalition or association need not be included in any registration under section 4 if the amount reasonably expected to be contributed by such member toward the activities of the coalition or association of influencing legislation is less than $500 per any quarterly period.

''(II) EXCEPTION.—Subclause (I) shall not apply with respect to any member who unexpectedly makes aggregate contributions of more than $500 in any quarterly period, and the date the aggregate of such contributions first exceeds $500 in such period shall be treated as the date of first employment or retention to make a lobbying contact for purposes of section 4.

''(III) NO DONOR OR MEMBERSHIP LIST DISCLOSURE.—No disclosure is required under this Act if it is publicly available knowledge that the organization that would be identified is affiliated with the client or has been publicly disclosed to have provided funding to the client, unless the organization in whole or in major part plans, supervises or controls such lobbying activities. Nothing in this paragraph shall be construed to require the disclosure of any information about individuals who are members of, or donors to, an entity treated as a client by this Act or an organization identified under this paragraph.''.

''(iv) LOOK-THRU RULES.—In the case of a coalition or association which is treated as a client under the first sentence of clause (i)—

''(I) such coalition or association shall be treated as employing or retaining other persons to conduct lobbying activities for purposes of determining whether any individual member thereof is treated as a client under clause (i), and

''(II) information on such coalition or association need not be included in any registration under section 4 of the coalition or association with respect to which it is treated as a client under clause (i).''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to—

(A) coalitions and associations listed on registration statements filed under section 4 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1603) after the date of the enactment of this Act, and

(B) coalitions and associations for whom any lobbying contact is made after the date of the enactment of this Act.

(2) SPECIAL RULE.—In the case of any coalition or association to which the amendments made by this Act apply by reason of paragraph (1)(B), the person required by such section 4 to file a registration statement with respect to such coalition or association shall file a new registration statement within 30 days after the date of the enactment of this Act.

SEC. 206. DISCLOSURE BY REGISTERED LOBBYISTS OF PAST EXECUTIVE AND CONGRESSIONAL EMPLOYMENT.

Section 4(b)(6) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1603(b)(6)) is amended by striking ''or a covered legislative branch official'' and all that follows through ''as a lobbyist on behalf of the client,'' and inserting ''or a covered legislative branch official,''.

SEC. 207. PUBLIC DATABASE OF LOBBYING DISCLOSURE INFORMATION.

(a) DATABASE REQUIRED.—Section 6 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1605) is further amended—

(1) in paragraph (7) by striking ''and'' at the end;

(2) in paragraph (8) by striking the period at the end and inserting ''; and''; and

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

''(9) maintain, and make available to the public over the Internet, without a fee or other access charge, in a searchable, sortable, and downloadable manner, an electronic database that—

''(A) includes the information contained in registrations and reports filed under this Act;

''(B) directly links the information it contains to the information disclosed in reports filed with the Federal Election Commission under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434); and

''(C) is searchable and sortable to the maximum extent practicable, including searchable and sortable by each of the categories of information described in section 4(b) or 5(b).''.

(b) AVAILABILITY OF REPORTS.—Section 6 of such Act is further amended in paragraph (4) by inserting before the semicolon at the end the following: ''and, in the case of a report filed in electronic form pursuant to section 5(d), shall make such report available for public inspection over the Internet not more than 48 hours after the report is so filed''.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out paragraph (9) of section 6 of such Act, as added by subsection (a).

SEC. 208. CONFORMING AMENDMENT.

The requirements of this Act shall not apply to the activities of any political committee described in section 301(4) of the Federal Election Campaign Act of 1971.

TITLE III—RESTRICTING CONGRESSIONAL TRAVEL AND GIFTS

SEC. 301. BAN ON GIFTS FROM LOBBYISTS.

(a) IN GENERAL.—Clause 5(a)(1)(A) of rule XXV of the Rules of the House of Representatives is amended by inserting ''(i)'' after ''(A)'' and adding at the end the following:

''(ii) A Member, Delegate, Resident Commissioner, officer, or employee of the House may not knowingly accept a gift from a registered lobbyist or agent of a foreign principal or from a nongovernmental organization that retains or employs registered lobbyists or agents of a foreign principal except as provided in subparagraphs (2)(B) or (3) of this paragraph.''.

(b) RULES COMMITTEE REVIEW.—The Committee on Rules shall review the present exceptions to the House gift rule and make recommendations to the House not later than 3 months after the date of enactment of this Act on eliminating all but those which are absolutely necessary to effectuate the purpose of the rule.

SEC. 302. PROHIBITION ON PRIVATELY FUNDED TRAVEL.

Clause 5(b)(1)(A) of rule XXV of the Rules of the House of Representatives is amended by inserting ''or from a nongovernmental organization that retains or employs registered lobbyists or agents of a foreign principal'' after ''foreign principal''.

SEC. 303. PROHIBITING LOBBYIST ORGANIZATION AND PARTICIPATION IN CONGRESSIONAL TRAVEL.

(a) IN GENERAL.—Clause 5 of rule XXV of the Rules of the House of Representatives is amended by redesignating paragraphs (e) and (f) as paragraphs (g) and (h), respectively, and by inserting after paragraph (d) the following:

''(e) A Member, Delegate, Resident Commissioner, officer, or employee of the House may not accept transportation or lodging on any trip that is planned, organized, requested, arranged, or financed in whole or in part by a lobbyist or agent of a foreign principal, or in which a lobbyist participates.

''(f) Before a Member, Delegate, Resident Commissioner, officer, or employee of the House may accept transportation or lodging otherwise permissible under this paragraph from any person, such individual shall obtain 30 days before such trip a written certification from such person (and provide a copy of such certification to the Committee on Standards of Official Conduct) that—

''(1) the trip was not planned, organized, requested, arranged, or financed in whole, or in part by a registered lobbyist or agent of a foreign principal and was not organized at the request of a registered lobbyist or agent of a foreign principal;

''(2) registered lobbyists will not participate in or attend the trip; and

''(3) the person did not accept, from any source, funds specifically earmarked for the purpose of financing the travel expenses.

The Committee on Standards of Official Conduct shall make public information received under this paragraph as soon as possible after it is received.''.

(b) CONFORMING AMENDMENTS.—Clause 5(b)(3) of rule XXV of the Rules of the House of Representatives is amended—

(1) by striking ''of expenses reimbursed or to be reimbursed'';

(2) in subdivision (E), by striking ''and'' after the semicolon;

(3) in subdivision (F), by striking the period and inserting ''; and''; and

(4) by adding at the end the following:

''(G) a description of meetings and events attended during such travel, except when disclosure of such information is deemed by the Member or supervisor under whose direct supervision the employee works to jeopardize the safety of an individual or otherwise interfere with the official duties of the Member, Delegate, Resident Commissioner, officer, or employee.''.

(c) PUBLIC AVAILABILITY.—Subparagraph (5) of rule XXV of the Rules of the House of Representatives is amended to read as follows:

''(e) The Clerk of the House shall make available to the public all advance authorizations, certifications, and disclosures filed pursuant to subparagraphs (1) and subparagraph (3)(H) as soon as possible after they are received.''.

SEC. 304. PROHIBITION ON OBLIGATION OF FUNDS FOR TRAVEL BY LEGISLATIVE AND EXECUTIVE BRANCH OFFICIALS.

No Federal agency may obligate any funds made available in an appropriation Act for a flight on a non-governmental airplane that is not licensed by the Federal Aviation Administration to operate for compensation or hire, taken as part of official duties of a United States Senator, a Member, Delegate, or Resident Commissioner of the House of Representatives, an officer or employee of the Senate or House of Representatives, or an officer or employee of the executive branch.

SEC. 305. PER DIEM EXPENSES FOR CONGRESSIONAL TRAVEL.

Rule XXV of the Rules of the House of Representatives (as amended by section 304(b) is further amended by adding at the end the following:

''(h) Not later than 90 days after the date of adoption of this paragraph and at annual

intervals thereafter, the Committee on House Administration shall develop and revise, as necessary, guidelines on what constitutes 'reasonable expenses' or 'reasonable expenditures' for purposes of this rule. In developing and revising the guidelines, the committee shall take into account the maximum per diem rates for official Government travel published annually by the General Services Administration, the Department of State, and the Department of Defense.''.

TITLE IV—ENFORCEMENT OF LOBBYING RESTRICTIONS

SEC. 401. OFFICE OF PUBLIC INTEGRITY.

(a) ESTABLISHMENT.—There is established within the Office of Inspector General of the House of Representatives an office to be known as the ''Office of Public Integrity'' (referred to in this section as the ''Office''), which shall be headed by a Director of Public Integrity (hereinafter referred to as the ''Director'').

(b) OFFICE.—The Office shall have access to all lobbyists' disclosure information received by the Clerk under the Lobbying Disclosure Act of 1995 and conduct such audits and investigations as are necessary to ensure compliance with the Act.

(c) REFERRAL AUTHORITY.—The Office shall have authority to refer violations of the Lobbying Disclosure Act of 1995 to the Committee on Standards of Official Conduct and the Department of Justice for disciplinary action, as appropriate.

(d) DIRECTOR.—

(1) IN GENERAL.—The Director shall be appointed by the Inspector General of the House. Any appointment made under this subsection shall be made without regard to political affiliation and solely on the basis of fitness to perform the duties of the position. Any person appointed as Director shall be learned in the law, a member of the bar of a State or the District of Columbia, and shall not engage in any other business, vocation, or employment during the term of such appointment.

(2) STAFF.—The Director shall hire such additional staff as are required to carry out this section, including investigators and accountants.

(e) AUDITS AND INVESTIGATIONS.—

(1) IN GENERAL.—The Office shall audit lobbying registrations and reports filed pursuant to the Lobbying Disclosure Act of 1995 to determine the extent of compliance or noncompliance with the requirements of such Act by lobbyists and their clients.

(2) EVIDENCE OF NON-COMPLIANCE.—If in the course an audit conducted pursuant to the requirements of paragraph (1), the Office obtains information indicating that a person or entity may be in non-compliance with the requirements of the Lobbying Disclosure Act of 1995, the Office shall refer the matter to the United States Attorney for the District of Columbia.

(f) CONFORMING AMENDMENT.—Section 8 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1607) is amended by striking subsection (c).

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated in a separate account such sums as are necessary to carry out this section.

SEC. 402. INCREASED CIVIL AND CRIMINAL PENALTIES FOR FAILURE TO COMPLY WITH LOBBYING DISCLOSURE REQUIREMENTS.

Section 7 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1606) is amended—

(1) by inserting '' (a) CIVIL PENALTY.—'' before ''Whoever'';

(2) by striking ''$50,000'' and inserting ''$100,000''; and

(3) by adding at the end the following:

''(b) CRIMINAL PENALTY.—

''(1) IN GENERAL.—Whoever knowingly and wilfully fails to comply with any provision of this section shall be imprisoned for not more than 5 years, or fined under title 18, United States Code, or both.

''(2) CORRUPTLY.—Whoever knowingly, wilfully, and corruptly fails to comply with any provision of this section shall be imprisoned for not more than 10 years, or fined under title 18, United States Code, or both.''.

SEC. 403. PENALTY FOR FALSE CERTIFICATION IN CONNECTION WITH CONGRESSIONAL TRAVEL.

(a) CIVIL FINE.—

(1) IN GENERAL.—Whoever makes a false certification in connection with the travel of a Member, officer, or employee of either House of Congress (within the meaning given those terms in section 207 of title 18, United States Code), under clause 5 of rule XXV of the Rules of the House of Representatives, shall, upon proof of such offense by a preponderance of the evidence, be subject to a civil fine depending on the extent and gravity of the violation.

(2) MAXIMUM FINE.—The maximum fine per offense under this section depends on the number of separate trips in connection with which the person committed an offense under this subsection, as follows:

(A) FIRST TRIP.—For each offense committed in connection with the first such trip, the amount of the fine shall be not more than $100,000 per offense.

(B) SECOND TRIP.—For each offense committed in connection with the second such trip, the amount of the fine shall be not more than $300,000 per offense.

(C) ANY OTHER TRIPS.—For each offense committed in connection with any such trip after the second, the amount of the fine shall be not more than $500,000 per offense.

(3) ENFORCEMENT.—The Attorney General may bring an action in United States district court to enforce this subsection.

(b) CRIMINAL PENALTY.—

(1) IN GENERAL.—Whoever knowingly and wilfully fails to comply with any provision of this section shall be imprisoned for not more than 5 years, or fined under title 18, United States Code, or both.

(2) CORRUPTLY.—Whoever knowingly, wilfully, and corruptly fails to comply with any provision of this section shall be imprisoned for not more than 10 years, or fined under title 18, United States Code, or both.

SEC. 404. MANDATORY ANNUAL ETHICS TRAINING FOR HOUSE EMPLOYEES.

(a) ETHICS TRAINING.—

(1) IN GENERAL.—The Committee on Standards of Official Conduct shall provide annual ethics training to each employee of the House which shall include knowledge of the Official Code of Conduct and related House rules.

(2) NEW EMPLOYEES.—A new employee of the House shall receive training under this section not later than 60 days after beginning service to the House.

(b) CERTIFICATION.—Not later than January 31 of each year, each employee of the House shall file a certification with the Committee on Standards of Official Conduct that the employee attended ethics training in the last year as established by this section.

TITLE V—OPEN GOVERNMENT

SEC. 501. FISCAL RESPONSIBILITY.

(a) RECONCILIATION.—Clause 10 of rule XVIII of the Rules of the House of Representatives is amended by adding at the end the following new paragraph:

''(d) It shall not be in order to consider any reconciliation legislation which has the net effect of reducing the surplus or increasing the deficit compared to the most recent Congressional Budget Office estimate for any fiscal year.''.

(b) APPLICATION OF POINTS OF ORDER UNDER CONGRESSIONAL BUDGET ACT TO ALL BILLS AND JOINT RESOLUTIONS CONSIDERED UNDER SPECIAL ORDERS OF BUSINESS.—Rule XXI of the Rules of the House of Representatives is amended by adding at the end the following new clause:

''7. For purposes of applying section 315 of the Congressional Budget and Impoundment Control Act of 1974, the term 'as reported' under such section shall be considered to include any bill or joint resolution considered in the House pursuant to a special order of business.''.

SEC. 502. CURBING ABUSES OF POWER.

(a) LIMIT ON TIME PERMITTED FOR RECORDED ELECTRONIC VOTES.—Clause 2(a) of rule XX of the Rules of the House of Representatives is amended by inserting after the second sentence the following sentence: ''The maximum time for a record vote by electronic device shall be 20 minutes, except that the time may be extended with the consent of both the majority and minority floor managers of the legislation involved or both the majority leader and the minority leader.''.

(b) CONGRESSIONAL INTEGRITY.—Rule XXIII of the Rules of the House of Representatives (the Code of Official Conduct) is amended—

(1) by redesignating clause 14 as clause 16; and

(2) by inserting after clause 13 the following new clauses:

''14. A Member, Delegate, or Resident Commissioner shall not condition the inclusion of language to provide funding for a district-oriented earmark, a particular project which will be carried out in a Member's congressional district, in any bill or joint resolution (or an accompanying report thereof) or in any conference report on a bill or joint resolution (including an accompanying joint statement of managers thereto) on any vote cast by the Member, Delegate, or Resident Commissioner in whose Congressional district the project will be carried out.

''15. (a) A Member, Delegate, or Resident Commissioner who advocates to include a district-oriented earmark in any bill or joint resolution (or an accompanying report) or in any conference report on a bill or joint resolution (including an accompanying joint statement of managers thereto) shall disclose in writing to the chairman and ranking member of the relevant committee (and in the case of the Committee on Appropriations to the chairman and ranking member of the full committee and of the relevant subcommittee)—

''(1) the name of the Member, Delegate, or Resident Commissioner;

''(2) the name and address of the intended recipient of such earmark;

''(3) the purpose of such earmark; and

''(4) whether the Member, Delegate, or Resident Commissioner has a financial interest in such earmark.

''(b) Each committee shall make available to the general public the information transmitted to the committee under paragraph (a) for any earmark included in any measure reported by the committee or conference report filed by the chairman of the committee or any subcommittee thereof.

''(c) The Joint Committee on Taxation shall review any revenue measure or any reconciliation bill or joint resolution which includes revenue provisions before it is reported by a committee and before it is filed by a committee of conference of the two Houses, and shall identify whether such bill or joint resolution contains any limited tax benefits. The Joint Committee on Taxation shall prepare a statement identifying any such limited tax benefits, stating who the beneficiaries are of such benefits, and any substantially similar introduced measures and the sponsors of such measures. Any such

statement shall be made available to the general public by the Joint Committee on Taxation.''.

(c) RESTRICTIONS ON REPORTING CERTAIN RULES.—Clause 6(c) of rule XIII of the Rules of the House of Representatives is amended—

(1) by striking ''or'' at the end of subparagraph (1);

(2) by striking the period at the end of subparagraph (2) and inserting a semicolon; and

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

''(3) a rule or order for consideration of a bill or joint resolution reported by a committee that makes in order as original text for purposes of amendment, text which differs from such bill or joint resolution as recommended by such committee to be amended unless the rule or order also makes in order as preferential a motion to amend that is neither divisible nor amendable but, if adopted will be considered original text for purposes of amendment, if requested by the chairman or ranking minority member of the reporting committee, and such rule or order shall waive all necessary points of order against that amendment only if it restores all or part of the text of the bill or joint resolution as recommended by such committee or strikes some or all of the original text inserted by the Committee on Rules that was not contained in the recommended version;

''(4) a rule or order that waives any points of order against consideration of a bill or joint resolution, against provisions in the measure, or against consideration of amendments recommended by the reporting committee unless the rule or order makes in order and waives the same points of order against one germane amendment if requested by the minority leader or a designee;

''(5) a rule or order that waives clause 10(d) of rule XVIII, unless the majority leader and minority leader each agree to the waiver and a question of consideration of the rule is adopted by a vote of two-thirds of the Members voting, a quorum being present; or

''(6) a rule or order that waives clause 12(a) of rule XXII.''.

SEC. 503. ENDING 2-DAY WORK WEEKS.

Rule XV of the Rules of the House of Representatives is amended by adding at the end the following new clause:

''8. It shall not be in order to consider a resolution providing for adjournment sine die unless, during at least 20 weeks of the session, a quorum call or recorded vote was taken on at least 4 of the weekdays (excluding legal public holidays).''.

SEC. 504. KNOWING WHAT THE HOUSE IS VOTING ON.

(a) BILLS AND JOINT RESOLUTIONS.—

(1) IN GENERAL.—Rule XIII of the Rules of the House of Representatives is amended by adding at the end the following new clause:

''8. Except for motions to suspend the rules and consider legislation, it shall not be in order to consider in the House a bill or joint resolution until 24 hours after or, in the case of a bill or joint resolution containing a district-oriented earmark or limited tax benefit, until 3 days after copies of such bill or joint resolution (and, if the bill or joint resolution is reported, copies of the accompanying report) are available (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such a day).''.

(2) PROHIBITING WAIVER.—Clause 6(c) of rule XIII of the Rules of the House of Representatives, as amended by section 3(a), is further amended—

(A) by striking ''or'' at the end of subparagraph (5);

(B) by striking the period at the end of subparagraph (6) and inserting ''; or''; and

(C) by adding at the end the following new subparagraph:

''(7) a rule or order that waives clause 8 of rule XIII or clause 8(a)(1)(B) of rule XXII, unless a question of consideration of the rule is adopted by a vote of two-thirds of the Members voting, a quorum being present.''.

(b) CONFERENCE REPORTS.—Clause 8(a)(1)(B) of rule XXII of the Rules of the House of Representatives is amended by striking ''2 hours'' and inserting ''24 hours or, in the case of a conference report containing a district-oriented earmark or limited tax benefit, until 3 days after''.

SEC. 505. FULL AND OPEN DEBATE IN CONFERENCE.

(a) NUMBERED AMENDMENTS.—Clause 1 of rule XXII of the Rules of the House of Representatives is amended by adding at the end the following new sentence: ''A motion to request or agree to a conference on a general appropriation bill is in order only if the House expresses its disagreements with the House in the form of numbered amendments.''.

(b) PROMOTING OPENNESS IN DELIBERATIONS OF MANAGERS.—Clause 12(a) of rule XXII of the Rules of the House of Representatives is amended by adding at the end the following new subparagraph:

''(3) All provisions on which the two Houses disagree shall be open to discussion at any meeting of a conference committee. The text which reflects the conferees' action on all of the differences between the two Houses, including all matter to be included in the conference report and any amendments in disagreement, shall be available to any of the managers at least one such meeting, and shall be approved by a recorded vote of a majority of the House managers. Such text and, with respect to such vote, the total number of votes cast for and against, and the names of members voting for and against, shall be included in the joint explanatory statement of managers accompanying the conference report of such conference committee.''.

(c) POINT OF ORDER AGAINST CONSIDERATION OF CONFERENCE REPORT NOT REFLECTING RESOLUTION OF DIFFERENCES AS APPROVED.—

(1) IN GENERAL.—Rule XXII of the Rules of the House of Representatives is amended by adding at the end the following new clause:

''13. It shall not be in order to consider a conference report the text of which differs in any material way from the text which reflects the conferees' action on all of the differences between the two Houses, as approved by a recorded vote of a majority of the House managers as required under clause 12(a).''.

(2) PROHIBITING WAIVER.—Clause 6(c)(6) of rule XIII of the Rules of the House of Representatives, as added by section 3(c)(3), is further amended by striking ''clause 12(a)'' and inserting ''clause 12(a) or clause 13''.

TITLE VI—ANTI-CRONYISM AND PUBLIC SAFETY

SEC. 601. MINIMUM REQUIREMENTS FOR POLITICAL APPOINTEES HOLDING PUBLIC SAFETY POSITIONS.

(a) IN GENERAL.—A public safety position may not be held by any political appointee who does not meet the requirements of subsection (b).

(b) MINIMUM REQUIREMENTS.—An individual shall not, with respect to any position, be considered to meet the requirements of this subsection unless such individual—

(1) has academic, management, and leadership credentials in one or more areas relevant to such position;

(2) has a superior record of achievement in one or more areas relevant to such position;

(3) has training and expertise in one or more areas relevant to such position; and

(4) has not, within the 2-year period ending on the date of such individual's nomination for or appointment to such position, been a lobbyist for any entity or other client that is subject to the authority of the agency within which, if appointed, such individual would serve.

(c) POLITICAL APPOINTEE.—For purposes of this section, the term ''political appointee'' means any individual who—

(1) is employed in a position listed in sections 5312 through 5316 of title 5, United States Code (relating to the Executive Schedule);

(2) is a limited term appointee, limited emergency appointee, or noncareer appointee in the Senior Executive Service; or

(3) is employed in the executive branch of the Government in a position which has been excepted from the competitive service by reason of its policy-determining, policy-making, or policy-advocating character.

(d) PUBLIC SAFETY POSITION.—For purposes of this section, the term ''public safety position'' means—

(1) the Under Secretary for Emergency Preparedness and Response, Department of Homeland Security;

(2) the Director of the Federal Emergency Management Agency, Department of Homeland Security;

(3) each regional director of the Federal Emergency Management Agency, Department of Homeland Security;

(4) the Recovery Division Director of the Federal Emergency Management Agency, Department of Homeland Security;

(5) the Assistant Secretary for Immigration and Customs Enforcement, Department of Homeland Security;

(6) the Assistant Secretary for Public Health Emergency Preparedness, Department of Health and Human Services;

(7) the Assistant Administrator for Solid Waste and Emergency Response, Environmental Protection Agency; and

(8) any position (not otherwise identified under any of the preceding provisions of this subsection) a primary function of which involves responding to a direct threat to life or property or a hazard to health, as identified by the head of each employing agency in consultation with the Office of Personnel Management.

Beginning not later than 30 days after the date of the enactment of this Act, the head of each agency shall maintain on such agency's public website a current list of all public safety positions within such agency.

(e) COORDINATION WITH OTHER REQUIREMENTS.—The requirements set forth in subsection (b) shall be in addition to, and not in lieu of, any requirements that might otherwise apply with respect to any particular position.

(f) DEFINITIONS.—For purposes of this section—

(1) the term ''agency'' means an Executive agency (as defined by section 105 of title 5, United States Code);

(2) the terms ''limited term appointee'', ''limited emergency appointee'', and ''noncareer appointee'' have the respective meanings given them by section 3132 of such title 5;

(3) the term ''Senior Executive Service'' has the meaning given such term by section 2101a of such title 5;

(4) the term ''competitive service'' has the meaning given such term by section 2102 of such title 5; and

(5) the terms ''lobbyist'' and ''client'' have the respective meanings given them by section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602).

SEC. 602. EFFECTIVE DATE.

This title shall apply with respect to any appointment made after the end of the 30-

day period beginning on the date of the enactment of this Act.

TITLE VII—ZERO TOLERANCE FOR CONTRACT CHEATERS

SEC. 701. PUBLIC AVAILABILITY OF FEDERAL CONTRACT AWARDS.

(a) AMENDMENT.—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.) is amended by inserting after section 19 the following new section:

"SEC. 19A. PUBLIC AVAILABILITY OF CONTRACT AWARD INFORMATION.

''Not later than 14 days after the award of a contract by an executive agency, the head of the executive agency shall make publicly available, including by posting on the Internet in a searchable database, the following information with respect to the contract:

''(1) The name and address of the contractor.

''(2) The date of award of the contract.

''(3) The number of offers received in response to the solicitation.

''(4) The total amount of the contract.

''(5) The contract type.

''(6) The items, quantities, and any stated unit price of items or services to be procured under the contract.

''(7) With respect to a procurement carried out using procedures other than competitive procedures—

''(A) the authority for using such procedures under section 303(c) of title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)) or section 2304(c) of title 10, United States Code; and

''(B) the number of sources from which bids or proposals were solicited.

''(8) The general reasons for selecting the contractor.''.

(b) CLERICAL AMENDMENT.—The table of contents contained in section 1(b) of such Act is amended by inserting after the item relating to section 19 the following new item:

''Sec. 19A. Public availability of contract award information.''.

(c) EFFECTIVE DATE.—The amendments made by this Act shall apply to contracts entered into more than 90 days after the date of the enactment of this Act.

SEC. 702. PROHIBITION ON AWARD OF MONOPOLY CONTRACTS.

(a) Paragraph (3) of section 303H(d) of title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h(d)) is amended to read as follows:

''(3)(A) The regulations implementing this subsection shall prohibit the award of monopoly contracts.

''(B) In this subsection, the term 'monopoly contract' means a task or delivery order contract in an amount estimated to exceed $10,000,000 (including all options) awarded to a single contractor.

''(C) Notwithstanding subparagraph (A), a monopoly contract may be awarded if the head of the agency determines in writing that—

''(i) for one of the reasons set forth in section 303(c), a single task or delivery order contract is in the best interest of the Federal Government; or

''(ii) the task orders expected under the contract are so integrally related that only a single contractor can reasonably perform the work.''.

(b) Section 303H(d)(1) of such Act is amended by striking ''The head'' and inserting ''Subject to paragraph (3), the head''.

(c) Subsection (e) of section 303I of such Act (41 United States Code 253i) is amended to read as follows:

''(e) MULTIPLE AWARDS.—Section 303H(d) applies to a task or delivery order contract for the procurement of advisory and assistance services under this section.''.

SEC. 703. COMPETITION IN MULTIPLE AWARD CONTRACTS.

Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) is amended by inserting after section 303M the following new section:

"SEC. 303N. COMPETITION IN MULTIPLE AWARD CONTRACTS.

''(a) REGULATIONS REQUIRED.—Not later than 180 days after the date of the enactment of this section, the Federal Acquisition Regulation shall be revised to require competition in the purchase of goods and services by each executive agency pursuant to multiple award contracts.

''(b) CONTENT OF REGULATIONS.—(1) The regulations required by subsection (a) shall provide, at a minimum, that each individual purchase of goods or services in excess of $100,000 that is made under a multiple award contract shall be made on a competitive basis unless a contracting officer of the executive agency—

''(A) waives the requirement on the basis of a determination that—

''(i) one of the circumstances described in paragraphs (1) through (4) of section 303J(b) applies to such individual purchase; or

''(ii) a statute expressly authorizes or requires that the purchase be made from a specified source; and

''(B) justifies the determination in writing.

''(2) For purposes of this subsection, an individual purchase of goods or services is made on a competitive basis only if it is made pursuant to procedures that—

''(A) require fair notice of the intent to make that purchase (including a description of the work to be performed and the basis on which the selection will be made) to be provided to all contractors offering such goods or services under the multiple award contract; and

''(B) afford all contractors responding to the notice a fair opportunity to make an offer and have that offer fairly considered by the official making the purchase.

''(3) Notwithstanding paragraph (2), notice may be provided to fewer than all contractors offering such goods or services under a multiple award contract described in subsection (c)(2)(A) if notice is provided to as many contractors as practicable.

''(4) A purchase may not be made pursuant to a notice that is provided to fewer than all contractors under paragraph (3) unless—

''(A) offers were received from at least three qualified contractors; or

''(B) a contracting officer of the executive agency determines in writing that no additional qualified contractors were able to be identified despite reasonable efforts to do so.

''(5) For purposes of paragraph (2), fair notice means notice of intent to make a purchase under a multiple award contract posted, at least 14 days before the purchase is made, on the website maintained by the General Services Administration known as FedBizOpps.gov (or any successor site).

''(c) DEFINITIONS.—In this section:

''(1) The term 'individual purchase' means a task order, delivery order, or other purchase.

''(2) The term 'multiple award contract' means—

''(A) a contract that is entered into by the Administrator of General Services under the multiple award schedule program referred to in section 309(b)(3);

''(B) a multiple award task order contract that is entered into under the authority of sections 2304a through 2304d of title 10, United States Code, or sections 303H through 303K; and

''(C) any other indefinite delivery, indefinite quantity contract that is entered into by the head of an executive agency with two or more sources pursuant to the same solicitation.

''(d) APPLICABILITY.—The revisions to the Federal Acquisition Regulation pursuant to subsection (a) shall take effect not later than 180 days after the date of the enactment of this section and shall apply to all individual purchases of goods or services that are made under multiple award contracts on or after the effective date, without regard to whether the multiple award contracts were entered into before, on, or after such effective date.''.

SEC. 704. SUSPENSION AND DEBARMENT OF UNETHICAL CONTRACTORS.

(a) CIVILIAN AGENCY CONTRACTORS.—Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) is amended by inserting after section 303N, as added by section 703, the following new section:

"SEC. 303O. SUSPENSION AND DEBARMENT OF UNETHICAL CONTRACTORS.

''(a) IN GENERAL.—No prospective contractor may be awarded a contract with an agency unless the contracting officer for the contract determines that such prospective contractor has a satisfactory record of integrity and business ethics.

''(b) DEFINITION.—No prospective contractor shall be considered to have a satisfactory record of integrity and business ethics if it—

''(1) has exhibited a pattern of overcharging the Government under Federal contracts;

''(2) has exhibited a pattern of failing to comply with the law, including tax, labor and employment, environmental, antitrust, and consumer protection laws; or

''(3) has an outstanding debt with a Federal agency in a delinquent status.''

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of such Act is amended by inserting after the item relating to section 303N, as added by section 703, the following new item:

''Sec. 303O. Suspension and debarment of unethical contractors.''.

SEC. 705. CRIMINAL SANCTIONS FOR CHEATING TAXPAYERS AND WARTIME FRAUD.

(a) PROHIBITION.—

(1) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

"§ 1039. Criminal sanctions for cheating taxpayers and wartime fraud

''(a) PROHIBITION.—

''(1) IN GENERAL.—Whoever, in any matter involving a Federal contract for the provision of goods or services, knowingly and willfully—

''(A) executes or attempts to execute a scheme or artifice to defraud the United States;

''(B) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

''(C) makes any materially false, fictitious, or fraudulent statements or representations, or makes or uses any materially false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; or

''(D) materially overvalues any good or service with the specific intent to excessively profit from war, military action, or relief or reconstruction activities;

shall be fined under paragraph (2), imprisoned not more than 10 years, or both.

''(2) FINE.—A person convicted of an offense under paragraph (1) may be fined the greater of—

''(A) $1,000,000; or

''(B) if such person derives profits or other proceeds from the offense, not more than twice the gross profits or other proceeds.

''(b) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction over an offense under this section.

''(c) VENUE.—A prosecution for an offense under this section may be brought—

''(1) as authorized by chapter 211 of this title;

''(2) in any district where any act in furtherance of the offense took place; or

''(3) in any district where any party to the contract or provider of goods or services is located.''.

(2) TABLE OF SECTIONS.—The table of sections for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

''1039. Criminal Sanctions for Cheating Taxpayers and Wartime Fraud.''.

(d) CIVIL FORFEITURE.—Section 981(a)(1)(C) of title 18, United States Code, is amended by inserting ''1039,'' after ''1032,''.

(e) CRIMINAL FORFEITURE.—Section 982(a)(2)(B) of title 18, United States Code, is amended by striking ''or 1030'' and inserting ''1030, or 1039''.

(f) MONEY LAUNDERING.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting the following: '', section 1039 (relating to Criminal Sanctions for Cheating Taxpayers and Wartime Fraud,'' after ''liquidating agent of financial institution),''.

SEC. 706. PROHIBITION ON CONTRACTOR CONFLICTS OF INTEREST.

(a) PROHIBITION.—An agency may not enter into a contract for the performance of a function relating to contract oversight with any contractor with a conflict of interest.

(b) DEFINITIONS.—In this section:

(1) The term ''function relating to contract oversight'' includes the following specific functions:

(A) Evaluation of a contractor's performance.

(B) Evaluation of contract proposals.

(C) Development of statements of work.

(D) Services in support of acquisition planning.

(E) Contract management.

(2) The term ''conflict of interest'' includes cases in which the contractor performing the function relating to contract oversight, or any related entity—

(A) is performing all or some of the work to be overseen;

(B) has a separate ongoing business relationship, such as a joint venture or contract, with any of the contractors to be overseen;

(C) would be placed in a position to affect the value or performance of work it or any related entity is doing under any other Government contract;

(D) has a reverse role with the contractor to be overseen under one or more separate Government contracts; and

(E) has some other relationship with the contractor to be overseen that could reasonably appear to bias the contractor's judgment.

(3) The term ''related entity'', with respect to a contractor, means any subsidiary, parent, affiliate, joint venture, or other entity related to the contractor.

(c) CONTRACTS RELATING TO INHERENTLY GOVERNMENTAL FUNCTIONS.—An agency may not enter into a contract for the performance of inherently governmental functions for contract oversight (as described in subpart 7.5 of part 7 of the Federal Acquisition Regulation).

(d) EFFECTIVE DATE AND APPLICABILITY.—This section shall take effect on the date of enactment of this Act and shall apply to—

(1) contracts entered into on or after such date;

(2) any task or delivery order issued on or after such date under a contract entered into before, on, or after such date; and

(3) any decision on or after such date to exercise an option or otherwise extend a contract for the performance of a function relating to contract oversight regardless of whether such contract was entered into before, on, or after the date of enactment of this Act.

SEC. 707. DISCLOSURE OF GOVERNMENT CONTRACTOR OVERCHARGES.

(a) QUARTERLY REPORT TO CONGRESS.—

(1) The head of each Federal agency or department shall submit to the chairman and ranking member of each committee described in paragraph (2) on a quarterly basis a report that includes the following:

(A) A list of audits or other reports issued during the applicable quarter that describe contractor costs in excess of $1,000,000 that have been identified as unjustified, unsupported, questioned, or unreasonable under any contract, task or delivery order, or subcontract.

(B) The specific amounts of costs identified as unjustified, unsupported, questioned, or unreasonable and the percentage of their total value of the contract, task or delivery order, or subcontract.

(C) A list of audits or other reports issued during the applicable quarter that identify significant or substantial deficiencies in any business system of any contractor under any contract, task or delivery order, or subcontract.

(2) The report described in paragraph (1) shall be submitted to the Committee on Government Reform of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and other committees of jurisdiction.

(b) SUBMISSION OF INDIVIDUAL AUDITS.—The head of each Federal agency or department shall provide, within 14 days after a request in writing by the chairman or ranking member of any of the committees described in subsection (a)(2), a full and unredacted copy of any audit or other report described in subsection (a)(1).

SEC. 708. PENALTIES FOR IMPROPER SOLE-SOURCE CONTRACTING PROCEDURES.

Section 303 of the Federal Property and Administrative Services Act (41 U.S.C. 253) is amended—

(1) by redesignating subsections (g), (h), and (i) as subsections (h), (i), and (j), respectively; and

(2) by inserting after subsection (f) the following new subsection:

''(g) Any official who knowingly and intentionally violates Federal procurement law in the preparation or certification of a justification for a sole-source contract, in the award of a sole-source contract, or in directing or participating in the award of a sole-source contract, shall be subject to administrative sanctions up to and including termination of employment.''.

SEC. 709. STOPPING THE REVOLVING DOOR.

(a) ELIMINATION OF LOOPHOLES THAT ALLOW FORMER FEDERAL OFFICIALS TO ACCEPT COMPENSATION FROM CONTRACTORS OR RELATED ENTITIES.—

(1) Paragraph (1) of section 27(d) of the Office of Federal Procurement Policy Act (41 U.S.C. 423(d)(1)) is amended—

(A) by striking ''or consultant'' and inserting ''consultant, lawyer, or lobbyist'';

(B) by striking ''one year'' and inserting ''two years''; and

(C) in subparagraph (C), by striking ''personally made for the Federal agency—'' and inserting ''participated personally and substantially in—''.

(2) Paragraph (2) of section 27(d) of such Act (41 U.S.C. 423(d)(2)) is amended to read as follows:

''(2) For purposes of paragraph (1), the term 'contractor' includes any division, affiliate, subsidiary, parent, joint venture, or other related entity of the contractor.''.

(b) PROHIBITION ON AWARD OF GOVERNMENT CONTRACTS TO FORMER EMPLOYERS.—Section 27 of such Act (41 U.S.C. 423) is amended by adding at the end the following new subsection:

''(i) PROHIBITION ON INVOLVEMENT BY CERTAIN FORMER CONTRACTOR EMPLOYEES IN PROCUREMENTS.—A former employee of a contractor who becomes an employee of the Federal government shall not be personally and substantially involved with any Federal agency procurement involving the employee's former employer, including any division, affiliate, subsidiary, parent, joint venture, or other related entity of the former employer, for a period of two years beginning on the date on which the employee leaves the employment of the contractor.''.

(c) REQUIREMENT FOR FEDERAL PROCUREMENT OFFICERS TO DISCLOSE JOB OFFERS MADE TO RELATIVES.—Section 27(c)(1) of such Act (41 U.S.C. 423(c)(1)) is amended by inserting after ''that official'' the following: ''or for a relative of that official (as defined in section 3110 of title 5, United States Code),''.

(d) ADDITIONAL CRIMINAL PENALTIES.—Paragraph (1) of section 27(e) of such Act (41 U.S.C. (e)(1)) is amended to read as follows:

''(1) CRIMINAL PENALTIES.—Whoever engages in conduct constituting a violation of—

''(A) subsection (a) or (b) for the purpose of either—

''(i) exchanging the information covered by such subsection for anything of value, or

''(ii) obtaining or giving anyone a competitive advantage in the award of a Federal agency procurement contract; or

''(B) subsection (c) or (d);

shall be imprisoned for not more than 5 years or fined as provided under title 18, United States Code, or both.''.

(e) REGULATIONS.—Section 27 of such Act (41 U.S.C. 423) is further amended by adding at the end of the following new subsection:

''(j) REGULATIONS.—The Director of the Office of Government Ethics, in consultation with the Administrator, shall—

''(1) promulgate regulations to carry out and ensure the enforcement of this section; and

''(2) monitor and investigate individual and agency compliance with this section.''.

TITLE VIII—PRESIDENTIAL LIBRARIES

SEC. 801. PRESIDENTIAL LIBRARIES.

(a) IN GENERAL.—Section 2112 of title 44, United States Code, is amended by adding at the end the following new subsection:

''(h)(1) Any organization that is established for the purpose of raising funds for creating, maintaining, expanding, or conducting activities at a Presidential archival depository or any facilities relating to a Presidential archival depository, shall submit to the Administration, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate on a quarterly basis, by not later than the applicable date specified in paragraph (2), information with respect to every contributor who, during the designated period—

''(A) with respect to a Presidential archival depository of a President who currently holds the Office of President or for which the Archivist has not accepted, taken title to, or entered into an agreement to use any land or facility, gave the organization a contribution or contributions (whether monetary or in-kind) totaling $100 or more for the quarterly period; or

''(B) with respect to a Presidential archival depository of a President who no longer holds the Office of President and for which the Archivist has accepted, taken title to, or entered into an agreement to use any land or facility, gave the organization a contribution or contributions (whether monetary or

in-kind) totaling $100 or more for the quarterly period.

''(2) For purposes of paragraph (1), the applicable date—

''(A) with respect to information required under paragraph (1)(A), shall be April 15, July 15, October 15, and January 15 of each year and of the following year as applicable to the fourth quarterly filing; and

''(B) with respect to information required under paragraph (1)(B), shall be April 15, July 15, October 15, and January 15 of each year and of the following year as applicable to the fourth quarterly filing.

''(3) As used in this subsection, the term 'information' means the following:

''(A) The amount or value of each contribution made by a contributor referred to in paragraph (1) in the quarter covered by the submission.

''(B) The source of each such contribution, and the address of the entity or individual that is the source of the contribution.

''(C) If the source of such a contribution is an individual, the occupation of the individual.

''(D) The date of each such contribution.

''(4) The Archivist shall make available to the public through the Internet (or a successor technology readily available to the public) as soon as is practicable after each quarterly filing any information that is submitted in accordance with paragraph (1).

''(5)(A) It shall be unlawful for any person who makes a contribution described in paragraph (1) to knowingly and willfully submit false material information or omit material information with respect to the contribution to an organization described in such paragraph.

''(B) The penalties described in section 1001 of title 18, United States Code, shall apply with respect to a violation of subparagraph (A) in the same manner as a violation described in such section.

''(6)(A) It shall be unlawful for any organization described in paragraph (1) to knowingly and willfully submit false material information or omit material information under such paragraph.

''(B) The penalties described in section 1001 of title 18, United States Code, shall apply with respect to a violation of subparagraph (A) in the same manner as a violation described in such section.

''(7)(A) It shall be unlawful for a person to knowingly and willfully—

''(i) make a contribution described in paragraph (1) in the name of another person;

''(ii) permit his or her name to be used to effect a contribution described in paragraph (1); or

''(iii) accept a contribution described in paragraph (1) that is made by one person in the name of another person.

''(B) The penalties set forth in section 309(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(d)) shall apply to a violation of subparagraph (A) in the same manner as if such violation were a violation of section 316(b)(3) of such Act.

''(8) The Archivist shall promulgate regulations for the purpose of carrying out this subsection.''.

(b) APPLICABILITY.—Section 2112(h) of title 44, United States Code (as added by subsection (a))—

(1) shall apply to an organization established for the purpose of raising funds for creating, maintaining, expanding, or conducting activities at a Presidential archival depository or any facilities relating to a Presidential archival depository before, on or after the date of the enactment of this Act; and

(2) shall only apply with respect to contributions (whether monetary or in-kind) made after the date of the enactment of this Act.

TITLE IX—FORFEITURE OF RETIREMENT BENEFITS

SEC. 901. LOSS OF PENSIONS ACCRUED DURING SERVICE AS A MEMBER OF CONGRESS FOR ABUSING THE PUBLIC TRUST.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8332 of title 5, United States Code, is amended by adding at the end the following:

''(o)(1) Notwithstanding any other provision of this subchapter, the service of an individual finally convicted of an offense described in paragraph (2) shall not be taken into account for purposes of this subchapter, except that this sentence applies only to service rendered as a Member (irrespective of when rendered). Any such individual (or other person determined under section 8342(c), if applicable) shall be entitled to be paid so much of such individual's lump-sum credit as is attributable to service to which the preceding sentence applies.

''(2)(A) An offense described in this paragraph is any offense described in subparagraph (B) for which the following apply:

''(i) Every act or omission of the individual (referred to in paragraph (1)) that is needed to satisfy the elements of the offense occurs while the individual is a Member.

''(ii) Every act or omission of the individual that is needed to satisfy the elements of the offense directly relates to the performance of the individual's official duties as a Member.

''(iii) The offense is committed after the date of enactment of this subsection.

''(B) An offense described in this subparagraph is only the following, and only to the extent that the offense is a felony under title 18:

''(i) An offense under section 201 of title 18 (bribery of public officials and witnesses).

''(ii) An offense under section 219 of title 18 (officers and employees acting as agents of foreign principals).

''(iii) An offense under section 371 of title 18 (conspiracy to commit offense or to defraud United States) to the extent of any conspiracy to commit an act which constitutes an offense under clause (i) or (ii).

''(3) An individual convicted of an offense described in paragraph (2) shall not, after the date of the final conviction, be eligible to participate in the retirement system under this subchapter or chapter 84 while serving as a Member.

''(4) The Office of Personnel Management shall prescribe any regulations necessary to carry out this subsection. Such regulations shall include—

''(A) provisions under which interest on any lump-sum payment under the second sentence of paragraph (1) shall be limited in a manner similar to that specified in the last sentence of section 8316(b); and

''(B) provisions under which the Office may provide for—

''(i) the payment, to the spouse or children of any individual referred to in the first sentence of paragraph (1), of any amounts which (but for this clause) would otherwise have been nonpayable by reason of such first sentence, but only to the extent that the application of this clause is considered necessary given the totality of the circumstances; and

''(ii) an appropriate adjustment in the amount of any lump-sum payment under the second sentence of paragraph (1) to reflect the application of clause (i).

''(5) For purposes of this subsection—

''(A) the term 'Member' has the meaning given such term by section 2106, notwithstanding section 8331(2); and

''(B) the term 'child' has the meaning given such term by section 8341.''.

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8411 of title 5, United States Code, is amended by adding at the end the following:

''(1)(1) Notwithstanding any other provision of this chapter, the service of an individual finally convicted of an offense described in paragraph (2) shall not be taken into account for purposes of this chapter, except that this sentence applies only to service rendered as a Member (irrespective of when rendered). Any such individual (or other person determined under section 8424(d), if applicable) shall be entitled to be paid so much of such individual's lump-sum credit as is attributable to service to which the preceding sentence applies.

''(2) An offense described in this paragraph is any offense described in section 8332(o)(2)(B) for which the following apply:

''(A) Every act or omission of the individual (referred to in paragraph (1)) that is needed to satisfy the elements of the offense occurs while the individual is a Member.

''(B) Every act or omission of the individual that is needed to satisfy the elements of the offense directly relates to the performance of the individual's official duties as a Member.

''(C) The offense is committed after the date of enactment of this subsection.

''(3) An individual finally convicted of an offense described in paragraph (2) shall not, after the date of the conviction, be eligible to participate in the retirement system under this chapter while serving as a Member.

''(4) The Office of Personnel Management shall prescribe any regulations necessary to carry out this subsection. Such regulations shall include—

''(A) provisions under which interest on any lump-sum payment under the second sentence of paragraph (1) shall be limited in a manner similar to that specified in the last sentence of section 8316(b); and

''(B) provisions under which the Office may provide for—

''(i) the payment, to the spouse or children of any individual referred to in the first sentence of paragraph (1), of any amounts which (but for this clause) would otherwise have been nonpayable by reason of such first sentence, but only to the extent that the application of this clause is considered necessary given the totality of the circumstances; and

''(ii) an appropriate adjustment in the amount of any lump-sum payment under the second sentence of paragraph (1) to reflect the application of clause (i).

''(5) For purposes of this subsection—

''(A) the term 'Member' has the meaning given such term by section 2106, notwithstanding section 8401(20); and

''(B) the term 'child' has the meaning given such term by section 8341.''.

SUMMARY OF AMENDMENTS SUBMITTED TO THE RULES COMMITTEE FOR H. RES. 1000—PROVIDING FOR EARMARKING REFORM IN THE HOUSE OF REPRESENTATIVES

Emanuel (IL)—1. Establishes a new point of order against any reported bill or conference report which contains an earmark that would: personally benefit a Member, Member's spouse, or immediate family member; benefit a registered lobbyist or former registered lobbyist who serves as chairman of the leadership political action committee of the Member requesting the earmark; benefit any entity that employs the spouse or immediate family member of the earmark's sponsor; benefits any entity that employs or is represented by a former employee of the earmark's sponsor, or is represented by a lobbying firm that employs any spouse or close relative of the earmark's sponsor. Applies the point of order to any bill containing an earmark which amends the Internal Revenue Code of 1986 to benefit one individual, corporation or entity. Applies the point of

order to any conference report containing earmarks that were not contained in the House or Senate-passed versions of the matter committed to conference.

King, Steve (IA)—2. Prohibits the consideration of any bill or conference report unless: (1) the bill or conference report is made available on the internet for at least 48 hours prior to its consideration; (2) any amendment made in order under a rule is made available on the internet within one hour after the rule is filed; (3) any amendment under an open rule is made available on the internet immediately after being offered, in a format that is searchable and sortable.

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

The SPEAKER pro tempore (Mr. THORNBERRY). The question is on ordering the previous question.

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

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

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

The Sergeant at Arms will notify absent Members.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of H. Res. 1003, if ordered; and motion to suspend the rules on H.R. 6033.

The vote was taken by electronic device, and there were—yeas 218, nays 194, not voting 20, as follows:

[Roll No. 448]

YEAS—218

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

NAYS—194

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

NOT VOTING—20

Baca
Bishop (UT)
Cannon
Case
Culberson
Davis (FL)
Evans
Forbes
Jindal
Johnson, Sam
Keller
Kolbe
Lynch
McHenry
McKinney
McMorris Rodgers
Ney
Ryan (OH)
Sanchez, Loretta
Strickland

□ 1725

Mr. HONDA and Mr. RANGEL changed their vote from ''yea'' to ''nay.''

Messrs. FRANKS of Arizona, YOUNG of Alaska, MILLER of Florida, and ROGERS of Michigan changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

RECORDED VOTE

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

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 245, noes 171, not voting 17, as follows:

[Roll No. 449]

AYES—245

Akin
Alexander
Bachus
Baird
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehlert
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardin
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cooper
Crenshaw
Cubin
Cuellar
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
English (PA)
Eshoo
Everett
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Graves
Green (WI)
Gutknecht
Hall
Harman
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hoekstra
Holt
Hooley
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Israel
Issa
Istook
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Jones (NC)
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kirk
Kline
Kuhl (NY)
LaHood
Langevin
LaTourette
Leach
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Matheson
McCarthy
McCaul (TX)
McCotter
McCrery
McHenry

McHugh
McIntyre
McKeon
McMorris Rodgers
Meehan
Melancon
Mica
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Petri
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salazar
Sanders
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Simmons
Smith (NJ)
Smith (TX)
Sodrel
Souder
Spratt
Stearns
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Upton
Van Hollen
Walden (OR)
Wamp
Waters
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wilson (NM)
Wilson (SC)
Wu

NOES—171

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bonilla
Boucher
Boyd
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Carter
Chandler
Clay
Cleaver
Clyburn
Conyers
Costa
Costello
Cramer
Crowley
Cummings
Davis (IL)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doyle
Emanuel
Emerson
Engel
Etheridge
Farr
Fattah
Frank (MA)
Frelinghuysen
Gonzalez
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Holden
Honda
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kingston
Knollenberg
Kucinich
Lantos
Larsen (WA)
Larson (CT)
Latham
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Markey
Matsui
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Northup
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (PA)
Pickering
Price (NC)
Rahall
Rangel
Regula
Reyes
Rogers (KY)
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Sabo
Sánchez, Linda T.
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherwood
Simpson
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Stark
Stupak
Sweeney
Thompson (CA)
Thompson (MS)
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Walsh
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Wexler
Wicker
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—17

Baca
Baker
Bishop (UT)
Case
Culberson
Davis (FL)
Evans
Forbes
Johnson, Sam
Keller
Kolbe
Marshall
Ney
Peterson (MN)
Rush
Sanchez, Loretta
Strickland

□ 1733

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. THORNBERRY). Pursuant to H. Res. 1003, H. Res. 1000, as amended, is adopted.

The text of H. Res. 1000, as amended, is as follows:

H. RES. 1000

Resolved,

SECTION 1. EARMARKING REFORM IN THE HOUSE OF REPRESENTATIVES.

(a) In the House of Representatives, it shall not be in order to consider—

(1) a bill reported by a committee unless the report includes a list of earmarks in the bill or in the report (and the names of Members who submitted requests to the committee for earmarks included in such list); or

(2) a conference report to accompany a bill unless the joint explanatory statement prepared by the managers on the part of the House and the managers on the part of the Senate includes a list of earmarks in the conference report or joint statement (and the names of Members who submitted requests to the committee for earmarks included in such list) that were not committed to the conference committee by either House, not in a report specified in paragraph (1), and not in a report of a committee of the Senate on a companion measure.

(3) In order to be cognizable by the Chair, a point of order raised under paragraph (1) may be based only on the failure of a report of a committee to include a list required by paragraph (1).

(b) In the House of Representatives, it shall not be in order to consider—

(1) a bill carrying a tax measure reported by the Committee on Ways and Means as to which the Joint Committee on Taxation has—

(A) identified a tax earmark pursuant to subsection (e), unless the report on the bill includes a list of tax earmarks in the bill or report (and the names of Members who submitted requests to the committee for tax earmarks included in such list); or

(B) failed to provide an analysis under subsection (e); or

(2) a conference report to accompany a bill carrying a tax measure as to which the Joint Committee on Taxation has—

(A) identified a tax earmark pursuant to subsection (e), unless the joint explanatory statement prepared by the managers on the part of the House and the managers on the part of the Senate includes a list of tax earmarks in the conference report or joint statement (and the names of Members who submitted requests to the committee for tax earmarks included in such list) that were not committed to the conference committee by either House, not in a report specified in paragraph (1), and not in a report of a committee of the Senate on a companion measure; or

(B) failed to provide an analysis under subsection (e).

(3) A point of order under paragraph (1) or (2) may not be cognizable by the Chair if the Joint Committee on Taxation has provided an analysis under subsection (e) and has not identified a tax earmark.

(c)(1) In the House of Representatives, it shall not be in order to consider a rule or order that waives the application of subsection (a)(2) or (b)(2).

(2) A point of order that a rule or order waives the application of subsection (b)(2)(A) may not be cognizable by the Chair if the Joint Committee on Taxation has provided an analysis under subsection (e) and has not identified a tax earmark.

(3) In order to be cognizable by the Chair, a point of order that a rule or order waives the application of subsection (b)(2)(A) must specify the precise language of the rule or order and any pertinent analysis by the Joint Committee on Taxation contained in the joint statement of managers.

(d)(1) As disposition of a point of order under subsection (a) or (b), the Chair shall put the question of consideration with respect to the proposition that is the subject of the point of order.

(2) As disposition of a point of order under subsection (c) with respect to a rule or order relating to a conference report, the Chair shall put the question of consideration as follows: ''Shall the House now consider the resolution notwithstanding the assertion of [the maker of the point of order] that the object of the resolution introduces a new earmark or new earmarks?''.

(3) The question of consideration under this subsection (other than one disposing of a point of order under subsection (b)) shall be debatable for 15 minutes by the Member initiating the point of order and for 15 minutes by an opponent, but shall otherwise be decided without intervening motion except one that the House adjourn.

(e) The Joint Committee on Taxation shall review any bill containing a tax measure that is being reported by the Committee on Ways and Means or prepared for filing by a committee of conference of the two Houses, and shall identify whether such bill contains any tax earmarks. The Joint Committee on Taxation shall provide to the Committee on Ways and Means or the committee of conference a statement identifying any such tax earmarks or declaring that the bill or joint resolution does not contain any tax earmarks, and such statement shall be included in the report on the bill or joint statement of managers, as applicable. Any such statement shall also be made available to any Member of Congress by the Joint Committee on Taxation immediately upon request.

SEC. 2. DEFINITIONS.

(a) For the purpose of this resolution, the term ''earmark'' means a provision in a bill or conference report, or language in an accompanying committee report or joint statement of managers—

(1) with respect to a general appropriation bill, or conference report thereon, providing or recommending an amount of budget authority for a contract, loan, loan guarantee, grant, or other expenditure with or to a non-Federal entity, if—

(A) such entity is specifically identified in the report or bill; or

(B) if the discretionary budget authority is allocated outside of the statutory or administrative formula-driven or competitive bidding process and is targeted or directed to an identifiable entity, specific State, or Congressional district; or

(2) with respect to a measure other than that specified in paragraph (1), or conference report thereon, providing authority, including budget authority, or recommending the exercise of authority, including budget authority, for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to a non-Federal entity, if—

(A) such entity is specifically identified in the report or bill;

(B) if the authorization for, or provision of, budget authority, contract authority loan authority or other expenditure is allocated outside of the statutory or administrative formula-driven or competitive bidding process and is targeted or directed to an identifiable entity, specific State, or Congressional district; or

(C) if such authorization for, or provision of, budget authority, contract authority, loan authority or other expenditure preempts statutory or administrative State allocation authority.

(b)(1) For the purpose of this resolution, the term ''tax earmark'' means any revenue-losing provision that provides a Federal tax deduction, credit, exclusion, or preference to only one beneficiary (determined with respect to either present law or any provision of which the provision is a part) under the Internal Revenue Code of 1986 in any year for which the provision is in effect;

(2) for purposes of paragraph (1)—

(A) all businesses and associations that are members of the same controlled group of corporations (as defined in section 1563(a) of the Internal Revenue Code of 1986) shall be treated as a single beneficiary;

(B) all shareholders, partners, members, or beneficiaries of a corporation, partnership, association, or trust or estate, respectively, shall be treated as a single beneficiary;

(C) all employees of an employer shall be treated as a single beneficiary;

(D) all qualified plans of an employer shall be treated as a single beneficiary;

(E) all beneficiaries of a qualified plan shall be treated as a single beneficiary;

(F) all contributors to a charitable organization shall be treated as a single beneficiary;

(G) all holders of the same bond issue shall be treated as a single beneficiary; and

(H) if a corporation, partnership, association, trust or estate is the beneficiary of a provision, the shareholders of the corporation, the partners of the partnership, the members of the association, or the beneficiaries of the trust or estate shall not also be treated as beneficiaries of such provision;

(3) for the purpose of this subsection, the term ''revenue-losing provision'' means any provision that is estimated to result in a reduction in Federal tax revenues (determined with respect to either present law or any provision of which the provision is a part) for any one of the two following periods—

(A) the first fiscal year for which the provision is effective; or

(B) the period of the 5 fiscal years beginning with the first fiscal year for which the provision is effective; and

(4) the terms used in this subsection shall have the same meaning as those terms have generally in the Internal Revenue Code of 1986, unless otherwise expressly provided.

(c) For the purpose of this resolution—

(1) government-sponsored enterprises, Federal facilities, and Federal lands shall be considered Federal entities;

(2) to the extent that the non-Federal entity is a State, unit of local government, territory, an Indian tribe, a foreign government or an intergovernmental international organization, the provision or language shall not be considered an earmark unless the provision or language also specifies the specific purpose for which the designated budget authority is to be expended;

(3) the term ''budget authority'' shall have the same meaning as such term is defined in section 3 of the Congressional Budget Act of 1974 (2 U.S.C. 622); and

(4) an obligation limitation shall be treated as though it is budget authority.

THOMAS J. MANTON POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 6033.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. TOM DAVIS) that the House suspend the rules and pass the bill, H.R. 6033, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 403, nays 0, not voting 29, as follows:

[Roll No. 450]

YEAS—403

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonilla
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carson
Carter
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Filner
Fitzpatrick (PA)
Flake
Foley
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Northup
Norwood
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—29

Baca
Bachus
Baker
Bishop (UT)
Boehlert
Bonner
Boyd
Burton (IN)
Cardin
Case
Cramer
Culberson
Davis (FL)
Evans
Ferguson
Forbes
Johnson, Sam
Keller
Kolbe
McKinney
Miller, Gary
Neal (MA)
Ney
Nussle
Sanchez, Loretta
Strickland
Westmoreland
Whitfield
Wilson (NM)

□ 1745

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and 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. KELLER. Mr. Speaker, I have remained in Orlando, Florida, with my wife as she prepares to give birth to our new baby daughter. If I had been present today, I would have voted in the following manner: rollcall 441: "No"; rollcall 442: "No"; rollcall 443; "Yea"; rollcall 444: "Yea"; rollcall 445: "Nay"; rollcall 446: "Aye"; rollcall 447: "Yea"; rollcall 448: "Yea"; rollcall 449: "Aye"; rollcall 450: "Yea."

LEGISLATIVE PROGRAM

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

Mr. HOYER. Mr. Speaker, I yield to my friend, the gentleman from Ohio (Mr. BOEHNER), the majority leader, for the purposes of inquiring about the schedule for the week to come.

I informed his staff of the length of time I thought this would take, I am sure she has informed him, and he is still here.

Mr. BOEHNER. I thank my friend and colleague from Maryland for yielding.

Mr. Speaker, next week, the House will convene Tuesday at 12:30 p.m. for morning hour and 2 p.m. for legislative business. There are a number of items on the suspension calendar. A final list of those bills will be sent to Members' offices by tomorrow afternoon.

For the balance of the week, the House will consider H.R. 6054, the Military Commissions Act, from the Committee on Armed Services; and H.R. 4844, the Federal Election Integrity Act, from the Committee on House Administration. The House will also consider additional legislation on border security, including providing for more Border Patrol agents, stricter enforcement, enhancing State and local law enforcement authority.

I would also like to note conference reports may be brought up at any time, and I expect to see H.R. 5122, the Sonny Montgomery National Defense Authorization Act for Fiscal Year 2007, a conference report, and hopefully we will have that passed next week.

About Friday votes, I know Members want to get home in time next Friday for Rosh Hashanah, and I am working to make that happen. But to do that, I believe we will be in very late on Thursday.

So I would suggest to Members that if they want to make flight arrangements for first thing on Friday morning, that would be the safe thing to do, but I do expect that we will be in late on Thursday in order to complete our work for the week.

Mr. HOYER. I want to thank the gentleman for that notice to Members. I think that is very helpful. He and I talked about it last week and he said he would work on it. I very much appreciate that and I know the Members do as well. I thank you for that.

Mr. Leader, this may have been an oversight. You did not mention that first votes will be 6:30 on Tuesday of next week. Is that correct?

Mr. BOEHNER. That is correct.

Mr. HOYER. On H.R. 4844, the Federal Election Integrity Act, I have not talked to any members of the committee nor the Rules Committee. As you know, I was the sponsor of the HAVA act, along with BOB NEY, and very interested in this entire issue.

Can you tell me about whether it will be open to amendments or that amendments need to be into the Rules Committee at a certain time, what you contemplate?

Mr. BOEHNER. This bill was reported out of the House Administration Committee some time ago. I imagine we will see an announcement out of the Rules Committee in terms of when their hearing is and whether they will call for amendments. But I would expect that announcement to come from the Rules Committee.

Mr. HOYER. I appreciate that. I would hope, Mr. Leader, that on this bill it could be open to amendment in some form, because clearly this is a critically important issue. As you know, we have just had our primary in Maryland. We had a number of glitches. I don't think there was any wrongdoing, but there was certainly some negligence which led to disruption. I don't think there was anything that perhaps deals particularly with this bill, but I am hopeful that we can consider it in a way that will allow Members to offer their own suggestions. I thank the gentleman for consideration of that issue.

With respect to the border security related legislation, there is a mention of other security legislation possibly coming to the floor. Can you be a little more specific as to what you contemplate might be on the floor next week?

Mr. BOEHNER. I am expecting that next week, and possibly as early and going into the following week, we may have two or three packages of issues that are intended to help strengthen our border. As the gentleman is aware, we have done a lot over the last 4 or 5 years to strengthen the border, adding additional Border Patrol agents, fencing, all types of technology.

We now have the National Guard down on the border. But we believe that there are a number of smaller issues that we can work with the Senate on and possibly include in the Homeland Security appropriations conference report. We talked about it today earlier in a press event. A list of those bills will be available, should be available by now.

Mr. HOYER. I thank the gentleman for that information.

On the military commissions/domestic surveillance, you list a bill regarding military commissions for next week. Is there any possibility that we might also have on the floor legislation dealing with the issue of domestic wiretapping surveillance?

I yield to my friend.

Mr. BOEHNER. The terrorist surveillance program is expected to be marked up next week in the Judiciary Committee, which I would then suspect would be on the floor the week thereafter.

Mr. HOYER. I thank the leader for his information.

Again, briefly, I was not going to ask it, but I am constrained to ask it. Is there any chance, Mr. Leader, that we will be able to consider the Labor-Health bill on the floor? It is the only appropriation bill, as you well know, that we have not passed through the House. We have done the other 10.

Do you have any expectation that that bill might be on the floor either next week or the week thereafter?

I yield to my friend.

Mr. BOEHNER. I thank my colleague for yielding.

There are conversations continuing about that bill. There are still some issues in that bill. Those conversations are continuing, but no decisions have been made.

Mr. HOYER. I thank the gentleman. As the gentleman knows, I have an amendment on the minimum wage in that bill.

Mr. BOEHNER. I am well aware of it, yes.

Mr. HOYER. I am very interested in it, and I would hope we could move it.

Notwithstanding the fact that I told your extraordinarily able staffer who sits behind you that it was going to take about 45 minutes for this colloquy, I will yield back the balance of my time at this time.

HOUR OF MEETING ON TOMORROW AND ADJOURNMENT FROM FRIDAY, SEPTEMBER 15, 2006, TO TUESDAY, SEPTEMBER 19, 2006

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 11 a.m. tomorrow, and further, that when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, September 19, 2006, for morning hour debate.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

AMENDMENT PROCESS FOR CONSIDERATION OF H.R. 6054, MILITARY COMMISSIONS ACT OF 2006

Mr. COLE of Oklahoma. Mr. Speaker, the Committee on Rules may meet the week of September 18 to grant a rule which could limit the amendment process for floor consideration of H.R. 6054, the Military Commissions Act of 2006.

Any Member wishing to offer an amendment should submit 55 copies of the amendment, and one copy of a brief explanation of the amendment, to the Rules Committee in room H–312 of the Capitol by 12 noon on Tuesday, September 19, 2006. Members should draft their amendments to the bill as ordered reported by the Committee on Armed Services, which is expected to be filed tomorrow, Friday, September 15.

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

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2048

Mr. KUHL of New York. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 2048.

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

There was no objection.

REQUESTING THE SENATE TO RETURN TO THE HOUSE OF REPRESENTATIVES H.R. 503

Mr. KUHL of New York. Mr. Speaker, I offer a privileged resolution (H. Res. 1011) requesting the return of official papers on H.R. 503, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1011

Resolved, That the Clerk of the House of Representatives request the Senate to return to the House the bill (H.R. 503) entitled ''To amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.''.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CATCHING BIN LADEN WON'T MAKE US SAFER?

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

Ms. FOXX. Mr. Speaker, I rise in utter disbelief on hearing comments made by Democrat leaders that the capture of Osama bin Laden would not make America any safer. This statement exemplifies the Democrats' lack of any concrete plan on national security and the global war on terror.

Bin Laden is the alleged orchestrator of the 9/11 attacks, and as he remains on the loose, there is no telling what terrorist activities he may be planning and inciting. He is more than a symbol, he is a threat.

What confuses me even more is the Democrats' criticism of the Republican agenda in winning the war on terror. Democrats accuse Republicans of diverting resources that should be utilized in Afghanistan and then proceed to issue statements that the capture of Osama bin Laden is meaningless, that it would not make us any safer.

So then what is the Democrats' agenda for the war on terror. Give up in Iraq and create a vacuum where regimes that fund and incite terrorist activity can rise again? Leave Afghanistan and cease breaking up terrorist cells?

Mr. Speaker, I have one last question for my colleagues on the other side of the aisle. I know what you are against, but what are you for?

□ 1800

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.

CELEBRATING NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK

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

GENERAL LEAVE

Mr. HOYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of my special order today.

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

There was no objection.

Mr. HOYER. Mr. Speaker, the week of September 10 was denominated National Historically Black Colleges and Universities Week by legislation introduced by our colleague and my friend, Congresswoman EDDIE BERNICE JOHNSON of Texas, and passed this past July, and I am honored to join my colleagues today in celebrating it.

The contributions made by HBCUs to the African American community, to our country and to our culture cannot be overstated. As President Clinton once noted, ''Generations of African American educators, physicians, lawyers, scientists, and other professionals found at HBCUs the knowledge, experience and encouragement they needed to reach their full potential.''

The alumni rolls of HBCUs read like a Hall of Fame list, Mr. Speaker: Martin Luther King, Jr., a graduate of Morehouse College; Booker T. Washington, Hampton University, who also helped found the Tuskegee Institute in 1881, what is now known as Tuskegee University; W.E.B. DuBois, Fisk University; and Wilma Rudolph from Tennessee State University.

The list, of course, could go on and on, and indeed I could mention Members of the Congressional Black Caucus itself. In fact, it probably will surprise no one that nearly half of our friends and colleagues in the Congressional Black Caucus received their degrees Historically Black Colleges and Universities. Public service continues to be a hallmark of the graduate of black colleges and universities.

Today, Mr. Speaker, there are 103 Historically Black Colleges and Universities in our Nation, serving more than 260,000 undergraduate students, with 27 percent offering either a first professional degree or a doctorate.

HBCUs confer nearly a quarter of all bachelor's degrees awarded each year to African Americans, and they confer the majority of bachelor's degrees and advanced degrees awarded to black students in the physical sciences, mathematics, computer science, engineering and education.

The real story, Mr. Speaker, that underlies these figures, is the story of hope and opportunity. Before the Supreme Court's landmark decision in Brown v. Board of Education in 1954, African Americans were routinely and unjustly excluded from institutions of higher learning. It didn't matter how smart you were, it didn't matter how much talent or potential you had; the only thing that mattered was the color of your skin. What a failed, immoral policy. But out of that rank injustice, that indefensible racism, was born a fortitude and a determination to rise above, to overcome through education.

Thus, the first black college, what is now known as Cheyney University in Cheyney, Pennsylvania, was founded in 1837. To appreciate the magnitude of this, remember that Cheyney was created a full 28 years before the ratification of the 13th Amendment, to train free blacks to become school teachers. Today, Cheyney continues to serve with great pride as an avenue for African Americans to attend college.

Four of the 103 HBCUs are located in the State of Maryland, including Bowie State University in my own district, a college with which I have been working since 1967 when I was elected to the Maryland State Senate. Bowie was founded in 1865, and is the oldest Historically Black University in Maryland.

The others are a great institution in Baltimore City, Morgan State, and its sister, Coppin State, both in that great city, and the last is the University of Maryland-Eastern Shore, located in Princess Anne.

Let me say as a former member of the Maryland Board of Regents and as someone acutely interested in education and the needs of our youth, I see the manifest vision and the determination of HBCUs in practice every day. I see it in the faces of the children in my district, who know that they will have the opportunity to develop their skills and talents, whether they choose Bowie State, the University of Maryland at College Park or any other school.

I see it in the faces of the young professionals who have attended an HBCU who are now working hard to build their careers and contribute to our society. And, yes, I see it in the faces of those here tonight who appreciate the unique role and history of Historically Black Colleges and Universities and who understand the importance of their continued vibrancy.

We must recognize, Mr. Speaker, that our strength as a Nation lies not just in the quality of the University of Maryland at College Park, but in the excellence of Bowie State. We must realize while we celebrate the University of North Carolina at Chapel Hill, we also must take joy in the accomplishments of North Carolina A&T.

HBCUs have strengthened our country and enriched our culture beyond measure, and while they can take great pride in their glorious past, it is incumbent upon all of us to ensure that they enjoy an even brighter future.

Ms. WOOLSEY. Mr. Speaker, I rise to honor our historically black colleges and universities, or HBCU's.

It is important that every American understands the history of these institutions and the great impact that they have had on our Nation, and I thank Representative EDDIE BERNICE JOHNSON for introducing the resolution declaring this week ''National Historically Black Colleges and Universities Week.''

For years, HBCU's offered many African Americans their only educational opportunity. HBCU's remain a vital part of our higher education system because they continue to offer high quality educational opportunities.

In fact, about one-third of black lawyers, one-half of black engineers, two-thirds of black physicians, and four-fifths of black federal judges are graduates of HBCU's.

Among the leaders who HBCU's have produced throughout our history are artists and writers, astronauts, business leaders, civil rights leaders, mayors, Members of Congress, a Supreme Court Justice, university presidents, and countless others.

So, today, we honor HBCU's because of their glorious past and look forward to what I am sure will be an even more glorious future.

Mr. SCOTT of Georgia. Mr. Speaker, thank you to my colleagues who have also risen to pay tribute to our nation's historically black colleges and universities (HBCUs). September 10–16 is the week designated by the White House Initiative on Historically Black Colleges and Universities to recognize the work of HBCUs. As a graduate of Florida A&M University (FAMU), a historically black university in Tallahassee, Florida, this occasion holds special significance for me.

Over 40 years ago, I arrived on Florida A&M University's campus in Tallahassee, Florida for my freshman year. At 16 years old, I was a young man with dreams and great ambition like scores of other black men and women who have filled the halls of historically black colleges and universities for more than a century. My story is theirs; like so many HBCU graduates, the invaluable education I received afforded me countless successes throughout my career. After graduating from Florida A&M University in 1967, I attended the Wharton school of business, ran a successful advertising firm, and served in the Georgia State Senate for 26 years. Today I represent the 13th Congressional district.

Indeed just as my experience reflects the opportunities available to HBCU graduates, the evolution of Florida A&M represents the growth of many HBCUs from niche schools to solid academic institutions with national recognition. Florida A&M University evolved from a small, little known school in Florida's panhandle to a university ranked the best overall university for African American students by Black Enterprise in 2006. Florida A&M University has created a culture of achievement in its undergraduate and graduate programs. In 1997 Florida A&M University beat out thousands of institutions to receive the College of the Year honor from Time Magazine-Princeton Review.

Florida A&M University's success is only a part of a larger story of achievement for numerous institutions and the students who fill their hollowed halls. Over 100 HBCUs continue to educate the best and brightest of America's emerging leaders. In 2001, HBCUs awarded one-fifth of all bachelor's degrees earned by black students nationally. HBCU graduates fill professional ranks, closing gaps in professional and economic attainment. One example of this can be found at Xavier University in Louisiana. Xavier University outranks all institutions in the country for the placement of black students into medical schools.

Moreover, HBCUs are embedded within America's historical and cultural fabric. Their accomplished graduates have spurred social change, led political movements, forged divergent artistic paths, and heralded the dawning of new literary ages. To list all the prestigious alumni of HBCUs would require volumes. In summation, it can be said that without them and the institutions that honed their skills, there would have been no Harlem Renaissance, Civil Rights Movement, Brown vs. Board of Education, and countless other eras and historical turning points which redefined the lives of all Americans.

Today I commend the work of HBCUs and the leaders and scholars that have dedicated their abilities to leading them into the 21st Century. I wish each institution a century's more of unparalleled achievement. Borrowing from the Black National Anthem.

. . . We have come over a way that with tears have been watered,
We have come, treading our path through the blood of the slaughtered,
Out from the gloomy past, Till now we stand at last
Where the white gleam of our bright star is cast. . . .

Ms. MILLENDER-McDONALD. Mr. Speaker, this week we celebrate National Historically Black Colleges and Universities (HBCUs) Week, and all that they have done for our country. While I did not attend an HBCU, I have reaped the benefits of these institutions, as have all Americans.

Historically black colleges and universities were founded at a time when segregation was often the norm, whether officially sanctioned or not. These institutions offered African-Americans the opportunity to pursue an education that may have otherwise been out of their reach. Education is very often the key to a successful and productive life, and HBCUs continue to provide this invaluable asset to thousands of African Americans and other Americans.

HBCUs have helped many students who have gone on to become leaders and who have left a positive and lasting effect on society as a whole. In law and politics, HBCUs have yielded great minds such as Martin Luther King, Jr. and Thurgood Marshall. HBCUs have educated cultural and literary greats such as Toni Morrison, Langston Hughes, and Ralph Ellison. Many talented entertainers and athletes have attended HBCUs, including Oprah Winfrey and football great Walter Payton. These individuals and countless others have gone on to make a significant contribution to society after attending an HBCU. For all that HBCUs have done to improve the lives of African Americans, and for all that these African Americans have in turn done to improve society, we are eternally grateful.

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

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

UNJUST PROSECUTION OF TWO U.S. BORDER PATROL AGENTS

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from Texas.

The SPEAKER pro tempore. Without objection, the gentleman from North Carolina is recognized for 5 minutes.

There was no objection.

Mr. JONES of North Carolina. Mr. Speaker, I am on the floor today to bring to the attention of the House a situation involving two U.S. Border Patrol agents. These agents were found guilty in a Federal Court for wounding a drug dealer, a smuggler, who brought 743 pounds of marijuana across our southern border into Texas. These agents now face up to 20 years in Federal prison.

Agent Ramos served the Border Patrol for 9 years and was a former nominee for Border Patrol Agent of the Year. Agent Compean had 5 years of experience as a Border Patrol agent. These agents never should have been prosecuted for their actions last year.

By attempting to apprehend a Mexican drug smuggler, these agents were simply doing their job to protect the American people. These agents should have been commended for their actions, but instead the U.S. Attorney's office prosecuted the agents and granted full immunity to the drug smuggler for his testimony against our agents. The drug smuggler received full medical care in El Paso, Texas, was permitted to return to Mexico, and is now suing the Border Patrol for $5 million for violating his constitutional rights. He is not an American citizen. He is a criminal.

Mr. Speaker, I have spoken to numerous people inside Texas and outside of Texas regarding this outrage, including the attorney for one of these agents. I have written the President of the United States asking him to please look into this matter. I have written two letters to Attorney General Gonzalez asking him to reopen this case for a fuller investigation before these men are sentenced on October 19.

Mr. Speaker, I hope that the American people will agree that this prosecution is an outrageous injustice and that the situation must be investigated.

Mr. Speaker, I hope that fellow Members of the House will join me in this effort. I know Congresswoman SHEILA JACKSON-LEE and Congressman POE and Congressman GOHMERT have all said that they want to join in this effort to find out what has happened. I believe this is an injustice that needs to be looked into by the Attorney General and by the Congress of the United States.

Mr. Speaker, with that, before I yield back the balance of my time, I will ask God to please bless our men and women in uniform, both in Afghanistan and in Iraq and throughout the world, and I will ask God to please bless America.

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

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

IN HONOR OF NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from New York.

The SPEAKER pro tempore. Without objection, the gentleman from Illinois is recognized for 5 minutes.

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank my colleague from Texas, Representative EDDIE BERNICE JOHNSON, for her leadership in making this week happen. Her resolution, H. Res. 928, passed the House on July 26, 2006, designating the week of September 10, 2006, as National Historically Black Colleges and Universities Week. I also want to commend Minority Whip Steny Hoyer for organizing this discussion this evening.

Mr. Speaker, there are 103 Historically Black Colleges and Universities in the United States that serve over 260,000 undergraduate students, with just over a quarter of all HBCUs offering either a first professional degree, a master's degree in business administration, or a J.D. or doctorate degree.

Historically Black Colleges and Universities are defined as institutions established prior to 1964 with the principal mission of educating African Americans. HBCUs educated approximately 14 percent of the Nation's African American undergraduate students, awarding almost one-quarter, 23.1 percent, of all bachelor's degrees to black students. Almost half, 46.8 percent, of the undergraduate students attending HBCUs received Pell Grants, indicating that these institutions provide key educational opportunities for low-income African Americans.

Mr. Speaker, I have 10 brothers and sisters. We grew up in rural Arkansas, where my parents were low-income sharecroppers. Seven of us attended the University of Arkansas at Pine Bluff. I also have three nephews and a niece who attended the same school, plus a number of cousins. I strongly believe that perhaps none of us would have been able to attend college had it not been for the fact that the University of Arkansas at Pine Bluff, which then was Arkansas AM&N College, existed.

These schools provide a nurturing environment and provide instructors that I remember even to this day. I remember the President, we called him ''Prexy,'' Dr. Lawrence A. Davis, Sr., who would often let us register, whether we had the money to pay our tuition or not. His son, Dr. Lawrence A. Davis, Jr., is now the current chancellor and is just doing an outstanding job.

I remember a cousin of mine who graduated from UAPB and then moved to Champaign, Illinois, got his master's degree, Willie Summerville, who was honored by the City of Champaign a few weeks ago for being its outstanding citizen. He organized a choir and took it to Rome to sing for the Pope.

I could go on and on and think of just any number of outstanding individuals who were able to demonstrate their abilities and competency because of these institutions.

I think of many of my colleagues. As a matter of fact, a majority of my colleagues who are African American graduated from Historically Black Colleges and Universities: JESSE JACKSON, Jr., and his daddy, Jesse Jackson, Sr. I think of Representative ALCEE HASTINGS, who went to Fisk University, and on and on and on and on.

But the real deal is these institutions are worth their weight in gold. They have contributed significantly to the development of our country. They need all of the support that they can get.

So, again, I thank Representative EDDIE BERNICE JOHNSON for establishing this week and congratulate all of these institutions for the tremendous job that they do.

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

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

NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) is recognized for 5 minutes.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of our nation's Historically Black Colleges and Universities. This past July, I was able to offer on the House floor a resolution recognizing National Historically Black Colleges and Universities Week.

The week of September 10th is officially HBCU week. I am pleased to be able to join with my colleagues today to recognize these fine institutions of higher learning.

For over 170 years, our Historically Black Colleges and Universities have been on the forefront of preparing our nation's youth for a bright path and successful future. Originally founded for the purpose of providing educational opportunities for African Americans, HBCUs have profoundly changed the American economic and social climate.

The fact is that until 1964, HBCUs represented one of the only opportunities African American students had to obtain a degree in higher education. HBCUs have changed the face of this nation and have opened the door for many generations of African American students.

Today, America's HBCUs continue to provide excellent educational opportunities to all Americans. Over 200,000 diverse students across the United States attend HBCUs today.

I am proud to represent Paul Quinn College, the oldest historical Black college west of the Mississippi River. For over 130 years, Paul Quinn has provided their students with the tools to become successful leaders. Because of their unique resources, HBCUs continue to be extremely effective in graduating African American students and preparing them to compete in the global economy.

HBCUs graduate over half of all African American professionals, and fifty percent of all African American school teachers. Additionally, HBCUs remain extremely successful in graduating African American Ph.D's and scientists. The fact is that we cannot move forward as a country until all our children have the opportunity to succeed academically. Each day HBCUs help us bridge that achievement gap.

National HBCU Week allows us to reflect upon the impact these institutions have had on our history and to celebrate their continued commitment to outstanding education. I would like to thank my colleagues for their support in passing the national HBCU week resolution.

NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Mrs. JONES) is recognized for 5 minutes.

Mrs. JONES of Ohio. Mr. Speaker, I am pleased to join my colleagues today to recognize Historically Black Colleges and Universities during this newly established National Historically Black Colleges and Universities Week, September 10 through September 16. I share September 10 with them because September 10 was my birthday.

This year's theme, ''The Tradition Continues: New Successes and Challenges,'' speaks to how important HBCUs have been to the education of African Americans and minorities in this country and how we must continue to preserve these unique institutions of higher learning.

□ 1815

Though I did not attend an historically black university, I understand the importance these schools played in African American history and African American heritage. Many HBCUs were formed during Reconstruction following the Civil War to educate freed slaves and sharecroppers. H. Patrick Swygert, the President of Howard University, noted the significance of HBCUs in a speech in which he stated ''HBCUs provided the avenue for the descendants of sharecroppers to get an education in an environment that was sensitive to their special circumstances and one where their humanity would not be questioned. This

has always been, and continues to be, a defining feature of these colleges and universities in a society that in many ways remains hostile to people of color.''

It is important to note that the founders of these institutions recognized the importance of educating African Americans long before the Supreme Court ruled on the groundbreaking Brown v. Board of Education. Additionally, many of those who were part of the legal team that won that case were educated and trained at Howard University right here in our Nation's capital.

Were it not for HBCUs, many of the great black minds of our time would not have had access to higher education. And some of the famous graduates include orator Booker T. Washington; civil rights leader Dr. Martin Luther King; Supreme Court Justice Thurgood Marshall; world renowned opera singer Leontyne Price; entertainer Oprah Winfrey; and former Members of Congress that have already been noted, Kweisi Mfume and Parren Mitchell.

The great State of Ohio boasts two HBCUs, Wilberforce University and Central State University. Named in honor of the great abolitionist William Wilberforce, Wilberforce University was founded prior to the end of slavery in 1856 and is the Nation's oldest private African American university. Former Congressman Floyd Flake is currently its President. Central State evolved from what was once a State-funded department of Wilberforce University known as the Combined Normal and Industrial Department. In 1941 the department expanded from a 2- to a 4-year program, and in 1947 it legally split from Wilberforce, becoming the College of Education and Industrial Arts at Wilberforce. The name was changed in 1951 to Central State College, and in 1965 the institution achieved its university status. I am the proud owner of an honorary doctorate degree from Central State University.

I am proud to have strong connections to HBCUs. Many of my family members attended, including my late mother, Mary Looney Tubbs, a graduate of Alabama State University; my late sister, Mattie Browder Still, a graduate of Alabama State University; and my sister Barbara Walker, who attended Morris Brown College. Additionally, my cousin Essie Baldwin attended Alabama State and my cousin Joan Wilson attended Morris Brown. Four of my staffers attended HBCUs. District Director Betty Pinkney and my health liaison are proud graduates of Central State. My Communications Director, Nicole Williams, a proud graduate of Spelman College; and my Scheduler, Lalla King, a proud graduate of Morgan State University.

As we continue to celebrate our HBCUs this week, it is my hope that we will begin to look at ways in which we can increase funding and resources for these historic institutions. Sadly, many of the HBCUs remain underfunded in comparison to their predominantly white counterparts. Today I call upon both the Federal and State governments to increase funding to HBCUs so that they can remain competitive and continue to educate the leaders of tomorrow. They are not only part of African American history, they are part of American history, and the treasures they hold should be preserved for generations to come.

Mr. Speaker, I celebrate EDDIE BERNICE JOHNSON for her leadership in bringing this bill to the floor.

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

(Mr. BARTON of Texas 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 Mississippi (Mr. THOMPSON) is recognized for 5 minutes.

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

HISTORICALLY BLACK COLLEGES

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes.

The SPEAKER pro tempore. Without objection, the gentlewoman from Texas is recognized for 5 minutes.

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am very honored to join in this Special Order, and I salute my colleague the honorable EDDIE BERNICE JOHNSON for her wisdom in selecting this time, September 10 through September 16, to be able to honor our historic historically black colleges across America.

Where would we be today if we did not have those refuges that allowed those ex-slaves to be able to come to a place of comfort and seek an educational opportunity? The colleges range throughout America, from New York to North and South Carolina to Georgia to Louisiana to Texas and many other places. They are the places where young people could not be educated elsewhere because of the dual society and the very hostile segregation that existed in America. These historically black colleges created the opportunities for geniuses to be educated.

I am very proud of several of the institutions in our State, and there are so many in the State of Texas, two that happen to be in my jurisdiction that I am particularly proud to mention: Texas Southern University that was created out of the segregated society of Texas. Heman Sweatt, who wanted to attend the University of Texas Law School, could not do so because the doors were closed. So they allowed him to go in the basement of that school but realizing that they could not block Negroes in the 1940s from achieving an education, the birth of Texas Southern University. How proud we are that out of that institution that came out of the ashes of segregation we had the magnificent Members of this body, the honorable Barbara Jordan and Mickey Leland, both graduates of Texas Southern University. Its neighbor just down the street, Prairie View A&M University, has produced some of the outstanding African American engineers who have gone on to NASA and other institutions of engineering prominence to be able to be the scientists, the engineers, and the mathematicians of this day and time.

It is interesting to note that historically black colleges have always been alongside the black church, the place where the fight for segregation to end could find a place of comfort. Many do not know that there were few places that African Americans could meet in the 1800s and certainly in the 1900s. There were few places that African Americans could meet as they began to strategize for the civil rights movement after the Brown v. Topeka Board of Education case of Thurgood Marshall's. They could meet at historically black colleges. In fact, Howard University is the anchor of civil rights lawyers. The first place that civil rights lawyers could be trained was at Howard University. And major lawyers who, of course, led the way of the civil rights litigation of the 1950s and 1960s, lawyers who protected the rights of civil rights workers in the Deep South, came out of historically black colleges. And they were the places where the civil rights workers could meet, where the civil rights strategists could meet, with the likes of Martin Luther King, with the likes of Julian Bond, with the likes of Andrew Young, could meet and strategize. And, of course, many of them were the products of African American churches and denominations that provided the resources for those institutions.

Let me speak of today because I think there is a challenge for historically black colleges, one, in our recognition, but they should be a challenge in this government. We have to do much better by historically black colleges. If you compare the research grants that have been given to other institutions of learning, the black colleges have not had their equal share. That is patently unfair. And I am delighted that Texas Southern University will be hosting in February of 2007 a major minority institute research conference to focus on that absence of dollars coming from the Federal Government because those colleges are equal too. I know they are equal because they rose to the occasion when the flood waters and winds raged in the Gulf Coast region. Those schools that were devastated were able to seek refuge for their students in other historically black colleges. Dr. Francis, who

heads up the Louisiana recovery, is the President of Xavier University. I salute him for his leadership. But his school was devastated. But other historically black colleges, like Texas Southern University and Prairie A&M, were the schools that opened their doors. So, frankly, I believe that we owe more to those schools.

And my closing words are simply this: Corporate America, wake up. You are losing the opportunity to partnership with major institutions, institutions that go into the inner city and provide opportunities for children who could not have the doors open elsewhere or their parents did not have the doors open elsewhere. Today they choose historically black colleges, but we must not throw away a huge percentage of Americans who are talented and ready to serve. Let us rise up as a government, provide the research dollars, because they are equal. Let us be fair but not unfair. And corporate America, answer the call of fairness. Provide the partnerships with historically black colleges so they too can continue to march into the 21st century and provide the leadership that has paved the way for equality, justice, and freedom for America.

I salute the historically black colleges. It is their week, but the Nation belongs to them. As we belong to them, they will continue to serve.

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

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

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

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

THE CRISIS IN IRAQ

Mr. SCHIFF. Mr. Speaker, I ask unanimous consent to speak out of turn.

The SPEAKER pro tempore. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. SCHIFF. Mr. Speaker, Last Sunday Vice President CHENEY appeared on NBC's ''Meet the Press'' and provided a vivid example of George Santayana's admonition that ''those who do not learn from the past are doomed to repeat it.''

After 3½ years of bloody combat; after our Nation has lost more than 2,600 of our military's finest; after thousands more of our brave men and women have been wounded; after we have spent more than $300 billion; with no end in sight to the insurgency and Iraq plunging into civil war; and after finding no weapons of mass destruction, the very basis of that war, the Vice President told the American people that ''if we had to do it over again, we'd do exactly the same thing.''

Never mind that the next day the Washington Post published an article on the front page entitled ''Situation called Dire in West Iraq: Anbar is Lost Politically, Marine Analyst Says,'' which revealed that the Marine Corps Chief of Intelligence had recently completed a report that concluded the prospects for securing Iraq's western Anbar province are ''dim'' and that there is almost nothing the U.S. military can do to improve the political and social situation there. According to Vice President CHENEY, ''if we had to do it over again, we'd do exactly the same thing.''

Never mind that our invasion of Iraq was predicated on the need to neutralize Saddam Hussein's active nuclear weapons program and destroy his stockpiles of chemical and biological weapons. But no weapons were ever found. According to Vice President CHENEY, ''if we had to do it over again, we'd do exactly the same thing.''

Never mind that retired senior military officers, former U.S. diplomats, and a wide range of military and foreign policy experts see our efforts to pacify Iraq as undermined by a host of mistakes the administration has made in the prosecution of the war, including the failure to bring enough troops to secure the peace and the catastrophic decision to stand down the Iraqi army. According to our Vice President, ''if we had to do it over again, we'd do exactly the same thing.''

Never mind that our troops went into battle without adequate body armor and up-armored vehicles. According to the Vice President, ''if we had to do it over again, we'd do exactly the same thing.''

Never mind that countless billions have been spent on reconstruction with little to show for the effort, many billions unaccounted for. According to Vice President CHENEY, ''if we had to do it over again, we'd do exactly the same thing.''

Earlier this year House and Senate Democrats unveiled our ''Real Security'' agenda that lays out a blueprint for a new direction in Iraq. Our plan calls for the establishment of full Iraqi sovereignty, provides for the responsible redeployment of our forces to better protect our troops and to facilitate the transfer of authority, and provides oversight, vigorous oversight, of the prosecution of the war and the reconstruction of Iraq. This new direction in Iraq was rejected by the Republican majority in the House, which has endorsed the President's stay-the-course policy in Iraq, a policy which amounts to nothing more than more of the same.

□ 1830

The majority in this House is complicit in this failed policy through its failure to oversee the war and to hold accountable those officials who have failed our troops and the American people. That failure of oversight and the need to hold people accountable has plagued Iraq from the very beginning, and because this Congress, this Republican Congress, refuses to hold the President to account, we keep making the same mistakes over and over again.

On April 26 of this year, in the International Relations Committee, I asked the administration witnesses in our first hearing on Iraq whether they could name any individual who had been held accountable for the myriad failures in prosecuting the war on Iraq. The witnesses were silent for an interminable 14 seconds before the Assistant Secretary of State replied, ''That is way above our pay grade.'' The answer, however, is no one has been held accountable.

That lack of oversight, the absence of accountability, the stubborn refusal to acknowledge that mistakes have been made has brought us to the precipice in Iraq. But as the Vice President revealed so clearly last week, the senior officials in our government still blithely insist, If we had to do it over again, we would do exactly the same thing.

Our troops in Iraq, their families here at home, the families of those who have served deserve better than a stubborn insistence that all is well when it is not, that no mistakes have been made when there have been many, that no correction in course will be made because to do so would acknowledge error. That is unacceptable.

The Democrats will provide a new direction in America. The Democrats will provide a new direction for our national security. There is no time more than now when a new direction is necessary.

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

(Mr. HULSHOF 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. PAYNE) is recognized for 5 minutes.

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

TIME FOR A REALITY CHECK

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 May 1, 2003, under a banner displaying the words, ''Mission Accomplished,'' President George W. Bush stated, ''Major combat operations in Iraq have ended.''

In the summer of 2005, Vice President CHENEY told Americans that the so-called insurgents of Iraq were in their last throes.

Fast forward to the morning papers this week. The Washington Post, and I quote, ''Situation Called Dire in West Iraq; Anbar is Lost Politically, Marine Analyst Says.''

The San Francisco Chronicle, quote, ''Police Discover 65 Bodies Across Iraq.''

The New York Times, ''New Wave of Violence Flares Across Baghdad.''

The BBC, ''Iran Offers Iraq Full Support.''

On top of that, according to the Department of Defense, in September so far 23 of America's brave servicemembers died in this seemingly endless occupation. Throughout this occupation there have been 2,900 coalition deaths. Almost 2,700 of those are Americans. An average of 100 Iraqi civilians are dying each day.

Mr. Speaker, it is time for a reality check. The so-called insurgents are not in their last throes. The mission is not accomplished, far from it.

This administration, the President, the Vice President, Secretary Rumsfeld, and Secretary Rice, won't admit they have made a mistake. Instead of planning for withdrawal, which is supported, by the way, by the American people and the Iraqi public as well, this administration is wearing blinders and pressing on. They even have the very nerve to question the patriotism of anyone who dares to take off the rose-colored glasses and speak the truth about the occupation of Iraq.

What kind of America is that? Americans are asking, they are asking, are we safer than we were 5 years ago? They know the answer; the answer is no. They question why the President didn't dedicate serious efforts to the capture of Osama bin Laden. And they know when they ask, is he working on that, the answer is no. And they also ask whether the President has dedicated serious efforts to being a partner for peace in the Middle East, and the results that they see prove that the answer is no. Instead, private citizens are being wiretapped, torture runs rampant, and the administration plays politics with the tragic events of September 11.

Is this the kind of America we want to pass on to our children? Is this the kind of America that will win us friends on the world stage? The answer, of course, is no. It is time for a reality check. It is time to support an alternative to these misguided policies.

Mr. Speaker, I urge my colleagues on both sides of the aisle to seriously consider whether our current policy is going in the right direction, because Congress has the power to change it. Congress has the power to make the much-needed changes. And one important change for Congress to make would be to resume our constitutional role and revoke the President's Iraq war powers. We could also insist on a plan, and we must insist on a plan, to bring our troops home. And it is time to give Iraq back to the Iraqi people. But, most of all, it is time to tell the President, no more.

I urge my colleagues, stand up for our troops. Cosponsor my bill, H.R. 5875, the Iraq War Powers Repeal Act, because, Mr. Speaker, enough is enough. It is time to bring our troops home.

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

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

RECOGNIZING AND CELEBRATING HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK

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

Mr. CUMMINGS. Mr. Speaker, it is a pleasure for me to join my colleagues today in recognizing the vital contribution historically Black colleges and universities make to our Nation. I am especially pleased for the opportunity to honor these great institutions, which have given the African American community so much for so many years.

HBCUs have been in existence for more than a century, fulfilling the hopes and dreams of many African Americans who might not have otherwise had the opportunity to achieve the dream of higher education. And they are still relevant and necessary today.

As President Clinton once said, ''Historically Black colleges and universities continue to play a vital role by adding to the diversity and caliber of the Nation's higher education system. Furthermore, these institutions remind all Americans of our obligations to uphold the principles of justice and equality enshrined in our Constitution.''

While comprising less than 3 percent of all American colleges and universities, HBCUs educate nearly 85 percent of African-American college graduates in the United States. I am among them.

As a Phi Beta Kappa graduate of Howard University, and the proud father of another Howard University graduate, I know firsthand the opportunities these great institutions provide.

In 2004, HBCUs turned out 131,241 African-American graduates with 4-year bachelors degrees. That represents the highest number of degrees awarded to African Americans in this Nation's history—more than double the amount awarded in 1990.

In the 7th District of Maryland, which I represent, Baltimore's Morgan State University now ranks 8th nationally in the number of baccalaureate degrees earned by African Americans.

And these institutions are not just providing opportunities to their students. Across the length and breath of America, the more than 100 HBCUs are having a positive impact upon the communities in which they are located—and upon the Nation as a whole.

Coppin State University, also in my District, is demonstrating its crucial role in the community by its ''adoption'' of nearby Rosemont Elementary School; and by the Nursing Center that offers affordable health care to the children and adults in its vicinity.

Mr. Speaker, we must continue to support these vitally important institutions of higher learning.

I applaud the President for his proclamation acclaiming the contributions that HBCUs are making to all of America—and I urge him to work with my colleagues in Congress to match those words with the funding that these institutions so desperately need.

Our historically Black colleges and universities are remarkably adept at accomplishing a lot with a little, but they need more public support. Just look at the HBCUs hit by Hurricane Katrina that continued providing class sessions in what can be termed less than ideal circumstances. I applaud their resiliency.

As we continue to celebrate HBCU week, let us not forget the social interest in keeping them vital and thriving. Each year, HBCUs produce the leaders of tomorrow: writers, musicians, actors, activists, business leaders, lawyers, doctors—and Members of Congress.

Let's honor these great American institutions by supporting our Nation's HBCUs both in rhetoric and in practice—by providing sufficient funding for their continued existence.

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

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

TRIBUTE TO HISTORICALLY BLACK COLLEGES AND UNIVERSITIES

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

Mr. ETHERIDGE. Mr. Speaker, I rise today to join my colleagues in recognition of National Historically Black Colleges and Universities Week. This special week, the nation pays tribute to HBCUs that make such a difference developing young minds and shaping our future.

As defined by the Higher Education Act of 1965, HBCUs are ''any historically black college or university that was established prior to 1964, whose principle mission was, and is, the education of black Americans, and that is accredited by a nationally recognized accrediting agency or association determined by the Secretary (of Education) to be a reliable authority as to the quality of training offered or is, according to such an agency or association, making reasonable progress toward accreditation.

Nearly fourteen percent of our country's African American students in higher education are enrolled at HBCUs. These colleges and universities are preparing a new generation of leaders, business people, teachers and scholars. They play a vital role in ensuring that our higher education system is the finest in the world. This year's HBCUs Week is themed, ''The Tradition Continues: New Successes and Challenges,'' which is a tribute to the rich tradition of HBCUs and the enduring role they play in the weave of our social fabric.

North Carolina is home to several HBCUs, and I am particularly proud of the two in my Congressional District; Shaw University and Fayetteville State University.

Shaw University, located in Raleigh, was founded in 1865, making it the oldest HBCU in the South. Shaw is a private, coeducational, liberal arts university, awarding degrees at both the undergraduate and graduate levels. Affiliated with the Baptist Church, the primary mission of the University is teaching with the commitment to maintain excellence in research and academic programs that foster intellectual enhancement and technological skills. Shaw stresses character development, which includes religious, cultural, social and ethical values. The Student Nonviolent Coordinating Committee, a major force in the Civil Rights Movement, got its start at a conference held a Shaw in 1960. Dr. Clarence G. Newsome currently serves as President of Shaw University.

Fayetteville State University is a constituent institution of the University of North Carolina. The primary mission of the university is to provide quality education to its students through a basic liberal arts foundation, specialized professional training, and specific graduate programs. The university is fully accredited by the Southern Association of Colleges and Schools. In addition, individual university departments, degree programs, and service functions hold memberships and accreditations with appropriate professional organizations. Chancellor T.J. Bryan is the tenth Chief Executive Officer of the 138-year old HBCU and the first female to head the institution.

Mr. Speaker, as the former Superintendent of North Carolina's public schools, I know well the outstanding contributions made to our state and nation by Shaw University, Fayetteville State University and all of our Historically Black Colleges and Universities, and I am pleased to join my colleagues in paying tribute to national HBCUs Week.

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

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

IN RECOGNITION OF HBCU WEEK

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

Mr. SCOTT of Virginia. Mr. Speaker, today I rise to recognize Historically Black Colleges and Universities Week. Historically Black Colleges and Universities play a critical role in the American higher education system. This year's theme—''The Tradition Continues: New Successes and Challenges''—is especially fitting considering the precarious state of affairs of higher education funding and student aid for all institutions of higher education. These theme is also appropriate as many HBCUs around the country welcomed students displaced last year by Hurricane Katrina.

For most of America's history, African Americans who received a college education could only get it from and HBCU. Today, HBCUs remain one of the surest ways for an African American, or student of any race, to receive a high quality education. In 1965, Congress officially defined an HBCU in Title III of the Higher Education Act as an institution: whose principal mission was the education of black Americans; that is accredited; and that was established before 1964.

The first HBCU, Cheney University in Pennsylvania, was founded in 1837. Today, there are 105 Historically Black Colleges and Universities. I am proud to have 5 HBCUs in my home State of Virginia: Hampton University, Norfolk State University, Saint Paul's College, Virginia State University, and Virginia Union University.

HBCUs graduate far more than their share of African American professionals. While the 105 HBCUs represent just 3 percent of the Nation's institutions of higher learning, they graduate nearly one-quarter of African Americans who earn undergraduate degrees.

HBCUs, because of their unique sensibility to the special needs of young African American minds, remain the institutions that demonstrate the most effective ability to graduate African American students who are poised to be competitive in the corporate, research, academic, governmental and military arenas.

Consider these statistics:

Experts in their chosen field

Over half of all African American professionals are graduates of HBCUs.

Nine of the top ten colleges that graduate the most African Americans who go on to earn Ph.D.s are HBCUs.

More than 50 percent of the Nation's African American public school teachers and 70 percent of African American dentists earned degrees at HBCUs.

HBCUs Spelman College and Bennett College produce over half of the nation's African American female doctorates in all science fields.

Excellent Institutions

As ranked by Black Enterprise in 2003, seven of the top ten ''Top Colleges and Universities for African Americans,'' including the top six, were HBCUs.

HBCU Xavier University #1 nationally in placing African-Americans into medical school.

HBCUs also dominate the upper echelon in terms of numbers of African American graduates per school for the last academic year

Seven of the top eight producers of African-American baccalaureates overall were HBCUs, including #1 Florida A&M University and #2 Howard University.

Sixteen of the top 21 producers of African American baccalaureates in biological and biomedical sciences were HBCUs, including the entire top six: Xavier University of LA (#1), Hampton University (#2), Howard University (#3), Morgan State University (#4), Jackson State University (#5), and Tennessee State University (#6).

Eight of the top nine producers of African American baccalaureates in mathematics and statistics were HBCUs: #1 Morehouse College, #2 South Carolina State University, #3 Alabama State University, #3 Spelman College, #5 Southern University and A&M College, #6 Tennessee State University, #7 Hampton University, and #9 Howard University.

Three of the top five producers of African American baccalaureates in psychology were HBCUs: #1 Florida A&M University, #3 Hampton University, and #5 Howard University.

While these statistics overwhelmingly demonstrate the importance of HBCUs, the proof of the power of an HBCU is in the success of its graduates. I am proud to serve with 15 members of the U.S. House of Representatives that are graduates of these fine institutions.

Mr. Speaker, HBCUs have played an important role in educating African-American students. I would like to commend them for their past efforts and wish them continued success in the future. I am confident that HBCUs will continue to ensure that students of all races receives a quality higher education.

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

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

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

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

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

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

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

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

THE WEEK THAT WAS

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

Mr. MCDERMOTT. Mr. Speaker, What a week this has been. It began on Sunday when the President dispatched his Secretary of State and Vice President to the Sunday talk-shows to re-create the Administration's fiction that Iraq and al-Qaeda were connected.

Their appearances came shortly after the Republican controlled Senate Intelligence Committee told the American people in a bipartisan report that there were no ties between Iraq and al-Qaeda. No Ties.

But, the Secretary of State and Vice President wouldn't let the facts stand in the way. In appearance after appearance, they kept telling the American people to be afraid, to believe their fiction about Iraq.

The truth affirmed—again—that there was no national security interest served by invading Iraq.

The President diverted the nation from Afghanistan and the hunt for bin Laden.

And, the President diluted our resources by continuing to commit manpower and money to the wrong place, at the wrong time, without a national security priority. Instead of leading America back to the front line of the war on terror, the President continues to push America deeper into a civil war in Iraq.

The fifth anniversary of 9/11 could have been marked by the President leading the nation in quiet, personal reflection. Instead, the President used a prime time television address to try to shore up his own faltering support among the American people.

The Administration's singular focus today is to sustain a fiction about Iraq and al-Qaeda. They are trapped inside their own rhetoric and keep talking as if that will produce a different outcome.

On Sunday the Vice President gave us fear. On Monday, the President gave us fiction. On Tuesday, the Republican Majority Leader gave us inflammatory rhetoric worthy of a nation without Democracy as its form of government.

Terrified at the prospect of losing power, Republicans will say anything to make people afraid.

In a meeting with reporters, the majority leader wondered aloud whether Americans who disagree with the President might be giving aid and comfort to the enemy, might be guilty of treason.

The U.S. Supreme Court ruled that we are a nation of laws, not men, even in a time of war, and that the President must follow the law like everyone else. Instead of affirmation, we got accusations last night from a Republican leader.

The President, Vice President and Speaker of the House—all Republicans—were silent in response.

We are going to need a lot of jail cells to house the millions of Americans, including the Supreme Court, who believe America is a nation of laws worth defending and upholding.

The majority of the American people want their government to remain Of the People, By the People and For the People.

Republicans have a different vision. They govern by accusation in order to obtain acquiescence.

Since Sunday, Republicans have moved from fear, to fiction, from inflammatory rhetoric to closed debate.

House Republican leaders are not interested in having America stand united.

That's why they passed a resolution that has to do with clinging to power, not 9/11.

The resolution will not make America safer, but it was passed in the hope of making Republicans safer.

The Republican resolution was about November 7, not September 11 and Republicans sacrificed patriotism for political ambition.

Trapped by their own rhetoric, and led by a President who has lost the trust of the American people, Republicans have retreated to their last stand—Making you afraid.

Every time they rise, remember this: Republicans have propped up this President by spending more on the Iraq War than on domestic security. Many Republicans in this House know the truth. They just can't speak it, for fear of being outed by their own Party Leadership.

Republicans will only say what the President wants you to hear. And it is not the truth. The American people are getting that somewhere else. Republicans gave us fear and fiction around the fifth anniversary of 9/11. Just imagine what they have in store for us in the weeks ahead.

Fear has never made America safer. But that's all the Republicans have to offer. And that's simply not enough to protect and defend America in the 21st century.

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 California (Ms. ZOE LOFGREN) is recognized for 5 minutes.

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

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

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

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

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

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

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

IRAQ WATCH

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

Mr. LARSON of Connecticut. Mr. Speaker, I once again thank distinguished members who will be joining me here on the floor to continue a process that was begun by Mr. DELAHUNT, Mr. ABERCROMBIE, Mr. KUCINICH, and Mr. INSLEE called The Iraq Watch.

This was formed in the spirit of understanding, as I think the Nation has come to understand, that within this Beltway and within this Nation and specifically here in Congress, that we have one-party rule. The Republican Party controls the administration and all of its agencies, it controls the House of Representatives and the United States Senate, and in the process, has stifled opportunity for oversight and review and a thorough discussion on the pressing issue of Iraq that concerns the entire American republic. I commend my colleagues for having initiated The Iraq Watch.

This evening, as in others, we start with an acknowledgement that, fortunately, because of the efforts of so many who have served in our military, we in Congress on both sides of this aisle have come to understand and differentiate between the war and the warriors, those brave men and women who serve our country on a daily basis and who are in harm's way in Iraq, in Afghanistan, and around this globe on our behalf. We come here because we desire an opportunity to speak truth to power.

Earlier this evening, one of our esteemed colleagues from the other side rose and said, ''What are the Democrats for?'' We are for an administration that will level with the American people, starting first and foremost with leveling with our troops, especially the families of our troops; specifically, the Reservists and National Guardsmen who have been deployed, redeployed, deployed, and redeployed again in Afghanistan and Iraq with no certainty given to them. And we are for an administration that is worthy of the sacrifice that has been put forward by the men and women of our armed services.

Franklin Delano Roosevelt said, ''The only thing we have to fear is fear itself.'' And in this very solemn week where we pause to reflect on our brave heroes of 9/11, those innocent people who perished in the towers in New York, at the Pentagon, and in the fields of Pennsylvania, and those brave and valiant first responders who rallied to the call in New York, here at the Pentagon and in Pennsylvania, we are for the vigilance of the survivors, and victims of 9/11 who called and prevailed upon this body to pass all the 9/11 recommendations.

We are for passing all the 9/11 recommendations, more than half of which have not been enacted by this Congress 5 years after September 11. We are for accountability, as Mr. SCHIFF pointed out in his comments, because we understand that in a one-party town where there is no oversight and review and no one willing on the other side of the aisle to speak truth to power, that it falls on the shoulders of the Democrats to speak out on behalf of the American public, to speak truth where there has been little.

Graham Allison pointed out that the occupation in Iraq has placed us in a situation where we have diverted essential resources from the fight against al Qaeda, allowed the Taliban to regroup in Afghanistan, fostered neglect of the Iranian nuclear threat, undermined alliances critical to preventing terrorism, devastated America's standing with every country in Europe, and

destroyed it in the Muslim world. We are for a new direction for this country and for America's preeminent position on this globe where we have such enormous responsibility.

We ought to start that new direction and send a very clear signal to the world, to Iraq, and to the men and women of our military that it is time for accountability. And we can start that, as Jack Murtha indicated earlier, with a call for Secretary of Defense Donald Rumsfeld to step down, for, as Mr. SCHIFF pointed out and the Vice President said clearly this past Sunday, if they had to do it all over again, they would do it exactly the same way. And the President, in a moment of candor, said in fact, the hardest thing that he has found has been linking terror with the war in Iraq.

□ 1845

At this time I would like to recognize the gentlewoman from California, Representative LEE, who has stood in this well so many times and prevailed upon this body to come to grips with this war in Iraq.

Representative LEE.

Ms. LEE. Let me thank the gentleman for yielding and also for your leadership and for that very powerful statement. And I want to thank you for reminding the country that this is one-party rule, and that there are no checks and balances, and that, unfortunately, there is no accountability.

I appreciate the opportunity to participate with you tonight, and again thank you very much for calling this special order and for Iraq Watch.

This week has been the fifth anniversary of the tragic terrorist attacks of September 11, 2001, and we should be commemorating the lives of those who died. We should be coming together as a Nation to grieve and to remember the men, women, and children who lost their lives that day. We should be honoring the courage and the heroism of our first responders and those who put themselves in harm's way to help others.

But, instead, as we have seen, Republicans are politicizing this solemn anniversary by shamelessly attempting to hide the administration's failure to make our Nation safer, and, quite frankly, failing to hold accountable those who perpetrated the attacks, and that is Osama bin Laden.

Bin Laden is still at large. He is alive and well. The Taliban is resurgent in Afghanistan. Why? Because the Bush administration pulled troops out of Afghanistan to send them to Iraq. But Iraq had nothing to do with 9/11. The President, as you said earlier, has admitted this.

Now, the members of the Out of Iraq Caucus have been saying that even before we went into this illegal, immoral, and unnecessary war. There were no weapons of mass destruction in Iraq, and we knew this. During the debate on the authorization to use force, if you remember, I offered an amendment that merely said let the United Nations complete its inspections process. Now, had that amendment passed, lives would have been saved, Iraq would not be what it is today, and that is a terrorist training ground, and America would not have lost its standing in the world.

Congresswoman MAXINE WATERS, Congresswoman WOOLSEY, Congressman HINCHEY, and many others participated in the Downing Street memo hearings, where it was revealed and exposed and demonstrated factually that the administration concocted the intelligence and used what they had to cherrypick and fix the facts as they saw it to justify this war and invasion. Hundreds of thousands of people around our country signed petitions. We delivered those petitions to the White House saying this war should end; that there were no weapons of mass destruction; that this was wrong and that we should get out.

And last Friday, the bipartisan Senate Intelligence Committee report refuted one of the administration's key justifications for going to war in Iraq; the claim that Saddam Hussein and al Qaeda had ties in planning 9/11. There was no connection between them and, again, the Senate Intelligence Committee, bipartisan committee, said that.

The war in Iraq is a war of choice by this administration. And what has resulted? This war and the continuing occupation has created a terrorist training ground in the heart of the Middle East. It has really created and fueled more anti-American sentiment and has been a powerful recruiting tool for terrorists. It has emboldened Iran and North Korea. It has diverted our focus and resources from pursuing Osama bin Laden and al Qaeda. It has cost us the lives of 2,700 brave men and women, with over 20,000 wounded, and Iraqi civilians dead. We have committed over $400 billion to this war and this occupation has now fueled a civil war. It has left our military overstretched and unable to respond to crises in other areas.

I tell you, the bottom line is our Nation now is less safe due to this unnecessary war in Iraq. The 9/11 Commission has given the Bush administration and this Republican Congress D's and F's in terms of how we have moved forward in keeping our Nation safe and implementing these recommendations.

There can be no ''stay the course'' in a no-win occupation. There can be no ''stay the course'' as long as our troops remain the target of the insurgency. We must go in a new direction. We have to bring our troops home and end this occupation. And when they come home, we must make sure that they all come home and ensure there be no permanent military bases in Iraq.

Eighty-four percent of America's top national security experts have said that America is not winning this war on terror. So it is time that we stop misleading the American people by trying to convince them that the horrific events of 9/11 were somehow connected to the war in Iraq and to Saddam Hussein. They are not. It is time to bring our troops home.

It is time to support Congresswoman WOOLSEY's H.R. 5875 and revoke the War Powers Act, or the war powers authorization that this House and the Senate gave to the President.

Mr. LARSON of Connecticut. I thank the gentlewoman from California for once again providing us with very clear insight into the ramifications of the administration's failed policy. As our colleague from Missouri (Mr. SKELTON) points out, there are two distinct wars that are going on. There is the war on terror, more appropriately it should be called the war against al Qaeda, where, as the gentlewoman points out, America has diverted its resources away from Afghanistan and the chief target, the person responsible for bringing down the World Trade Center towers and the bombing at the Pentagon and the failed attempt to hit this Capitol with the downed plane in Pennsylvania.

I commend the gentlewoman for her remarks and thank her for joining us this evening.

Ms. LEE. Let me just thank you again for your calling this special hour and for allowing all of us to participate, and also for reminding us that as we promote democracy abroad, especially in Iraq, we are shutting it down here in America.

Mr. LARSON of Connecticut. I thank the gentlewoman from California, and I would like to recognize at this time the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. I want to thank my good friend and colleague for setting aside this hour and giving us an opportunity to focus attention on the circumstances in Iraq and the consequences of our response to the attack of September 11, 2001.

This week we marked 5 years, and today 5 years and 3 days, since that attack of September 11, 2001, against the World Trade Center, the Pentagon, and Flight Number 93 that, as a result of the heroism of the people on board, crashed into a field in Pennsylvania rather than into this Capitol building on that particular day.

There is no question that people who were responsible for that attack were brutal, devastating, and without conscience. However, the main danger that has been focused on our country came about not as a result of the attack but more as a result of the response of our government to that attack.

We have seen, for example, that shortly after our invasion of Afghanistan to upset the Taliban, which were housing the al Qaeda network, after we had taken the Taliban out of power in Afghanistan and chased the al Qaeda network out of Kabul and Kandahar, how this administration stopped the pursuit of the main perpetrators of that attack, the al Qaeda network and their principal leader, Osama bin Laden. It was a conscious decision

made by this administration not to go after Osama bin Laden and, therefore, not to capture him.

Now, obviously, one has to ask the question: Why? The only sensible answer to that question is this: The administration did not want to capture Osama bin Laden, the brains, the main perpetrator behind that attack. Because if he had been captured, then the argument of the administration that there was a connection between the attack of September 11 and Iraq, and the need to invade Iraq, that argument would essentially have evaporated. If Osama bin Laden had been captured, there would have been no logical rationale for invading Iraq.

Mr. LARSON of Connecticut. If the gentleman will yield, because the question has been put forward on this floor on more than one occasion, and the query is: How is it that this great country of ours could go from having virtually the entire world supporting us, because of exactly what happened in your great New York City? In Paris, they said, ''Today We Are All Americans.'' We join with Americans in the fight against al Qaeda in Afghanistan. And we went from having the entire world with us to virtually having the world opposed to us, devastating our standing around the world and ruining it with the Muslim world.

Mr. HINCHEY. Your point, of course, is a very good one. And what caused that, caused the people of the world, who had been united with us after the attack of September 11, 2001, but became disunited from us, became questioning of our attitudes and actions, all of that came about as a result of the falsification of information by this administration to the Congress of the United States and the people of the United States alleging that there was a connection between Iraq and Saddam Hussein to the attack of September 11, 2001, and subsequently alleging that Saddam Hussein had so-called weapons of mass destruction, chemical and biological weapons, and a nuclear weapons program, when all of the major intelligence given to the administration said that there was no evidence of so-called weapons of mass destruction.

And it was clear that there was no connection between Saddam Hussein and Osama bin Laden. If anything, the two were enemies, not united in any way. They are antagonists, and certainly, then, no connection between al Qaeda and Iraq. And the world saw the falsification of that information and they began to back away from us. And eventually so many people and so many countries around the world turned their backs on the United States because of the falsification of information by this administration and the perils that they saw our country engaged in in the Middle East, and to some extent here at home.

So we have a responsibility. And I think that that responsibility falls mainly on the Democratic Party. Because, as you pointed out in your remarks just a few minutes ago, we have here, in effect, a rubber stamp Congress, a monolithic government here in Washington, a Congress that has abandoned its responsibilities under the Constitution to ensure that the administration is behaving in a lawful way; to be certain that the administration is adhering to the provisions of our law and the provisions of our constitution.

In fact, we see clearly that this administration is violating the law and violating the Constitution, but the Republican majority in this House has done absolutely nothing about it. So the opportunity that you present here tonight by reserving this hour is an important one, and there are other people who will come and speak about this issue also in very important ways.

Everything we do has got to be focused on the illegality of these actions and the way in which they are to be corrected so that we can begin to reensure the security of the United States and begin to reestablish our position in the world of admiration and respect from other people around the world. We have a big job to do and we must engage ourselves in that job very pointedly and aggressively, and I thank you for reserving this time.

Mr. LARSON of Connecticut. I thank the gentleman from New York for his insightful comments. And, again, we all share with you and all New Yorkers, as well as people from the Pentagon and in the fields of Pennsylvania, Flight 93, a great sorrow at the loss of so many valiant Americans. And I want to commend you for your willingness to come to this floor and speak truth to power.

Someone who has done so on more than 170 occasions, from the same spot on this floor, is Lynn Woolsey. She has risen and called out and has spoken out against the war in Iraq, and so at this time I yield to the gentlewoman from California.

□ 1900

Ms. WOOLSEY. Mr. Speaker, I would like to thank Mr. LARSON and Iraq Watch for what you have been doing to bring attention to the follies of what is going on in Iraq.

I will stay here and talk back and forth, but we have folks here who have been so important, MAXINE WATERS and DONALD PAYNE and I saw BILL DELAHUNT, who are all part of this, and we want everybody to have their say.

What I want to emphasize is that the people of this country, the people of this world know that this was a mistake. Our very own constituents are ahead of the Members of Congress that they have elected to serve them because they know we should leave Iraq. They tell us that.

What they don't know, however, is how to make it happen. Guess what, that is not their job. It is our job. It is our job to say, Mr. President, commander in chief, stop this war. Put together a plan and bring our troops home. You see, that is our job. It is very clear to me when you lead, people will follow.

Just under 2 years ago I believe I was the first person to request of the President that he bring our troops home. My request had just under 20 signatures on a letter to him.

Then we had a hearing, informal hearing with Senator Max Cleland and generals and an Iraqi citizen. It was bipartisan and the room was full. We had a little bit of press, not much, but it was a good hearing. It was about why we are there and why we shouldn't be there.

Following that we had an amendment of mine that came to the House floor. Some folks asked me not to call for a vote on it because they thought it would be embarrassing to all of us. But 128 Members of this House, a bipartisan effort actually, voted to tell the President to put together a plan to bring our troops home and bring that plan to the appropriate committees in the House of Representatives.

Since then we have written a letter to the President that over 50 Members signed saying, Mr. President, bring our troops home. Do this in a multinational way with multilateral involvement. Work with the Iraqis on reconstruction in a nonmilitaristic stance, and work with them for reconciliation.

Then I introduced legislation that I talked about earlier tonight to repeal the President's Iraq war powers because that is one way to tell him enough is enough. This is not a war, this is an occupation.

We are going to have another hearing on September 26. This is the third forum, and it is on the cost, the human cost, the cost to our treasury and the cost to our reputation. I hope many Members will attend it. You see, that is what the people of this country are looking for and these are the people down on the floor with you that to the best of our ability are trying to provide, and that is leadership, leadership to catch up with them, the public, so we will indeed do the right thing and stop the death and destruction that is going on that we are causing because of our very presence over there.

Mr. LARSON of Connecticut. I thank the gentlewoman for her vigilance in this matter and in coming to the floor. To her point, as Thomas Friedman has pointed out, in Iraq with regard to the occupation and the United States' once-lofty goal that was envisioned in terms of creating democracy in Iraq, categorized us as no longer midwifing a democracy, but in essence baby-sitting an insurrection and a civil war.

So even people that were slow to come around to your point of view and the point of view held by many others have now been joined by no less than eight generals, as Mr. DELAHUNT points out time and time again on this floor.

But also if you go back to the very beginnings and the lead-up to this war, who were the most outspoken critics leading up to this war? In fact, it was

not MAXINE WATERS or BARBARA LEE or even LYNN WOOLSEY, it was Scowcroft, Eagleburger, and Baker because they understood as internationalists the problem that would be created in Iraq if we diverted resources from Afghanistan and didn't pursue the goal of capturing and bringing to justice Osama bin Laden, but instead got involved in a war of choice that was misguided and misdirected by an administration that was blind on two fronts. Blind to the sacrifice that would take place on behalf of our brave men and women, and also to the policies that they were pursuing and the ramifications of those policies both abroad and here at home.

Someone who understands that and has been an advocate of human rights for his entire career here in the United States Congress, someone who has traveled all over this globe and addressed the issue of human rights is the Congressman from New Jersey, DONALD PAYNE, and at this time I recognize him for his remarks.

Mr. PAYNE. Let me thank the gentleman from Connecticut for taking this special order and let me acknowledge your great leadership as a leader in the Democratic Caucus. Let me also commend BARBARA LEE and LYNN WOOLSEY for their leadership as co-chairs of the Progressive Caucus where they have continually talked about progressive issues in this country and, in particular, the question of Iraq; and to commend Congresswoman WOOLSEY for her record of maybe 100 days consecutively speaking out against the war, day in and day out.

Five years ago, on September 11, we had a tremendous amount of sympathy around the world. Everyone was with us. People throughout the world said this was a dastardly act. Seven hundred persons from my State perished. Flight 93 that left Newark Airport, including Ms. Wanda Green, a delightful African American woman, a flight attendant who traded with a friend who asked her if she could take her duty because of a conflict and she would switch and take Ms. Green's original duty which was not on 9/11. Ms. Green passed away on that infamous Flight 93. I met with her two children at the church in Linden where she lived. They are college-age students. Ms. Green was a divorcee and was the one taking care of the family.

So this is very personal with all of us. From my house as I moved out to the corner and looked over, the World Trade Centers were both visible, the twin towers were very visible. I could see them very clearly. So it is very personal to us, all Americans, but especially to those of us who were so constantly involved in that area.

When the President decided, though, to make Saddam Hussein a person that he felt should be dealt with and connected him to 9/11, it was actually criminal. Osama bin Laden, as we know, was in Afghanistan. We had a limited number of troops there. But just think of what position we would have been in today if our troops were sent to Afghanistan in the numbers that we have sent to Iraq. By this time I am sure Osama bin Laden would be behind bars or not alive at all.

We could still have Iraq contained with the no-fly zone because they could not come in or go out. We had Predators watching. We knew where Saddam Hussein had lunch every day. It was bombed one day, but he left a few minutes early. They were going nowhere in Iraq.

Osama bin Laden, in fact, talked as badly about Saddam Hussein as he did about the United States' leaders. But what did we do? Hans Blitz and the inspectors were given full range of the country. And when that announcement was made by the Government of Iraq, President Bush said, Get out in 48 hours.

Why would you do that? They knew that they didn't have weapons of mass destruction in Iraq. The bluff was over. So Saddam Hussein decided to let them go anywhere because I don't have them. And, therefore, they will see that the bluff is over. No, the President ordered the strikes.

I will conclude because there are other Members here and I could go on and on and on. However, I was the one who controlled the 2-day debate where we debated giving the President the authority to having an attack on Iraq, a preemptive strike. I was convinced we should not choose war, we should choose diplomacy. Just think, Afghanistan would have been settled and we could have contained Saddam Hussein, but it was decided that we should go to war. Mission accomplished.

We are losing lives every day. It was wrong. We need to come up with a sane plan to conclude this civil war that is in Iraq and move on to making our country a safer place.

Mr. LARSON of Connecticut. I thank the gentleman from New Jersey, and I am reminded in the poignancy of his story, having traveled to the Middle East several times with Jack Murtha, of a discussion we were having with our ambassador to Saudi Arabia who, when I inquired of him that it seemed like there was a gathering storm in Saudi Arabia with more than 35 percent unemployment and median income amongst the people there dropping from $28,000 to under $7,000, he said to me: ''Congressman, gathering storm?'' He said, ''You're from New England?''

I said, ''That's right.''

He said, ''I assume you've either read the book or you saw the movie. What we have here is not a gathering storm, what we have here is a perfect storm; and if we attack this toothless tiger, whereas you point out we had no-fly zones over the north and south, we will unwittingly accomplish what Osama bin Laden failed to do. We will create a united Islamic jihad against the United States.''

Someone who understands that more keenly than most is the gentlewoman from California who chairs the Out of Iraq Caucus and has been equally vigilant in her efforts and leadership on that front.

I now recognize MAXINE WATERS.

Ms. WATERS. Thank you very much. I would like to thank the gentleman from Connecticut not only for his leadership in the caucus, but for his leadership on Iraq Watch. The work that you have been doing and that which you do tonight, bringing us here to the floor, to continue this discussion, to continue this debate and to focus on what is wrong with the leadership at the White House is extremely important work; and I thank you for it.

I am also pleased that we had so many Members come tonight. I am pleased that the members of the Out of Iraq Caucus, who have been for over a year and a half trying to make this a real priority in this Congress, I thank you all for this evening.

Let me just remind the Nation of these facts: As of today 2,671 soldiers are dead, American soldiers killed in Iraq; 20,113 injured in Iraq. The total cost of the war, more than $318 billion. And it will cost approximately $370 billion by the end of the year. The cost of the war per month at that rate is $8.4 billion per month. The cost per week, $1.9 billion. And every day we are spending $275 million a day.

□ 1915

Now this war has been raging for more than 3 years. We know now, and even the President cannot even pretend that he does not know that Iraq and Saddam Hussein had nothing to do with the 9/11 terrorist attacks. The Iraq war has taken resources away from the finding and punishing of those responsible for the 9/11 terrorist attacks.

For example, the administration pulled Arabic speaking Special Forces teams who were hunting Osama bin Laden in Afghanistan and redeployed them to Iraq. Because resources have been diverted from Afghanistan, and the administration has been distracted by the Iraq war, Osama bin Laden is still free, and the Taliban has regrouped in Afghanistan.

Violence in Afghanistan is going on every day, and much of it certainly is attributed to the Taliban. This year more than 2,300 people have been killed in Afghanistan, including 151 who have been killed in suicide bombings; 276 U.S. servicemembers have been killed in Afghanistan, and nearly 1,000 more have been injured.

Let's talk about, for a minute, the growth of the poppy seed, the main ingredient of heroin is also growing. The U.N.'s Office on Drugs and Crimes say opium cultivation rose 59 percent this year to produce a record 6,100 tons of opium, more than 90 percent of the total world supply. The U.N. estimates that the revenue from this year's harvest will exceed $3 billion.

In wrapping up, let me just say that last night on CNN they tracked from Afghanistan the heroin that went by way of Nigeria into the United States,

into Chicago and into my hometown of St. Louis, Missouri. They tracked it. At one time we thought that heroin was simply going into Europe. It wasn't coming into the United States.

But now we know it is, and to add insult to injury, Mr. Musharraf, the President of Pakistan, who is supposed to be our friend, who we are giving monetary support to, has wrapped his arms around the Taliban and created a contract and an agreement with them that if you don't attack us we won't bother you.

We are depending on Mr. Musharraf, knowing that not only has he entered into this contract, but he knows what's going on on that border between Pakistan and Afghanistan where they protect Osama bin Laden, where they protect al Qaeda, and now they are protecting the Taliban.

What are we in for here? The President of the United States has misled this country. We are in trouble, and he has placed this country at great risk. We are at greater risk now than before 9/11. It is time for the leadership of the Congress of the United States on both sides of the aisle to say enough is enough. I commend you for helping to develop us so we can get to the point where we can proudly all join hands together on both sides of the aisle and stop this misdirection of this President and this administration.

Mr. LARSON of Connecticut. I thank the gentlewoman, and I thank her also for factually pointing out what is happening, especially with regard to the heroin trade, and again how that only furthers and fosters the efforts of al Qaeda all around the globe.

Before I call on the gentleman from New York, MAJOR OWENS, who has served with distinction in this great body of ours and who represents the great City of New York, I want to point out that our next two speakers, both Mr. DELAHUNT from Massachusetts and Mr. INSLEE from Washington, are the founders of the Out of Iraq Caucus.

Mr. DELAHUNT, especially, having heard specifically, going back to his district, people often ask what led you to come to this floor and speak out against the war in Iraq? Well, it took place in small towns and communities where people were yearning for the truth and wanted to hear voices that because a majority rule here in a one-party Congress were notable to break through.

Mr. DELAHUNT. I thank my friend from Connecticut, and, just to set the record straight, it was others, of course, that founded the Out of Iraq Caucus. But Mr. INSLEE and I, many, many years ago, it appears, now, or at least it feels this way, came here with our colleagues, TED STRICKLAND from Ohio and NEIL ABERCROMBIE from Hawaii, and spoke about these issues.

I was just chatting with JAY INSLEE, and we were reflecting on where we were and what we have done, what we have accomplished. I think it can really be summed up by these posters, these photos to my right. To my far left is the President on the aircraft carrier, and behind him that banner is ''Mission Accomplished.''

I would suggest this, that this administration, along with the Republican majority in this House, have achieved something that defies the imagination that no one would believe. It is truly remarkable.

I think that is best summed up when you examine the photo to my near left. For those who are unaware, this gentleman that I am pointing to now is the current Prime Minister of Iraq. His name is Maliki. In fact, he spoke in this very Chamber, to the American people, and to Members of Congress. He was given that honor. He came here just recently. He visited with that President. Less than a month later, where is the Prime Minister of Iraq? He is in Tehran.

One only has to recollect the words of President Bush, right here again in this Chamber, when he described Iran as one of the original members of the axis of evil club.

I would put forth that nothing, nothing that I am aware of, has changed in terms of the administration's position vis-a-vis Iran. Here we find the Prime Minister, reflect on that a moment, the Prime Minister of Iraq is clasping hands with the President of Iran.

What is particularly interesting is the agreements that have been reached between Iran and Iraq. These were two nations that fought an 8-year war. But what we have accomplished is to enhance the influence of Iran in the Middle East.

Take a look.

Mr. INSLEE. Well, you pointed out something that I just realized. President Bush, when he ran for office back in 2000, said he would be the great uniter. Many of us have been disappointed, in fact, that he has divided the country like no President in modern history. When we were united after September 11 with us and the whole world, he has now divided the country.

But I think finally he has united two ununitable, intractable foes, one, an axis of evil, Iran, who we are trying to defeat, in some way to prevent them from having nuclear weapons. He has united Iraq and made Iran a more fundamentalist Islamic government, a more powerful entity on the world stage, more powerful, as he describes them, axis of evil, and the President finally fulfilled his destiny of being the great uniter.

Mr. DELAHUNT. Exactly. The President of the United States has achieved a remarkable, an absolutely remarkable, accomplishment.

Mr. INSLEE. After this conference of Tehran between the axis of evil and the new government the President has created in Iraq, one of the leaders described the other leader as their, quote, good friend. I don't know if it was the President of Iran, the axis of evil describing the new government created by George Bush in Iraq or vice versa. Do you know which one it was?

Mr. DELAHUNT. I don't think it was ''friend.'' It was not ''friend,'' but it was even more intimate. I can't find the quote right now, even though this is a story that came out today where the Prime Minister of Iraq, after his meeting with President Ahmadinejad, he then goes and meets with the Supreme Iranian leader, Ayatollah Ali Khamenei, and the terms that they use are brothers, brothers.

Now, I wonder, is this an effort to unify?

Mr. LARSON of Connecticut. Is this the same Prime Minister that also has said that he will grant amnesty to those involved in the insurrection that are killing and mutilating American soldiers?

Mr. DELAHUNT. Again, I think he rethought that statement, because of the reaction, actually, from Democrats in this House. Because we were not going to tolerate it.

But, I will tell you, he is shaking hands with the President of Iran who described the Holocaust as a hoax. In other words, our ally, I am not quite sure we should describe them as an ally now, but the gentleman that is the Prime Minister of Iraq is shaking hands with the Holocaust denier, the President of Iran.

By the way, it wasn't just a handshake, because you know what else was done? Agreements were signed. Agreements were signed, border agreements and bilateral military cooperation agreements were signed.

Mr. INSLEE. I want to point out something, why this is such a diabolical development that the President has given to the world and the United States, and that is it is very simple. We have folks in harm's way today, we have lost 2,600 of our finest men and women in Iraq, and it is very clear that we are not going to get those people out unless the leadership of Iraq and the Shiite factions finally reach an agreement regarding oil revenues with the Sunnis and the Kurds in Iraq. This picture is a picture of the friendship of the Shiite-led fundamentalist Iranian government essentially signing up with the Shiite-led faction of the government in Iraq, and this President has refused to drop the hammer on the government of Iraq to tell them that they have to make a deal about oil revenues right now and refusing to continue to keep our troops there in harm's way unless they do.

Because it is clear that unless this President makes very clear to the Shiites and the Sunnis and the Kurds that if they don't reach an agreement about oil revenue, which they are arguing about today, and have been arguing about for 3 years, we could be there for 500 years and not solve the problem. This President has simply allowed them to shake hands and not put pressure on them, not drop the hammer on them. That is what he has got to do, and he hasn't done it.

Mr. DELAHUNT. Do you know what is happening in Iraq, according to military personnel? They are telling us, in

reports that appear in the media, that it is unraveling in Iraq. But the Prime Minister has time to go to Iran, and, actually now, Iran is giving the Prime Minister some advice.

□ 1930

What he is suggesting is, everything will be good, the region will be stabilized. Let's just get the Americans out. That is his answer.

After hundreds of billions of dollars and the loss of more than 2,600 American personnel, this is where we are at: Mission accomplished, Mr. President. Right. Mission accomplished by finally doing what you said you would do. But you missed the wrong country. It isn't this country that you are uniting. You are dividing this country and uniting Iran and Iraq in a situation that portends danger for American national security. That is what is happening, Mr. Speaker.

Mr. INSLEE. I think when we talk about the wrong country, it has been the wrong country in two different ways. First, the President has united Iran, part of the ''axis of evil,'' with Iraq, rather than uniting America. He got the countries wrong in that regard.

But, more importantly, he got the countries wrong about which country is a nuclear threat to the United States of America. He invaded Iraq, when the nuclear threat to the United States of America is Iran. As a result of Mr. Bush's war, he has made the nuclear threat to the United States of America, Iran, more powerful by uniting it with Iraq, making Iran a more powerful figure in the Mideast by taking our eye off the ball, reducing our ability to build an international consensus to impose sanctions against Iran, because he invaded the wrong country.

Do you know what? I was so astounded that the Vice President of the United States made a statement last weekend that made me think there is some hallucinogen in the water that people are drinking in this administration when he said, and this is a paraphrase, it is not an exact quote, even if we knew that the weapons were in Iran, not in Iraq, that there was no relationship between Saddam Hussein and the attack on 9/11, that we were going to lose 2,600 troops dead and 15,000 injured, the destruction of our international coalition, even if I knew that all the things we told Americans were misstatements, were falsehoods, even with all of those falsehoods, I would have done just the same thing again.

That attitude, as long as that attitude prevails in this country, as long as we don't have a Congress to ride herd on those people in the White House, including the Vice President, our people are going to be in a dark, dark hole in Iraq. That is why we need a new Congress and a new government, to get a policy in Iraq, to get our people home.

Mr. DELAHUNT. With the end game being the forging of an alliance between Iran and Iraq, what we have done is, the policies of this administration, without a single question being posed by this majority, we have created a hegemony in the Middle East, and that is the Islamic Republic of Iran.

Don't think that this photo is the last time we will see these gentlemen together. The current prime minister during the Saddam Hussein years spent considerable time in Tehran and in Syria. I am not even blaming him.

Where is the administration? Where is the House International Relations Committee, which I serve on with my friend and colleague from California, DIANE WATSON? Why isn't there hearing after hearing after hearing asking these questions?

Mr. INSLEE. It is not us asking where Congress has been challenging these failures by the administration, it is our constituents. I went for a walk last weekend, and I ran across an old friend whose son is serving in Iraq today, and he has just been moved to Baghdad because we have stripped our forces from Al Anbar Province where they are needed to put them in Baghdad, because we have never had enough troops there to get the job done, the President has never been willing to do it. The mother of their child is also serving in Iraq, so they are essentially raising this 1-year-old.

He asked me this question: Why isn't anyone in Congress insisting that the President get serious about telling the Iraqi Shiites to strike a deal about oil with the Sunnis so they can finally form a real government and our troops can come home? Why isn't there anybody in Congress asking that question?

I said, Hal, I am happy to ask that question. He said, go do it. Be vocal about this. Make sure the administration gets their feet held to the fire, for my son and everybody else serving in Iraq.

So we are doing this tonight. But, frankly, we need a new majority in this House to do it with hearings. That is what we really need.

Mr. LARSON of Connecticut. Mr. Speaker, as Mr. DELAHUNT so eloquently pointed out, and has time and again, the Iraq Watch, which you four Members initiated along with Mr. ABERCROMBIE and Mr. KUCINICH, has done a great job for the Nation.

People often ask, why do you come down and speak in what is an empty Chamber? And my response is, out of love of country. It is for love of country that you get to ask the unwelcome questions to this administration. But in a one-party town where the administration controls every agency and both Houses of Congress, we can't penetrate through, except for all of those meetings that are taking place in town halls and at forums and now on the blogs, that people all across this country get it.

Someone who has gotten it throughout his entire career and someone who has served his Nation out of love of country and a great city is MAJOR OWENS. I would like to recognize him at this time.

Mr. OWENS. Mr. Speaker, I just want to associate myself with the remarks that I have heard made by my colleagues, and I particularly think that the point relating to the oil needs to be stressed more.

The American people are way out there ahead of us. We must run to catch up with them and provide greater leadership. We must focus in more on the problem of oil.

What is the problem with the negotiations on oil? Why can't we take a position that the distribution of oil should be guaranteed on a per capita basis of oil throughout Iraq, so the Iraqi citizens get the oil on the basis of where they live?

Also, understand, I don't know why we are so surprised, but there are two major religions in conflict there, Sunni and Shiite. They have always been in conflict. We have handed over that region to the Shiites, and it is inevitable that Iran will dominate that region. It is inevitable now that Iran will become a dominant force in the whole Middle East. We have done that. We blundered.

We should still take JOHN MURTHA's advice and get out, redeploy to the friendly nations, whatever we have to do, but we should not be stuck with more lives lost and more of our taxpayer money down the drain.

Mr. LARSON of Connecticut. I thank the gentleman from New York.

For the final word, our former senator and ambassador and now great Congresswoman from the City of Los Angeles, DIANE WATSON.

Ms. WATSON. Very quickly, I want to thank you, Mr. LARSON, for having us come to herald the fact that we are indulging in an unwinnable battle, because the war against terrorism is a war against an ideology, and the only way you are going to change an ideology is to change people's hearts and minds. You will never do that at the end of a barrel.

Thank you so much for gathering us.

Mr. LARSON of Connecticut. I thank the gentlewoman from California, and my distinguished colleagues from Massachusetts and Washington State.

THE REPUBLICAN VISION FOR THE NEXT CENTURY

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

Mr. TIAHRT. Mr. Speaker, it is a pleasure to be here tonight. We have some good discussions planned.

I am joined by the gentleman from California, Mr. DOOLITTLE. We want to take this opportunity to show some of the contrasts that are going on as far as the debates are concerned here on the floor of the House and across the Nation.

We have had some great opportunities for us to get together as Republicans and talk about our plans for the

future and pull together a vision for where we think this country ought to go. I thought I would just start out with giving us some of the words that have been agreed to by the Republican Conference to start our vision for the next century.

For the next century, the Republicans have agreed that we will promote the dignity and future of every individual by building a free society under a limited, accountable government that protects liberty, security and prosperity for a brighter American dream.

Mr. Speaker, we have looked through the material that is available from the minority leader's office and other publications. We have yet to find the vision that the Democrats are presenting. They have no such vision. They have been lately the ''party of no,'' and they have really developed no plan to lead this Nation.

We have uncovered some statements they have made on what they would like to do, and tonight we will be sharing those contrasts. One of the things we are going to start out with is talking about our economy.

President Bush said over and over again at the State of the Union that the state of our economy is strong, and today's economic numbers prove that. Our Nation has bounced back from the blow the economy took after the attacks from September 11, 2001. Our economy between September 11, 2001, and the end of 2001, in that short period, took a $2 trillion hit. Our economy was reduced by $2 trillion.

That is a lot of money. We don't write checks for $1 trillion. But to give you an idea, Mr. Speaker, of how much $1 trillion is, if you had started a business the day after Jesus Christ rose from the dead and made $1 million that first day with your business, and the next day you made another $1 million, and the next day until today, every day until today you made $1 million, in other words, $1 million a day for 2000 years is not yet $1 trillion. It is only about three-fourths of the way there. So this is a tremendous hit to our economy following September 11, 2001, a hit of over $2 trillion.

Now, since that time, we have done things under the leadership of the President and the Republican House to revive our economy. We cut taxes. We have held the line on regulations. We have looked at making sure that health care costs do not grow too fast. We have made some minor changes to litigation, to our liability. And we have seen the employment gains continue. In fact, in August, 128,000 new payroll jobs were created.

Today, there are more Americans working than ever before in the history of our Nation, and the average wage of those workers is higher than it has ever been in the history of our Nation. In fact, there are more homeowners today than ever before in the history of our Nation and more minority homeowners than ever before in the history of our Nation.

Total jobs created since August of 2003, after we saw the final bottom of the hit following September 11, 2001, since August of 2003 this economy has created 5.7 million new jobs and the unemployment rate is down to 4.7 percent. That is lower than the average of the 1990s, 1980s and the 1970s. It is a tremendous statement on the strength of our economy.

Many of you have noticed recently that gas prices are now down below $2.70 a gallon, in fact, in Wichita last week, I saw gas at Sam's Wholesale, gas for $2.259 per gallon. Now, that is a long ways down.

I remember seeing the articles in our newspapers across the Nation where it said gasoline prices, and an arrow was poking up in the air. They did rise. They rose up above $3 per gallon. But now, when gas prices are coming down, we are all waiting to see where is the article to say, Congratulations, Republicans, gas prices are down. Thank you for expanding our refineries. Thank you for expanding our production. Thank you for expediting the things through the regulatory process so we can get more product on the market so we can lower the prices of gasoline. Thank you for changing the number of boutique fuels, which shortened supply and made prices rise. The article was never printed. I haven't seen it.

But the fact is, energy prices are down, and they are down because of the policies of a Republican House, not down because of the naysaying Democrats, the obstructocrats, that have been trying to stop everything that has come through this House floor in the last year.

□ 1945

Majority Leader BOEHNER said that ''while Capitol Hill Democrats' rhetoric may be misleading, their hypocrisy always gives them away. There is a clear choice between Republicans who are working to enact serious reforms that grow our economy and reduce our deficit and Capitol Hill Democrats who want to spend more of America's taxpayer dollars on wasteful government programs as they see fit.''

Well, the economic recovery was successful even though the Democrats opposed the reforms every step of the way. And it is clear the Democrats have no clear plan to strengthen our economy, as Republicans do.

Now, off the Web site of the minority leader, there is a document that is available. It is called ''A New Direction for America.'' And in that they have their idea of how we are going to strengthen the economy. According to this document and according to the minority leader of the Democrats, prosperity for a better America and better pay: We are going to raise the Nation's minimum wage, and we are going to end the tax giveaways for companies that are moving oversees.

Let us just talk about those two things for just a little bit because I believe the best policy for America so that we can keep and create jobs is to free those who create jobs, free those who create jobs, and not punish them for doing things that are demanded by the marketplace.

Now, let us just talk a little bit about raising the minimum wage because the concept that we always hear is that this is not a livable wage and if you raise the minimum wage then people will have more money. They can have a livable income now. So we are going to raise it $1.15 an hour. Friends, that is not going to make a living wage. And the fact is, according to a Duke University study, the people they say they are trying to help actually become hindered and they do not get hired. In fact, the people who get hired are teenagers and people in their early 20s from middle-income families. They get hired instead of the working poor. So the minimum wage actually ends up punishing the working poor. And another interesting thing that they found out is that employers, when they are forced to pay more in wages, forced by the government to raise their wages, they come up with new innovations.

Have you ever been to your local grocery store and had the ability to check yourself out or gone to a Home Depot or to a Wal-Mart or to other businesses where you shop, you pick your products out of your basket, you run them across the scanner yourself, you stick in your credit card, you put your purchased products in your own bags, and then you load them up after you pay your bill and go out the door. What does that mean? That means there is no checker. Why is there no checker? Because we forced the minimum wage up so much that it is cheaper for that company to bring in this new automation because they cannot afford to pay the additional wages.

So the first step in their plan is to punish employers by forcing them with a new regulation on wages.

The second one is to end tax giveaways for people who have moved jobs overseas. Why do jobs go overseas? Why are we losing American jobs? It is really pretty interesting. I sat down with the CEO of Raytheon in Wichita, Kansas. He was moving 400 jobs over the border to Mexico. And I said to him, Have you looked at working with the union to make sure that we can save these jobs?

He said, Yes, we sat down. We did everything we could. We went to productivity. We tried new ideas. We sketched it all out. And he said, Todd, I realized that even if my workers came in and worked for me for free, I would still have to look at moving those jobs to Mexico.

Well, it dawned on me then it is not about wages. And from my previous experience I can verify that. I used to work at the Boeing Company. My job was to bring jobs into the Wichita area. When I was asked to bid a job, I had a predetermined rate that I could use based on a manufacturing hour or an engineering hour or a modification

hour for the Boeing Company in Wichita. And for a manufacturing hour, the going rate back in 1994 was $150 per hour, and yet the average wage was about $15 an hour. In other words, 10 percent of the cost of making a product in Wichita, Kansas was wages, and the other 90 percent, a large part of which was driven by the cost forced on that company and every company in America by the Federal Government, barriers placed on these businesses by the Federal Government, keeping them from being more competitive and creating and keeping more jobs.

I have something that we have been working on, the gentleman from California (Mr. DOOLITTLE) and I have been working on, in the Economic Competitive Caucus. We have decided that we can identify the areas where the Federal Government has created barriers to new jobs and we are going to try to eliminate those barriers. And one of the first ones that we are going to try to eliminate is the tax system that is so punitive on new jobs.

One of the things that is in the document the Democrats have is ending tax giveaways. We have very little ways that we can getting things done that we hope to see done. For example, we want to have alternative fuels in America. So what we have done is we have the process. We have used tax credits and tax relief to see that we have alternative fuel sources available. Well, the Democrats want to end these tax giveaways because they think they are just a giveaway. They want to hold that money and create more bureaucracy.

But we think we can get some better results if we trust these companies to take a little of their money and reinvest it into creating more jobs in America. So we want to change the tax system. We want it to be fair, and we want to see some tax relief because people do three things when they get a little extra money in their pocket: They save it or they spend it or they invest it. If they save it, that goes into saving accounts which create money for mortgages so people can go out and buy new homes. If they invest it, they invest it in companies that sell their stock. The companies take that stock and they build more facilities and they hire more people. That is also good for the economy. The third thing is they spend it. When they spend it, that is a demand for goods. Those goods then are off the shelf and they have to hire people and create new products and bring products in so that they can replace what has been taken from the shelf when people spend their money.

Mr. DOOLITTLE. Will the gentleman yield?

Mr. TIAHRT. I would be glad to yield to the gentleman from California.

Mr. DOOLITTLE. Talking about one of the big differences that we have between the Republicans and the Democrats in this House and in this Nation in terms of what goes on nationally here in Congress, there didn't used to be such a difference. In fact, President Kennedy said, ''A rising tide lifts all boats'' and promoted broad-based tax cuts to stimulate economic growth in the early 1960s upon taking office, and it definitely worked. I think with our colleagues on the other side of the aisle, the Democrats, they tend to view it as what they call a zero sum game. In other words, if somebody wins in that situation, that means somebody else has to lose.

And the thing I like about President Bush and the Republican policy is that we kind of harken back to the Reagan era and the Kennedy era, where we try to provide broad-based tax relief to everyone, recognizing that when we do that everyone will benefit, rich and poor. And that has happened, by the way. And, in fact, our standard of living is on the rise. And real after tax income, according to the figures I have, are up by 11 percent since December of 2000. That is substantially better than the gains following the last recession.

And I also note just in terms of the effects of tax relief that despite the collapse of the stock market and the commencement of a recession in 2000; the terrorist attacks of 2001, which we just commemorated here earlier this week, the fifth anniversary of 9/11; and the ongoing war against terror, the economy has expanded by more than $1 trillion since President Bush took office.

Our Speaker addressed this. I wrote this down a couple of years ago. He said our job is to leave this country a better place for our children and grandchildren, and I think that is really what it is all about.

And this is something I think is really unfortunate, that the two parties cannot come to better agreement on this because we have had that in the past. And right now there is such sharp division with the other party constantly clamoring. They are promising higher taxes. That is one of the planks in their presidential platform. It is one of the planks in many congressional candidates that are running this year. And whenever we hike taxes, it takes money out of the people's pocket and puts it in the pocket of the government and puts the money out of the families' control and into the hands of government bureaucrats. It seems to me that our policies empower the individual.

Taxes are way too high. Even after the Bush tax cuts, they are way too high and need to be cut further. And that is something that we constantly try to do as Republicans. I think every year, the Republican majority, we have introduced and passed bills to cut taxes. We are still trying to eliminate the horribly unfair death tax that is nothing more than a vicious socialistic scheme to punish the rich that was enacted back in the early part of the 20th century. We would be so much better off, as the gentleman observed, to change our tax system so that we are not all spending so much money to comply.

And I really appreciate the gentleman's efforts in leading this discussion tonight and look forward to work with him to improve economic competitiveness, to empower families and individuals, to reduce the burden of government on their lives.

By the way, the overwhelming impact of government regulation I think actually has a greater economic burden on families and individuals than direct taxation. I think it is astounding to see what this is costing us. When everybody wonders why are houses so expensive, you have got to look at all the built-in government regulation that causes the price to be probably 50 percent higher than it would need to be.

Mr. TIAHRT. And also in that regulation, it is all based on an adversarial system between government and the private sector.

One of the things that I look through is how we can improve the relationship between the Federal Government and how they do business with the private sector because everything is set up as an adversarial relationship. The EPA, for example, the Environmental Protection Agency, spends over half of their budget on lawyers. The reason they spend it on lawyers is because they are taking companies to court and suing them, and that means that these companies are spending more of their money just to defend themselves.

And we had a very good example happen in Wichita, Kansas about how the government could actually work as an advocate instead of an adversary and still get the accomplished goal completed. I got a call from the Wichita Area Builders Association, and they told me that the home building industry in Wichita, Kansas had been shut down. This was three summers ago. I started looking into it, and I found out that OSHA had targeted that county in South Central Kansas, Sedgwick County, where Wichita is located, and they brought all their personnel down there and they started going through all these job sites and writing citations and assessing fines, and everybody just left and went home. And as one subcontractor told me, he said, When I build a house, my portion is very small. I am just a framing contractor, and my profit is probably only about $2,500 per job as an average; so if I get a $5,000 fine, I may as well not go to work. So they have stayed home.

So I called up the regional director of OSHA, and I got them together with the people from Wichita, the Wichita Area Builders Association, and they worked out an agreement where OSHA would announce that they were coming and then they would go through the job site together with the contractor and make a list of any potential violations, and then they would leave them alone without any fines, any citations, and let them work out the problems. They would come back in 6 weeks and check on them. They did this. In the meantime the Wichita Area Builders Association hired someone out of the insurance industry that taught workplace safety, and he started sending them

around to job sites. At the job sites, they realized that the biggest problem that employers were facing was the inability to talk effectively with their workers. There was a language barrier. Many of the workers were Hispanic. They didn't have good English skills. And how do you tell somebody that you cannot prop a ladder up against a wall at 45 degrees, that you need to prop it up at 60 degrees? Well, if you don't have good language skills, it is difficult to do that. So they hired an interpreter to go around with this insurance safety engineer, visited all the job sites, and then they completed that process. OSHA came back and they found out that all the checklists had been completed and everybody was back to work. So here was an instance when OSHA, working with the private sector as an advocate for a safe workplace, brought everybody back to work. Costs were reduced. Everyone went back to work. The same goal was accomplished. The goal that OSHA has of a safe work environment and the goal that the workers have, keeping their workers from being injured and raising the Workers' Compensation claims.

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Mr. DOOLITTLE. You make a very, very good point, and I have occasionally seen a talented government official who is a problem solver. And so they get out of the adversarial mode where they are doing inspections and levying fines, and they are actually trying to create solutions for the businesses and the interests over whom they preside in order to make things work. We don't see that nearly often enough. And I think that is exactly the type of direction we need to move in.

All the business people I know and all the working people are trying to accomplish a good thing, and it is extremely unfortunate when the government gets so heavy-handed, and instead of solving the problem they create many more problems. We have had a lot of this in the environmental regulation area in the Sacramento region with, really, an unhelpful approach by certain Federal agencies.

I think that maybe the winds may be shifting a little bit after considerable prodding from the congressional delegation, and we may see a more friendly attitude in, say, the regulatory area of some of these agencies. And I certainly hope so, because I really like the example that you gave where you saw the good results that came from a different approach, where it is a helpful, solution-oriented approach as to this heavy-handed, traditional bureaucratic government, adversarial approach.

Mr. TIAHRT. And what is interesting is that when we have put this legislation together to codify the very example that I gave you before, Republicans are for that, the Democrats are against it. And here we see this, once again this contrast, and it goes through all eight barriers that have been created by Congress over the last generation. Most of these barriers, in fact probably 99 percent of them, were created under a Democrat Congress and we are still trying to undo the mess that has been done.

And, more recently, we are trying to make health care less expensive in America. We are trying to do it by innovative practices, by bringing market forces to bear on things like prescription drug and insurance sales. And one good example is associated health plans, where we would allow Americans in associations like your real estate agent or your insurance agents or farm bureau members, where they could join as an association to purchase health care. But the Democrats have opposed those innovative ideas because they want a single-payer plan. They want universal health care. They want socialized medicine.

Now, we have seen a lot of socialized medicine. We have seen it in the United Kingdom, we have seen it all through Europe, we have seen it in Cuba, we have seen it in Canada. In fact, if you look at our northern border, look at the hospitals in Seattle, Detroit, Buffalo, they are filled with Canadians who are unable to get health care in Canada. So they come down to America and they pay right out of their pockets; they are so glad to get it. But they have limited health care in all of these places, because if you have a single-payer plan it is like every contract is a cost-plus contract.

You know, the government right now, when they purchase things, they want to have a competitive contract. We see that whether they are buying tankers or toilet paper. They want a competitive contract. Why is that? Because when two companies compete, it brings the price down. When you have a single, sole-source contract which is based on all the costs plus a little profit on top of it, then there is a real incentive for all these people who are providing services to the government to drive up their costs higher and higher, because that means the profit margin, which is a percentage of cost, is greater and greater. So the costs go up dramatically.

And in socialized health care where it is a cost-plus contract for every service provider in health care, it drives the costs up, and so the government has no choice but to limit health care access.

And my dad is a good example. When he was 82 years old, because we have a free market system, he was able to get open-heart surgery. Had he been a Canadian citizen, he wouldn't be with me today. But he is 87 years old, he is healthy, he just had a trip to the West Coast, and he did that because he got open-heart surgery at age 82, something he could not have gotten in socialized medicine.

Our system is very good, but we have opposition in trying to make it more innovative and market responsive, from the Democrats.

Mr. DOOLITTLE. We do. We have some friends that lived in Germany, and when they would come over to the United States, one was an American citizen married to a German national, they would come over and they would spend the first day or two at the dentist's office, which I always thought was odd. That wouldn't be the first thing I would want to do if I came back home to the United States. But in Germany, you can't get preventive dental care, and so you have to wait until they have a tooth fall out or a cavity or something.

And it was real frustrating. They would come over and get their teeth cleaned and have different kinds of work done. But I always thought, what a strange thing.

You know, you hear about these socialistic single-payer systems; for years they were extolled. I think the glamour of this has sort of worn off. In fact, I have heard it said that those kinds of systems are great if you are healthy, but if you have a serious problem like you were talking about with your father, people come here, because we have the competition, we have the highly trained experts that can diagnose, that can treat, that can perform these miraculous types of surgeries.

And we need to improve the system because it still isn't really driven enough by market forces. And that is what really the seeds for transformation of the whole health care system, private and public, were in that Medicare prescription drug bill.

And you and I both know that the Democrat party did everything they could to deny the prescription drugs to senior citizens. Why? Because it is a good issue for them to not solve but to talk about and campaign upon.

And I have noticed they are very good about not solving things. I can't think of a single thing they have solved. But they are good about bringing up problems and stirring up emotions and promoting reasons why they should be elected. But we actually got that through, and it has just been very, very well received.

The premiums are actually dropping as a result of this Medicare prescription drug program. And what I really liked about it was, it contained for the first time the ability of any American in this country to invest money in a health savings account and to be able to get a tax deduction for it. And there has been a huge expansion in the number of health savings accounts as a result of that.

And my hope is, and our hope at the time we enacted it was that this would begin to put the consumer in charge of his own health care, and through competitive forces, finding out who was a quality provider and who offered the best price, you begin to bring the cost of health care down. And I think we really have a bright future in that area.

Mr. TIAHRT. That is an interesting concept, because the two things that we need the most in our economy are a good education system and a good

health care system, and those are the two things that the Democrats do not want to trust to the free market.

Mr. DOOLITTLE. And yet they talk about it all the time and blame us for being antihealth care and antieducation. And yet all the innovations that have occurred in the last dozen years have occurred under Republican leadership.

Mr. TIAHRT. I think a good example is phonics versus word recognition. They went through the education system, they went through the education bureaucracy that is controlled by the government, this concept that young kids just need to learn words. They don't need to learn phonics, they just need to learn words, and if they do that, they will have control of the English language.

Now, that kind of experiment wouldn't have gone very far if we had a competitive system for education where parents had the ability to take their money and choose their own school, because most parents didn't believe that using something other than phonics would work.

Now, this grand experiment about word recognition is gone now and we are back to phonics because it did not work. We have got thousands of kids across America that have a very difficult time reading. They have a hard time understanding new words, they have a difficult time pronouncing the words that they do know because they don't have a good grasp of phonics. Instead, they were taught under this archaic system that was forced on our kids by a bureaucratic, government-controlled system void of the free market.

On the side of health care—and by the way, the Republican Party is for the free market, they are for a new concept in education and they are for accountability, and it is a contrast from the Democrats.

Moving back to health care, what would it be like if you could go to a Web site and shop around for, say, a physical? You could see the list of doctors and what they bid for a physical and what services they would provide.

Right now, what the Democrats are proposing is a single-payer system where you are assigned a doctor, and that is where you go, and there is a set fee that he is going to be paid. And if your costs go above that, you may have your health care limited. So it is a different concept. In the two parts of our culture that we really need innovation because the future depends on it, we depend on health care, but we depend on our kids having a bright future by a good education. And yet the Democrats won't trust the free market system. In fact, they are really against the free market system on a lot of issues.

Let's go back for just a moment on energy, because I just want to show the contrast between what the Republican House has done and what the Democrats have tried to stop.

Mr. DOOLITTLE. Would you yield before you get to energy? Because I want to comment on that.

Mr. TIAHRT. I would be glad to yield.

Mr. DOOLITTLE. This is something I find that is very, very encouraging. Young people in general do trust the free market, and that is something that I find as a beacon of hope as they are coming up, because they are going to be the next generation that takes power. And I really think a lot of these heavy-handed sort of antifree market ideas which are embodied basically in a liberal Democrat philosophy, I just think that rings very hollow to the coming generation. And I take great hope in that.

Just before you go to energy, I want to mention, speaking of young people, education. One aspect of the President's No Child Left Behind plan, which we enacted in Congress, which we passed and he signed into law and became enacted into law, is competition in education.

You know, we have great schools in our area, and they were great before No Child Left Behind. In some ways there have been some unfortunate issues with that legislation for our areas, but one of the real areas of transformation has been in the inner city.

In no place, I think, have we seen greater success for lifting people out of a hopeless future and putting them into a situation where finally they are going to be able to compete with the skills that they are learning in school than in Washington, D.C. Washington, D.C. has more charter schools than any other place in the country. These charter schools are actually educating children.

When people do criticize the President's plan, I wish they would keep in mind that for the inner cities across this country this has brought a renaissance in education that has not been seen in this country for over 50 years. And in our inner cities we have had a lot of social problems festering that spill over into the suburbs in areas that you and I and many of us represent.

I just really want to commend the President. I really feel that he has made a huge difference improving the lives of people, young people and their parents, by encouraging accountability and encouraging competition in education. And I just want to say to the Nation at large, they really should look at Washington, D.C. to see what is happening here in the public schools, because opportunities have been created and lives have been blessed that never were before.

Mr. TIAHRT. When I first came to Congress, I was on the District of Columbia Subcommittee on Appropriations, and took some time to look at the D.C. schools. And in 1995, the dropout rate in Washington, D.C. schools was 60 percent. Six out of ten kids that started school never got to the graduation line.

Now, since we have made some changes, since President Bush has been involved with enhancing charter schools and since some of the private sector government involved with vouchers, we have seen the dropout rate go down. Now it is down to 47 percent, which is a significant improvement. But they have still got a long ways to go.

I cannot imagine the schools in Kansas tolerating a 47 percent dropout rate, but it is tolerated here for some reason. And the difference between 60 percent and 47 percent has been these Republican principles where the free markets got involved, either through vouchers or through charter schools, and giving these kids hope, hope that if they complete their high school degree, they will have a better future.

And I think that is a significant advancement, brought on by Republican policies and the free market system that have changed the education system right here in the District of Columbia; and we could see advances all across America if we could carry them out.

Mr. DOOLITTLE. And one of our former colleagues, Frank Riggs, has been a real leader in this charter schools movement, and he continues to be involved these days in the private sector for education now, and is still involved in a nonprofit involving charter schools.

I just think the Nation should be aware that this is a Republican idea that has been fostered, that has been legislated, and we are seeing clear results.

You yourself mentioned the dramatic decline. It has a ways to go, but someone once said it doesn't matter so much where you are as it does in which direction you are headed. And in education in the inner cities, we are headed in a positive direction, and it is positive for the first time in many decades. And we just have to keep up the positive flow in that area, and I think we will be blessed in many different ways in this Nation.

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Mr. TIAHRT. I want to go back to energy just a little to talk about the contrast about how the opposition the Democrat Party has made to trying to create jobs here in America.

The House has passed the Energy Policy Act, H.R. 6, with 183 Democrats, including the Democrat leadership, opposing this bill. In this bill was the advancement of production in the Alaskan National Wildlife Reserve, or ANWR, it is called for short. What is the term, the abbreviated term? It is an acronym.

Mr. DOOLITTLE. Arctic National Wildlife Refuge, ANWR.

Mr. TIAHRT. It is basically the North Slope of Alaska, which is approximately the size of California. There were also many other things in the Energy Policy Act. It included conservation, it included wind energy,

wind-generated electricity, for example, which we have about eight wind generating farms in Kansas today. It included ethanol production. It included research and development for hydrogen-based energy. It had a lot of good things in it, yet 183 Democrats, including the Democrat leadership, opposed that bill.

I have to tell you, Mr. Speaker, that the people of Kansas have been producing oil for over 100 years. In fact, just in August I was at Coffeyville Resources, in Coffeyville, Kansas, where they have had a refinery for 100 years. They were celebrating 100 years of producing gasoline. It was very interesting.

Now, contrast that to the Democrat policies of not drilling in ANWR. Here we have Kansas, and we think it is beautiful country. We love the people there. The production of oil is done in an environmentally safe manner. We all live there, our kids are healthy. In fact, we just had a couple in Kansas that celebrated their 80th wedding anniversary. Isn't that wonderful? An 80th wedding anniversary. Well, it is a healthy place to live.

But the Democrats didn't want us to drill in ANWR. ANWR is basically a frozen tundra, but it has been romanticized to be this glorious place with huge, beautiful green mountains and reindeer running everywhere, caribou everywhere, and polar bears everywhere. But basically it is a frozen tundra. It is moss on top of a flat plain. Well, all the space we were asking for in H.R. 6, the Energy Policy Act, was 1,600 acres.

That is about three sections. If you are a farmer, you know what a section is. It is a square mile. It is about three square miles, basically. That was all that was needed to produce oil, and oil that would make a significant reduction in the cost of gasoline in America. But it was opposed by the Democrats, the Energy Policy Act.

We passed a bill called the Refinery Permit Process Schedule Act, a piece of legislation that I worked on, to help us move the regulatory process along so that we could update our refineries. We haven't built a new refinery in this country for about, what, 25 years?

Mr. DOOLITTLE. Yes, that is right.

Mr. TIAHRT. So now we are trying to expand the ones we have now and accelerate the permit process. It was opposed by 176 Democrats. They did not want to see our refineries expanded, because they knew that would reduce the price of gasoline, and they are opposed to that. They smile when the gasoline prices are up; they frown when gasoline prices are down.

They also opposed the Deep Ocean Energy Resources Act. This is where we drill more than 100 miles off the shores of America. And 156 Democrats, including the Democrat leadership, opposed this bill of expanding our production so that we could reduce the cost of energy in America.

The Democrats have no plan for reducing energy other than just saying we are going to get rid of imported oil. Well, how do you do that? You have to impose, what, restrictions on trade? No, the better way to do it is to allow the free market system to work, develop new technologies, like cellulose ethanol.

I met this morning with a Kansas company that is going to develop a new technology for cellulose. And I want to tell you about that for a minute. Cellulose, or excuse me, ethanol today is produced from the kernel of a corn, is the example I use. The kernel of a corn. Once it is processed, there is a by-product they take to the feed lot, and it is very good for the cattle. Right now, the cost of ethanol is somewhere around $2 to produce, sometimes it is $3, based on how much they can get for their by-products. But if we can successfully develop this cellulose, they not only use the kernel, but they use the cob, they use the husk around it, they use the stalk, they use the tassel, and they can even use the root. And they can chop all that up and process it and use that cellulose to make the ethanol.

If the technology advances, as it is proposed, they can produce it not for $4 a gallon, not for $2 a gallon, but for $1.07 per gallon. Some believe they can get below $1. Can you imagine how nice it would be if we could go to the gas pump and buy E–85, 85 percent ethanol, 15 percent gas? Fifteen percent of that would be $3 a gallon, and 85 percent would be at $1 a gallon. What is the composition there? It is significantly lower than what we are seeing today. It would be below $2 a gallon. That would be a good step forward to reducing the cost of energy.

But those research and development policies, those new ideas were opposed by the Democrats. We are trying to lower the price of fuel; they are opposing us every step of the way.

Mr. DOOLITTLE. If the gentleman will yield. You know, ethanol is very exciting. The President has proposed the hydrogen initiative, which the burning of hydrogen has no by-product except good old H2O coming out of the tailpipe. These things, I know, sound futuristic, but, actually, hydrogen fuel cells exist. I drove a hand-built, million dollar Toyota Highlander around Roseville that was a hydrogen fuel cell. It was quiet and powerful. It was excellent.

Now, one of the problems that is not quite worked out is they do not have the longevity they need to have. But it is the Republicans' intent to get us completely off of petroleum. We shouldn't have to be dependent on something that comes from foreign countries, who, by the way, for the most part, are hostile foreign countries. And it is time that we, just as a matter of national security, get off of our dependence on oil.

We are moving, I am voting, and I believe you are too, just as fast as we can to get into something else. And there are some transitional technologies, like the gas-electric hybrids, like the E–85, like the vehicles that are battery powered that move people around their own local community. We have two such communities now that are approved for, I think they call them EAVs, and those are my communities of Rockland and Lincoln, which are both approved for that. We have the hydrogen area going on in Lake Tahoe, one of the five or six or eight areas in the country where they are doing research work on the fuel cells.

There are lots of exciting things. But in the meantime, though, as the gentleman pointed out initially, and we are going to push these alternative technologies, solar and wind and all of them as far and as fast as we can, but in the meantime, we need to continue to develop the new sources of petroleum.

One of the problems we have, as the gentleman observed, we haven't built new refineries in the last 25 years. It is true that we have expanded capacity within the existing locations, so that has helped us get through what would otherwise be an insurmountable problem. But the fact of the matter is that now third world countries like China and India are coming into their own. There is greatly increased competition for petroleum.

This country has increased its gasoline usage enough that if you have a natural disaster, like we had last year in the Gulf of Mexico, where we have quite a bit of refining capacity, then we don't have enough, and then there is a shortage and then the price goes way up. We ought to, just to protect our national security, develop more refinery sites.

And it is true that the Democrats tend to oppose this every step of the way. And what happens then, when we do get these huge price spikes, people need to understand that we could avoid a lot of that if we took some steps now and built some more refineries. We could avoid a lot of that if we would drill in ANWR. Fortunately, we made the biggest discovery of new oil in the gulf since the discovery of oil at Prudhoe Bay, and that just happened here in the last week, so that is very, very fortunate, but we ought to be enacting this deep water bill that Mr. POMBO has sponsored out of the Resources Committee because it would vastly increase the reserves of petroleum and natural gas and would lower the price for people in this country. And it would be a huge boon.

It is frustrating to see that there is such partisan antipathy towards, and almost unanimous opposition from the Democrats to us moving ahead. It just slows down our ability to get things done.

Mr. TIAHRT. And you are talking about the contrast that we have between the philosophy the Republicans have, trusting people, believing in the free market, and the philosophy that the Democrats and liberals have of telling people what to do because they are not smart enough themselves.

There is a real good article that was in today's Washington Post that was written by George Will, and it talks about a Wal-Mart that is located in Evergreen Park, Illinois. This is a suburb just a few miles from Chicago's city limit, and that suburb is 88 percent white. But at this Wal-Mart, 90 percent of the customers are African American.

Now, one of the women that were interviewed there was pushing a shopping cart, and she had a 3-year-old along, but she had kind of a chip on her shoulder. And she told this interviewer that, well, she applied for a job here and they didn't hire her because the person that was doing the hiring had an attitude. So the interviewer says, well, why are you here? And she looks at the questioner as though he was dimwitted, and directs his attention to the low prices at the DVDs on the rack next to her. Well, it turns out 25,000 people had applied for the 325 openings in that store.

Now, this really vexes the liberals, according to what Mr. Will says in his article, liberals, such as John Kerry. He called Wal-Mart disgraceful and symbolic of what is wrong with America. What is wrong with America.

That is kind of puzzling, because the median household income of Wal-Mart shoppers is under $40,000, but it is a huge job creator. In fact, they have 1.3 million jobs, almost as many as we have people in uniform for the entire U.S. Army. And according to a McKinsey Company study, Wal-Mart accounted for 13 percent of the Nation's productivity gains in the second half of the 1990s. In other words, Wal-Mart was one of the reasons the Clinton administration looked so good economically, yet they think that is what is exactly wrong with America.

The article goes on to say that they have accounted for more than $200 billion in savings a year, which dwarfs the government's programs for the poor, of food stamps of $28.6 billion and the earned income tax credit of only $34.6 billion. In other words, Wal-Mart has increased the standard of living for working poor people and people who earn below $40,000 here in America. In fact, people who buy their groceries at Wal-Mart save 17 percent.

Now, I am not here to advocate for Wal-Mart, but I am here advocating for the free market system and contrast the Democrat policies with the Republican policies.

The Chicago City Council, unconcerned about the sales tax they would get, passed a resolution saying that Wal-Mart would have to pay certain wages. They wanted to dictate the wages. They wanted to tell them what to do and to tell them what benefits they were going to give. Wal-Mart said, if you are going to do that, we are not going to build any stores in Chicago, so Mayor Daley vetoed that.

But the liberals think their campaign against Wal-Mart is a way of introducing the subject of class warfare in the American political process. They are more right than they realize, but it is not how they anticipated. Before they went after Wal-Mart, which has 127 million customers a week, they went after McDonald's and tried to sue them for people being too fat. They have 175 million customers per week.

Then, in an article written by the liberal magazine American Prospect, they gave full page ads talking about who was responsible for lies, deception, immorality, corruption, and the widespread labor, human rights, and environmental abuses, and having brought great hardship and despair to the people and communities throughout the world? What villain were they talking about? Were they talking about North Korea? No. Were they talking about the Bush administration? One would think that would be one of them, but, no. Were they talking about Fox News network? No. They were talking about Coca Cola.

The liberals are opposed to the free market system. They are opposed to a company like Coca Cola, which sells 2.5 billion servings of Coca Cola every week.

□ 2030

It goes on to say when the liberal Presidential nominees consistently failed to carry Kansas. And I am from Kansas. Liberals do not rush out to read the book titled, ''What's the Matter with Liberal Nominees.'' No, they look to a book turned into a best seller that is called, ''What's the Matter With Kansas?'' And it ends with saying, notice the pattern here, the book ''What's the Matter With Kansas?'' says that the people in Kansas don't get it.

They vote for conservatives, they should be voting for liberals. People are going to vote for people that they feel best represent their ideas of supporting the free market, personal liberty, trying to give them the opportunity to make their dreams come true.

Liberals want to tell even places like Wal-Mart and McDonald's and Coca-Cola and voters what to do. So there is a sharp contrast between the Republican and Democratic Parties.

It carries over into Federal spending control. Republicans have had strong plans to hold the line on nondefense, nonhomeland security spending. Even in time of war, when we have a threat of terrorism, we want to make sure that we protect this country. But when it comes to the other part of the government, we are holding the line on spending.

Last year, in the Appropriations Committee that Mr. DOOLITTLE and I serve on, we eliminated 53 programs, saving taxpayers $3.5 billion. We cut earmark spending by $3 billion without any legislation, and we passed, each year, our bills on time, under budget, and avoided massive year-end omnibus packages.

Mr. DOOLITTLE. Nondefense discretionary spending was cut for the first time in 19 years. Ronald Reagan was President the last time that happened.

Mr. TIAHRT. House Republicans also proposed 95 program terminations for a savings of $4 billion. This year, Members' requests for projects was reduced by 37 percent, and the dollars spent on projects declined in every spending bill. Overall, spending on Member projects was reduced by $7.5 billion this year.

Mr. DOOLITTLE. And the increase in mandatory spending, and two-thirds of the budget is mandatory spending, we slowed the growth rate of mandatory spending for the first time in 9 years. 1997 was the last time that happened.

Those are two huge accomplishments.

Mr. TIAHRT. Today, through the rules of the House, we enacted earmark reform to make sure there is clarity and visibility in what we are doing through the earmark process.

In contrast, the Democrats have no plan. They have not proposed any plan to improve mandatory spending programs. They have tried to add $45 billion in new spending in the Appropriations Committee alone. More was attempted to be added on the floor, and over the past 4 years, the Democrats, had they been in control, they would have increased discretionary spending by over $106 billion.

They voted against the Deficit Reduction Act. The Democrats unanimously voted against H.R. 4241 in November of 2005. The final vote was 217–215. The Republicans held the line on the deficit. We reduced it.

The Line Item Veto Act, which would save money, 156 Democrats, including the Democratic leadership, voted against it. The final vote was 247–172.

Earmark reform bill, H.R. 4975, Lobbying Accountability and Transparency Act, 192 Democrats were opposed to that act, including the leadership.

To make matters worse, they are eager to raise taxes which will have a horrible impact on the economy. They want more revenue to increase government spending. That is what they propose.

In our final time here, I want to talk a little bit about the September 11 resolution that was passed yesterday on the floor of the House and show the contrast.

JOHN BOEHNER said on Wednesday, when we adopted this overdue resolution marking the fifth anniversary, but only after a lengthy and partisan debate which further exposed the sour relationship between the Democrats and the Republicans, we finally passed the bill. Why was there some opposition to it? According to JANE HARMAN, a Democrat from California, ''I wish we could have considered a different resolution today.''

I thought we ought to spend a little time talking about that resolution.

House Resolution 994 was a commemoration of the fifth anniversary of September 11. Most was very generous and general in its verbiage. For example, the resolution, ''Expressing the

sense of the House of Representatives on the fifth anniversary of the terrorist attacks launched against the United States on September 11, 2001.'' No problem with that.

''Whereas on the morning of September 11, 2001, while Americans were attending their daily routines, terrorists hijacked four civilian aircraft, crashing two of them into the towers of the World Trade Center in New York City and a third into the Pentagon outside Washington.''

No problem there.

It talks about the nearly 3,000 lives that were lost and about how it was al Qaeda who declared war on us, which is all in the news and everybody agrees. Why was it controversial? It was controversial because the resolution talks about what the Republicans have accomplished to respond to the terrorist threat.

''Congress passed and the President signed numerous laws to assist victims, combat the forces of terrorism, protect the homeland and support members of the Armed Forces who defend American interests at home and abroad, including the U.S. PATRIOT Act of 2001 and its 2006 reauthorization, the Homeland Security Act of 2002, and the Enhanced Border Security and Visa Entry Reform Act of 2004, the Maritime Transportation Security Act of 2002, and the Intelligence Reform and Terrorism Prevention Act of 2004.''

Now the Democrats don't want the people in America to be reminded that Republicans have responded to the threat and passed good legislation which has become effective and now is making a difference. It is hard to argue with success. We have not had a successful attack in the United States of America since September 11, 2001.

I have heard it said on the floor, we are not safer than we were before September 11, 2001. I say we are safer than we were before September 11, 2001. Thanks to the Republican leadership and the President of the United States, thanks to the young men and women in uniform who have taken the fight to the terrorists.

This battle is going to be fought somewhere. The al Qaeda membership tells us that on their Web sites, in their interviews, and when we catch their data off laptops or printed material. They are going to bring this fight to us.

I observed an interview in Guantanamo Bay at the facility there. I heard through an interpreter what one al Qaeda member said while sipping tea while being interviewed. He said, ''When I get out of here,'' not if, but when, ''it is death to America, death to America, death to America.''

Now there are many people here that think we are going to be safe, these guys are just criminals. We don't need to be in Iraq. I have to tell you, for one, I hope that this war is fought over there where the terrorists are, where every American carries a gun instead of fighting it on the streets of Washington, D.C., or New York City or Wichita, Kansas. For us to get out of the Iraq early would be a horrible mistake.

The stated goals of al Qaeda and Al Zawahiri, the spiritual leader for bin Laden, he said our stated goal is to get the Americans out of Iraq. They could declare victory if we took the policies that the Democrats have been reporting of leaving Iraq and getting out. We have to complete this job.

There will be a time to leave Iraq when the country is a safe democracy, when it is controlling its own borders, when it is controlling its own criminals, when it has a government that continues to be effective as a democracy. That is when it is time for us to get out. We cannot afford to allow a safe haven for al Qaeda, and that is their stated goal. By pulling out early it would simply give them a victory and make us less safe.

This battle needs to be fought where every American carries a gun. That is what the 9/11 resolution was leading to. I supported this, but it was opposed on the floor by the Democratic leadership and the Democrats. But when the chips were down and everyone thought about November 7, a majority voted for this resolution.

Mr. DOOLITTLE. Osama bin Laden said the center of the war on terror is in Iraq, yet we hear Democrats asserting Iraq has no connection to the war on terror. Osama bin Laden declared that, and that is why we need to understand it is important that we succeed in Iraq against the terrorists.

Mr. TIAHRT. The policy of Howard Dean and many of the liberals in the Democratic Party has been, let's not fight them, let's not capture them, let's not interrogate them, let's not bother them. If we leave them alone, they will leave us alone. We knew, going back into the 1970s when we were leaving them alone, that they were going to come after us. They came after us in Lebanon in the 1980s and they killed 241 of our Marines. They went after our embassies in Africa, they went after the USS *Cole*, they went after the World Trade Center in 1993, and came back in 2001. And since then, even though this country has not been attacked on its home soil, there have been attempts.

Thanks to our police force, the United States Government, the CIA, the FBI, those who try to protect us, the President and his leadership, we have not had a successful attack by terrorists on American soil since September 11, 2001.

The policies proposed by the liberal Democrats are dangerous for America. The Republican policies will lead to a bright future where this country is safe, where the economy is strong, and where every American will have an opportunity to make their dreams come true. That is the stated goal of the Republican House. It was the very goal that we read, our vision for the future. I would like to close with that.

The vision statement is, ''We will promote the dignity and future of every individual by building a free society under a limited, accountable government that protects our liberty, security and prosperity for a brighter American dream.'' That is what the Republican Party is about. That is what the Republican-controlled House is about.

We are pleased that we can talk to the American public and the Speaker tonight about what we have been doing to show the contrast and carry out the possibility for every American to pursue their dream successfully.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes.

Mr. MEEK of Florida. Mr. Speaker, it is an honor to come before the House once again. As you know, the 30-Something Working Group has been coming to the floor for 3½ years with great intensity in the last 2 years because a lot has been happening to America versus for America as it relates to national policy in the area of health care, education, economic development, helping small businesses and large businesses provide health care insurance for their workers.

We can go from as large a company as General Motors having to cut back on their employee workforce and having to make major cutbacks at U.S. companies because of a lack of a policy dealing with health care. You can go all of the way down to the small business that only has 5 or 6 employees that are encouraging their employees to get on Medicaid because they can't afford to give them a package that is affordable for those individuals to provide health care insurance for their families.

Those of us in the 30-Something Working Group, we don't come to the floor to say Republicans, Democrats, Independents, what have you. We come to the floor to give the American people the straight talk and also Members of Congress straight talk about what they are not doing for their constituents and Americans in general.

We are the leader of the free world as it relates to a democracy, but our democracy and economy is suffering because of a lack of oversight, a lack of adhering to Article I, section 1, of the U.S. Constitution that says we are supposed to be the legislative body.

Mr. Speaker, I must say there are a number of Republican Members that are coming down to the floor because I can tell you, if I was on the majority side, I would be quite nervous right now. When the election is 50-some-odd days away and the American people are looking around and saying, why don't we have the essentials, such as a health care policy?

Why do we have a number of red and blue States suing the Federal Government over lack of funding for Leave No Child Behind?

Why do small businesses have to tell their employees to get on Medicaid, a government program, when they could provide health care insurance for their employees?

Why do we have veterans that are going to see a specialist at a VA hospital and have to wait over 3 weeks, in some instances 2 months, to see that specialist when they have a problem? Those individuals shed blood and watched their friends and colleagues and comrades die. Those individuals come here to the Washington Mall, right down the street from this Capitol, to see the names and sometimes visualize the faces of those individuals who lost their lives. These are individuals that may not have legs or arms. Some are living the memory of what they went through, but yet they have to stand in line.

If I was a part of the Republican majority, I would have an issue as relates to the wrong direction that they have led this country.

□ 2045

I wouldn't say the Republican majority has led the country in the wrong direction. They have followed the President in a rubber stamp atmosphere. They haven't stood up to the President and said Article I, section 1 of the U.S. Constitution says we have to legislate, we have to have oversight. So shall it be written, so shall it be done, by the President of the United States, and now we find ourselves in a situation that we have never been in the history of the United States of America. This is not political rhetoric, this is the fact. This is a fact.

Now we have a President that is running around here saying that he wants to privatize Social Security, if he has a Congress that would deliver it, a majority, in the next Congress. Now, I can tell you, the President came in, he had privatization, he had 2 privatization commissions that went out and tried to find information on how they can privatize Social Security.

We spent a lot of time in the first half of the of the 109th Congress last year trying out how we could please the President, the majority, how we could please the President by privatizing Social Security that would cut benefits for survivors, that would cut benefits for retirees and cut benefits for individuals that became disabled at the time of war.

The only winners in the privatization of Social Security would have been Wall Street to the tune of $530 billion. I can speak boldly here today. I don't have to look at notes, because I already know this. Those of us on the 30-Something Working Group had well over 1,000 townhall meetings throughout the country with a coalition of Americans, Democrats and Republicans to push back the President and the rubber stamp Congress and not allowing seniors not to have that security that they signed up for.

So I must say that this is not rhetoric, this is fact.

I just want to mention something, since I am joined here with my friend, Congresswoman DEBBIE WASSERMAN SCHULTZ and the 30–Something Working Group. We don't have to quote what Democrats have said about this Republican majority. We can quote the past Speaker of this House of Representatives, Newt Gingrich. There is not a day that you pick up the paper and he says he doesn't understand what is going on in Congress right now.

This is an individual, that led the quote, unquote, Republican revolution that took place. They were supposed to balance the budget, they were supposed to make sure that they have accountability, they were to make sure that they have maximum oversight. None of that has happened.

If I can just take, about, maybe 4 minutes, and just kind of go down the line, because I know the previous speakers kind of painted this picture that the Democrats are stopping something great from happening.

Well, I just want to break this down for the Members in case we don't understand the majority and minority rule here. We can't bring a bill to the floor, not that we don't have the desire to do so, it is because we are in the minority. The bottom line we are in the minority, especially in this partisan House of Representatives, because only the majority can allow bipartisanship, true bipartisanship. We have already said, if given the opportunity within a little bit over 50 days, that we would work in a bipartisan way starting in January, tackling the major issues.

Now, here are the facts, the only party in this House that has balanced the U.S. budget, the Democratic majority at that time, without one Republican vote. We balanced the budget. We were not borrowing from foreign nations. If someone wants to ask a question, why don't we have a true coalition in the war on Iraq? We don't we have the cooperation that we need to be able to go after Osama bin Laden and Afghanistan where poppy plants, I must say, Ms. WASSERMAN SCHULTZ, is the main funder of the al Qaeda network in Afghanistan.

Meanwhile, we have troops and coalition forces that are saying that we need help, and we cannot respond. The reason why we cannot respond, because we have this war of choice in Iraq. Over 2,000 Americans have lost their lives, the second largest coalition there outside of, without looking at notes, without looking at notes, the largest coalition that is there outside of the U.S. forces are, what, U.S. contractors, at the tune of over $300 billion that has already been spent on the war, as far as I can see.

Republicans on the majority side are saying, the super majority of Republicans, because I do believe a few of them have spoken out on the fact that we need a plan in Iraq. The plan is, is what the President has said, stay the course. If I was a CEO of a company, and we overspend, mismanagement, scandals as it relates to U.S. stockholders, I would say to the U.S. taxpayers in our case that have lost money, report after report, attacks are up in Iraq.

We have the President of Iran and the Prime Minister of Iraq, look at this right here. It is not a handshake, this is embracing. These two countries were at war. I have been to Iraq.

I have gone in the parade stadium that Saddam Hussein had where the helmets are embedded in the ground there as you march into that parade stadium, stepping on the helmets of Iranian soldiers, that they defeated Iran in past conflicts, and, look. This is the Prime Minister of Iraq that came and spoke at that podium, here, that the U.S. taxpayers paid for, democracy over 224 years, came there and spoke to this U.S. Congress in a joint session.

I was sitting right there. I remember it vividly. He had very disparaging comments to say as it relates to Israel, and he has gone on to Iran. What happened at that meeting, Ms. WASSERMAN SCHULTZ? He said, we have a bond, we have cooperation, and we are going to work together as it relates to defense for the region.

Here is a man, the President of Iran, that has said, I want to debate the U.S. President. Not only do I want to debate the U.S. President, we are willing to do everything that we have to do, and he has nuclear weapons right now that are in development that are pointed at our allies in the Middle East and could be a threat to the United States of America.

When we started talking about the facts, we have a notebook of facts. As a matter of fact, we have a whole milk carton here of facts. The fact is that the Republican majority can't come when they have full control. It couldn't be better. It could not be better. How can you have the majority in the Senate, a majority in the U.S. House, the presidency of the United States of America, all of the cabinet secretaries are on board, and it is a streamline. It is a streamline of rubber stamping.

The President sits in the Oval Office, and we have evidence that the private sector is welcome to the Oval Office, those individuals, special interests, I wouldn't say private sector, I say special interests that are sitting at the table, that are taking out their pens and writing policy, and they send it to Capitol Hill.

When they send it to Capitol Hill, they are met at the front door. The Republican leadership says, Mr. President, if you say that this is the right thing to do, without a hearing, if a hearing even takes place, because we have had bills that have come through the door of the U.S. Capitol, and have been on the floor by the afternoon, this brings a whole new meaning, Members,

to that old cartoon that says, I am just a bill on Capitol Hill, and it goes through a process.

Guess what, that whole cartoon has to change now, because that is not the case. It talks about the House and the Senate, and it says it goes to the President, the President vetoes it, it comes back to the House and Senate, they want an override, and it becomes law.

But in this new version on Capitol Hill, first of all it starts with the writing of the bill of a special interest here in Washington, D.C. The special interests write the bill and someone over in the White House says, oh, would you, okay. That is fine. This is good. Okay, done. That is not a democracy. It comes here, and it goes through the process, and it starts with a special interest. So we have to rewrite that cartoon.

I look forward to Ms. WASSERMAN SCHULTZ. You said tonight you wanted to talk a little bit about the homeland. You ran out of time last night as to some of the facts.

I also have some other facts over here, but I think it is very, very important, as we start looking at www.HouseDemocrats.gov/30Something, our whole plan as it relates to moving America in a new direction versus the wrong direction. Like I said at the beginning, I would be very nervous if I was a Member of the majority side. I would be very nervous, and I would run down to the floor and take every minute that I can take, every hour that I can take on the floor, trying to come up with the words of how they explain why things are not what they should be in the war in Iraq, in Afghanistan as it relates to, you know, Osama bin Laden releasing audiotapes and members of his regime, audiotapes constantly, videotapes, why we don't have health care in America, why do we have a number of red and blue States suing the government, lack of Federal education funding, why small businesses can't provide health care, why we have an out-of-control deficit.

Why don't we have bipartisanship here in the U.S. House of Representatives that the American people have asked for? Why do we have veterans that are waiting for weeks, months sometimes, for health care?

Why, in our own words, why aren't we dealing with meaningful legislation in the last 8 days of this Congress?

Ms. WASSERMAN SCHULTZ. Thank you very much to my good friend, Mr. MEEK from Florida, friend and neighbor. It is funny, before we started this hour for our 30-Something Working Group, we had an opportunity to listen to our good friends on the other side of the aisle, and their rhetoric.

I was reminded of the Doug Flutie ''Hail Mary'' pass. I think Mr. Flutie played for the New England Patriots in that game, and it was that ''Hail Mary'' pass that was pretty darn memorable.

Mr. MEEK of Florida. Actually it was Boston College, and it was with the University of Miami.

Ms. WASSERMAN SCHULTZ. You are right. I stand corrected. You are probably a little bit more accurate on your football knowledge than I am. But I do remember the Doug Flutie ''Hail Mary'' pass.

That is what our colleagues on the other side of the aisle are engaged in at this point, they are out of options. They are trying the tired path of scare tactics to try to convince the American people that they are actually the ones who are strongest on national security and homeland security.

There is just too much evidence mounted against them that is transparent and apparent to the American people, that they see it every single day. All anyone has to do is turn on the news, any channel, any hour that the news is on, to see that things aren't going so well and ''stay the course.'' All ''stay the course'' amounts to is a slogan, not a strategy.

If ''stay the course'' is their strategy, then I feel incredibly confident about what will happen 54 days from now. Everywhere I go, and I have been all over the country, so have you in recent weeks and months, people, even the most conservative individuals who I have had an opportunity to talk to, are dumbfounded that the Republicans have led us down this path, and are trying to lead people in America to believe that they are moving us in the right direction on protecting our Homeland.

Monday was the 5-year anniversary, as you mentioned, of September 11. I was home, and I mentioned the last couple of nights that I was home with our first responders commemorating that tragic set of events. One of the most disturbing things, what we did was we actually did a roundtable with our first responders and sat down and asked them, where are we 5 years later? Are all the things that we said and identified that were problems in the aftermath of 9/11, have they been addressed, are we working on them, what do you still need?

We really have to listen, that is our job, because we need to listen to our first responders and find out from them what is really going on the ground. I remember, I am sure you do too, that one of the most significant problems that was identified that has been talked about across this country is the interoperability, which is a word that is difficult to understand. That means the inability for the first responders on 9/11 to communicate with each other while the event was unfolding.

That was one of the major, major recommendations of the bipartisan 9/11 Commission that we had to fund and improve the interoperability so that across all of the jurisdiction, all of the intelligence and law enforcement jurisdictions, that there could be communication.

□ 2100

The FBI couldn't talk to the firefighters, couldn't talk to the police officers. And today, 5 years later, that is still not in place. Even though it was a recommendation of the 9/11 Commission. And it boils down to funding. You have to fund it. There is no way around it, there is no other way to accomplish it.

But what are we doing instead? What are we spending our money on? Let's look at what the war in Iraq currently costs.

Currently we are spending $8.4 billion with a B a month. We are spending $1.9 billion per week in Iraq on this war, $275 million per day, $11.5 million per hour.

Mr. MEEK of Florida. We are going to lay this on the table here, so the U.S. taxpayers know what they are paying for and also the Members know what they are paying for.

Ms. WASSERMAN SCHULTZ. Let's remember this picture. We have funded this relationship. We have made this relationship between the Prime Minister of Iraq and the President of Iran, we have made that happen. These were sworn enemies. During our formative years Mr. MEEK, Iraq and Iran were at war, bitter locked-horns war. If you recall, it was the Sunnis led by Saddam Hussein in Iraq versus the Shiites in Iran.

What has occurred is that we have done by our actions in Iraq what thousands of years could not accomplish. We have basically upended the stability that existed there and brought the Shiites into control, and basically created a hotbed of chaos and terrorism that didn't exist before.

Now, our colleagues on the other side of the aisle and President Bush would like very much to lead the American people and the international community to believe that the war on terror actually exists in Iraq. But every international expert that has weighed in on this insists that that is not the case; that the chaos that exists there now was created and that the war on terror doesn't need to be fought in Iraq. The way we fight the war on terror is making sure that the homeland is secure. But we can't do that, because our priorities are in the wrong place and we are spending this kind of money in Iraq.

I could stand here and make these claims all day long, but nobody would identify me as an expert on terrorism or on the conflict, the war in Iraq. I am a Member of Congress, elected to represent my constituents.

So let's turn to the people that we did ask to identify the problems in the aftermath of 9/11 and the war on terror and the things we needed to do to protect our homeland, The bipartisan 9/11 Commission, which was chaired by former Governor Tom Kean of New Jersey, a very well respected Republican, and former Member of Congress Lee Hamilton, a very well respected former

Member of Congress. All the commissioners on there were chosen for their expertise.

Let me just go through what they said on Monday. They wrote a public opinion piece, an op-ed that was published in the Boston Globe and I know many other papers, and what they said this:

''As we mark the fifth anniversary of the terrorist attacks, Americans ask, are we safer? Two years ago the 9/11 Commission found that our government failed in its duty to protect us. The commission, which the two of us led, made 41 recommendations to ensure that this Nation does everything possible to protect its people. Many of our recommendations, including those to reorganize the intelligence community, were written into law, yet no law is self-executing. Implementation is often the harder step.''

And, boy do we know that, because it is the Congress' job to implement. All the recommendations in the world can come down from experts, but if Congress doesn't pass a law, like you said, the schoolhouse rock explanation of it has to go through the legislative process, it has to pass the committees, it has to pass both houses in the same form and go up to the President and he has to sign it, that hasn't happened.

What they said is, ''We issued a report card on our recommendations in December. It included 10 C's, 12 D's and 4 F's. What we argued then is still true now, Americans are safer, but we are not yet safe.''

That was the one question that I got the most often on Monday, Mr. MEEK, was, ''DEBBIE, are we safer?'' I got asked that question by the press, I got asked that question by constituents, and the answer from the people that would know, the chairs of the 9/11 Commission, was we are safer, but we are not yet safe. Now, that is not a ringing endorsement over our efforts in the last 5 years.

So they asked, what do we need to do, because that is what people want to know.

''First, homeland security dollars must be allocated wisely. Right now those funds are spread around like revenue sharing projects.''

We had our friends on the other side of the aisle claim that they passed this remarkable earmark reform legislation today, which essentially only identifies a few individuals and ties them to the projects that they proposed. But basically what the 9/11 Commission is saying is that there are a bunch of little projects that Members have been able to insert into the process, but no regional or comprehensive approach to appropriating homeland security dollars so that you can get the really big, significant projects accomplished, like interoperability.

''Until Congress passes a law to allocate funding on the basis of risks and vulnerabilities, scarce dollars will continue to be squandered.'' This is Tom Kean and Lee Hamilton's words, not ours.

''Second, States and localities need to have emergency response plans and practice them regularly. Hurricane Katrina taught us a lesson that we should have learned from September 11: From the moment disaster strikes, all first responders need to know what to do and who is in charge.'' And if the directions were coming down from the Department of Homeland Security and Secretary Chertoff and there was a plan in place and we had our priorities right, then they would know that. But there isn't.

''Third, we called on Congress to give first responders a slice of the broadcast spectrum ideal for emergency communications.'' Again, the interpretability so they could communicate with each other.

''Those frequencies, which easily carry messages through concrete and steel, are now held by TV broadcasters and will not be turned over to first responders until 2009.'' What are we waiting for? They ask, ''Why should public safety wait another 3 years?''

''Fourth, progress on information sharing among government agencies is still lagging. Because of failures in this area, we missed many chances to disrupt the September 11 plot. The Federal Government is doing a better job, but there are still turf fights and gaps in information sharing, especially with State and local authorities.''

Mr. MEEK, that was one of the things that was the most striking to me on Monday when I sat with our first responders in South Florida. What they said was that only 15 percent of their funding for homeland security comes from us, from the Federal Government. Eight-five percent of what they were able to accomplish in the last 5 years was only due to the fact that our sheriff's office and our county have been very cooperative and stepped up to the plate and gotten what they needed to do done. But there is a long way for them to go, and there is no excuse for only 15 percent of the funding coming from the Federal Government to secure our homeland, except that we have billions of dollars going over to Iraq.

''Fifth, FBI reform is moving in the right direction, but far too slowly. Problems continue to plague the Bureau. Inadequate information technology, deficiencies in analytical capabilities and too much turnover in the workforce and Bureau leadership. The bureau still struggles.

''Sixth, we have taken a special interest in the Privacy and Civil Liberties Oversight Board, which we recommended and the Congress created. The importance of a second opinion before the executive branch goes ahead with controversial information gathering measures is essential.''

That just has not occurred. In fact, the majority is moving in the opposite direction.

''Seventh, we still do not screen passengers against a comprehensive terrorism watch list before they get on airplanes. The sensible answer is for the government to do the name checking. Right now, airlines screen passengers against an incomplete list.''

How is that possible? What I have noticed and what Americans really, if they were asked, if we went out of this Chamber and walked down the street and we asked most Americans what they can identify as the most tangible thing we have done to improve our homeland security, they would probably answer that they have to remove their shoes before they walk through a metal detector and they have to check their Coke at the door.

We cannot rest our homeland security, the sum total of it, on taking off your shoes and not taking your Coke on the plane. We have to go much further than that. We don't check the cargo that goes in the belly of the airplane, we check less than 5 percent of the containers that go through our ports, and we have some graphical depictions of that as well.

Look at this. Less than 6 percent of U.S. cargo is physically inspected; 95 percent is not inspected.

Let's take a look at some other statistics. This Republican Congress has shortchanged port security by more than $6 billion. The Coast Guard indicated after 9/11 when they talked about how much they needed for the Maritime Transportation Security Act that they needed more than $7 billion. We have appropriated $900 million, Mr. MEEK. The facts are all there. The words are spoken on the other side, but the facts just don't back it up.

I am going to go through the last couple of items, because this is so damning. And this isn't coming from Democrats, this is coming from the bipartisan chairs of the 9/11 Commission, and they wrote this Monday.

''Eighth, security is not just a question of airplane procedures,'' like I was just saying. ''The fundamental problem is radicalization in the Muslim world. The enduring threat is not Osama bin Laden, but young Muslims without jobs or hope who are angry with their governments, who don't like the war in Iraq or U.S. foreign policy. We need to do a better job reaching out to the Muslim world so that America is seen as a source of hope and opportunity, not despair.''

Now, one of the worst things that has happened since our invasion of Iraq is the decline in the perception of America's standing in the world. We have so degraded our relationships with foreign nations and world leaders and the perception of America has so badly deteriorated that you have young Muslims and young individuals across the globe who have a view of America that is the opposite of what kids worldwide and individuals worldwide looked at America when President Kennedy, President Johnson, President Reagan were in office.

What this administration and this President have done to the perception of America internationally is abominable.

''Ninth, Congress needs to reform itself.'' Now, this is very interesting. This is one of the most particularly damming recommendations and criticisms coming from the 9/11 Commission chairs.

''Congress has provided powerful powers to the executive branch in order to protect the Nation. To protect our freedoms, it now needs to be an effective check on the executive. Because so much information is classified, Congress is the only source of independent oversight on intelligence and homeland security issues. The oversight committees need stronger powers over budgets and jurisdiction.''

That says it all right there, Mr. MEEK. The leadership of this Congress, the Republican leadership of this Congress, has ceded the Congress's oversight authority to the executive branch. They have thrown up their hands and given up and said, you do whatever you want, because what are they, Mr. MEEK? They are a rubber stamp Republican Congress and they do whatever the administration wants. They lay down and do whatever they ask. And it even shocks the conscience of the chairs of the bipartisan 9/11 Commission.

When the Founding Fathers wrote the Constitution, they wrote it so that there would be a system of checks and balances, so that we are a coequal branch of government. Only this administration and this leadership in this Congress don't seem to want to adhere to that.

''Finally,'' they say in this piece, ''preventing terrorists from gaining access to nuclear weapons must be elevated against all other problems of national security.'' Just like you were referring to a few minutes ago.

They ignore North Korea, they ignore Iran. They are doing a lot of handwringing over Iran because we are spread so thin militarily, and, Mr. MEEK, you are on the Homeland Security Committee, you would know better than anybody else, that we are spread so thin militarily that we don't even have all the tools in our arsenal available to us, because we are all over the place worldwide militarily.

''Nuclear terrorism would have a devastating impact. The commission called for a maximum effort against this threat, including stepped up efforts to secure loose nuclear materials abroad, and our current efforts fall far short.''

They close by saying, ''We will surely face more terrorist attacks, yet our sense of national urgency is lacking. Our elected leaders need to act now to provide for the common defense, because the terrorists will not wait.''

If that isn't a damning indictment of our efforts in homeland security and the Republicans' inaction, then I don't know what is.

Mr. MEEK of Florida. Well, Ms. WASSERMAN SCHULTZ, I think it is important for me to just share some information with the Members, Mr. Speaker, is the fact that what Ms. WASSERMAN SCHULTZ has just gone through is not only factual, it wasn't written by the Democratic minority, it wasn't written by some person over at the Democratic National Committee. This is from the 9/11 Commission, and they just recently released it, a bipartisan commission.

Number two, it is almost not fair, Mr. Speaker, for us to share this information, not only with the Members, but with others, because it is so accurate and it is unfortunate that it is accurate. At no other time in the history of this country have we found ourselves in this posture.

□ 2115

Now, Members can come to the floor and start talking about what we are going to do with other countries. We owe other countries money. We are borrowing from other countries like we have never borrowed before in the history of the Republic, and that is the reason why we feel encouraged to come to the floor night after night, day after day, week after week, month after month, year after year, and put it on printed paper in the CONGRESSIONAL RECORD. So when historians look at this time and wonder where was the U.S. Congress when all this was happening, I believe that historians are going to look back on this time and say the American people rose up, Democrats, Republicans, independents, those that could not vote that made themselves eligible to vote to stop this from happening.

Now, Ms. WASSERMAN SCHULTZ mentioned something about military preparedness and the fact that we cannot even respond to other issues that may happen in the world. I am on the Armed Services Committee, and we come to the floor to conduct serious business. This is not some sort of news show where someone asks you a question, some sort of trick question, and you try to respond within 3 minutes. This is the U.S. Congress. This is not a 501(c)(3). I talked about that last night.

What we have here, Mr. Speaker, is a rubber stamp Congress that is willing to rubber stamp anything that the President sends to Capitol Hill. It is very unfortunate that this is the case. And because of that, we have ourselves in this situation.

Under the leadership of the President and the Secretary Rumsfeld, U.S. military readiness has dropped to historic lows. The U.S. Army readiness, in particular, has dropped to levels not seen since 1970 and will continue to be stressed by combat in Iraq which falls most heavily on the Army and Marine Corps. Two-thirds of army operating force, active and reserve, is now reporting in as unready, and there is not a single nondeployment of an army brigade combat team in the United States of America that is ready to be deployed.

What is the reference point here? It is not the Democratic National Committee. It is not even the Democratic Caucus. It is the National Security Advisory Group. When? August 1 of 2006. These are individuals that are supposed to be the watchdog of national security. That is with what they are saying.

How did this happen, Mr. Speaker? It didn't happen because the Army and Marines said, Hey, we want to overextend ourselves and we want to put ourselves in a position to where every brigade has been deployed to Iraq. This is the situation that we are in when we go alone.

Now, let us just put Iraq aside just for a second. When you look at the testimony and those retired generals that are now free to say whatever they want to say since they are no longer in the Department of Defense, and, Mr. Speaker, I must say for the record, Secretary Rumsfeld just said recently, the last couple of days, anyone who comes to him about the issue of redeployment within the Department of Defense can go find another job, in so many words. Was there a chairperson of a subcommittee in Armed Services or the Appropriations Committee as it relates to armed services, the Department of Defense? Was there the Chair of the full Committee on Appropriations in the U.S. House? Was there a Chair of the Armed Services Committee that said wait a minute, hold it, I am sorry? Is this the same administration and the same Secretary of Defense that said we take our lead from the commanders in the field and from those experts that wear the uniform that have made a statement such as that? If I was a four-star general, a three-star general, or want to be a three-star general, a two-star general or a brigadier general or a colonel that wants to one day become a colonel, I think I may step back and say, well, one of two things. Either I am going to be quiet in the Department of Defense in this democracy that we call the United States of America or I am going to retire. Guess what. These generals have retired and they are talking, and they are talking about their frustration. These heroes for our country are now taking it upon themselves because they allowed us to this point to salute one flag, and they said they will give up their careers and they will step out of the Department of Defense to be able to let the American people know what is going on.

Look at these generals. Look at them. You would have some Members of Congress who say why are they speaking against the Department of Defense? Why aren't they still in the fight? Well, they are in a fight for democracy and the truth. They are in a fight to make sure that the American people know exactly what is going on. They are in a fight for the very reason why people have fought and died for this country to allow the American people to know better.

Now, let me just mention something very quickly because I want to make

sure that all of the Members know exactly what they need to know as it relates to the national security plan. Real Security, housedemocrats.gov/30something. You can go on there and get the Real Security plan.

Energy independence. Folks talk about Saudi Arabia. We, the Democratic Caucus here in this House, want to invest in the Midwest versus the Middle East. We want to use our natural resources. We want to use coal. We want to use E–85, which can be made out of corn and what have here in the United States of America. Energizing America. Go on housedemocrats.gov.

You want to talk about innovation? You want to talk about education? You want to talk about domestic issues? You want to even see quotes from CEOs, Democrats, Republicans, and independents, that are trying to find a workforce innovating America? You want broadband access throughout America? We are nowhere close to where the Republican majority and the White House have said we are going to be as it relates to broadband. Right here: Innovation Agenda.

We have six points, Mr. Speaker, in 2006 to make sure that American people know that we have the will and the desire to lead this country in a new direction versus the wrong direction. This is not talk. This is action. There are bills right now filed in the 109th Congress in this second session that will deal with the issue of education, health care, national security, the war in Iraq.

We have a plan for the war in Iraq. What is the Republican majority plan? Stay the course? That is one line. Stay the course. Stay the course what? What is your plan? Where is the coalition? You are in control. It is almost like someone driving a car and you are a passenger in the car. You are trying to grab the wheel, but meanwhile someone is there hitting your arm, saying, ''You can't grab the wheel because we are in charge. We paid for this car. We are moving this car in this direction, and this is what we are going to do.'' And the bottom line is that may be okay in a trip from Washington, D.C. to Richmond, Virginia, but it is not okay when you are talking about the United States of America and protecting America.

You want to talk about what we want to do as it relates to homeland security? We want to implement what Ms. WASSERMAN SCHULTZ talked about, the bipartisan commission, the full 9/11 recommendations. What are they? Well, we have got individuals going to the plane, giving up hand sanitizers, guzzling down water, taking off shoes, belts, and what have you, having to leave a picture frame or something there at the Transportation Security Agency, TSA, there at the gate. Meanwhile a container comes in on a truck, a cargo container, goes right in the belly of the plane. It could be packed full of explosives. We will never know.

But it does not satisfy me in any way to come to the floor after a terrorist attack happens to say I told you so. That is not what the point is here. The point is it is protecting America by doing what the 9/11 Commission called for.

What else did they call for? Something very simple. Other countries are doing it. A 100 percent container check on cargo ships that are coming into the ports of the United States of America. Oh, wow, that is something simple. That are then loaded on trucks and that are going out to the United States of America in towns and cities and counties and urban areas throughout America. The terrorists are patient, very patient. 9/11 took a long time to plan. Why should we wait to learn what the terrorists' new plan may be?

There are Members on this floor that are making personal attacks on other Members of Congress. What are those personal attacks? Well, you know, we feel that the Democrats are holding us back and are they for the terrorists or are they for the United States of America? That is silly. I am just going to go ahead and say that is silly. I won't even go so far as saying that the Republican majority is helping the terrorists. I wouldn't say anything like that. But that is what happens, Ms. WASSERMAN SCHULTZ, when you are gasping for air. When it is desperation.

Ms. WASSERMAN SCHULTZ. Doug Flutie.

Mr. MEEK of Florida. Thank you. A Doug Flutie Hail Mary pass when the clock has now hit almost 0:00 and trying to sensationalize a speech or just saying that, well, I will just say this even though it is not true. I know it is not true. And we even have Republican leaders that have made those kinds of statements and have been asked by the press about them and then said, well, I didn't really mean that, but they thought it was important for them to say it here in the CONGRESSIONAL RECORD in the House of Representatives for several generations to see beyond this one.

So I think it is important, Mr. Speaker, that we talk about the facts. And if I can for just a moment, the fact is this: We borrow from foreign countries like we have never borrowed before. And I think it is important that I pull this chart out.

This Republican Congress and President Bush, and he couldn't do it by himself, borrowed in 4 years $1.05 trillion; versus 42 Presidents, 224 years in the history of this country, have been only able to borrow 1.01. I will say that until the 109th Congress and beyond because in the 110th Congress, if the American people will see fit, we will pull this chart out again and we will talk about our guarantee to knock this number down. Forty-two Presidents, 224 years, World War I, World War II, other conflicts, the Great Depression, you name it, it has been a part of the history of this country. One the President, one Congress, $1.05 trillion, and counting, borrowing from foreign nations.

Mr. Speaker, where did we get these numbers from? Why don't we start with the U.S. Department of Treasury. Who are the countries? Let us look at this: Japan, coming in at a whopping $682.8 billion. China, coming in at $249.8 billion.

We have Members coming to the floor talking about we are going to be the superpower and economic power of the world. Guess what. We owe these people money. How could we go to them with a straight face and say this is what we are going to do and this is how we are going to do it because we are the United States of America? First of all, you need to let go of the money that you owe me as a country. You owe us. That is almost like going to your next-door neighbor and borrowing $300 and then coming to them and telling them about what kind of plants they should be planting in front of their house. How can you tell them, Mr. Speaker, when you owe them money? First of all, you can't even get into the conversation about what they should do and how they should do it as a country and working in whatever cooperation it may be. It could be a G–8 summit. It could be an issue dealing with the environment. They are going to say, First of all, before you even get that out, now that you are finished, when are you going to pay back this $682.8 billion you owe me as a country and my people?

So the Republican majority, with the White House, has placed us in a situation that we have never been in before. This is a rubber stamp. The Republican majority knows it. It is on the floor every night. Just like this mike is here, this Republican rubber stamp is here.

Mr. Speaker, one guarantee. When the Democrats take control of this House, we are going to have a ceremony maybe about 150 yards away from the Capitol building so that we can burn this rubber stamp, so that we can then hold up the Constitution, so that we can hold up article I, section 1 of the U.S. Constitution and say we will legislate. We will have oversight. We will not have Katrina contractors running away with U.S. tax dollars. We will not have a farm field full of trailers and meanwhile we have people in Mississippi and Louisiana homeless. This will not happen. We will not wait, as the Federal Government, for 3 to 4 days and watch people suffer on international television and then come back to Washington, DC, saying that we are sending blankets and ice and we just started.

□ 2130

We will be there for the American people. This Constitution here, Article I, section 1, of this Constitution says that we have the legislative powers of this country and it lands here in the Congress, the Congress that consists of

the House and the Senate. But we cannot do it in a rubber-stamp atmosphere. If there is a Republican, Independent, Green Party, Democrat, somebody that is thinking about voting, somebody that is about to turn 18, they have to have a problem, Mr. Speaker, in the way this country is being operated.

Now, I am going to turn this over to Ms. WASSERMAN SCHULTZ in a minute, but let's talk about dollars and cents, if we can talk a little bit about the whole domestic piece, the priorities.

There are some people that would love for us to talk about the war in Iraq. Well, guess what, there is pain and suffering that is going on right here in the United States of America every day from community to community, need it be a parish or a county, need it be a city or a town, or need it be a suburb, they are going through real issues.

Talk about the minimum wage. Here is a sheet right here, Mr. Speaker. This year alone, nine attempts by the Democratic Caucus to raise the minimum wage in America that has not been raised since 1997. Since 1997, $5.15 an hour. You know, it is very, very unfortunate, Mr. Speaker, that that is the fact. The Democratic plan that we have been pushing for a very long time is to move it from that number up to $7.25.

But look what happened, Ms. WASSERMAN SCHULTZ. You would think these are minimum wage increases. Oh, no, Ms. WASSERMAN SCHULTZ, Mr. Speaker. These are Members of Congress. Oh, yes. We are starting to buy a couple of new suits, a couple of St. Johns.

I am not calling anyone out, I am just saying that is what it is. And the bottom line is that since 1997, the Republican majority has been in control, they have been getting paid, and I mean paid, every year. And I am going to tell you, as a Member of Congress that has to keep a home in Miami and one here in Washington, D.C., it is a strain on Members of Congress.

And you know something, I don't think the American people have a real huge problem with the issue of Members of Congress being able to support their families, this, that, and the other. But when we don't support them, when we don't have their back, then that is the problem.

And I know, Ms. WASSERMAN SCHULTZ, you are dying to get in on this, but let me just mention this. 1998, $3,100 for Members of Congress, zero for the American people. $4,600 for U.S. Members of Congress, zero for the American people. $3,800, zero for the American people. $4,900, zero for the American people. 2003 on to 2006, you see the numbers. 2006, $3,100, zero for the American people.

Now, let me just make sure I am factual, Mr. Speaker, because that is what we do in the 30-Something Working Group, because this is not about dancing in the end zone. The Republican Congress brought up a bill talking about the minimum wage, and they put together a bill that would not see the light of day in the U.S. Senate, would never see the desk of the President of the United States. But just to say that we passed a bill off the floor, that is what they wanted to do. Well, we called it the Potomac Two-Step.

And the bottom line is this, Mr. Speaker. The American people, they don't want slogans, they don't want talk; they want action. And this Republican Congress has not put forth the action.

Now, to let you know in very blunt terms as I yield to Ms. WASSERMAN SCHULTZ, we are going to go 5 minutes and 5 minutes. I am into almost my fifth minute here, but I am going to turn it over to you.

Let me just say this. Within the first 100 days of a House majority by the Democrats, the minimum wage will be raised, period. Not a lot of talking, not a lot of dancing around. The bill is already filed in this Congress. But, guess what, the Republican majority doesn't have the will or the desire to pass it.

And this is what it means for salaried workers: If the minimum wage moves up to 7.25, then you will see workers that are on salary that are making over the minimum wage, their wages will nine times out of ten go up. Because to be able to get a workforce to what businesses need, they need to pay their workers; that will then help hopefully pay for the cost of health care that they have to pay. Some folks have to make the decision, am I going to have health care or am I going to live? And that is very, very unfortunate. But what has happened in this situation is that the Republican majority has guaranteed that the minimum wage will never be raised, will never deal with the issue of health care because there won't be any dollars to deal with it.

So I think it is important, Mr. Speaker, to know exactly where we stand. Homeland security, fully implementing the 9/11 recommendations. Border security agents, the President sent to this Capitol Hill 216 in his budget; we ask for 2,000 border agents to be able to protect our borders just like the 9/11 Commission called for. If they were to implement the Democratic amendments that came to this floor that were voted down in a partisan way, the majority took over, we would have 6,000 new border agents working now on the U.S. border.

So when Members come to the floor on the majority side, on the Republican side and start talking about, oh, we are tough because we say we are tough. And the Democrats, they are holding us back. They are in the majority; that is not true.

I will go ahead and say it: That is not true, Mr. Speaker. And the bottom line is that, the fact is that we have come to this floor to bring about real security in this country; and we will in a new Congress if the Democrats are in control.

Ms. WASSERMAN SCHULTZ.

Ms. WASSERMAN SCHULTZ. Thank you, Mr. MEEK. And I didn't ask the gentleman to yield because you were on such a roll, and you did such an incredible job of laying out the difference between what their priorities are and continuing to run in place, or where we would take us, which is a new direction for America.

The bottom line is that on every measure, on homeland security, on the economy and jobs and the energy crisis, because there is no other way to describe when you have to spend more than $50 to fill up the average tank of gas, there is no other way to describe it except as a crisis. When you have that situation facing you, when you have 46 million Americans who lack health insurance, which means when they are sick they can't go to the doctor; when you have a President who is hell bent on privatizing Social Security and yanking the rug out from under seniors who have worked their entire lives so that they have a floor of dignity holding them, so that they don't have to worry about choosing between medicine and meals, then we have got to make sure that we come to this floor every night and that we talk about the direction that we would take them and that we would take this country.

Because we would invest in new alternative energy, we would invest our resources in new alternative energy research. We would make sure that the rhetoric that the President issued to us during the State of the Union, where he said we have to end America's addiction on foreign oil, that was just words with no action, that we will actually make that investment and invest in the Midwest, in ethanol and corn production and in our State and other States across the country that produce sugar so that we can really make a commitment to disconnecting ourselves from our dependence on foreign oil; so that we can actually make sure that we pass a prescription drug plan and change the one that the Republicans wrote for the pharmaceutical industry as opposed to the senior citizens that desperately needed the assistance, that we rewrite that plan so that seniors have the ability to pay for their drugs, so that there is no doughnut hole that on September 22 our constituents are going to be falling through and having an unbelievably difficult time climbing out of. Those are the things that we would do.

After November 7, the new direction for America that we will take this country in will restore that dignity to senior citizens, will make sure that we create a prescription drug program that provides them with the prescription drug assistance that they need, that will invest in the Midwest, that will expand access to health care, that will make sure that we can pass stem cell research into law, and restore the accountability that this Congress should have been exercising and the oversight that we should have been exercising.

I mean, really, why have a Congress? The way it has been operating since I have been here, Mr. MEEK, and I have been here almost 2 full years now, why have a legislative branch? The rubber stamp, the rubber stamp that is used here by the Republicans and their leadership, you know, it makes having a Congress essentially unnecessary because they just do whatever the administration wants anyway.

Listen, I could go home and spend a lot more time with my family than come here and waste our time on naming post offices and banning horse slaughtering. And not that those things aren't important; they are important to some people, but they are not the priorities of this country. They are not the priorities of the people when we go walking down the street in our communities and when I go and take my kids to their soccer game and to dance class, when I get in my car and drive my minivan around town.

The people that I talk to, they don't get it. They are scratching their heads, and they don't understand the rhetoric that is coming out of here without any action, and they are yearning and begging us to give them a new direction. We have got to provide them with that new direction.

Mr. MEEK, we come to this floor every night as the 30-something Working Group, and I know we are about to wrap up here as we approach the end of our 60 minutes. We really appreciate the opportunity that Leader PELOSI gives us every night. And I want to direct our colleagues to our Web site, our 30-something Web site, www.housedemocrats.gov/30something. All of the charts that we have had out here are available on that Web site, and we encourage folks to e-mail us with comments and our colleagues to e-mail us with comments.

Mr. MEEK, I yield to you.

Mr. MEEK of Florida. Thank you, Ms. WASSERMAN SCHULTZ.

I want to thank the 30-Something Working Group for all the hard work. And we will be back next week, Mr. Speaker. We would like to thank the Democratic leader for allowing us to have the time.

NATIONAL SECURITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, I appreciate the privilege and the honor of addressing you here on the floor of the House of Representatives.

I was listening to the presentation by the 30-Something Group here over the last hour, and quite often it redirects the message that I intend to come down to this floor to discuss, and of course this evening is no different.

Being a proud and committed member of the Republican Party, and when I hear continually the message, rubber-stamp Congress, rubber-stamp Congress come out over here, and in the same breath the question, the President wants to privatize Social Security.

I don't know anybody that has advocated for the privatization of Social Security. I don't think you can find any seated Member of the Republican Congress or the President himself that has said, I want to privatize Social Security. So that is a scare tactic that is designed to spook people, but it surely is not something that is an objective revelation of the truth.

The President did, though, invest significant capital in reform of Social Security. It was the centerpiece in his second inaugural address. And after his second inaugural address, with great optimism and enthusiasm, the President went out and invested month after month after month in an effort to reform a Social Security program that will ultimately collapse, reform it for, not for the senior citizens. There was nothing in his proposal for the people who were 55 years old and up. There is not a way that we can make the actuarial numbers change that.

We keep our faith and keep our sacred covenant with the senior citizens. That is something that is clear throughout everybody in this Republican Conference and all the people that are involved in this policy that I know of: Keep the faith with the senior citizens.

I represent perhaps the most senior congressional district in America. Iowa has the largest percentage of its population over the age of 85 of any of the States in the Union, and in the congressional district that I represent, the 32 counties in western Iowa, I have 10 of the 12 most senior counties in Iowa. So I will argue that I represent a higher percentage of seniors perhaps than anyone else in the country. And yet they understand that we will keep our sacred covenant with the seniors. We will hold those benefits together.

There was nothing proposed by the President, nothing introduced by any member of this Republican Conference that would have reduced by a single dime, one single benefit to any senior citizen.

What was proposed was that a portion of young people's contributions to Social Security could go into a personal retirement account, a controlled account, the kind of an account that would be an approved account that would be the same thing as the Federal Retirement Investment Funds that many of us are part of, many Federal employees are a part of. In fact, all of them that have the ability to direct some of their funds into retirement do invest into that.

It was a wise and a prudent proposal. It was something that looked downrange. We know that Social Security starts to go into the red in about 2016, 2017. There is $1.7 trillion in the Social Security trust fund. It is only a promise; they are only IOUs in a filing cabinet in Parkersburg, West Virginia. That money will have to be paid back out of the labor of our children someday.

But the surplus growth stops in 2017 and it begins to decline until about 2042, where it is gone.

□ 2145

At that point, something has to happen. The President's looking downrange. A lot of us have looked downrange. We didn't get to change the Social Security program as much as we would have liked to, we didn't propose to for our senior citizens, because you simply cannot do that because there is not time to grow funds.

So the proposal was for whom? Mr. Speaker, I will submit the proposal that the President burned up so much precious political capital on was for the 30-something group, and the 20-something group, and the teen-something group, and the younger-than-teen-something group, and for all generations yet to be born in America to be able to own a part of their own future, to be able to invest that and to be able to count on the same type of returns we have guaranteed as a sacred covenant to our seniors. That is what that is about.

And that is why it is so ironic that the 30-something group has rejected the very thing that is designed for their generation and mischaracterized it in a very cynical fashion and called it the privatization of Social Security. It is anything but. But it would be and it is still the best and only legitimate policy that has been offered before this Congress that can bring us out of almost certain bankruptcy of Social Security downrange, at a point where it will not be a factor to our senior citizens but for the 30-something group who have rejected it and decided to scare everyone in America for cynical political reasons.

The statement was also made by the gentleman from Florida that the only party that has balanced the budget is the Democratic Party, and that was without a single Republican vote. How can a statement like that be passed off here on the floor and not be challenged? We know when the budget was balanced. It was balanced after and only after Republicans took the majority in the United States Congress. And that happened in 1994.

I will say that the young people that came in here in this Congress and took over the majority in 1994 were committed, fiscally responsible people that came here to make a difference, and they did. They squeezed that budget down, Mr. Speaker. They challenged President Clinton, Mr. Speaker, and they took this thing down to the point where President Clinton refused to allow a continuing resolution that would have kept the government operating. The government was shut down not because Republicans spent too much money, Mr. Speaker, but because they hadn't spent enough money. And so the challenge laid. Government was shut down. Who would have to give in?

Finally, Republicans said, okay, we will give you a little more money, Mr. President, if that is what it takes to keep the government running, to keep things open, to keep services going to needy people. We will keep the government running by giving you some more money. And in spite of that, they still balanced the budget. The Republican majority in this Congress balanced the budget in spite of President Clinton, not because of him. And it sure in the world was not without a single Republican vote. It was only with Republican votes.

I guess I will say that it was with Republican leadership and Republican votes and perhaps some on the other side of the aisle did vote for that. They might make that argument, so I will just concede that point. But it surely wasn't Democrats balancing this, and it wasn't without a single Republican vote.

Again, the allegation: A streamline of rubber stamping. Think about that statement. Mr. Speaker, a streamline of rubber stamping. This Republican Congress rubber stamping the President? If that had been the case, the 30-something group and the rest of America would have had Social Security reform. They would have had the kind of program that would have allowed the younger generations to take a portion of their contributions and invest them so that they could ensure their own financial security.

If it had been a rubber stamp Congress, the President would have gotten what he wanted with Social Security reform, and I would have loved to have given it to him, because it was a good plan and a good proposal. But there wasn't a rubber stamp because there were enough Republicans that were, I will say, attacked relentlessly in their political campaigns by these kind of scare tactics that intimidated them to the point where they backed away from the Social Security reform, and we didn't quite have the 218 votes to do the thing that was best for America.

No rubber stamp for the President, because this Congress does think for itself. It is 435 independent minds, and it is 230 or 231 Republicans that absolutely come here with a mission in mind and they draw their own conclusions. They represent their districts and they represent the people in their districts and their carry their values here. We didn't have enough of a consensus. And I am frustrated. I would have liked to have rubber stamped that, because I had a chance to look at it and it was a good program, but we couldn't do it.

Then, if this is a rubber stamp Congress, it seems to me that the President came before the American people on about January 6 of 2004 and he made a speech that I will call the guest worker speech, and it was a major policy speech on what the President would have liked to have seen with immigration. Now, he did speak somewhat to enforcement, but I never got the thread in that speech that that was the message at all. He wanted a guest worker, temporary worker program. And he said without that, we can't enforce the law on the rest of the criminals and the drug dealers that are coming across the border.

I don't agree with him on that. I think we have to cut down on that huge 4 million annual number of illegals, that huge human haystack coming across the border, and we have to seal the border. We have taken steps to do that today. But if the President would have had a rubber stamp Congress, he would have long ago, when he asked for a guest worker program from this Congress, and he went out hustling across this country, speaking over and over again of the need for a guest worker and temporary worker program, he would have had that. He would have had it a long time ago, Mr. Speaker, if this had been a rubber stamp Congress.

So there are three powerful things really wrong with the earlier statements. The rubber stamp itself is utterly wrong. We would have had Social Security if it had been a rubber stamp Congress and we would have had a guest worker program if it was a rubber stamp Congress. It was not. And those are probably two of the highest priorities the President has brought to this Congress in the 109th Congress, and neither one are law today or likely to become law any time soon.

Let me say also that when I listened to the gentleman from Florida say we have to rewrite that cartoon, that is a caricature that comes out here on the floor of Congress on a regular basis. He says I also have some facts over here. Well, I don't think the word also is going to apply, because from what I saw, they were not facts. They were not even solid opinions.

Then another statement that was made by the gentleman from Florida was, we don't have health care in America. We don't have health care in America? There is nobody in America that doesn't have health care, Mr. Speaker. Everyone has access to health care, including the 12 or 22 million illegals that come into this country and show up at our emergency rooms. Everyone has access to health care. No one is denied emergency health care.

Yes, there are people that are uninsured, and maybe more would be insured if someone was ever denied health care, but they are not, because we are a compassionate Nation and we take care of people in this country. We do not slam the door at any clinic or any hospital in the emergency room when people need help. We, at a minimum, stabilize them and, generally, we provide them with adequate care.

As a matter of fact, it isn't just people in America that have access to health care. It is people that live on our borders who have access to free American health care. A case in point would be that several months ago I was down on the southern border at Sasabe, Arizona, and there at the port of entry station, as I walked in there to talk to some of the border patrol officers, and as I was speaking with the commander of that shift, we had only spoken for a minute or two when he got an emergency call and he said, excuse me, I have to take care of this. So he stepped away and made some calls, and when he came back he said, well, there has been a knifing on the other side of the border, just within a mile or so.

There is a community on the south side there that comes right up to the border. And, yes, it is a smugglers' community, and it swells by about 2,000 during the day, and those 2,000 disappear at night and a new bunch comes back again. They smuggle drugs through in holes through our border. A couple points to the east and a couple points to the west of that port of entry that allows legal traffic through, and perhaps 150 to 180 vehicles a day come through that port of entry at Sasabe, Arizona, and the estimate is that two crossings east and two crossings west, all four of them have more illegal traffic than there is legal traffic going through Sasabe.

But there, when I stood in Sasabe, Arizona, there was the emergency call. The commander of that shift made the calls and found out that there had been a fight on the other side of the border, and likely was over a drug deal, and that there was a young male individual, say in his early 20s, who was knifed over there and the ambulance was coming from Mexico into the United States. So our border patrol agent, and this being a routine act that happens, as he told me perhaps four times a quarter, so 16 times a year. What are the odds I would be standing there when that happened? But he made the calls. Routine.

He called two U.S. ambulances to come to that port of entry to meet the Mexican ambulance that was coming across the border, and he called the helicopter out of Tucson to come down and pick him up so they could life flight that person, of questionable character, who had been knifed in a fight that was likely over a drug conflict, life flight him up to the University Mercy Hospital at Tucson.

Well, as I stood there, we talked about that, and the two ambulances he had called from the U.S. arrived, I would say shortly after the ambulance came in from Mexico. It was about 15 minutes for the ambulance from Mexico and perhaps 25 minutes for the ambulances to come from the U.S. to that port of entry. The Mexican ambulance was just simply a meat wagon. It looked like an ambulance on the outside. On the inside there was a gurney and a wounded young male that had been knifed underneath the rubs up into the liver. At the time they didn't know if he had a punctured lung or not, but he needed oxygen. The U.S. ambulances had oxygen; the Mexican ambulance did not. The Mexican ambulance had surgical gloves and maybe a touch

or two of bandages here or there. No medicine, no oxygen, hardly anything to treat him with.

So the U.S. ambulances came in, they put oxygen on him, stabilized his condition, and got him to where he had as much care as they could provide. Then the helicopter landed, they loaded him on it and took him off to Tucson to the Intensive Care Unit up there. This was a Mexican national, wounded in a fight in Mexico, brought into the United States for health care through the port of entry, and the word is ''paroled'' to the hospital in the United States for the purposes of saving his life.

And the medical people did save his life. And I don't object to that. I don't think you can let people die. We do not let them die. We don't let them die outside the emergency rooms of our hospitals or our clinics. In fact, we bring people into the United States on a ''parole'' to give them free health care in order to save their life because we are a humanitarian nation.

The statement that we don't have health care in America couldn't be more false. Not only do we have health care for everyone in America, we have health care for people that are wounded outside of America and brought in here when we know there isn't a chance in the world they will pay a single dime for that.

And, by the way, I went to the hospital the next day to visit that individual, and I looked at the accounting on the cost, and it was roughly $30,000 to fix him up and send him back to his home country. He was a rough looking individual, but he looked a lot better the next day than he did the night he was knifed in the liver.

So health care for everybody in America. Health care for people outside of America. It is false to say people don't have health care.

The picture of the handshake between Prime Minister Nouri Al-Maliki and Mahmoud Ahmadinejad. Because they shook hands, somehow the implication is, or the 30-something group would have you believe that that is some kind of a bond between Iraq and Iran and now they are going to conspire against the United States. For what purpose?

First, I would submit that I have shaken hands with a lot of people, and I generally smile when I do that. I would wonder if there is anyone that serves in this Congress, out of the 435, that hasn't at some point shaken hands with their opponent in their political race. Doesn't mean they are your enemy. They are not. They are just your opponent. But we shake hands with all kinds of people, and the implication cannot be drawn because that two national leaders shook hands that somehow they are conspiring. Not at all.

What one can presume from that is that they have diplomatic relations, Mr. Speaker. And those diplomatic relations, then, can turn into something good rather than something bad. From 1980 until 1988, the Iranians and the Iraqis fought each other, and over a million people were killed in that conflict. I don't think anyone in the world wants to see that again. I am glad they are shaking hands. I don't expect they are conspiring. In fact, I don't think so because I listened to the speech that was given here on the floor of this Congress by Prime Minister Nouri Al-Maliki.

And the statement was made by the gentleman from Florida that the Prime Minister said bad things about Israel here on this floor. So I took the trouble to download the speech and read every single word in this and looked for any reference to Israel whatsoever, good or bad.

□ 2200

Mr. Speaker, I am going to include this for the RECORD and challenge anyone in America to find a reference to Israel in this speech by Prime Minister Maliki. If they can find some oblique reference, I would be very interested in what he might have said that could be interpreted by the gentleman from Florida as being a bad thing about Israel.

As I read through the speech, I found some interesting statements that should be brought up, rebuttals to the remarks made as the picture was held up here tonight.

One of the statements by Prime Minister Maliki was, speaking of September 11, ''Your loss on that day was a loss of all mankind, and our loss today is a loss for all free people.''

He continued, ''And wherever humankind suffers a loss at the hands of terrorists, it is a loss of all humanity.'' We are bound in this together.

He continued, ''It is your duty and our duty to defeat this terror. Iraq is the front line in this struggle, and history will prove that the sacrifices of Iraqis for freedom will not be in vain. Iraqis are your allies in the war on terror.''

Do you think Admadinejad might have downloaded the speech? He has to be aware of this because this speech was as public as anything that the Prime Minister of Iraq has ever done. I am proud of the words he spoke here, and he could feel that he meant it.

He spoke about, history will record the bravery and the humanity, but he said the fate of your country and ours is tied. The fate of Iraq and that of the United States is tied.

''Should democracy be allowed to fail in Iraq and terror permitted to triumph, then the war on terror will never be won elsewhere.''

Mr. Speaker, this statement, made by Prime Minister Maliki here on the floor of this Congress not that long ago, July 26, 2006, is a seminal statement of this global war on terror and the seminal statement of the political campaigns that are going on between now and November 7, because the American people need to understand what happens if we don't persevere and ultimately succeed with a free country in Iraq.

Prime Minister Maliki's statement: The fate of our country and yours is tied; should democracy be allowed to fail in Iraq and terror permitted to triumph, then the war on terror will never be won elsewhere. Think of the implications of that statement, ''The war on terror will never be won elsewhere,'' Mr. Speaker. If we should not persevere in Iraq, as many on this side of the aisle would like to do, sack up their bats and go home, that is the attitude I pick up, they are trying to convince us we cannot prevail.

In fact, I happened to have read at least significant parts of von Clausewitz's book on war. He states that the object of war is to destroy the enemy's will and ability to conduct war. The enemy's will and ability to conduct war, I reduce that down into the Steve King vernacular, which is, a war is over when the losing side realizes they have lost.

There is will and ability as stipulated by von Clausewitz in his book on war, and part of the object of war is to destroy their ability militarily to conduct war and to destroy their will. When they run out of men and material, it breaks their will down.

But the strength of the will to conduct war is an integral part of the strength of a nation. If you can break down that will, it is cheaper to break down the will than the military. It is cheaper in lives, it is cheaper in treasure. So a very essential part of conducting war is to destroy the enemy's will to fight.

Instead, we have people on the floor of this Congress, Mr. Speaker, that continually, every opportunity they get, come down here, and they must forget, at least that is the best characterization I can come up with, they must forget when they speak here, Mr. Speaker, their words are taken down and their words are reflected across through the Internet. Their words are transmitted around the world. And the leaders of our enemy, al Qaeda and other terrorist groups, as well as their rank-and-file members, are watching on al-Jazeera. They are watching on the Internet. They are watching as these words unfold, and they are encouraged by the words of defeat that I hear on the other side of the aisle. In the end, it costs American lives.

But Prime Minister Maliki of Iraq said the war on war will never be won elsewhere should we allow ourselves to fail in Iraq.

Imagine if we deployed troops out of Iraq, pulled them back inside this shore, curled America into a fetal position and guarded every school, every baseball game and football game, every bus stop and hospital, and still watched the attacks come, especially on our women and children, turn the United States of America into one huge Israel. But no matter where terrorists attack us, we could never launch another foreign exposition because politically we

could not get it out of this Congress because they would point and say, it is another Iraq. Look, we lost in Iraq.

Some of the people on the other side of the aisle went to Iraq and surrendered before we liberated them. Now they are redefining what failure is and saying, I predicted it.

We cannot let this country fail, Mr. Speaker. We have a destiny that we need to fulfill and that destiny promotes freedom throughout the globe and throughout the ages.

Maliki said in his speech, Iraqis have tasted freedom and we will defend it absolutely. He was interrupted with thunderous applause for that statement. And he reached out to us and let us know that it is radical Islam, not Islam, that is our enemy. He gave us a line from the Koran. He said, ''God says in the Koran'', notice he referenced God, ''surely we have honored all children of Adam.'' The brotherhood of man and woman is tied together in the reference to the Koran made by Prime Minister Maliki.

He said, ''I believe these human rights are not an artifact, a construct reserved for the few. They are a divine entitlement for all.''

What an American vision. What a statement to make on the floor of Congress. It resonates with patriotic Americans. It resonates with all people.

He continued, ''It is on this unwavering belief that we are determined to build our nation, a land whose people are free, whose air is liberty, and where the rule of law is supreme.''

He continued and said, ''This is the new Iraq which is emerging from the ashes of a dictatorship despite the carnage of extremists, a country which represents international conventions and practices noninterference in the international affairs of others.''

Just a portion of this speech, nothing in here about Israel. There is plenty in here about freedom and about the aspirations of a newly freed people. As I have looked them in the eye over in Iraq in the times that I have been there, I have seen that desire to build a country and a nation.

I gave a speech to the Baghdad chamber of commerce on a hot August day; and they asked me shortly before we arrived at the hotel in Baghdad. It was the hotel that was rocketed while Wolfowitz was there some few years ago. And so I said, yes, it fits in my schedule, I will do that.

I walked in the room. The count was 57 Iraqis and members of the chamber of commerce sitting at their dinner tables. They started to introduce me, but time was short. I wanted to know, where is my interpreter.

They said we don't have an interpreter; this chamber of commerce speaks English. I thought that is quite unusual to be in a country like Iraq and be able to address a group of people, 57 strong, business leaders in Baghdad, and have them all speaking English.

I gave a speech, and they laughed at the right time and had the right reactions. They spoke English. They came up afterwards and surrounded me with their business cards and desire and ideas to rebuild Iraq. It was encouraging to watch the spirit within them. If they can get the oil out of the ground and get the revenue stream coming back into that country, they will be a long way along in their recovery.

The argument that this is a situation when we go alone, repeated over and over again; the gentleman from Florida made that statement, we went it alone in Iraq. I have been over to Iraq a number of times. I remember standing in the headquarters of the Coalition forces in Basra. General Dutton of the British army was there. As we stood there and had an informal conversation, I began looking at the flags on the shoulders of the soldiers. The Coalition troops have the same uniform with their flag on the shoulders.

I took pictures so I could remember which nations were represented, and I can remember a few. Great Britain, yes. The Netherlands, yes. Romania was there, the Australians were there. The Poles were there. The Danes were there. There were probably three or four other countries represented just in a random group that were standing around there, the Coalition Forces.

I don't think the gentleman from Florida went to visit the Coalition Forces. He visited the American troops and forgot there were thousands of troops there that came from other countries and have been in Iraq from the beginning and have stayed there. In fact, the Japanese sent 1,000 troops into Iraq because they understand the value of freedom, even though they are a relatively passive nation.

Then the half a dozen or so generals that disagree with the President's policy in Iraq, and the continued argument that the President did not listen to his advisers. And now they have these retired generals that say, we should have done this or that. The President has always listened to his advisers and generals. He understands he is not going to call these shots from the Oval Office. He is going to say, you are going to have what you need to get this job done.

But six generals, it appeared to me there are a few more, but that is the count that I had, they appear to be positioning themselves for some future role in politics. If we watch them, I believe we will see one or more emerge as at least an adviser to a Presidential candidate, if not a Presidential candidate themselves.

But I will see your six generals and I will raise you 9,000 30–Somethings. There are 9,000 generals in the United States military, and they stand with the commander in chief. So you have a long way to go to convince me that just because you find six folks with political aspirations, we should alter our entire mission in Iraq to accommodate them. They would find something else to be critical of.

And the most outrageous statement of all from the gentleman from Florida, We have a plan in the war in Iraq. His question to Republicans was: Where is your plan?

Well, I think maybe he got that script wrong. I think he probably understands that we do have a plan in the war in Iraq. It is the commander in chief's plan. I support it. I support moving towards freedom for the Iraqi people.

My question is, 30–Something Democrats, people who think ''Republican'' is a four-letter word, where is your plan? And I would further submit that after 60 minutes of that kind of diatribe, I wonder what the suicide rate in America is, Mr. Speaker?

Actually, I came here to talk about a different subject matter. What I want to talk about is the accomplishment that we made here on the floor of Congress today; and that is, for a long time the American people have understood something that has taken quite awhile to go through to this Congress and the White House. That is, we have porous borders in America.

The American people understand when they see people show up in their streets, taking jobs in their communities, and when children are coming into their schools and they are born in a foreign country and they don't have the kind of documents that would demonstrate that they have come in through a legal channel, and they start to see 1,000 of them show up and take jobs, and in Iowa, for example, it would be in our packing plants, there is a real large social movement going on.

□ 2215

The blastosphere opened up and began to tell America the facts of it all, and some of people came down to the floor of the Congress and made this case, my good friend TOM TANCREDO among those. The people understood this immigration issue long before Congress was able to react.

We need to be in a position to lead, not to follow. But this time I think we are following the lead of the American people, and I am happy to do that, although I would like to be a little more up front.

But that message came to this floor over and over again, led by TOM TANCREDO of Colorado, and a number of the rest of us stepped in and joined him. We have been carrying that message consistently at heart now for a number of years, for me it is 4 years here in this Congress, carrying this message.

I sent out a survey into my congressional district, it will be 2 years ago last March, and it went to 10,000 households randomly selected by a computer, so it would have been Democrats, Independents and Republicans scattered across the district in a random location, and it was a survey on immigration.

I knew what I thought. I believe we need to enforce our immigration laws, seal our border, force all traffic to ports of entry, and birthright citizenship and the anchor babies, shut off the jobs magnet, do all those things and a lot of people go back home. I believe a lot of people do that. I believe the record is replete with statements to that effect and a number of pieces of policy that add to that overall philosophy.

But the immigration survey that I sent out to the number of 10,000 randomly selected households asked a whole series of questions about immigration. That was the only subject matter. The most significant question that I asked in that survey was on a scale of 1 to 10, with 10 being the most intense, how intensively do you agree with this statement, and then the statement reads, in the survey, that we should eliminate all illegal immigration and reduce legal immigration.

Reducing legal immigration is not something that I have actually called for, but, and all illegal immigration, reduce legal immigration, and how intensively do you agree with this, with 10 being the most intense. Out of 10,000 mailed, we received 1,800 and, I think the number was 96 respondents. So a number that approached 19 percent returned, which is about 3 times what your average return rate would be on that kind of a mailing.

On that question, we should end all illegal immigration, and reduce legal, how intensely do you agree, 82 percent put down 10, 82 percent. Some of them must have held their pen like a dagger the way they wrote their notes and their comments on the surveys.

As I went through those and read them through, 82 percent said end illegal immigration, all of it; reduce legal. By the time you added the 7, 8s, 9s to those 10s, 97 percent agreed with that statement, and only 3 percent had an opinion down on the other side of the scale, only 3 percent.

I would submit that if I sent a survey out to the district with a random selection like that, and I said STEVE KING says the sun comes up in the east, do you agree or disagree, I do not believe I would get a 97 percent agreement out of my congressional district, but 97 percent want to have border control, and they want to have enforcement. That is what we tried to provide in this Congress, and we have made some significant progress.

Last August 22, I have to back up, it was a year ago last August 22, is a little over a year ago, I hosted an immigration summit in Iowa. I started out in Des Moines with radio and a lot of print coverage and some video coverage on there. I had a host of very good speakers on the immigration issue, TOM TANCREDO came, my good friend from Arizona and powerful leader on the subject, J.D. HAYWORTH from Arizona; Jim Gilchrest was there, who was the original founder of the Minutemen.

We had other speakers that added on to that, and one was the father of a son who was lost in the September 11 attack in New York, Kris Eggle, and they spoke about the importance of enforcement of immigration laws. But if we had done so, we may be and likely could have thwarted the attacks on September 11.

But what happens to this country if we continue our porous borders. On that day I stood up and said, I want to build a fence, I want to put a physical barrier on this border, and I want to do it for 2,000 miles. For starters I would put a 10 foot high chain link fence, and I would top it with barb wire. I said barb wire because I am kind of a farm country young guy.

The press printed it as razor wire. I don't take issue with that, probably razor wire makes a little more sense than barb wire. But I would put the fence there. I would move it about 100 feet, and I would build a concrete wall that I designed and demonstrated on this floor in Congress. It is unlikely that I will get an opportunity to demonstrate that tonight, but that's the position that I took August 22, 2005.

I have here with me the clippings from some of the newspapers after that. They were not very impressed with that idea. They thought it was a kind of radical, reactionary and ineffective proposal. So there are about four articles here that have reference to that, and they mostly undermine my position and seek to ridicule me for having a, apparently, narrow mind and not having thought this through.

What this they forgot, that I go to the border, I look at the circumstances down there. I gather the data, I talk to the Border Patrol personnel. I talk to the people that live there. I talk to the retired Border Patrol personnel. I see the carnage, I see the litter. I go to the national parks and talk to the park rangers there.

When they have human traffic that is streaming across that border and the numbers that they are, and I sit down there on the border, in the dark, for hours, utterly quiet, and listen, listen when I can't see, but just dim shadows is all that I can see. I can hear vehicles coming from the Mexican side of the border, and they stop by a big mesquite tree about 150 or so yards out there south of the border. The fence is just a fine barb wire fence, the wires are stretched apart in places, that is where the illegals go through. They don't fix it back up, as one could imagine. They leave it open for others.

There was a water tank that was there on the Mexican side that is there. That was where they can get their last load up of water before they start off on 20, 25 miles of desert on the U.S. side to be picked up the highway a ways. I sit there and listen, and I hear the vehicles come down through the desert.

On one particular vehicle, I could hear the muffler dragging all the way along. They get by that mesquite tree, and they stop and the doors open. Then you have to listen, and you can hear the sounds, and it is people clearly piling out of the vehicle. You can hear them drop their packs on the ground as they get out, and they must be picking them back up again.

You can hear a little bit of talk, a little bit of whisper. Then they start off through the mesquite to come out into the border to come into the United States.

You can hear their packs go through the fence and be set on the ground on the other side, and sometimes occasionally dropped on the ground. You hear them climb through the fence, they pick their packs back up. You can see the shadows. You can't quite count them, you can see the image of the shadows as they go off and into the desert off north, following whatever kind of a beacon they have and may be watching, however they guide themselves, to go on into the United States.

Now, this happens across that border on an average night of perhaps 11,000 people pouring across that border a night, 11,000, to the tune of 4 million a year.

How do I know this, I serve on the Immigration subcommittee. I sit in on hearings two, three, four times a week, witnesses that come forth, they are both expert on the matter, both pro and con, experts that bring real data to us.

The Border Patrol's information is this, that they stopped, last year, 1,188,000 illegal border crossers, 1,188,000. What a huge number. Santa Ana's Army was only 6,000 strong, and the Border Patrol stopped 1,188,000? What a huge universe of people that is. Theoretically at least they turned themselves and said go back through there and many of them they took down to the turnstile and watched them as they went back in Mexico.

The year before the Border Patrol stopped 1,159,000. So I asked the question, of the Border Patrol, and of their representative, what percentage of the attempts across the border do you intercept? What percentage of success do you have? The answer that I get back consistently is 25 to 33 percent.

When I go down to the border, and I ask the Border Patrol that is actually doing the work down there, what percentage are you interdicting, and they give me answers like, the most consistent answer I got was 10 percent. I don't know if that really is it. One of them when I said 25 percent broke up in hysterical laughter. He said, no, that number is closer to 3 percent of the drugs and 5 percent of the illegals.

Now, that was an ICE inspector that should know, even if they are wrong. Now, if they are right, it is more than 10 million a year. If they are wrong, and the testimony of 25 to 33 percent, and this is all a guess, admittedly, then it is perhaps 4 million a year coming across our southern border.

Now, how many go back? We don't know the answer to that either. We

know some go back. We don't know if it is big numbers, as a percentage, but we know it will be big numbers because there are 4 million or so that do go across. We also know that 65 billion, that is billion with a B, dollars worth of illegal drug, come across our southern border every year.

Ninety percent of the illegal drugs in America are coming across our southern border. Sometimes they come across in semis, sometimes they come across in straight trucks, sometimes they come across in pickup trucks.

In fact, while I was down there, they interdicted a pickup truck that had a false bed in it, about 7 inches of false bed. Underneath there, there were 18 bags of marijuana, about the size of a cement sack, perhaps weighing about 10 pounds each.

I will submit 180 to 200 pounds of marijuana underneath the false bed in the pickup. We took the jaws-of-life and pried it open, went in there and pulled those sacks out. The driver, I am going to tell you, I believe, was a MS–13 gang member, the most violent gang we have ever seen in this hemisphere, the gangs that behead and dismember and do other things so atrocious I will not repeat them on the floor of this Congress.

This individual had a MS–13 tattooed on his arm here, he had tattoos from his waist to his neck. He had every look about him as an MS–13. He was perhaps a decoy, because they get so many interdictions of drugs down there, they cannot prosecute them all. So they will send off someone who has got a smaller load, 180 to 200 pounds, to be a diversion to be able to run the larger load through there, cost of doing business.

Well, if one spends a few hours down on the border at night and listens and perhaps would have infrared night vision of some kind that they could watch, actually watch the people, they would come to the conclusion that it isn't the folks that are coming into the United States that want to simply get a job working on farms or whatever it is they do to improve their lives, just they are coming here for a better life.

Actually, the position that has been taken by the administration, we cannot stop people that want to come into the United States for a better life. It is too powerful a force. We have to let them come in and legitimize them by giving them some kind of identification.

But I would submit that we can stop people from coming into the United States for a job, for a better life. We must be able to stop people from doing that, because the force that drives them isn't nearly as powerful as the force that drives people to bring illegal drugs into the United States.

So I am going to say we can stop lettuce pickers and people that want to work on farms and factories in plants. We must do that, because if we can't do that, we don't have a hope of being able to stop the illegal drug smugglers that are coming into the United States.

So when they come through in a semi, which is more rare now, or smuggle through in a straight truck, when there has been a diversion, or maybe a pickup load gets through with the marijuana load under the bed, when that all happens, large quantities of illegal drugs come into the United States.

But that is not the only way they come in. They also come in on the backs of burros, individuals who are sneaking into the United States with 50 pounds of marijuana on their back. They might back 15 miles or further to get to the United States border to walk across the U.S. desert, and then get across that border, as ICE described while I saw there, and walk across the United States and walk another 20, 25 miles and be picked up along the highway somewhere.

They toss their marijuana into the truck. Some get into the truck and go on and stay in the United States. Some return back to Mexico and get another load. Some turn around and walk back, all the way across the desert to get another load. That is the kind of thing that is going on.

With that kind of force on the border, with that kind of push, a push of 4 million people a year coming across that border, intercepting 1,188,000 of them, $65 billion worth of illegal drugs; 90 percent of the illegal drugs in America coming across that border, that includes the marijuana, the cocaine, the heroin and the methamphetamine, which is a big, big problem.

We have shut down the meth labs essentially in Iowa. That just meant that it used to be 85 percent of the meth came from Mexico and Iowa. Now it is much closer to 95 or more percent of the methamphetamine comes from Mexico because we shot down the meth labs in Iowa.

□ 2230

But these burreros will haul 50 pounds of marijuana each and they will come in groups of say 8 to 10, 10 to 12, up to 50. In fact, there is a pack train of them that went up to 100, each with marijuana on their back, roughly 50 pounds, carrying that across the desert. And they drop litter all over the desert, Mr. Speaker, and invade our natural areas.

In fact here I have here on this stand a picture of a natural area, and it is quite interesting. This is a picture of one of four locations where the long-nosed bat, an endangered species, inhabits a nest. And this is on the Cabeza Prieta National Wildlife Refuge in Arizona.

I have met with the National Park Service director, and this location is the location where this bat cave, as you see was invaded by illegals. This was one of their stopoff points. They could get in there and get cool and rest up a little bit for their trek across the desert.

So as they came into this bat cave, they chased out something like 1,600 bats that lived in there, and the bats left. We don't know where they went to nest, necessarily, at least I don't, but for 2 years there wasn't a bat in this cave. So now we are down to three locations where these rare, long-nosed bats can live and reproduce.

So the National Park Service looked at this and said boy, we really don't like to build fences around in our refuge, but what are our alternatives if we want to save the bats? So they followed a path that seemed to work, and that is put this wrought iron fence around here that has spikes that lean out, it is about a $75,000 project, Mr. Speaker. They built a fence around the bat cave, and when they did that, the illegals did not come into the cave any longer and the bats came back. The bats have been in there reproducing ever since in roughly the same numbers they were before their cave was taken over by the continual flow of illegals that are coming across our natural refuge.

So, I would argue to those that say a fence doesn't work, here is a perfect example of how a fence worked. At least it kept them out of the cave, and now we have a species of bat that is going to be more healthy than they would have been otherwise.

This is just an interesting little thing that I did. I have said that the people that vote for amnesty will be branded with a scarlet letter A for amnesty. So, Mr. Speaker, by Ajo, Arizona, there is a big letter A up there on the mountainside. I took a picture of that. We colored it up so it is scarlet. That is the scarlet letter A. That is the brand. We don't need amnesty. That is why it has a bar across it. We need to have the rule of law. We need to respect the rule of law. That is part of America.

This, Mr. Speaker, is the fence and concrete wall that I designed. You can see this portion here, this will be slipform footing that goes down perhaps 5 feet, and it would be 5 feet, and you form a slot in there and you can put a trencher in and put this slip form in and pull it all in one motion and pour concrete as you go, trench and pour concrete. So this gray portion becomes the footing, and you can see where the white portion drops down, and that is the slot.

These are pre-cast concrete panels, Mr. Speaker, and they would be about 13½ feet long. They drop down into this slot, I think that says 15 inches, perhaps 18, but we end up with a constructed height of 12 feet high.

These precast panels weigh about 9,800 pounds. They come in on trucks. You pick them up with a crane, you drop them in that slot. You can just pop them in one after the other, just as easily as I have demonstrated on this floor how that can be done.

Once they are put together, you can put a little wire on top. That wire is a disincentive for people from climbing over the top. You can put sensors on there, vibration sensors. We can put night vision on there. We can do all

kinds of things to make sure that this wall is not breached, Mr. Speaker.

Walls make sense. Fences make sense. The bat cave is safe from the illegals. We can make America safe from the illegals by simply spending some of this hard-earned cash. The $8 billion being spent to fund our Border Patrol on the southern border, we can make a one-time capital investment. It is about $4 million a mile now being spent to control our border and we get about 25 percent efficiency.

If we would spend about $2 million a mile all the way through those 2,000 miles, we would end up with a far higher percentage of efficiency. I believe that number would go over 95 percent, if we patrol the border, if we put the sensors on.

Surely a fence isn't the only solution, but it is a great big, wonderful effective tool for our Border Patrol. They could finally aspire to get operational control of the border.

Then, Mr. Speaker, there needs to be a solution for the locations where water is going to run across through the gullies. We have these solutions in place in many of those locations already. These are H-beams that are driven in, steel beams that are staggered and welded together here on top with a horizontal beam so they can't be spread apart. This lets the water through. It will collect the trash and over time you have to clean the trash up, but no one can go through there except some wildlife can get through, and it does work. It is a little more expensive, but we will have to do that where the water runs. There are engineering solutions to everything we might want to do.

This, Mr. Speaker, is an example of what is happening to our national parks. I am not certain whether this is in Oregon Pipe Cactus National Monument or in the Cabeza Prieta. But it doesn't matter. This is federally preserved land. This is precious natural resources that we want Americans to have access to.

Look at what we have. Graffiti painted on the stones. Graffiti that probably will take years and years and years to ever weather away, if it does at all, something that is really very difficult to clean up when the paint goes into the pores of the stone.

Down here is just a small example of the kind of litter that we are finding in our national parks. Some of that litter, it is estimated that an average illegal will drop about 8 pounds of litter as they cross the desert. Eight pounds times 4 million people is a tremendous cleanup problem, and it threatens our natural resources, Mr. Speaker. It threatens the wildlife.

In fact, about one-third of Oregon Pipe Cactus National Monument is now off limits to the public because the concentration of illegals is so intense that the park officers fear for the safety of American tourists in our own national parks because they are threatened.

And that would be the Oregon Pipe Cactus Monument where there officer Kris Eggle was killed in a shootout with drug smugglers coming across the border. I have been to that location. There is a memorial that is there. In his memory and the memory of the other officers who have given their lives for security, I am committed to security for this border.

So today, Mr. Speaker, we passed 700 miles of fence off the floor of this Congress. This is the third time we have had a good fence vote here on the floor, by my recollection. The Senate has had two good fence votes over there. They are going to get another one. They are going to get this bill. I am happy to call it the King bill, thanks to PETER KING from New York.

They are going to get a bill over there, and my advice is to the U.S. Senate, chew on that awhile. I expect the voters will chew on you awhile. We are going to take this message to the American people and say let us continue with this message on enforcement.

Fences work. There is proof positive that they do. No one says where we have built them that we should tear them down. They are essential tools. They are a capital investment, they are a one-time investment, and, yes, we have to patrol, and, yes, we have to maintain them, but we get a great return on that capital investment.

That means it doesn't take as many Border Patrol officers to secure this border. It means that they can be deployed to places where they can be more effective. It means that the 4 million people that are coming across our border and the $65 billion worth of drugs will have to find a way to try to sneak through a port of entry, which many will try to do, and we can beef those up and put more resources there, or they will go around the ocean and get out there where the Coast Guard can do their job, Mr. Speaker, and the Coast Guard has interdiction abilities that supersede those, or I will say they are superior to the Border Patrol.

So, I am ready to force all traffic through the ports of entry. I think we must do that. I call upon the United States Senate to pass the legislation that we passed on the floor here today.

August 22, 2005, I said build a fence, build a wall, build a barrier. 114 days later, this Congress passed that legislation as part of a larger bill. And I have watched as perhaps the most liberal Member of the United States Senate voted to authorize a fence and voted to fund a fence.

This extreme notion that comes from a conservative Member of Congress is mainstream, Mr. Speaker. The White House recognizes we need physical barriers to assist and that we need to have enforcement at the border.

We will have that. We will get that done and we are moving quickly. It won't all be done by November 7, but a lot of the pieces will be put in place by this Republican Congress.

And I am proud to serve with you all, and I am looking forward to being part of this solution. I am looking forward to going down and setting some posts myself.

[From the Washington Post, July 26, 2006]

IRAQI PRIME MINISTER ADDRESSES CONGRESS

AL-MALIKI (through translator). Thank you. Thank you.

In the name of God, the most gracious, the most merciful, Your Excellency, the Speaker of the House, Mr. Vice President, honorable ladies and gentlemen, members of Congress, it is with great pleasure that I am able to take this opportunity to be the first democratically and constitutionally elected prime minister of Iraq to address you, the elected representatives of the American people. And I thank you for affording me this unique chance to speak at this respected assembly.

Let me begin by thanking the American people, through you, on behalf of the Iraqi people, for supporting our people and ousting dictatorship. Iraq will not forget those who stood with her and who continues to stand with her in times of need.

Thank you for your continued resolve in helping us fight the terrorists plaguing Iraq, which is a struggle to defend our nation's democracy and our people who aspire to liberty, democracy, human rights and the rule of law. All of those are not Western values; they are universal values for humanity.

They are as much for me the pinnacle embodiment of my faith and religion, and they are for all free spirits.

The war on terror is a real war against those who wish to burn out the flame of freedom. And we are in this vanguard for defending the values of humanity.

I know that some of you here question whether Iraq is part of the war on terror. Let me be very clear: This is a battle between true Islam, for which a person's liberty and rights constitute essential cornerstones, and terrorism, which wraps itself in a fake Islamic cloak; in reality, waging a war on Islam and Muslims and values.

And spreads hatred between humanity, contrary to what come in our Koran, which says, ''We have created you of male and female and made you tribes and families that you know each other.'' Surely (inaudible) of you in the sight of God is the best concept.

The truth is that terrorism has no religion, Our faith says that who kills an innocent, as if they have killed all mankind.

Thousands of lives were tragically lost on September 11th when these impostors of Islam reared their ugly head. Thousands more continue to die in Iraq today at the hands of the same terrorists who show complete disregard for human life.

Your loss on that day was the loss of all mankind, and our loss today is lost for all free people.

And wherever humankind suffers a loss at the hands of the terrorists, it is a loss of all of humanity.

It is your duty and our duty to defeat this terror. Iraq is the front line in this struggle, and history will prove that the sacrifices of Iraqis for freedom will not be in vain. Iraqis are your allies in the war on terror.

History will record their bravery and humanity.

The fate of our country and yours is tied. Should democracy be allowed to fail in Iraq and terror permitted to triumph, then the war on terror will never be won elsewhere.

Mr. Speaker, we are building the new Iraq on the foundation of democracy and are erecting it through our belief in the rights of every individual—just as Saddam has destroyed it through his abuse of all those rights—so that future Iraqi generations can live in peace, prosperity and hope.

Iraqis have tasted freedom and we will defend it absolutely.

Every human possesses inalienable rights which transcend religion. As it is taken in the International Convention of Human Rights, they transcend religion, race and gender.

And God says in the Koran, ''and surely we have honored all children of Adam.''

I believe these human rights are not an artifact construct reserved for the few. They are the divine entitlement for all.

It is on this unwavering belief that we are determined to build our nation, a land whose people are free, whose air (ph) is liberty, and where the rule of law is supreme.

This is the new Iraq, which is emerging from the ashes of dictatorship and despite the carnage of extremists, a country which respects international conventions and practices noninterference in the internal affairs of others, relies on dialogue to resolve differences, and strives to develop strong relations with every country that espouses freedom and peace.

We are working diligently so that Iraq returns to take the position it deserves and it plays a positive role in its regional and international environment as a key, active player in spreading security and stability, to give an example of a positive relationship between countries through denouncement of violence and resorting to constructive dialogue, solving problems between nations and peoples.

And we have made progress. And we are correcting the damage inflicted by politics of the previous regime, in particular with our neighbors.

My presence here is a testament of the new politics of a democratic Iraq.

Ladies and gentlemen, in a short space of time, Iraq has gone from a dictatorship to a transitional administration, and now to a fully fledged democratic government.

This has happened despite the best efforts of the terrorists who are bent on either destroying democracy or Iraq, but by the courage of our people who defied the terrorists every time they were called upon to make a choice, by risking their lives for the ballot box. They have stated over and over again, with their ink-stained fingers waving in pride, that they will always make the same choice.

Over fear . . .

PROTESTER: Iraqis want the troops to leave! Bring them home now! Iraqis want the troops to leave! Bring them home now!

HASTERT: If our honored guest will suspend for the moment, the chair notes disturbance in the gallery. The sergeant at arms will secure order by removing those engaging in disruption.

PROTESTER: Bring them home now!

HASTERT: The gentleman may resume.

AL-MALIKI (through translator): Hope over fear; liberty over oppression; dignity over submission; democracy over dictatorship; federalism over a centralist state.

Let there be no doubt: Today Iraq is a democracy which stands firm because of the sacrifices of its people and the sacrifices of all those who stood with us in this crisis from nations and countries.

And that's why—thank you—I would like to thank them very much for all their sacrifices.

Iraqis of all persuasions took part in the unanimously democratic election for the first parliament formed under the country's first permanent constitution after eight decades of temporary constitutions and dictatorship, a constitution written by the elected representatives of the people and ratified by the people.

Iraqis succeeded in forming a government of national unity based on an elected parliamentary foundation, and includes all of Iraq's religions, ethnicities and political groupings.

The journey has been perilous, and the future is not guaranteed. Yet many around the world who underestimated the resolve of Iraq's people and were sure that we would never reach this stage. Few believed in us. But you, the American people, did, and we are grateful for this.

The transformation in Iraq can sometimes be forgotten in the daily, futile violence.

Since liberation, we have witnessed great accomplishments in politics, the economy and civil society. We have gone from a one-party state, ruled by a small elite, to a multi-party system where politics is the domain of every citizen and parties compete at all levels.

What used to be a state-controlled media is now completely free and uncensored, something Iraq had never witnessed since its establishment as a modern state and something which remains alien to most of the region.

What used to be a command economy in Iraq, we are rapidly transforming into a free market economy.

In the past three years, our GDP per capita has more than doubled. And it is expected that our economy will continue to grow. Standards of living have been raised for most Iraqis as the markets witness an unprecedented level of prosperity. Many individuals are buying products and appliances which they would never have hoped to afford in the past.

And, in keeping with our economic vision of creating a free market economy, we will be presenting to parliament legislation which will lift current restrictions on foreign companies and investors who wish to come to Iraq.

While we are making great economic strides, the greatest transformation has been on Iraqi society.

We have gone from mass graves and torture chambers and chemical weapons to a flourishing—to the rule of law and human rights.

The human rights and freedoms embodied in the new Iraq and consolidated in the constitution have provided a fertile environment for the ever-growing number of civil society institutions which are increasing in scope and complexity and provide a healthy reflection of what is developing beneath the violence.

The rights chartered in the constitution will also help consolidate the role of women in public life as equals to men.

And help them to play a greater role in political life.

I am proud to say that a quarter of Iraq's Council of Representatives is made up of women, but we still have much to accomplish.

Mr. Speaker, Mr. Vice President, our nascent democracy faces numerous challenges and impediments, but our resolve is unbreakable and we will overcome them.

The greatest threat Iraq's people face is terror: terror inflicted by extremists who value no life and who depend on the fear their wanton murder and destruction creates.

They have poured acid into Iraq's dictatorial wounds and created many of their own.

Iraq is free, and the terrorists cannot stand this.

They hope to undermine our democratically elected government through the random killing of civilians. They want to destroy Iraq's future by assassinating our leading scientific, political and community leaders. Above all, they wish to spread fear.

Do not think that this is an Iraqi problem. This terrorist front is a threat to every free country in the world and their citizens. What is at stake is nothing less than our freedom and liberty.

Confronting and dealing with this challenge is the responsibility of every liberal democracy that values its freedom. Iraq is the battle that will determine the war. If, in continued partnership, we have the strength of mind and commitment to defeat the terrorists and their ideology in Iraq, they will never be able to recover.

For the sake of success of the political process, I launched the National Reconciliation Initiative, which aims to draw in groups willing to accept the logic of dialogue and participation. This olive branch has received the backing of Iraq's parliamentary blocs and support further afield from large segments of the population.

I remain determined to see this initiative succeed.

But let our enemies not mistake our outstretched hand for forgiveness as a sign of weakness. Whoever chooses violence against the people of Iraq, then the fate that awaits them will be the same that of the terrorist Zarqawi.

While political and economic efforts are essential, defeating terror in Iraqi relies fundamentally on the building of sound Iraqi force, both in quantity and capability. The completion of Iraq's forces form the necessary basis for the withdrawal of multinational forces. But it's only then, only when Iraq's forces are fully capable, will the job of the multinational forces be complete.

Our Iraqi forces have accomplished much and have gained a great deal of field experience to eventually enable them to triumph over the terrorists and to take over the security portfolio and extend peace through the country.

The other impediment to Iraq's stability are the armed militias. I have on many occasions stated my determination to disband all militias without exception and re-establish a state monopoly on arms and to guarantee citizens security so that they do not need others to provide it.

It is imperative that the reconstruction starts now.

While small sections of central Iraq are unstable, large sections have remained peaceful, but ignored. For far too long, these were most deprived areas of Iraq under the previous regime and have been the most valiant in Iraq's struggle for freedom. We need to make an example out of these stable areas as models for the rest of the country.

Reconstruction projects in these areas will tackle unemployment, which will weaken the terrorists. They will become prototypes for other, more volatile regions aspire to. Undoubtedly, reconstruction in these areas will fuel economic growth and show what a prosperous, stable, democratic and federal Iraq would look like.

Members of the Congress, in this effort, we need your help. We need the help of the international community.

Much of the budget you had allocated for Iraq's reconstruction ended up paying for security firms and foreign companies, whose operating costs were vast. Instead, there needs to be a greater reliance on Iraqis and Iraqi companies, with foreign aid and assistance to help us rebuild Iraq.

We are rebuilding Iraq on a new, solid foundation: that of liberty, hope and equality. Iraq's democracy is young, but the will of its people is strong. It is because of this spirit and desire to be free that Iraq has taken the opportunity you gave us and we chose democracy.

We faced tyranny and oppression under the former regime. And we now face a different kind of terror. We did not know then and we will not bow now.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CULBERSON (at the request of Mr. BOEHNER) for today on account of illness.

Mr. MURPHY (at the request of Mr. BOEHNER) until 3:00 p.m. today on account of meeting with the Secretary of Education in Pittsburgh.

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. HOYER, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. EDDIE BERNICE JOHNSON of Texas, for 5 minutes, today.

Mr. THOMPSON of Mississippi, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Ms. CORRINE BROWN of Florida, for 5 minutes, today.

Mr. PAYNE, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. CLYBURN, for 5 minutes, today.

Mr. ETHERIDGE, for 5 minutes, today.

Mr. ROSS, for 5 minutes, today.

Mr. SCOTT of Virginia, for 5 minutes, today.

Mrs. JONES of Ohio, for 5 minutes, today.

Mr. SNYDER, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Ms. ZOE LOFGREN of California, for 5 minutes, today.

Mr. HONDA, for 5 minutes, today.

Ms. ESHOO, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. HULSHOF, for 5 minutes, today.

Mr. GOHMERT, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, September 19, 20, 21, and 22.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1902. An act to amend the Public Health Service Act to authorize funding for the establishment of a program on children and the media within the Centers for Disease Control and Prevention to study the role and impact of electronic media in the development of children; to the Committee on Energy and Commerce.

S. 2464. An Act to revise a provision relating to a repayment obligation of the Fort McDowell Yavapai Nation under the Fort McDowell Indian Community Water Rights Settlement Act of 1990, and for other purposes; to the Committee on Resources.

ENROLLED BILLS SIGNED

Mrs. Haas, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 866. An act to make technical corrections to the United States Code.

H.R. 2808. An act to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the birth of Abraham Lincoln.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1773. An act to resolve certain Native American claims in New Mexico, and for other purposes.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 40 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, September 15, 2006, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9371. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 04-09, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

9372. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 05-01, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

9373. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 04-02, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

9374. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Air Force, Case Number 04-05, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

9375. A letter from the Director, Department of Agriculture, transmitting the Department's annual report for fiscal year 2005, in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Government Reform.

9376. 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.

9377. 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.

9378. 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.

9379. 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.

9380. 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.

9381. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9382. A letter from the White Hous Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9383. A letter from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting the Department's annual report for fiscal year 2005, in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Government Reform.

9384. A letter from the Secretary, Department of Transportation, transmitting the Departments' Report on Management Decisions and Final Actions on Office of Inspector General Audit Recommendations for the period ending March 31, 2006, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform.

9385. A letter from the Assistant Director, Executive & Political Personnel, Department of the Air Force, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9386. A letter from the Assistant Director, Executive & Political Personnel, Department of the Air Force, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9387. A letter from the Assistant Director, Executive & Political Personnel, Department of the Air Force, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9388. A letter from the Assistant Director, Executive & Political Personnel, Department of the Army, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9389. A letter from the Assistant Director, Executive & Political Personnel, Department of the Army, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9390. A letter from the Assistant Director, Executive & Political Personnel, Department of the Army, transmitting a report pursuant to the Federal Vacancies Reform

Act of 1998; to the Committee on Government Reform.

9391. A letter from the Assistant Director, Executive & Political Personnel, Department of the Navy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9392. A letter from the Deputy Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting the Commission's Strategic Plan for Fiscal Years 2007 through 2012, pursuant to Public Law 103-62; to the Committee on Government Reform.

9393. A letter from the Office of the District of Columbia Auditor, transmitting a copy of the report entitled, ''Auditor's Examination of the Escrow Account Established by Accenture and the Office of Tax Revenue (OTR) In Connection with Contract #99-C-004''; to the Committee on Government Reform.

9394. A letter from the Office of the District of Columbia Auditor, transmitting a copy of the report entitiled, ''Auditor's Performance Review of the Integrated Tax System's Processed Related to the Timeliness of Tax Refunds and Deposit of Tax Payments''; to the Committee on Government Reform.

9395. A letter from the Office of the District of Columbia Auditor, transmitting a copy of the report entitled, ''Letter Report: Comparative Analysis of Actual Cash Collections to the Revised Revenue Estimate Through the 2nd Quarter of Fiscal Year 2006''; to the Committee on Government Reform.

9396. A letter from the Inspector General, Railroad Retirement Board, transmitting the budget request for the Office of Inspector General, Railroad Retirement Board, for fiscal year 2008, prepared in compliance with OMB Circular No. A-11; to the Committee on Government Reform.

9397. A letter from the , transmitting the Service's final rule — REMIC Residual Interests — Accounting for REMIC Net Income (Including Any Excess Inclusions) (Foreign Holders) [TD 9272] (RIN: 1545-BE81) received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9398. A letter from the Chief, Trade & Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting the Department's final rule — Import Restrictions on Byzantine Ecclesiasrical and Ritual Ethnological Material From Cyprus (RIN: 1505-AB72) received September 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9399. A letter from the Chief Counsel, Bureau of Public Debt, Department of the Treasury, transmitting the Department's final rule — Regulations Governing U.S. Savings Bonds, Series A, B, C, D, E, F, G, H, J, and K, and U.S. Savings Notes; Regulations Governing U.S. Retirement Plan Bonds; Regulations Governing U.S. Individual Retirement Bonds; Offering of U.S. Savings Bonds, Series EE; Offering of U.S. Savings Bonds, Series HH; Regulations Governing U.S. Savings Bonds, Series EE and HH; Offering of U.S. Savings Bonds, Series I; Regulations Governing Definitive United States Bonds, Series I — received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9400. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Administrative, Procedural, and Miscellaneous [Notice 2006-70] received August 2, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9401. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Report of Tips by Employee to Employer (Rev. Proc. 2006-30) received August 2, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9402. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Exclusion of Employees of 501(c)(3) Organizations in 401(k) and 401(m) Plans [TD 9275] (RIN: 1545-BC87) received August 2, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9403. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Announcement that Identifies Specified Covered Services Eligible for Services Cost Method Under Section 482 Regulations [Announcement 2006-50] received August 2, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9404. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Last-in, First-out Inventories (Rev. Rul. 2006-40) received August 2, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9405. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Revision of Instructions for Form 3115 for Use with the December 2003 Version of Form 3115, Application for Change in Accounting Method [Announcement 2006-52] received August 2, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9406. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Industry Director Directive on Deductability of Casino Comps—received August 2, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9407. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Revision of Forms 8898 and 8840 [Notice 2006-73] received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9408. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Reporting Rules for Widely Held Fixed Investment Trusts [TD 9279] (RIN: 1545-BF86) received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9409. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — GO Zone Bonus Depreciation [Notice 2006-67] received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9410. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Definitions and Special Rules (Rev. Rul. 2006-43) received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9411. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Weighted Average Interest Rate Update [Notice 2006-74] received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9412. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Modification of Notice 2006-53 [Notice 2006-71] received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9413. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Section 411(d)(6) Protected Beneifts [TD 9280] (RIN: 1545-BE10) received August 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9414. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Last-in, First-out Inventories (Rev. Rul. 2006-41) received August 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9415. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2006-44) received August 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9416. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Determination of Interest Expense Deduction of Foreign Corporations [TD 9281] (RIN: 1545-BF70) received August 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9417. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Computation of the Differential Earnings Rate and the Recomputed Differential Earnings Rate (Rev. Rul. 2006-45) received August 31, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9418. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Weighted Average Interest Rate Modification [Notice 2006-75] received August 31, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9419. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Overview of the IRS's Use of Private Collection Agencies (PCAs) in 2006 [Announcement 2006-63] received August 31, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9420. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Treatment of Services Under Section 482 Allocation of Income and Deductions from Intangibles Stewardship Expense [TD 9278] (RIN: 1545-BB31, 1545-AY38, 1545-BC52) received August 31, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9421. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Special Depreciation Allowance [TD 9283] (RIN: 1545-BB57) received September 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9422. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Examples Under Section 937(b) [Notice 2006-76] received September 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9423. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Publication, Public Inspection, and Specific Requests for Records (Rev. Proc. 2006-35) received September 31, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9424. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule

— Dividends Paid Deduction for Stock Held in Employee Stock Ownership Plan [TD 9282] (RIN: 1545-BE74) received September 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9425. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Changes in Accounting Periods and in Methods of Accounting (Rev. Proc. 2006-37) received September 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9426. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Collection After Assessment [TD 9284] (RIN: 1545-BC72) received September 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9427. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Nonaccrual-Experience Method of Accounting Under Section 448(d)(5) [TD 9285] (RIN: 1545-BB43) received September 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

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. SENSENBRENNER: Committee on the Judiciary. H.R. 1369. A bill to prevent certain discriminatory taxation of natural gas pipeline property (Rept. 109–656). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 2679. A bill to amend the Revised Statutes of the United States to eliminate the chilling effect on the constitutionally protected expression of religion by State and local officials that results from the threat that potential litigants may seek damages and attorney's fees; with an amendment (Rept. 109–657). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 4772. A bill to simplify and expedite access to the Federal courts for injured parties whose rights and privileges under the United States Constitution have been deprived by final actions of Federal agencies or other government officials or entities acting under color of State law, and for other purposes; with an amendment (Rept. 109–658). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARTON of Texas: Committee on Energy and Commerce. H.R. 5863. A bill to authorize temporary emergency extensions to certain exemptions to the requirements with respect to polychlorinated biphenyls under Toxic Substances Control Act (Rept. 109–659). Referred to the Committee of the Whole House on the State of the Union.

Mr. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 4809. A bill to amend the provisions of chapter 35 of title 44, United States Code, commonly referred to as the Paperwork Reduction Act, to ensure usability and clarity of information disseminated by Federal agencies, and to facilitate compliance with Federal paperwork requirements (Rept. 109–660). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 5312. A bill to amend the Indian Health Care Improvement Act to revise and extend that Act; with an amendment (Rept. 109–661 Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 5312. Referral to the Committees on Energy and Commerce and Ways and Means extended for a period ending not later than September 29, 2006.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. KELLY:

H.R. 6070. A bill to enhance Federal efforts focused on increasing public awareness of the risks and dangers associated with Shaken Baby Syndrome; to the Committee on Energy and Commerce.

By Mr. SWEENEY:

H.R. 6071. A bill to amend the USA PATRIOT Act to improve administration and effectiveness of homeland security grant funding, and for other purposes; to the Committee on Homeland Security.

By Mr. ROSS (for himself and Mr. OXLEY):

H.R. 6072. A bill to amend the Federal Deposit Insurance Act to provide further regulatory relief for depository institutions and clarify certain provisions of law applicable to such institutions, and for other purposes; to the Committee on Financial Services.

By Ms. BALDWIN (for herself, Mr. BOOZMAN, Mr. MILLER of Florida, and Ms. BERKLEY):

H.R. 6073. A bill to amend title 38, United States Code, to improve compensation benefits for veterans in certain cases of impairment of vision involving both eyes, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. MCMORRIS RODGERS (for herself, Mr. HASTINGS of Washington, and Mr. SIMPSON):

H.R. 6074. A bill to amend the Farm Security and Rural Investment Act of 2002 to authorize the Secretary of Agriculture to consider variations in the national average market price for different classes of wheat when determining the eligibility of wheat producers for counter-cyclical payments for the 2005, 2006, and 2007 crop years; to the Committee on Agriculture.

By Mr. PITTS (for himself, Mr. GERLACH, Ms. HART, Mr. HOLDEN, Mr. MURPHY, Mr. DENT, Mr. WELDON of Pennsylvania, Mr. PLATTS, Mr. FATTAH, Mr. SHERWOOD, Mr. KANJORSKI, Mr. BRADY of Pennsylvania, Mr. DOYLE, Mr. MURTHA, Mr. FITZPATRICK of Pennsylvania, Mr. ENGLISH of Pennsylvania, Ms. SCHWARTZ of Pennsylvania, Mr. PETERSON of Pennsylvania, and Mr. SHUSTER):

H.R. 6075. A bill to designate the facility of the United States Postal Service located at 101 East Gay Street in West Chester, Pennsylvania, as the ''Robert J. Thompson Post Office Building''; to the Committee on Government Reform.

By Mr. RANGEL (for himself, Mr. MCDERMOTT, Mr. CARDIN, Mr. LEVIN, and Mr. BECERRA):

H.R. 6076. A bill to extend the generalized system of preferences program under the Trade Act of 1974, to extend the Andean Trade Preference Act, to extend certain trade preferences under the African Growth and Opportunity Act, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEAL of Georgia (for himself and Mr. NORWOOD):

H.R. 6077. A bill to amend title XXI of the Social Security Act to provide for funding of the shortfalls in State allotments for fiscal year 2007 under the State Children's Health Insurance Program (SCHIP); to the Committee on Energy and Commerce.

By Mr. BRADY of Texas:

H.R. 6078. A bill to designate the facility of the United States Postal Service located at 307 West Wheat Street in Woodville, Texas, as the ''Chuck Fortenberry Post Office Building''; to the Committee on Government Reform.

By Mr. CASTLE (for himself and Mr. LEACH):

H.R. 6079. A bill to require the President's Working Group on Financial Markets to conduct a study on the hedge fund industry; to the Committee on Financial Services.

By Mrs. DRAKE (for herself, Mr. GIBBONS, Mr. ENGLISH of Pennsylvania, Mr. CONAWAY, Mr. BOSWELL, Mr. BROWN of South Carolina, Mr. SHERWOOD, Mrs. CUBIN, Mr. PETRI, and Mr. SIMPSON):

H.R. 6080. A bill to establish the Mineral Commodity Information Administration in the Department of the Interior, and for other purposes; to the Committee on Resources.

By Mr. JEFFERSON:

H.R. 6081. A bill to provide an option to proceed with an action in any Federal court to recover actual damages for physical or property damage in a major disaster that proximately results from the failure or negligence of the Army Corps of Engineers in the design, construction, or maintenance of a project for which the Corps is legally responsible; to the Committee on the Judiciary, 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. LAHOOD (for himself, Mr. BOUSTANY, Mr. RAHALL, Mr. DINGELL, Mr. FARR, Ms. KAPTUR, and Mr. ISSA):

H.R. 6082. A bill to designate Lebanon under section 244(b) of the Immigration and Naturalization Act to permit nationals of Lebanon to be granted temporary protected status in the United States; to the Committee on the Judiciary.

By Ms. LEE (for herself, Mrs. CHRISTENSEN, Mr. JACKSON of Illinois, Ms. WATERS, and Mr. WAXMAN):

H.R. 6083. A bill to reduce the spread of sexually transmitted infections in correctional facilities, and for other purposes; to the Committee on the Judiciary.

By Mr. PETRI:

H.R. 6084. A bill to allow for the consolidation of Federal student loans into a single direct income-contingent loan repayment program; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK:

H.R. 6085. A bill to provide for the return of the Fresnel Lens to the lantern room atop Presque Isle Light Station Lighthouse, Michigan, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. TERRY:

H.R. 6086. A bill to amend the Homeland Security Act to provide for the health of Americans by implementing a system that detects and identifies in a timely manner diseases, conditions, and events that represent a threat to humans, animals, food production and the water supply; to the Committee on Energy and Commerce.

By Mr. WHITFIELD:

H.R. 6087. A bill to ensure the safety of residents and visitors to Lake Barkley, Kentucky, and to improve recreation, navigation, and the economic vitality of the lake's region, the Chief of Engineers of the Army Corps of Engineers shall establish a pilot program to maintain the pool elevation of such lake at 359 feet until after the first Monday in September; to the Committee on Transportation and Infrastructure.

By Mrs. WILSON of New Mexico:

H.R. 6088. A bill to direct the Secretary of the Interior to conduct a study of water resources in the State of New Mexico, and for other purposes; to the Committee on Resources.

By Mr. ISSA (for himself, Ms. HARRIS, Mr. BURTON of Indiana, Ms. DELAURO, Ms. GRANGER, Mr. WELDON of Pennsylvania, Mr. CALVERT, Mr. DUNCAN, Mr. MARIO DIAZ-BALART of Florida, Mrs. BONO, Mr. SULLIVAN, Mr. MACK, Mr. PORTER, Mr. SHAYS, Mrs. KELLY, Mr. OXLEY, Mr. KINGSTON, Mrs. JOHNSON of Connecticut, Mrs. BLACKBURN, Mr. TANCREDO, Mr. COBLE, Mr. YOUNG of Florida, Mr. SMITH of Texas, and Mr. HUNTER):

H. Con. Res. 473. Concurrent resolution supporting the goals and ideals of Gynecologic Cancer Awareness Month; to the Committee on Government Reform.

By Mr. BILIRAKIS:

H. Con. Res. 474. Concurrent resolution recognizing the invaluable service of our Nation's public hospitals and health systems; to the Committee on Energy and Commerce.

By Ms. JACKSON-LEE of Texas:

H. Con. Res. 475. Concurrent resolution to congratulate the National Organization of Women on its 40th anniversary; to the Committee on the Judiciary.

By Mr. HAYES (for himself, Mr. BUTTERFIELD, Mr. ETHERIDGE, Mr. JONES of North Carolina, Mr. PRICE of North Carolina, Ms. FOXX, Mr. COBLE, Mr. MCINTYRE, Mrs. MYRICK, Mr. MCHENRY, Mr. TAYLOR of North Carolina, Mr. WATT, and Mr. MILLER of North Carolina):

H. Res. 1010. A resolution recognizing the North Carolina Farm Bureau Federation on the occasion of its 70th anniversary, and saluting the outstanding service of its members and staff on behalf of agriculture and the people of North Carolina; to the Committee on Agriculture.

By Mr. BOEHNER:

H. Res. 1011. A resolution requesting return of official papers on H.R. 503; considered and agreed to.

By Ms. MOORE of Wisconsin (for herself, Mrs. MCCARTHY, Mr. BRADY of Pennsylvania, Mr. PAYNE, Mr. CONYERS, Mr. WATT, Mr. LANTOS, Mr. WU, Ms. ESHOO, Ms. MATSUI, Ms. WATSON, Ms. CORRINE BROWN of Florida, Mr. MCCAUL of Texas, Mr. FORTENBERRY, Mr. REICHERT, Ms. SOLIS, Ms. LEE, Mr. FRANK of Massachusetts, Ms. PELOSI, Mr. HASTINGS of Florida, Mr. CLYBURN, Ms. LORETTA SANCHEZ of California, Ms. WOOLSEY, Mr. MANZULLO, Mr. OBEY, Mr. LEWIS of Georgia, Mr. NADLER, Ms. DELAURO, Ms. DEGETTE, Mr. EMANUEL, Mr. RYAN of Wisconsin, Mr. LARSEN of Washington, Mr. CROWLEY, Mrs. MALONEY, Mr. KIND, Mr. CUELLAR, Mr. FORD, Ms. CARSON, and Mr. SPRATT):

H. Res. 1012. A resolution celebrating the first Milwaukee Mujeres Against Domestic Violence Brides Walk and recognizing all brides walks in protest of domestic violence; to the Committee on the Judiciary.

By Mr. MCCOTTER:

H. Res. 1013. A resolution encouraging municipalities to adopt and enforce effective protections against dog bites, and for other purposes; to the Committee on Agriculture.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 49: Mr. LARSON of Connecticut.
H.R. 65: Mr. MOORE of Kansas.
H.R. 118: Mr. MOORE of Kansas.
H.R. 170: Mr. LANTOS.
H.R. 180: Mr. FITZPATRICK of Pennsylvania.
H.R. 517: Mr. ENGLISH of Pennsylvania, Mr. ALEXANDER, and Ms. JACKSON-LEE of Texas.
H.R. 552: Mr. CHOCOLA.
H.R. 615: Ms. LORETTA SANCHEZ of California.
H.R. 699: Mrs. CAPPS.
H.R. 823: Mr. FORTUÑO.
H.R. 916: Mr. SCOTT of Georgia.
H.R. 1002: Mr. FORD.
H.R. 1059: Mr. PASCRELL.
H.R. 1175: Mr. BOUCHER.
H.R. 1186: Mr. SHAYS.
H.R. 1222: Mr. FATTAH, Mr. FORD, and Mr. NADLER.
H.R. 1251: Ms. SCHWARTZ of Pennsylvania.
H.R. 1288: Mr. BILBRAY.
H.R. 1298: Mr. GILLMOR.
H.R. 1306: Mr. ALLEN.
H.R. 1317: Mr. THOMPSON of Mississippi.
H.R. 1351: Mr. SWEENEY.
H.R. 1376: Mr. ENGEL, Mr. PALLONE, Ms. SOLIS, Mr. CLAY, and Mr. GRIJALVA.
H.R. 1425: Mr. ROTHMAN.
H.R. 1548: Mr. HINCHEY and Mr. SOUDER.
H.R. 1554: Mr. WYNN.
H.R. 1558: Mr. CAPUANO.
H.R. 1632: Mr. HAYWORTH, Mr. CHABOT, Mr. SIMMONS, and Mr. TIERNEY.
H.R. 1658: Mr. JINDAL.
H.R. 1671: Mr. GERLACH.
H.R. 2051: Mr. MCCOTTER.
H.R. 2121: Mr. CONAWAY and Mr. PENCE.
H.R. 2356: Mr. WAMP.
H.R. 2421: Ms. BEAN, Mr. WELDON of Pennsylvania, Mr. FITZPATRICK of Pennsylvania, Mr. SAXTON, and Mr. PETERSON of Minnesota.
H.R. 2568: Mr. KUHL of New York.
H.R. 2685: Mr. DOGGETT.
H.R. 2719: Mr. COOPER.
H.R. 2727: Mr. SIMMONS.
H.R. 2799: Mr. LAHOOD.
H.R. 2804: Mr. KLINE and Mr. CALVERT.
H.R. 2861: Mrs. BONO and Mr. Fortuño.
H.R. 2964: Mr. THORNBERRY and Mr. CONAWAY.
H.R. 3006: Mr. THOMPSON of California, Mrs. TAUSCHER, Mr. HIGGINS, Mr. PASCRELL, and Ms. MILLENDER-MCDONALD.
H.R. 3063: Mr. STRICKLAND.
H.R. 3145: Mr. ROTHMAN.
H.R. 3159: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 3183: Mr. MORAN of Virginia.
H.R. 3267: Mr. SHAYS.
H.R. 3436: Mrs. CAPITO.
H.R. 3547: Mr. LEWIS of Georgia.
H.R. 3559: Mr. ADERHOLT, Mr. STRICKLAND, Mr. LEWIS of Georgia, and Mr. ACKERMAN.
H.R. 3605: Mr. CROWLEY.
H.R. 3617: Mr. GOODLATTE.
H.R. 3628: Mr. OBERSTAR and Mr. BISHOP of Georgia.
H.R. 3762: Mr. SNYDER.
H.R. 3795: Mr. PORTER and Mr. FITZPATRICK of Pennsylvania.
H.R. 3854: Ms. KAPTUR.
H.R. 3954: Mr. GORDON.
H.R. 4033: Mr. GENE GREEN of Texas.
H.R. 4050: Mr. GUTKNECHT.
H.R. 4217: Mr. COOPER.
H.R. 4239: Mr. FERGUSON.
H.R. 4341: Mr. GILCHREST and Mr. OXLEY.
H.R. 4547: Mr. BILBRAY.
H.R. 4597: Mr. MCINTYRE.
H.R. 4620: Mr. DOOLITTLE and Mr. KING of New York.
H.R. 4749: Mr. BISHOP of New York.
H.R. 4773: Mr. BUTTERFIELD.
H.R. 4800: Mr. TIERNEY.
H.R. 4903: Mr. HINCHEY.
H.R. 4953: Mr. ENGLISH of Pennsylvania.
H.R. 4980: Ms. JACKSON-LEE of Texas, Mrs. DRAKE, and Mr. CAPUANO.
H.R. 5005: Mr. BOOZMAN.
H.R. 5088: Mr. RAHALL.
H.R. 5092: Mr. BASS, Mr. BRADLEY of New Hampshire, and Mr. BOOZMAN.
H.R. 5100: Mr. CONYERS and Mr. RAMSTAD.
H.R. 5120: Mr. HASTINGS of Washington.
H.R. 5134: Mr. KUHL of New York.
H.R. 5139: Mr. OLVER.
H.R. 5150: Mr. COSTELLO.
H.R. 5179: Mr. HAYES.
H.R. 5200: Ms. MCCOLLUM of Minnesota, Ms. KAPTUR, and Mr. BAKER.
H.R. 5230: Mr. KELLER.
H.R. 5242: Mr. SESSIONS, Mrs. MCMORRIS RODGERS, Mr. PITTS, Mr. FEENEY, Mrs. MYRICK, Mr. TIAHRT, and Mr. CONAWAY.
H.R. 5246: Mr. ADERHOLT, Mr. BOUSTANY, Mr. LATHAM, and Mr. BASS.
H.R. 5295: Mr. SHAYS, Mr. PORTER, and Mr. WELDON of Pennsylvania.
H.R. 5314: Mrs. KELLY.
H.R. 5355: Mr. DAVIS of Kentucky.
H.R. 5363: Mr. WICKER.
H.R. 5393: Mr. AL GREEN of Texas.
H.R. 5463: Mr. SHAYS.
H.R. 5500: Mr. BRADLEY of New Hampshire.
H.R. 5513: Ms. ROS-LEHTINEN, Mr. GIBBONS, Mr. LATHAM, Mr. ACKERMAN, and Mr. OLVER.
H.R. 5555: Mrs. MCCARTHY, Ms. SOLIS, and Mr. TOWNS.
H.R. 5558: Mr. ALEXANDER, Mr. PORTER, Mrs. NORTHUP, Mr. SAM JOHNSON of Texas, and Mr. ENGLISH of Pennsylvania.
H.R. 5598: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 5624: Mr. WAMP.
H.R. 5674: Mr. HINCHEY, Mr. SIMMONS, and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 5698: Mr. LARSON of Connecticut.
H.R. 5704: Mr. ROGERS of Michigan, Mr. HINOJOSA, and Mr. KUHL of New York.
H.R. 5707: Mr. CASTLE.
H.R. 5708: Mr. MCNULTY.
H.R. 5740: Mr. PORTER.
H.R. 5743: Mr. BRADY of Texas and Mr. FEENEY.
H.R. 5746: Mr. UDALL of Colorado.
H.R. 5755: Mr. PALLONE.
H.R. 5770: Ms. LEE.
H.R. 5771: Mr. CROWLEY, Ms. BALDWIN, Mr. MARKEY, Mr. BERMAN, Mr. ALLEN, Mrs. MALONEY, Mr. BARROW, Mr. POMEROY, Mr. SNYDER, Ms. VELÁZQUEZ, Mr. MCINTYRE, Mr. BACA, Mr. RENZI, Mr. CLYBURN, Mr. OBEY, Mr. KIND, Mr. BISHOP of Georgia, Mr. BOYD, Mr. CARDOZA, Mr. CHANDLER, Mr. DAVIS of Tennessee, Ms. LORETTA SANCHEZ of California, Mr. SCOTT of Georgia, Mr. PASCRELL, Mr. BISHOP of New York, Ms. BORDALLO, Ms. WOOLSEY, Mr. SKELTON, Mr. RUPPERSBERGER, Mrs. LOWEY, Mrs. MCCARTHY, and Mrs. CHRISTENSEN.
H.R. 5772: Mr. RAHALL.
H.R. 5791: Mr. OLVER and Mr. SIMMONS.
H.R. 5809: Mr. MCCOTTER and Mr. FORD.
H.R. 5817: Mr. BAIRD and Mr. SMITH of Washington.
H.R. 5834: Mr. LEVIN.

H.R. 5853: Mr. MCHUGH.

H.R. 5862: Mr. FEENEY and Ms. HARRIS.

H.R. 5864: Mr. BROWN of Ohio, Ms. JACKSON-LEE of Texas, Mr. PAYNE, Mr. SCOTT of Georgia, Ms. MOORE of Wisconsin, Mr. WESTMORELAND, Mr. FORTUÑO, Mr. LINDER, and Mr. SOUDER.

H.R. 5866: Mr. BONNER, Mr. ROHRABACHER, Mr. LUCAS, Mr. SULLIVAN, Mr. MCCAUL of Texas, Mr. CUELLAR, Mr. MARCHANT, Mr. GILCHREST, Mr. ROGERS of Michigan, Mr. MURTHA, Mr. FRANKS of Arizona, and Mrs. MUSGRAVE.

H.R. 5887: Mr. MCCOTTER.

H.R. 5888: Mr. SOUDER, Mr. PRICE of North Carolina, and Mr. WEXLER.

H.R. 5891: Mr. DELAHUNT and Mrs. MALONEY.

H.R. 5906: Mr. GILLMOR, Mr. GUTKNECHT, and Mr. SABO.

H.R. 5965: Mr. ISRAEL.

H.R. 6032: Mr. MARSHALL.

H.R. 6038: Ms. JACKSON-LEE of Texas.

H.R. 6053: Mr. BOUSTANY and Mr. CARTER.

H.R. 6057: Mr. SENSENBRENNER, Mr. NEUGEBAUER, Mr. GOHMERT, Mr. PITTS, Mr. POE, Mrs. MYRICK, Mr. FEENEY, Mr. WILSON of South Carolina, Mr. GARY G. MILLER of California, and Mr. CARTER.

H.R. 6061: Mr. MILLER of Florida, Mr. ROGERS of Michigan, Mr. NORWOOD, Mr. CAMPBELL of California, Mrs. BIGGERT, Mr. MURPHY, Mr. DAVIS of Kentucky, Mr. CALVERT, Mr. MCCOTTER, Mr. PRICE of Georgia, Mr. KELLER, Mr. SESSIONS, Ms. FOXX, Mr. KING of Iowa, Mr. ADERHOLT, and Mr. HENSARLING.

H.R. 6064: Mr. OLVER.

H. Con. Res. 158: Mr. RUSH and Mr. FATTAH.

H. Con. Res. 343: Mr. MEEKS of New York.

H. Con. Res. 346: Mr. HASTINGS of Florida, Mr. MACK, and Mr. ROSS.

H. Con. Res. 390: Mr. GINGREY, Mrs. MYRICK, Mrs. MALONEY, Mr. KIRK, Mr. CROWLEY, Mr. POE, Mr. JONES of North Carolina, and Mr. MCKEON.

H. Con. Res. 391: Mr. GRIJALVA and Mr. OLVER.

H. Con. Res. 424: Ms. CARSON, Mr. ENGEL, Mr. YOUNG of Florida, Mr. FORD, Mr. FOLEY, Mr. MELANCON, and Mrs. LOWEY.

H. Con. Res. 428: Mr. LINDER, Mr. TIBERI, and Mr. ISSA.

H. Con. Res. 453: Mr. LANTOS, Mr. BISHOP of New York, Mr. DOGGETT, Ms. SCHWARTZ of Pennsylvania, Ms. SOLIS, Ms. SCHAKOWSKY, Mr. MORAN of Virginia, Ms. BERKLEY, and Mr. FORTUÑO.

H. Con. Res. 470: Mr. OBEY, Mr. LARSON of Connecticut, Ms. SCHWARTZ of Pennsylvania, Mr. MCNULTY, and Mr. STUPAK.

H. Con. Res. 471: Mr. BARRETT of South Carolina, Mr. GONZALEZ, and Mr. COSTA.

H. Res. 295: Mr. WEXLER and Mr. PRICE of North Carolina.

H. Res. 305: Mr. BRADLEY of New Hampshire.

H. Res. 723: Mr. SMITH of Washington.

H. Res. 745: Mr. TIBERI, Mr. KLINE, Mr. FOLEY, and Mrs. DRAKE.

H. Res. 940: Ms. ROYBAL-ALLARD and Ms. MILLENDER-MCDONALD.

H. Res. 942: Mr. NORWOOD.

H. Res. 944: Mr. MCCAUL of Texas, Mr. MCCOTTER, Mr. RUPPERSBERGER, Mr. FITZPATRICK of Pennsylvania, Mr. ALLEN, Mrs. MALONEY, Mr. CLEAVER, Mrs. TAUSCHER, and Mr. RYAN of Ohio.

H. Res. 959: Mr. POMEROY.

H. Res. 962: Mr. HOLT, Mr. HASTINGS of Florida, Mr. RAHALL, Mr. CHANDLER, Mr. GALLEGLY, Mr. CLAY, and Mr. OXLEY.

H. Res. 973: Ms. SCHWARTZ of Pennsylvania and Mrs. CHRISTENSEN.

H. Res. 976: Mr. MICHAUD and Mr. KIRK.

H. Res. 989: Mr. BURTON of Indiana, Mr. GALLEGLY, Mr. KING of Iowa, Mr. KING of New York, and Ms. HARRIS.

H. Res. 992: Mr. ADERHOLT, Mrs. BONO, Mrs. CHRISTENSEN, Mrs. JO ANN DAVIS of Virginia, Mr. DELAHUNT, Mr. DENT, Mr. ENGEL, Mr. ETHERIDGE, Mr. GORDON, Mr. KIRK, Mr. MICHAUD, Mr. MILLER of North Carolina, Ms. MOORE of Wisconsin, Mr. PALLONE, Mr. PRICE of North Carolina, Mr. REICHERT, Mr. ROHRABACHER, Mr. SAXTON, Mr. SHAW, Mr. VAN HOLLEN, Mr. WELDON of Pennsylvania, and Ms. SCHWARTZ of Pennsylvania.

H. Res. 1004: Mr. FRELINGHUYSEN and Mr. SMITH of New Jersey.

H. Res. 1005: Ms. VELÁZQUEZ, Ms. MATSUI, Mr. DAVIS of Tennessee, Mr. BUTTERFIELD, Mr. MCINTYRE, Mr. BISHOP of New York, and Mr. BOUCHER.

H. Res. 1008: Mr. BOSWELL, Mr. DAVIS of Tennessee, Mr. ROSS, and Mrs. TAUSCHER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2048: Mr. KUHL of New York.

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PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, SECOND SESSION

Vol. 152 WASHINGTON, THURSDAY, SEPTEMBER 14, 2006 No. 114

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable JOHNNY ISAKSON, a Senator from the State of Georgia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Our God and Father, in whom we find life everlasting, we praise You as the one and only God who brings order out of chaos. In our tumultuous world, You alone are changeless.

Guide our Senators today. Work within them that they may choose to make You the fixed star of their hope. Empower them with unwavering faith to manage the unfolding challenges of our times. Forgive them for duties unattended, obligations unmet, and responsibilities ignored. Impart to them discernment to do their best and to find their highest joy in pleasing You.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHNNY ISAKSON 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, September 14, 2006.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHNNY ISAKSON, a Senator from the State of Georgia, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. ISAKSON thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning, following a brief period of morning business, we will resume consideration of the port security bill, with an hour of debate equally divided, followed by a vote on the motion to invoke cloture on the bill. That cloture vote should occur at approximately 11 this morning, and that will be the first vote of today's session. I anticipate that cloture will be invoked, and I encourage all Senators to vote in favor of cloture. The bill managers have been diligently working through the amendments and working through the bill. If we invoke cloture, we expect to complete the bill at a reasonable time today. I encourage all of our colleagues to help the managers so we can finish that bill sometime in the late afternoon today. It means not doing our usual thing of trying to talk and spend a lot of time and then voting later into the night. We really do want to finish this late this afternoon. Senators are reminded that rollcall votes are likely throughout the day and that the filing deadline for second-degree amendments is 10 a.m. this morning.

SAFETY AND SECURITY OF THE AMERICAN PEOPLE

Mr. FRIST. Mr. President, for this month's session of 4 weeks on the floor of the Senate prior to our recess for the elections, we have focused and will continue to focus on the safety and security of the American people.

There are a lot of issues that need to be dealt with that we are dealing with in committees and in conference, but the focus on the floor very much is the safety and security of families listening right now, and to our colleagues and their families. We know, having seen what had come close to happening with the events in Great Britain in terms of the terrorist attacks and the plot there that was foiled, we are at risk in this country. Therefore, it is our obligation to address these issues and to do it in a way where we know we are equipped to both obtain information that can undercut these plots and foil the terrorists in whatever activity they are dreaming up.

In addition, we have a challenge that is being addressed in committee today, was addressed in committee in the House yesterday, in terms of the terrorist tribunals and military commissions. It needs to be understood by my colleagues and the American people that the detainees we have today—the enemy combatants, people who have wished us harm, people who planned the 9/11 attack—until we act in Congress, in this Senate, they simply cannot be tried. They cannot be brought to justice. That is where we are today. That is why there is so much appropriate focus on making sure our Government, our military personnel, our intelligence officers have the tools they need to keep us safe.

So those two issues, the surveillance issue and the military commissions and tribunals, are issues we are addressing, again, in committee. The President has placed a bill before this body. I introduced it about a week and a half ago. That language is available, and I encourage my colleagues to study that.

Mr. President, that brings me to the issues of security that I mentioned in terms of surveillance, the detainees

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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who are at Guantánamo Bay. Senator MCCONNELL and Senator SPECTER and I actually visited that naval base last week and learned a lot.

We have border security we are addressing in the Department of Defense appropriations bill that we passed a week and a half ago that is in conference and in our Homeland Security appropriations bill, both of which aggressively address border security. So we have border security. We have port security. We have the military commissions that are being addressed for those individuals at Guantánamo Bay. We have support for our troops in terms of maintaining our security through the Department of Defense appropriations bill that is currently in conference. And then we have the whole issue of surveillance.

Today we are going to finish on port security. We all know—and we are reminded by the events surrounding our reminiscences of 9/11 with that fifth anniversary—we are fighting a war against radical ideologues. These are militant extremists, and they have a single-minded goal of destroying our Nation. Increasingly, people are realizing that, but it is taking these reminiscences and the remembering of the great tragedy of 9/11, coupled with the reality of what very well could have happened to hundreds and, indeed, thousands of Americans if that plot had not been uncovered by the British.

We know the terrorists are not going to stop. And it is not just a war in one part of the world, it is a war against an ideology. They are not going to stop at anything. The enemy is creative. I mentioned the attacks that could have emerged out of the plot which was uncovered by the British. Who would have ever deemed imaginable a day when business travelers could not be carrying contact lens solution in their carry-on. It is because of an attempt with a ''Gatorade'' bomb.

The terrorists are always thinking. They are always thinking of how they can stay one step ahead of even what our imagination is. They are searching for our weak points. They are seeking ways to exploit our weak points. That is why we have to remain vigilant, and that is why we have to address these issues on the floor. The substance of the bill that is on the floor does just that, the port security bill. That is vigilance.

Nowhere is it clearer to me that we have to be vigilant than at America's 300 maritime ports of entry. We talk about border security. Well, part of border security is port security. It is a border we have to close and appropriately monitor to prevent the terrorists from doing us harm.

These ports are economic centers. As economic centers, our more than 300 sea and river ports are targets in and of themselves. For people who want to hurt us, want to hurt our economy, they can become a target. These ports become even more attractive when they are close to urban centers. These ports facilitate the rapid dissemination of cargo from around the globe to each of our cities and towns. Thus, we know the terrorists, when they want to hurt us, would potentially address these ports.

We have done a lot to secure our ports, but the fact remains, they are too porous. That brings us back to the importance of this bill. The bill before us plugs the holes that exist. It toughens security standards for all cargo. And it strengthens and improves programs designed to screen cargo at foreign ports and secures the international supply chain from the very start to the very end.

Technologies have advanced. We have developed more accurate detection tools. But we are not using those tools throughout our system. We are not using them universally. Terrorists have access to stealthier weapons, and that is a huge vulnerability just asking to be exploited if we do not keep up, if we do not keep pace. That is why we must pass this bill tonight.

The bill establishes a risk-based grant program to help assist ports with training personnel and implementing new security standards. The men and women who operate our ports are our first line of defense. We have entrusted these stewards of security with a serious, with a grave responsibility.

Accordingly, the bill ensures that the Department of Homeland Security will move forward with background checks for all port workers so we know who is on the ground at these critical facilities. It sets up procedures for resuming port operations and trade safely and quickly after a terrorist attack to help minimize any effect or any shock to our economy. It establishes the appropriate protocols to ensure that if a terrorist does strike, our ports are not closed longer than necessary.

And importantly, we also need protocols in place so we do not reopen ports too early. An incident at a port could be a red herring, a distraction to disguise other, more damaging terrorist activities.

These are just a few of the highlights of the Port Security Improvement Act. At its core, it is a multipronged approach to plugging the holes that exist in port security. It institutionalizes multiple and redundant security layers. From the factory of origin to cargo container, from cargo container to port warehouse, from port warehouse to cargo ship, from cargo ship to the port of calling, and from the port of calling to the final destination, at each step this bill toughens our standards. We are making it harder for a terrorist's dirty bomb to hide anonymously in a cargo container. We are making it harder for terrorists to tamper with cargo containers. We are making it harder for terrorists to use our ports as target practice. And we are making it harder for terrorists to use our ports to stealthily gain access to the rest of our homeland.

The terrorists we face have a radical agenda. They are ever-vigilant in monitoring and assessing our weaknesses and always looking for new ways to harm us. We must be ever-vigilant in identifying our weaknesses and minimizing and eradicating them. That is what this Port Security Improvement Act does. It is my hope my colleagues will join me in supporting it and in passing this important piece of legislation this afternoon.

Mr. President, I yield the floor.

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 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 majority leader or his designee and the second half of the time under the control of the Democratic leader or his designee.

Mr. FRIST. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEMINT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

REPUBLICANS ARE COMMITTED TO MAKING AMERICA SAFER

Mr. DEMINT. Mr. President, I said yesterday I am thankful to be part of the Republican majority that understands that September 11, 2001, changed the way that we must look at the world. Republicans are committed to taking action and not just talking about making America safer.

We must track, capture, and eliminate our terrorist enemies before they attack us. We must provide the President and our military with every legal tool available to fight this war against Islamic extremists, and we must secure our homeland by securing our borders and ports.

Unfortunately, the Democratic Party does not seem to understand the true threat that we face with Islamic extremists. Instead, Senate Democrats continue to prove that they are dangerously naive about the grave danger of global terrorism.

Radical Islamic jihadists have made no secret of their goal, which is the complete subjugation of the world to their extreme form of Islamic nationalism.

Osama bin Laden said the attacks of 9/11 were ''an unparalleled and magnificent feat of valor'' and ''a great step toward the unity of Muslims.''

According to the al-Qaida charter:

There will be continuing enmity until everybody believes in Allah. We will not meet [the enemy] halfway, and there will be no room for dialog with them.

The Iranian President has called for a world ''without the United States and Zionism,'' saying that the West's ''doomed destiny will be annihilation, misfortune, and abjectness,'' and telling other nations that in order to have good relations with Iran, they must ''bow down before the greatness of the Iranian nation and surrender.''

Horrendous attacks in India, Madrid, London, as well as recent arrests in Canada, Miami, and the foiled London airplane plot have shown that terrorists and their state sponsors have the determination to back up their rhetoric with action.

President Bush and my Republican colleagues have proved that we understand the nature of the enemy we are facing and that we must be just as determined as they are.

Let's be clear. Republicans are not the ones fighting to preserve the status quo. Preserving the status quo is what we did for 8 long years under the Clinton administration—simply responding with a law enforcement mindset while Islamic extremists attacked us and built and financed their worldwide network of terror.

Now Democrats would have us return to the Clinton status quo—a pre-September 11, head-in-the-sand philosophy of ''don't listen, don't track, don't challenge.''

Republicans understand the world changed on September 11 and that we are fighting a dynamic and committed enemy. As we have responded to terrorists, they have adjusted their tactics, and we are continually evaluating and adapting our strategy to meet this evolving threat.

If we don't show the resolve to defeat radical Islamic terrorists in Afghanistan, Iraq, and Lebanon, we will never defeat them anywhere. No one understands the stakes better than the terrorists. That is why there is no in-between choice in Iraq. Either we cut and run and allow it to become a safe haven for terrorism and staging grounds for future attacks or we stay until victory over the terrorists is achieved and Iraq is a stable partner in democracy.

Republicans have proved that we will do what it takes to secure our homeland from all enemies. We are committed to completing our current mission in Iraq and Afghanistan with victory and honor and to create a new generation of freedom and security, of peace and prosperity, for America and the world.

The unfortunate truth is that when it comes to securing America's homeland, the Democrats are dangerously naive. They think if we pull out of Iraq, the terrorists will leave us alone. They have abandoned those in their own party who dare to disagree with the most radical liberals of the far left. Democrats, with the help of their misguided allies, such as media outlets like the New York Times, have signaled to the terrorists that America is tired, discouraged, and ready to quit, encouraging the terrorists to expand their attacks around the world.

Not content to simply heckle from the sidelines, Democrats have actively fought to block the tools that are critical to stopping future attacks. In fact, Senate Democrats united this week in opposition to the terrorist surveillance program, proposing an amendment to the port security bill that denounces this program that has saved American lives.

Just last Thursday, Democrats showed their continued tendency to flip-flop when they issued a media statement outlining their latest security agenda, pledging to ''work to . . . ensure our intelligence agencies have the tools they need to defeat the terrorists.'' Then, 1 short hour later, they again played procedural games to block the Judiciary Committee from further consideration of the National Security Surveillance Act of 2006.

The Senator from Texas, Mr. CORNYN, got it right when he said:

It's little wonder that Democrats have a credibility gap with the American people on the issue of national security. Saying one thing [and then] doing another . . . doesn't help our efforts to win this war.

This week, Senate Democrats continued to prove they are willing to put politics ahead of the security and safety of American families by trying to kill the port security bill with partisan amendments.

The Senator from New York, Mr. SCHUMER, openly admitted the Democratic strategy of playing politics with national security. Yesterday, Congress Daily reported Senator SCHUMER ''conceded Democrats were seeking to score political points'' and quoted my Democratic colleague saying: ''This is politics at its very best.''

I believe the American people have a different view of the partisan games the Senate Democrats are playing. I think they believe that this is politics at its very worst.

If Democrats spent half as much time fighting terrorists as they do this administration, America would win this war a lot faster.

Democrats claim to be the ones listening to the American people, but, unfortunately, they are just posturing to win an election. Mr. President, I invite my Democratic colleagues to stop these political games and to join us in helping to win this war on terror and securing America's homeland.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

Mr. ENSIGN. Mr. President, how much time remains on our side?

The ACTING PRESIDENT pro tempore. There is 4 minutes 25 seconds remaining.

Mr. ENSIGN. I ask unanimous consent for an additional 5 minutes on each side for morning business.

The ACTING PRESIDENT pro tempore. Is there objection?

Ms. LANDRIEU. Mr. President, I didn't hear the request.

The ACTING PRESIDENT pro tempore. The Senator has asked unanimous consent that each side have 5 additional minutes for morning business.

Ms. LANDRIEU. I have no objection.

AMERICA'S STATUS IN FIGHTING TERRORISM

Mr. ENSIGN. Mr. President, I rise this morning to talk about our status in this fight against Islamic extremism around the world.

When the terrorists struck the World Trade Center on September 11, 2001, America was forced to realize that we were at war. We did not ask for this war. This conflict was brought to us by individuals who believe that America is evil. This is an enemy that hates us because we are a free nation, and our citizens are free to pursue their dreams and chart their own destiny.

The day the World Trade Center towers fell, our world—or at least our comprehension of it—changed forever. Our enemy stepped onto our soil, destroyed our buildings, killed more than 3,000 of our citizens, and made clear their intentions. They want nothing less than to cause our demise.

The world has changed much since that horrific day. Unfortunately, the will to fight extremists who planned and executed September 11, and many other attacks around the globe, has wavered since then. The united resolve of many nations has softened dramatically.

As Americans, we have no choice but to lead the way with an unwavering commitment to this fight. Remember, they asked for this fight. They, long ago, declared war on America and the free world and long before September 11 began attacking and killing our citizens.

They challenged us many times over the years and received little more than empty rhetoric and a slap on the wrist for such atrocities as striking the USS Cole, the first World Trade Center bombings, destruction of the Khobar Towers in Saudi Arabia and the Marine barracks in Lebanon; and, of course, they attacked our Embassies in Africa.

We were at war, but we didn't even know it. For too long we ignored the words of these terrorists. We attributed their declarations of hate as mere rantings of lunatics.

Time has shown us that the words of these Islamic extremists must be taken seriously, and we must continue to act decisively to stop them from achieving their aims.

In an effort to steal our collective resolve, it is important to remind ourselves just who the enemy really is in this global war against Islamic fascism. For too long America has seen our enemies through a prism that casts them in the mold of conventional powers, but the Islamic fascists are a different breed. They fight for no flag, nor

do they adhere to any international agreement. They fight outside the box; whereas, our sense of what is right and wrong constrains us to adhere to recognized rules of engagement.

We all know the self-professed leader of al-Qaida is Osama bin Laden. His call to arms for his disciples is: Death is better than living on this Earth with the unbelievers amongst us.

We know Iraq is central to the war on terror because Osama bin Laden said it is. He said:

> The most serious issue today for the whole world is this third world war that is raging in Iraq.

Zawahiri, Osama bin Laden's deputy, described Iraq as ''the place for the greatest battle of Islam in this era.''

Remember the blind sheikh? He was responsible for the 1993 World Trade Center bombing. From his prison cell, he has called on Muslims everywhere to ''tear them apart, ruin their economy, instigate against their corporations, destroy their embassies, attack their interests, sink their ships, and shoot down their airplanes; kill them on land, at sea, in the air; kill them wherever you find them.''

Those were their words, Mr. President. We are at war with an enemy that wants to see America wiped off the map. This is an enemy bent on destruction and Islamic domination—or at least their vision of Islam. Their goal is to establish a violent political utopia across the Middle East—which they call a caliphate—where all would be ruled according to their hateful ideology.

Osama bin Laden has called the 9/11 attacks, in his words, ''a great step toward the unity of Muslims and establishing the righteous caliphate.'' There are reports that some of Osama bin Laden's supporters believe that he is the Mahdi, the 12th Imam. The Mahdi will lead believers in Islam to victory over the infidels, ushering in an era of peace and justice.

Even Iran's President is on record as instructing America, in his words:

> If you would like to have good relations with the Iranian nation in the future, bow down before the greatness of the Iranian nation and surrender. If you don't accept to do this, the Iranian nation will force you to surrender and bow down.

Those are the Iranian President's own words. It is not farfetched to believe that with nuclear weapons in his possession, he would use them to usher in this cataclysmic confrontation that he seeks. We must take these threats seriously and act accordingly.

Remember, the terrorists are traitors to their own faith trying, in effect, to hijack Islam itself. The enemy of America is not our many Muslim friends; it is not our many Arab friends. Our enemy is a radical network of terrorists and every government that supports them.

The terrorists' directive commands them to kill Christians and Jews, to kill all Americans, and make no distinction among military leaders, ordinary troops, and civilians, including women and children. They want to overthrow existing governments in many Muslim countries such as Egypt, Saudi Arabia, and Jordan. They want to drive Israel out of the Middle East. They want to drive Christians and Jews out of vast regions of Asia and Africa. These terrorists kill not merely to end lives but to disrupt and end a way of life. With every atrocity, they hope that America grows fearful, retreating from the world and forsaking our friends. They stand against us because we stand in their way.

We cannot be deceived by their pretenses to piety. We have seen their kind before. They are the heirs of all the murderous ideologies of the 20th century.

By sacrificing human life to serve their radical visions, by abandoning every value except power, they follow the path of fascism and Nazism and totalitarianism. They will follow that path all the way to where it ends: In history's unmarked graves of discarded lies.

This is not, however, just America's fight. And what is at stake is not just America's freedom. This is the world's fight. This is civilization's fight. This is the fight for all who believe in progress and pluralism, tolerance, and freedom.

The war we fight today is more than a military conflict; it is the decisive ideological struggle of the 21st century. Make no mistake: this is an enemy we cannot appease; this is an enemy we must defeat.

On September 11, 2001, and the days immediately following, this country stood united. We stood ready to protect all Americans. We must continue to show a united front against this enemy. We must understand that what we say has great consequences. If our enemy sees the country divided, it will also see an opportunity and a path to victory.

During our Civil War, General Lee often read northern papers to gauge the mood of the population in the North. As he saw the political discourse and the division among northern leaders prior to Gettysburg, he believed that it would take only one more victory to win the war. Lucky for us, the victory never came, but we can learn from Lee's lesson.

Mr. President, I ask unanimous consent for 30 more seconds.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ENSIGN. Mr. President, al-Qaida reads our newspapers and watches our television stations. They see the lack of resolve in some of our leaders and they seek to exploit it. This is the time to lead, a time to unite, and a time to defeat an enemy that wants to bring an end to freedom around the world. We must lay down our party labels as Republicans, Democrats, or Independents and become Americans. We must not tire. We must not falter. We cannot fail.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana is recognized.

OSAMA BIN LADEN STILL LOOSE

Ms. LANDRIEU. Mr. President, I came to the floor to speak briefly about one of our outstanding superintendents in Louisiana and to pay tribute to an accomplishment that has been made on education. But in light of the rantings that went on for the last 30 minutes in the Chamber from my two colleagues on the other side, I would like to state for the RECORD that America is not tired of fighting terrorism. America is tired of the wrong-headed and bone-headed leadership of the Republican Party that has sent $6.5 billion a month to Iraq, when the front line was Afghanistan and Saudi Arabia. America is tired of leadership which led this country to attack Saddam Hussein when we were attacked by Osama bin Laden, and which captured a man who did not attack the country and left loose a man who did.

Americans are tired of bone-headed Republican leadership that alienates our allies when we need them the most. And Americans are most certainly tired of leadership that, despite documented mistake after mistake after mistake after mistake after mistake—and even their own party admitting mistakes—never admits that they do anything wrong. That is the kind of leadership Americans are tired of.

I didn't come to the Senate to have partisan rantings on the floor, but I most certainly am not going to sit here as a Democrat and let the Republican leadership come to the floor and talk about how Democrats are not making us safe. They are the ones who are in charge, and Osama bin Laden is still loose.

RECOGNIZING LOUISIANA'S MADISON PARISH SCHOOL DISTRICT

Ms. LANDRIEU. Mr. President, now I will speak about what I came to the floor to speak about. We have had a very difficult time in Louisiana and Mississippi and the gulf coast this year, in part because our resources are short because our country is involved in so many other things, and I can appreciate and understand the dilemmas. But we still have a great effort underway to rebuild Louisiana, Mississippi, and the gulf coast. So we have been moving steadily ahead in fits and starts because, of course, this was an unprecedented disaster. And while it really wasn't a natural disaster for Louisiana, it was a manmade disaster because our city went under water and the region, counties in Mississippi and parishes in Louisiana—for instance, one of our parishes, not New Orleans which we have heard a lot about, but St. Bernard Parish which sits right outside of New Orleans, 75,000 people live there, and every home was destroyed and every church was ruined

and every business was destroyed. They were ruined not just because of the storms and the hurricanes which come and there is nothing much we can do to stop them, but because the levees broke which the Federal Government is supposed to maintain, and because of spending money in other places and not protecting people in their homes.

So as my colleagues know, we had water 15 feet high that stood for up to 6 to 8 and sometimes 10 weeks in some places. Our communities have been struggling with how we might better approach the recovery should something—and I see my colleague from Seattle, WA—should a tsunami hit Seattle, which is a major, very important American city, or should a category 5 storm hit Long Island like it did in 1938 when only a few hundred thousand people lived there but now millions of people do. We need to do a better job of responding. So Congress has been involved in that for this last year, and I predict will be involved in it for many years to come until we get it right.

But one of the things that we did get right is that the northern parishes of Louisiana came to the aid of those from the southern parishes, and one of those parishes that I am here to speak briefly about is Madison Parish. It is a small parish up in the northeastern part of our State, and it is a poor parish. It has great natural resources and very vibrant and vital agricultural land, but it is quite poor, generally. It is a district with only 3,000 students in school. But as the people fled from south Louisiana and south Mississippi and southeastern Texas to flee from the rising water of the storms, many of them found their way to Madison Parish.

Madison Parish superintendent Michael Johnson led this effort to absorb several hundred students into a very small school system that was already overburdened. The storm didn't, of course, hit Madison Parish directly but, of course, indirectly they were impacted by some high winds that made it up to north Louisiana, and were mostly impacted by students and families who ran there for shelter. There were many shelters put up. Superintendent Johnson, as many superintendents in north Louisiana, reached out their hands and, without a lot of help, without any textbooks, without a lot of information about how this was supposed to happen, took the children in. Not only did children find a safe place in Madison Parish school systems to attend school because their schools in south Louisiana were ruined, but with all of this, Madison Parish was one of the parishes that improved their test scores substantially on the last LEAP test given in Louisiana. Not only did their scores improve, but students and educators in Madison Parish at the same time were welcoming evacuated children with open arms.

Madison Parish is not the only parish that saw a substantial rise in test scores this year. Beauregard Parish has also done well. We are very proud of all of our school systems that did better in a very difficult year, but most certainly we are proud of those small, poor, rural school systems that, with good leadership, are making substantial progress.

We don't talk enough about education on the floor of the Senate, in my view, and we don't often at all talk about the small areas of our country that are making extraordinary progress in less populated areas. We talk a lot about New York and Chicago and Los Angeles, but we don't always get to hear about small places that are not even recognizable sometimes to many people on the map. But since I visited Madison Parish recently and had a great tour of north Louisiana, I thought I would take a minute to come and praise publicly this particular superintendent and to call attention to many of our superintendents who, despite the fact that we keep cutting their Federal funding, are managing to meet these high standards and to lift their children up and to make their school system and others better for the future of our States and our region.

Superintendent Johnson has been the impetuous for Madison Parish's recent success. Interestingly, Superintendent Johnson was working as superintendent of schools for New York City's District 29 when terrorists attacked the World Trade Center on September 11, 2001. Superintendent Johnson took over in August before Hurricanes Katrina and Rita hit and proceeded with the same positive energy he embodied in New York. The Madison Parish School District now has improved their LEAP test scores by reducing the percentage of students scoring Unsatisfactory and increased the percentage of students scoring Basic and above. They have also reduced suspensions at the elementary and middle school levels.

Not only have their scores improved, but the students and educators of Madison Parish have welcomed the evacuated children with open arms. Under Superintendent Johnson's leadership, they used their resources to provide the children lunch, buy clothes, books and other necessary items. They provided increased after school programs so these students would spend less time in shelters and have some sense of normalcy. The students and staff helped the displaced children and teachers begin to replace their personal possessions and helped them work through their feelings in the crisis. This was something that Superintendent Johnson understood very well from his experiences in New York and added to his success in caring for the children taken in after Hurricanes Katrina and Rita by Madison Parish.

As students come back into southern Louisiana and begin the new school year, I would like to recognize how beautifully our students were welcomed into schools systems like Madison Parish. Superintendent Johnson and his community are an example of the best in our society—the generosity and compassion that is found in the hearts of our people. I also want all of us to look to the Madison Parish School System and to Superintendent Michael Johnson as an example of how a low performing school can, not only turn their scores around, but offer help to those students who are less fortunate.

Thank you to all students, teachers, principals and superintendents who have taken that extra step and worked harder, improved their test scores and opened their arms and hearts to those who were affected by the storms. We should all live by this example. In closing, I would like to express my gratitude to the Madison Parish schools system and to Superintendent Michael Johnson for taking education seriously and improving their test scores while providing a safe, healthy learning environment for all children.

Mr. President, I yield the floor.

REMEMBERING ANN RICHARDS

Mrs. MURRAY. Mr. President, I rise this morning on a very sad note for all of us who knew a very special, wonderful woman by the name of Governor Ann Richards. Last night she left this world, but she left behind a tremendous spirit that many of us will carry on. She was the kind of woman who could walk into a room and light it up, no matter where she was. She was a Governor of Texas, and I know that State knew and loved her well, but the rest of the country also loved her.

I was privileged to know this wonderful, compassionate human being. She made me laugh, she made me think, and she made me remember what I cared most about in this country. Her loss is a tragic one certainly for the State of Texas, certainly for the country, but absolutely for every one of us who knew her.

I know many people will be speaking throughout the next several days about the loss of Governor Richards, but I just wanted, on behalf of so many of us who cared for her so much, to express our condolences to all of her family, to her friends, to everyone who knew her, and to let them know that we will not forget and we will continue to carry her message of hope and passion as we continue in our lives.

Mr. President, I yield the floor.

Ms. LANDRIEU. Mr. President, how much time do the Democrats have remaining?

The ACTING PRESIDENT pro tempore. There is 10 minutes remaining.

Ms. LANDRIEU. Mr. President, I ask unanimous consent to speak for 4 minutes of that time, if I could.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. LANDRIEU. Mr. President, I would like to take a few minutes to add to Senator MURRAY's heartfelt and beautiful tribute to Governor Ann

Richards. Many of us woke up this morning to read the newspaper and were stunned by the news that Governor Richards had passed away.

Many of us, of course, knew of her illness and that she struggled with it and fought it bravely, but I am not sure how many understood how close she was to death's door.

As a neighbor of hers who grew up right over the border from Texas, and as a young woman in the legislature, Ann Richards was at the top of the list of women I looked to early in my career. I did not have too many women to look to because there were just not that many women in public office in this country in 1976, the year when Governor Richards started her political career as Travis County Commissioner. There were 604 women in state legislatures nationwide. Not only was she an outstanding leader but she was an extraordinary administrator. I remember her days as State treasurer of Texas and followed many of her guidelines to leadership in trying to manage the budget of Texas. I followed that lead in trying to manage the budget of Louisiana. She showed that women could not only hold county commissioner seats, but high-level executive offices, managing finances and money. She become Governor of one of the largest States in America and served with extraordinary ability.

But more than just her service to the public at large, which was tremendous to the State of Texas and the country, Ann Richards encouraged women to think of things that had never been thought of before that women could to serve in corporate board rooms and as Governors and, hopefully, one day as President of the United States. And today, thanks to women like her, 1,686 women serve in state legislatures across the country. Without women such as Ann Richards, those dreams would never materialize or would be decades away.

There was a quote in the paper that I chuckled at because Governor Richards said once she didn't want to be remembered for keeping a clean house. She thought that women should be remembered for things greater than just how well they could vacuum how well they could cook or how well they could do things associated with the home.

While I do not in any way diminish the contribution that we make as wives and as mothers or diminish any of the things that we do inside of our homes that keep our families happy and keep our society going, I want to say emphatically that I agree with her. I hope women who are born and grow up today really think about what they want their tombstone to say.

Ann was always that kind of woman. She was born not only to be all a woman could be, but all a person could be, all a leader could be. Very few women in the generations that I am familiar with have accomplished that as well as she did. It is with great sadness that we recognize her passing, and I am sure there will be a more formal recognition in the Senate Chamber among men and women remembering the contributions this extraordinary American made to our country, to the world, to women and girls everywhere.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SUNUNU). The clerk will call the roll.

The assistant 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.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business is closed.

SECURITY AND ACCOUNTABILITY FOR EVERY PORT ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 4954, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4954) to improve maritime and cargo security through enhanced layered defenses, and for other purposes.

Pending:

Schumer modified amendment No. 4930 to improve maritime container security by ensuring that foreign ports participating in the Container Security Initiative scan all containers shipped to the United States for nuclear and radiological weapons before loading.

Murray (for Stabenow) amendment No. 4967 to authorize grants for interoperable communications.

Nelson (NE) modified amendment No. 4945 to provide emergency agricultural disaster assistance.

DeMint amendment No. 4970 to prohibit the issuance of transportation security cards to individuals who have been convicted of certain crimes.

Clinton/Dole amendment No. 4957 to facilitate nationwide availability of 2–1–1 telephone service for information on and referral to human services, including volunteer opportunities related to human services.

Clinton amendment No. 4943 to fund additional research to improve the detection of explosive materials at airport security checkpoints.

Clinton/Schumer amendment No. 4958 to establish a grant program for individuals still suffering health effects as a result of the September 11, 2001, attacks in New York City.

The PRESIDING OFFICER. Under the previous order, there will be 1 hour for debate equally divided in the usual form.

Mrs. MURRAY. Mr. President, I yield 10 minutes to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware is recognized for 10 minutes.

Mr. CARPER. I thank my colleagues for yielding.

Mr. President, earlier this week we all commemorated the fifth anniversary of 9/11. Much of that day was spent here and around the country discussing whether after 5 years we are safer and whether we are safe enough. While we have made real progress with respect to the security of our nuclear powerplants, with respect to airport security, far too little has been done to secure our Nation's seaports, railways, transit systems and, I might add, hundreds of chemical plants around this country.

After 9/11 we also recognized the need to protect our seaports. In 2002 we passed the Maritime Transportation Security Act, which was the start of developing a national and regional maritime security plan or plans. This legislation also required the Department of Homeland Security to help ports develop individual security plans and directed Customs and Border Protection to design a system for receiving information on ships' cargoes before they docked at a U.S. port.

Now, 4 years later, we are finally taking the next step. Still, port security has never received the same level of attention as airport security, and part of this is because 9/11 tragically exposed the vulnerabilities of our ports and it has been burned into our memories. I think it is also because most Americans do not have any direct interaction with a seaport on a daily basis, a weekly basis, a monthly basis or, in some cases, ever. However, a growing number of Americans have begun to recognize what an appealing target our seaports can be for terrorists.

First of all, many ports, including the ones we have in my State and the States of New Hampshire, Maine, and Washington, are located in or near densely populated urban areas. Also, ports are vital to the economy of our country. They are used by farmers to try to get their products to market and also industry to export products, but also we import everything from chemicals to oil and gas. As a result, many of us have concluded we must place a higher priority on addressing any vulnerability at our ports before any terrorist attack takes advantage of them. I applaud the work of Senator COLLINS and the great work Senator LIEBERMAN has done with her helping to craft this, and also the staffs and Senator MURRAY and her staff.

The American Association of Port Authorities believes that to do so will require roughly $400 million a year for physical enhancements for ports in this country. The bill before us would authorize Congress to do just that.

Now, $400 million is a lot of money, but it is significantly cheaper, I think we will agree, than responding to a devastating attack after the fact. My port, the Port of Wilmington, has received about $2 million since 9/11. The State has provided a fair amount of money, as has our port authority. These funds have been used, in part, to

help build a gated entrance with cameras, with security checks, and to fence and light the port's perimeter.

While we are grateful to receive Federal support for these important security measures, our port, like many others, will require additional assistance. Some of that we should provide ourselves within our State. For some of that we look to the Federal Government for help. Obviously there is not enough funding for everyone to get everything they need. However, ports in Oklahoma, ports in Kansas, ports in Tennessee and Kentucky have all received port security grants over the years, as have ports along the eastern and western gulf coast. At the same time, the Port of Wilmington—I am told it is the busiest port on the Delaware River and the port of entry for much of our Nation's food supply, especially for the east coast—has been forced to make do with less. Therefore, I am pleased this bill requires the Department of Homeland Security to conduct a risk analysis of our Nation's seaports and establish a priority for security funding.

The Port of Wilmington also participated in something called a Transportation Security Administration pilot program, a program designed to screen port workers and block individuals with a terrorist connection from accessing sensitive areas at our ports. This pilot program was supposed to be the first step toward establishing a national program, with identification cards and equipment that could read biometric information, such as fingerprints and retinal patterns. But the Department of Homeland Security ended this pilot program before the national screening and identification system was ready. The national system was supposed to be implemented by last summer, but it has yet to occur. The implementation date, I am sorry to say, continues to slip. Now we are being told the ports will receive official identification cards by the end of this year, but the essential card readers will not be ready until sometime next year. That doesn't make a lot of sense.

This program is moving forward far too slowly, and that is why I offered an amendment, when the Homeland Security and Governmental Affairs Committee debated port security, to require the Department of Homeland Security to issue its regulations on the worker screening program not next year but by the end of this year. The bill before us today takes a slightly different approach but still addresses the need to get this important program up and running as soon as possible. Under the Port Security Improvement Act, this bill, the Department of Homeland Security would be required to fully implement the worker credentialing program at 10 ports by next summer and at all ports by January 1, 2009.

Let me conclude by saying that this week we have also passed rail and transit security amendments, something that is long overdue. I strongly support them. After the train bombing in Madrid 2 years ago and the London Underground attacks last summer, many of us hoped we would take steps to prevent a similar kind of attack here. But to date, the Federal Government has done far too little to address transit and rail security needs in this country. In fact, rail and transit security received less than 3 percent of the funding that has been dedicated thus far to airport security.

I want to be honest with you. Protecting our rail and transit lines will not be an easy task. Almost 10 billion transit trips were taken in 2004, and transit accommodates more than 16 times the number of daily travelers than do our Nation's airlines—16 times. There are more and more people using rail transit every day so they can avoid traffic and high gasoline prices. Also, it is much more difficult to protect an open system such as the ones at bus stops and train stations than it is to guard the closed systems we have at airports. You cannot physically check every bag that is brought onto a commuter train or ID every person who boards a bus, nor do I believe we ought to. The rail transit systems can only work if they are fluid. I believe long lines of people taking off their shoes to get on a train or bus would render them largely unworkable.

As much as anything, though, what we need to do in order to reduce the likelihood of a debilitating attack on our transit and rail systems is to improve surveillance, more security officers, use of canines, and heavy reliance on the use of new technologies. This requires strong leadership, vision, and enthusiasm for attacking the unique challenges of securing rail and transit.

It also requires effective partnerships. The Federal Government needs to be one of those principal partners. So far, the Department of Homeland Security has only shown a strong appetite for preventing the sort of attack that led to its creation. The White House proposes lumping together all nonaviation security into one competitive grant program, with less than 15 percent of the funding proposed for aircraft security. That is less than 15 percent for all of them—transit, ports, rail, and so forth.

Further, the tiny sums that have been appropriated for rail security have been very slow to move. Last year, the Department of Homeland Security took 9 months just to start sending appropriated funds to State and local transit authorities. I realize they can't turn the spigot on overnight, but 9 months? We can do better than that, and we need to. Rail and transit security should not be controversial issues. We know we need to upgrade the emergency exits and surveillance equipment at train stations. Further, we need to hire more police officers, we need to train and deploy more bomb-sniffing dogs, and we have to develop more sophisticated equipment that would allow us to detect threats without unduly slowing commute times. It will require smart people, a strong focus, and good leadership. That is why we must pass rail security legislation that lays out a national approach and framework.

While I am very happy we adopted the rail and transit security amendment to this bill, I simply cannot understand why this legislation has been so difficult to get passed and signed into law. What is controversial about hiring bomb-sniffing dogs or improving surveillance? Nothing. The threat has simply not been taken seriously.

How much more time do I have, Mr. President?

The PRESIDING OFFICER. The Senator has 45 seconds remaining.

Mr. CARPER. I hope this casual approach to a dangerous threat ends with the adoption of the rail and security amendments this week. I strongly support their passage and urge our leadership to fight to maintain them in the bill with the amendments we send to the President.

In conclusion, it has been 5 years since 9/11; 5 years of hearing that we need to take threats seriously and realize we live in a dangerous world. It is time we act on those words and protect the millions of Americans who rely on rail and transit every day, and on our ports, just as this legislation would better protect our ports and the communities around them in the years ahead.

Mr. President, I yield my time.

Ms. COLLINS. 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.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, we are in a time where we have equally divided time, and I am going to give 5 minutes to the Senator from Arkansas off of our time and ask unanimous consent that any quorum calls that occur from here on are equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Arkansas is recognized for 5 minutes.

AMENDMENT NO. 4959

Mr. PRYOR. Mr. President, I thank the managers of this legislation. They have done a fantastic job in getting us to where we are today. Also, I thank Senator TALENT of Missouri, who has been my cosponsor on the amendment I wish to visit with you about, very briefly, today.

Port Security remains a major vulnerability for this country, and tied to port security is trucking security.

The 9/11 Commission identified foreign trucking entities entering the United States as a top homeland security concern. The DOT inspector general has recommended that various security enhancements to the trucking

security provisions in this bill be made. This goes back to 2004, but they have largely been ignored since that time.

If you look at the reality of the situation in which we find ourselves today, we have NAFTA, where NAFTA allows foreign trucks to come into the United States within 25 miles of the U.S. border. They can pass between Mexico and Canada. But what we have found in reality is that, although most are playing by the rules, and that is good, there are some truckdrivers and trucking companies violating the provisions of U.S. law by delivering goods and picking up goods far outside the scope of where they are supposed to do it.

Trucking is very important to this country. It may not be very exciting to some people, but it is very important to this country because 70 percent of our Nation's cargo is carried by truck.

It is also important to homeland security because trucks have been used in terrorist attacks in years past. What Senator TALENT and I are trying to do with our amendment—and the managers have graciously agreed to accept it in the managers' package—is to direct the Department of Transportation and the Department of Homeland Security to first verify legal status of all licensed commercial truck drivers operating in the United States. Right now there are about 11 million of those, and there are about 40,000 new ones every month.

First, we have to verify legal status.

Second, we eliminate commercial driver's license fraud. Of course, we know that it is not perfect. We will probably not eliminate every single incident of that, but we are going to make a very serious stab at eliminating as much as possible.

Third—this is very important—we give State governments and local law enforcement uniform guidelines and tools for enforcing immigration violations by truckers who are operating beyond the scope of their authority.

This is something that we have seen in Arkansas—I am sure that Senator TALENT has seen it in Missouri—and all around the country. People on the ground down in the trenches, local law enforcement—in our case, it is the highway police—don't have any clear direction on what they can do if they find someone who is driving illegally under these circumstances.

We do all this and give them 1 year to comply with this amendment.

We are basically taking areas that have been identified by the 9/11 Commission or by the DOT inspector general, and we are holding DOT's and DHS's feet to the fire to make sure they do the right thing when it comes to immigration and homeland security.

It is a win-win-win across the board. It is good for the United States economy, it is good for our trucking industry, and it is good for United States security and homeland security. It will reward the good guys and punish the bad guys.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. COLLINS. 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.

Ms. COLLINS. Mr. President, I commend the Senator from Arkansas for his involvement on this issue. He is a terrific member of the Homeland Security Committee. I appreciate his many contributions.

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. STEVENS. 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.

AMENDMENTS NOS. 5016, 5017, 5018, AND 5001, EN BLOC

Mr. STEVENS. Mr. President, I send three amendments to the desk for myself, Senator GRASSLEY and Senator SNOWE.

There is a Wyden amendment, No. 5001, at the desk.

Mrs. MURRAY. Mr. President, if the Senator will withhold for 1 minute until we have a chance to see what those are. I don't have the package in front of me.

I thank the Senator.

Mr. STEVENS. Mr. President, the Wyden amendment is on the definition of change, my amendment pertains to anchor handling, the Snowe amendment is with regard to a conveyance extension, and the Grassley amendment is with regard to technical corrections.

These were erroneously left out of the managers' package which we processed last evening.

I ask unanimous consent that these four amendments be considered as additions to the managers' package, that they be considered en bloc and agreed to en bloc, and the motions to lay on the table be agreed to.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 5016

(Purpose: To provide a phased and temporary anchor movement exception for Alaska)

SEC. ———. PHASE-OUT OF VESSELS SUPPORTING OIL AND GAS DEVELOPMENT.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883) and sections 12105(c) and 12106 of title 46, United States Code, a foreign-flag vessel may be employed for the movement or transportation of anchors for operations in support of exploration of offshore mineral or energy resources in the Beaufort Sea or the Chukchi Sea by or on behalf of a lessee—

(1) until January 1, 2010, if the Secretary of the department in which the Coast Guard is operating determines that insufficient eligible vessels documented under chapter 121 of title 46, United States Code, are reasonably available and suitable for these support operations; and

(2) during the period beginning January 1, 2010, and ending December 31, 2012, if the Secretary determines that—

(A) the lessee has entered into a binding agreement to use eligible vessels documented under chapter 121 of title 46, United States Code, in sufficient numbers and with sufficient suitability to replace foreign flag vessels operating under this section; and

(B) the Secretary determines that no eligible vessel documented under chapter 121 of title 46, United States Code, is reasonably available and suitable for these support operations to replace any foreign flag vessel operating under this section, if such a determination is made, until January 1, 2013, if no vessel documented under the laws of the United States is reasonably available and suitable for these support operations to replace any foreign-flag vessel operating under this section.

AMENDMENT NO. 5017

(Purpose: To make technical corrections)

On page 5, line 2, insert ''to'' before ''secure''.

On page 8, line 8, strike the first period and ''; and''.

On page 12, line 24, strike '', of this section'' and insert ''of this section,''.

On page 16, line 15, strike ''and State'' and insert ''State''.

On page 16, line 18, after ''stakeholders'' insert the following: ''adversely affected by a transportation security incident or transportation disruption''.

On page 17, line 23, insert ''Public Law 108-293'' before ''118''.

On page 20, line 15, strike ''of the Nation's commercial seaports'' and insert ''of the commercial seaports of the United States''.

On page 24, line 4, strike the semicolon and insert a comma.

On page 24, line 13, strike ''(2)'' and insert ''(1)''.

On page 27, line 23, strike ''ocean-borne'' and insert ''oceanborne''.

On page 28, line 8, strike ''ocean-borne'' and insert ''oceanborne''.

On page 29, line 5, strike '', and'' and insert ''and''.

On page 33, line 17, after ''issues'', insert ''resulting from a transportation security incident or transportation disruption''.

On page 36, line 11, insert ''the'' before ''Container''.

On page 39, line 24, strike ''ocean-borne'' and insert ''oceanborne''.

On page 48, line 7, insert a comma after ''Commissioner''.

On page 69, line 3, strike ''Undersecretary'' and insert ''Under Secretary''.

On page 72, lines 18 and 19, strike ''the current fiscal year'' and insert ''the fiscal year in which the report is filed''.

On page 73, line 23, strike ''the current fiscal year'' and insert ''the fiscal year in which the report is filed''.

On page 85, line 23, strike the first period.

AMENDMENT NO. 5018

(Purpose: To change a conveyance date for Coast Guard property in Portland, Maine)

SEC. ———. COAST GUARD PROPERTY IN PORTLAND, MAINE.

Section 347(c) of the Maritime Transportation Security Act of 2002 (Public Law 107–295; 116 Stat. 2109) is amended by striking ''within 30 months from the date of conveyance.'' and inserting ''by December 31, 2009.''.

AMENDMENT NO. 5001

(Purpose: To modify the definition of the term ''container security device'')

On page 4, line 25, strike ''a device'' and all that follows through page 5, line 4, and insert

the following: a device, or system, designed, at a minimum, to identify positively a container, to detect and record the unauthorized intrusion of a container, and to secure a container against tempering throughout the supply chain. Such a device, or system, shall have a low false alarm rate as determined by the Secretary.

Mr. STEVENS. I thank the Chair. I thank all concerned.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ENSIGN). Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I would like to have the Chair recognize the Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 4923, AS MODIFIED

Mr. ISAKSON. Mr. President, I call up amendment No. 4923, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. ISAKSON] proposes an amendment numbered 4923.

Mr. ISAKSON. Mr. President, I ask unanimous consent that amendment No. 4923 be modified with the Kennedy amendment, which is at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The amendment is so modified, notwithstanding the filing deadline.

The amendment, as modified, is as follows:

(Purpose: To reduce the radiation exposure of maritime workers and to reimburse maritime terminal operators for additional costs associated with illnesses or injuries for which exposure to ionizing or non-ionizing radiation from cargo screening procedures required under Federal law is a contributing cause)

At the appropriate place, insert the following:

SEC. ___. CARGO SCREENING.

(a) RADIATION RISK REDUCTION.—

(1) SAFETY PROTOCOLS.—Immediately upon passage of this Act, the Secretary, in consultation with the Secretary of Labor and the Director of the National Institute of Occupational Safety and Health at the Centers for Disease Control, shall develop and implement protocols to protect the safety of port workers and the general public.

(2) PUBLICATION.—The protocols developed under paragraph (1) shall be—

(A) published and made available for public comment; and

(B) designed to reduce the short- and long-term exposure of worker and the public to the lowest levels feasible.

(3) REPORT.—Not later than 1 year after the implementation of protocols under paragraph (1), the Council of the National Academy of Sciences and Director of the National Institute of Occupational Safety and Health shall each submit a report to Congress that includes—

(A) information regarding the exposure of workers and the public and the possible risk to their health and safety, if any, posed by these screening procedures; and

(B) any recommendations for modification of the cargo screening protocols to reduce exposure to ionizing or non-ionizing radiation to the lowest levels feasible.

(b) GOVERNMENT RESPONSIBILITY.—Any employer of an employee who has an illness or injury for which exposure to ionizing or non-ionizing radiation from port cargo screening procedures required under Federal law is a contributing cause may seek, and shall receive, full reimbursement from the Federal Government for additional costs associated with such illness or injury, including costs incurred by the employer under the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.), State workers' compensation laws, or other equivalent programs.

The PRESIDING OFFICER. The Senator from Maine.

AMENDMENTS NOS. 4923, AS MODIFIED, AND 4986, AS MODIFIED

Ms. COLLINS. Mr. President, there are two amendments that have been cleared on both sides, the Isakson amendment No. 4923, as modified, and the Baucus amendment No. 4986, as modified. I ask unanimous consent that they be agreed to en bloc.

The PRESIDING OFFICER. There is no modification at the desk to the Baucus amendment.

The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS], for Mr. BAUCUS, proposes an amendment numbered 4986, as modified.

The amendment, as modified, is as follows:

(Purpose: To require that as part of the annual performance plan required in the budget submission of the Bureau of Customs and Border Protection under section 1115 of title 31, United States Code, the Commissioner of Customs establish performance indicators relating to the seizure of methamphetamine and methamphetamine precursor chemicals in order to evaluate the performance goals of the Bureau with respect to the interdiction of illegal drugs entering the United States, and for other purposes)

At the end of the bill, insert the following:

TITLE V—METHAMPHETAMINE

SEC. 501. METHAMPHETAMINE AND METHAMPHETAMINE PRECURSOR CHEMICALS.

(a) COMPLIANCE WITH PERFORMANCE PLAN REQUIREMENTS.—For each of the fiscal years of 2007, 2009, and 2011, as part of the annual performance plan required in the budget submission of the United States Customs and Border Protection under section 1115 of title 31, United States Code, the Commissioner shall establish performance indicators relating to the seizure of methamphetamine and methamphetamine precursor chemicals in order to evaluate the performance goals of the United States Customs and Border Protection with respect to the interdiction of illegal drugs entering the United States.

(b) STUDY AND REPORT RELATING TO METHAMPHETAMINE AND METHAMPHETAMINE PRECURSOR CHEMICALS.—

(1) ANALYSIS.—The Commissioner of shall, on an ongoing basis, analyze the movement of methamphetamine and methamphetamine precursor chemicals into the United States. In conducting the analysis, the Commissioner shall—

(A) consider the entry of methamphetamine and methamphetamine precursor chemicals through ports of entry, between ports of entry, through the mails, and through international courier services;

(B) examine the export procedures of each foreign country where the shipments of methamphetamine and methamphetamine precursor chemicals originate and determine if changes in the country's customs over time provisions would alleviate the export of methamphetamine and methamphetamine precursor chemicals; and

(C) identify emerging trends in smuggling techniques and strategies.

(2) REPORT.—Not later than September 30, 2007, and each 2-year period thereafter, the Commissioner, in consultation with the United States Immigration and Customs Enforcement, the United States Drug Enforcement Administration, and the United States Department of State, shall submit a report to the Committee on Finance and the Committee on Foreign Relations of the Senate, and the Committee on Ways and Means and the Committee on International Relations of the House of Representatives, that includes—

(A) a comprehensive summary of the analysis described in paragraph (1);

(B) a description of how the United States Customs and Border Protection utilized the analysis described in paragraph (1) to target shipments presenting a high risk for smuggling or circumvention of the Combat Methamphetamine Epidemic Act of 2005 (Public Law 109–177).

(3) AVAILABILITY OF ANALYSIS.—The Commissioner shall ensure that the analysis described in paragraph (1) is made available in a timely manner to the Secretary of State to facilitate the Secretary in fulfilling the Secretary's reporting requirements in section 722 of the Combat Methamphetamine Epidemic Act of 2005.

(c) DEFINITION.—In this section, the term ''methamphetamine precursor chemicals'' means the chemicals ephedrine, pseudoephedrine, or phenylpropanolamine, including each of the salts, optical isomers, and salts of optical isomers of such chemicals.

The PRESIDING OFFICER. Is there further debate on the amendments? If not, without objection, the amendments, as modified, are agreed to en bloc.

The amendments (Nos. 4923, as modified, and 4986, as modified) were agreed to.

Ms. COLLINS. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. COLLINS. Mr. President, very shortly we will be voting on cloture on the Port Security Act. I urge my colleagues to support the cloture motion. We hope to be able to complete action on this bill by 5 o'clock this afternoon. We are working toward that goal.

Senator MURRAY and I are happy to talk to our colleagues, but we will be moving through the amendments at a very rapid pace after cloture is invoked, as I hope it will be. We have made great progress on this bill. It is

an important bill for our homeland security, and I urge all of our colleagues to support the cloture motion.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, we are about to vote on cloture on a very important maritime cargo security bill. This is a bill that will have a significant impact on the Nation's security, as it is implemented. A number of people have been working on the floor for the last several days to work our way through amendments. I think a lot of progress has been made, and I am very pleased with the number of improvements that have been made to this bill over the last several days.

When this bill is finally passed out of the Senate and conferenced with the House, which I hope will occur shortly, and signed by the President, we can all say that in a bipartisan way we have significantly made a difference in the lives of all Americans.

In a moment we will be voting on cloture. That means this bill is very close to the end. We have a few amendments we are going to be dealing with, but both the Republican leader and the Democratic leader have been clear they want this bill finished by early afternoon. That means if any of our colleagues on our side have an amendment they need to have discussed, they need to talk with us during this cloture vote or their amendment will not be considered. So I urge anybody on my side who has an amendment out there, an issue that needs to be dealt with, to talk with us during this coming cloture vote.

Mr. President, with that, I urge my colleagues on my side to vote for cloture and to move this very important piece of legislation forward.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senator from Pennsylvania, Mr. SPECTER, be allowed to speak for 10 minutes as in morning business immediately after the cloture vote.

The PRESIDING OFFICER. Is there objection?

Mrs. MURRAY. Mr. President, I would not object. If the Senator could withhold for just 1 minute to let me check on my side.

Ms. COLLINS. I would be happy to withhold.

Mrs. MURRAY. Mr. President, I would ask the Senator from Maine to modify her request so that following the 10 minutes for the Senator from Pennsylvania that Senator BAUCUS be allowed to the speak for 10 minutes on our side.

The PRESIDING OFFICER. Does the Senator so modify her unanimous consent request?

Ms. COLLINS. Mr. President, I so modify my request.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The bill clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 432, H.R. 4954, a bill to improve maritime and cargo security through enhanced layered defenses, and for other purposes.

Bill Frist, Susan M. Collins, David Vitter, Jon Kyl, James Inhofe, Tom Coburn, Jim DeMint, Richard Burr, Wayne Allard, Ted Stevens, Craig Thomas, Richard C. Shelby, R.F. Bennett, Mike Crapo, Sam Brownback, Rick Santorum, Larry E. Craig.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on H.R. 4954, the Security and Accountability for Every Port Act, shall be brought to a close? The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Rhode Island (Mr. CHAFEE).

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. AKAKA) is necessarily absent.

The PRESIDING OFFICER (Mr. GRAHAM). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 98, nays 0, as follows:

[Rollcall Vote No. 247 Leg.]

YEAS—98

Alexander	Dorgan	McConnell
Allard	Durbin	Menendez
Allen	Ensign	Mikulski
Baucus	Enzi	Murkowski
Bayh	Feingold	Murray
Bennett	Feinstein	Nelson (FL)
Biden	Frist	Nelson (NE)
Bingaman	Graham	Obama
Bond	Grassley	Pryor
Boxer	Gregg	Reed
Brownback	Hagel	Reid
Bunning	Harkin	Roberts
Burns	Hatch	Rockefeller
Burr	Hutchison	Salazar
Byrd	Inhofe	Santorum
Cantwell	Inouye	Sarbanes
Carper	Isakson	Schumer
Chambliss	Jeffords	Sessions
Clinton	Johnson	Shelby
Coburn	Kennedy	Smith
Cochran	Kerry	Snowe
Coleman	Kohl	Specter
Collins	Kyl	Stabenow
Conrad	Landrieu	Stevens
Cornyn	Lautenberg	Sununu
Craig	Leahy	Talent
Crapo	Levin	Thomas
Dayton	Lieberman	Thune
DeMint	Lincoln	Vitter
DeWine	Lott	Voinovich
Dodd	Lugar	Warner
Dole	Martinez	Wyden
Domenici	McCain	

NOT VOTING—2

Akaka	Chafee

The PRESIDING OFFICER. On this vote, the yeas are 98, the nays are 0. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mrs. MURRAY. 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.

AUTHORITY FOR COMMITTEES TO MEET

Mr. FRIST. Mr. President, I have 10 unanimous consent requests for committees to meet. They have the approval of the leaders. I ask unanimous consent that these requests be agreed to and printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Mr. President, I would make an inquiry. I inquire of the distinguished majority leader if the Senate Armed Services Committee could be added to that list and, therefore, be able to continue our hearing.

Mr. FRIST. Mr. President, right on top of the 10 requests is the unanimous consent request that the Armed Services Committee be authorized to meet during the session.

For the information of our colleagues, there had been an objection earlier today. I talked to the appropriate Members and that was readily agreed to. So the Armed Services Committee will be able to meet accordingly any time today.

Again, for the information of our colleagues, I ask the chairman of that committee to indicate what time they will resume the meeting.

Mr. WARNER. Mr. President, I thank our distinguished leader. With the concurrence of the distinguished ranking member, Mr. LEVIN, we have agreed to resume in open session a markup in the Armed Services Committee in Hart 216 at 2:15.

Mr. LEVIN. Mr. President, will the majority leader yield?

Mr. FRIST. Yes.

Mr. LEVIN. To make sure that the Record is clear, there has never been and has not been any objection—I am sure the majority leader would concur—any objection from this side at any time to the Armed Services Committee meeting today.

Mr. WARNER. Mr. President, I thank the Senator. That is well known to this Senator—that the Senator from Michigan and that side of the aisle has been totally cooperative in having a markup.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I believe I have consent to speak for 10 minutes as in morning business.

The PRESIDING OFFICER. The Senator is correct.

TERRORIST SURVEILLANCE

Mr. SPECTER. Mr. President, I have sought recognition to comment briefly about two subjects: One, the legislation providing for judicial review for the President's terrorist surveillance program; and, second, what we are going

to do to comply with Hamdan v. Rumsfeld.

The Judiciary Committee reported out three bills yesterday. S. 2453, which is my bill, provides that the surveillance program will be submitted to the Foreign Intelligence Surveillance Court. There is no doubt that the President's program violates the Foreign Intelligence Surveillance Act, which purports to be exclusive. But if there is constitutional authority under Article 2, that constitutional authority trumps the act. The only way there can be a determination on that is to have a court weigh the seriousness of the threat as opposed to the invasion on privacy.

This legislation, S. 2453, does not authorize the President's program, contrary to the assertions of many people. What it does is subject the President's program to judicial review. It does not mandate review because, understandably, the President does not want to curtail his institutional authority.

What I have sought to accomplish is to have this program reviewed; and the President has made a commitment, confirmed by the White House, that this program will be submitted for judicial review.

There has been a contention raised that there is an inconsistency between Senator FEINSTEIN's bill, S. 3001, and my bill, S. 2453, and it is not true. The provision in Senator FEINSTEIN's bill says that the FISA is the exclusive means for wiretapping. That is true, unless the statute is superseded by a constitutional provision.

My bill, S. 2453, says that nothing in the act limits the President's constitutional authority, because a statute cannot limit the President's constitutional authority.

We will be moving ahead, I hope shortly, with the leader calling the bill to the floor so that we can make a determination on judicial review to see to it that whatever wiretapping is going on is judicially approved. It may be that some cases will come up collaterally. There are a number of cases in district courts. The one in Portland may have standing. I do not propose, in my legislation, to strip any court of jurisdiction where a case has been started and has proceeded. I think, in the course of business, the matters ought to be referred to the FISA court, but not for any jurisdiction stripping where courts have proceeded.

With respect to the activities of the Congress seeking to comply with the ruling of the Supreme Court of the United States in Hamdan v. Rumsfeld, the primary responsibility goes to the Armed Services Committee. The Judiciary Committee does have jurisdiction because title 18 of the Criminal Code is implicated and we have jurisdiction over the interpretation of the Geneva Conventions.

There have been a number of controversial issues raised on which I would like to comment. One provision relates to classified information. It is my view that it is indispensable to have witnesses confront their accusers and know what the evidence is. Common Article 3 of the Geneva Conventions provides that there has to be an affording of all judicial guarantees which are recognized as indispensable by civilized people. I think that would include telling somebody what the evidence is before they have a significant penalty which might include the death penalty.

We have a Confidential Information Protection Act which sets the guidelines that I think ought to be applicable here. The consequence is, if you cannot produce the evidence for the defendant to hear, the case may have to be dismissed. But that will not prejudice the government here because these individuals can be detained as enemy combatants for an indefinite period of time.

So we will not disclose sources and methods; we will not release anybody; we may not convict them if we can't produce the evidence, but they will be detained and not present a threat.

There is an issue raised as to coerced confessions. I do not believe that we can tolerate that and be consistent with United States law or consistent with the Geneva Conventions. Coerced confessions are unfair and they are unreliable.

With respect to Common Article 3, the Judiciary Committee has submitted for consideration and inclusion in the legislation being considered by the Armed Services Committee amendments to section 303 on war crimes.

I ask unanimous consent that they be printed in the RECORD at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. Mr. President, with respect to the controversy about whether there ought to be included the provisions of the Detainee Treatment Act, I believe that they should be because they further delineate what would constitute a violation of Common Article 3. But I do not believe they ought to be exclusive or foreclose other considerations under Common Article 3. In addition to the specification of the crimes under the War Crimes Act, which I have submitted, it would be useful to have the provisions of the Detainee Treatment Act included, which are the fifth amendment, the eighth amendment and the 14th amendment, where there has been considerable judicial interpretation as to what are prohibited acts.

General Hayden, Director of the CIA, thinks that is necessary in order to be able to give comprehensive advice.

I personally do not know that the interrogation has to go beyond what is in the Army Field Manual. In a visit to Guantanamo, the chief interrogator handling some 32 interrogators and thousands of interrogations thinks that the Army Field Manual is sufficient. It may or may not be. The CIA wants greater latitude, but there is some assurance of congressional oversight because the interrogation tactics have to be submitted to the Intelligence Committee. One other point that I want to comment on is my concern about the inclusion of habeas corpus relief. I believe that it is important to retain jurisdiction of the Federal courts on habeas corpus. This was a contested issue under the Detainee Treatment Act, but we have seen that the only real firm guidance has come from the Supreme Court of the United States.

In three cases regarding detainees from June of 2005, Jose Padilla, Hamdi, and the Hamdan v. Rumsfeld decision, the Congress has been unwilling or unable to act. I introduced legislation for military commissions shortly after September 11 as did other Senators. We didn't act. We punted to the Supreme Court.

These issues, regrettably, experience has shown, are just too hot to handle by the Congress. The Supreme Court of the United States under the rule of law has enforced compliance of detainees, and now compliance for those who are to be tried for war crimes under the Geneva Conventions' terms as well as under title 18.

It is simply insufficient to limit the great rift which seems embodied in our habeas corpus statute.

I have had some discussion with Senator LEVIN, who is on the floor at the present time, about offering an amendment if in fact the bill comes from the Armed Services cutting out habeas corpus.

It is my hope that we can move reasonably promptly to S. 2453 so that there may be set in motion the procedures to have the Federal courts rule on the constitutionality of the President's electronic surveillance program.

It would be highly desirable to bring the entire program under the Foreign Intelligence Surveillance Act. There are provisions in Senator FEINSTEIN's bill, S. 3001, which I have cosponsored, that I believe would enable us to bring individual live warrants for causes which originated in the United States and go overseas.

I have been advised that the calls which originate overseas are so numerous that it is not possible to have individual live warrants. So that under these circumstances the most that can be accomplished is to have the program submitted to the Foreign Intelligence Surveillance Court.

In one of the four hearings on this bill, four former judges of the FISA Court appeared and testified and commented that the bill was practical, that there was sufficient standing, that there were litigable issues and that the Foreign Intelligence Surveillance Court can handle it. They can handle it as a matter of expertise because of their extensive experience, and they can handle it because their proceedings are closed so that there is not a public disclosure of state secrets.

It may be, as I said very briefly earlier, that one of the cases coming out of Federal courts—there has been a decision from Detroit, and there is a case pending in San Francisco—my review of those cases suggests to me that the case which is coming out of Portland I think would have standing.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SPECTER. Mr. President, I thank the distinguished chairperson of the Homeland Security Committee for yielding me the time. I yield the floor.

EXHIBIT 1

SEC. 303. WAR CRIMES ACT AMENDMENT.

Section 2441 of title 18, United States Code is amended by replacing subsection (c)(3) with the following:

''(3) which constitutes any of the following serious violations of common Article 3 of the international conventions signed at Geneva 12 August 1949, when committed in the context of and in association with an armed conflict not of an international character:

''(1) TORTURE.—Any person who commits, or conspires or attempts to commit, an act specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control for the purpose of obtaining information or a confession, punishment, intimidation, coercion, or any reason based on discrimination of any kind, shall be guilty of a violation of this subsection. 'Severe mental pain or suffering' has the meaning provided in 18 U.S.C. 2340(2).

''(2) CRUEL OR INHUMAN TREATMENT.—Any person who commits, or conspires or attempts to commit, an act intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions), including severe physical abuse, upon another person within his custody or physical control shall be guilty of a violation of this subsection. 'Severe mental pain or suffering' has the meaning provided in 18 U.S.C. 2340(2).

''(3) PERFORMING BIOLOGICAL EXPERIMENTS.—Any person who subjects, or conspires or attempts to subject, one or more persons within his custody or physical control to biological experiments without a legitimate medical purpose and in so doing endangers the body or health of such person or persons shall be guilty of a violation of this subsection.

''(4) MURDER.—Any person who intentionally kills, or conspires or attempts to kill, or kills whether intentionally or unintentionally in the course of committing any other offense under this section, one or more persons taking no active part in the hostilities, including those placed out of active combat by sickness, wounds, detention, or any other cause, shall be guilty of a violation of this subsection. The intent required for this offense precludes its applicability with regard to collateral damage or to death, damage, or injury incident to a lawful attack.

''(5) MUTILATION OR MAIMING.—Any person who intentionally injures, or conspires or attempts to injure, or injures whether intentionally or unintentionally in the course of committing any other offense under this section, one or more persons taking no active part in the hostilities, including those placed out of active combat by sickness, wounds, detention, or any other cause, by disfiguring the person or persons by any mutilation thereof or by permanently disabling any member, limb, or organ of his body, or burning any individual without any legitimate medical or dental purpose, shall be guilty of a violation of this subsection. The intent required for this offense precludes its applicability with regard to collateral damage or to death, damage, or injury incident to a lawful attack.

''(6) INTENTIONALLY CAUSING GREAT SUFFERING OR SERIOUS INJURY.—Any person who intentionally causes, or conspires or attempts to cause, serious bodily injury to one or more persons taking no active part in the hostilities, including those placed out of active combat by sickness, wounds, detention, or any other cause, shall be guilty of a violation of this subsection. The intent required for this offense precludes its applicability with regard to collateral damage or to death, damage, or injury incident to a lawful attack. 'Serious bodily injury' has the meaning provided in 18 U.S.C. 113(b)(2).

''(6) RAPE.—Any person who forcibly or with coercion or threat of force wrongfully invades, or conspires or attempts to invade, the body of a person by penetrating, however slightly, the anal or genital opening of the victim with any part of the body of the accused or with any foreign object shall be guilty of a violation of this subsection.

''(7) SEXUAL ASSAULT OR ABUSE.—Any person who forcibly or with coercion or threat of force engages, or conspires or attempts to engage, in sexual contact with one or more persons, or causes, or conspires or attempts to cause, one or more persons to engage in sexual contact, shall be guilty of a violation of this subsection. For purposes of this offense, 'sexual contact' has the meaning provided in 18 U.S.C. 2246(3). Sexual assault or abuse may also include, but is not limited to forcing any person to engage in simulated sexual acts or to pose in an overtly sexual manner.

''(8) TAKING HOSTAGES.—Any person who, having knowingly seized or detained one or more persons, threatens to kill, injure, or continue to detain such person or persons with the intent of compelling any nation, person other than the hostage, or group of persons to act or refrain from acting as an explicit or implicit condition for the safety or release of such person or persons, shall be guilty of a violation of this subsection. This provision shall not apply to prisoner exchanges during wartime. Any person who attempts to engage or conspires to engage in this offense shall also be guilty under this subsection;''

Section 2441 of title 18, United States Code is amended by replacing the period at the end of subsection (c)(4) and adding the following new subsections:

''(5) involving 'genocide' as defined in title 18, United States Code, section 1091;

''(6) involving 'sabotage' as defined in title 18, United States Code, section 2151 et seq.; or

''(7) involving forced oaths, conversions, or renouncements of one's allegiance to a nation or religion.

Section 2441 of title 18, United States Code is amended in subsection (a) by adding ''attempts to commit a war crime, or conspires to commit a war crime,'' after ''commits a war crime.''

Section 2441 of title 18, United States Code is amended by adding the following sentence at the end of subsection (b):

The circumstances referred to in subsection (a) shall also include unprovoked attacks on American citizens on domestic or foreign soil by any private army, terrorist organization, or other ideological combination or alliance where such an attack would otherwise be considered a war crime if committed by a nation state or military force.

CHAPTER 3—JUDICIAL REVIEW; MISCELLANEOUS. SEC. 301. JUDICIAL REVIEW.

COMBATANT STATUS REVIEW TRIBUNALS.—The United States Court of Appeals for the Armed Forces shall, with the United States Supreme Court upon a petition for certiorari, have exclusive jurisdiction to determine the validity of any final decision of a Combatant Status Review Tribunal. The scope of such review is defined in section 1005(e)(2) of the Detainee Treatment Act of 2005. If the Court grants a detainee's petition for review, the Department of Defense may conduct a new Combatant Status Review Tribunal.

(1) MILITARY COMMISSION.—Review shall be had only of final judgments of military commissions as provided for pursuant to section 247 of the Military Commissions Act of 2006.

The PRESIDING OFFICER. Under the previous order, the Senator from Montana is recognized for 10 minutes.

EXTENDERS PACKAGE

Mr. BAUCUS. Mr. President, yesterday I tried to get the Senate to pass a bill extending the 2005 expired tax provisions, what we call the extenders package. The majority leader objected at that time and stated that it was his desire that the extenders continue to be part of the so-called ''trifecta'' package, married with estate tax relief and a minimum wage increase. I told him yesterday of my concern that since that strategy has already failed a number of times, and I don't think there is much hope of any change, and it is time to let the popular tax extenders package pass.

I want to take the leader at his word that there is hope for change. But I also read comments yesterday by one of our Senate colleagues tasked by the majority leader to try to find a solution to all of this, and that Member of that so-called task force is quoted as saying, ''My counsel is to do it in the lame duck session.''

I very much oppose that. I don't think it makes any sense to push all of this in a lame duck. Let me tell you why.

Last week, I asked the IRS Commissioner at a hearing of the Finance Committee what the drop-dead date was for tax extenders. By drop-dead date, I mean what is the latest date by which the IRS can receive changes to tax law and still have time to print and distribute tax forms for the 2006 tax year. He told me October 15. That is the drop-dead date. Clearly, that is after the recess and that is why this strategy makes no sense.

It makes no sense because after that date, it is very difficult for the IRS to print up the forms and, more than that, a lot of mistakes will be made.

Yesterday, I joined my good friend, the chairman of the Finance Committee, in releasing an analysis of just how the IRS will deal with all of these changes. Let me tell you what they concluded.

Senator GRASSLEY said upon releasing this analysis that, ''A delay of legislative action beyond the anticipated recess date of September 29 will cause hardship, tax compliance problems, and

confusion for the millions of taxpayers who claim these widely-applicable tax benefits.''

It is just a mess that we need not cause.

I also add that Senator GRASSLEY's counterpart in the House, the chairman of Ways and Means Committee, said, ''My job is to be responsible to the taxpayers, not a bureaucracy to make its job easier.''

I might also add that we are here to get the extenders passed for the taxpayers, to help taxpayers because taxpayers need this relief.

The chairman of the Finance Committee went on to say that, ''The failure to extend expired tax cuts will at best cause administrative snafus for the IRS and at worst cause taxpayers to miss out on the tax benefits they are entitled to.''

This is a taxpayer problem—one that we should address now before we recess.

I would also like to point out something else which I think is important. A resolution was passed yesterday by the House Republican Study Committee. They surveyed their members, and developed a list of five priorities. One of these priorities adopted by the 110-member group in the House Republican Study Committee was to ''pass a clean tax cut extenders bill.''

I would guess that group would be invested as much anyone else in passing the so-called trifecta bill, but even the 110 members in the other body have decided it is time to move on and pass the extenders.

There are more than 3 million teachers who have been buying classroom supplies who are waiting for their deduction to be restored. There are more than 12 million families in States with sales taxes, including many in the leader's home State of Tennessee, hoping they can deduct those sales taxes, just like families in income tax States. And there are more than 20,000 businesses hoping for this worker credit, that have hired the hard-to-employ workers who have been on long-term public assistance, people who simply want to get back into the workplace, and need a boost from the work opportunity credit. Those taxpayers are hoping the Senate gets this passed.

Just this morning I received a letter signed by more than 600 American companies and 164 trade associations representing thousands of small, medium, and large companies employing high-tech workers in research. They urged us to end this ''cloud of uncertainty.'' They are very concerned we are not going to pass this in time.

As I have said a couple of times, there are companies that have to restate their financials because of Congress's failure to pass these tax incentives which expired last year. It has not been the law for about 9 months, and they have to start restating their earnings on financial reports because of Congress's ineptitude, Congress's incompetence in not passing and continuing the research and development tax credit, teachers deduction, tuition deduction, and sales tax deduction.

School started just a short while ago. There are teachers who go to Wal-Mart to get supplies for their classroom because the school district is not providing enough to them. We should be giving them a tax deduction. School started and we are not giving it to them anymore. It makes no sense. It is wrong. It shows the competency of this Congress in doing its business is now very much in question.

Mrs. LINCOLN. Will the Senator yield?

Mr. BAUCUS. I am happy to yield.

Mrs. LINCOLN. Mr. President, I compliment and applaud the leadership of Senator BAUCUS in working to get the retired tax incentives renewed.

Did I hear the Senator correctly, the welfare-to-work and work opportunity tax credits expired at the end of 2005? Is it true that these credits have expired and we in Washington have yet to renew them, and 20,000 businesses have not been able to use this important tool?

We are here to provide tools to businesses to grow the economy, to grow the jobs. I know the good Senator from Montana traveled his State, as I did in Arkansas, in August. People are concerned about the economy. They are concerned about their jobs.

We are talking 20,000 businesses? Did I hear the Senator correctly?

Mr. BAUCUS. The Senator is correct. That is the number that use this work opportunity tax credit. We are trying to employ people. People are trying to get to work.

Mrs. LINCOLN. That is amazing. The objective is to get people off welfare, get them independent and into the jobs.

I think I heard the Senator correctly, as well, because we failed to renew the teacher expense deductions, more than 3 million schoolteachers nationwide—and there are a tremendous amount of Arkansas schoolteachers who give out of their own pockets to bring those supplies in their classrooms—those teachers are going to be paying higher taxes this year if we don't act now?

Mr. BAUCUS. If we do not enact this legislation and make it retroactive this year.

Mrs. LINCOLN. Mr. President, we have had numerous opportunities to renew important tax incentives. Earlier this year we had an opportunity in the tax reconciliation. The priority was to deal with tax cuts that had not even expired or were not going to expire—the dividend deduction and the capital gains.

With tax cuts that have expired, businesses are not going to be able to take advantage of work opportunity tax credits, in research and development. We know we are falling behind in stem cell research. We have businesses that want to make those investments in research and development and be the best they can be in the global marketplace.

These businesses have not been able, is that correct, to realize that tool and use that tax deduction for at least the first three quarters of this year?

Mr. BAUCUS. That is right, at a time when other countries give very generous assistance to their companies in developing research and development so those countries can compete in the global economy.

Mrs. LINCOLN. Once again, I applaud Senator BAUCUS's leadership and his tenacity to come out and say we have a limited amount of time left.

We have businesses out there that want to grow, that need the tools to grow. Yet these issues, things that we do every year to put into the toolboxes of our business, corporate America, our teachers, and others to be able to do the incredible things that make America great. Yet we are just sitting here. We are not doing it. They are being held hostage because we want to put all these eggs into one basket.

I have been very outspoken about my support for the estate tax reform, but there is no reason these extenders should be held hostage to all of these other things that people want to crowd into one basket.

The bottom line is, by failing to renew these incentives, as Senator BAUCUS has said, for responsible behavior such as savings and getting a college education, we are raising the taxes on many of our hard-working American families this year.

I applaud the Senator and I appreciate and am grateful for the leadership.

Mr. BAUCUS. And the answer to the Senator's implied question is, yes, all of that will occur if we do not get this passed. That is correct.

I see another colleague on the Senate floor who may have a question to ask.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BAUCUS. I ask unanimous consent to proceed for 2 additional minutes.

Ms. COLLINS. Mr. President, I am compelled to object because we have another Senator coming over shortly for an amendment. I have promised the Senator from Nebraska and the Senator from Montana that they would have a few minutes to talk about their amendment.

Mr. BAUCUS. I say to my good friend, we are talking about 2 minutes.

Ms. COLLINS. It will come out of the time of the Senator from Nebraska because we have the Senator from New York coming at 12:45 for his amendment. I have no objection with that understanding—that it will come out of the time of the Senator from Nebraska.

Mr. BAUCUS. Mr. President, I think the Senator has a question to ask.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. I thank my colleague.

Mr. NELSON of Nebraska. Mr. President, I thank the chairman of the committee and appreciate very much his leadership.

I rise to state I support what Senator BAUCUS has proposed. It affects a number of Nebraska teachers, Nebraska families. I appreciate what the Senator is doing.

Mr. BAUCUS. Mr. President, I ask unanimous consent that Senators DURBIN, WYDEN, BIDEN, LAUTENBERG, NELSON of Nebraska, CONRAD, SARBANES, LEAHY, and BYRD be made cosponsors of my amendments Nos. 5003 and 5004.

Ms. COLLINS. I do not object.

Mr. BAUCUS. Now I proceed——

Ms. COLLINS. To the objectionable part.

Mr. BAUCUS. On the part of some.

UNANIMOUS-CONSENT REQUEST—H.R. 4096

Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 326, H.R. 4096; that the Senate adopt my amendments Nos. 5003 and 5004, which is the agreed-upon tax extenders package, the bill be read the third time and passed, the motion to reconsider be laid upon the table, the Senate return to the port security bill—which is not objected to—and all this occur without intervening action.

Ms. COLLINS. Mr. President, on behalf of the leader, I object. The leader objected yesterday. This is the same issue. He has asked I make this objection known.

The PRESIDING OFFICER. The objection is heard.

Ms. COLLINS. Mr. President, at this point I suggest time be yielded to the Senator from Nebraska and the Senator from Montana to briefly discuss a pending amendment of the Senator from Nebraska.

AMENDMENT NO. 4945

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NELSON of Nebraska. Mr. President, I appreciate the distinguished chairman from Maine. I ask my colleagues, Senators BURNS and CRAIG, who join with me—Senator BURNS is here—I ask unanimous consent that my amendment No. 4945 be in order notwithstanding rule XXII. I know there will be an objection to it, but I also know that Senator BURNS would like to speak to it if possible, before the objection is entered.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, a point of order does lie against this amendment because it is not germane postcloture.

Prior to objecting to the Senator's unanimous consent request, I am happy to withhold so that the Senator from Montana may address this issue.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I am very supportive of the Senator from Nebraska on this issue. I wish we could have gotten a vote and not have to deal with a point of order. I don't think the fires we have had in Montana and the dry weather we have had in Montana yield to a point of order. We do have people hurting.

I appreciate the work done by the Senator from Nebraska. We will continue this exercise, passing an emergency disaster package for agriculture before we go home. I appreciate him allowing me some time.

I pass along to the Senate and Montanans we are having a drought. In fact, our water is only testing 85 percent moisture.

I thank the Senator.

Ms. COLLINS. Mr. President, I do object to the request of the Senator from Nebraska.

The PRESIDING OFFICER. The objection is heard.

Ms. COLLINS. I am very sympathetic to the concerns of both Senators but, unfortunately, this does not belong on the port security bill.

Mr. President, I ask unanimous consent it be in order to make the following point of order, en bloc. I make a point of order that the following amendments are not germane postcloture: amendment No. 4967, offered by Senator STABENOW; amendment No. 4957, offered by Senator CLINTON; amendment No. 4943, offered by Senator CLINTON; and amendment No. 4958, offered by Senator CLINTON.

The PRESIDING OFFICER. The Senator is correct, the point of order is sustained, and the amendments fall, en bloc.

Ms. COLLINS. Mr. President, I further make a point of order that amendment No. 4945, offered by the Senator from Nebraska, as modified, is also not germane postcloture.

The PRESIDING OFFICER. The point of order is sustained.

Ms. COLLINS. Mr. President, thank you.

The PRESIDING OFFICER. The Senator from New York.

AMENDMENT NO. 4930, AS MODIFIED

Mr. SCHUMER. Mr. President, I rise in support of an amendment that is pending. It will be voted on at 3:30, as I understand.

The amendment is very simple. It mandates—no test study, no pilot—it mandates we inspect all cargo that comes here for nuclear weapons within 4 years.

I have offered this amendment, frankly, out of frustration. This is something that can be done. This is something that is being done. This is something where the technology is working. Yet we refuse to move forward.

I come from New York. Obviously, we lived through September 11. However, I stay up at night sometimes worried about the worst tragedy that could befall us. There is nothing worse, in my opinion—and there are a parade of ''horribles'' with the terrorists—than a nuclear weapon exploding in America. It would change our lives so dramatically for so long for those who survive. If we were ever going to focus on a single issue, this should be it.

But for 4 years I have come to the Senate—my good friend from Minnesota has done very good work on this, my colleague from Maine has, my colleague from Washington has.

They say: We are not ready. Let's do a pilot. Let's study it. Let's improve the technology.

My colleagues, what has changed with me is that I visited the Hong Kong Port run by Hutchison Whampoa last April, along with the Presiding Officer. And we saw it working in two lines. Trucks went through—it did not hold them up—and they were inspected for nuclear weapons in a system that everyone who has looked at it says works.

So what are we waiting for? The cost is not large. It is estimated, once it is up and running, the cost would be about $8 a container. Yet it costs $2,000 to move a container from Hong Kong to the West Coast. It works. The cost is reasonable. We are not asking the Federal Government to pay for it. In a competitive container world, it probably will not even be passed on. That minimal .2 percent addition to the cost of a container will probably not be added on.

So now is the time, my colleagues. We can have another excuse and wait another year and do another pilot, work more on the security and on the technology, or we can implement something now. The Homeland Security Department, in my opinion, is derelict in this responsibility. They have dithered and dallied. Every time we have offered amendments to put an adequate amount of money in to fund this, it has been cut by this body and by the other body.

The frustration, when we know we can really protect the people of this country and we let special interests, we let the fact that we need money for something else—although I do not know what else is more important—stand in our way. It is a monument to why people are frustrated with Washington.

Again, you and I have seen it, I say to the Presiding Officer. We have seen this technology at work. Hutchison Whampoa stands by it. Their leader was so frustrated that he implemented it himself in Hong Kong. And everyone who has studied it says it works. Would it take a little while for all these foreign ports, the 40 ports of the CSI, to set this up? Yes, but not very long. And when you compare this to the danger we face, all of the arguments against mandating that our containers be inspected for nuclear weapons fade away.

Mr. President, I salute my colleagues who have offered other amendments. I salute my colleagues who have worked on the bill. It is a good step forward. But there is a glaring deficiency. We need a mandate. We have been patient long enough. It works. It can protect us. It is not expensive. What are we waiting for?

I urge my colleagues, I hope, I pray we can have a broad bipartisan majority for this amendment because—coming from New York, I feel this keenly—we do not want to be in the ''what if'' situation. God forbid, the worst has happened, a nuclear weapon has been

smuggled in on a container and exploded on our shores. We do not want to be in a situation where we say: What if What if we had done more. Because clearly, as of now, we are not doing enough.

I yield back.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, I share the deep concerns of my friend, high school classmate, colleague from New York, where I grew up, about the danger of a nuclear weapon, the danger of a weapon of mass destruction being smuggled into this country in 1 of 11 million containers. We have, no doubt, the same vision. We want America safe.

That is what we have been doing here. That is what the work of the Senator from Maine and the Senator from Washington is about and what we have put forth in the underlying bill that will change.

By the way, there were a lot of things in homeland security that I was frustrated with.

We spent 3 years, the Permanent Committee on Investigations spent 3 years on this issue, studying it, holding hearings. I encourage my colleague from New York to go to Hong Kong to take a look. My colleague and the Presider Officer went to Hong Kong and took a look at the system that is operating on 2 lanes out of 40 to see what we could do to put in place a system that would scan each and every container that goes through. It is a wonderful system.

What we need is action. That is what we did yesterday. We got action. We have in this bill a pilot project that will put in place, in mandates, in directives, not a mandate of what is going to happen in 2008 and 2010, not playing into the sloganeering of ''scan every container,'' but the reality of action today to immediately put in place a pilot project to see if we can make it work in a wider, more systematic way.

I am taken aback when I hear my colleague talk about ''we do not need any pilot projects'' and ''we do not need any test study.'' We have a system in place in Hong Kong now that is 2 lanes out of 40. It is a wonderful system. What happens is—I call it kind of a moving CAT scan—trucks come in and they kind of go through this device, ISIS device, and it takes a scan of what is inside the truck. It has a radiation portal monitor, so you end up getting images. I have watched the images. Hong Kong is a CSI—Container Security Initiative—port, so I have worked with our folks there. But when a radiation alarm goes off in Hong Kong, our folks do not have the capacity to inspect it. There is no followup from us. The images that are received are not processed by the folks in Langley or somewhere else. They are not coordinated with what we do on national security. So you have in place a concept where we have to see whether it works. That is what we should be doing: action. That is what this is about.

It was fascinating; I was reading an editorial in the New York Times and was somewhat taken aback. I am trying to understand the motivation for moving forward with this amendment. This is what I call a wave-the-magic-wand amendment, that we are going to tell people we are mandating something we have already got on the table in front of us, something to test whether it works. That is what we should be doing.

I think, by the way, people in this country are frustrated with Washington when we promise things or sloganeer about something as important as this issue and somehow project the sense we are doing something when we are not doing anything, when there is already action in place—action, action—a pilot project and then a mandate that the Department, in 120 days, tells us: OK, what are the results. Show us how you have integrated this system which is now working in two lanes in Hong Kong—not integrated into anything in our operation—show us that it works, and then requiring the Secretary of Homeland Security, every 6 months, to come back to Congress and report on the status of 100 percent scanning, with specific criteria laid out. That is good government. That is good policy. In the end, I hope it is good politics.

I worry that this is about politics. There was an editorial, I have to say, in the New York Times, I believe today, and I was somewhat taken aback. It criticized Secretary Chertoff. That is OK. The Times can do that. I have criticized him on a number of occasions. But then the editorial talks about this issue of 100 percent scanning and then raised this issue of the cost of scanning—it is a small surcharge—and then it goes on to say: When it comes to homeland security, the Bush administration has completely allowed corporate profits to trump safety—as if somehow, because the cost of this is $20 per container, that is why we are not moving forward mandating it today.

I want to step back. The way I became aware of the Hong Kong project was because of the private sector that said: Senator, you have to see this. We are willing to pay it. The cost is not an issue. The private sector is willing to pay $20 a container to ensure security. God forbid there is a nuclear device that goes off, we shut down the entire import of goods into this country, and we devastate our economy. So this is not a money issue from the private side. This is maybe the old ex-mayor in me saying: This is kind of the practicality of making sure we have something that works.

The Washington Post, in an editorial in June, said it very clearly:

> ''[I]nspect 100 percent of containers'' is a slogan, not a solution, and we hope lawmakers resist the temptation to use it in the election season to come.

The election season is upon us. It is getting very close. This body, yesterday, moved forth with an amendment to put in place a pragmatic, realistic action-oriented way in which we can move to 100 percent screening. We put in place a pilot project to make sure what we are doing works and it makes sense.

We will spend, by the way, billions on this, not in the cost of the cargo but in setting these scanning systems up in the, what, over 700 ports throughout the world. And 147 are major ports. We are going to be spending a lot of money on this, but the issue is not money, it is doing it right. Let us step away from the sloganeering.

I am going to say this as to the idea of something being half-baked. If you put something in the oven and it is going to be really tasty when it is done, it is going to be really delicious, that is something fully baked. And you make sure it is baked in a way so when you eat it, you do not get sick. Half-baked is when you get something in the end that is the right thing—we believe, in the end, each and every container will be screened.

Right now, we have in place the screening of high risk. It is in this bill. Right now, we have the Department saying, before our Homeland Security Committee, by the end of next year, each and every container will be screened for a radiologic or nuclear weapon—by next year. But it will be done in our country. The goal is to have it pushed out, to have that screening done before it gets here. We do not need a half-baked way, a sloganeering way, and to simply say we are going to mandate something in the future, without any path to get there. We have the path. We have done it right. I hope my colleagues reject the Schumer amendment and stick with what we did yesterday because it really makes sense.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I thank the Senator from Minnesota for his leadership on this issue and for his excellent comments. This issue was debated at length yesterday, so I am going to make my comments very brief.

I do oppose Senator SCHUMER's amendment. I do not think it is practical at this point to require 100 percent scanning of 11 million containers coming into this country. And it ignores the very real improvements that are included in the underlying bill.

I am disappointed to hear the Senator from New York describe our bill as yet another study or yet another pilot project. It is way more than that. It has a layered security system that greatly strengthens the Container Security Initiative, the C–TPAT Program, the automated targeting system. And it includes the provisions we added yesterday at the behest of the Senator from Minnesota that will help us move toward 100 percent scanning when it is

feasible and practical, when the technology is there and able to be in an integrated system.

It also ignores the fact that our bill includes a mandate—a mandate, I would say to the Senator from New York—that the Department of Homeland Security has to install radiological monitors in the 22 busiest ports by the end of next year, which will result in 98 percent of all cargo being screened for radiation, and addresses the issue the Senator has raised about a nuclear bomb or the makings of a dirty bomb.

So this bill does a great deal. I must say, it disappoints me to hear the Senator imply that it does not, even though we disagree on this one particular issue. This has been a bipartisan bill. Senator MURRAY has worked very hard on it, as well as many of the rest of us.

But let me sum up the problems by reading from a recent letter from the World Shipping Council because I think it really says it best. I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WORLD SHIPPING COUNCIL,
September 7, 2006.

Hon. SUSAN M. COLLINS,
Chairman, Senate Committee on Homeland Security & Government Affairs, U.S. Senate, Washington, DC.

DEAR MADAM CHAIRMAN: We understand that the Senate is expected to consider shortly legislation to enhance cargo and port security. We write to communicate the World Shipping Council's support for legislation that will enhance the security of both American ports and the international supply chain. Previously, the House of Representatives passed the SAFE Port Act (H.R. 4954). We hope that the Senate legislation will reflect in part this House bill, will further strengthen cargo and port security, and will enable this enhanced security legislation to become law this year.

During debate on this port security legislation, we understand that there may be an amendment which would propose to require 100% container inspection. Earlier this year, the House voted down a similar measure in its debate over the SAFE Port Act. Like the House, we urge you to vote No on any such amendment for the following reasons.

One-hundred percent container inspection proposals purport to be a cheap and effective way to ensure security. They are neither. It also fails to address fundamentally important security questions, it would disrupt American commerce, and it would cause foreign retaliation against American exports.

American commerce would be ground to a halt because there is no practical way to analyze or inspect the scanning images before vessel loading because it is too labor intensive and no technology currently exists to do the analysis, the proposal faces a dilemma that it clearly fails to address. Assuming the proponents intend that every container's scanning images must be inspected and approved before vessel loading, the costs of compliance and costs of gridlocked commerce would be enormous. It changes who the government trusts to perform container screening without a hearing, a pilot program, or a rational deliberative process.

The proposal would effectively end Customs' Trade Partnership Against Terrorism (C-TPAT), without so much as a hearing on the issue. This amendment rejects the strategic concept that there is low risk cargo that does not require inspection, and in doing so, it rejects many U.S. and international governmental efforts to create programs that reward supply chain participants for enhancing the security of their supply chains by inspecting their cargo less frequently. The proposal also undermines the Container Security Initiative (CSI), as CSI is an international cooperative program pursuant to which other governments have agreed to work with the U.S. government to review and inspect containers that are determined to present a security risk, not to inspect every container.

Lastly, the proposal will harm American exporters. The U.S. applies virtually no radiation screening and no inspection to its exports. The amendment proposes that the rest of the world must subject their exports to processes and procedures that the U.S. does not apply to its own commerce. Congress should expect the United States' trading partners to consider imposing reciprocal requirements on U.S. cargo should these proposals be enacted.

The SAFE Port Act established a rational and deliberative process to study and evaluate the deployment of such container inspection technology abroad and all the relevant implementation issues associated with such systems. Senate legislation that mirrors this approach is the correct way to address this important issue.

In conclusion, we look forward to working with you on the important issues of cargo and port security. And, we request that you oppose any 100% container inspection amendment.

Sincerely yours,
CHRISTOPHER L. KOCH,
President & CEO.

Ms. COLLINS. The letter reads, in part, as follows:

One-hundred percent container inspection proposals purport to be a cheap and effective way to ensure security. They are neither. It also fails to address fundamentally important security questions, it would disrupt American commerce, and it would cause foreign retaliation against American exports. . . .

The proposal would effectively end Customs' Trade Partnership Against Terrorism (C-TPAT), without so much as a hearing on the issue. This amendment rejects the strategic concept that there is low risk cargo that does not require inspection, and in doing so, it rejects many U.S. and international governmental efforts to create programs that reward supply chain participants for enhancing the security of their supply chains by inspecting their cargo less frequently.

It also undermines the Container Security Initiative. That is the international cooperative program where we station our inspectors in foreign ports and work with the governments that host those ports.

There are so many arguments against this amendment, Mr. President. The Washington Post said it very well in an editorial earlier this week as well. Most of all, let us remember what the implications are.

I have visited the port in Seattle and have seen the VACIS machines that do the x rays. It took approximately 4 minutes to do that x ray of the container and then another 15 minutes to analyze the image. If you do that with even the completely low-risk cargo, and you think of the fact that we have 11 million containers coming into this country, you are diverting resources away from inspections of high-risk cargo. It would create a massive backlog of cargo at our ports.

Now, as I have indicated, the technology is improving. I am glad the Senator from Minnesota set the record straight on what is and what isn't being done in Hong Kong at this time, where only two lanes are being scanned and the images are not being read and integrated into a security system. But we are going to keep improving the technology. We have a requirement that the Secretary report on this issue to us every 6 months after the pilot project in three foreign ports—after we have the results.

So we are moving in that direction, but let's do so in a practical, effective, efficient way. That is what the underlying bill does, particularly as strengthened by the Coleman-Collins-Stevens amendment.

Mr. President, we have tried very hard in this bill to make sure that we strike the right balance and put into place a security regime that is going to make our ports and our people safer. But we have done it without hampering the vital trade that manufacturers, retailers, and farmers in this Nation depend upon. I think we struck the right balance, and I am going to move to table the Schumer amendment, with the time of the vote to be determined at a mutually agreed upon time.

The PRESIDING OFFICER (Mr. VITTER). The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, I want to briefly answer my colleagues. Of course, I have tremendous respect for what they have done and are trying to do. It is certainly true that my colleague from Minnesota was the first to talk about the system in Hong Kong.

I will make two points. First, it is true that we will put mandates here in the United States. We have them in New York in one of our ports. One, it is not close to being as sophisticated, effective, or as speedy as what is done in Hong Kong. It is not as good a system. Second, we don't have to debate the technicality of the system. We all know, as my friend from Minnesota said, that we have to push this outward, because if a nuclear weapon is on a container or a ship in New York Harbor that hasn't docked or been unloaded onto a truck and it explodes, the same terrible consequences exist for the people of New York, Los Angeles, Seattle, or anywhere else that has a major port.

I will make one other point. My colleagues argue for patience. My colleagues argue we have to do this in a certain way. If this were 1 year after 9/11, or 2 years after 9/11, I would agree. In fact, I did. I wanted to offer amendments like this 2, 3, and 4 years ago. But I believe this. I believe nothing

will get homeland security and the shipping industry and the world community to act and get something done better than a mandate. As long as they know they can delay, as long as they can go to DHS and present 10 reasons why this should not be done, DHS, which has shown absolutely no enthusiasm for doing this, will get nothing done.

If this were danger No. 37 on the list, maybe, again, we should not have the tough measure—I would say it is tough—of imposing this. I assure my colleagues—we all know how the world works—a deadline will get DHS, the shipping industry, and all of the other players to act and get this done better than any other method.

So, again, I salute what my colleagues have done, and I remind my colleague from Maine that I have said this is a good bill. In fact, I voted for cloture, despite the urging of some of my colleagues, because I think it is a good bill. On the issue of nuclear security, of inspection of containers for radiological material, no one can say that we have done a good job—not this Senate, not the House and, most of all, not this administration and the Department of Homeland Security.

The time is now to force everybody to act. The danger is too great. I have offered this amendment after years—not months, not days, but years—of trying all of the other ways to get homeland security and, frankly, our two bodies to act. So I am grateful to my three colleagues, all of whom have done yeomen's work in this area. But we can do more. I suggest to all of my colleagues here that this amendment will get us to do a lot more than any other amendment proposed thus far.

I yield the floor.

Mr. COLEMAN. Mr. President, I reiterate the great respect I have for my colleague from New York. He is concerned about this area and he is passionate about safety.

I want to make it clear that we are not counseling patience. We are not asking for delay. It is just the opposite. What we are doing and what we have done and what we did yesterday was action. What we are objecting to is an amendment that offers no real increase in security. We are objecting to an amendment that doesn't do anything, doesn't move the ball forward. It gives an opportunity to talk about 100 percent scanning, and it may end up in some commercial somewhere. I hope that is not what this is about.

The amendment doesn't do anything. It doesn't push the ball forward. This is not about patience. I am not very patient when it comes to making sure we are doing everything possible to protect against the possibility of a nuclear weapon being smuggled into this country, and that is what this bill does.

The amendment is to put in place a pilot project, move quickly; that is what it does. The amendment is to require 100 percent screening of all high-risk containers. That is what it does. We heard in committee the other day from the Secretary of Homeland Security, saying we can have 100 percent screening of all cargo containers for radiological devices by next year.

We are not counseling patience. We are supporting action and objecting to an amendment that offers no increase in safety. It doesn't move the ball forward at all.

I yield the floor.

Ms. COLLINS. Mr. President, I will move to table the Schumer amendment, with the understanding that the time for a vote will be at a mutually agreed-upon time.

The PRESIDING OFFICER (Mr. ALEXANDER). The minority leader is recognized.

Mr. REID. What is the matter before the Senate?

The PRESIDING OFFICER. The pending amendment before the Senate is the Schumer amendment.

The Democratic leader is recognized.

Mr. REID. Mr. President, last Friday the Senate Committee on Intelligence released a bipartisan report that discussed Iraq's links to terrorism and the use of information provided by the Iraqi National Congress. These reports provided the American people with important insights into these critical issues.

Unfortunately, the administration chose to redact—that is a word used around here meaning to black out—important portions of these reports that a bipartisan majority of the Intelligence Committee believes could have and should have been released to the American people.

Last night, I handed a letter to the distinguished majority leader informing him of my intent to offer an amendment to declassify one of these sections.

I will, at an appropriate time, ask unanimous consent that I have the pending amendment set aside to offer my amendment. I am not going to do that right now.

I do ask unanimous consent that a copy of my letter to Senator FRIST be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, September 13, 2006.

Hon. WILLIAM H. FRIST,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR LEADER FRIST: Late last week the Senate Select Committee on Intelligence on ''a bipartisan basis released reports that discussed Iraq's weapons of mass destruction program and its links to terrorism and the intelligence community's use of information provided by the Iraqi National Congress. These reports provided the American people with important insights into these critical issues.

Unfortunately, the Administration chose to classify certain important portions of these reports that should have been released to the public. A bipartisan majority of the Intelligence Committee disagreed with the Administration's decision to classify certain portions of the report's findings and conclusions and said that classifying this information is ''without justification.''

In my view, the Administration's decision to classify one particular portion of the report—a section discussing a CIA document about the alleged meeting in Prague between 9/11 hijacker Mohammed Atta and an Iraqi intelligence officer—is especially troubling and lacking in justification. As you may know, as recently as this Sunday on national television, Vice President Cheney left open the possibility that such a meeting may have occurred. However, a bipartisan majority of the Intelligence Committee, after thoroughly reviewing relevant intelligence reports and assessments, concluded ''no such meeting occurred.'' The continued classification of sections referencing this meeting only serves to prevent the American public from knowing the full facts about this matter.

The classified version of the Intelligence Committee's report, including the sections dealing with the alleged Atta meeting, are available for all Senators to review in the Committee's offices in room SH–211. I urge you to join with me to encourage all members to review his text so they understand its importance and why that text can and should be made available to the American people.

In light of the importance of this issue, I also think it is important that the Senate act to declassify those portions of the text on pages 96, 97, and 98 of the Intelligence Committee's report that are currently redacted but do not involve sources and methods.

I plan to offer an amendment on that subject to the legislation currently pending in the Senate. Notwithstanding the procedural situation on the floor, I hope you will join with me to offer this important amendment, permit the Senate to act on it, and support its swift adoption.

While I understand that S. Res. 400 spells out a process for the Senate to declassify information, that process is a lengthy one that is likely to take us well beyond your announced adjournment date for the U.S. Senate. Therefore, in light of the importance of this issue, I think it is appropriate that the Senate act expeditiously to declassify this material.

Sincerely,

HARRY REID,
U.S. Senate.

Mr. REID. Mr. President, again, before I get to the need for this amendment, let me be clear. This is about good government. It has nothing to do with politics. I notified the distinguished majority leader of my intentions to speak this afternoon, well in advance—not today; I advised him yesterday—so the majority leader—indeed, every Member of the Senate—knows this is not a partisan effort but, rather, a serious effort to ensure the Senate fulfills its responsibilities to the American people.

I sincerely hope that the majority leader has had time to think about this important amendment and will join with me today to get it agreed to.

The fact is, the White House was wrong to classify portions of the phase II report, as both Republicans and Democrats on the Intelligence Committee have said.

This chart states as follows:

The committee disagrees, however, with the Intelligence Community's decision to classify certain portions of the report's findings and conclusions . . . the Committee concludes that the Intelligence Community's

decision to classify this information is without justification.

This was made public last Friday from the report.

For the record, this is not my conclusion. This is not a Democratic conclusion. This is a bipartisan conclusion of the Republican-led Senate Intelligence Committee.

Again, here is what they said:

The Committee disagrees, however, with the Intelligence Community's decision to classify certain portions of the report's findings and conclusions . . . the committee concludes that the Intelligence Community's decision to classify this information is without justification.

A majority of the Republicans and Democrats in the Intelligence Committee came together and concluded that the administration's decision to keep information from the American people was without justification.

We talk about redaction. It is a word we use more often than I would think we should, but we are using it here today. I will show everyone in this chart what a redaction looks like. Here is the information I had in a letter to the majority leader where I said everyone should go upstairs and look at what these redacted sentences say.

This is not just any redaction. Although, obviously, I cannot discuss the specific content of this, the Intelligence Committee's report does contain some publicly available information that I can discuss.

According to unclassified sections of the committee's report, this section contains information from a CIA document about the alleged meeting in Prague between September 11 hijacker Mohammed Atta and an Iraqi intelligence officer. That is from page 135 of the report on terrorism, page 174 of the Democratic additional views.

As we all know, the alleged meeting referenced here was an important part of this administration's case for going to war. To this day, the meeting continues to be used by the administration officials to justify why we are still engaged in a war in Iraq. Obviously, this is an important piece of information as we assess how we got where we are today in Iraq and what we need to do to go forward in Iraq.

For all my colleagues, though, I want you to know, as important as it is, I would not be here today pressing the declassification of this information if I thought disclosing it to the American people would compromise our intelligence sources and methods. It doesn't.

A number of members of the Intelligence Committee who know exactly what this blacked-out section says, and have heard the administration's case for classifying it, have told me that significant portions of this passage can be declassified immediately with no harm to our national security, no revealing of sources and methods. Nor would I be here today if I thought the process of declassifying information spelled out in S. Res. 400 would work in this case.

S. Res. 400 talks about how we declassify information. As anyone who has taken a look at S. Res. 400 will quickly see, the process is a very lengthy process—so long, in fact, that it is impossible that the Senate would be permitted to express its views on an issue prior to the majority leader's announced adjournment date.

This amendment, the Reid-Rockefeller-Levin amendment, would provide the American people with information they have a right to know now. This amendment would not harm our national security. To the contrary, it will help ensure that we have a better informed Senate debate and a better informed American public, a critical underpinning of any effective national security policy.

I express my appreciation because he has just come to the Senate, to the ranking member of the Intelligence Committee. I want the RECORD to be spread with the fact of how much I appreciate, the Democratic Senators appreciate, the Nation appreciates, the Senator's dedicated work.

It has been tough sledding. The Senator has been dignified in his approach. I so appreciate the tireless efforts of the Senator. Most Senators are in the public eye. That is our job. The Senator's job is not to be in the public eye. The Senator spends days of his legislative life in a room in the Hart Building, in secret proceedings. Nothing can be said that goes on in that room. That is where the Senator spends his time. I so appreciate the Senator's dedicated service to our country.

Before I offer this unanimous consent request to set aside the pending amendment and have my amendment heard, I ask the distinguished Senator from West Virginia if he has some remarks he would like to make.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, first of all, I totally appreciate and totally do not deserve the kind comments of our leader from the State of Nevada, but I heard them and I won't forget them and I didn't mind them at all.

Before the Senate Intelligence Committee was able to release last week two sections of phase II that we have been working on in prewar intelligence in Iraq, we submitted the report to the intelligence community for declassification review.

Overall, the declassification process on the phase II report produced a final product that was a substantial improvement, I have to say, over past efforts, including the committee's heavily redacted July 2004 phase I report. Yet there were notable instances of overclassification in the final phase II report released September 8.

The committee, in its report, disagreed with the intelligence community's decision to classify certain portions of the report's findings and conclusions. In its decision to keep this information from the public, which is what this is about, the intelligence community was unable to demonstrate to the committee that disclosing the redacted—that is, what is blacked-out—the redacted information in question would compromise sensitive sources and methods or otherwise harm the national security.

The committee, therefore, on a bipartisan basis, concluded in its report, which was reported out unanimously, that the intelligence community's decision to classify this information that we are talking about is without justification. Those are the words in the report, ''without justification.''

The Reid-Rockefeller-Levin amendment addresses the most egregious instance in the committee's Iraq report where the cloak of classification is being used improperly to keep critical information from the American people. Specifically, the amendment seeks to overturn the intelligence community's unjustified decision to classify it—that is what this amendment is trying to do—and not only overturn, but the unjustified decision to classify in its totality the section of the Iraq report referring to a CIA document about the alleged meeting in Prague between 9/11 hijacker Mohamed Atta and an Iraqi intelligence officer.

As the unclassified text of the committee report states, the CIA document referenced in these redacted paragraphs expresses concerns about the alleged Prague meeting in the context of a public speech by President Bush planned for March 14, 2003.

For the information of Senators, the committee concluded in its September 8 Iraq report that the intelligence community was correct when it assessed prior to the war that there was no credible information—I repeat, no credible information—that Iraq was complicit in or had foreknowledge of the September 11 attacks on the United States or any other al-Qaida strike. The committee also concluded in its report, after exhaustive review of relevant intelligence reporting, that the alleged Atta meeting in Prague did not occur.

Significant portions of the redacted passage of the report concerning the alleged Atta meeting, if not the entire three paragraphs, can be declassified without revealing sources and methods—that is, without compromising in any way intelligence—or otherwise harming national security. The decision to keep from the public—the public of the Senate, the public of the United States of America—this revealing information about the use of intelligence information prior to the Iraq war represents an improper use of classification authority by the intelligence community, the effect of which is to shield the White House.

I urge my colleagues to go to the Intelligence Committee offices and read the classified portions of the Iraq report—Senators can do that; all Senators can do that, do it in those particular rooms, and they can do it freely—including the sections dealing with

the alleged Atta meeting. Senators should read the report and draw their own conclusions about whether information known prior to the war is being kept from the American people for reasons unrelated to protecting national security.

Mr. DURBIN. Will the Senator yield for a question?

Mr. ROCKEFELLER. I am happy to.

Mr. DURBIN. Mr. President, I would like the Senator from West Virginia to clarify one point, if he might. We have two bodies of information. One is part of the Senate Select Committee on Intelligence report—unclassified, public knowledge. We have another body of information which is classified. I would like to ask the Senator from West Virginia strictly about the first.

The Senate Select Committee on Intelligence report that was issued last week—unclassified and public knowledge, which the Senator has referred to, and particularly as it relates to the alleged meeting in Prague, the Czech Republic, involving Mr. Atta, who was one of the terrorists involved in the 9/11 attacks—if I heard the Senator from West Virginia correctly, the report of the Senate Select Committee on Intelligence, an unclassified and public report, stated no such meeting occurred; is that correct?

Mr. ROCKEFELLER. That is correct.

Mr. DURBIN. Mr. President, I might ask the Senator from West Virginia the following: So when Mr. Tim Russert of ''Meet The Press'' asked Vice President DICK CHENEY, on September 10, this last Sunday, ''And the meeting with Atta did not occur?'' and the Vice President replied, ''We don't know,'' does that contradict the published, unclassified report of the Senate Select Committee on Intelligence that, in fact, we do know the meeting did not occur?

Mr. ROCKEFELLER. I would say to the Senator from Illinois that he is correct, it does contradict that, and moreover this contradiction has been carried on by a number of high officials in this Government for a very long period of time in spite of intelligence which they knew which said this meeting never took place.

Mr. DURBIN. Mr. President, I thank the Senator for yielding for the question.

Mr. ROCKEFELLER. In closing, I urge my colleagues to not only read the information blacked out, redacted—those are pages 96, 97, and 98—read those of the report, but also to consider it in the context of the unclassified, publicly released section on the alleged Atta meeting in Prague that precedes these pages. It sounds complicated, but it is not. Just go read it and you will understand.

I think Senators will find the information classified by the administration on these three pages does not involve intelligence sources and methods as much as it does provide insight into the warning bells that were going off all over about the alleged Atta meeting in the context of a Presidential speech a week before the Iraq war commenced. This is information on the use of prewar intelligence which the White House does not want the American public to have because it would be embarrassing.

The Senate cannot allow this misuse of classification authority to stand. I urge my colleagues to support the Reid-Rockefeller-Levin amendment.

Mr. President, I once again thank the minority leader and yield the floor.

(At the request of Mr. ROCKEFELLER, the following statement was ordered to be printed in the RECORD.)

• Mr. LEVIN. Mr. President, this past Friday, the Senate Intelligence Committee released a report that, among other issues, looks at what we have learned after the attack on Iraq about the accuracy of prewar intelligence regarding links between Saddam Hussein and al-Qaida. The report is a devastating indictment of the Bush-Cheney administration's unrelenting and misleading effort to convince the American people that Saddam Hussein was linked with al-Qaida, the perpetrators of the 9/11 attack.

Before the war, President Bush said: ''[Y]ou can't distinguish between al-Qa'ida and Saddam when you talk about the war on terror,'' and: ''This is a man [Saddam] that we know has had connection with al-Qa'ida. This is a man who, in my judgment, would like to use al-Qa'ida as a forward army.''

But the report released by the Intelligence Committee on Friday tells a different story. The report quotes the CIA's June 2002 assessment that ''our assessment of al-Qa'ida's ties to Iraq rests on a body of fragmented, conflicting reporting from sources of varying reliability.'' That same CIA report said that ''the ties between Saddam and bin Ladin appear much like those between rival intelligence services.''

The Intelligence Committee's report quotes a January 2003 prewar CIA assessment that ''Saddam Husayn and Usama bin Ladin are far from being natural partners;'' that Saddam has ''viewed Islamic extremists operating inside Iraq as a threat;'' and that ''the relationship between Saddam and bin Ladin appears to more closely resemble that of two independent actors trying to exploit each other.''

Those accurate prewar assessments didn't stop the administration from making many false and misleading statements trying to link Saddam Hussein and al-Qaida before the war. What is doubly shocking is that the false statements continue to this day.

Just last weekend, the Vice President said on ''Meet the Press'' that ''The evidence we also had at the time was that he [Saddam] had a relationship with al-Qaeda.''

And the Secretary of State told Fox News earlier this week that ''There were ties between Iraq and Al Qaida.''

Just read the Senate Intelligence Committee's bipartisan report. Those statements are simply not supported by the intelligence, prewar or postwar.

Three weeks ago, the President said in a press conference that Saddam Hussein ''had relations with Zarqawi'' the recently killed terrorist.

The Intelligence Committee's report demonstrates that statement to be flat out false. The committee report discloses, for the first time, the CIA's previously classified October 2005 assessment that Saddam's regime ''did not have a relationship, harbor, or turn a blind eye toward Zarqawi and his associates.''

But neither the CIA's assessment nor the committee's report has stopped the false statements. Just last Sunday, the Vice President said on ''Meet the Press'' that ''We know that Zarqawi . . . fled and went to Baghdad and set up operations in Baghdad in the spring of '02 and was there from then, basically, until basically the time we launched into Iraq.''

Just last weekend, the Secretary of State told CNN ''We know that Zarqawi ran a poisons network in Iraq. . . . So was Iraq involved with terror? Absolutely, Iraq was involved with terror.''

And just this week, Tony Snow, the White House spokesman said ''there was a relationship'' between Saddam and Zarqawi.

Don't they read the CIA's assessments? If they do and disagree, they should say so. Again, the CIA's October 2005 assessment said, flat out, Saddam's regime ''did not have a relationship, harbor, or turn a blind eye toward Zarqawi and his associates.''

There are many more misleading statements. In the fall of 2001, the Czech intelligence service provided the CIA with reporting based on a single source who stated that the lead 9/11 hijacker Mohammed Atta met with an Iraqi intelligence officer in Prague in April 2001.

On December 9, 2001, Vice President CHENEY was asked about the report on ''Meet the Press.'' The Vice President said, said that ''. . . it's been pretty well confirmed that the [9/11 hijacker Mohammed Atta] did go to Prague and he did meet with a senior official of the Iraqi intelligence service in Czechoslovakia last April, several months before the attack.''

On March 24, 2002, the Vice President told ''Meet the Press'' that ''We discovered, and it's since been public, the allegation that one of the lead hijackers, Mohammed Atta, had, in fact, met with Iraqi intelligence in Prague . . .''

But the Intelligence Committee's report declassifies, for the first time, a July 2002, a Defense Intelligence Agency paper that said ''Muhammad Atta reportedly was identified by an asset (not an officer) of the Czech [] service only after Atta's picture was widely circulated in the media after the attacks, approximately five months after the alleged meeting occurred'' and that ''there is no photographic, immigration or other documentary evidence indicating Atta was in the Czech Republic during the time frame of the meeting.''

Two months later, in September 2002, CIA published it's assessment that ''evidence casts doubt'' on the possibility that the meeting had occurred and that ''The CIA and FBI have reviewed the reporting available so far and are unable to confirm that Atta met al-Ani in Prague.''

None of those assessments stopped the Vice President from continuing to suggest that the report of the meeting was evidence that Saddam's regime was linked to the 9/11 attackers. On September 8, 2002, in a ''Meet the Press'' interview the Vice President said that the CIA considered the report of the meeting ''credible,'' although, again, that same month the CIA said that there was evidence that ''cast doubt'' on it having occurred.

In January 2003, still before the war, the CIA published an assessment stating that, ''A CIA and FBI review of intelligence and open-source reporting leads us to question the information provided by the Czech service source who claimed that Atta met al-Ani.'' The January 2003 paper stated that CIA was ''increasingly skeptical that Atta traveled to Prague in 2001 or met with IIS officer al-Ani'' and that ''the most reliable reporting to date casts doubt on this possibility.''

But the Vice President continued to be undeterred by the CIA's skepticism. In September of 2003, 8 months after the CIA said that the most reliable reporting cast doubt on the possibility of a meeting between Atta and the Iraqi intelligence officer, Vice President CHENEY was still citing it as having possibly occurred.

On January 19, 2004, a full year after the CIA expressed serious doubts about the meeting and the fact that not a shred of evidence had been found to support the claim of a meeting, the Vice President told the Rocky Mountain News that the Atta meeting was ''the one that possibly tied the two [Saddam and the 9–11 attackers] together to 9/11.''

Six months later, on June 17, 2004, the Vice President was asked whether Iraq was involved in 9/11. The Vice President said ''We don't know. . . . We had one report, this was the famous report on the Czech intelligence service, and we've never been able to confirm it or to knock it down. We just don't know.'' The Vice President may not have ''known'' but the intelligence community sure as heck didn't believe—for a long time before the Vice President's statement—that the meeting took place.

Now the Senate Intelligence Committee's report says that ''Postwar findings . . . confirm that no such meeting occurred.''

But just last Sunday, before a nationally televised audience, the Vice President was asked whether the meeting occurred. The Vice President replied ''We don't know.''

The Intelligence Community does know. The Senate Intelligence Committee knows. The bipartisan report we released last week says ''Postwar findings . . . confirm that no such meeting occurred.''

The intelligence assessments contained in the Intelligence Committee's unclassified report are an indictment of the administration's continuing misleading attempts to link Saddam Hussein to al-Qaida. Portions of the report which have been kept from public view provide some of the clearest evidence of this administration's false statements and distortions.

Among what remains classified, and therefore covered up, includes deeply disturbing information. Much of the information redacted from pages 96, 97, and 98 of the public report does not jeopardize any intelligence sources or methods. The continued classification of that entire portion of the report reeks of a coverup by the administration. The Senate should not go along. The public is entitled to the full picture. Unless this report is further declassified, they won't.●

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, Senator LEVIN would be here, but he is, to say the least, tied up in the Armed Services Committee. He has been working with others to get a bipartisan measure to the floor so we can deal with the detainee problem that was brought to a head by the Supreme Court in the Hamdan decision.

I do wish to say that Senator LEVIN, during Senator ROCKEFELLER's incapacity, was a real stalwart working with us. He kept Senator ROCKEFELLER informed at his home on a daily basis as to what was going on in that committee. We very much appreciate Senator LEVIN's efforts. He is really overworked. He had his responsibilities for Armed Services, but he filled in very well for the distinguished Senator from West Virginia. We are glad Senator ROCKEFELLER is back and in better shape than when he left. He is stronger than ever, and we are very fortunate to be able to work on this side of the aisle with these two wonderful Senators.

Mr. President, I ask unanimous consent, notwithstanding rule XXII, that amendment No. 5005, to declassify certain text of the Report of the Select Committee on Intelligence on Post-War Findings about Iraq's weapons of mass destruction program, still be in order.

The PRESIDING OFFICER. Is there objection?

Mr. BOND. Reserving the right to object, first, let me clarify, this is not classification——

Mr. REID. Mr. President, is there an objection or not?

The PRESIDING OFFICER. Does the Senator from Missouri object?

Mr. ROBERTS. I object.

The PRESIDING OFFICER. Objection is heard.

The Democratic leader.

Mr. REID. Thank you, Mr. President.

Mr. President, I regret the decision of the majority. I really do. There will be ample time for my friend from Missouri to speak. I wish to speak for a few more minutes. No matter the issue or the costs to the American people, I am sorry to say, partisanship is the order of the day in this Republican Senate. On such an important matter as this, I had hoped we could set aside our partisan differences and work together. This is not the case.

Our amendment will not be adopted, but it is not we who will pay the price. The real consequences will be paid by this institution and the American people.

The Senate has lost and the American people have lost once again because the Republicans have chosen to rubberstamp a bad decision by the Bush White House. They have put the administration's political standing ahead of this body's constitutional obligation and their own political interests ahead of the Nation's interests.

Again, the American people have lost because, again, they have been denied an opportunity to fully understand the facts behind President Bush's rush to war in Iraq. The decision to keep this revealing information from the public represents an abuse of classification authority by the Intelligence Committee. They have shielded the White House at the expense of America's security.

More than 3 years into the war in Iraq—longer than it took in World War II in the European theater—the principal underpinnings of the administration's case for war have been undermined, if not obliterated, by events on the ground and Friday's Intelligence Committee report.

We learned long ago that Saddam did not possess weapons of mass destruction, that he did not have stockpiles of chemical weapons, that he did not have stockpiles of biological weapons, and that he did not have nuclear capabilities.

Further, we know definitely from the Intelligence Committee report on Friday that another administration claim—that Saddam Hussein had ties with al-Qaida—is totally and completely unfounded. Of course, that does not stop this administration from repeating this charge. This next chart shows exactly what I am talking about. Look at what has been said in recent weeks. And the colloquy between the distinguished whip and the ranking member of the Intelligence Committee certainly showed this and will show it again.

Here is what was said:

> [Saddam Hussein] had relations with Zarqawi.

President Bush said this in August of this year, late August of this year.

The Senate Intelligence Committee report:

> [T]he Regime did not have a relationship with, harbor, or turn a blind eye toward Zarqawi.

This did not stop the President from saying ''[Saddam Hussein] had relations with Zarqawi.'' This is not a truthful statement.

On September 10, just last Sunday, the Vice President said, on ''Meet The Press,'' at 10:30 in the morning—he was asked the question by Tim Russert, ''And the meeting with Atta did not occur?''—keep in mind, this is after the report was made public Friday, 2 days before this—and the Vice President said, ''We don't know.''

The Senate Intelligence Committee report says no such meeting occurred. It is against this backdrop that I offered the Reid-Rockefeller-Levin amendment. We have an administration that continues to misstate the record and prevent the public from getting additional information that will shed further light on their misstatements. And ''misstatements'' is an understatement. We have a Republican-controlled Congress that actively aids and abets the administration in these pursuits.

Mr. President, we need a new direction. For too long, this Republican Congress has put its own security ahead of the security of the American people. Today is a good example of that, and it is too bad for the American people.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. ROBERTS. Mr. President, I rise in very strong opposition to Senator REID's amendment. The amendment simply directs the release of three pages in the classified version of the committee's phase II report on the accuracy of prewar intelligence assessments. I just think this amendment is an irresponsible, very dangerous way to seek the release of classified information and would set a very dangerous precedent.

To my knowledge, this action is unprecedented—the full Senate considering a bill that has nothing to do with the subject matter that is now being discussed and for the Senate not to declassify the information but to simply release classified information. I can probably conjure up a lot of other different attempts to do this and put the full Senate in the position of trying to release classified information.

While we are at war, what the Democratic leader is proposing is that the Congress unilaterally release information that our intelligence professionals—not the administration—that our intelligence professionals have determined to be protected from disclosure. Again, to my knowledge, the Senate has never taken such a drastic step.

Now, the Democratic leader's amendment is not about port security. In fact, the amendment will do nothing to enhance our security. The Senate should not adopt a precedent that allows one Senator to release classified information for whatever purpose that he or she would deem fit or for their own purposes.

Before I proceed any further, however, I must take issue with the manner in which the committee action on the matter of declassification has been characterized. Senator REID claims that a bipartisan majority of the Intelligence Committee voted to include in the report a statement that the committee disagreed with the administration's decision—I will repeat, the administration's decision—to classify certain portions of the report's findings and conclusions and said that classifying of this information is without justification.

In actuality it was the intelligence community, not the administration, that made the decision to protect the sensitive information contained in those three pages. That decision was based on the community's judgment—their judgment—I know Senators ROCKEFELLER, REID, and others may disagree with the community—concerning sources and methods.

More important, the committee actually classified the declassification this way, and I am quoting from our report:

> The committee recognizes that classification decisions are often difficult, requiring a careful balancing of our responsibility to protect the national security sources and methods with the need for the appropriate transparency of the intelligence activities.

That says it, and it is a very difficult task that one faces when you are approaching that kind of a challenge. Overall, the declassification process on this report—and I am quoting again—''was a substantial improvement over past efforts.''

That is what the committee said. I know that doesn't include the three pages that the Democratic leader, Senator ROCKEFELLER, and others would like to have released. It would still be classified, but it would be released in a bill that has nothing to do with intelligence matters. It is important to understand that this was a broad, bipartisan statement relating to a number of issues. Several Senators, many Senators, this Senator, had things they would have liked to have seen declassified. I worked overtime with the intelligence community in regard to the section on the Iraqi National Congress, to make sure that all of that report was in, all of the nuances and history would be declassified. Did I get everything I wanted? No, but I got a large portion of it.

The committee, however, made no specific reference to the issue that Senator REID brought to the floor today. There was that generic statement that I just said earlier. I am very familiar with the material that the Senator seeks to publicly release. I agree with the Intelligence Community that this material does contain sensitive information that would damage our intelligence sources and methods. I believe it is properly classified. I supported the report's statement that there are certain portions of the report that I believe should have been declassified. This is not one of them.

The information the Democratic leader wants to release is very sensitive. Mr. President, it is CIA operational traffic between an undercover overseas field station and CIA headquarters. This type of correspondence exists to permit the rapid informal flow of information and operational guidance needed to execute the mission of the CIA. It is not formal intelligence reporting. It is not a finished intelligence assessment drafted and coordinated to support policymakers, as has been indicated, and it is not routinely available or needed by anyone outside of the CIA. It must be handled with care.

Now, the next question, obviously, is why? Because the release of unevaluated information and CIA operational traffic would potentially damage the relationships with foreign country security services that work closely with the CIA. These foreign services do so with the expectation that their words and their actions will remain confidential. Additionally, declassification and public release of such correspondence would certainly impinge upon the speed and frankness that marks this correspondence. CIA's effectiveness is reduced when this happens.

For these reasons, and others that cannot be discussed publicly, this information should not be released. In short, this amendment would damage our sensitive sources and methods by recklessly disclosing properly classified information—again, not by the administration but by the intelligence community.

There is another way to do this. It is the proper way. A number of Members on both sides of the aisle, including this Senator, have issues concerning the declassification of these reports. They have agreed to work with the National Archives Public Interest Declassification Board, which is the proper way to do it, to review and, hopefully, further declassify some of the remaining redacted portions. This review process will look at all of the information that remains classified, not just the information singled out in Senator REID's amendment. I think this is a much more responsible approach.

I hope my colleagues will proceed in that manner. That is how we intend to proceed in the Intelligence Committee in regard to classification and declassification. I oppose this amendment, and I urge my colleagues to do the same.

I yield the floor.

Mr. DURBIN. Will the Senator yield for a question?

Mr. ROBERTS. I have yielded the floor, but I will answer the Senator's question.

Mr. DURBIN. I ask the Senator because I am not on the committee, the Senate Intelligence Committee released a report last week, and he stands by the findings—at least the majority section. I asked the question of my Democratic colleague, Senator ROCKEFELLER, which I would ask of you. In that Senate Intelligence Committee report relative to the alleged meeting in Prague involving Mohammad Atta, the Senate Select Committee on Intelligence report says that

no such meeting occurred. I would like to ask the Senator from Kansas this: When the Vice President was asked on Sunday on ''Meet the Press'' by Mr. Russert the following question: ''And the meeting with Atta did not occur?'' he replied, ''We don't know,'' is that statement by the Vice President consistent with the report that you signed and issued to the public on the previous Friday?

Mr. ROBERTS. Mr. President, responding to the Senator from Illinois, that is a hypothetical. I did not watch ''Meet the Press.'' I have not studied the Vice President's comments other than what the Senator has said. My name is not Tony Snow.

I yield the floor.

Mr. ROCKEFELLER. Will the chairman yield for another question?

Mr. ROBERTS. Yes, I certainly yield to my friend and colleague.

Mr. ROCKEFELLER. Thank you very much. I am sure that the Senator is aware, having talked about the importance of the operational cables, the foreign service, and all these kinds of things that there are in our report—or in the report there are at least 30 specific references to operational cables. I am looking at page 31 of the prewar assessment part. CIA operational table, December 2002, the INC part. And there are two on page 68—two CIA cable references that are declassified. Is the Senator aware of that, that we have done this 30 times at least in our report?

Mr. ROBERTS. It is my understanding that the operational cables and the INC reports are two separate reports.

Mr. ROCKEFELLER. That is correct. But there are 30 in various parts of this that are operational cables specifically referred to, which are——

Mr. ROBERTS. Basically, the decision is made by General Hayden in a letter I would be delighted to read on the floor of the Senate, except that it is classified. He goes down specifically, exactly the comments I have made in a very generic way as to why he didn't declassify them. One report is INC and one is on the accuracy of the prewar assessments regarding weapons of mass destruction. I don't understand the point.

By the way, the general indicated that he will provide us a letter that is not classified outlining why the CIA Director feels very strongly that this should not be released.

Mr. ROCKEFELLER. What the CIA Director reportedly is saying, and the chairman of the full committee indicates, is that operational cables cannot be identified publicly. I am saying that they are identified 30 times in our two reports.

I direct my colleagues' attention to these 30 specific examples from the committee's two reports found on page 31 of the report on Post War Findings and pages 41, 43, 67, 68, 69, 70, 72, 76, 77, 78, 80, 82, 86, 87, 104, and 107 of the INC report.

Mr. ROBERTS. Mr. President, let me say to my friend from West Virginia, however, if I might, and my friend from Illinois, I don't speak for the Vice President. I ask the Senator to address that question to the Vice President. It is the information in the cable which is classified, not the format. I think the distinguished vice chairman is talking about the format in another report as opposed to the report that Senator REID quoted from, and it is that information—the cable which is classified, again, by the intelligence community. The Senator knows how hard we have both worked to get both reports declassified, to the extent that the American people could at least know what is going on and let the chips fall where they may. That does not include, however, a decision when the DNI and the Director of Central Intelligence insist that basically the information in the cable is classified.

I suppose that in future debates on any bill—and it could be port security or the farm bill or any bill that really doesn't pertain to intelligence—somebody can say, you know, I think there is a portion of some intelligence report, or any intelligence, that ought to be released even though it is classified. If we start doing this, if we go down the slippery slope with regard to having this body in executive session or otherwise decide to release classified information, we may as well replace ''E pluribus unum'' up there with the New York Times. It is a dangerous precedent.

There is a way to do that. We have a committee set up to go to the review board to see if we can get the most declassification possible. I agree with the Senator that too much is classified. That is a given. In this particular case, I think you have to rely on—or you should rely on the CIA Director and the Director of National Intelligence who say we are going to lose allied support.

The Senator knows that every week we get a courtesy call from various people who come in and who are our counterparts representing other countries. The bottom line is: Why can't you Americans keep quiet? So, consequently, I think that has an aspect of this. That has entered into, I think, part of the DNI's involvement here and decisionmaking, as well as the CIA Director's involvement. It is a canard of the first order to say it was the administration. It is not. It is the people who work with this every day.

Mr. ROCKEFELLER. I say to the chairman of the full committee, is the Senator aware that on page 31, the prewar assessment part of the report, there is a reference at the bottom, as I indicated, to the CIA operational cable of December 20, 2002. The Senator indicated the substance is not included, but I will read from the report:

> In addition, the Committee is examining the facts surrounding a December 20, 2002, cable from the relevant CIA station [this is all available to the American public today] which transmitted comments from a letter to the DCI and a discussion with the Chief of Station from the head of the foreign intelligence service that handled CURVE BALL. The cable noted that the head of the foreign intelligence service intelligence said experts from a number of foreign intelligence services had analyzed the CURVE BALL information and believed ''the information was plausible''—et cetera, et cetera.

In other words, the content is right here.

Mr. ROBERTS. Mr. President, I would just simply say to my distinguished friend and colleague, and to let everybody know who is listening to this debate, it is an interesting debate; it is a unique debate. It sets a precedent that I don't agree with. But simply because we are having this discussion doesn't mean we are not friends and colleagues and trying our very best to do a job under very difficult circumstances. But we do defer—or at least I think we should defer—to the intelligence professionals here who work with this material. If they make a mistake, we are all over them.

So we are at war. Let's let the Public Interest Declassification Board take a look at these reports. That was the suggestion by Senator WYDEN, picked up by Senator BOND, endorsed by myself and I think by the Senator from West Virginia. That is the proper way to go about it, not in this format, when we don't even have a bill that pertains to this and where we are setting a precedent where all of a sudden somebody can say: Oh, I think we should release even though it is classified.

Once we start down that road, I would say to my dear friend, we will never hear the end of it. We will have everything else declassified. We could conceivably, with all the furor in regards to the ABC documentary over the handling of 9/11, get into reports and get into Presidential findings and everything else. I just don't think that is appropriate. So there is a way to do it. Let's do it the proper way.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I want to join in support of the chairman of the committee. It is important to realize this was not classified after the fact. This was classified information.

Now, we cannot say on the floor why this must remain classified. There are good and sufficient reasons for this, unlike some of the other cables which have been cited by the distinguished vice chairman of the committee, why this one should not be released.

We are witnessing something here that is very, very disturbing. The minority leader said that partisanship is the order of the day because we have objected to this unwarranted effort to misuse and abuse the intelligence process to score political points. This approach, regrettably, is something that has been used going back to 2003 when the Democratic staff in the Intelligence Committee laid out a partisan political game plan to use intelligence to try to beat President Bush and Vice

President CHENEY in 2004. They laid out a game plan and they stayed on it. They stayed on it through phase I. Phase I took 2 full years during which we exhaustively examined all of the documents, interviewed anybody that might have information on whether there was an intentional misleading or misrepresentation or pressure to change the estimates of the intelligence analysts and thwart the process.

We reviewed that process exhaustively. At the end of it, our bipartisan conclusion was there was no evidence of any pressure to change findings of the Intelligence Committee; there was no effort to mislead or misuse the information of the intelligence analysts or the intelligence estimates.

Regrettably, our Democratic colleagues were not satisfied with that. They wanted to continue the battle. So we initiated a second backward look into history that I think was a tremendous waste of time—phase II—to go back and say: Well, maybe we missed something. We are going to go back and look at the intelligence prior to the commencement of Operation Iraqi Freedom and see if we can't find some misstatement, some misstep by the administration.

Well, President Bush is not running again. I don't know whether they want to try to impeach him or whether they just want to try to score points in the 2006 election campaign. But whichever thing they are doing, it is a blatant partisan effort to take what should be the bipartisan, even nonpartisan, Intelligence Committee and drag it through the political mire of name-calling and rock-throwing.

I think it is time for us to hit the baloney button on this and say: We have wasted now 2 more years in the Intelligence Committee going back and trying to defeat or impeach President Bush, and we have not been successful.

Let me mention something about this. All of this hype is about things that were added—much of it is about things that were added as comments to one of the two reports that we reported out of the Intelligence Committee. The Democrats chose to make extraneous allegations now that will be considered in a later report that is yet to be finalized by the committee, to look into statements made by administration officials and Members of Congress, to see whether they were inaccurate or if there was a misuse of the intelligence estimates that were available at the time. I have looked at them and I have seen some significant overstepping in statements that were made. Regrettably, those statements primarily came from Members of Congress, some on the other side of the aisle, who went too far. They went beyond what the intelligence estimates said.

Now, we have focused in this process on what the final intelligence estimates were. There are thousands—perhaps hundreds of thousands—at least tens of thousands of operational cables. They bring in different points of view. There are 16 different intelligence agencies that may have points of view. Do those all come to the policymakers? Of course not. The intelligence community is responsible for coming up with a National Intelligence Estimate, a community assessment that goes to the policymakers, whether that is the President, the Vice President, or this body. We get the final product.

Now, any time you want to, you can go back and look at all kinds of operational cables. You can find cables at any one time saying it is daytime and others say it is night, a third one saying it is dusk, and a fourth one saying it is dawn. But that is not what is given to the policymakers.

We ask the Intelligence Committee to use their best judgment. And as far as this cable, which has been properly classified—and we will not go into why it is properly classified—this cable was one communication to the headquarters, and it was not the only one. There were many, many more.

Looking back on it, we have a much better idea of what went on. But the whole purpose of this, the whole purpose of our Democratic colleagues in phase II, was to find grounds to defeat President Bush in 2004 or perhaps impeach him in 2006 or maybe in 2007. Well, we have been looking in the rearview mirror far too long. We have been looking backwards. We spent 2 full years, the staff of the Intelligence Committee spent hundreds of hours, reviewed tens of thousands of documents, over 1,000 interviews, and they found that there was no misuse, no abuse of the intelligence process, no pressure on the analysts.

So we have a lot of things that we ought to be doing. We have a lot of work in the Intelligence Committee because we have to implement the recommendations of the 9/11 Commission. One of the key recommendations concerning intelligence in the 9/11 Commission report was to set up a national security post in the Department of Justice to coordinate between the FBI and the CIA. Regrettably, our colleagues on the other side of the aisle are holding up the appointment of the man who is supposed to fill that position to ensure that there is good information and good exchanges of information between the FBI as a law enforcement body and the intelligence agencies. And we have a lot of other things to do because there are still problems that we have to work out in the new structure of the Director of National Intelligence.

I have been asking plaintively why we cannot look at the continuing threats, do oversight and deal with some of the questions and problems we have. The answer is we have to complete phase II, and phase II has had, again, hundreds and hundreds of hours of work by our staff, work that could have been used on other points. Regrettably, what we are hearing on the floor and what we are seeing in some of the reports coming out of the Intelligence Committee is an effort to politicize intelligence. I deeply regret the fact that so much of this has been misquoted in the report issued, the largely Democratic report issued from the intelligence community. There was a tremendous amount of cherry-picking of selected pieces of information that did not come from the National Intelligence Estimates, to say that statements by some administration officials were not based on sound evidence.

We have learned a lot. We have learned a lot since we went into Iraq. We learned that our intelligence wasn't good, state-craft and trade-craft were not properly executed. Where there were dissenting views, those dissenting views were not conveyed up the line to the policymakers. That was us and that was the administration. And we are trying to change that. We are trying to make sure that dissenting views are explored, that policymakers know if there is a division.

Now, looking back with hindsight, we could say that many of the statements made here on the floor and made by the administration were not accurate. The question is, Were they based on the best National Intelligence Estimates at the time? We found out in phase I that they were.

The effort to do more declassification is very important. The chairman of the committee, Senator ROBERTS, Senator WYDEN and I and the vice chairman have asked the Public Interest Declassification Board and the National Archives to look at and investigate what has been classified to see if more of it could be declassified. Because I, as most of my colleagues, want to have as much that is not sensitive or revealing sources and methods to be disclosed, so we can evaluate where we stand. But for this one, I understand full well the reason it is classified, and I am not going to say why. But when we disclose intelligence, we risk sources. Unfortunately, when we prosecuted the 1993 World Trade Center bombers, the prosecution had to turn over a list of 260 names of potential suspects. They turned it over in that court proceeding and, subsequently, several years later in a raid in an African nation they found in the al-Qaida playbook the names of all these people. When we disclose who we are talking to, their names get disclosed. And regrettably, some of them have been murdered. But it is not just the individual source who is at risk.

We have repeatedly chipped away at the confidence of our allies to work with us in the war on terror by disclosing sources and methods over the years. Friendly services are saying—and CIA leaders have told me directly—that our allies in the field are rethinking if and to what extent they can work with us because the Americans cannot keep a secret. This effort to declassify operational traffic involving overseas entities could devastate the confidence of our allies in cooperating

with American intelligence and obliterate the confidence of American intelligence officials in the United States Congress, who will be taking their discrete communications among themselves and broadcasting it to the entire world.

I can't think right now of a single more devastating action that will reverse what we have been trying to fix in the U.S. intelligence community than this, to say that if you share anything within the intelligence community or even with the Intelligence Committee, it is going to get out. People don't want to share the most sensitive intelligence when it could get out and not only disclose the information, but put at risk the sources and methods by which it is being obtained.

For that reason, I regret that the minority leader has attempted to make a partisan battle out of something that did not have to do with the National Intelligence Estimate. It was not a final product of the Intelligence Committee. Therefore, it had no place in the effort to determine what kind of information got to the top policymakers in the administration.

There were lots of conflicting pieces of information going through the chain. What we properly looked at was how those were handled and what they gave to policymakers. There is no evidence, no evidence, none, zero, zip, none—that this evidence was ever shared with the top policymakers.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Mr. President, I had the honor to serve on the Senate intelligence subcommittee for 4 years. It is an awesome assignment. That committee can suck up more time from a Senator's schedule than any other assignment I can think of. I easily spent half of my time in committee in the Senate Intelligence Committee room, and I am almost certain that I didn't attend half of their meetings. There were so many meetings. The information is voluminous. It is cloaked in initials and references which take the longest time to understand. I will honestly tell you by the end of my 4 years I had come to understand more and more about the intelligence community and come to understand more and more about what to look for and listen for. So my hat is off to all of my colleagues in the Senate, Democrat and Republican, who serve on this committee. It is a massive assignment, and they have a massive responsibility—to measure the efficacy of our intelligence operations as well as their reports.

I can't think of another committee in Congress—I might say the Armed Services Committee is close—that has such an awesome responsibility. I want to preface my remarks by saluting all of the members of the Intelligence Committee for giving their time to this effort.

But I will tell you, there is no more frustrating assignment in Congress either because you will sit there for hour after weary hour, day after weary day, week after week, and month after month listening to all of this information, being sworn not to repeat a word of it—imagine. The only questions you can ask are in the room. The only statements you can make are in the room. It is classified information. We wouldn't want to risk the life of a single American or ally or someone helping our cause, so we are extra careful.

I lived through this as we made the momentous and historic decision 4 years ago to go to war in Iraq. After sitting there for months, listening to the experts within the Bush administration talk about what they knew about Iraq, I drew my own conclusions from what they said. And I would walk outside that committee room stunned to hear the public statements that were being made in direct contradiction.

Elected officials and appointed officials in this administration were saying things about Iraq and its threat to the United States which were inconsistent with the information being given to us in the Senate Intelligence Committee. Yet, being sworn to secrecy, I could not say a word. It was a frustrating situation.

I reached the conclusion that the information within the room was more compelling than the headlines outside the room. I joined 22 of my colleagues in the Senate in voting against the authorization to go to war. And our subsequent investigation found that those inside the room knew a lot more than the politicians outside the room because we found no weapons of mass destruction, we found no nuclear weapons, we found no connection between al-Qaida the terrorist group responsible for 9/11—and Saddam Hussein. We found no evidence to support the notion that somehow nuclear materials were coming in from Africa to Iraq.

Despite statements made by the President in the State of the Union Address, none of that was found. So we knew, after our invasion, after careful investigation, that the statements made to the American people were wrong. The American people were misled. The American people were deceived. So the Senate Intelligence Committee set out to try to get to the bottom of it.

The first phase of its investigation was to find out what happened at the intelligence agencies. If they had conflicting information, how did this occur? I happened to be on the committee when this report was made. It was an important disclosure that, in fact, our intelligence agencies had let us down. Their information was not reliable, was not sound, and many times misled a lot of people. That is a fact.

But phase II of this investigation by the Senate Intelligence Committee was going to really talk about whether these public disclosures were made and whether they, in fact, misled the American people. It took almost 2½ years for that to be prepared, 2½ years, despite repeated promises by the chairman of the Senate Intelligence Committee that it would be a priority item and be taken care of. It is unfortunate that it took so long. It is unfortunate that the Democratic leader, Senator REID of Nevada, had to threaten a closed session of the Senate to force this issue, to finally come up with the phase II report.

But it is a good thing he did because the phase II report, which was publicized last week for all of America, in unclassified form, in public form, made it clear. The report concluded the administration relied on known fabricators and liars, including the infamous Ahmed Chalabi and his Iraqi National Congress to justify the war. Chalabi and others fed the administration consistently false information about Iraqi weapons of mass destruction and nuclear weapons.

Members of the intelligence community had warned that this Ahmed Chalabi, the darling of many people in this administration, was, in fact, a fraud. Despite this, despite this fact, this man was invited to sit in an honored place at the President's State of the Union Address.

He was unreliable. His organization was not only not trustworthy, it was penetrated by the Iranians, who sadly do not share many, if any, of our values.

But the administration still eagerly embraced this source, this unreliable, untrustworthy source. Some of the information that he gave found its way into one of the most important documents our Government issues, the National Intelligence Estimate on Iraq. That is a compilation of all the gathered intelligence from all the different reliable sources of our Government and other places, to try to have an accurate picture of the situation before a military invasion, before we risk the first American life. And the lies and fabrications and distortions of this man were part of that National Intelligence Estimate.

In fact, some of his testimony found its way into statements made by our former Secretary of State Colin Powell before the United Nations to try to justify to the world our invasion. That presentation marked a low point in what I consider an otherwise highly distinguished career of service by General Powell.

The committee report which we saw last week spells out the misinformation from Chalabi and others that was used to justify the war. It shows clearly there was no connection, none, between Saddam Hussein and al-Qaida. That is now a bipartisan conclusion. It is published. It has been verified from intelligence sources. The debate over that question should now officially end.

Mr. BOND. Mr. President, could I ask the distinguished Senator from Illinois a question? On what page is there a bipartisan statement that there was no connection between al-Qaida and Iraq?

Mr. DURBIN. I will get the page reference and give it to you in a moment.

Mr. BOND. Because we also found in there a reference that there was a meeting and two contacts.

Mr. DURBIN. Mr. President, if I might? I do control the time?

The ACTING PRESIDENT pro tempore. The Senator controls the time.

Mr. DURBIN. I will get the page reference for the Senator. I would like to continue my remarks, if I may.

The bipartisan Senate Intelligence Committee reached these conclusions but this report, especially the public version, doesn't go as far as it might. As the vice chairman, the distinguished Senator from West Virginia, and other colleagues wrote in their additional views:

> The committee's phase II investigation has been significantly limited by the majority's refusal to examine issues and documents relevant to our inquiry when the issues and documents came close to the White House.

The point that is being made today, and has been debated back and forth, is how much of this document that has not been released to the public, should be released.

As you can see, several pages, many pages, are blacked out. Information is blacked out. The official word is ''redacted.'' So this debate has gone back and forth about how much should have been redacted, how much should have been released. I will not get into the specifics because I wouldn't want to disclose anything that I should not. But I will say the Senator from Nevada asked by his motion, his amendment, that we consider opening at least one or two pages of this report that reflect directly on statements made by the Bush administration.

The other side, Senator BOND and others, have suggested that we should not ask these questions, that we are looking in the rearview mirror about things that happened a long time ago.

I view this quite a bit differently than my colleague from Missouri. What we are talking about are statements and justifications made by this administration to justify the invasion of a country, to justify a war. I believe the greatest breach of trust in a democracy is when the leaders mislead the people, and the worst of these is when the people are misled into a war. I can think of nothing worse.

To ask specific questions about the nature of how we were misled into this war is certainly not ancient history, unworthy of comment or review. It goes to the heart of who we are and what we are as a democracy.

So many of us listened, startled by statements made by Vice President CHENEY on ''Meet The Press'' last Sunday. Scarcely 2 days after the report of the Senate Select Committee on Intelligence, Vice President CHENEY and other members of the administration made statements directly contradicted by the Senate Select Committee on Intelligence report that had just been released. Let me be specific.

First, if I could, the chart with the ''Meet the Press'' show, Mr. Russert asked the Vice President, '' . . . and the meeting with Atta did not occur?''

Vice President CHENEY said, ''We don't know.''

This was an important meeting. It was a meeting that was suggested had occurred by the Vice President and others involving Mohamed Atta, the leader of the 19 who were responsible for the attack on September 11, a meeting which supposedly occurred in Prague. Mr. Russert is asking: Did it or did it not occur?

Vice President CHENEY says, ''We don't know.'' He said that as of last Sunday.

The Senate Select Committee on Intelligence report says, ''No such meeting occurred.''

That is not the only reference. Secretary of State Condoleezza Rice, ''CNN Late Edition,'' same day, said:

> We know that Zarqawi . . . ran a poisonous network in Iraq.

The Senate Intelligence Committee report says the following, ''the regime''—in Iraq—''did not have a relationship with, harbor, or turn a blind eye towards Zarqawi.''

Then, just yesterday or the day before, September 12, Tony Snow the President's Press Secretary, said ''there was a relationship between Saddam and Zarqawi,'' directly contradicting this report.

This, sadly, is a pattern which is unacceptable. For the leaders in this administration—the Vice President, the Secretary of State, and the President's Press Secretary—to continue to mislead the American people about facts they now know are not true is unacceptable. If we are going to move forward in this country effectively, on a bipartisan basis, it has to be based on truth and honesty. As members of this administration continue to misrepresent the justification for the war on Iraq and the circumstances in Iraq, is it any wonder that a majority of the American people are now raising serious questions about their competence and judgment when it comes to these important foreign policy decisions? That is the reason for this moment on the floor today, this time that we have taken from the business of the Senate, because it really goes to the heart of the issue here. It goes to the heart of the issue which the American people are consumed with as they realize that 2,679 of our brave soldiers have now died in Iraq and 19,000 are seriously injured.

This morning, Senator OBAMA and I had a town meeting. We do each Thursday morning here. And one of those soldiers, blinded and severely injured in Iraq, came to visit with us. He was there with his wonderful and brave wife who stood by his side, and other soldiers, doing his best to get back on his feet and put his life back together.

That is what this debate is about. This isn't a waste of time over politics. It is a question about the foreign policy of this Nation, the protection of this Nation, and most importantly whether it is time to move in a new direction.

The Vice President of the United States said in the course of his appearance on ''Meet the Press'' when he was asked about the invasion of Iraq:

> It was the right thing to do, and if we had to do it over again we would do exactly the same thing.

Clearly, no lessons have been learned by this administration because we sent too few troops into a situation which was not clearly planned nor clearly explained to the American people. We sent them without the necessary equipment they needed to protect themselves. We shortchanged them in terms of the number of forces, equipment, and training they needed—and lives were lost.

We now know, as well, that the justification for the war did not turn out to be true. There were no weapons of mass destruction, and we are there with 145,000 of our soldiers and marines risking their lives for America, even as we stand in the safety of this country today.

I might say to the Senator from Missouri that I have just been handed by my staff a reference which he might want to consider: page 63 of the report which he signed. Page 63 said Saddam has ''viewed Islamic extremists operating inside of Iraq as a threat.''

That statement is inconsistent with the conspiracy theory heard through some media channels that somehow Saddam Hussein and al-Qaida were in concert working toward the devastation which occurred on 9/11.

I would suggest that there is more which I could go into and don't have the time at this moment. But the report makes it clear—and most everyone who has taken an objective view of this makes it clear—that to continue to suggest this relationship with al-Qaida is just plain wrong.

I am going to conclude because I think this is an important debate and one which should continue. It is one that continues in households across America, not just in the homes of families of soldiers, those anxious parents and loved ones praying for the safety of our men and women in uniform, but also in every other home across America that truly wants to be safe and wants to make sure that our men and women in uniform are protected, that we do everything in our power to make this a safe nation.

We have offered amendments on the Senate floor to put the 9/11 recommendations into law so we will be safe at home. Sadly, they were rejected on partisan rollcall. But I can only hope that soon we will return to the bipartisan spirit of 5 years ago when we worked together. It would be in the best interests of our country.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

Mr. BOND. Mr. President, I thank the Senator from Illinois for calling my attention to page 63. I don't see the information there. It does, on page 65, talk about George Tenet saying the intelligence indicates that the two sides at various points discussed safe haven, training, and reciprocal nonaggression. And in the report there are three instances of contact cited between al-Qaida and the Iraqi Government.

I also would just follow up on my statement that some of us in this body were misled by the inaccurate intelligence estimates presented to us by the community. For example, I see this classic statement:

When you look at what Saddam Hussein has had at his disposal in terms of chemical, biological and perhaps even nuclear weapons, we cannot ignore the threat that he poses to the region and the fact that he has fomented terrorism throughout his reign.

That was from Senator DICK DURBIN on ''CNN Larry King Live,'' on December 21, 2001.

But I think we want to get back to the port security bill. I have been asked by Leader FRIST to pass along from a letter just received from CIA Director GEN Michael Hayden.

General Hayden said:

The amendment offered by Senator REID, seeks to declassify and make public CIA internal communications that include personal commentary and judgment. We hold these kinds of cables to the highest standard of secrecy within our organization, and would only share them outside of CIA under certain specific conditions.

I provided this information over the objection of many of my officers, after receiving assurances from the Chairman that it would be treated as highly sensitive material. That is why I am so disappointed that this amendment is being considered at this time. In addition, I am deeply disappointed that some have already characterized the cable's contents in the media.

He also talks about the information coming in from Chiefs of Station.

He said:

No COS has ever written one of these cables expecting it to be made public, and no COS will use his channel again without fearing it will become public, if Congress demands declassification.

He also said:

Further . . . it contains pre-decisional executive branch information.

Finally, he said:

Lastly, a critical way in which our Nation gathers intelligence is with the support of our liaison partners. If these partners fear that their support for CIA activities will be made public, it will make them reluctant to cooperate with my agency. This will, I assure you, curtail the intelligence made available to the CIA and could create gaps in the final intelligence made available to policymakers. I ask your help in defeating this effort in the Senate, and for your help in protecting both CIA's sources and methods as well as our ability to work cooperatively with the Oversight Committees.

I yield the floor.

The ACT1NG PRESIDENT pro tempore. The Senator from Washington.

Ms. CANTWELL. Mr. President, I rise to discuss the Port Security Act of 2006, the underlying bill we are discussing in the Senate here this afternoon.

I want to start by commending the steadfast dedication of my colleague, Senator MURRAY, from the State of Washington, and Senator COLLINS for their hard work in moving this legislation through the Senate, and certainly Senator STEVENS and INOUYE for their leadership on this issue.

I want to say that Senator MURRAY has done great work both here in Washington, DC, and at home in the State of Washington to close security gaps. And I have enjoyed working with her to make sure that our ports in Washington State are more secure.

Port security ought not to be an afterthought or an extra security measure when we are talking about securing our borders or securing our communities. It should be one of our key priorities. Washington State knows how critical these ports are to our economy and to our way of life. There are ports all along our shore lines from Seattle to Vancouver, Bellingham, and other cities. They create jobs. They drive economic growth for the entire northwest. And in the Seattle-Tacoma area, the ports are the third-busiest in the Nation, with over 11,000 containers passing through Seattle and Tacoma daily.

That's more than 4 million containers a year. That is more than 100,000 workers in the Puget Sound area including longshoremen and freight forwarders and others who depend on the ports of Seattle and Tacoma for their jobs. And certainly they want to see them safe and secure. Last year the ports of Seattle and Tacoma combined to move more than $45 billion in revenue from imports and $12 billion in U.S. exports. But these are not just the homes—these ports—to international trade.

Puget Sound is also the home to America's largest ferry transportation system, with more than 26 million passengers and 11 million vehicles traveling throughout Puget Sound and to and from British Colombia. Despite these numbers of trade and economic development and of passenger movement and cargo container movement, there are still clear vulnerabilities.

For too long, too little has been done, I believe, to protect our ports and to improve the protections on our ferries. This bill will take a step forward on both of those issues. Right now we are inspecting the contents of less than 3 percent of the more than 6 million containers entering our country each year. Most of this inspection occurs after the container is off loaded and sitting on the docks of a U.S. port. The reality is that by then it is too late. And so working on point-of-origin issues is very important as my colleagues, Senators MURRAY and COLLINS understand.

The Permanent Subcommittee on Investigations, which Senators COLEMAN and LEVIN lead, issued a report in March that stated we are only inspecting 0.34 percent of all containers destined for the United States overseas and of those that were considered high-risk containers, we are only inspecting about 17.5 percent.

Given this low inspection rate, it is really no surprise that each year we find illegal immigrants stowed away on cargo containers destined for the United States. This spring, 22 Chinese stowaways were apprehended at the Port of Seattle. So if illegal immigrants know that they have a good shot at entering the United States in cargo containers because of our failure to inspect the contents, it ought to be no great leap of imagination to expect that terrorist organizations might also have the same idea. In fact, the C.I.A. has reported that a weapon of mass destruction is most likely to be delivered in the United States by a cargo container entering a seaport. But the problems extend beyond our failure to inspect cargo.

We have no standards for container locks and seals. We have inadequate funding for critical research and development of screening technology. We have no international security standard for conducting terror and background checks on port workers. That is why, again, the point-of-origin issue and working internationally is so important.

The accuracy of cargo manifest information submitted to customs is also a major problem, especially when we're using this information as part of a system—the Automated Targeting System or ATS—to identify high-risk cargo. We recently, at the Port of Seattle had this made clear to us. That is when in August, Customs identified two suspicious containers and set them aside for inspection. They thought that there were things contained in there that bomb-sniffing dogs detected were explosives. Thankfully for us in the Puget Sound area, it was a false alarm.

But it made all too clear the potential for disasters at our ports with today's standards. With the high risk of terrorists placing weapons of mass destruction in containers during transit, we need to begin securing container doors with tamper-proof locks and seals, instead of what we are doing today, which sometimes can often be just a 10-cent zip lock or the equivalent.

Many containers are filled with cargo from more than one source, which also makes this transfer and tracking challenging. In fact, during a hearing before the Senate Finance Committee, the CEO of the Port of Seattle, Mic Dinsmore, put it this way—quote—''as ships make its way to the U.S., it might well stop at several other ports. Throughout this process, at least seven different handlers may have access to the containers before it even arrives in the United States. Every stage in the supply change creates additional hurdles for monitoring this cargo.''

That's why we need to make improvements as this legislation does, to

improve the systems that hold the shippers accountable for accurate information like is required under the Customs-Trade Partnership Against Terrorism. C-TPAT is a good start. But as has been reported, there is more to be done, particularly validating the participants of this program. Senator MURRAY has been a leader in this area in working with Operation Safe Commerce, a program to identify ways to better secure the supply chain, including cargo containers. But these threats are real, and we can't wait any longer.

This legislation makes important critical improvements to the current regime. It authorizes $400 million for port security grants and it makes improvements to the Container Security Initiative, a program that is important right now for inspecting cargo, as I said, at the point of origin; and with the Customs-Trade Partnership Against Terrorism program, the public-private initiative that secures that supply chain.

This legislation directs the department to establish minimum standards for container security, and it authorizes the Department of Homeland Security to accelerate the deployment of radiation detection equipment. It also authorizes the testing of systems to improve scanning of containers overseas. To make this possible, I was proud to cosponsor this legislation earlier this summer in directing the Department of Homeland Security to conduct a pilot program where we have seen at the Port of Hong Kong good result from this technology that I think will help us move closer to our goal for 100 percent container inspection.

Now, this pilot program is just initiated at three foreign ports, and we will need to work hard at expanding it. This underlying bill also includes language to us in improving the screening for our ferry systems in Washington state, particularly those coming into the United States from Canada. Right now some ferry runs from Canada aren't being screened for explosives before departing for the United States. In an F.B.I. Report in 2004, the National Threat Assessment named vehicle-borne explosives as the type of weapon that al-Qaida would most likely use for a maritime attack. The lack of explosives screening not just impacts the passengers on board the ferries, but those communities and coastal regions where this ferry transportation exists. That's why this inclusion in the underlying bill is so important for us in the northwest.

To build on many of the other critical provisions in this bill, there are two amendments that I offered that were included. The first would improve inspection of foreign ports, the point of origin for cargo entering the United States. The U.S. has an obligation to ensure that our international strict security standards and a way to enforce them.

We're only going to be as safe as the inspection process that our foreign partners implement. The Coast Guard is authorized under the Maritime Transportation Security Act to conduct inspections of foreign countries and their ports to validate their compliance with the International Ship and Port Facility Security code, ISPS.

Currently the Coast Guard only has 34 inspectors as part of the agency's international port security program to review the more than 140 countries that are shipping cargo to the United States. To date the Coast Guard has only been able to inspect ports in about 59 out of those 140 countries. We need to reinforce this relationship. We need to maintain a standard with these foreign governments, these ports, these private sector entities to ensure that we have adequate intelligence and security measures and that they are in place before these ships heave and are destined for the United States. That is why I am proud to sponsor an amendment with Senator SNOWE, the chairwoman of the Coast Guard Subcommittee that would authorize the Coast Guard to add additional personnel to complete the inspection of foreign ports by the end of 2008 and maintain a 2-year cycle for reinspection. Currently the Coast Guard maintains a reinspection cycle about every 4 to 5 years, so this basic step, I believe, is critical to gathering adequate information—gathering adequate information about cargo entering the United States before it reaches our ports. It also helps us identify countries who are not compliant with International standards and helps us identify those high-risk vessels and cargoes. But we have to also improve at home our ability to scan for those containers that are going to be loaded onto rail cars.

So the second amendment, that I am glad that the managers of this underlying package have accepted, directs the Department of Homeland Security to establish an Intermodal Rail Radiation Detection Test Center and test technology that can scan containers on rail for radiation. Now, currently, the U.S. Customs officials do not scan containers that are loaded directly on to rail. For us in the Pacific Northwest, this is an important issue since so much of our cargo comes through our Ports and onto rail systems and is then moved throughout the United States. Though scanning containers transported on rail cars does present a formidable challenge, we must step up to that challenge.

The 2006 Government Accountability Office report on combatting nuclear smuggling stated ''to speed seaport development and to help ensure that future rail deployments proceed on time, we recommend that the Secretary of Homeland Security in cooperation with the Commissioner of C.B.P. develop procedures for effectively screening rail containers and implementing new technologies to facilitate this.''

Just a few weeks ago, I had a chance to tour the Pacific Northwest National Laboratory in Richland, WA, where they are teeming with customs and—teaming with customs and border protection to develop and test this technology to scan rail transport containers for radiation. Many container ports and transport—container ports and transport companies are moving to on-dock rail systems to reduce the costs and improve efficiency and lessen the Environmental impact of using trucks. So more and more of the container business is moving towards rail. For example, the Port at Tacoma helped lead the way in this transition as the first port in the U.S. to develop an on-dock intermodal rail yard. So today, approximately 72 percent of the cargo arriving at the Port of Tacoma is transported by rail directly from the terminal. So we want to make sure that there is a screening process available that will help us make sure that the United States in cargo rail-transported shipments are more secure. This underlying language in the bill will help us get the right technology test done and the right deployment of the technology.

Since 9/11 we have taken many steps to enhance security infrastructure of our seaports, but further improvements can and must be made. We know the challenges that are facing us, and we know what would happen if a terrorist struck our ports. Millions in my State live, work, and commute around Puget Sound. Many are mere yards from the port, making it a very devastating impact on the populace of Puget Sound. If such an environmental disaster would happen. And the economic impact, I should say, would also be disastrous. We saw in 2002, when the west coast had a closure of a few of our ports, it cost our national economy $1 billion a day. So the Ports of Seattle, Tacoma, Vancouver, Everett and our other major ports are gateways to supplies and products corning to the entire Nation through the State of Washington. Without them, everything from jobs, productivity and economic growth slows down or stops. By making a real commitment to improving security at our ports and the cargoes that move throughout our country, we will have a more secure Nation. We will create jobs and a faster economic growth for the entire country. So I want to commend the managers of this legislation for their commitment in moving this legislation at this time and continuing to push on this difficult task. But I also want to remind my colleagues, as one port security expert said, Stephen Flynn of the Council on Foreign Relations—quote—''We are living on borrowed time.''—So I believe the measures in this Port Security legislation are long overdue, and I hope my colleagues work to see it passed this afternoon.

Mr. President, I yield the floor.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maine.

Ms. COLLINS. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENTS NOS. 4970, AS AMENDED BY AMENDMENT NO. 5007; 4942, AS MODIFIED; 4952, AS MODIFIED; 4961, AS MODIFIED; 4966, AS MODIFIED; 4997, AS MODIFIED; AND 4983, AS MODIFIED, EN BLOC

Mr. STEVENS. Mr. President, I have another so-called managers' package, a series of amendments that have been cleared by the managers on both sides. There are three committees involved. They have been cleared on a bipartisan basis.

I will send to the desk the amendments and I will present them at this time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. STEVENS. I have the DeMint amendment No. 4970, as amended by amendment No. 5007. It is at the desk. I have the Lautenberg amendment No. 4942, as modified; the Vitter amendment No. 4952, as modified; the Vitter amendment No. 4961, as modified; the Rockefeller amendment No. 4966, as modified; the Menendez amendment No. 4997, as modified; and the Schumer amendment No. 4983, as modified.

This is a package that has been cleared totally. That is my understanding. I ask the amendments be presented en bloc, they be considered en bloc, they be agreed to en bloc, and the motion to reconsider be laid upon the table.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. We will not object on this side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 4970

(Purpose: To prohibit the issuance of transportation security cards to individuals who have been convicted of certain crimes)

At the appropriate place, insert the following:

SEC. ____. PROHIBITION OF ISSUANCE OF TRANSPORTATION SECURITY CARDS TO CONVICTED FELONS.

Section 70105 of title 46, United States Code, is amended—

(1) in subsection (b)(1), by striking ''decides that the individual poses a security risk under subsection (c)'' and inserting ''determines under subsection (c) that the individual poses a security risk''; and

(2) in subsection (c), by amending paragraph (1) to read as follows:

''(1) Except as provided under paragraph (2), an individual shall be deemed to pose a security risk under this section if the Secretary determines that the individual—

''(A) has been convicted (or has been found not guilty by reason of insanity) of—

''(i) destruction of a vessel or maritime facility under section 2291 of title 18;

''(ii) violence against maritime navigation under section 2280 of title 18;

''(iii) forgery of certificates of documentation, falsified vessel identification, or other vessel documentation violation under section 12507 or 12122 of this title;

''(iv) interference with maritime commerce under section 2282A of title 18;

''(v) improper transportation of a hazardous material under section 46312 of title 49;

''(vi) piracy or privateering under chapter 81 of title 18;

''(vii) firing or tampering with vessels under section 2275 of title 18;

''(viii) carrying a dangerous weapon or explosive aboard a vessel under section 2277 of title 18;

''(ix) failure to heave to, obstruction of boarding, or providing false information under section 2237 of title 18;

''(x) imparting or conveying false information under section 2292 of title 18;

''(xi) entry by false pretense to any seaport under section 1036 of title 18;

''(xii) murder;

''(xiii) assault with intent to murder;

''(xiv) espionage;

''(xv) sedition;

''(xvi) kidnapping or hostage taking;

''(xvii) treason;

''(xviii) rape or aggravated sexual abuse;

''(xix) unlawful possession, use, sale, distribution, or manufacture of an explosive or weapon;

''(xx) extortion;

''(xxi) armed or felony unarmed robbery;

''(xxii) distribution of, or intent to distribute, a controlled substance;

''(xxiii) felony arson;

''(xxiv) a felony involving a threat;

''(xxv) a felony involving illegal possession of a controlled substance punishable by a maximum term of imprisonment of more than 1 year, willful destruction of property, importation or manufacture of a controlled substance, burglary, theft, dishonesty, fraud, misrepresentation, possession or distribution of stolen property, aggravated assault, or bribery; or

''(xxvi) conspiracy or attempt to commit any of the criminal acts listed in this subparagraph;

''(B) may be denied admission to the United States or removed from the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); or

''(C) otherwise poses a terrorism security risk to the United States.''.

AMENDMENT NO. 5007

(Purpose: To prohibit the issuance of transportation security cards to individuals who have been convicted of certain crimes)

In lieu of the matter proposed to be inserted, insert the following:

SEC. ____. PROHIBITION OF ISSUANCE OF TRANSPORTATION SECURITY CARDS TO CONVICTED FELONS.

Section 70105 of title 46, United States Code, is amended—

(1) in subsection (b)(1), by striking ''decides that the individual poses a security risk under subsection (c)'' and inserting ''determines under subsection (c) that the individual poses a security risk''; and

(2) in subsection (c), by amending paragraph (1) to read as follows:

''(1) DISQUALIFICATIONS.—

''(A) PERMANENT DISQUALIFYING CRIMINAL OFFENSES.—Except as provided under paragraph (2), an individual is permanently disqualified from being issued a transportation security card under subsection (b) if the individual has been convicted, or found not guilty by reason of insanity, in a civilian or military jurisdiction of any of the following felonies:

''(i) Espionage or conspiracy to commit espionage.

''(ii) Sedition or conspiracy to commit sedition.

''(iii) Treason or conspiracy to commit treason.

''(iv) A crime listed in chapter 113B of title 18, a comparable State law, or conspiracy to commit such crime.

''(v) A crime involving a transportation security incident. In this clause, a transportation security incident—

''(I) is a security incident resulting in a significant loss of life, environmental damage, transportation system disruption, or economic disruption in a particular area (as defined in section 70101 of title 46); and

''(II) does not include a work stoppage or other nonviolent employee-related action, resulting from an employer-employee dispute.

''(vi) Improper transportation of a hazardous material under section 5124 of title 49, or a comparable State law;.

''(vii) Unlawful possession, use, sale, distribution, manufacture, purchase, receipt, transfer, shipping, transporting, import, export, storage of, or dealing in an explosive or incendiary device (as defined in section 232(5) of title 18, explosive materials (as defined in section 841(c) of title 18), or a destructive device (as defined in 921(a)(4) of title 18).

''(viii) Murder.

''(ix) Conspiracy or attempt to commit any of the crimes described in clauses (v) through (viii).

''(x) A violation of the Racketeer Influenced and Corrupt Organizations Act (18 U.S.C. 1961 et seq.), or a comparable State law, if 1 of the predicate acts found by a jury or admitted by the defendant consists of 1 of the offenses listed in clauses (iv) and (viii).

''(xi) Any other felony that the Secretary determines to be a permanently disqualifying criminal offense.

''(B) INTERIM DISQUALIFYING CRIMINAL OFFENSES.—Except as provided under paragraph (2), an individual is disqualified from being issued a biometric transportation security card under subsection (b) if the individual has been convicted, or found not guilty by reason of insanity, during the 7-year period ending on the date on which the individual applies for such or card, or was released from incarceration during the 5-year period ending on the date on which the individual applies for such a card, of any of the following felonies:

''(i) Assault with intent to murder.

''(ii) Kidnapping or hostage taking.

''(iii) Rape or aggravated sexual abuse.

''(iv) Unlawful possession, use, sale, manufacture, purchase, distribution, receipt, transfer, shipping, transporting, delivery, import, export of, or dealing in a firearm or other weapon. In this clause, a firearm or other weapon includes, but is not limited to—

''(I) firearms (as defined in section 921(a)(3) of title 18); and

''(II) items contained on the United States Munitions Import List under 447.21 of title 27 Code of Federal Regulations.

''(v) Extortion.

''(vi) Dishonesty, fraud, or misrepresentation, including identity fraud.

''(vii) Bribery.

''(viii) Smuggling.

''(ix) Immigration violations.

''(x) A violation of the Racketeer Influenced and Corrupt Organizations Act (18 U.S.C. 1961, et seq.) or a comparable State law, other than a violation listed in subparagraph (A)(x).

''(xi) Robbery.

''(xii) Distribution of, possession with intent to distribute, or importation of a controlled substance.

''(xiii) Arson.

''(xiv) Conspiracy or attempt to commit any of the crimes in this subparagraph.

''(xv) Any other felony that the Secretary determines to be a disqualifying criminal offense under this subparagraph.

''(C) OTHER POTENTIAL DISQUALIFICATIONS.—Except as provided under subparagraphs (A) and (B), an individual may not be denied a transportation security card under subsection (b) unless the Secretary determines that individual—

''(i) has been convicted within the preceding 7-year period of a felony or found not guilty by reason of insanity of a felony—

''(I) that the Secretary believes could cause the individual to be a terrorism security risk to the United States; or

''(II) for causing a severe transportation security incident;

''(ii) has been released from incarceration within the preceding 5-year period for committing a felony described in clause (i);

''(iii) may be denied admission to the United States or removed from the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); or

''(iv) otherwise poses a terrorism security risk to the United States.''.

AMENDMENT NO. 4942, AS MODIFIED

At the appropriate place, insert the following:

SEC. ———. THREAT ASSESSMENT SCREENING OF PORT TRUCK DRIVERS.

Subject to the availability of appropriations, within 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall implement a threat assessment screening, including name-based checks against terrorist watch lists and immigration status check, for all port truck drivers that is the same as the threat assessment screening required for facility employees and longshoremen by the Commandant of the Coast Guard under Coast Guard Notice USCG–2006–24189 (Federal Register, Vol. 71, No. 82, Friday, April 28, 2006).

AMENDMENT NO. 4952, AS MODIFIED

On page 14, line 22, after the period, insert the following: ''The regulations shall include a background check process to enable newly hired workers to begin working unless the Secretary makes an initial determination that the worker poses a security risk. Such process shall include a check against the consolidated and integrated terrorist watch list maintained by the Federal Government.''.

AMENDMENT NO. 4961, AS MODIFIED

In the appropriate place insert the following: BASIS FOR GRANTS.—Section 70107(a) of title 46, United States Code, is amended by inserting '', energy'' between ''national economic'' and ''and strategic defense concerns.''.

AMENDMENT NO. 4966, AS MODIFIED

At the appropriate place insert the following:

SEC. ———. AIRCRAFT CHARTER CUSTOMER AND LESSEE PRESCREENING PROGRAM.

(a) IMPLEMENTATION STATUS.—Within 180 days after the date of enactment of this Act, the Comptroller General shall assess the Department of Homeland Security's aircraft charter customer and lessee prescreening process mandated by section 44903(j)(2) of title 49, United States Code, and report on the status of the program, its implementation, and its use by the general aviation charter and rental community and report the findings, conclusions, and recommendations, if any, of such assessment to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Homeland Security.

AMENDMENT NO. 4997, AS MODIFIED

On page 18, between lines 22 and 23, insert the following:

(b) RISK MANAGEMENT PLAN.—

time Security Committee shall develop a Port Wide Risk Management Plan that includes—

(A) security goals and objectives, supported by a risk assessment and an evaluation of alternatives;

(B) a management selection process; and

(C) active monitoring to measure effectiveness.

(2) RISK ASSESSMENT TOOL.—The Secretary of the Department in which the Coast Guard is operating shall make available, and Area Maritime Security Committees shall use, a risk assessment tool that uses standardized risk criteria, such as the Maritime Security Risk Assessment Tool used by the Coast Guard, to develop the Port Wide Risk Management Plan.

On page 19, line 16, strike ''and''.

On page 19, line 18, strike the period at the end and insert ''; and''.

On page 19, between lines 18 and 19, insert the following:

''the Port Security Improvement Act of 2006.

On page 19, strike line 24 and insert the following:

for Preparedness, may require.

''(h) REPORTS.—Not later than 180 days after the date of the enactment of the Port Security Improvement Act of 2006, the Secretary, acting through the Commandant of the Coast Guard, shall submit a report to Congress, in a secure format, describing the methodology used to allocate port security grant funds on the basis of risk.''.

AMENDMENT NO. 4983, AS MODIFIED

(Purpose: To carry out an ''Apollo Project'' to research and develop new technology for the accurate and effective detection and prevention of nuclear and radiological threats to United States seaports)

On page 20, between lines 8 and 9, insert the following:

(d) CONTAINER SCANNING TECHNOLOGY GRANT PROGRAM.—

(1) NUCLEAR AND RADIOLOGICAL DETECTION DEVICES.—Section 70107(m)(1)(C) of title 46, United States Code, as redesignated by subsection (b), is amended by inserting '', underwater or water surface devices, devices that can be mounted on cranes and straddle cars used to move cargo within ports, and scanning and imaging technology'' before the semicolon at the end.

(3) USE OF FUNDS.—Amounts appropriated pursuant to this section shall be used for grants to be awarded in a competitive process to public or private entities for the purpose of researching and developing nuclear and radiological detection equipment described in section 70107(m)(1)(C) of title 46, United States Code, as amended by this section.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated a total of $70,000,000 for fiscal years 2008 through 2009 for the purpose of researching and developing nuclear and radiological detection equipment described in section 70107(m)(1)(C) of title 46, United States Code, as amended by this section.

AMENDMENT NO. 4995

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Mr. President, I call up amendment No. 4995 and I ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 4995.

(Purpose:) To require the placement of balss-resistant cargo container on all commercial passenger aircraft)

At the appropriate place, insert the following:

SEC. ___. BLAST-RESISTANT CONTAINERS.

Section 41704 of title 49, United States Code, is amended by adding at the end the following: ''Each aircraft used to provide air transportation for individuals and their baggage or other cargo shall be equipped with not less than 1 hardened, blast-resistant cargo container. The Department of Homeland Security will provide each airline with sufficient blast-resistant cargo containers 90 days after the Department of Homeland Security's pilot program is completed''.

Mr. STEVENS. Mr. President, parliamentary inquiry: Is this amendment germane?

The ACTING PRESIDENT pro tempore. The amendment is not germane.

Mr. STEVENS. I make a point of order that it is not germane.

The ACTING PRESIDENT pro tempore. The point of order is sustained.

The Senator from California.

Mrs. BOXER. Mr. President, I am very disappointed. We have looked through this bill and we have seen an amendment that we believe gives Senators the opening to offer this. It was coming from the other side. It was the Burns amendment that dealt with an issue close to this. I will not argue that.

What I say to my colleagues today is this: We are very fortunate we have a homeland defense bill before the Senate. We are very fortunate Senators COLLINS and MURRAY work in a bipartisan way on a homeland security bill that deals with port security. We are further blessed that Senators have the guts to step up and offer amendments dealing with rail security and transit security. They were agreed to, thereby broadening the scope of this bill.

However, it is amazing to me that after we have observed and marked the fifth anniversary of September 11 we would turn away from a simple amendment that I am offering, which costs as much money as it takes for the war in Iraq in 5 hours—5 hours of the war in Iraq. We could take that amount of funding and make sure that on every passenger plane in this country that carries cargo there would be at least one blast-resistant cargo container.

Everyone lauded the 9/11 Commission. Let's see what they said about this.

The TSA should require that every passenger aircraft carrying cargo must deploy at least one hardened container to carry any suspect cargo.

That is the 9/11 Commission Report. That is dated July 22, 2004.

The other side is objecting on some thin parliamentary threat and hiding behind it. It is outrageous. I cannot wait to tell the people of this country that for 5 hours of the cost of the war in Iraq, every airplane that has cargo

would have at least one blast-resistant container so that if there is a bomb on that plane it will be contained. because only the suspect cargo would go into that particular container.

I do not understand what we are doing here. We have a good bill. We can make this bill better. The first thing I heard from my colleagues on the other side of the aisle is, oh, they did not want the airlines to have to pay the $15,000 per container—$15,000. It is a $150 million aircraft, but they did not want the airlines to pay $15,000. Fine. I said we will make sure the Transportation Security Agency gets those containers to the airlines. That is fine. That is fair.

The Homeland Security Department now has a test program. We know these things work. So let all of America hear it today. For all the talk about the 9/11 Commission Report and how great it was and how fair it was and how bipartisan it was, how good it was, how clear it was, this very simple recommendation that every passenger aircraft carrying cargo must deploy at least one hardened container to carry any suspect cargo, this Republican Senate would not allow a vote.

You are going to hear all kinds of words about why it is not germane, and we are doing something else somewhere else. Do you know what? This is simple. This would do the trick. This is not costly. It would not even rate an asterisk in the Federal Government.

So I am very sad to see that we cannot vote on this amendment. But I will be back another day with it. You can be sure of that.

I thank you very much, Mr. President. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maine.

Ms. COLLINS. Mr. President, I ask unanimous consent that the vote on the motion to table the SCHUMER amendment No. 4930 occur at 4 p.m., with no second degrees in order prior to that vote. I further ask consent that following that vote, the bill be read a third time, and the Senate proceed to a vote on passage of the bill, with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

The Senator from Washington.

Mrs. MURRAY. Mr. President, if I could just ask that Senator SCHUMER be given 2 minutes to speak prior to the vote.

The ACTING PRESIDENT pro tempore. Is there objection?

The Senator from Washington.

Mrs. MURRAY. Mr. President, I modify my request to ask that there be 4 minutes equally divided.

The ACTING PRESIDENT pro tempore. Is there objection to there being 4 minutes equally divided between both sides before the vote?

Ms. COLLINS. No objection, and I so modify my request.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Alaska.

Mr. STEVENS. Mr. President, before that time commences, I want to answer the Senator from California. Canine teams are the most effective way to screen cargo transporter and passenger planes. Dogs can screen large quantities of cargo more quickly than any other available methods. One dog team can screen all the cargo on a 777 in 13 minutes.

Now, there is just no reason for these containers that the Senator from California wants to use, no reason to permit high-risk cargo aboard an aircraft. The hardened containers would only be able to contain a blast of limited quality of explosive material and would only be available for wide-body aircraft.

That amendment is not pertinent to this bill. This is not an airplane bill. This is not an aircraft bill. It is not an airline bill. It is a port and railroad security bill. That is why I objected. And I thank the Chair for ruling it was not germane.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Mr. President, if I may respond, this is not my idea, I say to my good friend from Alaska, with whom I have had many good debates. This is a recommendation of the 9/11 Commission. We all know there are sniffing dogs going through the airports. I voted to make sure that happened. But we also know we are talking about a layered defense.

I want to know what the Senator from Alaska would say if this cargo blew up on a plane. I do not think he would be down here saying: Well, I supported making sure we had canine teams. I will tell you right now, either we are going to do homeland defense or we are not.

The Senator is right, this is a port security bill. But we have broadened it. I know he was not thrilled about that, and neither was the other manager. They wanted to keep it to port security. Why? Why not keep our people safe, not only when you are dealing with port security but with air security and rail security and transit security?

So this idea I have laid out here is not my idea. It is directly from the 9/11 Commission Report. And let the RECORD show that all kinds of talk about, oh, how safe we are because we have the canine teams, that is just part of a layered defense. The 9/11 Commission knows this, understands this.

It would have been very simple to have a vote on this amendment and add this very simple, inexpensive addition to this bill. But I guess it goes back to what Mr. Chertoff said the other day. I guess it just is not a priority. He said: Oh, we are going to go bankrupt protecting the people. I am basically paraphrasing what he said. Bin Laden wants us to go broke, he said. No. Bin Laden wants to kill us. Yes, he wants to kill us.

So why are we walking away from a 9/11 Commission recommendation that costs as much as 5 hours of the war in Iraq? The RECORD will show what happened here today.

Mr. President, I thank you and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey.

AMENDMENT NO. 4942

Mr. LAUTENBERG. Mr. President, I just want to say a few words about an amendment, No. 4942, that was accepted in the managers' package.

On April 28 of this year, the administration announced a plan to check ''all individuals seeking access to port facilities. . . .'' They wanted to check all individuals seeking access to port facilities. The plan was to check these individuals' names against the terrorist watch list and to check for citizenship status. But a major loophole was created when it intentionally left out port truck drivers from this process.

Now, we are reminded that when the first attack on the World Trade Center, in 1993, took place, the explosives were hidden in a van. When the Murrah Building in Oklahoma City was blown up, the explosives were hidden in a van. And not to recognize that these trucks entering a port area could be carrying anything—whether it is taking cargo containers out of the port that had been brought to our shores from foreign ports or whether it is taking an empty cargo container back into the port—my gosh, you could almost hide a tank in one of those.

So to me it really did not make sense when the Department of Homeland Security's excuse was that it was simply too hard to do, to vet all of these truck drivers who come in, and get them an ID card to show they have been checked for any security concerns. Certainly, I do not think that is a valid excuse when it comes to protecting us from a terrorist attack. ''Too hard'' is never an acceptable reason. Just look at our brave troops in Iraq and in other places, places of great danger. No one is saying it is too hard. They are doing their duty to protect all of us and our interests.

One of the largest truck driver labor organizations in the world fully supports my amendment. They know they have nothing to hide, and they want to know that their workplaces are secure from terrorism.

The amendment simply requires that the IDs of truck drivers who have access to secure areas of ports be checked against terrorist watch lists and to confirm their American citizenship.

Earlier this year, DHS Customs Enforcement agents did an investigation of port truck drivers. Of about 10,000 port truck drivers working in the Port of New York and New Jersey, almost half had criminal histories. Some had been charged with the possession of millions of dollars of stolen pharmaceutical goods, or trying to smuggle cocaine and Iranian carpets into the United States.

This failure to check port truck drivers along with all other port workers is

a dangerous shortcut. It is unacceptable. When it comes to protecting our security, we do not seek shortcuts. We do not want to. We want full measures taken to keep us, our families, our constituents, and the people in the area safe.

I want to thank the manager, the Senator from Maine, and Senator STEVENS from Alaska for accepting this amendment. It will help make sure our attempts for security are better fulfilled. I thank them. and I thank the chairman for working with me on this important issue. I understand there may be concerns with some technical aspects of my amendment, but I think it is clear that everyone here recognizes the problem of not checking port truck driver names against the terror watch list and for citizenship status.

Mr. STEVENS. I agree and I commit to working with the Senator to see that we do our best to make this law.

AMENDMENT NO. 4930, AS MODIFIED

The ACTING PRESIDENT pro tempore. Under the previous order, there are 4 minutes equally divided between the proponents and opponents of the Schumer amendment.

Who yields time?

The Senator from Maine.

Ms. COLLINS. Mr. President, I will yield myself 1 minute, and then I will reserve a minute for after Senator SCHUMER speaks.

Mr. President, I urge my colleagues to join me in voting to table the amendment offered by the Senator from New York, which would require 100-percent scanning of all 11 million cargo containers entering the United States, regardless of whether they are incredibly low-risk containers or high-risk containers.

Now, the amendment that was adopted yesterday, the Coleman amendment, provides for 100-percent scanning of high-risk containers. The bill before us has a pilot program in three foreign ports to find out: Is it feasible and practical? Is the technology available? Can we, in fact, do 100-percent scanning without significantly slowing the flow of commerce? Right now it appears that we cannot do that. The technology is not there. But eventually we will be able to get to that goal. The approach in the Schumer amendment ignores the technological limitations we now have.

Mr. President, I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator reserves the remainder of her time.

Who yields time?

The Senator from Washington.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally divided.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from New York is recognized for 2 minutes.

Mr. SCHUMER. Thank you, Mr. President.

Let me say this amendment is a very simple one. It says within 4 years we must have all of our cargo inspected for nuclear weapons. We have been trying to do this for 5 years—close to 5 years—and what we have gotten is a lot of studies, pilot projects.

And now I have seen it with my own eyes. Others have here, too. It can be done. It is done in Hong Kong on two lines. It costs about $8—once it is fully going, per container, nothing because it costs $2,000 to send a container over.

This does not cost the taxpayers any money. And this is the greatest—greatest—terrorist act that could befall us: a nuclear weapon smuggled into this country and exploded, God forbid. Can any one of us say we have done everything we can to stop it? No.

The fact that this amendment has drawn such controversy and has focused attention on the issue has shown that when you put in a deadline, you get things done.

When you do pilot projects and studies—especially because Department of Homeland Security has not done a very good job in this, the most important of areas—you will get delay. If you want to wait another 5 years, vote against this amendment. But if you care about protecting the security of America and preventing the greatest act of terror that could befall us, you will vote for this amendment to impose deadlines—because we know it can be done—and make our country more secure once and for all. We cannot afford to wait any longer, Mr. President.

I urge a ''yea'' vote.

The ACTING PRESIDENT pro tempore. The Senator from Maine is recognized for 1 minute.

Ms. COLLINS. Mr. President, once again, I will explain the provisions of the bill. It has a layered system of security for our cargo and, by the end of next year, it requires that the 22 busiest ports in the United States, which handle 98 percent of all cargo containers, will have installed the equipment to screen for radiation, for radiological devices, including a nuclear device. So it is not just studies and plans, as the Senator from New York repeatedly says; it has specific mandates.

The Coleman amendment, adopted yesterday, requires 100 percent screening and scanning of all high-risk containers. But the fact is that we do not yet have feasible, efficient, practical technology in place to allow us to do 100 percent scanning of all containers without significantly slowing container movement, producing a backlog, and harming our economy.

I move to table the Schumer amendment, and I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second. The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: The Senator from Rhode Island (Mr. CHAFEE).

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. AKAKA) is necessarily absent.

The PRESIDING OFFICER (Mr. CHAMBLISS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 61, nays 37, as follows:

[Rollcall Vote No. 248 Leg.]

YEAS—61

Alexander	DeWine	McConnell
Allard	Dole	Murkowski
Allen	Domenici	Murray
Baucus	Ensign	Nelson (NE)
Bennett	Enzi	Roberts
Bond	Frist	Santorum
Brownback	Graham	Sessions
Bunning	Grassley	Shelby
Burns	Gregg	Smith
Burr	Hagel	Snowe
Cantwell	Hatch	Specter
Chambliss	Hutchison	Stevens
Coburn	Inhofe	Sununu
Cochran	Inouye	Thomas
Coleman	Isakson	Thune
Collins	Kyl	Vitter
Conrad	Landrieu	Voinovich
Cornyn	Lott	Warner
Craig	Lugar	Wyden
Crapo	Martinez	
DeMint	McCain	

NAYS—37

Bayh	Harkin	Nelson (FL)
Biden	Jeffords	Obama
Bingaman	Johnson	Pryor
Boxer	Kennedy	Reed
Byrd	Kerry	Reid
Carper	Kohl	Rockefeller
Clinton	Lautenberg	Salazar
Dayton	Leahy	Sarbanes
Dodd	Levin	Schumer
Dorgan	Lieberman	Stabenow
Durbin	Lincoln	Talent
Feingold	Menendez	
Feinstein	Mikulski	

NOT VOTING—2

Akaka	Chafee

The motion was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Ms. COLLINS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. There is 10 minutes equally divided to make final statements on this bill?

The PRESIDING OFFICER (Mr. CHAMBLISS). The Senate will come to order. Senators will please take their conversations off the floor.

The Senator from Alaska.

Mr. STEVENS. I ask unanimous consent that each side have 5 minutes, jointly, to make final statements on this bill.

The PRESIDING OFFICER. Is there objection? Hearing none, there is 5 minutes equally divided.

LAND PORTS SECURITY

Mr. LEVIN. Mr. President, securing our seaports against terrorist threats is a critical issue, and I commend Chairman COLLINS and Senator

LIEBERMAN for their hard work on the bill we are debating today, the Port Security Improvement Act of 2006. Senators COLLINS and LIEBERMAN have negotiated this bill not only with members of the Homeland Security and Governmental Affairs Committee but also with members of the Commerce and Finance Committees; they deserve our thanks for their tireless efforts.

While seaports are the focus of this bill, I would like to point out that land ports are equally important ports of entry into this country; they also suffer security gaps, and they also receive attention in this bill. Right now, about 11 million containers enter this country by ship through our seaports; another 11 million containers enter this country by truck through our land ports. According to the Department of Homeland Security, DHS, for example, the northern border has 6 of the top 10 truck border crossings in the country, including the No. 1 crossing point in the Nation, the Ambassador Bridge in Detroit. In fact, the Ambassador Bridge is currently the largest trade link that the United States has with another country, connecting Detroit, MI, and Windsor, Ontario with nearly 10,000 trucks crossing daily transporting goods worth nearly $110 billion per year. Over 60 percent of all trucks crossing the northern border take place in southeast Michigan.

Over the past 5 years, we have increased border staffing and security along our land borders and made progress in installing radiation detection equipment at land ports of entry. Today, for example, 100 percent of all trucks entering Michigan are screened by radiation detection equipment. But there is more to be done; we need better equipment to detect currently hard-to-detect nuclear materials and to analyze currently unreadable cargo images, such as images of trash containers on trucks entering the United States from Canada. Among other provisions, this bill directs the Secretary of DHS to enhance cargo security research, which I support.

The bill also takes a number of other steps to improve container security at land ports of entry, even though land ports are not the primary focus of this bill. Chairman COLLINS, am I correct that a few provisions in the bill would strengthen container security at both the land ports of entry as well as the seaports?

Ms. COLLINS. You are correct, Senator LEVIN. The bill contains provisions which would strengthen security measures for containers transiting either land or sea ports of entry.

Mr. LEVIN. It is my understanding that the following provisions in the bill, for example, would apply to all containers, whether they moved by truck or by ship: section 201, which would call on the DHS Secretary to establish a strategic plan to enhance the security of the international supply chain; section 211, which would codify the Customs Trade Partnership Against Terrorism Program; section 301, which would establish the Office of Cargo Security Policy; and section 303, which would increase research into ways to strengthen cargo security.

Is it your understanding that these provisions would apply to containers traveling through both the seaports and land ports?

Ms. COLLINS. Yes, it is the intent of the bill that those provisions apply to all containers, whether transiting U.S. seaports or land ports of entry.

Mr. LEVIN. I thank you for your time and for helping me to underscore an important point, that this bill would strengthen security measures for all types of shipping containers, at both sea ports and land ports of entry.

TWICS

Mr. DEMINT. Mr. President, I thank my colleagues for working with me on this important amendment. The amendment that I offered and which is included in the managers' package codifies the current proposed regulations governing the issuance of transportation worker identification credentials—often known as TWIC cards. My amendment would codify in statute a number of offenses which would bar individuals from receiving TWIC cards if they have been convicted, or found not guilty by reason of insanity, of a number of particularly heinous offenses. The amendment would also bar individuals from holding TWIC cards if they have been convicted of or found not guilty by reason of insanity within the last 7 years or have been incarcerated in the preceding 5 years for certain other offenses. This amendment will provide the Nation with assurances that the hard-working men and women at our ports are trustworthy.

It is my understanding that this language will be the Senate position in conference and that my colleagues will fight to protect this language and to ensure that the conference report contains the DeMint amendment.

I am particularly pleased to hear that Cochairman INOUYE has agreed to fight for this amendment in conference. Is that understanding correct?

Mr. INOUYE. The Senator is correct that his amendment will be the position of the Senate. I can assure the Senator I will work to protect the Senate position in conference.

Mr. DEMINT I thank my colleagues for working with me on this amendment and look forward to the port security bill's passage.

Mr. MCCAIN. Mr. President, yesterday, the Senate adopted amendment No. 4951, which I offered to the Port Security Improvement Act of 2006, to require all recipients of grants from the Department of Homeland Security—DHS—to report to the Department on the expenditures made from these Federal funds.

I offered this amendment in response to recent testimony by the U.S. Government Accountability Office—GAO—which found it difficult to track expenditures made from the $11 billion in Federal grants awarded to States and localities to improve emergency preparedness, response, and recovery capabilities. Specifically, William O. Jenkins, Jr., Director of the GAO's Center for Homeland Security and Justice, stated that, ''What is remarkable about the whole area of emergency preparedness and homeland security is how little we know about how states and localities (1) finance their efforts in this area, (2) have used their federal funds, and (3) are assessing the effectiveness in which they spend those funds.''

Currently, the Department requires States and localities applying for grants to submit an ''Investment Justification'' outlining implementation plans and detailing how the Federal funds are expected to be used to meet homeland security goals, objectives, and capabilities. Additionally, the Department requires States and localities that receive funds to file a Categorical Assistance Progress Report twice a year on how the Federal assistance allocations were used to meet homeland security goals and objectives. However, grant recipients are not required to disclose specific homeland security expenditures.

Early in the formation of DHS, grant recipients were required to report expenditures for homeland security equipment, plans, training, or exercises. This amendment will simply reinstate the requirement. With such a process in place, I hope DHS and the GAO will be able to report to Congress, and the American taxpayers, on the effectiveness of the grant programs and the use of Federal funds.

I am pleased my colleagues joined me in supporting this amendment to promote greater accountability and transparency in the use of taxpayers' money.

Mr. KOHL. Mr. President, I rise to support passage of H.R. 4954, the Port Security Act. This bill will improve security at our ports and it is a step in the right direction. It will invest more money and coordinate programs to improve cargo screening, hire more personnel to increase physical security at ports, require background checks for port workers, and expedite deployment of radiation detection equipment to prevent the smuggling of nuclear material into our ports. All of these measures represent a better and smarter approach towards port security and homeland security generally. But we need to do much more.

It has been 5 years since the 9/11 attacks and sadly we still have much more to do to prevent a repeat of that catastrophe. We are troubled that this Congress has failed to implement many of the changes suggested by the 9/11 Commission more than 2 years after their final report. For example, the Commission urged us to improve border security through a more efficient entry-exit screening system. Despite the national outcry to beef up border

security as we have seen during the ongoing immigration debate, we have yet to adequately address this problem.

The 9/11 Commission also recommended that we develop smarter plans to secure not only our air transportation system but also our rail and main transit systems. As the terrorist attacks in Madrid in 2004 and London in 2005 taught us, terrorists are more than willing and able to attack our trains, buses, and subway systems.

And even though we have spent billions to better protect air passengers, we must better screen for explosives in checked baggage and air cargo. The plot to use liquid explosives uncovered by British intelligence services in August revealed that we are unable to properly scan for all explosives. We can and must do more to protect these vulnerabilities against attack.

Unfortunately, what needs to be done to improve homeland security is not limited to the transportation sector. For example, we must also do more to improve security at our nuclear powerplants and chemical factories. Study after study has shown that a tragic attack on one of these facilities could kill thousands of Americans.

Such a bleak assessment of what still needs to be done—a full 5 years after 9/11—should gravely concern us. It is no wonder that a majority of Americans do not feel safer. According to an ABC News poll taken last week, 74 percent of Americans said they were concerned about the possibility of more major terrorist attacks in the United States. That same poll also found that 60 percent said more should be done to stop terrorists from striking again. Clearly, public sentiment demands that we improve homeland security. Passage of the port security bill will demonstrate that we can work together to make America safer. While this marks progress, it is just one piece of a much larger homeland security puzzle that we need to tackle. This must be our No. 1 priority and I urge my colleagues to continue working together towards this goal.

Mr. FEINGOLD. Mr. President, I am pleased that the Senate is about to pass the Port Security Improvement Act of 2006.

This week our Nation observed the tragic anniversary of September 11, 2001. Five years after that horrific attack on our country, we honor those who lost their lives, and pay tribute to the heroism of the first responders who selflessly risked, and even gave, their lives in the rescue and recovery missions. Since that day, Congress has taken some actions to improve domestic preparedness and readiness, but there is much more we must do to help protect Americans from the threat of terrorism on our own soil. We must finish the job of implementing the bipartisan September 11 Commission's recommendations, including strengthening the security of our ports. Let us not get sidetracked from what should be our No. 1 priority, the fight against terrorism, and this port security bill is a key component in that fight.

Ports are a critical part of our Nation's infrastructure and an attack on our ports would have devastating consequences for the U.S. and the global economy. It is therefore of the utmost importance that our ports have adequate security measures put in place. That is why I supported a number of good provisions in this port security bill, such as the establishment of minimum security standards for all cargo entering the U.S., the requirement of radiation screening at the 22 busiest U.S. ports, and increased funding for the important port security grant program.

I was especially gratified to support the Murray amendment that extends certain Customs and Border Protection fees. While this might not appear to be much on first glance, this amendment was the difference between just authorizing these improved protections and providing the funding to put them in place. And it provides this funding in a responsible manner without adding to the deficit.

I was disappointed that the Senate rejected an amendment offered by Senator SCHUMER, which I cosponsored, that would prohibit foreign cargo from entering the U.S. unless the container has passed through an integrated scanning system and be tested for nuclear and radiological materials. This amendment would require, within two years, every container entering the U.S. from a foreign port designated under the Container Security Initiative—CSI—to be scanned before being loaded. This would cover the vast majority of transatlantic and transpacific cargo and be scaled up to scan all cargo within 4 years.

I was also disappointed that the Senate rejected the amendment offered by Senator MENENDEZ that would have required the Department of Homeland Security to develop a plan to incrementally increase the amount of cargo scanned for all threats until 100 percent of cargo was examined. Congress needs to finish the job of implementing the bipartisan 9/11 Commission's recommendations to improve our national security, including heightened screening of cargo that passes through our Nation's ports.

I also supported the amendment of Senator REID, which contained a number of important provisions addressing national security needs that are not addressed in the underlying bill. It is unfortunate that the Senate was unwilling to expand the scope of the bill to consider other matters relevant to fighting terrorism and protecting Americans. While I did not support every provision in the Reid amendment—it did not do enough to put this administration's flawed Iraq policy on the right course, for example—the Senate missed an important opportunity when it rejected that amendment.

Mr. President, I will vote for this bill because it provides funding for many important port security needs. However, our Nation's vulnerabilities demand more and I will continue to work to ensure that our vital homeland security needs are met.

Mr. SALAZAR. Mr. President, as this Congress comes to a close, it is important to ask: Have the Congress and the White House done everything possible to make the American people safe?

Unfortunately, I am afraid the answer is ''No.''

Just over a year ago, we all witnessed in horror the tragically inept response to Hurricane Katrina. Despite claims that DHS and FEMA had put their house in order after the Hurricane, just last week a GAO report raised concerns that adequate safeguards are still not in place to properly respond to a catastrophe.

Despite the fact that the 9/11 Commission gave 5 Fs and 12 Ds in its final report, an appalling number of the Commission's recommendations have still not been implemented—including recommendations regarding emergency preparedness and response, transportation security, border security, and intelligence reform.

Too many of our first responders still lack adequate equipment, resources, communications interoperability, and—just as important—training. Making matters worse, as local law enforcement agencies are forced to take on more homeland security responsibilities, the administration keeps proposing cuts to law enforcement funding.

Our borders are broken and lawless, allowing millions of people to cross the border without the government knowing who they are or why they are here. Meanwhile, border security programs remain under-funded and the National Guard has been strained to the limit.

Funding for air cargo security has declined by about 25 percent over the past 3 years, while a comprehensive baggage screening system is not expected to be in place until 2024.

Incredibly, there are still no minimum standards regulating security at our chemical facilities which remain vulnerable to attack. For reasons which I cannot understand, the Republican leadership has either refused or been unable to schedule floor time for a strong, bipartisan chemical security bill which has already been reported out of committee.

The American people deserve better. They deserve a Congress that will put partisan politics to the side and put homeland security first. So while I am proud to stand here and support this important, bipartisan port security bill, I do so with the understanding that it is only a first step on the long road toward adequately protecting our homeland.

Almost 5 years to the day after the September 11 attacks, more than 2 years after the 9/11 Commission warned us about the need to address port security, and more than half a year after the Dubai Ports World controversy

brought port security to the front pages, the Senate is finally addressing this important issue.

The wait is unfortunate, because the issues at stake are serious. Over 11 million shipping containers enter the United States via our ports each year. Those containers carry roughly 2.4 billion tons of goods worth more than $1 trillion—and some expect those numbers to double over the next 20 years. It goes without saying that an attack on our ports would cause economic catastrophe.

The average shipping container originating overseas will pass through, on average, over a dozen intermediate points before it arrives in the U.S.—each providing an opportunity for terrorist infiltration. Weapons smuggled into the country through one of our ports could cause unspeakable loss of life.

Only about 6 percent of containers arriving at U.S. ports are currently inspected before they enter the country and that we do not have a comprehensive plan to restart the economy in the event of a terrorist attack on our ports.

So I am happy that we have finally taken up this important, bipartisan piece of legislation—and I commend Senators COLLINS, LIEBERMAN, MURRAY, INOUYE, and STEVENS for their leadership on the issue. And while the legislation isn't perfect, it would take important steps toward securing our ports and protecting our economy.

First, I am pleased that the bill establishes a pilot project in 3 foreign seaports to screen every container entering the United States from those ports. This is a long-overdue first step.

I am also pleased that the bill requires the screening for radiological material of each container entering the United States.

The bill also includes important provisions requiring DHS to develop enhanced protocols governing the resumption of trade in the event of an attack on our ports and a comprehensive strategic plan regarding maritime cargo security.

I am also pleased that the bill improves and expands key port security programs such as the Container Security Initiative and the Customs-Trade Partnership Against Terrorism; and that it authorizes important risk-based port security grant programs.

Improving our port security isn't impossible. Just look at Hong Kong. While we inspect only about 6 percent of incoming containers, the port of Hong Kong has implemented new screening procedures that achieve 100 percent inspection. While this bill won't get us to 100 percent inspection overnight, it is an important—and long overdue—first step.

Furthermore, I would like to thank my colleagues for supporting my amendment to create a Rural Policing Institute—RPI—at the Federal Law Enforcement Training Center, FLETC. FLETC does a fantastic job training Federal, State, and local law enforcement officials. But FLETC does not have sufficient resources dedicated specifically toward training rural law enforcement officials. So the Rural Policing Institute would evaluate the needs of rural and tribal law enforcement agencies; develop training programs designed to address the needs of rural and tribal law enforcement agencies, with a focus on combating meth, domestic violence, and school violence; export those training programs to rural and tribal law enforcement agencies; and conduct outreach to ensure that the training programs reach rural and tribal law enforcement agencies.

As Attorney General, I learned that a small investment in law enforcement training can pay great dividends. By ensuring that our rural and small town law enforcement officers have the training they need to protect their communities, the RPI will help law enforcement agencies better protect the safety and security of their communities.

Finally, I am proud to cosponsor an amendment that would make the Transportation Technology Center, Inc.—TTCI—in Pueblo, CO, a part of the National Domestic Preparedness Consortium—which is the principal organization through which the Department of Homeland Security identifies, develops, tests, and delivers training to state and local emergency responders.

The TTCI does an outstanding job training first responders from the rail and mass transit sectors, the chemical industry, government agencies, and emergency responders from around the world. Each year, roughly 1,700 first responders go to Pueblo to participate in TTCI's outstanding training programs. TTCI's inclusion in the National Domestic Preparedness Consortium will allow it to improve its already outstanding services.

Our first responders are the finest in the world, and they deserve the best possible training and facilities. This bill is an important step in that direction.

Mr. GRASSLEY. Mr. President, the Senate is about to pass the Port Security Improvement Act of 2006. This important legislation is the result of months of hard work between the Committee on Finance, which I chair, the Committee on Commerce, Science, and Transportation, and the Committee on Homeland Security and Governmental Affairs. I thank again Chairman STEVENS and Chairman COLLINS, as well as Senator COLEMAN, Senator INOUYE and Senator LIEBERMAN, and of course Senator BAUCUS, the ranking member on the Finance Committee, for coming together with me to produce a significant and balanced piece of legislation that advances both the trade and economic security interests of our Nation.

As I have noted previously, those who intend harm to our Nation seek to inflict economic as well as physical injury. We must be mindful of both concerns as we defend the homeland. I am pleased to say that we in the Senate have done our part. The committees of jurisdiction came together, worked together, and produced a bill that will empower the Department of Homeland Security, and in particular the U.S. Customs and Border Protection, to better meet the dual responsibilities of securing the homeland and protecting the economic security of our Nation. Our legislation has been on the floor for a week, during which the Senate has worked its will. I look forward to working out our differences with the House so that we can get this legislation to the President's desk as soon as possible.

I want to take a moment to thank the many staff who have worked so hard and so long to make this legislation a reality. On the Finance Committee, that begins with my chief counsel and staff director, Kolan Davis, whose skilled leadership is key to the advancement of my agenda on the committee. My international trade counsel, Stephen Schaefer, deserves special mention. Stephen is a very smart trade counsel, a creative problem solver, and a dedicated public servant. Tiffany McCullen Atwell, my international trade policy adviser, also deserves special mention. Tiffany was tireless in her efforts and a very strong and effective advocate for the Finance Committee. Together, their hard work and advocacy contributed significantly to the development of this legislation. I also want to recognize the other members of my trade staff, David Johanson, who serves me as international trade counsel, and Claudia Bridgeford, my international trade policy assistant. Their support is critical to my success.

Senator BAUCUS's trade staff also deserves recognition. The Democratic staff director on the Finance Committee, Russ Sullivan, and the deputy staff director, Bill Dauster, worked well with my staff throughout the process. I also appreciate the efforts of Brian Pomper, Senator BAUCUS's chief, international trade counsel, and in particular Senator BAUCUS's international trade adviser, Anya Landau, who worked so closely and so well with my staff in this effort. And I want to acknowledge the other members of Senator BAUCUS's trade staff, Demetrios Marantis, Chelsea Thomas, Janis Lazda, and Mary Lisa Madell.

Finally, I would like to thank Polly Craighill, senior counsel in the Office of the Senate Legislative Counsel, for the many hours she put into drafting and improving this legislation. Not only is Polly a perfectionist, but she also drives others to meet her high expectations and for that I am personally grateful. The bill before the Senate is much improved by virtue of her patience, dedication, and expertise.

Mr. LEAHY. Mr. President, I want to offer a comment on an aspect of the port security bill, included in the managers' package. The IP-enabled voice communications and public safety provisions will encourage the use of E–911

by Voice over Internet Protocol providers. I want to thank Senator STEVENS for removing language from the initial amendment that would have delayed implementation of this public safety program. The provisions that were removed would have needlessly endangered lives. Accordingly, the modification was essential. As Americans increasingly use IP-enabled voice communications, there is an increasing necessity to ensure these callers have access to their local 911 public safety answering points in case of emergency.

The language of the initial amendment would have provided gaping loopholes for VoIP providers to avoid 911 obligations. It would have delayed the Federal Communications Commission's rules regarding implementation of 911 requirements on VoIP providers; grandfathered subscribers who signed up prior to December 31, 2005—meaning those subscribers would not be assured that when they called 911 they would reach their local first responders; and would have authorized other broad ''waivers'' from the rules.

I want to thank the firefighters—specifically the International Association of Fire Chiefs and the International Association of Fire Fighters—for bringing these important public safety concerns with the initial amendment to our attention. Through their diligence, we have an amendment that will promote the deployment of critical 911 services, rather than delay it. This is crucial to assist America's first responders, including local fire, EMS and police officials, in their efforts to save lives.

As the port security bill moves forward, it is critical that the compromise reflected in this important public safety amendment be maintained. I appreciate the assurances made by the managers to protect this important compromise. All Americans deserve the very best emergency response system. This amendment now helps accomplish that goal.

Mr. ISAKSON. Mr. President, today, the Senate accepted an important amendment to this port security bill to protect longshoremen and private sector marine terminal operators from any adverse consequences that could result from government cargo screening activities. The amendment was coauthored by Senator KENNEDY and myself, and I thank the distinguished Senior Senator from Massachusetts for his leadership on this issue. I also thank the floor managers, Senators COLLINS, STEVENS, COLEMAN, LIEBERMAN, INOUYE, and MURRAY for their vital assistance.

After September 11, Congress mandated that the administration begin scanning shipping containers upon their arrival at U.S. ports. In response to this congressional mandate, U.S. Customs has begun using so-called ''VACIS machines'' to screen cargo on U.S. marine terminals. These machines are enormous imaging systems that use gamma ray technology to produce radiographic images of the contents inside the shipping containers. Some of these systems are truck mounted and can be passed over containers and others are operated by actually driving the container through the machine. With these devices, Government officials can determine the possible presence of many types of contraband. Eventually, every port in the country will have the machines on site.

There is no question that these machines are crucial to our port and national security, but they also have the potential to expose maritime workers to low levels of radiation. The National Academy of Science recently concluded that exposure to any additional radiation above background levels poses an incremental risk to the exposed individual.

This incremental risk of exposure to radiation, regardless of how small, is enough to trigger significant liability for employers under the Longshore and Harbor Worker's Compensation Act.

The amendment that I offer today addresses the issue of this low level radiation exposure in two ways: First, it requires the Secretary of the Department of Homeland Security to develop and implement new protocols to protect the safety of port workers. If indeed it is possible that radiation exposure can be further reduced, hopefully to zero, we should do so. The tens of thousands of dedicated maritime workers in this Nation's ports deserve nothing less than to know that the Federal Government has done everything possible to prevent any exposure to additional radiation caused by these cargo screening machines.

The second part of the amendment allows the operators of marine terminals nationwide to receive financial reimbursement if their port-based employees become ill due to the low levels of radiation emitted by these machines.

Unfortunately, if we do not include this amendment today, maritime employers will be on the hook for thousands of radiation exposure claims because the Federal Government exposed their workers. Congress has placed the operators of marine terminals in a no-win situation. On one hand, we are asking the industry to support Government port security efforts, while on the other hand leaving them vulnerable to a possible litany of radiation exposure claims from their workforce if they do cooperate.

If a port worker believes that he or she was harmed because the Federal Government exposed the worker to radiation, the worker's complaint is with the Federal Government, not his or her employer.

Accordingly, I only ask for fairness for the businesses that operate marine terminals in Savannah, Boston, Seattle, and other American seaports. These businesses are in no way responsible for any radiation hazard brought about by congressional mandate. All these businesses have done is cooperate with the Federal Government. Therefore, this amendment also stipulates that the Federal Government should reimburse employers for any employee claims of injuries caused by exposure to radiation.

In closing, I thank Senator KENNEDY and his staff and the floor managers and their staff for their assistance with this important matter.

Mr. ALLEN. Mr. President, I rise today in strong support, urging passage of the Port Security Improvement Act. As an original sponsor of this measure, I am hopeful we will have a full and vigorous debate, but ultimately pass this important legislation for Virginia and America.

The Port of Virginia is a vital part of Virginia's economy, and its security is key to continued economic prosperity of Virginia. Recently, I visited the Norfolk International Terminals to see and receive briefings on what has been implemented to secure our port against terrorism and other illicit activities. Fortunately, the Virginia Port Authority has been proactive in assessing its security needs and implementing plans and infrastructure to meet those requirements. The Port of Virginia is on the leading edge of port security, which will help ensure the flow of commerce, but more importantly will ensure the safety of the American people. The Port of Virginia is an outstanding example for other ports around the country and the Port Security Improvement Act will help move other port facilities in that direction.

Following the September 11 terrorist attacks, our Government logically focused first on protecting the Nation's airports and commercial airlines. In the years since, we have received disturbing predictions and reports on the vulnerability of our Nation's ports. Claims that a nuclear weapon could be smuggled into the U.S in a container or that a biological or chemical weapon could be disbursed through our port system are grim reminders that must remain vigilant against this threat.

Since 9/11, the Congress and the administration have taken a number of steps to strengthen security at America's ports. We have required advance manifests, so we know what is supposed to be in containers reaching U.S. shores. Our Government has also negotiated agreements with dozens of countries to allow Customs and Border Protection, CBP, personnel to inspect loaded ships destined for the United States. And we have employed scanning devices at ports around the country to detect radiation emanating from cargo. And while there is often talk that cargo entering the U.S. is not being scanned, the fact is that 70 percent of cargo arriving at U.S. ports is scanned by CBP for radiological material.

These and a number of other initiatives have vastly improved the security at our ports. However given the gravity of the threat from al-Qaida and other terrorist groups, we must continue to take steps to maximize our ability to

detect and prevent potential future attacks.

To do so, the Senate Commerce, Homeland Security and Finance Committees have collaborated to craft the Port Security Improvement Act. This legislation outlines the next steps the federal government, port authorities and cargo shippers need to take to protect our country.

The bill provides that the Department of Homeland Security, DHS, develop and implement a plan to deploy radiation detection capabilities to the Nation's 22 busiest ports by 2007. In addition, the measure outlines future requirements to make sure cargo entering the U.S. by various modes of transportation is properly scanned and random physical searches are carried out where appropriate.

In the years since September 11, much has been made about how we guarantee the people entering our ports or working at out ports are not a security threat. Also, many questioned how we make sure credentials to enter ports cannot be duplicated. Our legislation, this bill, the Port Security Improvement Act would implement the Transportation Worker Identification Credential, TWIC, that DHS has been working on for the last few years. TWICs would be required at the 10 busiest ports by 2007 and the next 40 strategic ports by 2008.

Global trade has become the engine of the U.S. and global economy and our ports are the gateways that keep our economy vibrant. We all agree that security of our ports is paramount, but we must also address how new requirements impact the flow of commerce. The Port Security Improvement Act allows DHS to establish a Customs-Trade Partnership Against Terrorism—CTPAT—program that will allow importers to cooperate with the government to secure their own supply chain. Depending on the level of cooperation and security, importers would receive a lower risk assessment as part of the algorithm DHS uses to determine what cargo requires further inspection. This provides a reasonable choice for importers—if you are as forthcoming as possible and your risk for delay will dramatically decrease, if not, your cargo could be held up to ensure its contents are safe.

We cannot ask State and local officials to fund these security improvements without assistance. However as stewards of the taxpayers, we have an obligation to use their hard-earned money as effectively as possible. Our bill would amend existing law so that future grants are allocated on a risk basis. This is an important change that will ensure we are addressing the areas most likely to come under attack.

We have made real progress in securing our ports in the last few years. And yet we all understand we still must do more to protect the American people. Passing the Port Security Improvement Act is the way to do that. I urge my colleagues to supports its passage.

In closing, I would like to thank Chairwoman COLLINS for her steady leadership on this issue. It has been a pleasure working with Senator COLLINS. She has worked diligently to build consensus among all interested parties and has produced a bill that strikes the right balance on security requirements and incentives. Senator COLLINS deserves all our admiration and gratitude for her considerate, outstanding steering of this significant measure that will protect America.

Ms. MIKULSKI. Mr. President, I rise in support of the Port Security Improvement Act because our country's ports are vital to our national security, military capability, and economy. Our economy depends on moving goods via our ports and rail. Our security depends on ports that are safe and protected from attacks. We must pass this bill to keep our ports and America safe.

Since 9/11, we have a new world order. We are fighting a global war on terror. Ports are now a high-threat target for terrorism. We need to keep our ports safe from those with predatory intent. Approximately 11 million containers come into the United States each year and 19,000 containers daily. Shippers declare what is inside, but who really knows what is in there. It could be weapons or explosives.

We need to improve our port infrastructure. This means providing personnel training and installing better gates and security cameras. We must also upgrade our technology. We need tamper-proof latches on containers to prevent terrorists from slipping bombs or weapons into a container. Yet Federal aid for port security is Spartan and skimpy. The President provided no funding for port security grants in his budget.

The Port of Baltimore just celebrated its 300th anniversary. The port is a part of me. My great-grandmother came to American through the port of Baltimore. Growing up, the port was part of my life. The longshoremen, truck-drivers and Merchant Marines who worked at the port were my neighbors. They were hard working, patriotic Americans. They shopped at my father's grocery store. I knew the history of the port because it was the history of my community.

The Port of Baltimore is an economic engine for Maryland and America. It creates jobs, including 42,000 maritime-related jobs in Maryland and almost 20,000 direct jobs. The port generates nearly $6 billion a year in salaries and revenues.

I have been fighting to upgrade and protect our Port of Baltimore for more than 20 years. In the beginning, it was fixing the twists and turns in our channels that were a safety risk. Today, it is threats that were unthinkable years ago. Keeping our port and our people safe from terrorism is one of my top priorities. I have fought for more port security funding in Baltimore to upgrade entry gates and perimeter fencing, install new surveillance equipment, and purchase new patrol boats. The Coast Guard estimates that $8 billion is needed to address port security nationwide. Congress needs to listen to the Coast Guard and provide the needed funding to protect our ports.

This bill is good for the Port of Baltimore and America. It would provide $400 million in port security grants when President Bush provided no funds for these grants. Last year, the Port of Baltimore received $1 million in port security grants, but they need $7 million. It needs these funds for surveillance and explosive detection equipment, perimeter security, and computer equipment to collect cargo information. This bill would also install radiation detection equipment at the 22 largest ports in the United States, including Baltimore. It is the 14th largest port for foreign cargo. This equipment is vital to detect dirty bombs and to protect the people of Maryland and the country.

We need to make sure the Port of Baltimore and all ports across America are safe, secure, and growing. The Port of Baltimore is vital to Maryland's future because an investment in the port is an investment in the State's economy. I am proud that this is the 300th anniversary of the port, but we need to make sure that the next generation celebrates the 400th anniversary. Mr. President, it is time to make port security a priority in the Federal law books and the Federal checkbook. I urge passage of this critical and long overdue legislation.

Ms. COLLINS. Mr. President, I ask unanimous consent that the attached letter from the Supply Chain Security Coalition be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SCSC,
September 7, 2006.

Hon. SUSAN COLLINS,
Chairman, Committee on Homeland Security and Governmental Affairs,
U.S. Senate, Washington, DC.

DEAR SENATOR COLLINS: We understand that the Senate will take up port security legislation in the very near future. We are writing to express the Supply Chain Security Coalition's support for strong legislation that will improve the security of our ports and the global supply chain, while also ensuring the continued strength and vitality of the U.S. economy. Toward this end, we worked to help pass H.R. 4954, the SAFE Ports Act, which the House of Representatives approved on May 6, 2006 on a vote of 421–2. It is our hope that the Senate legislation will closely mirror those aspects of the House bill that build upon the multi-layered, risk assessment model currently used by the Department of Homeland Security and which have worked to keep our ports safe for the last several years.

However, while we strongly support improving the security of our nation's ports, we will oppose any proposal or amendment that would require all U.S. bound cargo containers to be scanned for radiation and density, so called ''100% scanning'' amendments. Such amendments would require every container to be scanned in a foreign port before the container is loaded on a vessel destined for the U.S. Such a mandate is unrealistic

and could potentially decrease security by forcing containers to sit for extended periods of time, which would then put them at greater risk of tampering. A 100 percent scanning mandate would also divert resources away from the current successful risk assessment approach, which utilizes sophisticated risk-analysis tools to determine which containers may pose a risk and ensures that those containers are handled appropriately. Finally, such a mandate has the potential to significantly impede the flow of commerce. According to the World Shipping Council, when the U.S. Customs and Board Protection Agency (CBP) currently scans questionable cargo, it takes 1–3 days to release that container back into the stream of commerce. With 11 to 12 million containers entering the U.S. every year, it is obvious that a mandate of 100% scanning has the potential to do significant damage to the flow of goods and to the U.S. economy.

Rather than mandating 100% scanning, we believe port security legislation should authorize additional testing and evaluation of scanning technology. Both the ''GreenLane Maritime Cargo Security Act'' passed by the: Senate Homeland Security and Governmental Affairs Committee and the House-approved SAFE Ports Act address this issue by calling for pilot projects to test the effectiveness and operational ability to conduct 100 percent container scanning. In addition, the House bill requires the Secretary of Homeland Security to conduct an evaluation of scanning systems, taking into consideration false alarm rates and other operational issues, the impact on trade, the need for international cooperation, and the ability to integrate and deploy these systems overseas. These provisions represent the best approach to addressing this issue and will help to answer important operational and economic questions that will be critical to understanding how to effectively implement improved container scanning.

We also urge the Senate to remember that current security procedures do a great deal to ensure that U.S. bound cargo is safe. The Customs and Border Protection Agency conducts sophisticated analyses of shipment data for all U.S. bound cargo before it is loaded on vessels. This is known as the ''24–Hour Rule,'' and with this information, CBP conducts a risk assessment through its Automated Targeting System to determine which containers pose the highest risk. One hundred percent of containers that are deemed to be ''high-risk'' are then inspected. In addition, CBP is in the process of deploying Radiation Portal Monitors (RPMs) at all U.S. ports and plans to have close to 100 percent implementation by the end of 2007.

We urge the Senate to pass legislation that builds on this and the other effective procedures that make up the well-established multi-layered risk assessment model used by the Department of Homeland Security (DHS), the Coast Guard, CBP and other government agencies. Congress should outline policies and goals and let DHS find the best and most effective way to meet those goals. Before any technology is mandated, the government should ensure the technology's functionality and application. In addition, government must continue to work with the private sector users of the system to determine the best methods to deploy new technologies in order to achieve maximum results.

We look forward to working with you on improving the public-private partnership to enhance supply chain security. And again, we urge you to oppose any amendment mandating 100% container scanning.

Sincerely,

Agriculture Ocean Transportation Coalition.
Airforwarders Association.
American Apparel & Footwear Association (AAFA).
American Association of Exporters and Importers.
Coalition of New England Companies for Trade.
Food Marketing Institute.
Footwear Distributors and Retailers of America.
Free Trade Alliance.
Joint Industry Group.
National Association of Manufacturers.
National Association of Wholesaler-Distributors.
National Customs Brokers and Forwarders Association of America.
National Fisheries Institute.
National Retail Federation.
Pacific Coast Council of Customs Brokers and Freight Forwarders.
Panasonic Corporation of North America.
Retail Industry Leaders Association.
The National Industrial Transportation League.
Transportation Intermediaries Association.
Travel Goods Association.
Travel Industry Association.
United States Association of Importers of Textiles and Apparel.
U.S. Business Alliance for Customs Modernization.
United States Chamber of Commerce.

Mr. COLEMAN. Mr. President, I rise in support of the Port Security Improvement Act of 2006.

Imagine this scenario: Shortly after 9 a.m. on a beautiful autumn day, an improvised nuclear device explodes on the National Mall in Washington, DC. Within seconds, the U.S. Capitol and the White House are flattened and a plume of radiation spreads to the surrounding suburbs. Intelligence sources quickly determine that this weapon was smuggled through a United States port in a maritime container. Unfortunately, this horrific scenario is not just a plot for the television show ''24''—it is the paramount security challenge facing our Nation and should be our foremost concern.

Many experts believe that a maritime container is the ideal platform to transport nuclear or radiological material or a nuclear device into the United States. As the 9/11 Commission put it so succinctly, ''opportunities to do harm are as great, or greater, in maritime or surface transportation.'' Since 90 percent of global trade moves in maritime containers, we can not allow these containers to be utilized to transport weapons of mass destruction. The consequences of such an event would be devastating to our way of life and our economy.

For instance, the Congressional Budget Office at my request studied the economic consequences of an attack upon the Ports of Los Angeles and Long Beach. CBO found our Nation's gross domestic product would decline by about $150 million per day for each day these two ports are closed, and that the annual cost of closing these ports would escalate to nearly $70 billion. While CBO did not analyze the cost to human life and property of such a terrorist attack, the economic impact of closing the ports could be comparable to both the attacks of 9/11 and Hurricane Katrina. We cannot afford that type of devastation.

Instead, we must secure our supply chain before we pay the high price of an attack and seek the appropriate balance between two often competing priorities: security and speed. Former Customs and Border Protection Commissioner Bonner had the vision to address this grave threat and balance those two priorities after the September 11 attacks. This balancing act resulted in the creation of two prominent homeland security programs—the Container Security Initiative, or CSI, and the Customs-Trade Partnership Against Terrorism, or C-TPAT. CSI effectively pushed our borders out by placing CBP offices in foreign ports to inspect containers before they reach our shores. C-TPAT exemplified a true public-private partnership, in which the private sector took a leading role in securing its supply chain. These programs alone are laudable—but due to the sheer magnitude of the challenge of securing the global supply chain—we must continue to improve upon these promising initiatives.

With that in mind, as chairman of the Permanent Subcommittee on Investigations, I have directed the subcommittee's 3-year effort to bolster America's port security and supply chain security. We have identified numerous weaknesses in our programs that secure the global supply chain. A brief overview of these problems illustrates the challenges confronting these efforts:

In CSI, the subcommittee found that only a de minimus number of such high-risk containers are actually inspected. In fact, the vast majority of high-risk containers are simply not inspected overseas. To make matters worse, the U.S. Government has not established minimum standards for these inspections.

The subcommittee initially found that an overwhelming proportion of C-TPAT companies enjoy the benefits before DHS conducts a thorough on-site inspection, called a validation. As of July 2006 this proportion has improved considerably to where 49 percent of the participating companies have been subjected to a validation. But this still leaves 51 percent of companies that have not been subjected to any legitimate, on-site review to ensure that their security practices pass muster.

The subcommittee found that DHS uses a flawed system to identify high-risk shipping containers entering U.S. ports. According to CBP officials, this system is largely dependent on ''one of the least reliable or useful types of information for targeting purposes,'' including cargo manifest data and bills of lading. Moreover, the subcommittee found that this targeting system has never been tested or validated, and may not discern actual, realistic risks.

Currently, only 70 percent of cargo containers entering U.S. ports are screened for nuclear or radiological

materials. One part of the problem is that the deployment of radiation detection equipment is woefully behind schedule. As of August 29, 2006, the Department of Homeland Security has deployed only 43 percent of the necessary radiation monitors at priority seaports.

These are just a handful of the significant problems the Subcommittee discovered. In short, America's supply chain security remains vulnerable to proverbial Trojan Horse—America's enemies could compromise the global supply chain to smuggle a weapon of mass destruction, WMD, or even terrorists, into this country.

This legislation tackles these concerns—and many other weaknesses—head-on.

Here are some highlights of this important legislation:

This bill addresses the problem of inadequate nuclear and radiological screening, by requiring the Secretary of DHS to develop a strategy for deployment of radiation detection capabilities and mandating that, by December 2007, all containers entering the U.S. through the busiest 22 seaports shall be examined for radiation.

The bill will require DHS to develop, implement, and update a strategic plan improve the security of the international cargo supply chain. In particular the plan will identify and address gaps, provide improvements and goals, and establish protocols for the resumption of trade after a critical incident.

Instead of the unreliable data that CBP currently demands to target high-risk containers, DHS would be required to identify and request essential information about containers moving through the international supply chain.

Under this bill, DHS would be required promulgate a rule to establish minimum standards and to procedures for securing containers in transit to the U.S.

The bill provides ongressional authorization for the CSI program, empowering CBP to identify, examine or search maritime containers before U.S.-bound cargo is loaded in a foreign port. DHS would establish standards for the use of screening and radiation detection equipment at CSI ports.

Congress also authorizes C–TPAT, the voluntary program that strengthens international supply chain and border security and facilitates the movement of secure cargo. The bill establishes certain minimum security and other requirements that applicants must meet to be eligible for C–TPAT.

As you can see from this brief recap, this bill is wide-ranging and addresses many of the critical problems facing the security of our ports. It is therefore crucial that we pass this important legislation.

Even if we pass this bill, however, our job is not yet done. We still need to look to the future and develop even more effective and advanced programs and technology. Last December, I traveled to Hong Kong to examine the world's largest port. In addition to meeting the impressive CSI team and observing the close relationship between Hong Kong Customs and CBP, I examined a promising screening concept piloted by the association that operates Hong Kong's container terminal. There, containers are screened with both x-ray and radiation detection equipment.

Effectively screening containers with both an x-ray a radiation scan is the only definitive answer to the perplexing and most important question of ''what's in the box?'' However, in Fiscal Year 2005, only 0.38 percent of containers were screened with a nonintrusive imaging device and only 2.8 percent of containers were screened for radiation prior to entering the United States. DHS' efforts have improved somewhat from last year's paltry numbers, but we have more work to do. To date, DHS still uses a risk-based approach that targets only high-risk containers. While this approach is fundamentally sound, the system used to target high-risk containers has yet to be validated or proven to accurately identify high-risk containers. Moreover, the validity of the intelligence used to enhance this system's targeting ability is increasingly in question. Thus, we need to both enhance our targeting capability and use technology to enhance our ability to increase inspections—without impeding the flow of commerce. I believe the Hong Kong concept holds great promise to achieve this goal of enhancing inspections without impeding commerce.

While the United States currently inspects approximately 5 percent of all maritime containers, the pilot project in the Port of Hong Kong demonstrates the potential to scan 100 percent of all shipping containers. Each container in the Hong Kong port flows through an integrated system featuring an imaging machine, a radiation scan, and a system to identify the container. Coupling these technologies together allows for the most complete scan of a container currently available. The Hong Kong concept or similar technology, which is described in detail in this report, holds great promise and could lead to a dramatic improvement in the efficacy of our supply chain security. These improvements would help ensure that the threat of Trojan horse infiltration by terrorists never becomes a reality.

I am pleased to say that this legislation develops a pilot program in three foreign seaports, each with unique features and varying levels of trade volume to test integrated scanning systems using non-intrusive inspection and radiation detection equipment. It requires full-scale pilot implementation within 1 year after enactment and an evaluation report would be required to be submitted to Congress 120 days after full implementation of the pilot. If the pilot programs prove successful, then full scale implementation would expeditiously follow.

The bottom line is this: we are safer now than we were yesterday, but we are not safe enough. The question then becomes: how do we get there? In the words of the hockey legend Wayne Gretzky, ''A good hockey player plays where the puck is. A great hockey player plays where the puck is going to be.'' In other words, we cannot safeguard a post-9/11 America by using pre-9/11 methods. If we think that the terrorists are not plotting their next move, we are mistaken. We must find where the gaps are in our Nation's homeland security and close them before an attack happens. That is the only way to guarantee our security.

The Port Security Improvement Act of 2006 closes gaps in our homeland security and makes us safer. In closing, I want to say that it has been an honor to work with such a distinguished and bipartisan group of Senators such as Senators STEVENS, COLLINS, GRASSLEY, INOUYE, BAUCUS and LIEBERMAN. This legislation is cogent and will be effective because of the knowledge and experience of this group of Senators. I am proud to be an original sponsor of this legislation.

Mr. President, I ask unanimous consent that a Washington Post editorial dated June 1, 2006, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 1, 2006]

THE RIGHT KIND OF SECURITY

It was the Dubai port uproar that didn't roar: When a House committee voted this spring against an amendment that would have required all cargo containers bound for this country to be individually inspected in their ports of origin, Congress temporarily put to rest what could have been yet another hyped-up wave of politically motivated anxiety about American port security. Although the House later passed a bill that provides extra funding for nuclear screening and other measures, Democrats vowed to bring up the inspection issue again—and ran advertisements around the country attacking Republicans who oppose it. Before the ''inspect every container'' mantra becomes a national war cry, it's important to point out that this is a terrible idea.

Someday, perhaps, advanced X-ray technology may be developed to the point where it's possible to beam a scanner at each one of the 11 million U.S.-bound containers at every port in the world and obtain an instant assessment of what's inside. But while some promising technologies are available, none is perfect, and all of them require a human being to analyze the scans. This not only takes time but also presumes the existence of thousands of trained scan readers around the world. In the absence of such workers, U.S. port and customs authorities examine information about each container—where it's coming from, which shipping company is carrying it—and determine whether it is risky enough to merit inspection, either here or abroad. In practice, this results in inspections of about 5 percent of all containers. Even now, U.S. customs officers must rely on the cooperation of foreign authorities to carry out this many inspections.

Homeland security officials could do more. Only about half of incoming containers are

subjected to a radiation scan, a number that should rapidly be brought up to 100 percent, as the new House bill requires. Ports are also vulnerable because drivers and dockworkers are not thoroughly screened. Raising the number of U.S. inspectors in foreign ports could also make the inspection system safer. But ''inspect 100 percent of containers'' is a slogan, not a solution, and we hope lawmakers resist the temptation to use it in the election season to come.

Mrs. FEINSTEIN. Mr. President, I rise today in support of the port security bill being considered before the Senate. This legislation is of particular importance to my home State of California, and I am deeply grateful to Senators COLLINS and MURRAY and all the others who have worked so diligently to craft this comprehensive and bipartisan effort to better protect our Nation's ports.

It is no secret that I have long considered security at our Nation's ports to be a significant hole in homeland security. The global maritime supply chain system is a vast network consisting of hundreds of ports worldwide moving millions of containers each year, and frankly I don't believe this Nation has done nearly enough since 9/11 to improve the security of our ports.

As has been repeated many times on this floor, only 5 percent of containers entering the country are inspected, meaning that millions of tons of cargo move through our ports without serious scrutiny.

With its long coastline, California is vulnerable. My home State receives containers from more than 750 different ports worldwide and is home to the Ports of Los Angeles and Long Beach, which is the busiest container port complex in the entire United States, processing 7.2 million containers in 2005.

To highlight the risk we face, I cite a Rand Corporation report released last month. If a 10-kiloton nuclear bomb, hidden in a shipping container, were to explode at the Port of Long Beach, it could kill 60,000 people instantly, expose another 150,000 to hazardous levels of radiation, and cause $1 trillion in economic losses.

Needless to say, this is an issue of great importance to my constituents and the economic welfare of the State. I believe strongly that the need for action to better protect our ports is essential and it must happen now.

I am glad to say that this port security measure takes a number of critical steps toward filling the gaps in security at our Nation's ports.

This legislation directs the Department of Homeland Security to work with State and local governments to create a strategic plan to secure our ports and prepare for a swift resumption of trade in the event of an attack. We learned by devastating experience during Hurricane Katrina what happens when Federal, State, and local governments do not have an integrated plan for responding to and recovering from a catastrophic event.

The bill authorizes $400 million in competitive grants to help ports address security vulnerabilities, $1.2 billion for rail security improvements, and $3.4 billion for mass transit security.

In addition, 1,000 more Customs and Border Protection agents will be patrolling our Nation's ports of entry thanks to this legislation.

But despite the advances of this legislation, there still remains much work to do.

We cannot stop until all containers are fully scanned for radiation and by other means including full x-rays of all containers. It was a disappointment that amendments to initiate a plan for 100 percent scanning were rejected this week.

In fact, this bill does nothing substantive to increase the number of containers inspected before reaching our shores. It is clear to me that only inspecting 5 percent of containers is unacceptable.

Moving forward, a clear test of this Congress will come when the time arrives to appropriate funds for many of the programs authorized in this bill, including grants for port security. To tell the truth, much of what is accomplished will be for naught if we don't provide the funds necessary to get the job done.

As a member of the Appropriations Committee, I plan to do whatever I can to make these funds available. They are simply too important to my State and too important to this Nation.

Again, I thank my colleagues for their efforts on this bill and express my hope that we can continue to work towards filling the gaps in security at our ports.

Mr. LIEBERMAN. Mr. President, passage of this vital port security legislation is a tremendous achievement, and I wish to extend thanks to my hard-working staff members, Jason Yanussi and Josh Levy—as well as the staff of all the involved committees—for all their effort to bring this legislation to fruition.

VISIT TO THE SENATE BY A MEMBER OF THE LEBANESE PARLIAMENT

Mr. ENZI. Mr. President, I want to announce to the Senate that we have a visiting Member of Lebanon's Parliament, Mr. Misbah Ahdab, if any Senators would like to come by and say hello.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, we are on the verge of passing major port security legislation that will provide the structures and resources needed to better protect the American people from attack through seaports that are both vulnerable points of entry and vital centers of economic activity.

I wish to thank all those who have been involved in this effort: the ranking member of the Homeland Security Committee, Senator LIEBERMAN; the Commerce Committee chairman and ranking member; Senator GRASSLEY and Senator BAUCUS on the Finance Committee. Most of all, I thank Senator PATTY MURRAY, who has been my partner in the port security legislation from conception to this day. It has been a great honor and pleasure to work with her.

I have a list of the hard-working staff, my staff on the Homeland Security Committee, who have worked on this issue. I ask unanimous consent that a list of their names be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PORT SECURITY TEAM

Rob Strayer, Mark Winter, Jon Nass, Allison Boyd, Amy Hall, Melvin Albritton, Mark LeDuc, Jane Alonso, Ann Fisher, John Grant, Asha Mathews, Kurt Schmautz, Jay Maroney, Amanda Wood, Jennifer Hemingway, Sarah Taylor, Brooke Hayes, Kate Alford, Amanda Hill, Priscilla Hanley, Monica Wickey, and Tom Bishop.

Detailees: Steve Midas, Coast Guard; Jennifer Boone, FBI; and Mike Moncibaiz, CBP.

Ms. COLLINS. I see our colleagues are eager to vote, so I yield the floor.

The PRESIDING OFFICER. Who seeks time? The Senator from Hawaii?

Mr. INOUYE. Mr. President, this is a bipartisan measure. I am proud to support this bill. I believe all that has to be said has been said. But I would like to thank those on our side who have been helpful: Dabney Hegg and her baby, Sam Whitehorn, Lila Helms, Gael Sullivan, Stephen Gardner, James Assey, and Margaret Cummisky. Without their help, we would still be here.

Mrs. MURRAY. Mr. President, I add my voice to all Senators who in a bipartisan way have helped move this bill forward.

They say that ''success has a thousand authors''—and that is certainly true in the 5 years I have been working on port security.

First, I thank my partner, Senator COLLINS. Last May, I sought out Senator COLLINS because I knew she cared about port security. She had worked on it at the Homeland Security Committee and she had the knowledge and leadership to help us reach this milestone. She has been a steadfast partner every day of the past 16 months that we have worked together, and I commend her and thank her.

Senators LIEBERMAN and COLEMAN were right there with us shaping this bill in the early days and helping us move it forward.

I thank Senator STEVENS and Senator INOUYE at the Commerce Committee for their hard work, leadership, and passion.

I thank Senators GRASSLEY and BAUCUS for working with us on this bill.

I thank both of our leaders—for setting aside time so we could debate the bill.

I thank all the leaders from the maritime community who have shared their ideas and expertise with me—Mic Dinsmore, Henry Yates, and Rod Hilden at the Port of Seattle; Tim Farrell, Mike Zachary, and Julie Collins at the Port of Tacoma; and also leaders at the ports of New York/New

Jersey, Los Angeles, Long Beach, Charleston, Miami, and MassPort in Boston.

I want to thank security experts, especially Admiral James Loy and Dr. Stephen Flynn, for their thoughtful input on our bill.

Finally, there are a number of staff members who helped shape this bill.

Brian White—who now runs Cargo Security Policy at DHS, and Michel Bobb—who is at OMB—provided critical help.

I thank the outstanding floor staff on each side and staff from various committees who spent long hours all week working to make this bill better.

Thank you especially to: Dabney Hegg, Sam Whitehorn, Ray Shepherd, Jason Yanussi, and Ken Nahigian.

Finally, from my own staff, Jason Park and Lesley Turner have been at my side here on the floor along with Mike Spahn.

And I additionally thank Rick Desimone, Alex Glass, Pete Weissman and Matt McAlvanah from my staff.

I say to my colleagues, we are making a significant step forward in a bipartisan way this evening to finally make a difference on security in this country. I want to tell the country we still have a ways to go in getting it to conference, which I know will occur shortly, and to the President's desk, hopefully in a short amount of time as well. But I will tell you this: America can sleep better because this Congress worked together, and I thank all my colleagues.

The PRESIDING OFFICER. The minority leader.

Mr. REID. I wish to express my appreciation to all the managers and particularly Senator MURRAY, who has worked so hard, working with these amendments through the last few days. We always say nice things about Senator INOUYE, so that is nothing new. Senator MURRAY is a wonderful legislator who does such a great job.

We look forward to going to conference. We are going to do our very best to get a conference as soon as we can. It is not easy. We have multiple committees of jurisdiction. I talked with Senator SARBANES earlier today. Even Banking is now interested in being on the conference. We are going to do our best to work something out in the near future.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, securing our ports is vital to our economy. More than 11 million cargo containers enter our country every day, and waterborne cargo contributes more than $742 billion to the U.S. gross domestic product. But our ports are not isolated commercial operations. Our waterways and ports are linked to 152,000 miles of railway, 460,000 miles of underground pipelines, and 40,000 miles of interstate highways. The bill the Senate will pass today not only strengthens security at our land and seaports, it addresses trucking, railroad, and pipeline security. I believe this is the most comprehensive approach to border security we have taken to date. The provisions of this bill will help ensure the safety of our Nation, our cities, and our system of commerce.

Mr. President, the passage of this port security legislation by the Senate today will mark the end of a long Senate bipartisan, 3-committee process of which we all may be proud. The Commerce, Homeland, and Finance Committees have tremendous knowledge about our ports and the programs which protect and secure the international supply chain. It is a credit to this Senate that each committee agreed to pool their resources, put aside jurisdictional issues, and develop a strong and comprehensive piece of legislation.

I thank Senator COLLINS for her steadfast dedication to this bill, as well as Senators MURRAY, LIEBERMAN, GRASSLEY, BAUCUS, and COLEMAN. And I particularly thank my great friend and Commerce Committee cochairman, Senator INOUYE, for his lasting commitment to securing our Nation's ports.

As I said, securing our ports is vital to our economy. More than 11 million cargo containers enter our country every day, and waterborne cargo contributes more than $742 billion to the U.S. gross domestic product.

But our ports are not isolated commercial operations. Our waterways and ports link to 152,000 miles of railways, 460,000 miles of underground pipelines, and 45,000 miles of interstate highways. The bill the Senate will pass today not only strengthens security at our land and seaports; it addresses trucking, railroad, and pipeline security. I believe this is the most comprehensive approach to border security we have taken to date. The provisions in this bill will help ensure the safety of our Nation, our citizens, and our system of commerce.

This bill enhances current programs designed to gather and analyze information about cargo destined for U.S. ports, and significantly expands on the current program for randomly scanning containers. This bill moves us toward 100 percent scanning of all cargo containers entering our country once the process becomes feasible.

This bill is essential to the security of our Nation. It is my hope that the House and Senate will make this a priority and get it to the President soon.

I ask unanimous consent to have printed in the RECORD a list of the dedicated staff who worked so hard with all of us, and I yield the remainder of our time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMITTEE STAFF INVOLVED WITH PORT SECURITY

HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS COMMITTEE

Senator Collins's Staff: Rob Strayer, Mark Winter, Jane Alonzo, Ann Fisher, Michael Bopp (former staff), Kathy Kraninger (former staff), Melvin Albritton.

Senator Lieberman's Staff: Jason Yanussi.

Senator Coleman's Staff: Ray Shepherd.

FINANCE COMMITTEE

Senator Grassley's Staff: Stephen Schaefer, Tiffany McCullen.

Senator Baucus's Staff: Anya Landau, Brian Pomper, Mary Lisa Madell.

COMMERCE COMMITTEE

Senator Inouye's Staff: Dabney Hegg, Sam Whitehorn, Stephen Gardner, Channon Hanna, Gael Sullivan.

Senator Stevens's Staff: Dave Wonnenberg, Ken Nahigian, Pamela Friedmann (on detail from TSA), Mark Delich, Becky Hooks.

The PRESIDING OFFICER. All time has expired. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 4954) was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Ms. COLLINS. 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 Senator was necessarily absent: the Senator from Rhode Island (Mr. CHAFEE).

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. AKAKA) is necessarily absent.

The PRESIDING OFFICER (Mr. BURR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 249 Leg.]

YEAS—98

Alexander	Dorgan	McConnell
Allard	Durbin	Menendez
Allen	Ensign	Mikulski
Baucus	Enzi	Murkowski
Bayh	Feingold	Murray
Bennett	Feinstein	Nelson (FL)
Biden	Frist	Nelson (NE)
Bingaman	Graham	Obama
Bond	Grassley	Pryor
Boxer	Gregg	Reed
Brownback	Hagel	Reid
Bunning	Harkin	Roberts
Burns	Hatch	Rockefeller
Burr	Hutchison	Salazar
Byrd	Inhofe	Santorum
Cantwell	Inouye	Sarbanes
Carper	Isakson	Schumer
Chambliss	Jeffords	Sessions
Clinton	Johnson	Shelby
Coburn	Kennedy	Smith
Cochran	Kerry	Snowe
Coleman	Kohl	Specter
Collins	Kyl	Stabenow
Conrad	Landrieu	Stevens
Cornyn	Lautenberg	Sununu
Craig	Leahy	Talent
Crapo	Levin	Thomas
Dayton	Lieberman	Thune
DeMint	Lincoln	Vitter
DeWine	Lott	Voinovich
Dodd	Lugar	Warner
Dole	Martinez	Wyden
Domenici	McCain	

NOT VOTING—2

Akaka	Chafee

The bill (H.R. 4954), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mrs. MURRAY. I move to reconsider the vote.

Ms. COLLINS. 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 Kansas.

MORNING BUSINESS

Mr. BROWNBACK. I ask unanimous consent the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. I ask unanimous consent the following Senators be recognized to speak: myself, for 10 minutes; Senator LINCOLN, for 10 minutes; Senator DODD, for 15 minutes; and Senator STABENOW, for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SAFE PORT ACT

Mr. BROWNBACK. Mr. President, I congratulate my colleague from Maine on an excellent accomplishment, a huge vote on an important piece of legislation. It is critical. A number of colleagues, the Senator from Wyoming and others on both sides of the aisle, did so much good work on this legislation.

DARFUR

Mr. BROWNBACK. Mr. President, I will not take my colleagues' time for long, but I draw attention to a situation that has further developed—or devolved and deteriorated—and that is the situation in Darfur. It is a situation this Senate has spoken to often. We have spoken on resolutions, on amendments; we have added funds.

What we have feared is now upon us. We are now seeing in the IDP camps, the individuals that are displaced internally, diseases such as asthma, malaria, cholera and dysentery. We have had 12 humanitarian workers killed in the last 2 months. That is driving a number of the humanitarian groups out of the region. The NGO, the nongovernment organizations, currently now serve only 60 percent of the people they were serving. The Government of Sudan has reportedly resumed aerial bombings taking place in the northern and southern parts of Darfur.

The situation is growing worse. We don't know how many people have died already, but it is set to escalate rapidly. NGOs are fleeing because people are getting killed. The people are concentrated in the camps. They are now not getting food and clean water.

Now we have cholera, more misery, malaria and the numbers of people getting killed escalating dramatically. It is going to escalate further and more dramatically if we do not act.

We have the government in Khartoum saying they want the African Union troops out.

We do not have a big enough force there now. They are scheduled to leave the end of September. We have a United Nations group that is forming to go in, and the government in Khartoum, Sudan, is saying, We are not going to let them in.

We have African Union troops preparing to leave. We have the U.N. troops not yet prepared to come in or being allowed in. And we have chaos. There are a lot of people dying in this region. It is escalating. It is time we step up and push again.

This Senate has been excellent on this issue. The administration has been very good. I cite particularly Assistant Secretary Zoellick who spent a lot of time working on this issue, trying to bring people together, getting a peace agreement signed a couple of months ago. It was an important peace agreement.

The problem that has taken place now, after the peace agreement was signed, the African Union troops were starting to organize to pull out, the government of President al-Bashir in the Sudan decided: This is our time to take over because the rest of the world is looking at Lebanon, they are dealing with Hezbollah, the United States is focused on its election cycle. This is the time for us to move.

This is a very difficult, dire situation for people on the ground. I met with a number of the aid organizations today. Their people are getting killed, so they are pulling back, as I cited.

When this situation first started developing about 3 years ago, the very situation we are most concerned about is a lot of people getting into the displaced camps, not having access to clean water, disease spreading in the camps, spreading because of the concentration of individuals and the lack of sanitation and clean water, and we really get a mess. That is now where we are.

Mrs. BOXER. Will the Senator yield?

Mr. BROWNBACK. Yes.

Mrs. BOXER. I thank Senator BROWNBACK for raising this issue. We are in a do-or-die moment. We have been there before. I am reading that certain experts are saying in 2 weeks there could be another Rwanda.

I am very glad the Senator is speaking out. I was very glad this Senate did act, as we know, on a measure last week, actually voting to send $20 million to the African nations to carry on, as my friend points out. If they do not do it, there is a void. What will fill the void will be disease, rapes, killings and, I hate to say it, continued genocide.

I am glad the Senator raised this. The hours are running short. We did vote. It is important we use our bully pulpit in whatever way we can. I personally will be going to the United Nations on Monday literally to knock on doors. I am setting up some appointments. We have to do everything we can to prevent this worsening situation from getting to the point where it is unsalvageable.

I thank the Senator for his efforts.

Mr. BROWNBACK. I thank my colleague for her interest. I wish her Godspeed in New York with the U.N.

My colleague in Connecticut will address this same topic. It is very important to speak. We need to pass the Darfur Accountability Act. It has passed here and in the House. We need to resolve the issues.

It is important that the President, in his meetings at the U.N. for General Assembly meetings, raise this issue. It is important to press the Sudanese Government to stop the aerial bombings—they can do that first and foremost—and that the African Union forces stay until a U.N. force is put in place, we pressure the Sudanese Government to accept a U.N. force, or, if not, put in targeted sanctions toward Sudanese officials preventing traveling, dealing with their own personal accounts.

There are a series of recommendations of a number of Senators addressed in a letter to the President. It is a bipartisan effort. It is a genocide already. It is one that is set to become a far worse situation.

We really need to act.

I yield to the floor to the set of speakers listed.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, I join my colleague from California in thanking Senator BROWNBACK for bringing this issue forward. He has been a tremendous supporter of taking action. He brings to light, tonight, the fact we have to act and we have to act expeditiously.

As the situation deteriorates, unfortunately, it moves closer toward a situation that we can do nothing about. I appreciate all of the Senator's efforts in what he is doing for the people of Darfur.

RURAL AMERICA MONTH

Mrs. LINCOLN. Mr. President, I was so pleased this week as the daughter of a seventh generation Arkansas farm family from rural eastern Arkansas, and it is with a tremendous amount of pride I come to the Senate today to applaud the passage of Senate Resolution 561 which designates September of 2006 as Rural America Month. I was pleased to introduce this resolution last week with Senator REID, Senator FRIST, and many of my colleagues.

Rural America means a tremendous amount to this Nation. It is the place where our values oftentimes begin and grow. We send people from rural America not just to the big cities of America, but all across the globe to exhibit those American values that grow and begin in rural America.

My values and my world view are directly tied to how I was raised in a

small town in Helena, AR, on the Mississippi River. My upbringing gave me a deep and abiding love for the rural way of life. In rural America, you learn that in order to have good neighbors, you have to be a good neighbor. Importantly, you learn by the example set for members of the community.

Growing up, I lived within walking distance from both sets of my grandparents. I learned what it meant to be a caregiver. At the age of 14 I learned from my grandparents. I learned values, I learned stories of World War I and the experiences they had during the Depression and so many other things that I captured from a real perspective—not from a textbook.

My mother would prepare dinner for our family every night, but very often she and my aunt would go back and forth and prepare a little bit extra every other night. It was my duty and my cousin's duty to take that dinner up to my grandparents and spend time with them, valuable time, where we would make them feel better, to share part of our day and they could share a story with us. I didn't realize at that age what caregiving was all about. I do now.

Being a good neighbor is something that comes easily for rural Americans. It is taught early in life. I am proud to have had the opportunity to learn that lesson by example. I see it as a model that can be applied outside the family, outside the neighborhood and to so many relationships that we, as people of a global community, have around the world, when we listen to the comments of Senator BROWNBACK and Senator BOXER talking about our neighbors across the globe and what that means to us, what our responsibility is as a global neighbor to those people in such need of protection, of sustenance of life, of education, and the ability to build for themselves a life of independence.

My love for the rural way of life I grew up in, the values it taught me, is what drives me to want to strengthen and support rural communities all over our country. With the passage of this resolution this week, the Senate has formally acknowledged the invaluable contribution that rural America makes to our country.

The experiences in my life have shown me firsthand that the more than 55 million people residing in rural America are the embodiment of the values that make our country great: community, service, hard work, family, responsibility.

Rural America provides significant contributions to our Nation, such as the safest, most abundant and affordable food supply in the world, as well as the renewable sources of energy with the potential to significantly reduce our country's dangerous dependency on foreign oil, not to mention what we could do for our environment.

Americans residing in rural areas have also made a considerable contribution to our country's freedom. Rural Americans comprise a sizable percentage of our reserve, military force abroad and the highest concentration of military veterans live in rural communities.

Additionally, police officers, volunteer firefighters, EMTs or National Guardsmen, and members of our rural communities come together in times of national emergencies to keep our country safe. I am certainly reminded of the proud, strong, courageous firefighters, Guardsmen, ambulance drivers, and so many more that responded from Arkansas to New York during September 11 and to Louisiana during Katrina and the entire gulf coast.

I am proud of my heritage in rural America. I am pleased the Senate has acknowledged we owe rural America a considerable debt of gratitude. Rural America is critical to this Nation.

I look forward to working with my colleagues to address the challenges and the obstacles that rural America faces so all in rural America can enjoy every blessing and opportunity that our Nation has to offer.

I commend my colleagues for joining me in this special effort. I want to especially commend our leader, minority leader HARRY REID, who grew up in Searchlight, NV, who knows and understands the mentality, the values, and really has a tremendous passion for those people in rural America. I am proud to have joined he and Senator FRIST and others in bringing this resolution forward.

TRIBUTE TO ANN RICHARDS

Mrs. LINCOLN. Mr. President, I also come to the floor today to pay tribute to one of the most important and unique individuals in the history of American politics, Governor Ann Richards.

As a female politician from the South, Ann Richards was a person who I considered to be a role model. She was a great American patriot who had overcome tremendous obstacles to become a valued public servant while blazing a trail for aspiring female politicians, with wit, style, and grace like no one else could produce.

I consider it my good fortune to have come to know her over the years as a friend. While I am deeply saddened by her passing, it is so difficult not to smile whenever I think of Ann. She was remarkably gifted at using her keen sense of humor to say exactly what was on her mind and to get her point across in an effective and quotable way, proving she was truly one of a kind.

Ann Richards became the first woman elected to statewide office in Texas in more than 50 years—winning a seat as treasurer in 1982. In 1990, she became the first female to be elected Governor of the State of Texas.

As Governor, she took pride in the fact that she appointed more women and minorities to State positions than any of her predecessors. During her tenure, the Texas economy enjoyed growth, despite the trend of the slumping U.S. economy.

Additionally, her audits of the State bureaucracy saved Texans $6 billion, and her reform of the State prison system resulted in fewer violent offenders being released.

Perhaps her most remarkable achievement was maintaining the respect and admiration of Texans in the midst of not being reelected to office. The poll numbers of her popularity remained above 60 percent at that time.

Ann has been noted as saying that she did not want her tombstone to read, ''She kept a really clean house,'' but, instead, preferred to be remembered by it reading, ''She opened government to everyone.''

Ann Richards will certainly be remembered as doing much more than keeping a clean house. She opened a door for me as a female politician in the South, and I know I speak for so many when I say that she continues to have my respect and my admiration.

She will certainly be dearly missed by this Senator and so many, many more across this Nation.

Thank you, Mr. President.

Mr. President, I yield to my colleague from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, first of all, let me thank our colleague from Arkansas for her eloquent comments both about rural America as well as on our wonderful friend, Ann Richards. I want to add my voice of condolence to her family and friends, not only in Texas but across this great country of ours, because she had friends that reached all across this land of ours—in fact, beyond the shores of the United States in her work after she left public life, working in the private sector as a great representative of a number of interests, including some that were offshore.

She was a remarkable person, and Senator BLANCHE LINCOLN has captured her very, very well. There are so many things I remember about her. She was a strong-willed woman. She had definite and clear views, and she was not shy about expressing them to you. But she probably had one of the best senses of humor of anyone I ever met in American politics. She could make you laugh. She could take a situation and bring up an anecdote or a story to make her point that would bring the house down.

Regardless of your point of view, Ann Richards had a gift to communicate with the American public like few other people I have ever met in public life. And it was a gift because she did so many good things with her talents.

Both as the State Treasurer of Texas and as Governor of that State, I got to know her very well, when I was the general chairman of the Democratic National Committee. She was a tremendous source of help to me in those years of 1995 and 1996 when I was campaigning and supporting Democrats across the country.

But her politics transcended partisan politics. She was beloved and admired and cared for by people of all political stripes and colors in this country. She will be sorely missed. But as Senator LINCOLN said, the memories of her are going to linger on for an awful long time. Every time you mention her name, a smile comes to your face because she brought many smiles many times on the countless occasions I heard her address audiences across the country.

I thank Senator LINCOLN and others who have spoken about her. I do not have prepared remarks, but I just wanted to express my feelings about this wonderful person.

Mrs. HUTCHISON. Mr. President, today we mourn the loss of a great Texan and certainly a trailblazer in our State. Former Governor Ann Richards passed away last night after a long battle with cancer. Today, I want to pay tribute to her because she really made a mark on our State and our Nation.

Ann Richards was the second woman to hold office in Texas as Governor and the first to be elected in her own right. When she was Governor of Texas, I was State treasurer, and we certainly had a very strong and positive working relationship. She embodied the Texas spirit as well as anyone I have ever known, and her enthusiasm for life was evident in everything she did.

I didn't agree with her on issues—sometimes I did and sometimes I didn't—but you could always respect her because she spoke straight. She told you what she could do and she told you what she couldn't do. She gave some pretty good advice along the way.

She could have chosen another career—that of entertainer—and been quite successful. She was one of the best. But instead, she chose politics—and she chose to try to make a difference in government, in our State and Nation. She was successful at that as well.

Ann Richards was born on September 1, 1933 in Lakeview, TX, very near Waco. She did grow up in Waco.

She graduated from Baylor University in 1954. She attended on a debate scholarship.

She was the mother to four children and the grandmother to eight.

One of the things she will always be remembered for is how she tried to bring women into public office—and certainly to the table—to make sure that women were represented well.

I was so struck with her after she lost the Governor's race. She, of course, lost the Governor's race the second time she ran against Governor George Bush, who became President George Bush. But I think it was the way she handled the loss that showed the real spirit that she had. She just turned the page and kept right on going.

She had a career in New York and never gave up her home in Texas. But she took New York by storm too. She was a commentator on television, always with the witty saying that people would remember.

I remember after she left the Governor's office, I was in Istanbul, Turkey. I walked into one of the markets there, and who did I see looking at rugs but Ann Richards. She was having the best time. Whatever she was doing at the time was her total absorption. She was finding out everything about those rugs.

I saw her sometimes up here in Washington when we would be working on something that would be for Texas where we would agree. She would take her side and I would take my side, working for the same cause but trying to make sure that we covered all of our respective bases.

I knew, of course, that she had cancer. I wrote her a note after the diagnosis became public.

She wrote me a note back. It was vintage Ann Richards. It was: This is just one thing you get through in life, and I'm going to get through it. She was very upbeat, very positive, just the way she would always be, tackling the task of the moment and doing it with gusto.

I did not know she was so near the end. I was sorry that it came so quickly. She will be someone whom no Texan who has ever known her or who has lived in Texas during her service will ever forget. I want to make sure the tributes to her are worthy of the contribution she made.

I yield the floor.

Mr. REID. Mr. President, I join with my distinguished colleague from Texas in expressing condolences to the bereaved family, the State of Nevada, the Democrats in the Senate and America, for the loss of Ann Richards.

She was my friend. She came to Nevada whenever I asked her to. Why did I ask her to come? Because she was entertainment plus. She was always good for a stunning speech, a stirring speech.

For those who had the good fortune this morning to listen to Public Radio, what a wonderful piece they had on Ann Richards, the many funny things she did in Texas to change the ways of Texas. She modernized Texas.

We will all miss her. It is a loss for all Americans. We are comforted to know that Ann departed this world in high spirits and humor, just as she would expect us to continue our lives.

Ms. MIKULSKI. Mr. President, I rise today to pay tribute to the life and legacy of a truly remarkable woman—Governor Ann Richards. She will long be remembered and loved for her tireless activism, her charisma and compassion, and her excellence in governance. I will also remember her as a friend and a trailblazer. Ann Richards showed women that anything and everything was possible.

Ann Richards was an original. Yet her life was the American dream. She was born in Lacy-Lakeview, TX, to her loving parents Robert Cecil Willis and Mildred Iona Warren. As a young woman, she took an early interest in politics and participated in Girls State, a youth leadership and citizenship program for high school students. She later studied at Baylor University on a debate scholarship. After earning her teaching certificate at the University of Texas, she began her remarkable career of public service as a junior high school teacher.

Governor Richards became known as an effective advocate and an accomplished political leader. In 1976, Governor Richards successfully ran for commissioner of Travis County, the same year I won my seat in the House of Representatives. She held this post until 1982, when she was elected State Treasurer—the first woman elected to a statewide office in Texas in over 50 years. In 1991, when I was the only female Democratic Senator, Ann Richards became one of the few female Governors in the country. We showed that—together—women can make change.

As Governor of Texas, Ann Richards spearheaded an economic revitalization program that expanded Texas' economy during a nationwide recession, and also led an effort to expand State funding of public schools. In 1988, she charmed the Nation with her witty, passionate remarks as the keynote speaker at the Democratic National Convention.

People have called Ann quick-witted and feisty. Well, I happen to like feisty people. She stood up for what she believed in. She fought for what she felt was right. And she made a difference. She served her Nation and she served her State.

Governor Richards' death is a tragedy but her life was a triumph. I offer my heartfelt condolences to Governor Richards' children, who were at her bedside when she passed, to her friends, and to all those whose lives she touched. She and her family are in my thoughts and prayers at this very sad time.

Mr. KENNEDY. Mr. President, I was saddened to learn that my friend Ann Richards passed away last night after a courageous battle with cancer. She was a wonderful person and an outstanding public servant, and she will be missed.

Ann brought delight, excitement, ability, and compassion to public life, and she was an American original. To her public service was a calling, and she dedicated herself wholeheartedly to the goal of building a better future for all Americans, regardless of income, race, or gender.

She was a trailblazer in many ways, and she was also one of the last great American characters in politics, someone who projected joy and optimism even in the face of adversity. None of us who were there will ever forget her brilliant keynote address to the Democratic National Convention in 1988. She was truly one of a kind.

As Governor of Texas, she fought hard for equal opportunity, appointing

more African Americans, Hispanics, and women to State office than the previous two Governors combined.

She used her skill and wit to help pass vital legislation in Congress too. I will never forget her hard work on the Civil Rights Act of 1991, the Family and Medical Leave Act, the Violence Against Women Act, and the Freedom of Access to Clinic Entrances Act.

There will never be another Ann Richards, and we will never forget her.

Mrs. FEINSTEIN. Mr. President yesterday, we lost a great politicial great woman with an incredibly energy who helped to change the attitude of Texas politics.

Ann Richards was born in Lakeview, TX, in 1933. She died yesterday, September 13, in Austin, TX, at the age of 73.

She battled cancer in the last months of her life, being diagnosed with esophageal cancer in March and undergoing chemotherapy treatments.

I would like to extend my deepest sympathy to her four children—Cecile, Daniel, Clark and Ellen—who were with her when she passed away.

Ann Richards was a homemaker and teacher before beginning her political career as a county commissioner in Travis county, TX, in 1976. Six years later, in 1982, she ran for State treasurer and won. She was reelected in 1986. Winning the office of Texas State treasurer made her the first woman elected statewide in nearly 50 years.

Like so many female politicians of our time, running for office in a male-dominated political environment took courage and determination. But Ann didn't take on these challenges only to prove that she was a worthy candidate. She wanted to show Texas, and the Nation, that all women could succeed in the same way that men had for many years. She blazed a trail for women, in politics and in life.

Two years later, in 1990, Ann Richards narrowly won the election to Governor, winning by a margin of 49 to 47 percent. Again, she fought a tough campaign battle against a male opponent. But with her fierce determination, she came out on top.

During her 4 years in the Governor's office, Ann Richards made a strong effect, championing what she referred to as the ''New Texas.''

As Governor, Ann Richards promoted women and minorities who historically were ignored in Texas politics; reformed the Texas prison system; backed proposals to reduce the sale of semiautomatic firearms and ''cop-killer'' bullets in the State; instituted the Texas State lottery to provide funding for education; revitalized the State's economy; and worked to protect the environment, particularly with a veto of legislation that would have allowed for the destruction of the Edwards Aquifer in south central Texas.

She was defeated in her 1994 reelection campaign by George W. Bush.

Near the end of her term as Governor, Ann Richards said: ''I think I'd like them to remember me by saying, 'She opened government to everyone.' ''

She was a popular figure in Texas politics, known for her white head of hair and her great sense of humor.

And she was daring, on the political stage and off. At the age of 60, she learned to ride a motorcycle.

Ann Richards will be missed. For her charisma, for her integrity, and for her honesty.

Mrs. BOXER. Mr. President, I rise today with a heavy heart, to pay tribute to a remarkable woman and patriot, Ann Richards.

There are so many words that I could use to describe Ann. She was vibrant, fiery, quick-witted, fearless, but for me the word that I think captures her best is genuine.

With Ann, what you saw was what you got. She had an authenticity that is rare in life, and even rarer in politics.

Even with all of her charisma and charm bubbling over, Ann would be the first to tell you that her life was not perfect and that she had made many mistakes over the years. But it was her embrace of those imperfections, and the wisdom to see that she could learn from her mistakes, that made her such a successful leader. People could relate to her.

When she won the Governor's office in 1990, Ann decided she really wanted to shake things up in Texas. So she made it her mission to appoint more minorities to State boards and commissions than any Governor before her.

According to the Houston Chronicle, about 44 percent of her appointees were female; 20 percent Hispanic; and 14 percent Black. That is in comparison to her two predecessors, who had given more than 77 percent of their appointments to White men.

So not only did Ann blaze a trail by being the first woman elected Governor of Texas in her own right, but she opened the doors of the State house to those who otherwise would have been in the back of the line.

Why? Because she understood that you can't just talk the talk, you've got to walk the walk. She knew that change was a good thing, even if it made people squirm in their boots.

There are a lot of people talking today about what a tremendous loss this is for Texas. I heard our President, George W. Bush say that, ''Ann loved Texas. And Texans loved her.'' But I have to take that one step further and say, Ann loved America, and Americans loved Ann. She barreled her way into our hearts, and for that we have been made all the richer.

I would like to offer my sincere condolences to Ann's children: Cecile, Daniel, Clark and Ellen, her eight grandchildren, and all those who knew and loved her. She will be sorely missed, but I am sure, always remembered.

DARFUR

Mr. DODD. Mr. President, I want to spend a couple minutes talking about Darfur as well. I know my colleague from Kansas addressed this issue. I know my colleague, Senator DURBIN, as well, has been working on this issue for a long time. Many of us have been watching this situation. Senator BARACK OBAMA, I know, cares about this issue. And many members of the Foreign Relations Committee have talked about it. We heard Senator BOXER, a moment ago, talk about her deep concern.

There is a tremendous amount of interest about what is happening and great concern. It is the moral responsibility of nations around the globe to help end the genocide in Darfur.

Even as we speak here this afternoon, in the closing days of this week's work, we are moving backwards in Sudan. Earlier this week, U.N. Secretary General Kofi Annan sounded the warning that Darfur is about to enter a new phase of needless bloodshed and suffering on a catastrophic scale. I do not think we ought to let this happen. It is not just our responsibility but certainly the United States should and can take a leadership role here in marshaling the forces to stop the events as they unfold to these poor, poor people who are caught in this dreadful situation.

The blame lies squarely, of course, first and foremost, with the Sudanese Government's intransigence and murderous Darfur policy. Since February of 2003, when rebel groups attacked government outposts, the Sudanese Government has used the janjaweed militia to systematically decimate tribal groups of African descent in Darfur.

The warfare has exacted a tragic toll. Men, women, and children have been slaughtered in front of their families. Women and girls are regularly raped. Entire villages are routinely destroyed and property looted by marauding militias.

Estimates suggest that the conflict in Darfur has killed as many as 300,000 people and driven 2.5 million people out of their homes. The United States has rightly labeled the Sudanese Government's actions ''genocide.''

I remember, with great clarity, former Secretary of State Colin Powell appearing before a Senate committee on which I served calling the actions in Darfur genocide, loudly and clearly. And I commend him for it. He was one of the earliest voices to do so. We know what the word ''genocide'' means and its full ramifications.

Yet there was a glimmer of hope for the violence to end in May of this year with the conclusion of a peace agreement brokered in large part by the United States. The agreement called for a cessation of hostilities between the Sudanese Government and one of three major rebel groups in Darfur.

But it is time to face the facts in Darfur. The peace is over. In fact, it never really had a chance. Hostilities between the government and the other two rebel groups never ended and are

heating up again fast in that part of the world. Thousands of Sudanese troops are massing for a fresh offensive against rebel groups. The International Rescue Committee has noted an upswing in sexual violence around refugee camps.

Meanwhile, from the very beginning, the Sudanese Government has thrown up obstacle after obstacle after obstacle in the path of the African Union peacekeeping mission in Darfur.

A New York Times report earlier this week describes these obstacles and the mission's lack of funding and authority in Darfur. A telling example is that every evening, the African Union soldiers have to turn over control of the main military airstrip in Darfur to government troops. These troops steal jet fuel from the mission and use the strip to launch attack helicopters while the African Union troops stand by helplessly. Sudanese officials have also managed to reduce the mission's already limited patrols and humanitarian efforts in Darfur.

The mission's courageous yet failing efforts to maintain the peace led the United Nations to issue Security Council Resolution 1706 on August 31 of this year. This resolution calls for the deployment of a more robust, 20,000-strong U.N. peacekeeping force.

Yet precisely because such a U.N. force would have teeth, Sudan's President has rejected it on the grounds of sovereignty. This is a flimsy excuse. There are nearly 10,000 U.N. troops stationed in southern Sudan to maintain a separate peace agreement. And now the Sudanese Government has asked African Union troops to leave by September 30—a few short days from today—when the mission's mandate expires, unless they are able to raise additional funds.

It is all too clear that the Sudanese Government is not interested in peace in Darfur. And why should it be? Sudan has friends like Russia and China who place a far greater premium in their commercial interests in the Sudan rather than on their responsibility to stop this genocide. In 2005, China purchased more than half of Sudan's oil exports, and is one of its largest suppliers of arms. Both countries, Russia and China, abstained in the most recent vote on deploying U.N. troops. They continued to give political cover to the Sudanese Government.

Yet it is also clear that the United States and the international community have a responsibility to protect and prevent genocide in Darfur. The world's heads of state affirmed this precise commitment last September as part of the Outcome Document of the High-level Plenary Meeting of the United Nations General Assembly. The document calls on the international community to protect people from ''genocide, war crimes, ethnic cleansing, and crimes against humanity'' on a case-by-case basis should their own governments fail to do so.

What could be more clear? What could be more precise? What could be more important for us to respond to?

The case for Darfur is painfully clear. And yet a year after making this commitment, we and the rest of the international community are already on the verge of reneging on it. Our ability to act remains hostage to a government that continues to perpetrate terrible crimes on its own people.

Yet instead of tightening the screws on this government, our administration, the administration here in the United States, unfortunately, is not doing what it ought to be doing. We are dangling the incentives of talks with President Bush before the Sudanese President in exchange for his accepting a U.N. force. It is almost unbelievable.

The administration refuses to talk directly to Iran and North Korea about their nuclear programs. And yet here it is bandying Presidential talks with the head of a regime that our own Government has declared guilty of genocide.

This is typical, unfortunately, of the administration's bumbling approach to diplomacy. It simply does not know when to talk and when to brandish the stick. Clearly, the stick is necessary here. Days and hours stand between us and an incredible mass of genocide.

The fact is, we need to take a harder approach on Sudan. So what can we do from here on? How do we ratchet up the pressure on the Sudanese Government and get it to stop?

First, I think the United States needs to expedite the appointment of a special envoy to Darfur.

Let me add, by the way, Senator BROWNBACK mentioned Bob Zoellick. He did a fantastic job, by the way, but he is out of government now. He is in the private sector. Unfortunately, we do not have a Bob Zoellick within the administration right now who understands it and cared about this issue to the extent he did. But I believe there are people who could be asked to perform this appointment of a special envoy from the United States. That might be enough in the short term, to begin to put the brakes on.

I recently joined colleagues in sending a letter to President Bush calling for his immediate attention. With the departure of Deputy Secretary of State Bob Zoellick, who played a very important role in negotiating the May peace agreement, a vacuum has emerged that needs to be immediately filled to ensure a coordinated, focused, and effective policy.

Our Assistant Secretary of State for African affairs was made to wait 3 days—3 days—before meeting with Sudan's President, only to hear him reject the U.N. force. This special envoy must be someone of greater stature and seniority who can command an audience and forcefully convey a message. Moreover, the envoy and President Bush himself must, in concert with our allies, publicly reject Sudan's demand that African Union troops leave and insist on the deployment of U.N. forces.

Secondly, the United States needs to convince states like China and Russia and the Arab League to apply pressure on the Sudanese Government to accept a U.N. peacekeeping force. Unless Sudan feels the heat from its business partners and friends, my fear is they will not budge.

Thirdly, the United States needs to ensure that the United Nations moves forward with deploying a peacekeeping force. Should Sudan continue to put up a wall, then I think we must implement a tight sanctions regime against the Sudanese Government, rebel forces, and others responsible for the atrocities that are being committed there.

We must also consider deploying troops regardless of Sudanese consent. For many this may raise a red flag, but, again, it is an international commitment and a moral obligation agreed to under U.N. auspices.

Should the U.N. fail to rapidly muster the requisite troops, I believe we ought to deploy an interim NATO force with U.S. participation to Darfur. At a minimum, NATO forces, which already provide logistical support to the African Union mission, should enforce a no-fly zone in Darfur pursuant to U.N. Security Council Resolution 1591 to prevent military flights over Darfur.

U.S. participation, even in a limited capacity, is critical to showing the world that the U.S. is not just about fighting terrorism when it serves our interests but also about fighting injustice, terrorism and mass murder when it affects others far away from us; that the U.S. will fight for the principles of respect for human dignity and life, and not just lecture others about them.

Fourth, despite this administration's absurd rejection of International Criminal Court, the ICC can and must play a critical role in bringing to justice those responsible for committing genocide in Sudan. Last March, Darfur became the first-ever case to be referred by the U.N. Security Council to the International Criminal Court for investigation.

The U.S. unconscionably abstained on this vote. My country abstained. When it comes to conducting an investigation of the Sudanese Government for what our own Secretary of State has called genocide, we abstained.

And we wonder why public opinion of the United States around the world is dipping. One reason is because the administration talks the talk but does not walk the walk when it comes to upholding our Nation's principles. From military tribunals that don't allow due process of law to warrantless surveillance, the administration simply thinks it is above domestic and international law. Its doublespeak continues to squander our country's political and moral authority. The U.S. needs to lend its full support to the ICC's efforts to bring to justice those found guilty of genocide in Sudan.

Mr. President, 12 years after Rwanda—and I am glad my colleague from California raised Rwanda, and Senator

BROWNBACK has as well, along with others in this body—we remain haunted by the massacre which occurred. Former President Bill Clinton publicly expressed his deepest regret at the U.S. and the international community's collective inaction to stop the killings in Rwanda. Twelve years from now, none of us in this body or the administration want to be forcing the same regrets about Darfur.

Yet, if we fail that—and it is not a matter of weeks or months, it is a matter of hours—then the very kinds of genocidal mass murder that occurred in Rwanda will continue to occur in Darfur and grow worse.

Sudan has been wracked by four decades of violence and instability. The scars of that war cut deep throughout their country. Currently, it is experiencing what the U.N. has described as the world's greatest humanitarian crisis. We stood by during Rwanda. We cannot stand by this time. We must not let history repeat itself. We must act. The international community has a responsibility to protect and the U.S. must lead by example. Let us not fail this time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, I thank my colleague from Connecticut for that extremely eloquent, passionate, and urgent message to the administration about what needs to be done in Darfur. I could not agree more. I have come to the floor on other occasions to speak on the same issue. We know that thousands—in fact, 2 million people—find themselves in camps with no place to call home, in a situation that is absolutely outrageous.

So I thank my colleague for coming to the floor and speaking on this important subject. I am very hopeful that my colleagues on both sides of the aisle who have spoken to this will find that their words are heeded by the administration and they will act urgently to save lives and stop the genocide.

REMEMBERING ANN RICHARDS

Ms. STABENOW. Mr. President, I rise today to remember a very good friend and a wonderful woman whom Senator LINCOLN spoke about—and I know others today have—very eloquently on the floor, and that is our good, good friend Ann Richards, the former Texas Governor and treasurer, a woman who had extraordinary abilities. Her intelligence, her tenacity, and her hard work, are well known. But we all know of her sense of humor, her wit, her ability to make us smile. Even when we were trying to struggle through a difficult issue or were upset, she was able to put this in a particular frame that would allow people to in fact smile and laugh while they were trying to work through things together.

I was very pleased to have Ann Richards come to Michigan on more than one occasion to be able to help me in my effort at running for office. It was always a wonderful time. People were so excited when I would say that Governor Ann Richards was coming to Michigan. There would be excitement from women young and old, as well as from men. We always drew a great crowd. She always lived up to every expectation, in terms of the way she spoke about life, about what people are concerned about, and a combination of both outrage at those unfair things and things that ought to be changed, coupled with that sense of humor about what we go through in our daily lives, speaking about things that we could all relate to so well, with that wonderful sense of humor.

She once told me when I was working hard and had too many things to do in a day: Debbie, you should stop right now and just focus on what is next and the rest of it will take care of itself. Do your best and focus on the next hour, the next challenge, and that is how you get through effectively in life.

Those words of encouragement and advice have stuck with me to this day. Whenever I get overwhelmed, I think of Ann Richards' voice in my ear saying: Stop and take a breath and focus on what is right in front of you and do your best, and everything else will work out just fine.

We all know she was a trailblazer in Texas politics and an inspiration to all of us who have run for office and been elected to office around the country. I will never forget when she was elected. I had the opportunity to attend her inaugural ball—I should say series of balls, where everybody was all dressed up and wearing cowboy boots, and how I watched Ann, with such relish, go from ball to ball, event to event, and watched her go down the streets in the parades in Austin that day. There was such excitement, and you could tell she was thrilled. She loved Texas and she relished the opportunity to serve Texas as its Governor. It was such a wonderful weekend of events. I will always remember that.

There are so many different quotes from her that we all remember and quote ourselves. One of my favorites is the often-repeated line about Fred Astaire. She said:

> Sure, he was great; but don't forget that Ginger Rogers did everything he did backwards and in high heels.

That was Ann Richards, speaking in a way that made a point, but made everyone smile at the same time.

In many ways, we kind of came up through politics together. We were both in county commissions in the mid-1970s. We both ended up in Statewide elected office, and we both loved and love our States with a great, great passion.

Despite all of the fame—and she was famous, a well-known person, revered around the country—she was somebody who could walk into any city in the country and have people recognize her and have great respect for her. But what I admired most was how down to earth she was. Even though this is a person who was very well known, she was somebody who was always there with a smile and would say ''How are you doing?'' She would talk to the wait staff in a restaurant, as well as the people in her party, or would speak to whomever was around her.

She began her career as a teacher. She once said that teaching was the hardest work she had ever done and, according to her, it remained the hardest work she had done to date. She was a great teacher, but not only in the classroom. Ann Richards was a teacher to me—a teacher as it relates to women having courage, stepping out, being willing to take the slings and arrows that come with the rough and tumble world of politics, standing up for what she believed in, always being accessible and available to reach out and help those of us who asked for her help, and always relishing life to the fullest.

Ann Richards will be remembered. We are so grateful for her life, for her service, and for who she was. My thoughts and prayers go out to her children and her grandchildren.

I yield the floor and 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. DURBIN. 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. DURBIN. Mr. President, I join my colleagues and many others across America to express our sadness over the loss of one great person: former Texas Governor Ann Richards. There she was, with her Dairy Queen hairdo, her thick Texas twang, and her lightning fast wit. She was beloved and recognized by everybody. When she would show up on Capitol Hill, people couldn't wait to come up and shake hands and see that beautiful smile. Several times she came by my office, and our visit always started with a laugh and ended with a laugh. She was just a great person to be around.

She was born Dorothy Ann Willis in 1933, in Lakeview, a farming community near Waco. She was the only child of Iona and Cecil Willis. They came from the tiny towns of Bugtussle and Hogjaw.

At Waco High School, she dropped her first name and became just Ann. She also became the Texas state debate champion.

During her senior year, she visited Washington as a delegate to Girls Nation and, on a trip to the White House, shook hands with President Truman, one of her all time heroes.

Despite her natural political talents, it never occurred to Ann Richards to run for political office herself until later in life.

In her 20s, she taught social studies in an Austin middle school for less

than 2 years before she was required to resign because she was pregnant with her first child. She later described teaching as ''the hardest work I had ever done.''

In 1975, her husband, civil rights attorney David Richards, was approached about running for Travis County commissioner. He turned it down and said he wasn't interested, but Ann Richards was.

She won that race and went on to serve two terms as a Travis County commissioner, 8 years as Texas state treasurer, and 4 years as her State's governor.

Her 1990 election as Governor—a come-from-behind victory—made her the first woman elected governor in Texas in nearly 60 years, and the first woman to win that office without following her husband in.

As Governor, Ann Richards pursued a progressive agenda and appointed an unprecedented number of women and minorities to posts they never would have dreamed of in Texas Government.

Her family said that, as Governor, she was most proud of two actions that probably cost her re-election. She vetoed legislation that would have allowed people to carry concealed handguns. She also vetoed a bill that would have destroyed an aquifer that supplies water for much of south central Texas. She paid the political price.

Years later, when a reporter asked her what she might have done differently had she known she was going to serve only one term as Governor, Ann Richards grinned and replied: ''Oh, I would probably have raised more hell.''

She was not just a political hero. In speaking openly about her struggle with alcoholism, her decision, in 1980, to get sober, and the joy she discovered in sobriety, Ann Richards was also a source of inspiration as well to countless others who struggle with addiction.

Ann Richards rose to national prominence when she gave the keynote address at the 1988 Democratic National Convention. People remember a lot of things she said in that address.

That address includes some immortal lines, including her famous description of gender inequality: ''Ginger Rogers did everything that Fred Astaire did. She just did it backwards and in high heels.''

In other lines from that speech that are not as well remembered, Ann Richards talked about why she believed in government.

She said:

> I was born during the Depression in a little community just outside Waco, and I grew up listening to Franklin Roosevelt on the radio. It was back then that I came to understand the small truths and the hardships that bind neighbors together. Those were real people with real problems, and they had real dreams about getting out of the Depression.

She said she could still hear the voices of those ''people who were living their lives as best they could.''

She said: ''They talked about war and Washington and what this country needed. They talked straight talk.''

In politics and in her life after politics, Ann Richards used her power to try to solve the real problems of real people and enable them to live and raise their families with dignity and hope.

I'll close with one more story from Wayne Slater. He recalls that, during a public appearance several years after leaving office, Ann Richards was asked about her legacy.

She replied:

> In looking back on my life, I could of course say the predictable thing: that the greatest thing I've ever done is bear my children and have grandchildren, and all that kind of stuff. But the reality is that the greatest part of my life was the opportunity to be in public service—to make a difference for the community I live in, for the State that I love, to be able to try to make things better, whether they turned out in the fashion I expected them to or not.

Then she added:

> Sometimes it's serendipitous. Good things happen accidentally. But they're not going to happen unless well-meaning people give of their time and their lives to do that.

Ann Richards earned that legacy and more. She made a difference not only for her community and her beloved State, but to our entire Nation. She touched so many lives and changed so many lives in her life. She will be greatly missed.

Our thoughts and prayers go out to her children: Cecile, Daniel, Clark and Ellen; their spouses; and Governor Richards' eight grandchildren.

There is good news in the Richards family. Cecile received an award last night from USA Action. Of course, she couldn't be there, she was at her mother's deathbed—and that is certainly understood. But a tribute was paid to her for her active work on behalf of women across America as a leader in Planned Parenthood. She is carrying on her mother's legacy, her commitment, her family's commitment to public service. I can't think of anything that would have made Ann Richards more proud.

I yield the floor and 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. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RURAL AMERICA MONTH

Mr. REID. Mr. President, I rise this evening to speak about an important resolution that passed the Senate last week. I introduced S. Res. 561, which designates September as Rural America Month.

I first thank the majority leader and my colleague, Senator BLANCHE LINCOLN from Arkansas, for their help in passing this resolution. For me, home means Nevada. Growing up as the son of a hard rock miner in a rural community called Searchlight, far from the bright lights of Las Vegas, has shaped my love for rural America. So when I became leader, I decided I wanted to do something to show how serious Democrats are about standing up for rural America. I couldn't think of a better person to lead this effort than BLANCHE LINCOLN from Arkansas.

I appointed her the chairman of my Rural Outreach Program, and she has done a wonderful job. She is so articulate, has that wonderful smile, and she has done things we never realized would be so effective. I publicly extend my appreciation to her for her leadership in this area. The people of Arkansas are so fortunate to have this good woman serving in the Senate.

It is our love for rural America that brings us to the Chamber today. Senator LINCOLN has been here. I appreciate her remarks very much. But it is what motivates us to support 55 million people who, like us, call rural America home. These small towns and rural communities are rich in heritage and tradition, and we need to do everything we can to protect and sustain the rural way of life.

Today, as we honor rural America, I would like to talk about some steps I believe the Senate should take to enrich rural economies, bring new and better services to small towns, enhance these pieces of fabric of America we call rural America.

During the last century, our rural communities have undergone an amazing transformation. With more than 2,000 rural counties accounting for almost 85 percent of the American landscape, the definition of what is rural often depends upon arbitrary lines of distinction. As rural economies become increasingly diversified, communities strive to adapt to the demands of a constantly evolving global community and economy. Take, for example, Elko, NV. Once, Elko was a small Basque enclave. It has grown dramatically during the past decade, and for so many years it has been growing in a way we never envisioned.

Today, Elko and the immediate vicinity produces 63 percent of the world's gold. It has recognized the challenge of relying upon the highly volatile industry, but it still carries on and does so well. The people of Elko worked together to identify local resources to foster not only growth but smart growth. As it turns out, one of Elko's most valuable assets is an unused railroad spur. Today, this is being developed and will become one of the busiest transportation hubs in the West because of the mining industry and ranching industry.

That is not all. Elko is also doing something else to capitalize on the uniqueness of their setting in the American West.

One of the reasons I am so proud of this legislation is because it honors America's farmers, ranchers, and, yes,

cowboys. Farming and ranching are the foundation of rural culture in America and continue to drive the rural economy. Today, with 95 million head of cattle, beef production in the United States is an $80 billion-a-year industry. This year, Americans will consume 25 billion pounds of beef. With the livestock they raise and the responsible stewardship of public lands, American farmers and ranchers help feed families across the country and around the world. Although less than 10 percent of the world's cattle are raised in America, we produce nearly 25 percent of the world's beef supply.

For 23 years, the Western Folklife Center has hosted the National Cowboy Poetry Festival in Elko. Each year, poets, storytellers, musicians, filmmakers, dancers, and other performers descend upon the town to celebrate these American icons. The theme for this year's gathering is ''The Ranch.''

If you talk to ranchers and farmers this year, one of the first topics you hear is the rising cost of energy. The high cost of gasoline and diesel affects all Americans, but it hits rural America very hard. These are men and women who make a living driving tractors and other large pieces of equipment, hauling their grain and moving their livestock from place to place. This is one area in particular where we can help rural America, and I believe we should.

Instead of making farmers pay for dependence on foreign oil, it is time they were paid to make America energy independent. It is within our grasp. We are at a real turning point for alternative energy. Alternative energy technologies are finally becoming cost competitive with conventional energy sources such as oil and gas. In 2005, the three largest technology IPOs were, believe it or not, solar companies. By 2009, it is likely alternative energy technology will capture 10 percent of all capital venture investments. All of this is possible if we work together to take us in a new direction.

Another hardship faced by rural Americans is the loss of jobs. In the wake of outsourcing, rural communities have been left with the daunting task of retraining workers whose only training had been for jobs that no longer exist. For example, the manufacturing industry, which is so vital to so many small towns, has been hit the hardest, with as much as 30 percent of that sent abroad. It is not unusual for someone to work their ranch or farm but also have another job, and that has been very hurtful, with these jobs being shipped overseas. It has been particularly devastating for low-skill workers who make up more than 40 percent of all rural workers.

The problem is made worse when young unskilled workers leave the workforce in search of opportunities only available beyond the county line. While it is clear rural communities need to be more aggressive in attracting new industries, the task is easier said than done.

Prospective employers need to be assured they have a pool of talented workers. With the exodus of skilled workers and an untrained workforce, few companies are willing to roll the dice. That is too bad.

Living in rural America is something that you do not see on a balance sheet. It is only a live experience. More people should experience the joy of living in rural America.

Just as good jobs are hard to find, so is good health care and good emergency response. In many parts of the country, such as Ely, NV, when there is an emergency—whether it is a small brush fire or national catastrophe—we look to our neighbors to keep our families safe. We rely on volunteer firefighters and police officers. This fact was made painfully clear after Hurricane Katrina.

That is why I feel so strongly that the Senate must do everything it can to make sure our first responders have the tools they need to get the job done right. Volunteer fire departments depend on programs such as Fire and Citizen Corps grants. Every day, rural law enforcement officials rely on the funding that the Byrne and COPS Programs provide.

Often, when we talk about veterans issues, we are talking about rural issues. Rural America is home to many U.S. veterans. In fact, according to the Census Bureau, rural and nonmetropolitan counties account for the largest concentration of veterans.

This is true for my home State of Nevada. With more than 250,000 veterans, Nevada has the third largest population of veterans, and it continues to grow. During the last decade, Nevada saw its veterans population increase by more than 30 percent—the highest increase in the country.

That is why for so many years now, I have been pushing Congress to revisit the injustice in compensation for our nation's veterans—the ban on concurrent receipt.

As too many are well aware, disabled veterans face the obstacle of forfeiting retirement pay dollar-for-dollar if they receive disability compensation. This policy is unacceptable, and I am committed to securing fair policy to provide our veterans with the entirety of their earned compensation.

I have been fighting for five years to allow for full concurrent receipt, and despite veto threats from the administration, we have made many great strides towards fair compensation for our veterans. In 2003, Congress passed my legislation allowing disabled retired veterans with at least a fifty percent disability rating to become eligible for full concurrent receipt over a ten-year period. This measure passed despite veto threats from the Bush administration.

Most recently, I have introduced legislation—S. 558—which would provide concurrent receipt to military retirees, with 20 or more years of service, who are rated less than 50 percent. It would also eliminate the 10-year phase-in period for veterans who draw their disability and retirement pay; it will also change my 2003 bill to give full concurrent receipt to all veterans with service connected disabilities. There are currently 29 cosponsors to this legislation.

Additionally, the CARES commission on veterans' health care recognized the need for a Community Based Outpatient Clinic—CBOC—in Fallon and an expansion of services at the Reno VA Medical Center. I am committed to providing Nevada's veterans with more access to quality health care options, including a new CBOC in Elko.

And finally, no discussion of helping rural America would be complete without a discussion of Broadband.

For rural America, competition and active participation in the local and global marketplaces not only means having a computer, but also access to high-speed internet services.

Rural areas are consistently left behind urban areas when it comes to federal investment in the infrastructure systems that are essential for any economy to thrive—including telecommunications systems.

Although the Internet has touched the lives of billions of people around the globe, most of rural America has been left behind even the least developed countries.

Less than a decade ago, the Internet meant email and chat rooms. Today, access to broadband Internet is so much more. With high speed internet, incredible amounts of information can change fingers at the speed of light.

However, even in rural areas where broadband access has been introduced, problems such as affordability and adoption rates remain huge obstacles to progress/leaving dial-up the only realistic option. Affordability and adoption rates are the biggest obstacles we have.

Broadband Internet has proven itself to be a potent catalyst in job creation, economic development, and a critical component of education and public safety. In fact, the deployment of broadband service to our rural areas may be as important to economic development as rural electrification was during the Great Depression.

And so, my colleagues and I are committed to investing in innovative broadband technologies so that rural communities can begin to form new kinds of partnerships, and reach new levels of connectivity.

For example, Senator Clinton has worked to link local businesses in St. Lawrence County to global markets using eBay. Many parts of St. Lawrence County are remote, and businesses have a hard time finding customers. But not on eBay. eBay also offered training to small business owners and their employees.

Senator Clinton has also previously secured Senate passage of tax incentives for telecommunications companies to deploy broadband to rural

areas. This technology will allow small businesses around New York to compete for customers around the globe.

We have seen how one small business has worked with several communities to bring free wireless internet service to nine cities in Eastern Oregon. The service is now being used to track cargo shipments on the Columbia River, monitor a munitions depot, and has improved the efficiency of the police department.

I have spent the last few moments talking about the joys and challenges felt by rural America.

As I've cited in examples today from Elko and Ely, Nevada, rural communities are coming together to create new opportunity themselves. But we here in Washington need to do everything we can to help them succeed.

We need solutions that make sense for the whole country—not just for Washington, D.C., but for places like Winnemucca, and Aurora, NE.

We can do it. And we'll be a better, stronger nation as a result.

BOXING

Mr. REID. Mr. President, I rise today to honor a momentous occasion in the history of Nevada and one of my favorite pastimes: boxing.

This September 16, 2006, marks the 100th anniversary of the longest boxing match in history fought under Queensbury rules. For more than 3 hours, 2 of the greatest boxers in the country squared off for 42 rounds in the booming mining community of Goldfield, NV. This fight's tremendous length might be important to the ''Guinness Book of World Record,'' but for Nevada, it was also an important moment in race relations during a tumultuous period in our country's history.

Boxing promoters throughout the country billed the fight as one of epic proportions. Oscar Battling Nelson was one of the toughest fighters in the land. He was nicknamed ''The Durable Dane'' for his resilient and hard-hitting style. Rather than defeat his opponents with skill, Nelson preferred to absorb the blows of his opponents and outlast them in the ring. One biographer even went so far as to say that Nelson ''gave new meaning to the word tough.''

With such fabled abilities, Nelson was the early favorite to defeat his opponent, a 32-year-old African American named Joe Gans. The Baltimore native was the reigning lightweight champion and the first American-born Black man to win a boxing title. His style was a sharp contrast to The Durable Dane: Gans was quick and fast on his feet and known as ''The Old Master.'' Rather than relying on brute strength, Gans tried to beat his opponents with skill.

Such a marquee match-up was a boxing promoter's dream and was expected to promote gold stock in the area. With a record $30,000 purse prize, the fight brought national attention to Goldfield, the largest city in Nevada at the time. But a sharp issue hung over the bout like an ominous cloud. That was the issue of race.

Before the fight began, rumors floated that Gans had thrown fights as a youth in Baltimore. So persistent were the rumors that Gans' promoter, a local saloon owner named Larry Sullivan, feared for his safety should his fighter lose. Others worried that a win by Gans could start a riot in the town.

The hostility of the town quickly evaporated once the citizens of Goldfield had an opportunity to meet Joe Gans. It was his unassuming manner—and some say a love of the craps tables—that endeared Gans to the town. Prefight negotiations only served to steer more public support to Gans' corner. Gans gave into every one of Nelson's demands, including lowering his own share of the $30,000 purse to $11,000 win or lose. He also agreed to drop his weight to 133 pounds—well below his normal fighting weight of 142 pounds.

The change in support was clearly evident to referee George Siler. He wrote: ''The men who wield the pick think that Gans has been imposed upon by Nelson's manager, and they want to see him win.'' The Goldfield News reported the shift in support saying ''. . . the camp finds itself in the unique position of wishing to see a Negro defeat a white man.'' By the start of the fight, the odds were 2–1 in favor of Gans.

The fight started in the afternoon under the hot Nevada sun. Some estimates place the ringside temperatures at more than 100 degrees. Nevertheless, more than 6,000 people—and an unprecedented 1,500 women—paid the pricey sum of $5 to watch the fight.

Surely, none of the spectators knew that they would witness one of the greatest fights in history. As usual, Nelson tried to outlast his opponents' barrage of uppercuts, hooks, and jabs. By the end of the seventh round, Nelson was bleeding from both ears and Gans knocked him to the mat. But the Durable Dane would not give up. He tried to pin Gans against the ropes, and again Gans knocked him to the mat in the 15th round. Nelson bounced back, winning the next three rounds. After almost 20 rounds, the sun began to set over the Columbia Mountain and it was clear that the fighters were tired.

But neither man would yield. Gans broke his hand in the 27th round but refused to go down. He continued to fight back against Nelson, showing little sign of the injury. At the end of the 30th round, Nelson hit Gans after the bell, causing uproar in the crowd. The referee, who had warned Nelson about fouls throughout the fight, gave him yet another warning. Finally, the Durable Dane began to lose his famed endurance, while Gans continued to pummel him. In the 42nd round, Nelson landed an intentional low blow on Gans. The referee called the fight in Gans' favor.

The telegraph wires carried the result of the fight across the country. And the town's support for Gans held strong. That night, the residents of Goldfield did not see Black or White: They saw a winner. Joe Gans, with his modest manner and stylish boxing, had won the town over. Siler wrote: ''Goldfield is a vast camp of hero worshippers tonight, and its hero is Joe Gans . . .''

This Saturday, the boxing clubs from the University of Nevada, Reno, and the University of Nevada, Las Vegas, will fight 42 rounds in honor of the Nelson-Gans match. The sounds of the closing bell for each of those 42 rounds will be from the original 1906 bell from the fight. And later that evening in nearby Tonopah, the audience will be able to watch video footage of the historic bout.

Mr. President, the accomplishments of Joe Gans and the citizens of Goldfield are worthy for recognition before the Senate. I am pleased have the opportunity to honor this important anniversary today.

CHANGING THE TIDE

Mr. LEVIN. Mr. President, as Detroit residents cope with a rise in homicides and shootings this year, city police are joining with other law enforcement agencies in an effort to stem gun-related violence through a new program. Operation Tactical Intelligence Driven Enforcement, or TIDE, was established to help determine crime patterns, identify the city's most violent offenders and ultimately prevent crime in the city of Detroit.

Operation TIDE, which began on May 5, 2006, in the Detroit Northwestern police district, involves the coordination of 10 Federal, State and local agencies. It is designed to use the expertise of each agency to better track and share intelligence on dangerous criminals. The U.S. Attorney's Office, Wayne County Prosecutor's Office, Wayne County Sheriffs Office, U.S. Marshals Service, Federal Bureau of Investigation, Michigan State Police and U.S. Drug Enforcement Administration are all involved in the project. To date, 115 people tied to gun crimes and gang violence have been arrested. The program is funded by a $600,000 grant through the Federal Project Safe Neighborhoods campaign against guns and gang violence and is currently being expanded into the other three police districts.

Operation TIDE expands upon the current Project Safe Neighborhoods initiative strategy of suppression, deterrence, prevention/intervention, investigation, prosecution and public awareness. Project Safe Neighborhoods is a long-term campaign that has assisted in taking many violent offenders off the streets of Detroit. Since its inception in 2001, Project Safe Neighborhoods has played an important role in a 34 percent reduction in violent crime and a 73 percent increase in firearm prosecutions nationally. In the Detroit area, it has resulted in more than 800 Federal gun prosecutions. Project Safe

Neighborhoods public awareness campaign has resulted in hundreds of tips leading to prosecution.

Ella Bully-Cummings, chief of the Detroit Police Department, described Operation TIDE by saying:

> Our strategy is to supercharge our crime prevention and enforcement efforts to reduce violent crimes using the intelligence and resources of all law enforcement agencies. Our police officers work every day at addressing active and potential crime in our city limits. By collecting and disseminating the acquired intelligence among partnering agencies, crime patterns will be swiftly identified.

I would like to take this opportunity to thank all the Federal, State, and local law enforcement officials for their outstanding service and their vital contributions to the safety of our communities. Their commonsense approach plays a significant role in decreasing gun violence. I am hopeful that the 109th Congress will do more to support their efforts by taking up and passing sensible gun safety legislation.

NSA-RELATED BILLS AND PROPOSED CHANGES TO WAR CRIMES ACT

Mr. LEAHY. Mr. President, earlier today the President visited Capitol Hill for a closed-door meeting with House Republicans. It is not often the President takes time out of his busy schedule to come to Congress. But to meet only with Republicans is wrong and divisive.

After his closed door meeting, the President talked about working together, in a bipartisan way. His walk does not match his talk. I wish he would act as a uniter and work with all of us on behalf of all Americans. Regrettably, it appears that, once again, this President has chosen to act in a partisan way in his role as Republican-in-Chief. That is wrong.

I hope that all Senators will recognize their responsibility to all Americans and exercise their best independent judgment, rather than taking orders from the head of their political party.

In the Judiciary Committee yesterday, Senators did exercise that kind of independent judgment when we joined together in a bipartisan way to report a bipartisan bill that would amend the Foreign Intelligence Surveillance Act and reign in the Administration's warrantless domestic wiretapping program. That bill, S. 3001, the bill cosponsored by Senator SPECTER and Senator FEINSTEIN, was the only proposal that drew bipartisan support. I urge the Majority Leader to recognize the merits of that bill and our bipartisan efforts by moving to proceed to that bill when the Senate turns its attention to these matters.

This bipartisan bill was authored by Senator FEINSTEIN, one of the few Senators being briefed on the Presidents program of domestic surveillance without warrants. It is intended to ensure our intelligence community can protect our nation with the necessary court oversight. It will bring the President's program within the law.

It stands in stark contrast to the White House-endorsed bill that grants sweeping authority to the Executive Branch for a program about which we know very little. The Bush-Cheney Administration has refused Congress's requests for information. Since when did Congress become an arm of the Executive Branch? Since when was the Senate reduced to a rubberstamp? Oversight means accountability. Oversight makes Government work better. It prevents abuses and corruption. We need Government to be as competent and accountable as it can be in fighting terrorism.

I have been attempting to clarify the facts and the law relating to the Administration's warrantless wiretapping program since it was first disclosed in December 2005. During the ensuing eight months, we have made numerous efforts to get straight answers from the Administration regarding the nature, scope and purported legal basis of this program. Our efforts were rebuffed by the most flagrant and disrespectful stonewalling of any Administration that I have seen in my 32 years in Congress.

While refusing to answer even our most basic questions about its secret spying program, the Administration claimed that Congress approved the program when it authorized the use of military force in Afghanistan—although Attorney General Gonzales had to admit that this was an ''evolving'' rationale not present at the time Congress considered its action. The Administration claimed that even if they violated the Foreign Intelligence Surveillance Act, the President's powers and their view of the ''unitary executive'' must trump the law and the authority of Congress. Not since the rationalization of Richard Nixon for actions during the White House horrors and Watergate scandal have we heard such a claim. And, of course, the Administration claimed it had all the authority it needed and no new legislation was needed.

The bill the Chairman negotiated with the White House, in my view, contains several fundamental flaws:

The bill makes compliance with FISA entirely optional, and explicitly validates the President's claim that he has unfettered authority to wiretap Americans in the name of national security. In other words, it suggests that FISA is unconstitutional—a claim for which there is no judicial precedent and very little academic support—and invites the President to ignore it.

The bill abandons the traditional, case-by-case review contemplated by FISA and introduces the concept of ''program warrants.'' If that novel concept is constitutional—which I doubt—a single FISA court judge could approve whole programs of electronic surveillance that go far beyond the President's program.

The bill immunizes from prosecution anyone who breaks into a home or office in the United States to search for foreign intelligence information, if he is acting at the behest of the President. I would have thought that electronic surveillance is a large enough area to address in one bill. But apparently, the Administration was unwilling to address electronic surveillance without also reaching for new powers to break into Americans' homes.

We should not grant that kind of blank check to the Executive for a secret program we know little about. Instead, we should consider the bipartisan alternative the Judiciary Committee has endorsed. The Specter-Feinstein bill is an approach that seeks accountability while ensuring tools to mount a strong fight against terrorism.

The Majority Leader has an opportunity to unite the Senate and Americans around this smarter, stronger proposal that will help protect Americans as well as the values that we hold dear as a Nation. I hope that he seizes that opportunity.

On a related note, I was a little surprised to hear the Chairman say earlier today that the Judiciary Committee was forwarding proposed language changes to the War Crimes Act to the Armed Services Committee. I agree with the Chairman that amending the War Crimes Act is a matter in the jurisdiction of the Judiciary Committee, but I am very concerned about the way in which this important issue has come up.

The Chairman announced yesterday in the middle of a special business meeting that the Committee would be discussing a proposal. That was news to me and the other Democratic members of the Committee, who had not seen nor heard of the proposal. The Chairman said that a bill had been distributed Tuesday afternoon, but Democrats were not included in any such distribution.

This is a very serious issue. It certainly requires meaningful review and input from Senators of both parties. It is a subject about which I care a great deal about.

This issue is being considered by the Armed Services Committee. Senator WARNER is working with Senator LEVIN, and all members of that Committee. I understand that they are also consulting with the top military lawyer, who have been ignored by this Administration. I have seen the letters from GEN Powell and GEN Vessey on the importance of upholding our treaty obligation and acting in the best interests of protecting Americans throughout the world.

GEN Powell wrote: The world is beginning to doubt the moral basis of our fight against terrorism. To refine Common Article 3 would add to those doubts. Furthermore, it would put our own troops at risk. He speaks from the perspective of a former chairman of the Joint Chiefs of Staff and a former Secretary of State.

GEN Vessey signaled what relaxing our adherence to Common Article 3 of the Geneva Convention would do: ''First, it would undermine the moral basis which has generally guided or conduct in war throughout our history. Second, it could give opponents a legal argument for the mistreatment of Americans being held prisoners in time of war.''

I worked hard, along with many others of both parties, to pass the current version of the War Crimes Act. I think the current law is a good law, and the concerns that have been raised about it could best be addressed with minor adjustments, rather than with the sweeping changes suggested here.

In 1996, working with the Department of Defense, Congress passed the War Crimes Act to provide criminal penalties for certain war crimes committed by and against Americans. The next year, again with the Pentagon's support, Congress extended the War Crimes Act to violations of the baseline humanitarian protections afforded by Common Article 3 of the Geneva Conventions. Both measures were supported by a broad bipartisan consensus, and I was proud to sponsor the 1997 amendments.

The legislation was uncontroversial for a good reason. The purpose and effect of the War Crimes Act as amended was to provide for the implementation of America's commitment to the basic international standards we subscribed to when we ratified the Geneva Conventions in 1955. Those standards are truly universal: They condemn war criminals whoever and wherever they are.

That is a critically important aspect of the Geneva Conventions and our own War Crimes Act. When we are dealing with fundamental norms that define the commitments of the civilized world, we cannot have one rule for us and one for them, however we define ''us'' and ''them.''

I am disturbed by the draft legislation, which seems to narrow the scope of the War Crimes Act to exclude certain violations of the Geneva Conventions and which could have the effect of retroactively immunizing past violations that may have been committed by U.S. personnel.

The narrowing of these definitions have the potential effect of immunizing past war crimes. It also could well prevent us from prosecuting rogues who we all agree were out of line like the soldiers who mistreated prisoners at Abu Ghraib.

Many of the despicable tactics used in Abu Ghraib—the use of dogs, forced nudity, humiliation of various kinds—do not appear to be covered by the narrow definitions this draft would incorporate into the War Crimes Act. If this were the law, and the Abu Ghraib abuses had come to light after the perpetrators left the military, they might not have been brought to justice. The President and the Republican leader have conceded that the conduct at Abu Ghraib was abhorrent, and the perpetrators did need to be brought to justice. I hope the President and Congressional Republicans will not now pass legislation that prevents us from bringing people who commit these same despicable acts to justice.

I recognize the concerns about American servicemen and women or government employees being subjected to prosecutions for conduct that could be seen as ambiguous. I believe the War Crimes Act, as is, would not support prosecutions for conduct that was less than abhorrent. Indeed, to date, the Bush Administration has not brought a single charge pursuant to the War Crimes Act.

I would support amending the War Crimes Act so that only ''serious'' violations of Common Article 3 of the Geneva Conventions were prosecutable under the War Crimes Act. This fix would address any legitimate fears without creating a list of covered conduct that excludes much of the conduct that is most troubling.

Let me be clear. There is no problem facing us about overzealous use of the War Crimes Act by prosecutors. In fact, as far as I can tell, the Ashcroft Justice Department and the Gonzales Justice Department have yet to file a single charge against anyone for violation of the War Crimes Act. Not only have they never charged American personnel under the Act, they have never used it to charge terrorists either.

The President and the Congress should not be in the business of immunizing people who have broken the law, made us less safe, turning world opinion against us, and undercutting our treaty obligations in ways that encourage others to ignore the protections those treaties provide to Americans. We should be very careful about any changes we make.

I yield the floor.

CRANIOFACIAL ACCEPTANCE MONTH

Mr. PRYOR. Mr. President, I rise today to call attention to the fact that September has been designated as Craniofacial Acceptance Month. Craniofacial abnormalities are abnormalities that affect the skull and face. According to the National Institute of Dental and Craniofacial Research, ''craniofacial defects are among the most common of all birth defects. These disorders are often devastating to parents and children alike. Surgery, dental care, psychological counseling, and rehabilitation may help ameliorate the problems, but often at a great cost and over many years.'' Victims of craniofacial anomalies usually have to endure many expensive procedures throughout their lifetimes, the costs of which can add up to cost millions of dollars.

Facial deformities give their victims a variety of aesthetic and developmental problems that differ in severity and occurrence. The common condition, cleft lip, an abnormality where the lip does not completely connect, can vary from a simple disconnect to a gaping opening that goes from the lip to the nose. It is easy to understand the developmental and respiratory problems this could present. Fortunately, this condition can usually be corrected through one or two simple reconstructive surgeries. But what about other anomalies that are not as easily corrected like craniosynostosis, a condition where the soft spots of an infant's skull close too early, hindering normal brain and skull growth? Or Goldenhar syndrome, where one side of the face is underdeveloped affecting the mouth, ear and jaw? Unfortunately these do not represent the most severe or rarest craniofacial defects.

At only 10 months old, Wendelyn Osborne, who grew up in the small town of Ashdown, AR, was diagnosed with Craniometaphyseal Dysplasia, or simply CMD. CMD is a rare affliction which affects only 200 people worldwide and was depicted in the 1985 movie ''Mask'' starring Cher. CMD involves an overgrowth of bone which never deteriorates. This caused, in her case, an abnormal appearance, bilateral facial paralysis and deafness. Other cases can include those characteristics as well as blindness and joint pain. Yet despite the challenges she has faced, Wendelyn's life has truly been blessed. Her life expectancy was only 14 years at birth, but after 17 reconstructive surgeries and two hearing aids, Wendelyn is still alive today at the age of 40. It was not until 2003 that Wendelyn was able to meet and interact with other people with craniofacial conditions. She attended the Annual Cher's Family retreat and was introduced to CCA, the Children's Craniofacial Association. Wendelyn saw the impact of support and encouragement through the programs and the families associated with CCA, and has been active with the organization ever since.

CCA has designated September as National Craniofacial Acceptance Month in hopes of raising awareness of individuals with facial differences. It is not a secret that appearance plays a key part in how individuals are accepted in our society. People with facial differences, in addition to medical problems, have a much harder time adjusting in society and developing successful relationships. Such individuals have to deal with a series of consequences that arise from uncontrollable circumstances of their birth. Marking September as National Craniofacial Acceptance Month brings attention to an issue that can no longer be ignored.

Hopefully, by raising awareness of craniofacial defects, our larger society will begin to show understanding and acceptance of those who live with these physical, medical, and emotional challenges. Understanding and increased

public awareness of craniofacial disorders and abnormalities would let people like Wendelyn Osborne and hundreds of thousands of innocent individuals know that they are not unwanted and not alone in their battle with craniofacial conditions. I would like to commend CCA on taking an important step to raise awareness about this issue. I join the Children's Craniofacial Association in looking forward to the day when our Nation will ''look beyond the face, to the heart within.'' I salute the Children's Craniofacial Association, Wendelyn Osborne, and all of the children and adults who live with these challenges and the families and persons who support them.

ADDITIONAL STATEMENTS

TRIBUTE TO ARTHUR A. KROETCH

• Mr. THUNE. Mr. President, today I recognize Arthur A. Kroetch of Philip, SD, and his company Scotchman Industries, Inc. Scotchman Industries has enjoyed a long and rich history in my home State.

In October of 1956, Art Kroetch, with the help of his wife Eleanor, started a small scrap metal business in Philip. Since its start, Art's business has steadily progressed from a scrap metal business into an agricultural tool manufacturer, to a national machine tool manufacturer, and finally into what it is today, an industry leading, multinational machine tool manufacturer. Small businesses are the backbone of the great State of South Dakota and I commend Art not only for his success with Scotchman Industries, but also for his contributions to his community and State.

It gives me great pleasure to rise with the town of Philip in congratulating Scotchman Industries and Art Kroetch on 50 years of successful operation.•

TRIBUTE IN HONOR OF JUNE COLLIER FLETCHER

• Mr. SHELBY. Mr. President, today I honor June Collier Fletcher, one of Alabama's most influential women, who died on September 9, 2006. She rose from a meager upbringing to become the president and CEO of National Industries, Inc. Once the largest private employer in Montgomery, June built National Industries from the ground up to become a major automotive supplier employing 5,000 Alabamians.

June's drive and ambition allowed her to become a leader in an industry dominated by men. Under her guidance and leadership, National Industries became a flourishing $130 million-a-year electrical connection business.

Over the years, June was recognized for her hard work, dedication, and expertise and received numerous awards and accolades. She served as a member of the Commerce Department's prestigious Industrial Policy Advisory Committee, testified before Congress on automotive issues, and was a sought-after speaker on the subject of international trade. June received the Industry Week Excellence in Management Award and was selected to the Committee of 200, an organization of the top 200 women business leaders in America.

In addition to her work in the automotive industry, she was also active in petroleum exploration and production, farming, and garment manufacturing. In the 1980s, June's company was awarded a government contract to produce chemical warfare protective clothing which was used during the first gulf war.

June was an inspiration to many and I am truly grateful for the endless contributions she made to Alabama and our Nation. She will be missed by her husband Tim Fletcher; her five children, Kara Davis, Ondi Cain, Roessler Collier, Arin Burroughs, Kohler Collier; her stepchildren, Tom Fletcher, Jr., Carrie Fletcher; her 12 grandchildren and 2 great-grandchildren. She will also be missed by her many friends and the numerous people she worked with whose lives she touched throughout her magnificent journey.•

TRIBUTE TO TAMMY MAHAN

• Mr. HARKIN. Mr. President, one of the great joys of my job as Senator is working closely with talented, dedicated Iowans from all walks of life. I would like to take a moment to salute one of those exceptional people, Tammy Mahan, an outstanding social worker, and a passionate advocate for adoption and foster care.

Tammy has dedicated her life to children, and has made a profound difference in the lives of countless foster and adopted youngsters in Iowa and across the United States. In her ''day job,'' Tammy works at Children and Families of Iowa, where she is responsible for assisting foster parents through the licensing process.

A year ago, Tammy went beyond the call of duty by starting up a new organization in Des Moines called Elevate. Elevate is a growing team of young people who are active in a variety of important ways. They recruit families to foster or adopt teenagers. They educate legislators and the public about foster care and adoption. And they work to empower and increase the self-esteem of other teenagers who join the team as advocates. Elevate is doing wonderful things nationwide to encourage foster care and adoption. And the young people who are active in Elevate are just fantastic; they are passionate about their work, and they are setting a wonderful example for their peers.

I am deeply grateful to Tammy Mahan for all that she is doing in the community. By the way, Tammy and her husband Mitchell, are adoptive parents of two children. While it is easy for some professionals to talk the talk of youth empowerment and improving the system, Tammy and her family are walking the walk. Ghandi said that ''You must be the change you want to see in the world.'' And that is exactly what Tammy and the young people of Elevate are doing.

This week, Tammy Mahan is in Washington to be honored for her outstanding public service. She is receiving a 2006 ''Angel in Adoption'' award from the Congressional Coalition on Adoption. This is an honor richly deserved. I congratulate Tammy, and I salute not only her work but also the good work being done by all the young activists in Elevate.•

HONORING DR. EDGAR WAYBURN

• Mrs. FEINSTEIN. Mr. President, I join with friends and associates across the country to honor the 100th birthday on September 17 of Dr. Edgar Wayburn of San Francisco. From the time that his appreciation of the American landscape began in Macon, GA, to his role today as honorary president of the Sierra Club, Dr. Wayburn has built a lifetime of conservation activism that has immeasurably benefited our country and the world.

Across our Nation, 100,000,000 acres of some of the most beautiful landscape in the world are protected for future generations thanks in large part to the dedicated efforts of Dr. Wayburn. Never a full-time conservationist, Dr. Wayburn has dedicated weekends and hours away from his medical practice to protecting our wild lands and wildlife.

From the Mount Tamalpais State Park in California to Admiralty Island in southeastern Alaska, Dr. Wayburn's accomplishments read as an honor roll of conservation achievements. He has been a true visionary in promotion of conservation and has inspired countless other Americans.

One example in particular uniquely epitomizes Dr. Wayburn's legacy. Driving out of San Francisco International Airport, you face west toward the hills of San Mateo County. Beyond those hills, along the coast for more than 10 miles to the south and for 75 miles to the north stands one or our country's most majestic national parks—the Golden Gate National Recreation Area. The park encompasses 80,000 acres in 3 counties and lies adjacent to Point Reyes National Seashore; thus more than 150,000 acres are preserved for habitat and wildlife and are enjoyed by more than 20 million people every year. Dr. Wayburn played an instrumental part in the founding of both of these national parks.

For over 100 years, the U.S. military fortified the region now home to the Golden Gate National Recreation Area. But in the 1960s the military became aware that its bunkers and missiles had little value for our Nation's defense and made plans to sell parts of the area's installations and fortifications.

Bay Area residents were determined that this magnificent landscape not be

lost to ordinary development. Here was the chance for people to see the natural world in an urban context, to look upon the wilderness from the city, and Dr. Wayburn helped lead the way. When he learned of a farsighted Interior Department proposal to preserve underused military land across the Nation for public use and enjoyment, he became the leader of the citizens' group organized to save the land at his doorstep. He also insisted upon enlargement of the original 8,000-acre proposal.

Thanks to widespread support and the indefatigable efforts of Dr. Wayburn, the campaign to protect this invaluable natural treasure was a resounding success. Congress authorized the Golden Gate National Recreation Area in 1972, which now stands as a monument to the committed efforts of so many like Dr. Wayburn.

The story of the Golden Gate National Recreation Area stands as just one of many achievements that mark Dr. Wayburn's inimitable career.

In 1999, President Bill Clinton recognized Dr. Wayburn's lifetime of service by awarding him our Nation's highest civilian honor—the Presidential Medal of Freedom. In honoring his achievements, President Clinton counted Dr. Wayburn as the person who had saved ''more of our wilderness than any other person alive.'' I can think of no more fitting praise to offer Dr. Wayburn.

Dr. Wayburn has created a legacy that will live on for generations to come, and he has made our Nation and our world a better place. I commend him on his efforts and offer my heartfelt gratitude for his service.●

MESSAGES FROM THE HOUSE

At 11:58 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 2590. An act to require full disclosure of all entities and organizations receiving Federal funds.

S. 2784. An act to award a congressional gold medal to Tenzin Gyatso, the Fourteenth Dalai Lama, in recognition of his many enduring and outstanding contributions to peace, nonviolence, human rights, and religious understanding.

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 114. Concurrent resolution providing for corrections to the enrollment of the bill S. 2590.

The message further announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5815. An act to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal years 2006 and 2007, and for other purposes.

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. 444. Concurrent resolution extending the appreciation of Congress and the Nation to the Department of Defense organizations, military departments, and personnel engaged in the mission to achieve the fullest possible accounting for all Americans unaccounted for as a result of the Nation's wars, to the POW/MIA families and veterans who support the mission, and to foreign nations that assist in the mission.

At 5:01 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2864) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects and improvements to rivers and harbors of the United States, and for other purposes, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and appoints the following members as the managers of the conference on the part of the House:

From the Committee on Transportation and Infrastructure, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. YOUNG of Alaska, DUNCAN, BAKER, GARY G. MILLER of California, BROWN of South Carolina, BOOZMAN, OBERSTAR, Ms. EDDIE BERNICE JOHNSON of Texas, Messrs. COSTELLO, and BISHOP of New York.

From the Committee on Resources, for consideration of Sections 2017, 2020, 2025, and 2027 of the House bill, and sections 3019, 5007, and 5008 of the Senate amendment, and modifications committed to conference: Mr. POMBO, Mrs. MUSGRAVE, and Mr. KIND.

ENROLLED BILLS SIGNED

At 6:18 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1773. An act to resolve certain Native American claims in New Mexico, and for other purposes.

H.R. 866. An act to make technical corrections to the United States Code.

H.R. 2808. An act to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the birth of Abraham Lincoln.

At 6:35 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 6061. An act to establish operational control over the international land and maritime borders of the United States.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 5815. An act to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal years 2006 and 2007, and for other purposes; to the Committee on Veterans' Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 444. Concurrent resolution extending the thanks of Congress and the Nation to the Defense POW Missing Personnel Office, the Joint POW MIA Accounting Command of the Department of Defense, the Armed Forces DNA Identification Laboratory, the Air Force Life Sciences Equipment Laboratory, and the military departments and to the Socialist Republic of Vietnam for their efforts to achieve the fullest possible accounting of all Americans unaccounted for as a result of the Vietnam War; to the Committee on Armed Services.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 6061. An act to establish operational control over the international land and maritime borders of the United States.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INHOFE, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

H.R. 5689. A bill to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes.

By Mr. WARNER, from the Committee on Armed Services, without amendment:

S. 3901. An original bill to authorize trial by military commission for violations of the law of war, and for other purposes.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. MCCAIN for the Committee on Indian Affairs.

*Carl Joseph Artman, of Colorado, to be an Assistant Secretary of the Interior.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. FRIST (for himself, Mr. MCCAIN, and Mrs. HUTCHISON):

S. 3892. A bill to reduce the number of deaths along the border between the United States and Mexico by improving the placement of rescue beacons, and for other purposes; to the Committee on the Judiciary.

By Mr. SCHUMER (for himself and Mrs. FEINSTEIN):

S. 3893. A bill to amend the Internal Revenue Code of 1986 to increase the adjusted

gross income limitation for qualified performing artists eligible for an above-the-line deduction for performance expenses; to the Committee on Finance.

By Mr. BOND (for himself, Mr. TALENT, Mr. DURBIN, and Mr. OBAMA):

S. 3894. A bill to amend the Internal Revenue Code of 1986 to alleviate poverty by encouraging the employment of residents by empowerment zone businesses through the employment of residents in designated areas of pervasive poverty, unemployment, and general distress; to the Committee on Finance.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 3895. A bill to establish the Sacramento River National Recreation Area in the State of California; to the Committee on Energy and Natural Resources.

By Ms. STABENOW (for herself and Mr. LEVIN):

S. 3896. A bill to provide for the return of the Fresnel Lens to the lantern room atop Presque Isle Light Station Lighthouse, Michigan, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. GRASSLEY (for himself and Mr. BAUCUS):

S. 3897. A bill to amend titles XI and XVIII of the Social Security Act to provide for the sharing of certain data collected by the Centers for Medicare & Medicaid Services with certain agencies, research centers and organizations, and congressional support agencies; from the Committee on Finance; to the Committee on Finance.

By Mr. HAGEL:

S. 3898. A bill to amend the Homeland Security Act to provide for the health of Americans by implementing a system that detects and identifies in a timely manner diseases, conditions, and events that represent a threat to humans, animals, food production and the water supply; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DORGAN (for himself and Mr. FEINGOLD):

S. 3899. A bill to achieve balance in the foreign trade of the United States, through a market-based system of tradable certificates, and for other purposes; to the Committee on Finance.

By Mr. GREGG (for himself, Mr. FRIST, Mr. BURR, Mr. CORNYN, and Mr. BENNETT):

S. 3900. A bill to amend title XVIII of the Social Security Act to improve the quality and efficiency of health care, to provide the public with information on provider and supplier performance, and to enhance the education and awareness of consumers for evaluating health care services through the development and release of reports based on Medicare enrollment, claims, survey, and assessment data; to the Committee on Finance.

By Mr. WARNER:

S. 3901. An original bill to authorize trial by military commission for violations of the law of war, and for other purposes; from the Committee on Armed Services; placed on the calendar.

By Mr. BAUCUS:

S. 3902. A bill to provide for education competitiveness; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DEWINE (for himself and Mr. VOINOVICH):

S. Res. 570. A resolution designating the month of September as ''National American History and Heritage Month''; to the Committee on the Judiciary.

By Mr. FRIST (for himself, Mr. REID, Mr. MARTINEZ, Mr. SALAZAR, Mr. SANTORUM, Mrs. HUTCHISON, Mr. CRAPO, Mr. ALEXANDER, Mr. BINGAMAN, Mr. LIEBERMAN, Mr. MENENDEZ, and Mr. NELSON of Florida):

S. Res. 571. A resolution recognizing Hispanic Heritage Month and celebrating the vast contributions of Hispanic Americans to the strength and culture of the United States; considered and agreed to.

By Mr. BURNS (for himself and Ms. CANTWELL):

S. Con. Res. 115. A concurrent resolution expressing the sense of Congress with respect to raising awareness and enhancing the state of computer security in the United States, and supporting the goals and ideals of National Cyber Security Awareness Month; to the Committee on Commerce, Science, and Transportation.

ADDITIONAL COSPONSORS

S. 155

At the request of Mrs. FEINSTEIN, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 155, a bill to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to reform and facilitate prosecution of juvenile gang members who commit violent crimes, to expand and improve gang prevention programs, and for other purposes.

S. 503

At the request of Mr. BOND, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 503, a bill to expand Parents as Teachers programs and other quality programs of early childhood home visitation, and for other purposes.

S. 713

At the request of Mr. ROBERTS, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 713, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 1172

At the request of Mr. SPECTER, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1172, a bill to provide for programs to increase the awareness and knowledge of women and health care providers with respect to gynecologic cancers.

S. 1244

At the request of Mr. GRASSLEY, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 1244, a bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term needs.

S. 1360

At the request of Mr. SMITH, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1360, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage to designated plan beneficiaries of employees, and for other purposes.

S. 1915

At the request of Mr. ENSIGN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1915, a bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

S. 2010

At the request of Mr. HATCH, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2010, a bill to amend the Social Security Act to enhance the Social Security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 2250

At the request of Mr. GRASSLEY, the names of the Senator from California (Mrs. BOXER), the Senator from Maine (Ms. COLLINS), the Senator from Ohio (Mr. DEWINE), the Senator from Kansas (Mr. ROBERTS), the Senator from Delaware (Mr. BIDEN), the Senator from Maryland (Ms. MIKULSKI), the Senator from Washington (Mrs. MURRAY) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 2250, a bill to award a congressional gold medal to Dr. Norman E. Borlaug.

S. 2475

At the request of Mr. SALAZAR, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 2475, a bill to establish the Commission to Study the Potential Creation of a National Museum of the American Latino Community, to develop a plan of action for the establishment and maintenance of a National Museum of the American Latino Community in Washington, DC, and for other purposes.

S. 2491

At the request of Mr. CORNYN, the names of the Senator from New Hampshire (Mr. SUNUNU), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Kentucky (Mr. BUNNING), the Senator from Indiana (Mr. BAYH) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors 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. 2707

At the request of Mr. SUNUNU, the names of the Senator from Maine (Ms.

SNOWE) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 2707, a bill to amend the United States Housing Act of 1937 to exempt qualified public housing agencies from the requirement of preparing an annual public housing agency plan.

S. 2750

At the request of Mr. DEMINT, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 2750, a bill to improve access to emergency medical services through medical liability reform and additional Medicare payments.

S. 3238

At the request of Mr. CORNYN, the names of the Senator from Ohio (Mr. VOINOVICH), the Senator from Minnesota (Mr. COLEMAN), the Senator from Florida (Mr. MARTINEZ), and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 3238, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration and the Jet Propulsion Laboratory.

S. 3275

At the request of Mr. ALLEN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 3275, a bill to amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry concealed firearms in the State.

S. 3519

At the request of Mr. HATCH, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 3519, a bill to reform the State inspection of meat and poultry in the United States, and for other purposes.

S. 3609

At the request of Mrs. LINCOLN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 3609, a bill to amend title XVIII of the Social Security Act to provide for the treatment of certain physician pathology services under the Medicare program.

S. 3628

At the request of Ms. SNOWE, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 3628, a bill to amend the Internal Revenue Code of 1986 to improve and extend certain energy-related tax provisions, and for other purposes.

S. 3705

At the request of Mr. KENNEDY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 3705, a bill to amend title XIX of the Social Security Act to improve requirements under the Medicaid program for items and services furnished in or through an educational program or setting to children, including children with developmental, physical, or mental health needs, and for other purposes.

S. 3744

At the request of Mr. DURBIN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 3744, a bill to establish the Abraham Lincoln Study Abroad Program.

S. 3771

At the request of Mr. HATCH, the names of the Senator from Indiana (Mr. LUGAR), the Senator from Virginia (Mr. WARNER), the Senator from Virginia (Mr. ALLEN), and the Senator from Idaho (Mr. CRAIG) were added as cosponsors of S. 3771, a bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

AMENDMENT NO. 4923

At the request of Mr. ISAKSON, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of amendment No. 4923 proposed to H.R. 4954, a bill to improve maritime and cargo security through enhanced layered defenses, and for other purposes.

AMENDMENT NO. 4945

At the request of Mr. NELSON of Nebraska, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of amendment No. 4945 proposed to H.R. 4954, a bill to improve maritime and cargo security through enhanced layered defenses, and for other purposes.

AMENDMENT NO. 5003

At the request of Mr. BAUCUS, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Oregon (Mr. WYDEN), the Senator from Delaware (Mr. BIDEN), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Nebraska (Mr. NELSON), the Senator from North Dakota (Mr. CONRAD), the Senator from Maryland (Mr. SARBANES), the Senator from Vermont (Mr. LEAHY), and the Senator from West Virginia (Mr. BYRD) were added as cosponsors of amendment No. 5003 intended to be proposed to H.R. 4096, a bill to amend the Internal Revenue Code of 1986 to extend to 2006 the alternative minimum tax relief available in 2005 and to index such relief for inflation.

AMENDMENT NO. 5004

At the request of Mr. BAUCUS, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Oregon (Mr. WYDEN), the Senator from Delaware (Mr. BIDEN), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Nebraska (Mr. NELSON), the Senator from North Dakota (Mr. CONRAD), the Senator from Maryland (Mr. SARBANES), the Senator from Vermont (Mr. LEAHY), and the Senator from West Virginia (Mr. BYRD) were added as cosponsors of amendment No. 5004 intended to be proposed to H.R. 4096, a bill to amend the Internal Revenue Code of 1986 to extend to 2006 the alternative minimum tax relief available in 2005 and to index such relief for inflation.

AMENDMENT NO. 5005

At the request of Mr. ROCKEFELLER, his name was added as a cosponsor of amendment No. 5005 intended to be proposed to H.R. 4954, a bill to improve maritime and cargo security through enhanced layered defenses, and for other purposes.

At the request of Mr. LEVIN, his name was added as a cosponsor of amendment No. 5005 intended to be proposed to H.R. 4954, supra.

At the request of Mr. MENENDEZ, his name was added as a cosponsor of amendment No. 5005 intended to be proposed to H.R. 4954, supra.

At the request of Ms. MIKULSKI, her name was added as a cosponsor of amendment No. 5005 intended to be proposed to H.R. 4954, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FRIST (for himself, Mr. MCCAIN, and Mrs. HUTCHISON):

S. 3892. A bill to reduce the number of deaths along the border between the United States and Mexico by improving the placement of rescue beacons, and for other purposes; to the Committee on the Judiciary.

Mr. FRIST. Mr. President, one cold May morning earlier this year, a Border Patrol agent found the body of a 3-year-old boy in a blue windbreaker, his arms crossed. He had died trying to cross our southern border, the youngest victim our borders have claimed this year.

The boy's mother's name is Edith Rodriguez. She is 25 years old. She attempted to cross the border illegally, in hopes that she might escape the desperate poverty of her home state of Veracruz, Mexico. Edith hired a human smuggler—a coyote.

The coyote gave his charges an illegal drug, ephedrine, to help them keep awake and moving. But Edith and her son still could not keep up with the group. So the coyote, in a cruel and heartless act, abandoned them in the desert. Alone. With no food and little water, with a dangerous drug coursing through his system, exposed to the elements—Edith Rodriguez's little boy died.

Edith Rodriguez violated the laws of the United States when she crossed the border illegally. She was wrong to violate our border. But all should agree that her son did not deserve to die.

Here are the facts: Every 18½ hours, someone dies trying to cross the border between the United States and Mexico. About a year ago, I asked the Government Accountability Office to study the deaths that take place along America's borders.

Today, my office released that study. The results are sobering, shocking, and, I strongly believe, a cause for action. Since 1995, deaths along our borders have doubled. Despite the heroic rescue efforts of the men and women of Customs and Border Protection, things have gotten worse. In 1995, 266 people

died trying to cross our borders. Last year, 427 perished.

The increases, it appears, stem largely from an increase in deaths from exposure to the elements in the Sonoran Desert in Arizona. Illegal entries, however, have not increased. Quite frankly, it is getting more dangerous to cross our border.

Until recently, CBP did not even keep a systematic count of those who died crossing our borders. We still do not have a unified national strategy for reducing the deaths. We still do not know how well our safety efforts work—if they are saving lives or not. We need to do more.

The founding document of our Nation, the Declaration of Independence, lists ''life'' first on the list of Government's responsibilities. The overwhelming majority of the people who cross our border do so in search of a better life. They take enormous risks and make enormous investments in hopes of helping their families.

Illegal immigration needs to stop. We must defend our borders. We must construct physical barriers, add detention beds, hire personnel, and equip them with better technology. But we have a higher moral obligation to protect the life of every person—every man, woman, and child—who sets foot on American soil. We must do everything in our power to preserve life.

That is why I propose the Border Death Reduction Act. I urge my colleagues to support it.

The law will implement the GAO's recommendations. It will require CBP to create a strategy for reducing border deaths. It will mandate a full count of deaths along the border. It will impose tough, new penalties on coyotes who abandon their charges, and it will expand the network of rescue beacons that people in trouble can use to call for help.

These beacons, I believe, are an absolutely vital link in our border security system. Let me explain. Rescue beacons are devices at prominent locations that individuals can activate when they need help. They are tall polls with lights at the top and radio transmitters inside. People in trouble can activate a beacon to let CBP know that they need help. We know that beacons work: CBP has already saved dozens of people based entirely on beacon alerts.

But individuals who activate beacons do not get a free pass. They will, of course, receive necessary medical treatment. But rescued individuals will still be detained and deported like anyone else who violates our borders.

Deploying more beacons in the desert will save lives in the desert and simultaneously improve the security of our frontiers.

We cannot delay. We should not rest. We must protect the lives of all those who set foot upon our soil. I urge my colleagues to support the Border Death Reduction Act.

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. 3892

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 ''Border Death Reduction Act of 2006''.

SEC. 2. DEFINITION OF A RESCUE BEACON.

In this Act, the term ''rescue beacon'' means a clearly visible device with an internal power source that is placed in an area likely to experience extreme weather, that contains instructions for its use, and by means of lights, radio signals, and other means, allows individuals to alert the United States Customs and Border Protection of their presence.

SEC. 3. COLLECTION OF STATISTICS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Commissioner of Customs shall begin collecting data relevant to deaths occurring at the border between the United States and Mexico, divided by sector, and including—

(1) the causes of the deaths;

(2) the total number of deaths;

(3) the location of deaths; and

(4) demographic characteristics, including the sex and approximate age of those deceased.

(b) DEVELOPMENT OF PROTOCOLS.—The Commissioner of Customs shall develop consistent, formal, written protocols for the collection of data described in subsection (a).

SEC. 4. ANNUAL REPORT ON BORDER DEATHS.

Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Commissioner of Customs shall submit to the Secretary of Homeland Security a report that contains—

(1) an analysis of trends with respect to the statistics collected under section (3)(a)(1) during the preceding year;

(2) an evaluation, using multivariate statistical approaches, of the Border Safety Initiative, including any rescue beacons deployed, and any successor program designed to reduce deaths along the border described in section 3(a); and

(3) recommendations of particular actions to reduce the deaths described in section 3(a).

SEC. 5. REPORT ON BEACON PLACEMENT.

(a) REPORT REQUIRED.—Not later than 6 months after the date of the enactment of this Act, the Commissioner of Customs shall submit to the Secretary of Homeland Security a report on enhancing the deployment of rescue beacons.

(b) FOCUS OF REPORT.—Such report shall contain particular emphasis on enhancing the deployment of rescue beacons in the Tucson Sector.

(c) CONTENTS OF REPORT.—The report required by subsection (a) shall include—

(1) an assessment of the efficacy of the deployment of rescue beacons in light of the statistics gathered under section 3, including analysis of the locations of deaths recorded and areas frequented by illegal migrants; and

(2) recommendations on where additional rescue beacons should be placed to reduce the number of deaths in the area described by section 3 and section 5(b).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $500,000 to carry out the provisions of this section.

SEC. 6. DEPLOYMENT OF ENHANCED BEACON NETWORK.

(a) DEPLOYMENT OF RESCUE BEACONS.—Not later than 1 year after the date of the enactment of this Act, the Commissioner of Customs shall deploy additional rescue beacons in all areas recommended in the report required by section 5.

(b) GUIDELINES FOR PLACEMENT OF RESCUE BEACONS.—Not later than 1 year after the date of the enactment of this Act, the Commissioner of Customs shall issue to all sector chiefs formal, written guidelines for the ongoing placement and removal of rescue beacons and the appropriate response to the activation of such beacons.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,500,000 to carry out the provisions of this section.

SEC. 7. PROHIBITION ON ABANDONMENT OF ALIENS IN A BORDER ZONE.

(a) IN GENERAL.—Any person who commits an act described in section 274(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1324(a)(1)(A)) and abandons an alien with respect to that act in a place not within sight of a paved road or rescue beacon, shall be considered to have placed in jeopardy the life of a person as described in section 274(a)(1)(B)(iii) of such Act (8 U.S.C. 1324(a)(1)(B)(iii)).

(b) CONSTRUCTION.—Nothing in this section shall be construed to prohibit any person from being held in violation of section 274(a)(1)(B)(iii) of such Act (8 U.S.C. 1324 (B)(iii)).

By Ms. STABENOW (for herself and Mr. LEVIN):

S. 3896. A bill to provide for the return of the Fresnel Lens to the lantern room atop Presque Isle Light Station Lighthouse, Michigan, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. STABENOW. Mr. President, I rise today to offer the Lester Nichols Presque Isle Light Station Act with my colleague, Senator LEVIN. Congressman STUPAK is introducing the companion legislation in the House of Representatives today. Our bill will restore the historic Fresnel lens to the Presque Isle lighthouse in Presque Isle Township, MI.

Michigan has the most lighthouses of any State in the Nation with a total of over 120. At one time we had over 100 manned lighthouses, more than any other State. This is not surprising considering that Michigan has 3,288 miles of shoreline along the Great Lakes. We are proud of our lighthouses and we are proud of the history and the maritime heritage that they represent. Our lighthouses are part of our identity as a State. In addition to performing as navigation aids, they remain a symbol of the importance that the Great Lakes played and continue to play in Michigan's history.

Most importantly, they are an important part of the economies of our coastal towns. Our lakeshore towns host visitors from across the country who travel to view the magnificence of our coastal areas and the lighthouses that illuminate them. These small communities are more dependent than ever on tourism dollars, and we must help them by coordinating our efforts to protect Michigan's lighthouses and promote Great Lakes' maritime culture.

In 2002 the U.S. Coast Guard, the Michigan State Historic Preservation

Officer, and the township signed a memorandum of agreement stating that upon removal from the tower, the Fresnel lens would be restored by the township in a museum type setting with assistance from the Coast Guard. In 2005, the township completed their restoration work on the lens. Unfortunately, we soon learned that the Coast Guard has another policy that prevents a Fresnel lens from being replaced once it is removed from the tower.

The result is that this lighthouse has been historically compromised. Replacing the lens in its original home for the enjoyment of all who visit our historic lighthouse will not only ensure the integrity of the lighthouse, but it will enhance the function the lighthouse provides as an active navigational aid.

Very simply, our bill requires the Coast Guard to replace the restored Fresnel lens in the Presque Isle Lighthouse.

Our bill is named after Les Nichols, who through years of hard work and perseverance has led the successful effort in the restoration of the historic 3rd Order Fresnel Lens. The Fresnel lens is an integral part of the historic value of the New Presque Isle Lighthouse and will continue to attract tourists to this region of the State. Under Lester's leadership, this historic artifact will now be able to be viewed by future generations. I also want to acknowledge the work of Peter Pettalia, the Presque Isle Township Supervisor.

I hope that all of my colleagues will support this legislation and that we can move it quickly in the remaining time we have in the Senate.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3896

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 ''Lester Nichols Presque Isle Light Station Act of 2006''.

SEC. 2. RETURN OF FRESNEL LENS TO PRESQUE ISLE LIGHT STATION LIGHTHOUSE, MICHIGAN.

(a) IN GENERAL.—Subject to subsection (b), the Commandant of the Coast Guard shall modify the 2004 Agreement for Outgoing Loans (AOL) with Presque Isle Township, Michigan, in order to provide for the return of the Historic Fresnel Lens to the lantern room atop the Presque Isle Light Station Lighthouse, Michigan.

(b) CONDITIONS.—

(1) COMPLIANCE WITH APPLICABLE LAW.—Any modification under subsection (a) of the Agreement for Outgoing Loans described in that subsection shall comply with applicable provisions of section 5506 of the Omnibus Consolidated Appropriations Act, 1997 (Public Law 104–208; 110 Stat. 3009–518), relating to the conveyance of the Presque Isle Light Station.

(2) RETENTION OF OWNERSHIP OF LENS.—Notwithstanding the return of the Historic Fresnel Lens pursuant to subsection (a), the United States shall retain ownership of the lens.

(3) CONTINUING OPERATION OF AID TO NAVIGATION.—Notwithstanding the return of the Historic Fresnel Lens pursuant to subsection (a), the active aid to navigation, together with associated electronic and lighthouse equipment, at Presque Isle Light Station Lighthouse shall continue to be operated and maintained by the United States within the Historic Third Order Fresnel Lens at the Presque Isle Light Station Lighthouse.

By Mr. GRASSLEY (for himself and Mr. BAUCUS):

S. 3897. A bill to amend titles XI and XVIII of the Social Security Act to provide for the sharing of certain data collected by the Centers for Medicare & Medicaid Services with certain agencies, research centers and organizations, and congressional support agencies; from the Committee on Finance; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I am pleased to join my colleague from Montana, Senator BAUCUS, in introducing the Medicare Data Access and Research Act. Senator BAUCUS and I have long enjoyed a good working relationship in our roles as chairman and ranking member of the Finance Committee. Our work on this bill once again demonstrates our commitment to working in a bipartisan manner.

The Medicare Data Access and Research Act establishes a process through which Federal agencies and other researchers can access Medicare data for the purpose of health services research. This might seem like a pretty mundane issue to some people, but I can assure you that it is far from it. Medicare processes 500 million claims for benefits each year; millions of prescriptions have been filled under the new Medicare prescription drug benefit.

Linking data on hospital and physician services provided to Medicare beneficiaries to prescription drug data will offer a tremendous resource for researchers in our Federal agencies, as well as those based at universities and other research centers. What of research can these data support? They can support studies and analyses related to postmarketing surveillance of prescription drugs and research on drug safety. More concretely, analyzing the Medicare claims data can help agencies, such as the Food and Drug Administration FDA, identify situations like the one involving Vioxx more quickly, and provide a new valuable tool to enable the FDA to take swifter action to protect the public's health and well-being.

The Centers for Disease Control and Prevention, the Agency for Healthcare Research and Quality, and the National Institutes of Health all have missions that require the conduct of meticulous health services research. The Medicare database and access to it established under the bill we are introducing today will help these agencies fulfill their missions to study immunization rates; to develop and monitor the use of preventive screenings; conduct research on the clinical comparative effectiveness of prescription drugs; and to help prevent, diagnose, and treat disease.

To ensure access to the data, the bill requires the Secretary of Health and Human Services to enter data release agreements on an annual basis with these agencies. In entering the data release agreements, the Secretary must take appropriate steps to protect the confidentiality of the information, while maintaining the ability of researchers at Federal agencies to conduct meaningful analyses.

The bill also permits the Secretary to enter into data use agreements to permit researchers at universities and other organizations to have access to the data. As will be the case for the Federal agencies, these researchers may only use the data for purposes of advancing the public's health. They can conduct studies on the safety, effectiveness, and quality of health services.

Some people might be concerned that these data will be given to just anyone. That is not the case. In applying for data access, researchers at universities and other organizations will have to meet strict criteria. They must have well-documented experience in analyzing the type and volume of data to be provided under the agreement. They must agree to publish and publicly disseminate their research methodology and results. They must obtain approval for their study from a review board. They must comply with all safeguards established by the Secretary to ensure the confidentiality of information. These safeguards cannot permit the disclosure of information to an extent greater than permitted by the Health Insurance Portability and Accountability Act of 1996 and the Privacy Act of 1974.

The final section of the bill ensures that congressional support agencies, including the Congressional Budget Office, the Congressional Research Service, the Government Accountability Office, and the Medicare Payment Advisory Commission, also have access to data they need to carry out their functions and responsibilities. This body depends on the research and analyses conducted by those agencies to inform our deliberations and decisions on the Medicare Program.

Last year, Senator BAUCUS and I introduced the Medicare Value-Based Purchasing Act to establish a pay for performance system under Medicare. That bill was aimed at promoting quality and ensuring value under the Medicare Program. The bill that we are introducing today complements that objective. How can we promote quality and ensure value in Medicare? By having a better understanding of what services are effective, by knowing how we can help beneficiaries avoid illness and disease, by having insight about potential over-use and under-use of health care services, and by identifying troubling trends and patterns. How can we learn about those topics? By supporting rigorous health services research.

Mr. President, the Medicare Data Access and Research Act creates a sound framework for accomplishing that objective.

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. 3897

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Medicare Data Access and Research Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The new Medicare drug benefit under part D of title XVIII of the Social Security Act is delivered through private prescription drug plans. Private plans submit administrative and beneficiary level data to the Centers for Medicare & Medicaid Services as a condition of participation and payment in the new Medicare drug program.

(2) Data from the new Medicare drug benefit can be linked with hospital, ambulatory care, and other data to create a new comprehensive resource for the study of drug safety and effectiveness of medical care in older adults and low-income, disabled, and vulnerable populations. With appropriate protections for privacy, this data should be available to the Food and Drug Administration, the Centers for Disease Control and Prevention, the Agency for Healthcare Research and Quality, and the National Institutes of Health, and university-based research centers and other research organizations interested in furthering the public health through research on the safety, effectiveness, and quality of health care services provided under the Medicare program under title XVIII of the Social Security Act.

(3) Timely and ready access to certain data from the new Medicare drug benefit will allow congressional support agencies to inform and advise Congress on the cost, scope, and impact of the new benefit and assess its quality.

SEC. 3. DRUG AND HEALTH CARE DATA RELEASE.

(a) IN GENERAL.—Title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by inserting after section 1121 the following new sections:

''DRUG AND HEALTH CARE CLAIMS DATA RELEASE

''SEC. 1121A. (a) IN GENERAL.—Notwithstanding any provision under part D of title XVIII that limits the use of prescription drug data collected under such part, for the purpose of improving the public's health, the Secretary, acting through the Centers for Medicare & Medicaid Services, shall—

''(1) enter into data release agreements on an annual basis with the agencies described in subsection (b) to provide access to relevant data submitted by prescription drug plans and MA–PD plans under part D of title XVIII, excluding negotiated price concessions under such part (such as discounts, direct or indirect subsidies, rebates, and direct or indirect remunerations), and linked to hospital, physician, and other relevant medical claims, utilization, and diagnostic data collected under titles XVIII and XIX, including data from the uniform reporting systems established under section 1121(a); and

''(2) permit agencies described in such subsection to link data provided under this section with other relevant health data, including survey data, vital statistics, and disease registries, as needed by the agency in order to accomplish its research objectives.

''(b) AGENCIES DESCRIBED.—The agencies described in this subsection are as follows:

''(1) The Food and Drug Administration.

''(2) The Centers for Disease Control and Prevention.

''(3) The Agency for Healthcare Research and Quality.

''(4) The National Institutes of Health.

''(c) USE OF THE DATA PROVIDED.—Data provided under a data release agreement under subsection (a)(1) shall only be used for the following purposes:

''(1) FDA.—In the case of the Food and Drug Administration, to enhance post marketing surveillance by—

''(A) studying patterns of drug and vaccine utilization over time after a drug has been placed on the market;

''(B) studying health risks associated with such utilization, particularly with respect to improving the speed of risk identification in order to mitigate or resolve such risks;

''(C) studying drug utilization in order to promote consumer education that would allow consumers and health care providers to make informed product choices and informed drug compliance choices; and

''(D) performing such other functions, consistent with the purposes of this section and the Agency's mission, as are determined appropriate by the Secretary.

''(2) CDC.—In the case of the Centers for Disease Control and Prevention, to—

''(A) improve surveillance of clinical outbreaks and emerging threats;

''(B) study immunization rates;

''(C) study outcomes of specific diseases;

''(D) develop and monitor the use of preventive screening protocols using claims data;

''(E) study drug and medical utilization in order to promote consumer education and treatment for specific public health risks; and

''(F) perform such other functions, consistent with the purposes of this section and the Agency's mission, as are determined appropriate by the Secretary.

''(3) AHRQ.—In the case of the Agency for Healthcare Research and Quality, to—

''(A) carry out the Agency's research obligations under section 1013 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003;

''(B) conduct research consistent with the Agency's mission to improve the quality, safety, efficiency, and effectiveness of health care; and

''(C) perform such other functions, consistent with the purposes of this section and such mission, as are determined appropriate by the Secretary.

''(4) NIH.—In the case of the National Institutes of Health, to—

''(A) help prevent, detect, diagnose, and treat disease and disabilities; and

''(B) perform such other functions, consistent with the purposes of this section and the Agency's mission, as are determined appropriate by the Secretary.

''(d) TIMEFRAME FOR DATA RELEASE.—A data release agreement entered into under this section shall provide for the release of information as needed by the Agency for the uses described in subsection (c).

''(e) DATA RELEASE PROCEDURES.—

''(1) DETERMINING APPROPRIATE LEVEL AND ELEMENTS OF DATA FOR RELEASE.—

''(A) IN GENERAL.—The Secretary shall establish a process to determine the appropriate level and elements of data to be released to an Agency under this section in order to ensure that the Agency, and researchers within the Agency, are able to conduct meaningful analyses while maintaining the confidentiality of the data provided under the data release agreement.

''(B) RELATIONSHIP TO PROCEDURES FOR RELEASE TO PRIVATE RESEARCHERS.—The process established under subparagraph (A) may be analogous to the process used by the Centers for Medicare & Medicaid Services for the release of data to private researchers.

''(2) AGENCY FEEDBACK ON ANALYSES CONDUCTED.—The Secretary shall establish a process for Agencies that are provided data under a data release agreement under this section to provide the results of the analyses conducted using such data to the Centers for Medicare & Medicaid Services for use in the administration and assessment of programs administered by the Centers for Medicare & Medicaid Services, including the program under part D of title XVIII.

''(3) REVIEW OF DATA PROCEDURES.—The Secretary shall establish a process to review and update the following:

''(A) The processes established under paragraphs (1)(A) and (2).

''(B) Procedures for transmission and retention of data released under this section.

''(f) NOTIFICATION OF INACCURACIES DISCOVERED IN DATA PROVIDED.—The Secretary shall establish procedures to ensure that an Agency that is provided data under this section notifies the Secretary of any inaccuracies discovered in the data by the Agency within a reasonable time of such discovery.

''(g) REPORT.—The Secretary shall include (beginning with 2007), as part of the annual report submitted to Congress under section 1875(b), an evaluation of the data release agreements entered into under subsection (a)(1), including a description of the reports and analyses conducted by agencies using data provided under such an agreement.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out the purposes of this section.

''RESEARCH CENTER AND ORGANIZATION DRUG AND HEALTH CARE DATA USE

''SEC. 1121B. (a) IN GENERAL.—Notwithstanding any provision under part D of title XVIII that limits the use of prescription drug data collected under such part, for the purpose of improving the public's health, the Secretary shall—

''(1) enter into data use agreements with the research centers and organizations described in subsection (b) to provide access to relevant data submitted by prescription drug plans and MA–PD plans under part D of title XVIII, excluding negotiated price concessions under such part (such as discounts, direct or indirect subsidies, rebates, and direct or indirect remunerations), and linked to hospital, physician, and other relevant medical claims, utilization, and diagnostic data collected under titles XVIII and XIX, including data from the uniform reporting systems established under section 1121(a);

''(2) permit research centers and organizations described in such subsection to link data provided under this section with other relevant health data, including survey data, vital statistics, and disease registries, as needed by the research center or organization in order to accomplish its research objectives; and

''(3) prepare the linked sets of data described in paragraph (1) for release not later than July 1, 2007.

''(b) RESEARCH CENTERS AND ORGANIZATIONS DESCRIBED.—The research centers and organizations described in this subsection are as follows:

''(1) A University-based research center.

''(2) Any other research center or organization—

''(A) whose primary mission is to conduct public health research; and

''(B) which the Secretary determines can appropriately conduct analyses consistent with the purposes of this section.

''(c) USE OF DATA AND PENALTIES.—

''(1) USE OF DATA.—

''(A) IN GENERAL.—Data provided to a research center or organization under a data use agreement under this section shall be used solely for purposes of research on the safety, effectiveness, and quality of, disparities in, and related aspects of health care use by individuals entitled to, or enrolled for, benefits under part A of title XVIII, or enrolled for benefits under part B of such title, conducted for the purpose of developing and providing generalizable knowledge to inform the public health through scientific publication and other forms of public dissemination.

''(B) APPROVAL BY REVIEW BOARD FOR THE PROTECTION OF HUMAN SUBJECTS.—Such use shall be approved by a review board for the protection of human subjects.

''(C) REVIEW PROCESS.—The Secretary shall establish a review process to ensure that—

''(i) data use agreements under this section include a detailed description of how the data is to be used under the agreement; and

''(ii) such use is consistent with the purposes described in subparagraph (A).

''(2) PENALTIES.—

''(A) IN GENERAL.—A research center or organization who knowingly or intentionally uses data provided under a data use agreement under this section for any purpose other than the purposes described in paragraph (1)(A) shall be subject, in addition to any other penalties that may be prescribed by law, to—

''(i) a civil money penalty of not less than $25,000 for each infraction; and

''(ii) disqualification from receipt of any data under this section for not less than 2 years.

''(B) PROCEDURE.—The provisions of section 1128A (other than subsections (a) and (b) and the second sentence of subsection (f)) shall apply to a civil money penalty under this paragraph in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

''(d) RELEASE OF DATA.—

''(1) IN GENERAL.—A data use agreement entered into under subsection (a)(1) shall provide for the release of information according to a schedule approved by the Secretary under the criteria developed in accordance with paragraph (2).

''(2) CRITERIA FOR APPROVING RESEARCH APPLICATIONS.—

''(A) DEVELOPMENT.—The Secretary, in consultation with health services researchers and academicians, shall develop criteria for the approval of a data use agreement under this section.

''(B) CRITERIA.—The criteria developed under subparagraph (A) shall include the following requirements:

''(i) The research center or organization has well-documented scientific expertise, a record of scholarship on the topic of the proposed study, and a likelihood of successful publication, as demonstrated by a prior record of relevant publication by key staff and other evidence of appropriate scientific qualifications of the proposed research team.

''(ii) The research center or organization demonstrates a credible capability to conduct and complete the proposed study, including experience with scientific investigations using similar types of data.

''(iii) The research center or organization demonstrates the public health importance of the proposed study, and the potential of such study to provide public knowledge needed to improve the safety, use, and outcomes of treatments, the administration of the program under title XVIII, and the care provided to individuals entitled to, or enrolled for, benefits under part A of title XVIII, or enrolled for benefits under part B of such title.

''(iv) The research center or organization develops a data management plan that describes in detail the measures that will be implemented to safeguard the data and protect the privacy of individuals entitled to, or enrolled for, benefits under part A of title XVIII, or enrolled for benefits under part B of such title, including any proposed data linkages.

''(v) The research center or organization enters into an agreement under which the research center or organization agrees to—

''(I) place detailed results of the proposed study in the public domain through publication in a reasonable timeframe, not to exceed 1 year after completion of such study, including a thorough description of the methodology used to conduct the study;

''(II) make available to the public, without charge, any product or tool developed using the data provided under this section; and

''(III) not sell such data to other entities or create commercial data products (such as data extracts or analytical files) using such data.

''(vi) The research center or organization and the proposed research team provide assurances that such team is independent from the sources of funding or any other party and has the right to independently and freely publish the scientific findings of the study.

''(vii) Such other requirements, consistent with the purposes of this section, as the Secretary determines appropriate.

''(3) TIMELY REVIEW AND ACTION ON REQUESTS.—The Secretary shall provide for timely review of, and action on, requests for a data use agreement under this section, taking into consideration the reasonable needs of the research center or organization.

''(4) PUBLIC DISCLOSURE.—The Secretary shall make available to the public the criteria used to grant or deny data use agreements under the criteria developed under paragraph (2)(A).

''(e) FEEDBACK BY RESEARCH CENTER OR ORGANIZATION.—

''(1) NOTIFICATION OF INACCURACIES DISCOVERED IN DATA PROVIDED.—The Secretary shall establish procedures to ensure that a research center or organization that is provided data under this section notifies the Secretary of any inaccuracies discovered in the data by the center or organization within a reasonable time of such discovery.

''(2) FEEDBACK ON DATA COLLECTION.—The Secretary shall permit researchers to provide feedback on the collection of data with respect to the programs administered by the Centers for Medicare & Medicaid Services and make recommendations with respect to the collection of additional data elements with respect to such programs.

''(f) CONFIDENTIALITY.—

''(1) DETERMINING APPROPRIATE LEVEL OF DATA TO BE PROVIDED.—The Secretary shall establish a process to determine the appropriate level of data to be provided to a research center or organization under this section in order to ensure that the center or organization, and researchers within the center or organization, are able to conduct meaningful analyses while maintaining the confidentiality of the data provided under the data use agreement.

''(2) SAFEGUARDS TO PROTECT CONFIDENTIALITY OF DATA PROVIDED.—

''(A) IN GENERAL.—The Secretary shall establish safeguards to protect the confidentiality of data after it is provided to a research center or organization under this section. Such safeguards shall not provide for greater disclosure by the research center or organization than is permitted under any of the following:

''(i) The Federal regulations (concerning the privacy of individually identifiable health information) promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996.

''(ii) Sections 552 or 552a of title 5, United States Code, with regard to the privacy of individually identifiable beneficiary health information.

''(B) CONFIDENTIALITY OF PHYSICIANS AND MEDICAL PRACTICES.—The safeguards established under subparagraph (A) shall ensure that the data provided to a research center or organization under this section that identifies individual physicians or medical practices is not released by the research center or organization, or otherwise made public.

''(g) REPORT.—The Secretary shall include (beginning with 2007), as part of the annual report submitted to Congress under section 1875(b), an evaluation of the agreements entered into under subsection (a).

''(h) REASONABLE FEE.—The Secretary may charge a research center or organization a reasonable fee based on the cost of preparing and providing data to such center or organization under this section.''.

(b) CRITERIA DEVELOPMENT AND PUBLICATION.—The Secretary shall develop and publish the criteria required under section 1121B(d)(2)(A) of the Social Security Act, as added by subsection (a), not later than 180 days after the date of enactment of this Act.

SEC. 4. ACCESS TO DATA ON PRESCRIPTION DRUG PLANS AND MEDICARE ADVANTAGE PLANS.

(a) IN GENERAL.—Section 1875 of the Social Security Act (42 U.S.C. 1395ll) is amended—

(1) in the heading, by inserting ''TO CONGRESS; PROVIDING INFORMATION TO CONGRESSIONAL SUPPORT AGENCIES'' after ''AND RECOMMENDATIONS''; and

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

''(c) PROVIDING INFORMATION TO CONGRESSIONAL SUPPORT AGENCIES.—

''(1) IN GENERAL.—Notwithstanding any provision under part D that limits the use of prescription drug data collected under such part, upon the request of a congressional support agency, the Secretary shall provide such agency with information submitted to, or compiled by, the Secretary under part D (subject to the restriction on disclosure under paragraph (2)), including—

''(A) only with respect to congressional support agencies that make official baseline spending projections, conduct oversight studies mandated by Congress, or make official recommendations on the program under this title to Congress—

''(i) aggregate negotiated prices for drugs covered under prescription drug plans and MA–PD plans; and

''(ii) bid information (described in section 1860D–11(b)(2)(C)) submitted by such plans; and

''(B) access to drug event data submitted by such plans under section 1860D–15(d)(2)(A), except, with respect to data that reveals prices negotiated with drug manufacturers, such data shall only be available to congressional support agencies that make official baseline spending projections, conduct oversight studies mandated by Congress, or make official recommendations on the program under this title to Congress.

''(2) RESTRICTION ON DATA DISCLOSURE.—

''(A) IN GENERAL.—Data provided to a congressional support agency under this subsection shall not be disclosed, reported, or released in identifiable form.

''(B) IDENTIFIABLE FORM.—For purposes of subparagraph (A), the term 'identifiable form' means any representation of information that permits identification of a specific prescription drug plan, MA–PD plan, pharmacy benefit manager, drug manufacturer, drug wholesaler, or individual enrolled in a prescription drug plan or an MA–PD plan under part D.

''(3) TIMING.—The Secretary shall release data under this subsection in a timeframe that enables congressional support agencies to complete congressional requests.

''(4) USE OF THE DATA PROVIDED.—Data provided to a congressional support agency under this subsection shall only be used by such agency for carrying out the functions and activities of the agency mandated by Congress.

''(5) CONFIDENTIALITY.—The Secretary shall establish safeguards to protect the confidentiality of data released under this subsection. Such safeguards shall not provide for greater disclosure than is permitted under any of the following:

''(A) The Federal regulations (concerning the privacy of individually identifiable health information) promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996.

''(B) Sections 552 or 552a of title 5, United States Code, with regard to the privacy of individually identifiable beneficiary health information.

''(6) DEFINITIONS.—In this subsection:

''(A) CONGRESSIONAL SUPPORT AGENCY.—The term 'Congressional support agency' means—

''(i) the Medicare Payment Advisory Commission;

''(ii) the Congressional Research Service;

''(iii) the Congressional Budget Office; and

''(iv) the Government Accountability Office.

''(B) MA–PD PLAN.—The term 'MA–PD plan' has the meaning given such term in section 1860D–1(a)(3)(C).

''(C) PRESCRIPTION DRUG PLAN.—The term 'prescription drug plan' has the meaning given such term in section 1860D–41(a)(14).''.

(b) CONFORMING AMENDMENT.—Section 1805(b)(2) of the Social Security Act (42 U.S.C. 1395b–6(b)(2)) is amended by adding at the end the following new subparagraph:

''(D) PART D.—Specifically, the Commission shall review payment policies with respect to the Voluntary Prescription Drug Benefit Program under part D, including—

''(i) the factors affecting expenditures;

''(ii) payment methodologies; and

''(iii) their relationship to access and quality of care for Medicare beneficiaries.''.

Mr. BAUCUS. Mr. President, today, I am pleased to join Chairman GRASSLEY in introducing the Medicare Data Access and Research Act. This bill will take an important step to advance the safety, efficacy, and quality of health care services delivered to people under the Medicare Program and it will help improve the care delivered to all Americans.

This bill requires the Secretary of Health and Human Services, HHS, to make Medicare data accessible to Federal health agencies and the health services research community for the purpose of conducting studies that will serve the public health. As the largest single payer of health care services in the United States—covering over 40 million lives, 70 million hospital days, and processing nearly a billion physician claims per year—Medicare collects and maintains a wealth of information on the health services delivered to a significant portion of the population. This information has been a national resource for research and analysis of health care. And with the addition of the Medicare prescription drug benefit, it will be the most comprehensive resource our Nation has to study the effects of diseases and the treatments we have for them.

The Centers for Medicare and Medicaid Service, CMS, currently releases certain Medicare data to the public and more comprehensive data to the research community. This bill would build on current activities by requiring CMS to link hospital claims, physician claims, and other relevant information to data collected under the new Medicare drug benefit.

In addition, the Secretary will provide yearly access to the linked Medicare dataset to all Federal health agencies within the department, such as the Food and Drug Administration, the Centers for Disease Control, the National Institutes of Health, and the Agency for Healthcare Quality and Research. These agencies will enter into data use agreements with CMS to ensure that the type and level of Medicare data shared is appropriate, that the agencies conduct research in accordance with their missions and the purpose of furthering the public health, and that the privacy of the data is protected. The goal is to give Federal health agencies another tool to evaluate the safety, efficacy, and quality of care delivered to Medicare beneficiaries—a large segment of the health system.

This bill also provides public health researchers access to the linked Medicare dataset. Expanding access to Medicare data will open up a new era in our health system. It will enable scientists to more quickly identify both short- and long-term safety concerns with drug regimens and health treatments. It will enable more treatments to be compared. And it will promote more development of guidelines, so providers and patients know more about what works best.

Some may argue that access to linked Medicare data should not be limited to researchers and should be available for commercial purposes. But the full Medicare database should be used exclusively for the public good and not for private or commercial gain. This is the crux of this bill. Hence, the bill limits the use of data to the purpose of providing ''generalizable knowledge to inform the public health through scientific publication and other forms of public dissemination.'' Strict penalties will be imposed on any unauthorized use of the data including civil money penalties and disqualification from receiving Medicare data for at least 2 years.

CMS will publish criteria used to approve research applications to ensure that those selected are qualified and experienced to conduct analyses and maintain the confidentiality of Medicare information. Researchers will also make public their detailed results and methods within 1 year from completing their studies. They will make available to the public at no charge any tool developed through this program. They must agree not to sell data or create commercial data products using such data and abide by safeguards protecting the confidentiality of the data established by the Secretary.

The final section of the bill ensures that congressional support agencies, including the Congressional Budget Office, the Congressional Research Service, the Government Accountability Office, and the Medicare Payment Advisory Commission, also have access to the full range of data they need to carry out their functions and responsibilities. Congress depends on the research and analyses conducted by these agencies to inform our deliberations and decisions on the Medicare Program.

Last year, I worked with Senator GRASSLEY to introduce the Medicare Value-Based Purchasing Act, which establishes a pay for performance system under Medicare. An important element of that system is the collection and reporting of quality measures to CMS and to the public. The bill we are introducing today complements those activities. We can improve health care by allowing Medicare to become a value-based purchaser of services and by reporting quality measures through the Medicare Program. And we can improve health care for all by allowing rigorous health services research to be conducted using the resource of Medicare data.

Mr. President, the Medicare Data Access and Research Act will allow us to expand our knowledge of health care and improve the quality of care for all Americans.

By Mr. GREGG (for himself, Mr. FRIST, Mr. BURR, Mr. CORNYN, and Mr. BENNETT):

S. 3900. A bill to amend title XVIII of the Social Security Act to improve the quality and efficiency of health care, to provide the public with information on provider and supplier performance, and to enhance the education and awareness of consumers for evaluating health care services through the development and release of reports based on Medicare enrollment, claims, survey, and assessment data; to the Committee on Finance.

Mr. GREGG. Mr. President, I rise today to introduce the Medicare Quality Enhancement Act of 2006 to improve quality and reduce the cost of health care.

The Medicare Quality Enhancement Act addresses three important problems in our Nation's health care delivery system: rising costs, broad variations in the quality of care, and a lack of information on health care quality and cost.

Among the most pressing issues that need to be addressed in the area of health care is the issue of rapidly rising health care costs. The United States spends more on health care as a percentage of GDP than any other industrialized country. According to the Centers for Medicare and Medicaid Services (CMS), total health expenditures are estimated to be $2.16 trillion

in 2006 and are projected to rise to over $4 trillion in 2015.

The pressures of rising health care costs are being felt by consumers, providers, employers, State and local governments, and the Federal budget alike—with no end in sight. Premiums for employer-based health insurance rose by 9.2 percent in 2005—the fifth consecutive year of increases over 9 percent. Health insurance expenses are the fastest growing expense to employers, consuming more and more of each company's bottom line.

From a Federal budget perspective, over the next 10 years, Medicare will grow on average 8.5 percent to $885 billion and Medicaid will grow similarly at 8 percent to $413 billion. These programs along with Social Security will take up 56 percent of the total budget in 2016. Such rate of growth is unsustainable.

Despite this enormous level of spending, there is wide variation in the quality of the care Americans receive. In addition to the existing crisis of ever increasing costs, we are now learning that there are vast variations in the ratio of spending to outcomes, meaning that more care is not necessarily better care. A recent report by the Dartmouth Atlas Project demonstrated this point and showed no correlation between high utilization of services and high quality of care. This information provides an opportunity to improve care and reduce costs. We simply cannot afford business as usual in health care, especially when we have no way of determining the value of what we are purchasing.

The Agency on Healthcare Research and Quality (AHRQ) also reports wide variation in health care practice. AHRQ claims that millions of Americans fail to receive necessary care resulting in complications and increased costs. Others, they say, receive health care services that are completely unnecessary, which also increases costs.

These problems are compounded by a third issue the lack of information available to consumers and purchasers on quality and cost. Currently, health care consumers do not have the tools necessary to make sound quality and cost decisions about their care. The few tools that are available to them are based on limited amounts of privately held data and their analysis is often not broad enough to provide the most accurate results.

The Medicare Quality Enhancement Act gives consumers, employers, providers and others the tools they need to begin controlling unnecessary spending; improves quality of care in our nation's health care delivery system; and provides the public with reports to make informed health care decisions.

The bill works by sharing taxpayer funded Medicare data with private sector Medicare Quality Reporting Organizations (MQROs), allowing them to develop reports to measure health care quality for the public. Consumer groups, employers, insurance companies, labor unions and others have repeatedly requested access to Medicare claims data to improve the quality of the health care provided to their members, employees, and beneficiaries and to help control the ever-rising costs of health care. The Medicare Quality Enhancement Act ensures that the data collected by Medicare and paid for by the taxpayer can be utilized by qualified organizations to measure quality and control costs while protecting beneficiary privacy.

The measure also empowers consumer groups, providers, employers, insurance plans, labor unions and others by allowing them to request health care quality and efficiency reports from the newly-formed MQROs—information that will assist in better-informed purchasing decisions. Further, the bill provides for the public release of all reports, including detailed information on the methodology, standards and measures of quality used in developing the reports ensuring the information is available for the general public. In addition, MQROs that contract with the Department of Health and Human Services will be authorized to aggregate both private and public data, providing a significantly more robust assessment of both quality and efficiency.

In the development of this bill, my first goal was to protect beneficiary privacy. Specifically, the bill limits the number of MQRO participants and explicitly holds them to the strict standards of both the Health Insurance Portability and Accountability Act (HIPAA) and the Privacy Act. It also requires MQROs to have operational standards and procedures in place to provide for the security of the database. Lastly, the bill requires a privacy review by the Department of Health and Human Services of each analytical report prior to release.

The Medicare Quality Enhancement Act promotes the development of model quality standards through a newly established Quality Advisory Board within the Department of Health and Human Services and encourages the Administration to continue its extraordinary work with providers, consumers, insurers and others in the health care community toward sound quality measurement for all patients. Collaborative groups such as the Ambulatory Care Quality Alliance (AQA) and the Hospital Quality Alliance (HQA) are working hard to establish standards and the Medicare Quality Enhancement Act encourages their work to continue.

Under the bill, researchers are granted additional access to Medicare data and are allowed to report in a provider- and supplier-identifiable format as long as they meet existing strict criteria for the use of Medicare data within CMS. Some of our best information on quality and efficiency has been borne of fine academic institutions and private study and they, too, should have the opportunities to use this data to improve our health care system.

In closing, the Medicare Quality Enhancement Act is needed in order for America's health care system to improve. The public needs to understand the quality of the care they are purchasing and the time has come for the health care community to compete on quality, value, and cost payment should not simply be for the volume of care provided, but instead for the quality of the care provided.

The Medicare Quality Enhancement Act takes important steps to provide health care consumers with the information they need to make educated decisions about health care; information they already have to make decisions on nearly every other product they purchase in the marketplace. It requires that information paid for by the taxpayer and held by Medicare is fully available to improve our health care system. The public will then finally have the tools necessary to make informed health care decisions for themselves and their families.

This bill has the support of groups that represent consumers, providers, employers and insurers. I hope my colleagues will see the merit of this legislation and that it will be considered before we adjourn this year.

Mr. FRIST. Mr. President, for decades, healthcare analysts and industry experts have wondered whether healthcare should consume 16 percent of our Nation's economic output, as it currently does.

By virtually any measure, we spend more on healthcare than any other country in the world.

Consider the facts. According to the World Health Organization; we spend twice as much per person on healthcare as Britain and Japan; and we spend nearly 30 percent more than second-ranking Monaco.

In the past 5 years alone, the cost of health insurance to companies has nearly doubled—from $4,200 to $8,100 per family.

But experts also concur that rising healthcare costs does not mean the quality of healthcare is improving. Just this summer, the Institute of Medicine released the most extensive report ever on medication errors.

The results? At least 1.5 million Americans are sickened, injured, or killed each year by errors in prescribing, dispensing, and taking medications.

Errors are widespread—on average, a hospital patient is subjected to 1 error each day he or she occupies a hospital bed—and they are costly, at an estimated expense of $3.5 billion per year.

We have good reason to question the cost and quality of our healthcare services. That is why, in August, President Bush issued an executive order requiring all Federal agencies with a health insurance program to increase price transparency and provide options promoting quality and efficiency of care.

The Executive Order builds on the Federal Govermment's efforts to release Medicare payment information for individual healthcare providers.

While this is an important step toward transparency, more can be done. We need a way to analyze that data and make the results of the analysis consumer friendly, so that patients have real information they can use to make better informed healthcare decisions.

The bill before us today—of which I am a proud cosponsor—picks up where current Federal efforts leave off. The Medicare Quality Enhancement Act establishes quality transparency in the Medicare Program.

It doesn't require anything extra of providers. In fact, CMS is already collecting the data we need—because any provider that accepts Medicare patients must report quality data to CMS.

Instead, the bill requires CMS to establish public-private partnerships with Medicare quality reporting organizations, or MQROs. CMS will provide MQROs with data CMS already collects—Medicare enrollment, claims, and survey and assessment data. The MQROs will then perform the analysis.

Any entity or provider will be able to make report requests of MQROs, the results of which will be made public. The methodology an MQRO uses to analyze the data will also be made public. And providers can additionally instruct MQROs to use a certain methodology when making a report request.

I know many providers are concerned about CMS's capacity and capability to analyze healthcare quality data.

In part, that is why this bill requires CMS to contract with MQROs. The Secretary must determine that each MQRO has the research capability to conduct and complete reports as a condition for entering into the contract. MQROs must also demonstrate that they have the experience and expertise to analyze quality data.

As an additional contract requirement, each MQRO must comply with Federal privacy regulations to ensure beneficiary confidentiality. Additionally, MQROs must disclose financial interests as a condition to contract.

As a transplant surgeon, I understand the concerns and fears providers have. Many providers are worried that we aren't far enough along in terms of quality data collection to be able to analyze it.

But we must push the envelope in this area. It is my hope that provider groups will take the lead and request reports using a methodology and standards of quality that represent the best care in each of their fields.

Quality transparency is absolutely essential to improving healthcare. Without it, beneficiaries cannot make informed decisions about their healthcare.

Consumers already enjoy transparency in other industries. When we buy a new car, we can open an Internet browser and in a matter of moments can make objective side-by-side comparisons of different models—and then we can take them for a test drive.

When we need groceries, we pull out the Sunday supermarket ads to see what is on sale and where.

And when we furnish our homes, we shop around—comparing style, price, color, quality, warranty, and service.

But right now, we can't do that in healthcare. Whether it is a routine checkup or a heart transplant, we have no way of assessing how much bang we are getting for a buck.

Only when we institute quality transparency do we empower beneficiaries to make informed decisions about their healthcare.

This bill is a great step toward the goal of complete quality transparency. It is a formidable goal; that is why we are starting with something we know—Medicare.

Senator GREGG has worked long hours to bring this bill to fruition, and I thank him for his efforts. I hope our colleagues will join us in supporting this important measure.

By Mr. BAUCUS:

S. 3902. A bill to provide for education competitiveness; to the Committee on Finance.

Mr. BAUCUS. Mr. President, in August of 1802, from his desk in Monticello, President Thomas Jefferson glimpsed the future of the young American economy. He was shaken by what he saw.

Jefferson had just finished reading a book published a year earlier in London. The slim volume was the travel account of Alexander MacKenzie, a young Scotsman working in Great Britain's Canadian colonies.

In June of 1793, MacKenzie had crossed the Continental Divide at a place where it was just 3,000 feet high and easily portaged. Two weeks later, he reached the Pacific Ocean. Using a makeshift paint of vermilion and grease, Mackenzie inscribed his name on a rock to memorialize his discovery, and to claim it for Great Britain.

The economic implications of MacKenzie's discovery were enormous. In his book, MacKenzie urged the British to build on his discovery and develop a passage to the Pacific. Such a passage would give Great Britain control over much of North America's lucrative fur trade and access to the world's markets. Worse, MacKenzie's discovery threatened to stunt America's economic growth in its infancy.

MacKenzie's book lit a fire under Jefferson. That summer, he talked of little else. He enlisted the most qualified man he knew. And with him, Jefferson devised a plan for action. It was a plan to counter the economic threat from the north. It was a plan to safeguard America's economic future.

That December, President Jefferson presented his plan to Congress. It was America's first economic competitiveness plan. It called for one officer, a dozen soldiers, and $2,500.

Thomas Jefferson's economic competitiveness plan of 1802 has become better known as the Lewis and Clark Expedition. Today, we see that expedition as one of our Nation's great displays of ambition and courage. And today, we see that it laid the foundation of the United States as we know it.

Today, America faces a new competitive challenge. Our challenge is not over control of the fur trade. It comes not from an imperial power or its colony. It is not a race for territory in unexplored lands. Our challenge is far more complex. And the need to act is even more urgent.

America today faces a world more integrated, more interdependent, and more intensely competitive than ever in our history. In this world, it is our challenge to succeed. It is our challenge to leave our children and grandchildren an economy that is better than the one that we inherited.

We seek an economy that is not laden with debt, but bursting with opportunity. We seek an economy that plants the seeds of innovation and education today, knowing that generations far in the future will harvest their bounty. We seek an economy whose workers are increasingly productive, and whose skills are continuously sharpened.

Our challenge is to create an economy in which investment in our workers is our greatest asset, not our heaviest burden. Our challenge is to create an economy known for what it will be, rather than for what it was.

To realize this competitive economy, we must—like Jefferson—rise to the challenge. We must—like Jefferson—look to unknown horizons and march out to meet them. We must call upon our greatest minds and set them to creating a plan. And we must dedicate the resources necessary to implement that plan.

I have spent much of the past year planning a comprehensive competitiveness agenda. In February, I introduced the Trade Competitiveness Act, a bill to open markets and keep a level playing field for America's ranchers, farmers, and businesses.

In March, I introduced the Energy Competitiveness Act, to fund cutting edge research in energy while making alternative energies more affordable.

In April, I introduced the Savings Competitiveness Act, to create savings today, so that we may invest and innovate tomorrow.

In May, I introduced the Research Competitiveness Act, to give start-ups and universities better access to capital for research and development, and to improve and make permanent the R&D tax credit.

Today, I am introducing the fifth in this series of bills: the Education Competitiveness Act of 2006. Just as education is the foundation of a competitive economy, this legislation is the foundation of my competitiveness agenda.

Thomas Jefferson knew that it was not enough to send Lewis and Clark to the Pacific Ocean without the means to return. Lewis and Clark knew that the discoveries and contacts that they made had to be lasting to make a difference for our economy.

The Education Competitiveness Act is also designed to have a lasting effect. This legislation embraces education in its earliest stages, following through to continuing education and worker training. Each provision is designed with maximum flexibility to meet our States' unique needs. It is a bill that recognizes excellence, welcomes innovation, and rewards ambition.

The Education Competitiveness Act has seven important components.

First, it recognizes that our Nation needs to continue to bring quality teachers into the classroom. The bill funds 100,000 scholarships for future teachers of languages, early education, and science. It creates incentives for teachers to serve in rural and underserved areas. And it rapidly expands funding to advanced placement and international baccalaureate programs.

Second, the bill recognizes that early education is widely considered to be one of the best education investments that money can buy. The bill creates a flexible program of matching grants to build a national system of universal, voluntary prekindergarten. The bill sets out benchmarks for quality and provides help for States to make sure that their teachers are the best that they can be.

Third, the bill helps students to go the extra mile in their studies, by offering States the means to expand afterschool programs in everything from college test preparation to drug prevention. Summer programs get students out of the classroom for hands-on experience in science, technology, mathematics, and engineering.

Fourth, the bill looks to the needs of tomorrow's workforce. That workforce will increasingly demand technical skills based in math, science, and engineering. The bill provides a free college education to any student wishing to study science, technology, math, or engineering. In return, the student must work 4 years in that field of study. The bill offers States matching grants to establish and expand specialty math, science, and technology schools. And the bill makes young promising scientists eligible for cash grants to continue their research.

Fifth, the bill addresses the chronic neglect of our Nation's Indian education. The bill fully funds Indian colleges and makes a real commitment to the Johnson O'Malley program. The bill also increases the Pell grant to $6,000. Eighty percent of Montana's students rely on financial aid, including Pell grants.

Sixth, the Education Competitiveness Act allows American workers to continue learning. The bill funds programs to link businesses and schools, to give workers the skills that they need. Where universities and community colleges are too far away, distance learning grants will help bridge that gap.

Finally, the bill's tax provisions grant greater access to education. The bill starts by simplifying confusing tax credits and combining them into a single refundable higher education credit of up to $2,000 per student. The bill eases the burden of loan repayment by permitting graduates to deduct more of the interest paid on their student loans. And the bill increases the deductions for charitable contributions to schools as well as teachers' expenses in classrooms.

Taken together, these seven components form a bill that is both comprehensive and responsible. It is a bill that would help to secure a more competitive American economy.

I look forward to returning to the floor to describe each title in greater detail. I also look forward to discussing these proposals with my colleagues.

The Education Competitiveness Act sets out a bold agenda, to be sure. Some of its rewards may only be reaped decades from now. Some of its benefits may only be realized by our grandchildren. But I firmly believe that this is an agenda that we must begin to implement today.

Like the journey of Lewis and Clark 200 years ago, this is an agenda that portends discovery and rewards for America. It is an agenda that promises a passage to a new nation. I urge my colleagues to join me as we advance to this future, and join me in sponsoring the Education Competitiveness Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 570—DESIGNATING THE MONTH OF SEPTEMBER AS ''NATIONAL AMERICAN HISTORY AND HERITAGE MONTH''

Mr. DEWINE (for himself and Mr. VOINOVICH) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 570

Whereas the United States has a remarkable history and a cherished legacy abounding with stories and biographies of heroes and patriots;

Whereas time has proven that, by teaching the principles of the foundation of the United States, the children of the Nation grow up to become good citizens;

Whereas George Washington stated, ''A primary object . . . should be the education of our youth in the science of government'';

Whereas the children of the United States have the right and the responsibility to know the history and heritage of the Nation;

Whereas, in 1952, Olga Weber, a mother and homemaker from the State of Ohio, out of concern that citizens of the United States were taking their freedoms for granted, petitioned the municipal officers of her town to establish a Constitution day in honor of the ratification of the Constitution of the United States, and further requested that the State of Ohio designate September 17, 1952, as ''Constitution Day'';

Whereas, in 1953, Governor Frank J. Lausche of the State of Ohio signed a law designating September 17, 1953, as ''Constitution Day'';

Whereas, in August 1953, Mrs. Weber urged the Senate to pass a resolution designating the period beginning September 17, 1953, and ending September 23, 1953, as ''Constitution Week'';

Whereas, in 1955, President Dwight D. Eisenhower signed into law the request of Mrs. Weber, and designated the period beginning September 17, 1955, and ending September 23, 1955, as ''Constitution Week'';

Whereas many parents have become increasingly concerned by the lack of knowledge and interest that the people of the United States have for their history and heritage;

Whereas the period beginning September 17, 2006, and ending September 23, 2006, is nationally designated as ''Constitution Week'';

Whereas September 17, 2006, is nationally designated as ''Citizenship Day'';

Whereas September 11, 2006, is nationally designated as ''Patriot Day'';

Whereas the Constitution of the United States was signed on September 17, 1787;

Whereas the greatest honor that the citizens of the United States can give to all of those citizens who have dedicated their lives and sacrificed so much to preserve the freedom and legacy of the United States is to remember what those citizens have done;

Whereas the designation of September as ''National American History and Heritage Month'' will—

(1) emphasize to the citizens of the United States the importance of knowing the history and heritage of the Nation; and

(2) pay tribute to the Founding Fathers and the many patriots, heroes, and heroines who built the Nation;

Whereas a month-long celebration honoring the history and heritage of the United States will encourage more organizations, including schools, businesses, faith communities, and individuals to get involved in programs and opportunities to incite interest and foster respect for understanding the history and heritage of the United States; and

Whereas celebrations relating to the history and heritage of the United States will encourage more individuals to engage in a study of the history, heritage, and foundation of the United States, and will instill pride in the citizens of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates the month of September as ''National American History and Heritage Month'';

(2) recognizes that the President issued a proclamation encouraging Federal, State, and local officials, as well as leaders of civic, social, and educational organizations, to conduct ceremonies and programs that celebrate the Constitution of the United States and reaffirm our rights and obligations as citizens of our great Nation;

(3) recognizes with great appreciation—

(A) the contributions of the millions of citizens of the United States who have devoted their lives, often at great sacrifice, to the improvement and preservation of the Nation; and

(B) those who continue to devote their lives for the betterment of the United States; and

(4) encourages more citizens of the United States to share their time, knowledge, and talents to share the light of liberty with our children, the future leaders of our Nation.

SENATE RESOLUTION 571—RECOGNIZING HISPANIC HERITAGE MONTH AND CELEBRATING THE VAST CONTRIBUTIONS OF HISPANIC AMERICANS TO THE STRENGTH AND CULTURE OF THE UNITED STATES

Mr. FRIST (for himself, Mr. REID, Mr. MARTINEZ, Mr. SALAZAR, Mr. SANTORUM, Mrs. HUTCHISON, Mr. CRAPO, Mr. ALEXANDER, Mr. BINGAMAN, Mr. LIEBERMAN, Mr. MENENDEZ, and Mr. NELSON of Florida) submitted the following resolution; which was considered and agreed to:

S. RES. 571

Whereas from September 15, 2006, through October 15, 2006, the United States celebrates Hispanic Heritage Month;

Whereas the presence of Hispanics in North America predates the founding of the United States, and, as among the first to settle in the New World, Hispanics and their descendants have had a profound and lasting influence on the history, values, and culture of the United States;

Whereas, since the arrival of the earliest Spanish settlers more than 400 years ago, millions of Hispanic men and women have come to the United States from Mexico, Puerto Rico, Cuba, and other Caribbean regions, Central America, South America, and Spain, in search of freedom, peace, and opportunity;

Whereas Hispanic Americans have contributed throughout the ages to the prosperity and culture of the United States;

Whereas the Bureau of the Census now lists Hispanic Americans as the largest ethnic minority within the United States;

Whereas Hispanic Americans serve in all branches of the Armed Forces and have fought valiantly in every war in the history of the United States;

Whereas the Medal of Honor is the highest United States military distinction, awarded since the Civil War for ''conspicuous gallantry and intrepidity at the risk of life above and beyond the call of duty'';

Whereas 41 men of Hispanic origin have earned this distinction, including 21 such men who sacrificed their lives;

Whereas many Hispanic Americans who served in the Armed Forces have continued their service to the United States;

Whereas many Hispanic Americans are dedicated public servants, holding posts at the highest levels of government, including 3 current seats in the United States Senate; and

Whereas Hispanic Americans have a deep commitment to faith, family, and community, an enduring work ethic, and a perseverance to succeed: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes September 15, 2006, through October 15, 2006, as Hispanic Heritage Month;

(2) celebrates the vast contributions of Hispanic Americans to the strength and culture of the United States; and

(3) encourages the people of the United States to observe Hispanic Heritage Month with appropriate programs and activities.

SENATE CONCURRENT RESOLUTION 115—EXPRESSING THE SENSE OF CONGRESS WITH RESPECT TO RAISING AWARENESS AND ENHANCING THE STATE OF COMPUTER SECURITY IN THE UNITED STATES, AND SUPPORTING THE GOALS AND IDEALS OF NATIONAL CYBER SECURITY AWARENESS MONTH

Mr. BURNS (for himself and Ms. CANTWELL) submitted the following concurrent resolution; which was referred to the Committee on Commerce, Science, and Transportation:

Whereas over 205,000,000 Americans use the Internet in the United States, including over 84,000,000 home-users through broadband connections, to communicate with family and friends, manage their finances, pay their bills, improve their education, shop at home, and read about current events;

Whereas the approximately 26,000,000 small businesses in the United States, who represent 99.7 percent of all United States employers and employ 50 percent of the private work force, increasingly rely on the Internet to manage their businesses, expand their customer reach, and enhance their connection with their supply chain;

Whereas, according to the Department of Education, nearly 100 percent of public schools in the United States have Internet access, with approximately 93 percent of instructional classrooms connected to the Internet;

Whereas having access to the Internet in the classroom enhances the education of our children by providing access to educational online content and encouraging responsible self-initiative to discover research resources;

Whereas, according to the Pew Institute, almost 9 in 10 teenagers between the ages of 12 and 17, or 87 percent of all youth (approximately 21,000,000 people) use the Internet, and 78 percent (or about 16,000,000 students) say they use the Internet at school;

Whereas teen use of the Internet at school has grown 45 percent since 2000, and educating children of all ages about safe, secure, and ethical practices will not only protect their computer systems, but will also protect the physical safety of our children, and help them become good cyber citizens;

Whereas the growth and popularity of social networking websites have attracted millions of teenagers, providing them with a range of valuable services;

Whereas teens should be taught how to avoid potential threats like cyber bullies, online predators, and identity thieves that they may encounter while using cyber services;

Whereas the critical infrastructure of our Nation relies on the secure and reliable operation of information networks to support our Nation's financial services, energy, telecommunications, transportation, health care, and emergency response systems;

Whereas cyber security is a critical part of the overall homeland security of our Nation, in particular the control systems that control and monitor our drinking water, dams, and other water management systems, our electricity grids, oil and gas supplies, and pipeline distribution networks, our transportation systems, and other critical manufacturing processes;

Whereas terrorists and others with malicious motives have demonstrated an interest in utilizing cyber means to attack our Nation;

Whereas the mission of the Department of Homeland Security includes securing the homeland against cyber terrorism and other attacks;

Whereas Internet users and our information infrastructure face an increasing threat of malicious attacks through viruses, worms, Trojans, and unwanted programs such as spyware, adware, hacking tools, and password stealers, that are frequent and fast in propagation, are costly to repair, and disable entire computer systems;

Whereas, according to Privacy Rights Clearinghouse, since February 2005, over 90,000,000 records containing personally-identifiable information have been breached, and the overall increase in serious data breaches in both the private and public sectors are threatening the security and well-being of the citizens of the United States;

Whereas consumers face significant financial and personal privacy losses due to identity theft and fraud, as reported in over 686,000 consumer complaints in 2005 received by the Consumer Sentinel database operated by the Federal Trade Commission;

Whereas Internet-related complaints in 2005 accounted for 46 percent of all reported fraud complaints received by the Federal Trade Commission;

Whereas the total amount of monetary losses for such Internet-related complaints exceeded $680,000,000, with a median loss of $350 per complaint;

Whereas the youth of our Nation face increasing threats online such as inappropriate content or child predators;

Whereas, according to the National Center For Missing and Exploited Children, 34 percent of teens are exposed to unwanted sexually explicit material on the Internet, and 1 in 7 children report having been approached by an online child predator;

Whereas national organizations, policymakers, government agencies, private sector companies, nonprofit institutions, schools, academic organizations, consumers, and the media recognize the need to increase awareness of computer security and enhance the level of computer and national security in the United States;

Whereas the mission of National Cyber Security Alliance is to increase awareness of cyber security practices and technologies to home-users, students, teachers, and small businesses through educational activities, online resources and checklists, and public service announcements; and

Whereas the National Cyber Security Alliance has designated October as National Cyber Security Awareness Month, which will provide an opportunity to educate the people of the United States about computer security: Now, therefore, be it

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

(1) supports the goals and ideals of National Cyber Security Awareness Month; and

(2) will work with Federal agencies, national organizations, businesses, and educational institutions to encourage the development and implementation of existing and future computer security voluntary consensus standards, practices, and technologies in order to enhance the state of computer security in the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5007. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 4970 proposed by Mr. DEMINT to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes.

SA 5008. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 4923 proposed by Mr. ISAKSON to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 5009. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 4957 proposed by Mrs. CLINTON (for herself and Mrs. DOLE) to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 5010. Mr. INOUYE (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 4993 submitted by Mr. DEMINT and intended to be proposed to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 5011. Mr. INOUYE (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 4992 submitted by Mr. DEMINT and intended to be proposed to the amendment SA 4970 proposed by Mr. DEMINT to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 5012. Mr. INOUYE (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 4970 proposed by Mr. DEMINT to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 5013. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 5014. Mr. SMITH (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 5015. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 4942 proposed by Mr. LAUTENBERG to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 5016. Mr. STEVENS proposed an amendment to the bill H.R. 4954, supra.

SA 5017. Mr. STEVENS (for Mr. GRASSLEY) proposed an amendment to the bill H.R. 4954, supra.

SA 5018. Mr. STEVENS (for Ms. SNOWE) proposed an amendment to the bill H.R. 4954, supra.

TEXT OF AMENDMENTS

SA 5007. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 4970 proposed by Mr. DEMINT to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. ___. PROHIBITION OF ISSUANCE OF TRANSPORTATION SECURITY CARDS TO CONVICTED FELONS.

Section 70105 of title 46, United States Code, is amended—

(1) in subsection (b)(1), by striking ''decides that the individual poses a security risk under subsection (c)'' and inserting ''determines under subsection (c) that the individual poses a security risk''; and

(2) in subsection (c), by amending paragraph (1) to read as follows:

''(1) DISQUALIFICATIONS.—

''(A) PERMANENT DISQUALIFYING CRIMINAL OFFENSES.—Except as provided under paragraph (2), an individual is permanently disqualified from being issued a transportation security card under subsection (b) if the individual has been convicted, or found not guilty by reason of insanity, in a civilian or military jurisdiction of any of the following felonies:

''(i) Espionage or conspiracy to commit espionage.

''(ii) Sedition or conspiracy to commit sedition.

''(iii) Treason or conspiracy to commit treason.

''(iv) A crime listed in chapter 113B of title 18, a comparable State law, or conspiracy to commit such crime.

''(v) A crime involving a transportation security incident. In this clause, a transportation security incident—

''(I) is a security incident resulting in a significant loss of life, environmental damage, transportation system disruption, or economic disruption in a particular area (as defined in section 70101 of title 46); and

''(II) does not include a work stoppage or other nonviolent employee-related action, resulting from an employer-employee dispute.

''(vi) Improper transportation of a hazardous material under section 5124 of title 49, or a comparable State law;.

''(vii) Unlawful possession, use, sale, distribution, manufacture, purchase, receipt, transfer, shipping, transporting, import, export, storage of, or dealing in an explosive or incendiary device (as defined in section 232(5) of title 18, explosive materials (as defined in section 841(c) of title 18), or a destructive device (as defined in 921(a)(4) of title 18).

''(viii) Murder.

''(ix) Conspiracy or attempt to commit any of the crimes described in clauses (v) through (viii).

''(x) A violation of the Racketeer Influenced and Corrupt Organizations Act (18 U.S.C. 1961 et seq.), or a comparable State law, if 1 of the predicate acts found by a jury or admitted by the defendant consists of 1 of the offenses listed in clauses (iv) and (viii).

''(xi) Any other felony that the Secretary determines to be a permanently disqualifying criminal offense.

''(B) INTERIM DISQUALIFYING CRIMINAL OFFENSES.—Except as provided under paragraph (2), an individual is disqualified from being issued a biometric transportation security card under subsection (b) if the individual has been convicted, or found not guilty by reason of insanity, during the 7-year period ending on the date on which the individual applies for such or card, or was released from incarceration during the 5-year period ending on the date on which the individual applies for such a card, of any of the following felonies:

''(i) Assault with intent to murder.

''(ii) Kidnapping or hostage taking.

''(iii) Rape or aggravated sexual abuse.

''(iv) Unlawful possession, use, sale, manufacture, purchase, distribution, receipt, transfer, shipping, transporting, delivery, import, export of, or dealing in a firearm or other weapon. In this clause, a firearm or other weapon includes, but is not limited to—

''(I) firearms (as defined in section 921(a)(3) of title 18); and

''(II) items contained on the United States Munitions Import List under 447.21 of title 27 Code of Federal Regulations.

''(v) Extortion.

''(vi) Dishonesty, fraud, or misrepresentation, including identity fraud.

''(vii) Bribery.

''(viii) Smuggling.

''(ix) Immigration violations.

''(x) A violation of the Racketeer Influenced and Corrupt Organizations Act (18 U.S.C. 1961, et seq.) or a comparable State law, other than a violation listed in subparagraph (A)(x).

''(xi) Robbery.

''(xii) Distribution of, possession with intent to distribute, or importation of a controlled substance.

''(xiii) Arson.

''(xiv) Conspiracy or attempt to commit any of the crimes in this subparagraph.

''(xv) Any other felony that the Secretary determines to be a disqualifying criminal offense under this subparagraph.

''(C) OTHER POTENTIAL DISQUALIFICATIONS.—Except as provided under subparagraphs (A) and (B), an individual may not be denied a transportation security card under subsection (b) unless the Secretary determines that individual—

''(i) has been convicted within the preceding 7-year period of a felony or found not guilty by reason of insanity of a felony—

''(I) that the Secretary believes could cause the individual to be a terrorism security risk to the United States; or

''(II) for causing a severe transportation security incident;

''(ii) has been released from incarceration within the preceding 5-year period for committing a felony described in clause (i);

''(iii) may be denied admission to the United States or removed from the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); or

''(iv) otherwise poses a terrorism security risk to the United States.''.

SA 5008. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 4923 proposed by Mr. ISAKSON to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. ___. CARGO SCREENING.

(a) RADIATION RISK REDUCTION.—

(1) SAFETY PROTOCOLS.—Before requiring any port cargo screening procedures involving the use of ionizing or non-ionizing radiation, the Secretary, in consultation with the Secretary of Labor and the Director of the National Institute of Occupational Safety and Health at the Centers for Disease Control, shall develop and implement protocols to protect the safety of port workers and the general public.

(2) PUBLICATION.—The protocols developed under paragraph (1) shall be—

(A) published and made available for public comment; and

(B) designed to reduce the short- and long-term exposure of worker and the public to the lowest levels feasible.

(3) REPORT.—Not later than 1 year after the implementation of protocols under paragraph (1), the Council of the National Academy of Sciences and Director of the National Institute of Occupational Safety and Health shall each submit a report to Congress that includes—

(A) information regarding the exposure of workers and the public and the possible risk to their health and safety, if any, posed by these screening procedures; and

(B) any recommendations for modification of the cargo screening protocols to reduce exposure to ionizing or non-ionizing radiation to the lowest levels feasible.

(b) GOVERNMENT RESPONSIBILITY.—Any employer of an employee who has an illness or injury for which exposure to ionizing or non-ionizing radiation from port cargo screening procedures required under Federal law is a contributing cause may seek, and shall receive, full reimbursement from the Federal Government for additional costs associated with such illness or injury, including costs incurred by the employer under the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.), State workers' compensation laws, or other equivalent programs.

SA 5009. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 4957 proposed by Mrs. CLINTON (for herself and Mrs. DOLE) to the bill H.R. 4954, to improve maritime and cargo security through enhanced

layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1, strike line 7 and all that follows through page 10, line 12, and insert the following:

(a) GRANTS REQUIRED.—The Secretary of Health and Human Services, acting through the Assistant Secretary for Children and Families, shall award a grant to each eligible State to carry out a program for the purpose of making 2–1–1 telephone service available to all residents of the State with phone service for information on and referral to human services. The grant, and the service provided through the grant, shall supplement existing (as of the date of the award) funding streams or services. Before making a payment for a year to the State under the grant, the Secretary may conduct an evaluation to ensure that the State remains eligible for the grant.

(b) PERIOD AND AMOUNT OF GRANTS.—The Secretary of Health and Human Services shall award the grants for periods determined by the Secretary, which shall be not more than 5 years. The Secretary shall award the grants in amounts that are not less than a minimum amount determined by the Secretary.

(c) REQUIREMENT ON SHARE OF ACTIVITIES.—

(1) REQUIREMENT OF MATCHING RESOURCES.—The Secretary may not make a payment to a State—

(A) for a first year under a grant awarded under this section, unless the State ensures that at least 50 percent of the resources of the program funded by the grant will be derived from other sources;

(B) for a second year under such a grant, unless the State ensures that at least 60 percent of those resources will be derived from other sources;

(C) for the third year under such a grant, unless the State ensures that at least 70 percent of those resources will be derived from other sources;

(D) for the fourth year under such a grant, unless the State ensures that at least 80 percent of those resources will be derived from other sources; and

(E) for the fifth year under such a grant, unless the State ensures that at least 95 percent of those resources will be derived from other sources.

(2) IN-KIND CONTRIBUTIONS.—The requirements specified in paragraph (1) may be satisfied by in-kind contributions of goods or services.

(d) LEAD ENTITY.—

(1) IN GENERAL.—A State seeking a grant under this section shall carry out this section through a lead entity (also known as a ''2–1–1 Collaborative'') meeting the requirements of this subsection.

(2) 2–1–1 COLLABORATIVE.—An entity shall be treated as the 2–1–1 Collaborative for a State under this subsection if the entity—

(A) exists for such purpose under State law;

(B) exists for such purpose by order of the State public utility commission; or

(C) is a collaborative entity established by the State for such purpose from among representatives of—

(i) an informal existing (as of the date of establishment of the entity) 2–1–1 statewide collaborative, if any, in the State;

(ii) State agencies;

(iii) community-based organizations;

(iv) faith-based organizations;

(v) not-for-profit organizations;

(vi) comprehensive and specialized information and referral providers, including current (as of the date of establishment of the entity) 2–1–1 call centers;

(vii) foundations; and

(viii) businesses.

(3) REQUIREMENTS FOR PREEXISTING LEAD ENTITIES.—An entity described by subparagraph (A) or (B) of paragraph (2) may be treated as a lead entity under this subsection only if such entity collaborates, to the extent practicable, with the organizations and entities listed in subparagraph (C) of that paragraph.

(e) APPLICATION.—

(1) IN GENERAL.—The lead entity for each State seeking a grant under this section shall submit to the Secretary an application in such form as the Secretary shall require.

(2) INFORMATION.—An application for a State under this subsection shall contain information as follows:

(A) Information, on the program to be carried out by the lead entity for the State so that every resident of the State with phone service may call the 2–1–1 telephone service at no charge to the caller, describing how the lead entity plans to make available throughout the State 2–1–1 telephone service information and referral on human services, including information on the manner in which the lead entity will develop, sustain, and evaluate the program.

(B) Information on the sources of resources for the program for purposes of meeting the requirement specified in subsection (c).

(C) Information describing how the entity shall provide, to the extent practicable, a statewide database available to all residents of the State as well as all providers of human services programs, through the Internet, that will allow them to search for programs or services that are available according to the data gathered by the human services programs in the State.

(D) Any additional information that the Secretary may require for purposes of this section.

(f) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to States that submit applications to make 2–1–1 telephone service available in areas that are in the planning stages of developing, or have not achieved, 2–1–1 telephone service coverage, and have met the requirements specified in subsections (c), (d), and (e).

(g) SUBGRANTS.—

(1) AUTHORITY.—In carrying out a program to make 2–1–1 telephone service available to all residents of a State with phone service, the lead entity for the State may award subgrants to such persons or entities as the lead entity considers appropriate for purposes of the program, including subgrants to provide funds—

(A) for the provision of 2–1–1 telephone service; and

(B) for the collection and display of information for the statewide database.

(2) CONSIDERATIONS.—In awarding a subgrant under this subsection, a lead entity shall consider—

(A) the ability of the person or entity seeking the subgrant to carry out activities or provide services consistent with the program;

(B) the extent to which the award of the subgrant will facilitate equitable geographic distribution of subgrants under this section to ensure that rural communities have access to 2–1–1 telephone service; and

(C) the extent to which the recipient of the subgrant will establish and maintain cooperative relationships with specialized information and referral centers, including Child Care Resource Referral Agencies, crisis centers, 9–1–1 call centers, and 3–1–1 call centers, if applicable.

(h) USE OF GRANT AND SUBGRANT AMOUNTS.—

(1) IN GENERAL.—Amounts awarded as grants or subgrants under this section shall be used solely to make available 2–1–1 telephone service to all residents of a State with phone service for information on and referral to human services, including telephone connections between families and individuals seeking such services and the providers of such services.

(2) PARTICULAR MATTERS.—In making 2–1–1 telephone service available, the recipient of a grant or subgrant shall, to the maximum extent practicable—

(A) abide by the highest quality existing (as of the date of the award of the grant or subgrant) Key Standards for 2–1–1 Centers; and

(B) collaborate with human services organizations, whether public or private, to provide an exhaustive database of services with which to provide information or referrals to individuals utilizing 2–1–1 telephone service.

(3) USE OF FUNDS.—Amounts of a subgrant under subsection (g) may be used by subgrant recipients for statewide and regional planning, start-up costs (including costs of software and hardware upgrades and telecommunications costs), training, accreditation, public awareness activities, evaluation of activities, Internet hosting and site development for a statewide database, and database integration projects that incorporate data from different 2–1–1 programs into a single statewide database. The amounts may not be used for maintenance activities or any other ongoing activity that promotes State reliance on the amounts.

(i) REQUIREMENT ON ALLOCATION OF GRANT AMOUNTS.—Of the amounts awarded under this section, an aggregate of not more than 15 percent shall be allocated for evaluation, training, and technical assistance, and for management and administration of subgrants awarded under this section.

(j) REPORTS.—The lead entity for each State awarded a grant under this section for a fiscal year shall submit to the Secretary, not later than 60 days after the end of such fiscal year, a report on the program funded by the grant. Each report shall—

(1) describe the program funded by the grant;

(2) assess the effectiveness of the program in making available, to all residents of the State with phone service, 2–1–1 telephone service, for information on and referral to human services in accordance with the provisions of this section; and

(3) assess the effectiveness of collaboration with human services resource and referral entities and service providers.

(k) DEFINITIONS.—In this section:

(1) HUMAN SERVICES.—The term ''human services'' means services as follows:

(A) Services that assist individuals in becoming more self-sufficient, in preventing dependency, and in strengthening family relationships.

(B) Services that support personal and social development.

(C) Services that help ensure the health and well-being of individuals, families, and communities.

(2) INFORMATION AND REFERRAL CENTER.—The term ''information and referral center'' means a center that—

(A) maintains a database of providers of human services in a State or locality;

(B) assists individuals, families, and communities in identifying, understanding, and accessing the providers of human services and the human services offered by the providers; and

(C) tracks types of calls referred and received to document the demands for services.

(3) STATE.—The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the

United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

SEC. __2. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title, $50,000,000 for fiscal year 2007 and such sums as may be necessary for each of fiscal years 2008 through 2012.

SA 5010. Mr. INOUYE (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 4993 submitted by Mr. DEMINT and intended to be proposed to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. ———. OFFENSES THAT PRECLUDE ISSUANCE OF TRANSPORTATION SECURITY CARDS.

(a) IN GENERAL.—Section 70105(c)(1)(A) of title 46, United States Code, is amended to read as follows:

''(A) has been convicted within the preceding 7-year period, or found not guilty by reason of insanity, of a felony violation of—

''(i) espionage;

''(ii) sedition;

''(iii) treason;

''(iv) a violation of chapter 113B of title 18, United States Code, or a comparable State law;

''(v) a crime involving a transportation security incident;

''(vi) improper transportation of a hazardous material under section 5124 of title 49, United States Code, or a comparable State law;

''(vii) unlawful possession, use, sale, distribution, manufacture, purchase, receipt, transfer, shipping, transporting, import, export, storage of, or dealing in an explosive or explosive device;

''(viii) murder;

''(ix) conspiracy or attempt to commit any offense described in clauses (i) through (viii);

''(x) a violation of chapter 96 of title 18, United States Code, or a comparable State law, where one of the predicate acts found by a jury or admitted by the defendant, consists of an offense described in clause (iv) or (viii);

''(xi) a nature believed by the Secretary to cause the individual to be a terrorism security risk to the United States; or

''(xii) a kind that was the cause of a severe transportation security incident.''.

(b) ADDITIONAL SECURITY RISK OFFENSES.—Within 1 year after the date of enactment of this Act, the Assistant Secretary of Homeland Security (Transportation Security Administration) and the Commandant of the Coast Guard shall jointly transmit a report to the appropriate congressional committees containing an evaluation of additional felony offenses that may indicate a sufficiently serious security threat to warrant their addition to the list of offenses described in section 70105(c)(1)(A) of title 46, United States Code.

(c) SAVINGS CLAUSE.—Nothing in subsection (b), or in section 70105(c)(1)(A) of title 46, United States Code, as amended by subsection (a), limits the authority of the Secretary of the department in which the Coast Guard is operating to alter the list of offenses that will disqualify an individual from being eligible to receive a transportation security card under section 70105 of title 46, United States Code.

SA 5011. Mr. INOUYE (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 4992 submitted by Mr. DEMINT and intended to be proposed to the amendment SA 4970 proposed by Mr. DEMINT to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. ———. OFFENSES THAT PRECLUDE ISSUANCE OF TRANSPORTATION SECURITY CARDS.

(a) IN GENERAL.—Section 70105(c)(1)(A) of title 46, United States Code, is amended to read as follows:

''(A) has been convicted within the preceding 7-year period, or found not guilty by reason of insanity, of a felony violation of—

''(i) espionage;

''(ii) sedition;

''(iii) treason;

''(iv) a violation of chapter 113B of title 18, United States Code, or a comparable State law;

''(v) a crime involving a transportation security incident;

''(vi) improper transportation of a hazardous material under section 5124 of title 49, United States Code, or a comparable State law;

''(vii) unlawful possession, use, sale, distribution, manufacture, purchase, receipt, transfer, shipping, transporting, import, export, storage of, or dealing in an explosive or explosive device;

''(viii) murder;

''(ix) conspiracy or attempt to commit any offense described in clauses (i) through (viii);

''(x) a violation of chapter 96 of title 18, United States Code, or a comparable State law, where one of the predicate acts found by a jury or admitted by the defendant, consists of an offense described in clause (iv) or (viii);

''(xi) a nature believed by the Secretary to cause the individual to be a terrorism security risk to the United States; or

''(xii) a kind that was the cause of a severe transportation security incident.''.

(b) ADDITIONAL SECURITY RISK OFFENSES.—Within 1 year after the date of enactment of this Act, the Assistant Secretary of Homeland Security (Transportation Security Administration) and the Commandant of the Coast Guard shall jointly transmit a report to the appropriate congressional committees containing an evaluation of additional felony offenses that may indicate a sufficiently serious security threat to warrant their addition to the list of offenses described in section 70105(c)(1)(A) of title 46, United States Code.

(c) SAVINGS CLAUSE.—Nothing in subsection (b), or in section 70105(c)(1)(A) of title 46, United States Code, as amended by subsection (a), limits the authority of the Secretary of the department in which the Coast Guard is operating to alter the list of offenses that will disqualify an individual from being eligible to receive a transportation security card under section 70105 of title 46, United States Code.

SA 5012. Mr. INOUYE (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 4970 proposed by Mr. DEMINT to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. ———. OFFENSES THAT PRECLUDE ISSUANCE OF TRANSPORTATION SECURITY CARDS.

(a) IN GENERAL.—Section 70105(c)(1)(A) of title 46, United States Code, is amended to read as follows:

''(A) has been convicted within the preceding 7-year period, or found not guilty by reason of insanity, of a felony violation of—

''(i) espionage;

''(ii) sedition;

''(iii) treason;

''(iv) a violation of chapter 113B of title 18, United States Code, or a comparable State law;

''(v) a crime involving a transportation security incident;

''(vi) improper transportation of a hazardous material under section 5124 of title 49, United States Code, or a comparable State law;

''(vii) unlawful possession, use, sale, distribution, manufacture, purchase, receipt, transfer, shipping, transporting, import, export, storage of, or dealing in an explosive or explosive device;

''(viii) murder;

''(ix) conspiracy or attempt to commit any offense described in clauses (i) through (viii);

''(x) a violation of chapter 96 of title 18, United States Code, or a comparable State law, where one of the predicate acts found by a jury or admitted by the defendant, consists of an offense described in clause (iv) or (viii);

''(xi) a nature believed by the Secretary to cause the individual to be a terrorism security risk to the United States; or

''(xii) a kind that was the cause of a severe transportation security incident.''.

(b) ADDITIONAL SECURITY RISK OFFENSES.—Within 1 year after the date of enactment of this Act, the Assistant Secretary of Homeland Security (Transportation Security Administration) and the Commandant of the Coast Guard shall jointly transmit a report to the appropriate congressional committees containing an evaluation of additional felony offenses that may indicate a sufficiently serious security threat to warrant their addition to the list of offenses described in section 70105(c)(1)(A) of title 46, United States Code.

(c) SAVINGS CLAUSE.—Nothing in subsection (b), or in section 70105(c)(1)(A) of title 46, United States Code, as amended by subsection (a), limits the authority of the Secretary of the department in which the Coast Guard is operating to alter the list of offenses that will disqualify an individual from being eligible to receive a transportation security card under section 70105 of title 46, United States Code.

SA 5013. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Notwithstanding any other provision of this Act, there is appropriated $523,081,496 to make safety net payments for fiscal year 2007 under section 101 of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393; 16 U.S.C. 500 note), to remain available until expended.

SA 5014. Mr. SMITH (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him

to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. EQUIVALENCY OF MERCHANT MARINER DOCUMENTS AND TRANSPORTATION WORKER IDENTITY CREDENTIAL.

Section 7302 of title 46, United States Code, is amended by adding at the end the following new subsection:

''(h) A merchant mariner's document issued under this section shall be treated as a biometric transportation security card required by section 70105.''.

SEC. _____. INCLUSION OF BIOMETRIC IDENTIFIER TO MERCHANT MARINER DOCUMENTS.

Section 7303 of title 46, United States Code, is amended by adding at the end the following: ''The document shall also include a biometric identifier that complies with the requirements of section 70105.''.

SEC. COAST GUARD.

In issuing merchant mariner documents, the Coast Guard shall be the lead agency responsible for ensuring compliance with the requirements of section 70105 of title 46, United States Code governing issuance of biometric transportation security card.

SA 5015. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 4942 proposed by Mr. LAUTENBERG to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

Strike all beginning at line 1 and insert:

''Section ____. Interim Verification of Individuals—(a) TERRORIST WATCH LIST COMPARISON AND IMMIGRATION RECORDS CHECK.—Not later than 90 days after the date of enactment of this Act, the Secretary shall—

(1) complete a comparison of each individual who has unescorted access to a secure area of a seaport facility (as designated in an approved facility security plan in accordance with section 70103(c) of title 46, United States Code) against terrorist watch lists to determine if the individual poses a threat; and

(2) determine whether each such individual may be denied admission to the United States, or removed from the United States, under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(b) CONTINUING REQUIREMENT.—In the case of an individual who is given unescorted access to a secure area of a seaport facility after the date on which the Secretary completes the requirements of paragraph (1) and before the date on which the Secretary begins issuing transportation security cards at the seaport facility, the Secretary shall conduct a comparison of the individual against terrorist watch lists and determine whether the individual is lawfully present in the United States.

(c) INTERIM FINAL REGULATIONS.—In order to carry out this subsection, the Secretary shall issue interim final regulations to require submission to the Secretary of information necessary to carry out the requirements of paragraph (1).

(d) PRIVACY REQUIREMENTS.—Terrorist watch list comparisons and immigration records checks under this subsection shall be carried out in accordance with the requirements of section 552a of title 5, United States Code.

(e) RESTRICTIONS ON USE AND MAINTENANCE OF INFORMATION.—

(1) RESTRICTION ON DISCLOSURE.—Information obtained by the Secretary in the course of comparing the individual against terrorist watch lists under this subsection may not be made available to the public, including the individual's employer.

(2) CONFIDENTIALITY; USE.—Any information constituting grounds for prohibiting the employment of an individual in a position described in paragraph (1)(A) shall be maintained confidentially by the Secretary and may be used only for making determinations under this section. The Secretary may share any such information with appropriate Federal, State, local, and tribal law enforcement agencies.

(f) TERRORIST WATCH LISTS DEFINED.—In this subsection, the term 'terrorist watch lists' means all available information on known or suspected terrorists or terrorist threats.''

SA 5016. Mr. STEVENS proposed an amendment to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. PHASE-OUT OF VESSELS SUPPORTING OIL AND GAS DEVELOPMENT.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883) and sections 12105(c) and 12106 of title 46, United States Code, a foreign-flag vessel may be employed for the movement or transportation of anchors for operations in support of exploration of offshore mineral or energy resources in the Beaufort Sea or the Chukchi Sea by or on behalf of a lessee—

(1) until January 1, 2010, if the Secretary of the department in which the Coast Guard is operating determines that insufficient eligible vessels documented under chapter 121 of title 46, United States Code, are reasonably available and suitable for these support operations; and

(2) during the period beginning January 1, 2010, and ending December 31, 2012, if the Secretary determines that—

(A) the lessee has entered into a binding agreement to use eligible vessels documented under chapter 121 of title 46, United States Code, in sufficient numbers and with sufficient suitability to replace foreign flag vessels operating under this section; and

(B) the Secretary determines that no eligible vessel documented under chapter 121 of title 46, United States Code, is reasonably available and suitable for these support operations to replace any foreign flag vessel operating under this section. If such a determination is made, until January 1, 2013, if no vessel documented under the laws of the United States is reasonably available and suitable for these support operations to replace any foreign-flag vessel operating under this section.

SA 5017. Mr. STEVENS (for Mr. GRASSLEY) proposed an amendment to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; as follows:

On page 5, line 2, insert ''to'' before ''secure''.

On page 8, line 8, strike the first period and ''; and''.

On page 12, line 24, strike '', of this section'' and insert ''of this section,''.

On page 16, line 15, strike ''and State'' and insert ''State''.

On page 16, line 18, after ''stakeholders'' insert the following: ''adversely affected by a transportation security incident or transportation disruption''.

On page 17, line 23, insert ''Public Law 108-293'' before ''118''.

On page 20, line 15, strike ''of the Nation's commercial seaports'' and insert ''of the commercial seaports of the United States''.

On page 24, line 4, strike the semicolon and insert a comma.

On page 24, line 13, strike ''(2)'' and insert ''(1)''.

On page 27, line 23, strike ''ocean-borne'' and insert ''oceanborne''.

On page 28, line 8, strike ''ocean-borne'' and insert ''oceanborne''.

On page 29, line 5, strike '', and'' and insert ''and''.

On page 33, line 17, after ''issues'', insert ''resulting from a transportation security incident or transportation disruption''.

On page 36, line 11, insert ''the'' before ''Container''.

On page 39, line 24, strike ''ocean-borne'' and insert ''oceanborne''.

On page 48, line 7, insert a comma after ''Commissioner''.

On page 69, line 3, strike ''Undersecretary'' and insert ''Under Secretary''.

On page 72, lines 18 and 19, strike ''the current fiscal year'' and insert ''the fiscal year in which the report is filed''.

On page 73, line 23, strike ''the current fiscal year'' and insert ''the fiscal year in which the report is filed''.

On page 85, line 23, strike the first period.

SA 5018. Mr. STEVENS (for Ms. SNOWE) proposed an amendment to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC.___. COAST GUARD PROPERTY IN PORTLAND, MAINE.

Section 347(c) of the Maritime Transportation Security Act of 2002 (Public Law 107–295; 116 Stat. 2109) is amended by striking ''within 30 months from the date of conveyance.'' and inserting ''by December 31, 2009.''.

NOTICE OF HEARING

SUBCOMMITTEE ON WATER AND POWER

Ms. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, September 21, 2006 at 2:30 p.m. in Room SD–628 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on S. 1106, to authorize the construction of the Arkansas Valley Conduit in the State of Colorado, and for other purposes; S. 1811, to authorize the Secretary of the Interior to study the feasibility of enlarging the Arthur V. Watkins Dam Weber Basin Project, UT, to provide additional water for the Weber Basin Project to fulfill the purposes for which that project was authorized; S. 2070, to provide certain requirements for hydroelectric projects on the Mohawk River in the State of New York; S. 3522, to

amend the Bonneville Power Administration portions of the Fisheries Restoration and Irrigation Mitigation Act of 2000 to authorize appropriations for fiscal years 2006 through 2012, and for other purposes; S. 3832, to direct the Secretary of the Interior to establish criteria to transfer title to reclamation facilities, and for other purposes; S. 3851, to provide for the extension of preliminary permit periods by the Federal Energy Regulatory Commission for certain hydroelectric projects in the State of Alaska; S. 3798, to direct the Secretary of the Interior to exclude and defer from the pooled reimbursable costs of the Central Valley Project the reimbursable capital costs of the unused capacity of the Folsom South Canal, Auburn-Folsom South Unit, Central Valley Project, and for other purposes; 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; and H.R. 3897, 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.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Nate Gentry at 202–224–2179 or Steve Waskiewicz at 202–228–6195.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on September 14, 2006, at 10:30 a.m., in closed session to mark up the Military Commissions Act of 2006.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. FRIST. 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 September 14, 2006, at 10 a.m., to conduct a hearing on ''A Review of the Department of Defense's Report on Predatory Lending Practices Directed at Members of the Armed Forces and Their Dependents.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, September 14, at 10 a.m. The purpose of the hearing is to consider the nomination of C. Stephen Allred, of Idaho, to be an Assistant Secretary of the Interior, Vice Rebecca W. Watson, resigned; and Robert W. Johnson, of Nevada, to be Commissioner of Reclamation, Vice John W. Keys, III, resigned.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing during the session of the Senate on Thursday, September 14, 2006, at 10:30 a.m. in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, September 14, 2006, at 9:30 a.m. in room 485 of the Russell Senate Office Building to conduct a hearing on the nomination of Carl J. Artman to be Assistant Secretary for Indian Affairs, U.S. Department of the Interior, Washington, DC, to be followed immediately by a business meeting to approve the nomination of Carl J. Artman.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, September 14, 2006, at 9:30 a.m in the Dirksen Senate Office Building, Room 226.

Agenda

I. Nominations

Terrence W. Boyle, to be U.S. Circuit Judge for the Fourth Circuit; William James Haynes II, to be U.S. Circuit Judge for the Fourth Circuit; Peter D. Keisler, to be U.S. Circuit Judge for the District of Columbia Circuit; William Gerry Myers III, to be U.S. Circuit Judge for the Ninth Circuit; Norman Randy Smith, to be U.S. Circuit Judge for the Ninth Circuit; Valerie L. Baker, to be U.S. District Judge for the Central District of California; Francisco Augusto Besosa, to be U.S. District Judge for the District of Puerto Rico; Philip S. Gutierrez, to be U.S. District Judge for the Central District of California; Marcia Morales Howard, to be U.S. District Judge for the Middle District of Florida; John Alfred Jarvey, to be U.S. District Judge for the Southern District of Iowa; and Sara Elizabeth Lioi, to be U.S. District Judge for the Northern District of Ohio.

II. Bills

S. 2831, Free Flow of Information Act of 2006, Lugar, Specter, Schumer, Graham, Biden, Grassley; S. 155, Gang Prevention and Effective Deterrence Act of 2005, Feinstein, Hatch, Grassley, Cornyn, Kyl, Specter; S. 1845, Circuit Court of Appeals Restructuring and Modernization Act of 2005, Ensign, Kyl; S. 394, OPEN Government Act of 2005, Cornyn, Leahy, Feingold; and S. 2644, Perform Act of 2006, Feinstein, Graham, Biden.

III. Other Matters

Changes to 18 U.S.C. 2441, War Crimes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. FRIST. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet Thursday, September 14, 2006 from 10 a.m.–12 p.m. in Dirksen 562 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AVIATION

Mr. FRIST. Mr. President, I ask unanimous consent that the Subcommittee on Aviation be authorized to hold a hearing at 10 a.m. on Thursday, September 14, 2006 to discuss rural air service.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CLEAN AIR, CLIMATE CHANGE, AND NUCLEAR SAFETY

Mr. FRIST. Mr. President, I ask unanimous consent that on Thursday, September 14, 2006 at 9:30 a.m. the Subcommittee on Clean Air, Climate Change, and Nuclear Safety be authorized to hold an oversight hearing on the NRC's responsibility and capability for long- and short-term spent fuel storage programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION AND INTERNATIONAL SECURITY

Mr. FRIST. Mr. President, I ask unanimous consent that the subcommittee on Federal Financial Management, Government Information, and International Security be authorized to meet on Thursday, September 14, 2006, at 2:30 p.m. for a hearing regarding ''Part Two: Federal Agencies and Conference Spending''.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Ms. COLLINS. Mr. President, I ask unanimous consent that Steve Midas, who is a Coast Guard detailee assigned to the Homeland Security Committee, be accorded privileges of the floor for the remainder of the consideration of the Port Security Improvement Act of 2006.

The PRESIDING OFFICER. Without objection, it is so ordered.

SECOND GOLDEN GAVEL AWARD FOR SENATOR BURR

Mr. MCCONNELL. Mr. President, I offer congratulations to one of our Presiding Officers, Senator RICHARD BURR. At 5:20 p.m. today, Senator BURR broke the longstanding record for the quickest completion of 200 hours of presiding over the Senate. He has now earned his second Golden Gavel Award in this, his first Congress in the Senate. If he keeps this up, we may need to establish a special Platinum Gavel Award in his honor.

We all owe Senator BURR a special thank-you for his unprecedented service to the Senate as an institution.

I am sure he has heard many interesting and stimulating speeches in the Senate during those 200 hours.

HISPANIC HERITAGE MONTH

Mr. MCCONNELL. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of S. Res. 571, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 571) recognizing Hispanic Heritage Month and celebrating the vast contributions of Hispanic Americans to the strength and culture of the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I rise today to recognize the month-long celebration beginning today honoring the heritage of Hispanic Americans.

Every year, we set aside a month to pay special regard to the contributions of Hispanic Americans.

The tradition began nearly 40 years ago, when Congress authorized President Lyndon Johnson to proclaim National Hispanic Heritage Week. Two decades later, President Ronald Reagan expanded the celebration to 4 weeks—today's National Hispanic Heritage Month.

While the celebration has begun only recently, Hispanics have always defined America.

The history of Europeans in what is now the United States, in fact, begins with the voyage of a Spanish explorer named Ponce de Leon who landed on Florida's west coast in 1521.

Since then, Hispanic Americans have infuenced every aspect of our history and culture. Let me discuss just a few:

David Glasgow Farragut, a proud Tennessean of Spanish descent, proved the North's most able naval commander during the Civil War. He becamd the first admiral of the U.S. Navy.

Severo Ochoa, a Nobel Prize recipient, revolutionized modern medical science when he discovered RNA, ribonucleic acid, one of the chemical building blocks of life.

Celia Cruz, a singer, introduced salsa music to the United States through her recordings and performances.

Louis and Walter Alverez, both research scientists, originated the once-controversial theory that asteroid impacts can explain the periodic mass extinctions that have shaped the history of life on Earth.

Roberto Goizueta, Oscar Hijuelos, Benjamín Cardozo, Alberto Gonzalez, Rita Hayworth, Roberto Clemente—entrepreneurs, artists, public servants, athletes, scientists, scholars—these names stand out, but many others move America forward every day. We cannot name all of the countless heroes who have fought in wars, treated the sick, taught our children, and devoted themselves to public service.

Through continuing migration to our shores, Hispanic Americans continue to strengthen American culture. Foods, music, and artistic forms considered unalterably ''foreign'' just a few short years ago have now become firm parts of the American identity.

Today, as we begin a month-long celebration of Hispanic hereitage, I join with all Americans in recognizing the invaluable role of Hispanic Americans in shaping and enriching these United States.

Mrs. HUTCHISON. Mr. President, today I wish to voice my support for the Senate resolution designating September 16, 2006, through October 16, 2006, as Hispanic Heritage Month. Hispanic Americans are our largest ethnic minority, and I am a cosponsor of this resolution because I believe it is an appropriate way to recognize the contributions made by our Hispanic American community.

Hispanics have migrated to the United States from all over the world. They have added to our national security by serving valiantly in the U.S. Armed Forces; many have paid the ultimate price and sacrificed their lives for freedom.

In my home State of Texas, Hispanic women and men shaped our Republic in its early years, and to this day, subsequent generation of Texans continue to enjoy the liberty for which our Texan and American ancestors fought so courageously.

Americans of Hispanic origin have contributed to the econmy with their notable work ethic and have served honorably at all levels of government. Three of my Senate colleagues find their roots in Hispanic origins.

It is because of these contributions and their love of equality, justice, and independence that I am proud to support the distinguished majority leader, Senator FRIST, and my other Senate colleagues in designating September 16, 2006, through October 16, 2006, as Hispanic Heritage Month.

Mr. MCCONNELL. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 571) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 571

Whereas from September 15, 2006, through October 15, 2006, the United States celebrates Hispanic Heritage Month;

Whereas the presence of Hispanics in North America predates the founding of the United States, and, as among the first to settle in the New World, Hispanics and their descendants have had a profound and lasting influence on the history, values, and culture of the United States;

Whereas, since the arrival of the earliest Spanish settlers more than 400 years ago, millions of Hispanic men and women have come to the United States from Mexico, Puerto Rico, Cuba, and other Caribbean regions, Central America, South America, and Spain, in search of freedom, peace, and opportunity;

Whereas Hispanic Americans have contributed throughout the ages to the prosperity and culture of the United States;

Whereas the Bureau of the Census now lists Hispanic Americans as the largest ethnic minority within the United States;

Whereas Hispanic Americans serve in all branches of the Armed Forces and have fought valiantly in every war in the history of the United States;

Whereas the Medal of Honor is the highest United States military distinction, awarded since the Civil War for ''conspicuous gallantry and intrepidity at the risk of life above and beyond the call of duty'';

Whereas 41 men of Hispanic origin have earned this distinction, including 21 such men who sacrificed their lives;

Whereas many Hispanic Americans who served in the Armed Forces have continued their service to the United States;

Whereas many Hispanic Americans are dedicated public servants, holding posts at the highest levels of government, including 3 current seats in the United States Senate; and

Whereas Hispanic Americans have a deep commitment to faith, family, and community, an enduring work ethic, and a perseverance to succeed: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes September 15, 2006, through October 15, 2006, as Hispanic Heritage Month;

(2) celebrates the vast contributions of Hispanic Americans to the strength and culture of the United States; and

(3) encourages the people of the United States to observe Hispanic Heritage Month with appropriate programs and activities.

UNANIMOUS CONSENT—H.R. 5684

Mr. MCCONNELL. I now ask unanimous consent at a time to be determined by the majority leader, in consultation with the Democratic leader, the Senate proceed to the immediate consideration of Calendar No. 565, H.R. 5684; I further ask that there then be 3 hours of debate on the bill, 2 for the minority, with 60 minutes under the control of Senator DORGAN, 30 minutes under the control of Senator CONRAD, and 30 minutes under the control of Senator BAUCUS or his designee, and 1 hour under the control of the majority, with all time consumed on either Friday, September 15, or Monday, September 18.

I further ask that on Tuesday, September 19, there be 10 minutes for Senator DORGAN, 10 minutes for Senator

CONRAD, and 10 minutes equally divided between the chairman and ranking member, and that following the use or yielding back of time, the bill be read the third time, and the Senate proceed to a vote on passage.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR FRIDAY, SEPTEMBER 15, 2006

Mr. MCCONNELL. Mr. President, I ask unanimous consent when the Senate completes its business today, it stand in adjournment until 10 a.m. tomorrow, Friday, September 15; I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then proceed to 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.

PROGRAM

Mr. MCCONNELL. This afternoon, the Senate passed the port security bill. I thank the bill managers for their great work in processing this important measure.

Tomorrow, we will be in session, but we will not have any rollcall votes. We do plan to turn, as indicated earlier, to the United States-Oman Free Trade Agreement under the agreement just entered into. I remind all of our colleagues we passed the Senate bill in June by a vote of 60 to 34. Under this unanimous consent agreement, we will vote on passage of the House bill on Tuesday of next week.

Again, for the information of all Senators, we will not have any rollcall votes during Friday's session of the Senate.

ORDER FOR ADJOURNMENT

Mr. MCCONNELL. If there is no further business to come before the Senate, I ask unanimous consent that it stand in adjournment under the previous order, following the remarks of Senator BAUCUS, for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Montana.

(The Remarks of Mr. BAUCUS pertaining to the introduction of S. 3902 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. BAUCUS. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

MEASURE READ THE FIRST TIME—H.R. 6061

Mr. BAUCUS. Mr. President, on behalf of the majority leader, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will please read the title of the bill for the first time.

The assistant legislative clerk read as follows:

A bill (H.R. 6061) to establish operational control over the international land and maritime borders of the United States.

Mr. BAUCUS. Mr. President, I now ask for a 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. The bill will receive its second reading on the next legislative day.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m., Friday, September 15, 2006.

Thereupon, the Senate, at 6:46 p.m., adjourned until September 15, 2006, at 10 a.m.

EXTENSIONS OF REMARKS

HONORING THE BIRTHDAY OF MR. ROBERT B. INGRAM, JR.

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. BONNER. Mr. Speaker, I rise today to recognize Mr. Bob Ingram for his service to the state of Alabama as one of the most influential and respected political writers.

At a celebration of his 80th birthday earlier this summer, State Treasurer Kay Ivey described Bob as an "Alabama Treasure." Throughout his career, he has used his skills as a journalist to make an important contribution toward building a better Alabama.

Born in Centre, Alabama, in 1926, Bob graduated from Cherokee County High School and served with distinction in World War II as a radio operator and gunner aboard the USS *Panamint.* He graduated from Auburn University in 1949 and soon began working for the Cherokee County Herald.

Bob has seen and reported on many of the most pivotal events in Alabama's history including the civil rights movement and the career of former Governor George C. Wallace. While noted for his legendary objectivity, Bob has never been afraid to speak his mind. Be it with praise or criticism, Mr. Ingram has served as a watchdog for the people of Alabama his entire career.

Bob Ingram has been a reporter, a magazine publisher, an author, a television commentator, and a speaker for the better part of a century. In 1968, he also served the people of Alabama as the finance director to Governor Albert Brewer.

Mr. Ingram's life is filled with achievement, and today I rise to honor yet another of these achievements—the 80th birthday of one of our state's most revered journalists and esteemed citizens. May he continue to inform and inspire the people of Alabama, and may his role in our State's history not soon be forgotten.

WWII ACE REMEMBERED

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. BUTTERFIELD. Mr. Speaker, I rise today to remember a great American warrior, Col. Herschel H. "Herky" Green. Herky Green was a pilot in the Army Air Corps during World War II and is recognized as one of the sharpest shooters of the war. He passed away August 16, 2006 from cancer at the age of 86.

In his time as a fighter pilot, Herky Green amassed 402 combat flying hours over the course of 100 combat missions. He is credited with destroying 10 enemy aircraft on the ground and 18 aerial victories, earning him the designation of Ace. As the leading Ace of the 15th Air Force, Herky Green dominated the skies over Europe and Africa from 1943 to 1944. During one mission against a group of German bombers, Green single-handedly destroyed six aircraft.

Green continued to serve in the newly established U.S. Air Force until 1964. Among his numerous decorations, he earned the Distinguished Service Cross, a Silver Star, and two Distinguished Flying Crosses.

HONORING BILL STONE

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. COSTA. Mr. Speaker, I rise today to honor Mr. Bill Stone as the recipient of the 2006 Kings County Agriculturalist of the Year Award. With over 35 years of dedicated service to the Central Valley's agriculture industry and with demonstrated quality leadership, Mr. Stone is truly deserving of this recognition.

A native of Stratford, Mr. Stone moved to Lemoore when he was 9 years old. He graduated from Lemoore High School in 1964 and Cal Poly, San Luis Obispo in 1968. His earliest memories of farm life center on days spent playing out on the ranch with the kids who lived in the farm labor camp as well as working around the shop with his father and brother.

Today, Mr. Stone owns and operates Stone Land Company, nestled in the heart of the Central Valley. He credits his employees, some of who have worked for the company for over 40 years, in helping harvest cotton, garlic, onions, tomatoes, garbanzo beans, cantaloupe, wheat, barley, alfalfa and lettuce grown for seed across the 9,000 acre farm. Because Mr. Stone is committed to enhancing the quality of agriculture in the valley, he makes the extra effort to incorporate new technology on his farm. He has been actively involved in operating laser leveling, GPS guidance systems and yield monitoring equipment. He has also taken advantage of computers for bookkeeping and in tracking production. Further, Mr. Stone has worked closely with University Ag Extension programs in testing new products and equipment.

Aside from his commitments out on the farm, Mr. Stone is an outstanding member of the agricultural community. He currently serves as the Secretary of the San Joaquin Valley Quality Cotton Growers Association, Chairman of the San Joaquin Valley Cotton Board, Director of the Ranchers Cotton Oil Company, Director of the California Cotton Growers Association and a Member of the CIAA Cotton Committee. In addition, Mr. Stone is a board member of Mary Immaculate Queen School, Director of the Beltwide Cotton Co-Op and Chairman of the California Garlic and Onion Research Advisory Board. In the past, Mr. Stone served as the Director of Calcot, Ltd. and the Chairman of Kingsburg Cotton Oil Company.

The Stone family has been an important part of California agriculture for over a century. It is for those reasons, that I extend my sincerest appreciation for Mr. Stone's dedication and service and offer my heartfelt congratulation for receiving the 2006 Kings County Agriculturalist of the Year Award.

CONGRATULATING SCOTT TEW ON HIS APPOINTMENT AT AMERICAN STANDARD COMPANIES AND HIS SERVICE TO WASHINGTON COUNTY, ALABAMA

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. BONNER. Mr. Speaker, I rise today to commend Scott Tew on his hard work and service to the people of Washington County, Alabama, and to congratulate him on his recent appointment as global director of public affairs at American Standard Companies.

After receiving a bachelor of science degree and a master of arts degree at Livingston University in Livingston, Alabama, Scott joined the Ciba-Geigy Corporation in Mobile. He has devoted over 15 years to the Ciba-Geigy Corporation and to Washington County where his dedication and hard work helped the company and the community prosper. At Ciba, Scott served as the head of North American public affairs, the director of community and state relations, the global corporate communications manager, and the manager of public affairs and communications.

In the midst of his demanding professional schedule, Scott also dedicated his time to the community, including: the Gulf Coast Science Exploreum, the American Chemistry Council, Manufacture Alabama, Mobile Area Chamber of Commerce, Business Council of Alabama, the Washington County Business Alliance, and the Alabama Environmental Initiatives Commission.

Mr. Speaker, all of us in south Alabama are sad to see Scott leave our community. I ask my colleagues to join with me in congratulating him on this achievement and new chapter in his life. I know Scott's colleagues, his wife Cindy, his daughters Dylan and Katherine, his family, and many friends join with me in praising his accomplishments and extending thanks for his many efforts over the years on behalf of the citizens of the First Congressional District and the State of Alabama.

A TRIBUTE TO MRS. CELESTER ALSTON CLARK

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. BUTTERFIELD. Mr. Speaker, I rise today to pay tribute to my constituent, Mrs.

Celester Alston Clark who is being honored on Saturday, September 16, 2006 by the North Carolina Federation of Garden Clubs. Mrs. Clark is being honored for her dedicated and loyal service as well as her enthusiasm and creativity. All of these qualities have indeed served to provide a tremendous benefit to the Garden Club. Over the years Mrs. Clark has exhibited an impressive level of leadership to the Garden Club; in that regard, she sponsors a workshop each year when the North Carolina Federation of Garden Clubs hosts its Annual Convention. Further, she serves as the State Youth Director.

Mr. Speaker, Mrs. Clark is indeed leading the charge for her Garden Club where one of its objectives is to put more strength behind local clubs so that the work of beautifying homes, churches, schools and communities can be achieved more effectively. Mrs. Clark is very instrumental in helping her Garden Club promote a full conservation program within local clubs, placing special interest on wildflowers, native trees, soil, and water. There are about 40 adult and youth clubs that belong to the North Carolina Federation of Garden Clubs which was organized as far back as 1935.

Mr. Speaker, Mrs. Clark has been a member of the Daisy Garden Club since 1979 and in 1995 she organized the Calla Lily Adult Garden Club. Under her guidance, the Calla Lily Adult Garden Club has projects at the Pinkerton's Street School, Satterwhite Point Lake Camp Site in Henderson, North Carolina and Haywood Missionary Baptist Church in Louisburg, North Carolina. In addition, Mrs. Clark oversees the Calla Lilly Youth Gardners referred to as Calla Lilettes.

She was born in Franklin County, North Carolina to Benjamin and Mable Alston, and has one brother and five sisters. She attended the Rockford Grade School and graduated from Franklin County Training School. She received her Bachelor of Art degree from A&T College in Greensboro, North Carolina. She married the love of her life, Mr. James Clark of Greensboro, North Carolina. After relocating to Washington, D.C., Mrs. Clark secured employment as a budget analyst with the U.S. Department of Health, Education and Welfare; with the U.S. Department of Defense in the area of Financial Management; and finally with the U.S. Department of Justice, Bureau of Prisons. Upon her retirement, she became a teacher in the Vance County Public School system.

While residing in Washington, D.C., Mr. and Mrs. Clark were members of the Upper Room Baptist Church. Mrs. Clark served as the Youth Director, Member of the Hospitality Committee, and was a member of the choir. She also served as President of the Fort Dupont Civic Association.

Upon returning to Henderson, North Carolina, Mr. and Mrs. Clark reunited with their family home church, Haywood Missionary Baptist Church in Louisburg where she serves as President of the Deaconess; Chairperson of the Hospitality Committee; member of the Mass Choir and member of the Missionary Department.

Mr. Speaker, I ask my Colleagues in the United States House of Representatives to join me in paying tribute to one of my most deserving constituents, Mrs. Celester Alston Clark on this great occasion.

HONORING THE EVANGELHO SEED & FARM STORE

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. COSTA. Mr. Speaker, I rise today to honor and celebrate the Evangelho Seed & Farm Store as the recipient of the 2006 Kings County Ag Support Business of the Year Award. For the past 25 years, Evangelho Feed & Farm Store has supplied essential farming products and services to the people of the Central Valley.

Rodney and Linda Evangelho opened the farm store on September 1, 1981. They started the business with the help and commitment of family members and three additional employees. The store provided seed to farmers and dairymen, as well as a small amount of cat and dog food to the folks of Kings County. Since then, the Evangelhos have seen their business flourish and they have opened a new pet and farm supply store. Today, they have a total of 13 employees and offer products for all types of animals to clothing and jewelry. In addition, the Evangelho Seed & Farm Store has become the Valley's one-stop shop for members of the 4–H and FFA and they have expanded their areas of service into Kings, Fresno, Tulare and Madera Counties.

The Evangelhos attribute their success to their customers, but it is their knowledge of the Valley's agricultural needs that keeps the business growing. Besides offering seminars for 4–H and FFA members, they are active with the Kings County Farm Bureau and the Dairy Herds Improvement Association. They have also been involved with the Education & Agriculture Foundation (EAT), which brings teachers from urban areas from Los Angeles County to the Bay Area to provide agricultural education for them to take back and share with their students. In addition to their commitments to the agricultural community, the Evangelho family is active in the Hanford Knights of Columbus, St. Peter's Church, Our Lady of Fatima in Laton and the Kings Guild.

Through years of hard work and dedication the Evangelho's investment in their business make them worthy of this recognition. They have managed to stand alone as a family-run and operated business among competitors and have served their local community in immense measures. It is for those reasons that I take great pride and honor in joining the Kings County community in commending the success of the Evangelho Seed & Farm Store and in wishing Rodney and Linda Evangelho continued success and prosperity.

CONGRATULATING MISS ALICE LEE ON THE OCCASION OF HER 95TH BIRTHDAY AND THE DISTINCTION OF BEING ALABAMA'S OLDEST PRACTICING FEMALE ATTORNEY

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. BONNER. Mr. Speaker, it is with both pride and pleasure that I rise this week to honor one of the most beloved residents of Monroeville, Alabama, Miss Alice Lee, on the occasion of her 95th birthday and her distinction of being Alabama's oldest practicing female attorney.

After graduating from Huntingdon College in Montgomery, ''Miss Alice'' returned to her hometown of Monroeville in the midst of the Great Depression. For 18 years, she served as the associate editor and partner of The Monroe Journal, a weekly newspaper in Monroeville. She did a little bit of everything at the paper including writing stories, proofing copy and assisting with the printing.

In 1937, ''Miss Alice'' went to work for the Internal Revenue Service in Birmingham and at night attended law school. After graduating from the Birmingham School of Law and being admitted to the bar in 1943, she returned to Monroeville to practice law with her father at his firm Barnett, Bugg & Lee, where she continues to practice today.

One of ''Miss Alice's'' passions has been her work for the Methodist church. She was the first woman to head the administrative board of her hometown church, and she was the first woman to chair the Alabama-West Florida Council on Ministries of the Methodist Church.

For 32 years, ''Miss Alice'' served on the city's planning commission. When she stepped down in 1998, she was presented with a proclamation from the Monroeville City Council.

Mr. Speaker, ''Miss Alice'' has devoted her life to the service of Monroe County's residents, and along the way, she has been an inspiration to countless young women—and men—for all that she has accomplished. Therefore, it is only appropriate that I ask my colleagues to join with me in congratulating ''Miss Alice'' on reaching this milestone. I know her colleagues, her sisters—Louise Lee Conner and Nelle Harper Lee—her family and her many friends join with me in praising her significant accomplishments and extending thanks for her many efforts over the years on behalf of the people of Alabama. May there be many more birthday celebrations to come. God bless you, ''Miss Alice.''

LONE STAR VOICE—MAGGI CARTER

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. POE. Mr. Speaker, it has been one year since Hurricane Katrina flooded Texas with evacuees. It's almost a year since welcoming Texans weathered their own storm, Hurricane Rita.

But today there are still shells of smashed buildings left standing. There are still homes where roofs were peeled back by wind and rain. Today only a blue tarp remains over the heads of countless families.

But these victims, these Lone Star Voices, are crying out for help.

Maggi Carter of Beaumont writes, ''Hurricanes Katrina and Rita handed the State of Texas an unprecedented housing challenge. To date, there are grossly inadequate resources for the 75,000 victims of Hurricane Rita. We support a 5-step plan to provide housing to the more than 100,000 families living in Texas who are victims of Hurricanes Katrina and Rita.''

Mr. Speaker her plan includes: Transferring long-term housing from FEMA to HUD, the people who understand housing; settling the elderly and disabled into long-term government housing; and developing affordable rental housing while repairing the battered homes of survivors.

We cannot turn a blind eye to survivors. The victims of these natural disasters and their needs cannot be ignored. They need their government to finally help them find the calm after the storm.

That's just the way it is.

IN HONOR OF SERGEANT VINCENT FISCELLA

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. CASTLE. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to Sergeant Vincent Fiscella a 17-year veteran of the Delaware State Police and the 2006 recipient of the Legacy of Honor Award presented by the Ronald G. Williams Foundation.

In 2003, The Ronald G. Williams, Jr. Foundation instituted the ''Legacy of Honor'' Award to recognize Delaware law enforcement officers who distinguish themselves through exemplary integrity and devotion to character. Sergeant Fiscella is a very worthy recipient of this award and I'm proud to honor him today. Sergeant Fiscella also serves as the President of the Delaware State Troopers Association.

The Legacy of Honor Award was created in memory of Delaware State Trooper Ronald Williams who was dedicated to the ideals of honor, duty, loyalty and service to others. Sergeant Fiscella joins two other distinguished individuals who have received the Legacy of Honor Award: Chief Kevin McDerby of New Castle County Police and Major Joseph Papili of the Delaware State Police.

Sergeant Fiscella's desire to become a Delaware State Trooper was born out of a will to be a part of an organization with rich tradition and history. Since 1923, the Delaware State Police have been serving the people of Delaware and now more than ever, the importance of effective law enforcement is apparent. Thankfully, there are officers like Sergeant Fiscella serving and protecting our communities.

Mr. Speaker, in closing, I would like to once again, commend Sergeant Fiscella on his achievement and thank him and all law-enforcement officials for all the tireless work they undertake to make our streets and communities safe places to live. I'm sure Sergeant Fiscella is and will continue to be an inspiration to his colleagues and future law-enforcement officers.

CELEBRATING THE CAREER OF JIM EMFINGER

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. BONNER. Mr. Speaker, I rise today to congratulate Jim Emfinger of Mobile, Alabama, for his dedicated, inspiring work as an umpire at Mobile Municipal Park. For over 25 years, Jim, affectionately known as ''Big Blue,'' has given his own special touch to the game of baseball and the development of little boys and girls who are learning at a very young age the rules of America's pastime.

All across America, baseball is an important part of our lives, full of history and tradition. From little league games in small towns, to enjoying a box of Cracker Jacks and a hot dog at a major league ballpark, there is no other sport that is as American as baseball. Jim Emfinger has enriched this tradition with a sense of kindness and humanity for which we should all strive both on and off the field.

Jim is well known for helping out the young girls and boys at Mobile Municipal Park, calling a time out if a player needs help or lending a hand if someone gets hurt while sliding into home. On more than one occasion, Jim has pretended to help tie a youngster's shoe while secretly telling him how to hold the bat. I have heard nothing but praise for Jim from the countless parents, coaches, and players who have been lucky enough to be a part of one of the many little league games that Jim has umpired. As the father of a little slugger myself, I can say I have witnessed first-hand the numerous times Jim Emfinger's love of children and love of baseball have come together to make a positive difference.

With a remarkable sense of patience and class, Jim Emfinger is a man who not only honors the game of baseball, but he is a role model to all of the parents and children he meets.

Mr. Speaker, I ask my colleagues to join me in recognizing a dedicated community leader and friend to many throughout south Alabama. I know Jim's family and friends, along with past and present ball players, join me in praising his accomplishments and extending thanks for his many efforts over the years on behalf of the city of Mobile and all the future ''Hall of Famers'' who live there.

TRIBUTE TO REV. JOSEPH CALVIN NEAL

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. WESTMORELAND. Mr. Speaker, I rise today to honor the work of Rev. Joseph Calvin Neal, from Carroll County in my district in Georgia.

Rev. Neal began life in Carroll County as one of 12 children of a single mother. As a young teen, he took a job at the Green Front, a locally owned restaurant, and was renowned for his ability to take the orders of multiple patrons with no notes and never missing a beat.

Rev. Neal became so beloved by key community leaders that they got him a job at Sunset Hills Country Club and eventually encouraged and supported him at Paine College in Augusta, where he received a degree in music.

The Lord called Rev. Neal to the ministry, and after his training was complete, he began serving as the pastor of several Methodist churches in west Georgia.

But his service at his churches wasn't his only job. During his time as pastor, he also worked for the Douglas & Lomason Company, one of the major producers of car parts in the country. Even after the plant in Carrollton closed down, the company trusted Rev. Neal with the oversight of the company property for years afterward.

But even in working two jobs, Rev. Neal never lost sight of his ministry. Normally, a Methodist pastor serves one church and is moved from church to church every five or so years. But Rev. Neal was so beloved by his congregations that he served as the pastor of 3 churches simultaneously—in Newnan, Georgia for 32 years. These churches are Smith Chapel UMC, Wesley Chapel UMC, and Clark Chapel UMC. During those years, his churches were recognized twice as ''church of the year'' by the North Georgia Methodist Conference, another testament to his leadership and skill. Rev. Neal also continued his education by receiving a Master of Divinity degree from Candler School of Theology at Emory University in Atlanta.

But Rev. Neal also lived out what he preached regarding the importance of family—he cared for his mother until she passed away, and he continues to live in her house with an older brother.

He has also been invaluable to the community in Carroll County. He has served on the planning commission for the city of Carrollton, the Carroll County Water Authority, and on the Chamber of Commerce Board of Directors to name a few. Even while working two full-time jobs, Rev. Neal still found time to serve his community.

Rev. Neal has earned the respect and love of the people of Carroll County. Even today, when Rev. Neal does something as simple as go out to a restaurant to eat, people know him and come speak to him about their lives.

Mr. Speaker, it is an honor to bring a life of service like that of Rev. Neal before the House. He is an example to young people across this Nation of the type of spirit we need in our citizens—he looks beyond what it means to gain notoriety for himself, and focuses on serving others. Servant leadership. Something we would do well to practice here in Washington, and something that Rev. Neal exemplifies by his life. We all wish him the very best in his retirement and continued service to my State and our Nation.

TRIBUTE TO DIANNE EDWARDS

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Ms. WOOLSEY. Mr. Speaker, I rise today to honor Dianne Edwards of Santa Rosa, California, who is retiring after ten years as Director of Human Services for Sonoma County,

Dianne's job required overseeing one of the largest departments in County government. Human Services provides essential services to one in nine residents including cash aid, medical assistance, and food stamps to low income individuals and families; employment and training services; assistance to the elderly, disabled and veterans to maintain quality of life; and child welfare and child protective services. Dianne managed the 600 staff and their supervisors responsible for these activities at 8 locations.

Children are among our most vulnerable populations, and during Dianne's tenure the County, with the assistance of other organizations, built the Valley of the Moon Children's Home, an emergency center for child victims of abuse. The department also manages the Redwood Children's Center for a safe, supportive environment for child victims of sexual abuse.

Dianne holds a Master's Degree in Public Administration and has spent the last 34 years in social services in California at both county and state levels. She began her career as an eligibility worker, worked 2 years as State Chief of AFDC and Food Stamps Policy for all 58 California counties, and served as Director of Adult and Employment Services for Orange County just before moving to Sonoma.

Locally, Dianne has shared her expertise with the community including the Board of Directors of United Way, commissioner on the Children and Families Commission, and member of the Mayor's Gang Task Force for the City of Santa Rosa. She has also participated, as a member and officer of the County Welfare Directors Association of California, the National Association of Counties, and the National Association of County Human Services Administrators.

Mr. Speaker, Sonoma County has been fortunate to have Dianne Edward's leadership for the Human Services Department, a department which is responsible for the welfare of many of our community's most vulnerable citizens. We appreciate the skill, proficiency, and dedication with which she has guided these crucial services for 10 years.

FOURTEENTH DALAI LAMA CONGRESSIONAL GOLD MEDAL ACT

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of S. 2784, which authorizes the awarding of the Congressional Gold Medal to Tenzin Gyatso, the 14th Dalai Lama. The Congressional Gold Medal is the highest expression of national appreciation for exceptional service and for lifetime contributions. The medal has been awarded to individuals from all walks of life. Dr. Martin Luther King, Jr. and Coretta Scott King, Pope John Paul II, the Navajo Code Talkers, Rosa Parks, Frank Sinatra, and Elie Wiesel are among those who have been honored. The Dalai Lama is well qualified to join the list of individuals who have received this most distinguished of honors.

Tenzin Gyatso, the Fourteenth Dalai Lama is recognized in the United States and throughout the world as a leading figure of moral and religious authority. He is the unrivaled spiritual and cultural leader of the Tibetan people, and has used his leadership to promote democracy, freedom, and peace for the Tibetan people through a negotiated settlement of the Tibet issue, based on autonomy within the People's Republic of China.

This Dalai Lama has led the effort to preserve the rich cultural, religious, and linguistic heritage of the Tibetan people and to promote the safeguarding of other endangered cultures throughout the world.

For his efforts on behalf of humanity, this Dalai Lama was awarded the Nobel Peace Prize in 1989. His efforts to promote peace and non-violence throughout the globe, and to find democratic reconciliation for the Tibetan people through his "Middle Way" approach has won him world-wide acclaim.

This Dalai Lama has significantly advanced the goal of greater understanding, tolerance, harmony, and respect among the different religious faiths of the world through interfaith dialogue and outreach to other religious leaders and, perhaps most important, he has used his moral authority to promote the concept of universal responsibility as a guiding tenet for how human beings should treat one another and the planet we share.

For these reasons, I strongly support S. 2784 and urge my colleagues to join me in voting to award the Congressional Gold Medal to Tenzin Gyatso, the 14th Dalai Lama.

FOURTEENTH DALAI LAMA CONGRESSIONAL GOLD MEDAL ACT

SPEECH OF

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Mr. WOLF. Mr. Speaker, I rise in support of S. 2784 to award a congressional gold metal to Tenzin Gyatso, the Fourteenth Dalai Lama, in recognition of his many enduring and outstanding contributions to peace, non-violence, human rights, and religious understanding.

I am honored to support the Dalai Lama to receive the Congressional Gold Metal. He has dedicated himself to the Tibetan people and the pursuit freedom. He is the head of state and spiritual leader of the Tibetan people—the epitome of strength and courage, revered around the world for his commitment to the cause of human rights and religious freedom—a man who wants only to be able to return to his country in peace and to lead his people in the practice of their religion. He had led the effort to preserve the rich cultural heritage of the Tibetan people.

I traveled to Tibet in 1997 and saw with my own eyes the suffering the Tibetan people endure. I visited monasteries and talked with many people. Several monks spoke to me in secret and shared with me the horrors taking place in Tibet. I heard stories of monks and nuns who were dragged away to prison and tortured.

These monks and nuns are not alone. Religious persecution is spread across China. Catholic bishops are in prisons and labor camps. Protestant House Church leaders are routinely harassed and detained. Large numbers of Muslims in China are in prison because of their faith. Young Muslim Uighur boys and girls are not even allowed to enter a mosque until they are 18-years-old.

I have been standing on the floor of this House talking about human rights in China and the Dalai Lama for two decades. The world is now looking for resolutions to the human rights problems in China and Tibet. There has been a dialogue taking place between the Dalai Lama's envoys and the Chinese, and that is good. But we now need to see some concrete results from these talks. The Tibetan people deserve to live in peace.

I am proud to support the Dalai Lama for the Congressional Gold Medal. He has kept the cause of human rights alive in Tibet and in other places around the globe. He is a true hero to me and many others throughout the world.

IN RECOGNITION OF CHIEF MARK MOCZULSKI FOR HIS 29 YEARS OF SERVICE TO THE ANTIOCH POLICE DEPARTMENT

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mrs. TAUSCHER. Mr. Speaker, I rise to pay tribute to Chief Mark Moczulski who is retiring from the city of Antioch Police Department after 29 years of serving Antioch and the entire region.

Mark Moczulski began his distinguished career with the city of Antioch Police Department in 1977. In 1985, he was promoted to police corporal, and in 1987 received the ranking of sergeant. Three years later he became a lieutenant, and in 1996, he was promoted to captain.

In 2000, Mark Moczulski was promoted to police chief for the city of Antioch. As chief, he has been instrumental in helping the police department expand in size and quality of service and supporting community-wide efforts to maintain a high quality of life for city of Antioch residents during the region's punctuated growth.

During his tenure, Chief Moczulski oversaw the completion of several projects to support the department's expansion. Some of these accomplishments include managing the completion of the build-out of the police department's main facility and the establishment of a sub-station at the Prewett Family Water Park.

As Chief, Mark Moczulski was also responsible for several technology improvement projects including the implementation of a new state-of-the-art information and records system as well as acquiring important safety equipment including portable radios for all officers and automated external defibrillators. These expansion projects were important for the police department and even more invaluable for residents of the Antioch community, who now receive more value-added police services than ever before.

Chief Moczulski also worked to improve the quality of department services during his tenure at the Antioch Police Department. His work included the creation of a professional standards and training bureau as well as the development of a continuous testing process for hiring new employees.

As a resident of Antioch with his wife Robin, Mark Moczulski is both a member and leader of the community. Mark has one daughter, Jennifer, who is 24 and a son, Eric, who is 24.

For 29 years, Chief Moczulski has served the Antioch Police Department and surrounding community. His hard work has improved the safety of the city and the community as a whole, and has ensured an enduring legacy of public service in Antioch. Today, I am proud to commend him for his service to the community, his dedication to duty and his commitment to the people of Antioch.

TRIBUTE TO M&M FOOTBALL GAME

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. STUPAK. Mr. Speaker, I rise today to pay tribute to a time honored tradition observed in my district and, specifically, in my hometown of Menominee, Michigan. Nearly every year, since 1894, Menominee High School's football team, known as the Maroons, has played their rivals just across the Wisconsin border, the Marinette High School Marines. The annual rivalry is known as the M&M (Marinette & Menominee) game. In many ways, it parallels the annual contest in the professional football between the Chicago Bears and the Green Bay Packers, another longstanding rivalry.

Since 1894, the M&M game has developed into one of the oldest interstate athletic competitions in the United States. In fact, until 2005, the National Federation of State High School Associations recognized the M&M game as the oldest interstate series in the United States. Last year, the National Federation of State High School Associations found that two other interstate athletic series were older. Nonetheless, the proud tradition of the M&M game remains the oldest interstate high school football competition in the Midwest and the third oldest in the nation.

To understand what this competition means to the people of Menominee and Marinette, one needs to know a little about the area. These two communities are separated only by the Menominee River, which serves as the state border. The communities are so closely tied together economically that in many ways the residents think of the two cities as one, disregarding the state border that separates the two states.

However, every fall, town pride boils up and the team colors come out as the two towns prepare for the annual game. Together, Marinette and Menominee are transformed into an exceptional Midwestern fall festival as area residents organize a celebration of this great tradition. Through events like parades, tug of war contests, battles of the drums, a community yell contest, a powder puff game, fireworks and a bonfire, the people of Menominee and Marinette celebrate their shared history through good natured competition.

Over the years, the Menominee-Marinette competition has produced a whole range of football stars, many of whom went on to play football for Big Ten schools like the University of Wisconsin, the University of Michigan and Michigan State University. The two schools have also produced athletes who played in the National Football League. A particularly remarkable photo from 1958 shows three NFL players—Billy Wells, Dick Deschaine, and Earl ''Gug'' Girard. All three were on the field at the same time during a Pittsburgh Steelers-Cleveland Browns game and, interestingly, all three hail from the Menominee-Marinette area.

This year is particularly important for these two communities and for this tradition. While this rivalry originated in 1893, for a variety of reasons, the two schools did not play each other a few years, making 2006 the year that Menominee and Marinette will play their one-hundredth game. The Marinette-Menominee community will mark this centennial with a number of special events, including the first ever M&M Twin Cities Parade, the first parade that will originate in Menominee, proceed through town, cross the Menominee River and the Wisconsin border and then finish in Marinette, Wisconsin. Every year, the teams rotate where the game will be played and this year the game will take place at Higley field in Marinette, Wisconsin.

Mr. Speaker, high school football is a uniquely American institution and tradition that brings our communities together. Rivalries between neighboring schools serve to remind us of our roots and why our hometowns are special to each of us. The older and deeper the rivalry, the greater the passion it elicits from fans and alums. The Menominee-Marinette rivalry is unique in many ways. Holding the title of the third oldest interstate high school competition makes this game special.

Perhaps what is most unique about the annual M&M game is that such an intense rivalry draws two communities together into a spirit of shared kinship. These two cities, separated only by a river and a state line, rediscover their unique identities every fall by rooting for the Marinette Marines or the Menominee Maroons. At the same time that these two communities celebrate their rivalry, they also acknowledge their longstanding shared history.

As the Menominee Maroons and the Marinette Marines prepare to don their respective maroon and purple uniforms for their one-hundredth game, I ask that the U.S. House of Representatives join me in saluting the players of today and yesterday as well as these two communities for continuing this unique tradition.

ON THE DEATH OF TEXAS GOVERNOR ANN RICHARDS

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Ms. JACKSON-LEE of Texas. Mr. Speaker, it is my sad duty to report to the House the loss of an American original and the First Lady of Texas politics, the great Ann Richards. Governor Richards died yesterday after a long battle with throat cancer. She was 73.

Dorothy Ann Willis Richards began her career in politics in the early 1970s after having raised four children. A Democrat, she served as County Commissioner in Travis County, Texas from 1977 to 1982. Richards was elected to the first of two terms as Texas State Treasurer in 1982. We who knew and loved her will remember her always as a forcefully articulate and amusingly folksy speaker. She first gained national prominence with her keynote address at the 1988 Democratic National Convention. In 1990 she was elected governor of Texas, the first woman chief executive of Texas in more than fifty years.

Dorothy Ann Willis was born in Lakeview, Texas. She grew up in Waco, Texas, and graduated from Waco High School in 1950, participating in Girls State. She received a bachelor's degree from Baylor University while on a debate scholarship. She married her high school sweetheart, David Richards, and moved to Austin, Texas, where she earned a teaching certificate from the University of Texas at Austin.

After graduation, she taught social studies and history at Fulmore Junior High School in Austin, Texas from 1955 to 1956. She had also two daughters and two sons in the following years, and she campaigned for Texas liberals and progressives such as Henry B. Gonzalez, Ralph Yarborough, and Sarah Weddington. One of her daughters, Cecile Richards became president of Planned Parenthood in 2006. Throughout her life Ann Richards was a forceful champion for economic and social justice for all Americans, especially women and the disadvantaged.

In 1976, Richards ran against and defeated a three-term incumbent on the Travis County, Texas Commissioner Court, holding the position for six years. She then was elected State Treasurer in 1982, becoming the first woman elected to statewide office in more than fifty years. In winning the Democratic nomination for treasurer, Richards ended the career of a Texas politician with the same name as a president (but no relation), Warren G. Harding. In 1986, she was re-elected treasurer without opposition.

Ann Richards delivered the keynote address to the 1988 Democratic National Convention, a move which put her in the national spotlight with the line ''Poor George [H.W. Bush], he can't help it . . . He was born with a silver foot in his mouth.'' The speech set the tone for her political future; she described herself as a real Texan (in supposed contrast to George H.W. Bush), established herself as a feminist, and reached out to African-Americans and Hispanics. In 1989, with co-author Peter Knobler, she wrote her autobiography, Straight from the Heart.

In 1990, she sought and won the Democratic gubernatorial nomination besting such venerable vote getters as Texas Attorney General James ''Jim'' Mattox and former governor Mark White. In the general election she defeated multi-millionaire rancher Clayton Williams after a brutal campaign and was inaugurated the 45th governor of Texas in January 1991.

The Texas economy had been in a slump since the mid-1980s, compounded by a downturn in the U.S. economy. Governor Richards responded with a program of economic revitalization, yielding growth in 1991 of 2% when the U.S. economy as a whole shrank. She also streamlined Texas's government and regulatory institutions for business and the public. Her efforts helped to revitalize and position Texas's corporate infrastructure for the explosive economic growth it experienced later in the decade. Her audits on the state bureaucracy saved Texas taxpayers more than $6 billion.

Governor Richards reformed the Texas prison system, establishing a substance abuse program for inmates, reducing the number of violent offenders released, and increasing prison space to deal with a growing prison population (from less than 60,000 in 1992 to more than 80,000 in 1994). She backed proposals to reduce the sale of semi-automatic firearms and ''cop- killer'' bullets in the state.

The Texas Lottery was also instituted during her governorship—advocated as a means of supplementing school finances; Ann Richards purchased the first lotto ticket on May 29, 1992. However, most of the income from the lottery went into the state's general fund rather

than specifically to education, until 1997, when all lottery net revenue was redirected to the state's Foundation School Fund, which supports public education. School finance remained one of the key issues of her governorship and of those succeeding hers; the famous Robin Hood plan was launched in the 1992–1993 biennium which attempted to make school funding more equitable across school districts. Richards also sought to decentralize control over education policy to districts and individual campuses; she instituted ''site-based management'' to this end.

In March 2006, Richards announced that she had been diagnosed with esophageal cancer and will be seeking treatment at M.D. Anderson Cancer Center in Houston, Texas. The disease has a five-year survival rate of 25 percent. Despite the statistics, Governor Richards vowed to beat her illness and battled valiantly until the very last day, when she finished her journey on earth and ascended to the heavens.

None of us who knew and loved Ann Richards will ever forget her or the way she brightened the lives of all the people she served. She was one in a million and she will be deeply missed. She will never be replaced. She was an American original. She was my friend.

IN HONOR OF THE 100TH HIGH SCHOOL FOOTBALL GAME BETWEEN MARINETTE, WISCONSIN AND MENOMINEE, MICHIGAN

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. GREEN of Wisconsin. Mr. Speaker, today I would like to recognize the Marinette Marines from Marinette High School and the Menominee High School Maroons as they prepare for the 100th meeting of their football teams.

This celebrated gridiron contest began over a century ago when the teams first met on Thanksgiving Day in 1894. Over one hundred years later, the Marinette and Menominee High School football game is one of the oldest interstate high school football rivalries in the nation.

In true Midwestern football spirit, the historic game between Marinette and Menominee is one of the biggest events of the year for locals. While many shops and factories close for the day to enjoy the game, others decorate their storefronts with school colors. Without a doubt, the stands are filled each and every year with screaming fans—all anxious to show pride in their school and town.

Mr. Speaker, it's my pleasure to recognize this historic football game and pay tribute to the one hundred years of tradition surrounding it. On behalf of the residents of Wisconsin's 8th Congressional District, I want to say congratulations, best of luck, and go Marines!

HONORING 2006 PRESIDENTIAL FREEDOM SCHOLARSHIP RECIPIENTS IN THE 20TH CONGRESSIONAL DISTRICT OF NEW YORK

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. SWEENEY. Mr. Speaker, I would like to take this opportunity to honor and recognize 20 exceptional high school students in my Congressional District that were the recipients of the 2006 Presidential Freedom Scholarship. The immeasurable amount of time and effort that these students have volunteered this past year has helped countless citizens of my district, and has made New York's 20th a better place to live.

The Presidential Freedom Scholarship promotes student service and civic engagement by recognizing high school students for outstanding leadership in service to their community and neighbors. This year's recipients in my Congressional District include:

David Casazza, Paige Hanselman, Andrea E. Holmes, Chad M. Shippee, Vanessa A. Merrill, Kathleen B. Price, Renee C. O'Toole, Eric R. Reeve, Craig Millward, Nicholas Kitsock, Patrick K. Gavin-Brynes, Meghan G. Michael, Brian Driscoll, Katelin M. Meehan, Michael Fueston, Stephen R. McGrath, Philip J. Schools, Kathleen Dillon, Jaimie N. DeJager, and Vincent A. Newell.

By completing at least 100 hours of community service, these high school students are solving problems in their communities, demonstrating compassion for others, and assisting those who need support.

Our neighborhoods and communities are stronger because of volunteers and these students are truly a role model for our nation and their peers. It is my privilege to honor such selfless and dedicated members of my district. On behalf of the United States Congress, I offer my best wishes to them for continued success in the future.

TRIBUTE TO MARGARET E. ''PEARL'' MILLER

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today with great sadness and tremendous gratitude to honor the life of my good friend, Margaret E. Miller, a generous and dedicated member of the community who will be greatly missed in Delaware County, Pennsylvania. Mrs. Miller, known to her many friends as ''Pearl'', was a woman of character, ability and charm, and we shall all miss her very much.

Pearl Miller was renowned for her unswerving loyalty to her friends and family. She worked to make a difference in the lives of others and everyone who met her was warmed by her friendliness and hospitality.

While establishing her reputation as a loving wife and mother, Pearl also distinguished herself as a gracious hostess and active supporter of many admirable causes. Pearl Miller was a woman of integrity, compassion, and dedication. She carried out her responsibilities as mother, wife, hostess, campaign advisor, and friend with a grace and style, which few could match. Her loss is felt deeply throughout Delaware County, particularly in Springfield, the town she proudly called home.

Mr. Speaker, I ask my colleagues to join me in remembering Pearl Miller, a dedicated friend to many in the 7th Congressional District. I wish Pearl's husband, Rutherford S. ''Ford'' Miller, Sr. and family my heartfelt condolences. May they find comfort in knowing that the many people she impacted deeply value her dedication and generosity and the example of her life and work.

DETROIT SHOCK CHAMPIONSHIP CELEBRATION

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Ms. KILPATRICK of Michigan. Mr. Speaker, the Detroit Shock were crowned 2006 WNBA Champions after their 80–75 victory in Game 5 against the Sacramento Monarchs. This is the Shock's second WNBA title in franchise history. The Shock also won in 2003.

The Shock proved they have ''got game'' by becoming one of three teams to win two championships. Houston and Los Angeles are the others. The Shock's two titles in four seasons rank them among best in league history.

Flint native Deanna Nolan was named Most Valuable Player, MVP of the 2006 WNBA Finals.

Former Detroit Piston Bill Laimbeer is the Head Coach; former Detroit Pistons Rick Mahorn is an assistant coach. Cheryl Reeve is the other assistant coach.

The Shock's regular season record was 23–11.

This is the WNBA's 10th anniversary. Women's basketball announced ''We Got Next!'' when the NBA Board of Governors approved the WNBA concept in 1996.

The Detroit Shock serve as examples to young women everywhere. Their accomplishments encourage others to make HERstory. They demonstrate how you can achieve success by setting goals, doing your best, and practicing teamwork.

Shock Players include Jackie Batteast, Kara Braxton, Swin Cash*, Cheryl Ford*, Kedra Holland-Corn*, Deanna Nolan*, Sabrina Palie, Plenette Pierson, Elaine Powell*, Ruth Riley*, Katie Smith, and Angelina Williams.

*Members of the 2003 and 2006 teams.

HOMELESS VETERANS

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. MICHAUD. Mr. Speaker, each night nearly 200,000 veterans are homeless. They live on the streets, in alleys, in cars, in barns and under bridges. Many other veterans are just one paycheck away from being homeless.

The Government Accountability Office has just reported that the Department of Veterans Affairs' largest program to provide homeless

veterans with safe shelter has a shortfall of nearly 10,000 beds.

While VA and community providers try to do right by homeless veterans, the GAO report found that the capacity is not there to meet demand.

The situation will get worse because recent combat veterans are already homeless. Just last year, VA served nearly 600 veterans from Iraq and Afghanistan in its Health Care for Homeless Veterans program.

On September 30th, the authorization for two key programs for homeless veterans—the VA Grant and Per Diem program and the Homeless Providers Technical Assistance Grant program—is set to expire.

If we fail to reauthorize these programs, we will be leaving homeless veterans behind. Homelessness is a problem that we can solve.

I urge my colleagues to enact H.R. 5960, the Homeless Veterans Assistance Act of 2006, which reauthorizes key programs for homeless veterans and fortifies VA's efforts to prevent and end homelessness among veterans.

HONORING BEVERLY YOUNG FOR HER COMMITMENT TO OUR WOUNDED HEROES

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. MURTHA. Mr. Speaker, I would like to take this opportunity to congratulate a good friend whom most of us have the pleasure to know, Mrs. Bill Young, or as she prefers to be known to our wounded troops, simply "Beverly." Beverly has been recognized by the United States Marine Corps for her extraordinary commitment to our wounded troops with The Dickey Chapelle Award.

This annual award recognizes civilians who have given extraordinary contribution to the Corps. It is named in honor of the memory of the late Dickey Chapelle, an American correspondent who was killed while covering the actions of Marine infantrymen engaged in combat against enemy forces during the Vietnam war.

Mr. Speaker, this is a well-deserved honor. Beverly and her husband, my friend and colleague, Chairman C.W. "BILL" YOUNG, of Florida, have quietly shown a level of sincere, personal compassion and devotion to our fighting men and women that is not often seen in Washington. They do it without fanfare or seeking recognition in a way that reminds me of the greatness of the American spirit.

The men and women who fight for this country have an uncanny ability to overcome extraordinary odds, both on the battlefield and in life. However, when they are lying in a hospital bed in excruciating pain from terrible, debilitating injuries, there simply is no more difficult personal challenge in this world than trying to recover, physically and mentally.

To Beverly Young, each and every one of them is her child. If she could, I have no doubt she would go into battle with them. Instead, she must content herself with fighting for them in the hospital wards and the bureaucratic halls of Washington as a volunteer.

In truth, "content" is probably the wrong word. Beverly has never been patient when seeing to it that the troops are receiving what they need and has no qualms about making her feelings known when she sees a problem where they are concerned. She takes action in a way that immediately gets attention and results. As a former drill sergeant myself, it strikes me that she would have made a good one. Affectionately known as "The Hurricane" in the halls of Bethesda and Walter Reed hospitals, she says and does whatever it takes to see that the troops have their needs taken care of. This includes everything from chewing out staff to writing to the President. In neither case does she mince words.

One soldier who was slipping into a catatonic state from so much pain medication credits her with saving his life, literally. She did this by walking out on the experts who were discussing putting him in a psychiatric ward, running into his room and yelling in his ear that he must fight to get better or she and the Commandant would "kick his ass." The soldier promptly "snapped to," and is now back home working in Idaho.

When she got wind that the rules about soldiers receiving donations were being tightened at some bureaucratic level in the Pentagon, she shot off a letter to President Bush expressing her outrage and demanding immediate attention to correct the grievance to her beloved troops. She has impacted the lives of the troops in countless ways, from prompting major policy changes through her vocal advocacy to the generous gift of her personal time one-on-one with the wounded.

Beverly is not an occasional visitor; she is there constantly for these young men and women and their families, becoming as familiar to them as anyone else they encounter during their stay. She is fiercely protective of them. She is not formal or aloof; she insists that the troops call her Beverly. She vastly prefers spending time in the company of these wounded heroes to attending stiff official Washington functions. She will hold their hand for hours when they have no one else to be with them. She feeds them, brings them contraband, slips cash to their families from her own pocket, and hits up everyone she knows, including her own doctor, for all types of donations, whether in-kind or monetary. She LISTENS to each and every one of them to find out what they need and if they don't have it, she goes and gets it, whatever it is, from whoever she has to get it from, and brings it to them. She and BILL regularly take them out to dinner.

And perhaps most importantly of all, she sits with them and tells them how much they are loved.

This, Mr. Speaker, is no small contribution to this country. I know of no one who has given more time and energy to making sure these young men and women know that someone cares about each and every one of them and that they can make it through this horrific experience of being wounded in battle. With her intense, unique, passionate style and commitment, Beverly has earned the respect of everyone she meets, military and civilian, politician and bureaucrat. I have no doubt in my mind that Beverly Young has made a tremendous impact in the lives of our service men and women. This country is a better place for her example.

So, Mr. Speaker, today I come to the People's House to recognize and congratulate Mrs. Beverly Young for her selfless service to our brave young men and women who courageously defend this country. Congratulations, Beverly, and thank you.

A TRIBUTE TO MONSIGNOR FRANCIS G. TASY

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. COSTA. Mr. Speaker, I rIse today to honor and remember the life of Monsignor Francis G. Tasy. Monsignor Tasy brought great peace and happiness into the lives of the entire community of Kerman. A great loss to all those touched by his benevolence, he passed away on August 2, 2006.

Monsignor Francis G. Tasy was born on October 15, 1925 to Hungarian immigrants who moved to America in the first years of the 20th century. As a young boy at Our Lady of Hungary Parish in Perth Amboy, New Jersey, Msgr. Tasy aspired to lead a devout life. He attended St. Charles College in Roland Park, Maryland and went on to complete his studies at St. Mary's Seminary in Catonsville. Monsignor Tasy was ordained on May 1, 1952.

Following his time at St. Patrick's Parish in Watsonville, California; Msgr. Tasy began his work in the Valley with two years at the Naval Weapons Testing Center at China Lake, followed by one year at St. Francis in Bakersfield. In 1957, he was assigned to St. Patrick's Parish in Kerman where he spent the next 26 years. During this time Msgr. Tasy worked tirelessly to transform a small farm church into a thriving Catholic community of active and faithful individuals. Many greatly valued his love for the church and respected his devotion to its success. The Costa Family has wonderful memories with Msgr Tasy in Kerman and his extraordinary efforts to reinvigorate that parish community. For his outstanding leadership and endless support for those in need, he will be forever remembered.

In 1983 Monsignor Tasy brought his goodwill to Reedley, California after accepting a transfer to the St. Anthony's Parish there. As he did in Kerman years earlier, Monsignor Tasy revitalized the faithful community in Reedley. Faced with a deteriorating church and fading Catholic community, he relied on his sound administration, conventional teaching and complete devotion to restore the church and the local grammar school, St. La Salle.

Monsignor Tasy was an excellent model of success, devotion, and commitment to the well-being of entire communities. He was exemplary in every way with a work ethic worthy of respect and admiration. For all that he accomplished, all that he worked tirelessly for, and all that he hoped for, we will always remember him with gratitude and appreciation.

IN RECOGNITION OF FLORIDA LIGHTHOUSE DAY 2006

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. SHAW. Mr. Speaker, I rise today to recognize Florida Lighthouse Day 2006, which

will be celebrated on September 16, 2006, at Hillsboro Inlet Lighthouse which is located in my district.

This lighthouse was first proposed for Hillsboro Inlet in 1851, although funding did not become available until the early 1900's. The lantern room and cupola were displayed at the 1904 St. Louis Exposition prior to the final construction which lead to the lighthouse being completed and lit in 1907. The light from the Fresnel lens could be seen for 25 miles. This was the last onshore lighthouse built in Florida and it remains in service today.

In 1992, the rotation mechanism failed in the lantern and the US. Coast Guard planned to retire the original Fresnel lens. This action would have destroyed the historical integrity of the lighthouse. I was pleased to work with the Hillsboro Lighthouse Preservation Society, local U.S. Coast Guard personnel and the Coast Guard Auxiliary to facilitate the agreement to restore the lens. On August 18, 2000, I was honored to speak at the re-lighting ceremony hosted by the Hillsboro Lighthouse Preservation Society.

In 2003, the Hillsboro Lighthouse was chosen to represent Florida lighthouses by the U.S. Postal Service on their lighthouse stamp series.

Mr. Speaker, I also want to give special recognition today to the members of the Hillsboro Lighthouse Preservation Society. Established in 1997, this organization is dedicated "to promote the history of the Hillsboro Lighthouse Station and the Hillsboro Inlet area through preservation of structures and artifacts, education and public access tours."

I look forward to joining my friends this Saturday as we celebrate Florida Lighthouse Day 2006.

IN HONOR OF TOM McMURRAY

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. SHIMKUS. Mr. Speaker, I rise today to honor Tom McMurray of Springfield, Illinois, on his retlrement on September 30, 2006 as a Taxpayer Advocate for the International Revenue Service. He has more than 33 years of federal service and has spent a majority of that time as an advocate for the American taxpayers.

Mr. McMurray has been a friend to citizens having disputes with the Internal Revenue Service, and through his work as the IRS' Taxpayer Advocate, Mr. McMurray has assisted countless citizens with tax questions. I congratulate Mr. McMurray, his wife Patti and their children, Traci and Scott, on his retirement from the Internal Revenue Service's Taxpayer Advocate Office. I wish Mr. McMurray all the best for an enjoyable retirement.

REMARKS IN HONOR OF THE 12TH ANNUAL NATIONAL ASSISTED LIVING WEEK

HON. JOHN KLINE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. KLINE. Mr. Speaker, I rise today to honor the 1 million senior citizens and people with disabilities who call the Nation's 36,000 assisted living and residential care facilities "home." Every day, quality assisted living and residential providers are striving to ensure that their services are harmonious with residents' desires.

I am certain that virtually each and every one of us here is cradled by the comfort of knowing that our grandma or grandpa, mom or dad, aunt or uncle, friend or neighbor is being cared for by the noble workers and volunteers at assisted living facilities.

Personally, Mr. Speaker, I am thankful for the assisted care facility whose faithful employees provide around-the-clock care for my mother, Litta.

As we celebrate the 12th annual National Assisted Living Week, I stand today with my colleagues to salute the dedicated workers of assisted living facilities across America, and to salute the 1 million seniors and people with disabilities that call those facilities "home."

IN HONOR OF CLAIRE WETHERELL

HON. C.L. "BUTCH" OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. OTTER. Mr. Speaker, I rise today to celebrate the contributions and character of former Idaho State Senator Claire Wetherell, an Idaho woman who is the very embodiment of civic virtue, community involvement and—most of all—class.

A municipal park named in her honor on Monday, September 18, 2006, is a testament to the admiration and affection that the people of her hometown of Mountain Home, ID, hold for Senator Wetherell.

Earlier this year, she was presented with both the key to the city of Mountain Home and a lifetime achievement award from the Elmore Medical Center Auxiliary, which she served as its first president in 1955.

Senator Wetherell also led the bond issue campaign that resulted in construction of the original Elmore Memorial Hospital. In addition, she put her experience as a U.S. Navy nurse during World War II to work as one of the first nurses at the new hospital.

It was my great privilege to serve with Senator Wetherell for 10 of my 14 years as Idaho's lieutenant governor and presiding officer of the Idaho Senate.

Her 12 years in the Idaho Senate, and her 8 years on the Mountain Home City Council, showed that no public official could have a better friend than Claire Wetherell, or a more determined political adversary.

It didn't matter whether you were a Democrat or a Republican; if she liked you she would go out of her way to extend the hand of compromise and conciliation. Yet there was almost nothing an opponent could do that she wasn't fully prepared to challenge.

Senator Wetherell served the public interest with a passion for justice and equal rights, and she applied the same standards to herself. She would make her case with great intensity, but also would be the first to admit when she was mistaken. She was quick to pursue the truth, and just as quick to acknowledge those rare occasions when that pursuit went astray.

Senator Claire Wetherell deserves the congratulations of Congress, and a grateful Nation's thanks for her lifetime of contributions to the people of Mountain Home and all the people of Idaho.

LAKE BARKLEY WATER LEVEL PILOT PROGRAM

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. WHITFIELD. Mr. Speaker, I rise in support of legislation I introduced today to create a Pilot Program to extend the summer water level of Lake Barkley, KY, until after Labor Day.

Barkley Dam impounds the Cumberland River near Grand Rivers, KY, creating Lake Barkley, which was taken over by the U.S. Army Corps of Engineers in 1966. In order to create this body of water, communities were flooded in the 1960s. Today, people still talk about Eddyville and "Old Eddyville", as well as Kuttawa and "Old Kuttawa". The "Old" areas were the portions of the cities that were left above the water after the areas were flooded. The present day cities were created after the lake was formed. Old foundations, streets, and highways, including U.S. Highways 68 and 62, are still visible in shallow water areas. The Illinois Central Railroad was also relocated and can also still be seen underwater from lowflying planes above.

One mile above the dam is a canal connecting Lake Barkley with Kentucky Lake, forming one of the greatest freshwater recreational complexes in the country. The lakes run parallel for more than 50 miles with Land Between the Lakes recreational area located between them. This site has been used for numerous fishing tournaments and other outdoor events, which have helped to create an economic boon for the Lake Barkley area.

Lake Barkley is 134 miles long with over 1,000 miles of shoreline. The lake's water levels fluctuate from summer to winter "pool levels" for flood control purposes. During the "summer pool" months, recreation and wildlife thrive at the lake. However, the draw down for "winter pool" begins in early July and this becomes extremely dangerous for boaters as tree stumps, old road beds, and other obstructions have caused fatal boating accidents. In addition, the "winter pool" level has become a serious concern in the past few years due to the prolonged siltation, which has made the lake even shallower since its creation.

This pilot program will allow us to test under normal weather conditions what an extended summer pool lake level would mean to enhanced boating safety, recreation, navigation, fishing, and tourism activities, while also enabling us to gauge the economic impact of longer and higher water levels. I believe that these new water levels will make the lake safer for boaters and have a positive impact on the wildlife and the overall lake environment. To that end, this pilot program will ensure the safety of residents and visitors to Lake Barkley, KY, and improve recreation, navigation, and the economic vitality of the lake's region.

COMMENDING THE TOURETTE SYNDROME ASSOCIATION

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. SESSIONS. Mr. Speaker, I rise today to commend the national Tourette Syndrome Association for their hard work to have Tourette Syndrome listed as a disability under the Individuals with Disabilities Education Act.

On August 4, 2006 Margaret Spellings, the Secretary of the Department of Education, announced the final regulations enforcing Part B of the Individuals with Disabilities Education Act which now lists Tourette Syndrome in the category of ''Other Health Impaired.'' This new classification means that students with Tourette Syndrome will no longer find themselves in limbo—knowing that they are legally entitled to receive the necessary educational accommodations but unable to point to specific language in the law that would protect their rights.

For years, many students with Tourette Syndrome who sought accommodations were labeled as having behavioral or emotional problems and not a neurological disorder. This incorrect designation sometimes placed students with Tourette Syndrome into classrooms with behaviorally or emotionally disturbed children. By including Tourette Syndrome in the law, the Department of Education is sending a clear message to schools across the country that Tourette Syndrome is a neurological disorder. The category is no longer a subject of debate and one more hurdle has been cleared for students with Tourette Syndrome.

The Tourette Syndrome Association and its members have been steadfast in working with Members of Congress and officials from the U.S. Department of Education for this designation in ''Other Health Impaired.'' Over the years, they have held hundreds of meetings with many of my colleagues in this body and have sent us thousands of letters explaining the necessity and value of having Tourette Syndrome listed in the Individuals with Disabilities Education Act. This victory for the Tourette Syndrome Association and its members has been long overdue.

Mr. Speaker, in closing I would personally like to thank my friend Jeremy Scott, the Tourette Syndrome Association's Director of Public Policy, for his dedication and leadership to ensuring that Tourette Syndrome be added to the Individuals with Disabilities Education Act. This accomplishment will positively impact the educational experiences of hundreds of thousands of children with Tourette Syndrome.

PERSONAL EXPLANATION

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. OWENS. Mr. Speaker, I was absent on Tuesday, September 12, 2006, due to the primary election in my Congressional District. Had I been present, I would have voted: ''yea'', to H.R. 5428—Joshua A. Terando Princeton Post Office Building Designation Act and ''yea'', to H. Res. 175—Recognizing the importance of establishing a national memorial at the World Trade Center site to commemorate and mourn the events of February 26, 1993, and September 11, 2001.

I was also absent on Wednesday, September 13, 2006, due to unavoidable circumstances in my congressional district. Had I been present, I would have voted: ''no'', on H. Res. 996—Ordering the Previous Question; ''no'', to H.R. 4893—to amend section 20 of the Indian Gaming Regulatory Act to restrict off-reservation gaming and ''yea'', to H. Res. 994—expressing the sense of the House of Representatives on the fifth anniversary of the terrorist attacks launched against the United States on September 11, 2001.

PERSONAL EXPLANATION

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. SAM JOHNSON of Texas. Mr. Speaker, I missed votes on H.J. Res. 88, H.R. 2808, H. Res. 605, H. Res. 875 and H. Res. 981. Had I been present, I would have voted for each of these measures.

I also missed votes on H.R. 503 and the Edwards motion to instruct conferees on H.R. 5122. Had I been present, I would have voted against these measures.

In addition, there was a vote on a motion to close portions of the defense authorization conference to the press and public when matters of national security are under consideration. Had I been present, I would have voted for this.

APPOINTMENT OF CONFEREES ON H.R. 2864, WATER RESOURCES DEVELOPMENT ACT OF 2005

SPEECH OF

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Mr. OBERSTAR. Mr. Speaker, I rise to support this motion, offered by the gentleman from Louisiana (Mr. MELANCON), to instruct the House conferees to support the maximum level of hurricane and storm damage protection for the communities of coastal Louisiana and Mississippi.

Two weeks ago, this nation honored the 1 year anniversary of Hurricane Katrina, and the devastating impact this storm had on the Gulf Coast communities. Over the past year, we have had the ability to reflect on the lives and livelihoods that were forever changed by Hurricane Katrina, as well as on efforts to restore some sense of normalcy to the families and communities impacted by the storm. Few national efforts have been more important than those to rebuild the City of New Orleans, and the surrounding communities of Louisiana, Mississippi, and Alabama.

Not surprisingly, in the days immediately following Katrina's devastation, the Federal government spoke with one voice to support the rebuilding of Gulf Coast communities.

President Bush assured the residents of New Orleans and the outlying parishes, including St. Bernard and Plaquemine parishes, that ''people are paying attention to them,'' and it was the Federal government's duty to ''help the good folks of this part of the world to get back on their feet.''

A few days later, the President stood in Jackson Square, New Orleans, and made a commitment to rebuild Gulf Coast communities ''better and stronger than before the storm.''

Recognizing the importance of flood protection of the Gulf Coast communities, the President assured its citizens that the ''Corps of Engineers will work at [the side of state and local officials] to make the flood protection system stronger than it has ever been before.''

Unfortunately, in the time that has elapsed since the President proclaimed these words from the heart of New Orleans, the administration's commitment to the Gulf Coast communities has wavered, and his pledge to rebuild all of the affected communities ''better and stronger than before the storm'' has fallen by the wayside—promises that have fallen victim to politics, and a renewed interest in fiscal conservatism.

While the administration may waiver in its commitment to help the families affected by Hurricane Katrina, I support this motion to instruct the conferees to renew Congressional commitment to adequately protect the entire Gulf Coast region.

Mr. Speaker, I find it ironic that this administration, which has gone on the offensive criticizing any individual who would question U.S. policy in Iraq as ''cutting and running'' would feel comfortable walking away from the plight of its own citizenry in the wake of Hurricane Katrina.

On Monday night, marking the fifth anniversary of the September 11th attacks, President Bush, speaking of Iraq, proclaimed to the American people that ''We would not leave until the work is done.'' However, it would appear that the message to the residents of in many Gulf coast communities is that the U.S. government will leave before the work has even commenced—and you may be on your own in rebuilding your lives.

That is unconscionable.

Mr. Speaker, one of the lessons learned from experiences of Hurricane Katrina is the importance of well designed, and properly maintained flood control structures in protecting lives and livelihoods in the coastal areas of Louisiana and Mississippi. These structures literally define the areas considered safe for homes and businesses to locate, and without which, communities, such as the City of New Orleans, could not exist.

While Hurricane Katrina did not destroy all of the more than 350 miles of flood control structures protecting southeast Louisiana, it did expose the weaknesses in a system vital to the more than one million residents of the region. Katrina was also a stark reminder of the importance of proper planning, construction, and maintenance of flood protection projects, because these projects literally protect the lives of families living behind these structures.

Mr. Speaker, this motion to instruct the conferees on H.R. 2864, the Water Resources Development Act of 2005, is important for two reasons.

First, it renews the commitment of Congress to provide the maximum level of flood protection for areas impacted by Hurricane Katrina to help its citizens restore their lives and livelihoods. Without adequate flood protection,

many citizens of the Gulf Coast simply cannot start the process of trying to rebuild their lives, because, without protection against flood and storm surge, they may be unable to obtain affordable flood insurance, mortgages, or other financial arrangements necessary to begin the process of rebuilding.

This fact is especially true for the residents of St. Bernard Parish, which I inspected on foot this past April, and Lower Plaquemines Parish, Louisiana—the communities that bore the initial force of Hurricane Katrina. In Plaquemines Parish, close to one-half of all residents experienced some flooding or structural damage to their homes, and in St. Bernard Parish and the Lower 9th Ward, this number is close to 100 percent of homes.

It is inconceivable that this administration would walk away from communities that experienced such a traumatic devastation, especially after reassuring citizens that the government would help rebuild their communities ''better and stronger than before the storm,'' We, in Congress, need to stand with one voice in support of rebuilding all of the communities affected by this storm.

The second reason for supporting this motion is that it draws attention to the fact that hurricanes are more than just high wind events, but also carry the threat of massive storm surges. It is these ''walls of water'' that caused the greatest extent of the damage from Hurricane Katrina.

Those most affected by the hurricane are well aware of the impact of storm surges, and the headaches that have ensued in the aftermath trying to rebuild these communities. I have heard numerous stories of the difficulty in convincing insurance companies that hurricane damage can take the form both of wind damage and flooding damage. Any Member of Congress that has visited this region has heard that insurance companies are balking at settling claims for water damage, arguing that these damages are not covered by storm policies, because they are not wind damage.

However, a storm surge is the direct result of wind-driven water. As Hurricane Katrina moved into the Gulf of Mexico, it pushed water in front of the storm, and caused the sea to rise by as much as 25 feet in areas of coastal Mississippi. But for the hurricane, there would have been no storm surge.

As we move forward with efforts to protect communities along the Gulf Coast, we must be mindful of the impact both from a hurricane's winds, but also of the impact that such massive storms can cause from wind-driven waters. In authorizing new or restored flood protection projects to protect the communities of the Gulf region, the Corps must ensure that projects are designed and constructed to protect against both the dangers of hurricane force winds, but also the threat of massive storm-driven waters resulting from these storms.

Mr. Speaker, I urge my colleagues to support this motion to instruct, and to renew the Congressional commitment to restore the lives and livelihoods of all residents impacted by Hurricane Katrina.

GROUNDBREAKING CELEBRATION FOR THE GEORGE P. PITKIN, MD EMERGENCY CARE CENTER AT HOLY NAME HOSPITAL IN TEANECK, NEW JERSEY

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. ROTHMAN. Mr. Speaker, I rise today to applaud the groundbreaking for the new George P. Pitkin, MD Emergency Care Center at Holy Name Hospital in Teaneck, New Jersey.

Holy Name Hospital was founded in 1925 by the Sisters of St. Joseph of Peace. To assist the sick and indigent of Bergen County, New Jersey, Dr. George Pitkin and Dr. Frank McCormack worked with Mother General Agatha Brown of the Sisters of St. Joseph of Peace to purchase a suitable hospital site to provide administrative and nursing care. In 1925, Holy Name Hospital opened with 115 beds.

Today, Dr. George Pitkin's far-reaching vision is realized in an institution known locally, statewide and nationally for health care excellence, dedicated and skilled nursing care, and cutting-edge technological advances. Each year more than 17,000 inpatients, 44,000 Emergency Department patients, and 18,000 outpatients receive state-of-the-art diagnostic, treatment, and health management services in cancer care, cardiovascular services, dialysis treatment, women's health care and neurology services.

The new George P. Pitkin, MD Emergency Care Center at Holy Name Hospital will feature 21,000 square feet of space, 41 patient treatment rooms, patient- and family-friendly facilities, leading-edge trauma procedure rooms, contiguous radiology and laboratory services.

My congratulations and very best wishes to the President and CEO, Michael Maron, and Board of Directors at Holy Name Hospital, and to all of their health care professionals and associates as the outstanding new George P. Pitkin, MD Emergency Care Center is dedicated.

HONORING GOVERNOR ANN RICHARDS

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Ms. BALDWIN. Mr. Speaker, it is with a deep sense of loss that I rise today in tribute to Governor Ann Richards of Texas whose death leaves a void in the national scene and in the lives of all of us who knew and admired her.

Governor Richards was a woman of tremendous achievement and her professional accomplishments are well-documented: teacher, state treasurer, governor, chair of a national political convention. She was also a loving mother, a loyal friend, and a strong woman who bravely faced all adversaries, both political and personal. Whether confronting the demons of illness or the disappointment of political defeat, she emerged from each struggle wiser, wittier, and ever more welcome on the public stage.

For me, and many women in and out of politics, Ann Richards was a role model and a mentor. She showed us by example that a woman could succeed in what appeared to be a man's world. For those of us who share her commitment to education, equal opportunity, social justice and the rule of law, she carved a path for us to follow . . . and left big shoes (and boots) for us to fill.

When I was first running for Congress in 1998, and then during my re-election campaign in 2000, Governor Richards made time in her schedule to come to Madison, Wisconsin on my behalf. Her support was invaluable. In her inimitable Texas twang, she knew how to rally a crowd, work a room, and deliver a message better than any politician, male or female, I've ever seen. To a young woman coming into the national political arena, her wisdom and warmth were a priceless gift for which I will always be grateful.

I shall miss her incredibly and emphatically. Today, I remember Ann Richards in my heart and in these words. But I know she would prefer all of us to remember her in future deeds . . . deeds that push and prod us to be better people and better citizens.

I send heartfelt condolences to Governor Richards' family and sincere thanks for sharing this remarkable woman with us.

TRIBUTE TO MR. JOSE ''PEPE'' L. GONZALEZ

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. CUELLAR. Mr. Speaker, I rise today to honor Mr. Jose ''Pepe'' L. Gonzalez who recently passed away on September 8, 2006, at 82 years of age. He will be forever remembered for his passion for higher education for our youth and his commitment to public service.

Mr. Gonzalez was born in the City of Laredo on June 16, 1924 and left the city to serve in World War II with the U.S. Army Air Force in the Aleutian Islands, and later served with the United States Naval Reserve as a Lieutenant in Laredo. He then attended the University of Notre Dame and graduated with a Bachelor of Science degree in Civil Engineering in 1950, followed by a Master of Public Health degree from Johns Hopkins University in 1964.

Thus began his legacy of providing health care services to the citizens of Laredo by developing the Laredo-Webb County Health Department, often cited for its achievements in disease control, health promotion and chronic disease prevention, and innovative programs in environmental health. He will be forever remembered for his work in promoting environmental health through his collaboration with organizations such as the Pan-American Health Organization, the Centers for Disease Control, the U.S.-Mexico Border Health Association, the Texas Health Advisory Committee, and the Henry J. Kaiser Foundation. The last project he was involved in was the Rio Bravo Foundation, which aims to improve the health of residents along the border region along with the ''Nuestra Gente'' project which focused on improving living standards for the colonias along the border.

In addition to his public service, he was dedicated to his Roman Catholic faith as a Papal Knight of the Equestrian Order of the Holy Sepulchre and as a parishioner of Blessed Sacrament Church in Laredo. Mr. Gonzalez was also a large part of community events such as the famous Washington Birthday Celebrations Associations and established the bridge ceremony that is one of the hallmarks of the Washington Birthday Celebration. Mr. Gonzalez was also a proud alumnus of the University of Notre Dame and dedicated his life to the University by being the Notre Dame recruiter of South Texas, passionately recruiting young scholars for the past 21 years to attend Notre Dame in addition to being on the Hispanic Board of Alumni for 15 years.

Mr. Gonzalez was preceded in death by his wonderful wife, Margarita V. Gonzalez, and is survived by his daughters, Alejandra G. Brady, Gabriela G. Tawil and his grandchildren, Ryan Joseph Brady, Joseph Jakob, and Elliot James Tawil. He is also survived by his brother, Ignacio Gonzalez, brother and sister-in-law, Jorge and Olga Verduzco, and the rest of his family. He has left behind a remarkable legacy, and without that legacy, the City of Laredo has suffered a sad loss in one of its greatest members of the community.

Mr. Speaker, I am honored to have had this time to recognize the legacy of Mr. Jose ''Pepe'' L. Gonzalez.

THE ANNIVERSARY OF SAN FRANCISCO'S JAPANTOWN

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Ms. PELOSI. Mr. Speaker, I rise today to pay tribute to our San Francisco Japantown and celebrate with them on their 100th anniversary as a community. Affectionately called J-town, San Francisco Japantown is the oldest and joins San Jose and Los Angeles as the only remaining Japantowns in the continental United States. A century ago, there were more than 50 in California, Washington, Oregon, Idaho, and Utah. Japantown is more than just a physical location where Japanese people migrated after the Great San Francisco Earthquake of 1906, a distinctive area where Japanese culture is on display, or a tourist destination. Japantown represents more than 100 years of a unique immigrant experience, which started with the arrival of the first generation—the Issei.

Prior to 1906, Japanese immigrants gravitated to ethnic enclaves where rents were affordable and they felt accepted. The arrival of picture brides through Angel Island Immigration Station in San Francisco Bay after 1906, many of them meeting their future husbands for the first time, was the genesis of the second generation—the Nisei. The 100 years included the emergence of the activist third generation the Sansei—who are now ''baby boomers'' and the parents and grandparents of the fourth and fifth generations—the Yonsei and Gosei.

As the younger generation makes their mark on our global society, I hope they will recognize the critical role of family and community in their successes. I was recently made aware of an example of what is possible. NASA Astronaut Daniel Tani represents the next generation of Japanese Americans in space, following the tradition of Astronaut Ellison Onizuka, who tragically lost his life on the same mission as teacher Christa McAuliffe in 1986. Astronaut Tani flew the 2001 *Endeavour* mission. He is a shining example of the boundless possibilities of the immigrant experience. His family has roots in J-town.

The road was not always easy: in fact, Japanese Americans often persevered under great hardship to overcome prejudice. In its 100 years in San Francisco's Western Addition, the community suffered segregation in local schools, a racially motivated exclusionist immigration policy, and a shrinking community with each redevelopment. During World War II, eligible Nisei men volunteered for military duty while their families remained behind barbed wire without due process, many of them United States citizens. Our government under the guise of war forced Japanese Americans from their homes and escorted them under armed guard to internment camps throughout the United States. Most of the San Francisco Japantown community was interned in Topaz, Utah. It took three generations until redress was made in the form of monetary reparations and our government's apology, though no amount of compensation or apology could ever adequately replace or repair what Japanese Americans lost. The lessons that we learned during the internment should serve as a reminder of how we must continue to fight for our freedoms today. Protecting civil liberties must be a constant priority of our government.

As San Francisco's Representative in Congress, and House Democratic Leader, I am grateful that I can count on the steadfast strength of our San Francisco Japantown community and its extraordinary leaders, too many to name individually.

Congratulations Japantown for more than 100 years in San Francisco.

RECOGNIZING LINCOLN UNIVERSITY OF MISSOURI DURING NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. SKELTON. Mr. Speaker, I'm pleased to join my colleagues today in recognition of National Historically Black Colleges and Universities Week.

Missouri's Fourth Congressional District is the home of Lincoln University, located in Jefferson City, Missouri. Yesterday, I was fortunate to have the opportunity to meet with Dr. Carolyn Mahoney, the President of Lincoln University, during her visit to Washington, DC.

Like all HBCUs, Lincoln University has a proud history. The school was founded in 1966 by soldiers of the 62nd and 65th Colored Infantries who established Lincoln Institute for African Americans interested in continuing their education. Today, Lincoln University has the most diverse population of colleges and universities in the state of Missouri. U.S. News and World Report ranks Lincoln University as fourth in the Midwest for campus diversity and seventh in the Midwest for its international student population.

Although the University has many outstanding academic programs, I have been particularly impressed with Lincoln University's Cooperative Extension and Research programs, which provide valuable outreach to under served populations. I am also very proud of the University's ROTC programs, which train tomorrow's military leaders and continue Lincoln University's military heritage. I look forward to participating in the Blue Tiger Battalion's Veterans' Day commemorations this November, just as I have done for more years than I can remember. Lincoln also hosts an outstanding public radio station, KJLU–FM. In April 2006, KJLU was named the Black College Radio Station of the Year at the 28th Annual Black College Radio and Television Conference in Atlanta, Georgia.

Mr. Speaker, I am certain that the Members of the House will join me in congratulating the students and staff of Lincoln University for their accomplishments and in wishing them the best as we celebrate National Historically Black Colleges and Universities Week.

EXTENDING THANKS TO DEFENSE POW/MISSIONG PERSONEL OFFICE FOR EFFORCTS TO ACHIEVE ACCOUNTING OF ALL AMERICANS UNACCOUNTED FOR AS A RESULT OF THE VIETNAM WAR

SPEECH OF

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Mr. BUTTERFIELD. Mr. Speaker, I was pleased to learn of the recovery of one of our Nation's fighting women who had been missing in Kyrgyzstan for more than 3 days. After being kidnapped, Maj. Metzger spent 80 hours in captivity before escaping her abductors. Her resilience is remarkable and her resolve serves as another example of the superior character of the men and women of our Air Force and our other Armed Services.

I am most pleased to hear of her safe return. I wish the very best for the Metzger family, and continue to pray for the safe return of Sergeant Keith ''Matt'' Maupin, United States Army Reserves, who has been missing since April of 2004.

TRIBUTE TO SERGEANT NATHANIEL ''BRAD'' LINDSEY

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Ms. HOOLEY. Mr. Speaker, I rise today to honor a fallen hero. Sergeant Nathaniel ''Brad'' Lindsey was a family man, a fellow Oregonian, and a proud American. He understood the actions that needed to be taken so that his countrymen could continue to enjoy the blessings of freedom.

Last Saturday, Brad made his final sacrifice on behalf of a grateful nation while on patrol in the Zabul province of Afghanistan.

Three days ago Americans gathered to mark the passing of another September 11th and to honor those who perished on that horrible day and in the five years since. Since that day we have been a nation at war. Since that day we have fought that war by asking men and women like Brad Lindsey to travel to points across the globe to defend our ideals, to protect our communities. And it is to their credit that these men and women have never shied away from this request.

Brad had always dreamed of joining the military. He spent four years in the Navy before joining the Oregon National Guard in 1996. Always one to volunteer for a mission, he was dedicated to his country's needs, whatever they were. During his time in the National Guard, he spent time in Saudi Arabia, Iraq, and New Orleans before heading to Afghanistan this past June.

It was in New Orleans that our paths crossed. I was there to see first hand the devastation caused by Hurricane Katrina and to talk with the Oregon National Guardsmen and women who were stationed there. Brad served as my driver during my time in Louisiana.

It was obvious that his devotion to his country was only exceeded by his devotion and love for his family; his wife Joyce and his four children. I am sure that it was a source of continual pride that his oldest son had chosen to follow in his footsteps and joined the Oregon National Guard.

We in this chamber have an obligation to see that Brad's children inherit a land worthy of their father's sacrifice. We must find the resolve necessary to do that which must be done, as Brad did so many times.

I join all Oregonians, and all Americans, in expressing my deepest condolences to the family of Brad Lindsey for their loss. Our state, and our nation, is greater because of Brad's presence and we are lessened by his passing.

INTRODUCTION OF THE INCOME-DEPENDENT EDUCATION ASSISTANCE ACT OF 2006

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. PETRI. Mr. Speaker, today, I am introducing the Income-Dependent Education Assistance (IDEA) Act of 2006. This legislation would provide a new consolidation option for federal Stafford student loan borrowers with an improved repayment schedule through direct IRS collection of payments, along with other new protections for borrowers and taxpayers.

I believe that the IDEA Act will address the oft-overlooked side of federal student loan assistance: repayment. For over four decades, most of the discussion regarding federal student loans has primarily focused on making ever-increasing amounts of money available to students to keep up with the rising costs of college tuition. Of course, that is critically important, and I was pleased to support the Deficit Reduction Act earlier this year which raised loan limits and increased loan options for graduate students.

However, providing students with larger loans to attend college leads to another, more complex challenge after graduation. How should students be expected to repay these taxpayerfunded loans? This is an area that has received relatively little attention until recently. With students graduating with ever-increasing debt loads, averaging over $18,000 this year and projected to continue to rise, students are finding it increasingly difficult to make loan payments on time and in full.

Unfortunately, little has been done by way of providing more flexible repayment options for borrowers after graduation. Traditionally it has been expected that the borrower will pay the amortized loan over a standard period, usually 10 years, with the same repayment amount on day one as on the last day. However, this model of repayment fails to take into account that students often face periods of significant unemployment or underemployment during the first years after leaving college.

As of now, for the most part, the only options available to borrowers are to request a period of forbearance or slip into default, which is bad for both borrower and taxpayers. We simply cannot keep providing more and more money for education if graduates then enter the workforce saddled with payments they can't afford.

While there have been some attempts to provide more diverse repayment options, such as the ICLR repayment program that has been in existence for over a decade, borrowers have failed to adopt them, usually due to a lack of information or current program limitations. The bottom line is that Congress needs to develop better repayment alternatives for federal student loan borrowers, especially as students continue to take out larger and larger loans in coming years. I believe the IDEA Act does just that.

This legislation would allow any Stafford loan borrower the ability to consolidate into a direct IDEA loan with a repayment schedule that corresponds to the borrower's income once in repayment. This new schedule requires regular payments; however, it ensures that such payments reflect the borrowers' capacity to repay under their current income status. This feature would be particularly useful for those pursuing lower-income, public-service careers. It also would help relieve some of the stress that borrowers face during periods of unemployment or underemployment following graduation.

Another critical component of this legislation is the direct collection of payments from the borrower through IRS withholdings. By incorporating the IRS directly as the collection entity, the borrower's income is automatically calculated into the repayment system and reduces the odds of fraud or abuse on the part of the borrower or the collection agency. Furthermore, direct IRS collection would simplify the process for borrowers and reduce their paperwork burden as the agency would already have the necessary information on file and in place for processing the payment amounts and schedules. Finally, the IDEA Act stipulates that borrowers that go into default and have exhausted all relief from the loan holder would automatically be consolidated into IDEA loans in order to help them get their payments back on track and avoid costly defaults. Thus the taxpayers' investment will be protected from the damaging effects of borrower default, which currently affects 4.5 percent of federal student loans each year.

Mr. Speaker, the IDEA Act of 2006 is an innovative solution to the growing problem of unmanageable debt loads for students. Students would be able to borrow what they need, up to the current Stafford limits, and later consolidate into IDEA loans knowing that their repayment amounts will be within their income levels and ability to pay. On the other hand, taxpayers can count on those loans being repaid as they are collected through the IRS. This is a responsible approach to a serious and growing problem for student loan borrowers.

TRIBUTE TO GEORGE HAGAN

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. STARK. Mr. Speaker, I rise today to pay tribute to George Hagan, who is retiring from his position, held since 1998, as Trial Court Administrator, Superior Court of California, County of Alameda, Fremont Hall of Justice in Fremont, California. He has served more than three decades of exemplary service in the California judicial branch of government. Prior to coming to Alameda County, Mr. Hagan served in court administrative positions in Imperial and Los Angeles counties.

Mr. Hagan was Clerk of the Court and Administrative Officer for the Fremont-Newark-Union City Judicial District from 1977 through 1998. During this time, the court doubled in size as the tri-city area became one of the major residential and commercial regions of the San Francisco Bay Area. Under Mr. Hagan's administration, the court received the prestigious Ralph Kelps Award from the Judicial Council of California for an innovative traffic citation collections program which allowed the driving public to pay their traffic fines at anyone of fifteen Southern Alameda County branches of Fremont Bank.

He is past president of the California Association of Municipal Court Clerks. In this capacity, Mr. Hagan worked with the California Legislature on several key pieces of legislation affecting the administration of the state courts.

Mr. Hagan's service to others is noteworthy. He is past president of the Union City Lions Club. During his term, an entire civil defense field hospital, including three ambulances, was donated to three public hospitals in the Philippines. For his humanitarian effort, Mr. Hagan received special commendations from a host of public officials in the Philippines.

Mr. Hagan is actively involved in his local community, having served as founding president of the New Haven School Foundation. The Foundation, under his leadership, has raised thousands of dollars to insure the continuation of sports and fine arts programs in public schools. He is past president of the Washington Township Men's Club; member of the school board; past chairman of Mission Hills Christian School in Fremont and was instrumental in establishing the Union City Youth Soccer League. He is a member of the Lay Advisory Council for the Northern California Conference Seventh-Day Adventist Church and was a leader in the establishment of the Veterans Memorial Park in Fremont.

A retirement dinner is planned for Mr. Hagan on September 22, 2006. I join his colleagues in thanking him for his service to the courts and his community and wish him well on his retirement.

FREEDOM FOR JOSÉ MANUEL CARABALLO BRAVO

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about José Manuel Caraballo Bravo, a political prisoner in totalitarian Cuba.

Mr. Caraballo Bravo is an independent journalist in totalitarian Cuba and has been a chronicler of truth amid the lies and deceit of the tyrant's villainous regime. Because of his belief in truth in print, truth for the people of Cuba and truth to enable the world to better comprehend the daily horrors of totalitarian Cuba, Mr. Caraballo Bravo was a target of the totalitarian regime.

I remind my colleagues that, under Castro's totalitarian regime, any freedom of the press, any effort to display the atrocities of the regime under the spotlight of truth, is met with swift and violent repression. The courageous men and women, such as Mr. Caraballo Bravo, who write the truth are the enemies of Castro's totalitarian dictatorship.

According to Reporters Without Borders, Mr. Caraballo Bravo was arrested just before the heinous crackdown of March 2003. Reporters Without Borders also reports that he was sentenced to three years in the totalitarian gulag for ''forging documents.''

Let me be very clear, Mr. Caraballo Bravo is currently languishing in the depraved conditions of the totalitarian gulag for his truthful articles. The U.S. State Department describes the conditions in the gulag as, ''harsh and life threatening.'' The State Department also reports that police and prison officials beat, neglect, isolate, and deny medical treatment to detainees and prisoners. It is a crime of the highest order that people are imprisoned in these nightmarish conditions simply for reporting the facts.

Mr. Caraballo Bravo is a brilliant example of the heroism of the Cuban people. Despite incessant repression, harassment, incarceration and abuse, he remains committed to the conviction that freedom of the press and democracy are inalienable rights of the Cuban people. Let us never forget and always support those who are struggling to liberate peoples from the grip of tyranny.

Mr. Speaker, it is as inconceivable as it is unacceptable that, while the world stands by in silence and acquiescence, independent journalists who write the truth about totalitarian regimes are systematically tortured. In the 21st Century, it must no longer be acceptable for anyone in the world, anywhere in the world, to be locked in a gulag for writing the truth. My Colleagues, we must demand the immediate and unconditional release of José Manuel Caraballo Bravo.

HONORING THE 50TH ANNIVERSARY OF THE HOLY VIRGIN MARY AND SHOGHAGAT ARMENIAN CHURCH

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the 50th Anniversary of Holy Virgin Mary and Shoghagat Armenian Church located in Swansea, Illinois.

The Church has historically been an integral part of the Armenian community. Armenia was the first country to adopt Christianity as its official religion in 301 A.D. So it was natural that the Independent Club, an organization of Armenian Americans, would seek to start a church for their community in 1956.

The new Church, then named Holy Shoghagat Armenian Church, began in a small white structure at 13th and Summit Avenue in East St. Louis, Illinois. A neighboring parish house and additional parcel of land were later acquired.

Circumstances required that the original church properties be sold in the early 1970's and for several years the congregation had to celebrate the liturgy in different local churches. Throughout this difficult period, the parish family stayed together and finally, in 1978, the new Church in Swansea, Illinois was consecrated.

On the occasion of their 50th Anniversary, in addition to celebrating that milestone for their local Church, the members of Holy Virgin Mary and Shoghagat Armenian Church are paying tribute to their ancestors who were victims of the Armenian Genocide, both those who lost their lives and those who survived. A large khatchkar, carved in Armenia, will be dedicated to honor those who suffered during that terrible period in history.

For 50 years, Holy Virgin Mary and Shoghagat Armenian Church has served, not only as a place of worship, but as a unifying religious center for the local Armenian community. Though their numbers may be small, their dedication to their Church and their culture remains strong.

Mr. Speaker, I ask my colleagues to join me in honoring the 50th Anniversary of Holy Virgin Mary and Shoghagat Armenian Church and to wish the best to them for many years to come.

PROVIDING FOR CONSIDERATION OF H. RES. 994, EXPRESSING SENSE OF THE HOUSE OF REPRESENTATIVES ON FIFTH ANNIVERSARY OF TERRORIST ATTACKS LAUNCHED AGAINST THE UNITED STATES ON SEPTEMBER 11, 2002

SPEECH OF

HON. MELISSA L. BEAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Ms. BEAN. Mr. Speaker, every one of us in this chamber mourns the murder of the nearly 3,000 innocent people on September 11th. We all want to take the fight to the terrorists and protect America from those bent on harming us. Each of us wants to commemorate the deaths of the innocent and reaffirm our creed to never forget with an honest, humble, nonpartisan Resolution.

We have shared goals, and we can come together and write a Resolution we can all support and of which the American people can be proud.

I am saddened today that partisan politics have entered into the debate of this Resolution today, and that language was deliberately used in this Resolution which is divisive and unnecessary.

Mr. Speaker, I will vote for this Resolution, but I regret that it could not have been more unifying, and I regret that the debate in the House could not have risen above the political fray for just one day.

HONORING 9/11

HON. MICHAEL T. McCAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. MCCAUL of Texas. Mr. Speaker, five years ago this week, our generation was defined by the heroic actions of hundreds of first responders, brave Americans and innocent victims who gave their lives on September 11, 2001. That day, 19 Al Qaeda hijackers murdered nearly 3,000 innocent people. Those terrorists had a simple cause: inflict the highest loss of life and the most damage they could to our Nation. They may have succeeded in murdering thousands of people going about their daily lives, but they failed miserably to defeat the patriotic spirit of America and of freedom everywhere.

In the days, weeks and months following the tragic events of September 11th, we saw the patriotic spirit of every American emerge and rally in support of repair and recovery. We saw a nation unified in finding the perpetrators of these crimes and bringing them to justice, and we saw the free world awakened to the possibility of terrorist attacks anywhere and at any time. Simply, 9/11 changed our Nation and the world forever.

Not only did these terrorists steal the lives of thousands, but they opened our eyes to our false sense of security. Like someone who has been robbed at home by a vicious criminal, we must now lock our doors and windows at all times to make sure that those who mean us harm are not allowed to break in.

That being said, I believe that we are safer at home today than we were 5 years ago, but we are still not safe. Our borders are more secure, our intelligence services are more robust and now work closely together, and our armed services have routed out the terrorists in their homes and brought them to justice. But we are still at war. We cannot afford to stand idly by while terrorists operate in this or any country around the world, because we cannot afford another 9/11. Never again can this happen. We owe to the American people who depend on us to provide a safe and secure homeland, and we owe to it the hundreds of thousands of Americans who throughout history have died defending the democracy and freedom we enjoy today. Most of all we owe it to the thousands of innocent victims who died 5 years ago.

We have been battling terrorism for a long time, but September 11th was the day our enemies woke the sleeping giant. Since then, we have seen success in the Global War on Terror and captured some of the world's most dangerous terrorists. We have also made great strides to cripple the organizations and countries that support them. However, we are still faced with an evil enemy who is supported by a rogue nation that's determined to develop nuclear weapons and use them on their enemies. Allowing a nation like Iran, who sponsors terrorist organizations like Hezbollah, to

possess nuclear weapons would be a dishonor to those who died on 9/11 and an insult to those who continue to defend America's freedom.

We promised to help make the world a safer place, free from the threat of terrorism at the hands of mad men. Keeping that promise means preventing terrorists and their supporters from getting weapons of mass destruction. Let's remember those who gave their lives on 9/11 by keeping our promise.

When we remember the events of 9/11, we remember not as Republicans or Democrats, but as Americans. We must remember the police officers and firefighters that responded to the attacks on the W orld Trade Center and the Pentagon who went in to save lives, but gave their lives in the process. We remember the first responders from every corner of our nation who came to ground zero in the days after to lend their strength, skills and support. And we must remember the innocent people—the husbands and wives, the parents and children and the entire families who were torn apart the day the towers fell.

We must always remember. That is our duty as Americans—that is our charge as patriots.

BURLINGAME HIGH SCHOOL, 83 YEARS YOUNG AND BETTER THAN EVER

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. LANTOS. Mr. Speaker, in November 2000 the voters of San Mateo County in California, many of whom are my constituents, made a wise decision to approve a general bond measure that would fund the renovation of the six local high schools. The fruits of this investment will proudly be displayed on September 16, 2006 when the newly-remodeled Burlingame High School is officially opened with a ribbon-cutting ceremony.

Burlingame High was built in 1923 as a northern addition to the fast-growing San Mateo High School. Originally named ''San Mateo High School—Burlingame Branch,'' it quickly came into its own, and 4 years later Burlingame High gained its own identity. That year, many longstanding BHS traditions were born, including the Little-Big Game with San Mateo High, the adoption of the school colors—red and white—and the establishment of the student newspaper, the Burlingame B, with its extraordinary motto, ''Not the Biggest, but the Best.''

Since its inception 83 years ago, Burlingame's enrollment has swelled from 350 to more than 1350 students and its teaching corps has doubled. Recognized for its academic excellence as a California Distinguished School, Burlingame has also been ranked in the top 1.5 percent of high schools in America by Newsweek magazine. The students and their families deserve great credit, but it is also thanks to the efforts of a dedicated faculty and administration that, on average, 97 percent of the school's graduates attend college.

Mr. Speaker, the modernization efforts being recognized at the ribbon-cutting ceremony have preserved the original building's historically significant appearance for generations of students to appreciate. In addition to maintaining the main building's exterior and interior—including a unique WPA-era mural—this project included two new, seismically sound structures to house a library and a two-story classroom building.

The new library will accommodate 25,000 volumes and provides much-needed storage space for textbooks. It also includes a state-of-the-art computer lab. The treasured work areas where thousands of students through the years have hit the books in the old library are replicated in this modern version.

The new, two-story classroom structure replaces an antiquated music building. It now not only accommodates the renowned Burlingame High School music program, but also seven large science labs, special education classrooms and nine classrooms designed specifically for math instruction.

Mr. Speaker, the taxpayers of San Mateo County made a crucial investment in their children's education by approving that bond measure 6 years ago. I urge all of my colleagues to join me in celebrating Burlingame High School's wonderful renovation, which will ensure that future generations continue to receive an excellent education at this historic institution.

FREDERICK MENNONITE COMMUNITY 110TH ANNIVERSARY

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. GERLACH. Mr. Speaker, I rise today to honor Frederick Mennonite Community, an elderly continuing care community, on its 110th anniversary.

This community has been providing outstanding service to its more than 300 residents on eighty acres in western Montgomery County, Pennsylvania. This bucolic setting is large enough to accommodate a wide variety of lifestyles, yet small enough to maintain a sense of community. Residents have the option to live in independent living cottages, apartments, assisted living, and nursing care facilities. The organization's goal is to offer housing and support options for every individual preference and need. Frederick Mennonite Community strives to promote and encourage every individual to live life to their fullest.

Mr. Speaker, I ask that my colleagues join me today in honoring Frederick Mennonite Community on its 110th anniversary. I hope that this community is able to continue to live out its mission statement: ''In the spirit of Christian love, Frederick Mennonite Community cares for and enriches the lives of older adults, while valuing the staff, volunteers and community that serves them.''

RECOGNIZING THE WORK OF OCCUPATIONAL THERAPISTS ON NATIONAL BACKPACK AWARENESS DAY

HON. BRAD MILLER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. MILLER of North Carolina. Mr. Speaker, in preparation for National School Backpack Awareness Day, taking place on September 20, 2006, I would like to recognize the many occupational therapists (OT) and occupational therapy assistants (OTA) that live and work in my district. Each September, members of the American Occupational Therapy Association (AOTA), students, and other health professionals join forces to alert the public, particularly teachers, parents, and children about the dangers of improperly wearing overweight backpacks.

Occupational therapists are health, wellness, and rehabilitation professionals, dedicated to maximizing the independence, function and performance of their clients. In other words, they provide them with the ''skills for the job of living''. Concerned that increasingly heavy backpacks may be putting school children at risk for long-term health problems, AOTA is sponsoring its fifth National School Backpack Awareness Day. Thousands of occupational therapists and occupational therapy assistants work in school systems, pediatric hospitals, and other health care facilities, in order to help children develop the skills they need to participate fully at school, home, and in play.

The goal of the National School Backpack Awareness Day is to reduce the load students carry to 15 percent or less of the child's weight. More than 350 participants in schools, stores, and health fairs from all 50 states will help ''weigh-in'' thousands of children to ensure their backpacks meet the 15 percent weight goal. They will also help educate students about the risks of carrying too much weight, and will teach them the proper way to pack and wear a backpack. As part of the National Backpack Awareness Day, therapists at the General Greene Elementary School in Greensboro, NC will educate students and teachers about the importance of loading and wearing backpacks the right way in order to avoid back and shoulder pain, stooped posture, muscle pain, and headaches.

I am particularly aware of the role occupational therapists play within our public schools as one of the members of my staff previously worked as a school system occupational therapist. OTs use their unique expertise to help children perform important learning and school-related activities that are part of their role as a student. Additionally, occupational therapists and occupational therapy assistants play a critical role in training parents, staff, and caregivers regarding the education, health, and success of students with diverse learning needs.

Please join me in support of all the occupational therapists, occupational therapy assistants, school children, and other participants whose efforts will make the 2006 National School Backpack Awareness Day such a success.

HONORING REVEREND WAITSTILL SHARP AND MARTHA SHARP, AMERICAN HEROES OF THE HOLOCAUST

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. LANTOS. Mr. Speaker, I rise to pay tribute to the Reverend Waitstill Sharp and his

wife, Martha Sharp, who were true heroes of the Holocaust who risked their lives to save Jews from the atrocities of the Nazi regime.

The Sharps' incredible story was told this morning at a very moving ceremony at the United States Holocaust Memorial Museum where family, friends, and admirers gathered to pay tribute and remember the selfless and laudatory actions of this amazing couple. Their story was also a powerful reminder that all of us have the moral obligation to do anything we can to end violence and genocides where ever and when ever they occur.

On June 13, 2006, the Yad Vashem Holocaust Remembrance Authority in Israel honored the Rev. Waitstill Sharp, and his wife, Martha Sharp, posthumously as ''Righteous Among the Nations'' for risking their lives to save Jews during the Holocaust. The Sharps are only the second and third Americans to be so honored. Varian Fry, with whom the Sharps worked, was the first.

Our colleagues in the Senate passed a resolution on September 8 of this year honoring the courageous service of the Sharps. My colleague from Massachusetts, where the Sharps once lived, and I soon will introduce similar legislation in the House remembering the Sharps and their story and heroism.

Mr. Speaker, the Sharps left everything behind, including their home and two young children, to answer a call from the American Unitarian Association to go to Czechoslovakia in February of 1939. The Sharps were not content merely to feed the hordes of refugees passing through Czechoslovakia; they also began to assist anti-Nazi dissidents and Jews to escape Nazi oppression. In the very shadow of aggression, they helped thousands flee to safety elsewhere in Europe and the United States.

One month after the Sharps' arrival in Prague, Nazi forces occupied Czechoslovakia, making their work much more dangerous. The Sharps could have escaped, but they refused to leave the refugees helpless. Though the Nazis descended upon the Unitarian mission in Prague, ransacking the office and throwing the furniture into the street, Reverend and Mrs. Sharp continued their mission. They began working out of private residences, boldly defying Nazi restrictions.

The Sharps did whatever was necessary to help Jews and opponents of the Nazi regime to escape Nazi-occupied Czechoslovakia, in spite of the considerable risk to their own lives. They entered and exited the border repeatedly, crisscrossed Europe to obtain needed travel documents, even escorted some of their clients by train through Germany itself, all the way to Great Britain. Focused on serving others, the Sharps ignored warning that they were in danger from the Gestapo.

On August 30, 1939, six months after they arrived in Czechoslovakia, the Sharps concluded their first mission and returned to the U.S. Their exit was just one day before Gestapo agents came to arrest Martha, who had earned a reputation for her daring disregard of Nazi rules.

After returning home for two years, the Sharps issued a report with the American Unitarian Association about the dangers faced by refugees all across Europe. As a result of this report, the Sharps were asked to set up a parallel operation in France under the newly founded Unitarian Universalist Service Committee. In 1940, the Sharps answered this call, courageously returning to Europe to aid more people flee the horror of the Nazi regime.

By the time the Sharps arrived in Europe, the Nazis had already occupied France, but the Sharps were undaunted. They set up the American Unitarian Universalist Service Committee in Lisbon, Portugal, from where they continued to assist many more refugees from war-torn Europe escape to safety.

In all, the Sharps and their Unitarian colleagues worked to save approximately 2,000 men, women, and children.

Mr. Speaker, the Sharps' courageous, sacrificial and selfless example should motivate all of us to do everything we possibly can to prevent the horrors of genocide taking place anywhere on this planet. As the only survivor of the Holocaust in Congress, I have a special commitment to raising this.

This morning's ceremony at the U.S. Holocaust Memorial Museum concluded with a visit to the special exhibit on Darfur, Sudan. We were reminded that when the horrors of the Holocaust were made public, we often heard the phrase ''Never Again!'' But since World War II we have seen such genocidal tragedies occur in Cambodia, Rwanda, and now Darfur.

The most moving and important message from the story of the Sharps is that they had the foresight and courage to leave their children and comfortable home behind—not just once, but twice—to go to the dangerous, gray, uncertain war zone of Europe to save people they probably did not even know. Their first trip was just days after kristallnacht, when the persecution of the Jews was just beginning to get more violent and ugly. Concentration camps were not yet even a glint in the Nazis' eyes.

Mr. Speaker, the Sharps, and those who helped them to be able to do this, deserve the gratitude and admiration of all of us. Each and every one of us should make every effort to learn more about the wars and genocide occurring around the globe this very day, strive to have the courage of the Sharps, and act with equal resolve to do everything each of us can do to stop these horrors.

I urge my colleagues to join me in paying tribute to this selfless and dedicated couple, whose response to the Holocaust and to inhumanity and brutality is one that men and women everywhere should emulate.

HONORING PFC. TRAVIS CLYDE ZIMMERMAN

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. GERLACH. Mr. Speaker, I rise today to honor an American hero, Pfc. Travis Clyde Zimmerman, who died on April 22, 2006 while serving his country in Iraq.

Pfc. Zimmerman was on a combat reconnaissance operation when an improvised explosive device exploded near his observation post. This young man's high school goal, as stated in his yearbook, was to serve in the United States Army. Neighbors, friends, and former teachers have all testified that Travis was a courteous, cooperative, and compassionate young man. Dr. Harry Morgan, the Boyertown School District Superintendent, told students that Travis's death ''was a great loss to the family and the community and our sympathy goes out to them. We are grateful for his service to our county.''

Travis was a life-long resident of Boyertown, Pennsylvania and is the son of Gail Camperson and Lloyd Zimmerman. After Travis's graduation in June of 2005, he attended basic training and then joined the Army's 101st Airborne unit. Travis's unit deployed to Iraq in February 2006.

Scarlett Kulp, Travis's life long friend, wanted to make sure that the community did not forget the commitment and sacrifice he made to serve his country. Scarlett took action and worked with the local community to create a memorial fund to honor Pfc. Zimmerman and other local military heroes. Local schools took Scarlett's lead and held events such as ''Hats Off to Travis Day'' at Colebrookdale Elementary School, Travis's elementary school from kindergarten to sixth grade. The students and staff at Boyertown Jr. High West and the Senior High-School held tributes and helped Scarlett gather funds for the memorial military bear statue.

By Memorial Day weekend, Scarlett, with the help of the community, had raised enough money to order a six-foot military bear statue and create the ''Pfc. Travis Zimmerman Memorial Fund''. This permanent fund will not only provide for the cost of the creation and maintenance of the memorial, but it will also help area military personnel as they readjust to civilian life upon their return from services overseas.

Mr. Speaker, I ask that my colleagues join me today in paying honor to a hometown hero, Pfc. Travis Zimmerman, as his community honors him and other service members during the September 17, 2006 Hometown Heroes parade and ceremony. Heartiest congratulation, out to all the individuals who have helped to make this lasting memorial possible, and our utmost gratitude and respect conveyed to Travis's family for his unflinching devotion and sacrifice for our nation.

A TRIBUTE TO GOVERNOR ANN RICHARDS

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today with a heavy heart on the passing of my dear, trusted and longtime beloved friend, the late Governor Ann Richards. I also rise to pay tribute to her many contributions and her sincere dedication of public service to our great State of Texas and to extend my deepest sympathies to her family and friends everywhere who share in my sadness.

I not only lost an esteemed colleague with whom I could always count on for support, since so often we agreed on social and political issues, but also a dear and trusted friend whom I shared many fond moments and with whom I shared a vision for our great State of Texas.

Our friendship expanded more than 40 years; I first met Ann when she lived in Dallas before moving to Austin where she ran for Travis County Commissioner in 1976 and I was elected to serve at the Texas House of

Representatives. Our first taste of government was as outsiders and sideline players who were mainly called upon to help others win the races. Texas in the 70's wasn't open to allowing women a seat at the political table so our admittance was earned vote by vote. As women in Texas politics, we shared the same struggles and the many sacrifices which are often not asked of men in politics.

In her popular address to the Girls State in 1993, she commented that 'as a woman you cannot count on Prince Charming to make you feel better about yourself or to take care of you, like some funhouse mirror that reflects you at twice your real size because Prince Charming may be driving a Honda and telling you that you have no equal ...but that won't do you much good when you've got kids and a mortgage. . . and he has a beer gut and a wandering eye.'

Ann believed in telling people the truth, especially young girls who were in danger of not maximizing their full potential. For those of us who knew Ann, she would be pleased that her many distinguished accomplishments as a woman in the male dominated Texas politics represented a beacon of hope to many young women who shared her unconventional aspirations.

In 1982 when a seat opened as the State Treasurer, Ann sought the Democratic nomination after the incumbent withdrew from the race. As State Treasurer and as a true pragmatist with a keen eye for technology, she transformed the Texas Treasury into a modern operation which encompassed electronic funds transfer, modernized investments and cash management systems. Along the way, Ann earned the respect and admiration of the business community who appreciated her foresight and vision.

In 1990 as the first woman Governor of Texas in 50 years, Ann aligned herself with the late Lt. Gov. Bob Bullock and Comptroller John Sharp and together formalized a statewide performance review of agencies that inevitably led to much needed recommendations for change.

In her tenure as Governor she was adamant about appointing minorities on state boards and commissions. Ann wanted Texas Government to reflect the people of the State and was proud of the rich cultural and vast diversity engrained in every corner of Texas.

Ann is survived by her four children: Cecile, Daniel, Clark and Ellen and their spouses: Kirk Adams, Linda Richards, Sharon Zeugin and Greg Johnson and her much beloved eight grandchildren.

Mr. Speaker in closing, it is worthy to mention Ann's legacy as an independent thinker, a strong-minded and compassionate woman with a sharp wit and charming personality who loved her State and the people of Texas so much she dedicated 12 years of her life to serve them. I am saddened at the loss of Governor Ann Richards but I am certain that her legacy will live in the minds and hearts of young women everywhere who now have Ann to remind them that there is nothing as women they cannot accomplish.

RECOGNIZING THE LIFE AND CONTRIBUTIONS OF PRESTON ROBERT TISCH

SPEECH OF

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2006

Mr. RANGEL. Mr. Speaker, I rise today in strong support of H. Res. 605, a resolution recognizing the life of Preston Robert Tisch and his outstanding contributions to New York City, the New York Giants Football Club, the National Football League, and the United States. Mr. Tisch died, at the age of 79, on November 15, 2005, at his home in Manhattan, New York. The cause of his demise was a brain tumor, as said Jeffrey Stewart, spokesman for the family. New Yorkers knew Mr. Tisch as Bob and will always remember his stupendous economic support and leadership on several civic initiatives committed to the betterment of the city.

Having made his fortune from the real estate business in New York, Bob Tisch was a dedicated man who truly loved this city and exemplified the belief that the prime responsibility and highest calling of those fortunate enough to have achieved financial security was to use the resources and capacity to improve the lives of other people. Many New Yorkers were helped by the generosity of Mr. Tisch's civic commitment.

In May 2005, Mr. Tisch was interviewed for the online edition of Education Update magazine by Joan Baum, Ph.D. Dr. Baum described him as an ''extraordinary life of public service and philanthropy''. Mr. Tisch's service as Postmaster General of the United States in the 90s was mentioned. As well as his participation in a partnership program to fund community programs, sitting on the board as a founding member of Citymeals-on-wheels, and as an essential driving force behind the new Giants Stadium.

In 2000, Mr. Tisch founded a program known as ''Take the Field'', which benefited public schools by restoring athletic fields in New York to provide spaces for children to both practice and play. Since its inception ''Take the Field'' has already successfully restored 41 of 43 athletic fields in New York. By May 2005 Mr. Tisch's efforts had raised $135 million in private and public funds for ''Take the Field.'' Ernie Accorsi, Giants General Manager, 1998–present stated: ''Bob Tisch was a historic man in New York City history. His contributions ranged from government, both National and local, to the entertainment world to the sports world, but most important, to incredible charitable acts. His 'Take the Field' program was one of the most innovative and beautiful efforts in athletics in this country. But in addition to these things and to his co-ownership of one of the great franchises in American sport, in addition to his brilliance and dynamic New York presence, was the soul of a good and decent man who cared about people and did countless deeds to help those less fortunate, acts which never received notice.''

Mr. Tisch wanted to improve health and increase the academic performance of not only students, but also of the communities as well. Mr. Tisch was very interested in education. Evidence of this is the Tisch School of the Arts and the Preston Robert Tisch Center for Hospitality, Tourism and Sports at New York University.

Mr. Tisch also served as Mayor David N. Dinkins ''ambassador'' to Washington, he was chairman of host committees for the 1976 and 1980 Democratic National Conventions, and also led the way in building a new convention center on Manhattan's West Side. He was the Chairman and Director of the Loews Corporation, one of the country's most successful financial companies.

In 1991 he purchased the New York Giants and loved to attend practices and share opinions with coaches. Mr. Tisch improved the Giant's business by sharpening the team's marketing strategies. As a member of the National Football League's Finance and Super Bowl Policy Committees, Mr. Tisch attained prominence in the sports arena equal to his position in the world of business.

We all mourn the loss of Bob Tisch, who left an indelible mark on our society. He will always be alive in our hearts and minds. As a friend, I will greatly miss a remarkable man whose companionship I treasured, and whose energetic, enthusiastic, and enormously big heart will never be forgotten.

RECOGNITION OF THE PEOPLE'S COMMUNITY BAPTIST CHURCH 28TH ANNIVERSARY

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. VAN HOLLEN. Mr. Speaker, I rise today to congratulate the People's Community Baptist Church, which is located within my congressional district, on its 28th anniversary, which will be celebrated September 15–17, 2006.

Since its founding in 1978, the People's Community Baptist Church has established a legacy built on spiritual empowerment, social action and community outreach. Its outstanding leadership in the community has touched lives throughout Montgomery County, Maryland and beyond.

With the strong foundation laid by the late Reverend Dr. Thomas Jeremiah Baltimore, this ministry has shown benevolence through ministries such as the Social Action Agency, a church ministry that addresses social concerns of the community in all areas affecting quality of life. Under its umbrella, numerous initiatives have been started, including family health programs, Alcoholics Anonymous and Narcotics Anonymous chapter meetings, cancer support groups, voter registration drives, and the SHARE program (low-cost monthly food distribution). A prison ministry was also begun, bringing the message of hope and redemption to the incarcerated.

Mr. Speaker, I am proud to represent this progressive and distinguished ministry and extend my best wishes for continued success to The People's Community Baptist Church on this special occasion.

PERSONAL EXPLANATION

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. NADLER. Mr. Speaker, due to official business in New York related to the anniversary of the September 11, 2001 terrorist attacks, I was unable to travel to Washington, DC. As a result, I missed votes on September 6 and September 7, 2006. I ask that the RECORD reflect that had I been able to, I would have voted ''aye'' on rollcall vote No. 427, regarding the Abraham Lincoln Commemorative Coin Act; ''aye'' on rollcall vote No. 428, Recognizing the life of Preston Robert Tisch; ''aye'' on rollcall vote No. 429, Congratulating Spelman College on the occasion of its 125th anniversary; ''aye'' on rollcall vote No. 430, providing for consideration of the Horse Protection Act; ''no'' on rollcall vote No. 431, an amendment offered by Mr. Goodlatte; ''no'' on rollcall vote No. 432, an amendment offered by Mr. King of Iowa; ''aye'' on rollcall vote No. 433, final passage of the Horse Protection Act; ''aye'' on rollcall vote No. 434, A Motion to Instruct Conferees on the National Department of Defense Authorization Act of 2007; and ''aye'' on rollcall vote No. 435, closing portions of the National Defense Authorization Act of 2007 Conference Report.

PROVIDING FOR CONSIDERATION OF H. RES. 994, EXPRESSING SENSE OF THE HOUSE OF REPRESENTATIVES ON FIFTH ANIVERSARY OF TERRORIST ATTACKS LAUNCHED AGAINST THE UNITED STATES ON SEPTEMBER 11, 2001

SPEECH OF

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Ms. BALDWIN. Mr. Speaker, on the fifth anniversary of the worst attack on American soil, my Republican colleagues have disgracefully politicized what should have been a solemn and sincere resolution. This week we are mourning the tragic loses of innocent lives as well as commemorating the unsurpassed heroism that was on display that day. We are expressing our gratitude to our Nation's law enforcement officers for their tireless dedication to make our country safer; and we are reaffirming our Nation's resolve to combat terrorism and secure our homeland. But rather than offering a bipartisan resolution that unites us on this solemn occasion, the Republican leadership converted the bill into an endorsement of the PATRIOT Act, punitive immigration bills, and other highly controversial measures, which many of my constituents oppose. This bill was cynically transformed from a memorial resolution to an endorsement of President Bush's failed policies. The Republicans show enormous disrespect to the 9/11 victims and families by playing election year politics with something as solemn as the fifth anniversary of 9/11; I will vote against the bill.

HONORING NORMAN R. AUGUSTINE FOR LIFELONG COMMITMENT TO EDUCATION

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. VAN HOLLEN. Mr. Speaker, I rise today to congratulate my constituent Norman R. Augustine, a recipient of the prestigious Harold W. McGraw, Jr. Prize in Education. The prize annually recognizes outstanding individuals who have dedicated themselves to improving education in this country and whose accomplishments are making a difference today.

Mr. Augustine is the former chairman and chief executive officer of Lockheed Martin Corporation. He is a member of the President's Council of Advisors on Science and Technology, the Advisory Board to the U.S. Department of Homeland Security, and the American Philosophical Society, and is a fellow of the National Academy of Arts and Sciences.

Mr. Augustine has been chosen to receive the prestigious 19th annual award for his role as Chairman of the National Academies Committee on Prospering in the Global Economy and its work on the highly acclaimed report, ''Rising Above the Gathering Storm.'' This report illustrates the importance of improving K–12 education in mathematics and science, the nation's commitment to long-term basic research, and United States capacity for technological innovation.

Mr. Augustine's credentials as a public servant and engineer are impressive. A five-time recipient of the U.S. Department of Defense's highest civilian decoration, the Distinguished Service Medal, he has served as a lecturer at Princeton University's School of Ergineering and Applied Science

Mr. Speaker, I ask my colleagues to join me in saluting Mr. Augustine for his outstanding contribution to education and ongoing commitment to public service.

IN HONOR OF PENN SOUTH SENIOR SERVICES

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. NADLER. Mr. Speaker, I rise today to honor the Penn South Program for Seniors for an outstanding 20 years of service to the naturally occurring retirement community in and around the Penn South cooperative on Manhattan's West Side.

When President John F. Kennedy dedicated Penn South in 1962, he said, ''It is the task of every generation to build a road for the next generation. This housing development . . . can provide a better life for the people who come after us, if we meet our responsibilities.'' Indeed a subsequent generation of Manhattanites has benefited from the vision of the eariest residents of Penn South. Many of the original members of the cooperative still live in Penn South, and many of the current residents are senior citizens. The Penn South Program for Senior continues to provide dedicated support to those people who helped make Chelsea the vibrant neighborhood it is today.

Originally built to house members of the International Ladies Garment Workers Union and their families, Penn South sparked a renaissance on Manhattan's West Side when ''urban renewal'' was a phrase used only among city planners. As growing demand for affordable housing prompted Penn South to open itself to the public, the cooperative became a thriving community that truly transformed the neighborhood.

Widely regarded as one of the best-run cooperatives in the state of New York, Penn South has made contributions beyond its own community. During New York City's budget crisis in the 1970s, residents of Penn South scraped together enough money to prepay their property taxes and help the City through that difficult time.

The Penn South Program for Seniors was our Nation's first Naturally Occurring Retirement Community (NORC) program, and has become a nexus of senior services. Since 1986, it has provided care management, entitlement screening and advocacy, homecare coordination, health services, counseling, support groups, referral services, recreation, educational programs, volunteer opportunities, a social adult day care program, and an intergenerational garden for both seniors and children. The program also links West Side residents with community services such as Meals on Wheels, home care, and transportation. Later, because Penn South was selected as a training site for psychiatric fellows, two medical centers have opened on-site geriatric practices and residents have access to free psychiatric consultations.

Most importantly, the program allows seniors to continue living in their homes as part of the Penn South community. This chance is vital to hundreds of long-time residents, especially at a time when financial concerns and high real estate costs are forcing many of New York City's seniors out of their apartments.

Again, I commend the Penn South Program for Seniors for its tireless support for the generation of New Yorkers who brought Chelsea back to life.

TRIBUTE TO MIDDLE VALLEY CHURCH OF GOD

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. WAMP. Mr. Speaker, I rise today to honor the work of Middle Valley Church of God in Hixson, TN, and join them in celebrating 60 years of community service on November 1, 2006.

In 1946, 17 devoted charter members established Middle Valley Church of God under the leadership of L.W. Ledbetter who served as the first pastor. Within a year of its organization, charter members built the first church on that site and held the first service there on July 12, 1947. Since then, 19 pastors have served this church, including current pastor Mitch McClure, the church has undergone major renovations, and the congregation has grown to 250 members including the only surviving charter member, Ruth Underwood Porter.

For the last 60 years, Middle Valley Church of God has focused on community ministry.

They have developed partnerships with Memorial North Park Hospital, Dallas Bay Volunteer Fire Department, Angel Food Ministries, Ganns Middle Valley Elementary School, Smokey Mountain Children's Home, Church of God Chaplains Commission, Church of God World Missions, Operation Christmas Child, and various other organizations. In addition, the church hosts a grief support group through Legacy Funeral Services and serves as a voting precinct for the Hamilton County Election Commission. They soon hope to host a community meeting to address the methamphetamine crisis our region is currently battling.

Mr. Speaker, I ask that the United States House of Representatives join me in thanking the congregation of Middle Valley Church of God and Pastor Mitch McClure for 60 years of commitment to their faith and service to the local community.

IN RECOGNITION OF THE TASK FORCE ON MENTORING OF MONTGOMERY COUNTY ON THE OCCASION OF ITS 15TH ANNUAL CONFERENCE

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. VAN HOLLEN. Mr. Speaker, I rise today to congratulate and express my appreciation for the Task Force on Mentoring of Montgomery County, Maryland. The Task Force is a community-based, non-profit organization that provides crucial services such as mentor training, volunteer mentor recruitment, and organizational and technical support to community organizations and institutions that work to develop mentoring programs.

For over 15 years the Task Force has been a pillar of support for at-risk youth in Montgomery County. It has joined us in the battle against gang-related violence through its day-to-day efforts and its upcoming annual conference entitled "Challenging the Gang Lifestyle—Strategies for Prevention." The conference will be held on the Rockville Campus of Johns Hopkins University on October 12, 2006.

Thanks to the tireless and steadfast efforts of the Task Force on Mentoring, many of Montgomery County's children and adolescents have been given a real opportunity to become positive, active, and socially conscious citizens.

Mr. Speaker, on the occasion of its fifteenth annual conference, I ask my colleagues to join me in saluting the Task Force on Mentoring of Montgomery County.

PAYING TRIBUTE TO WILLIAM SKIVINGTON, SR., AND WILLIAM SKIVINGTON, JR.

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor both William Skivington, Sr., and William Skivington, Jr., for their service in the United States Armed Forces. William, Sr., and William, Jr., are being honored today at Nellis Air Force Base as part of the 2006 POW/MIA National Recognition Day ceremonies.

Private First Class William Skivington, Jr., or "Skip" as most referred to him, disappeared on Mother's Day in 1968 during a ground battle near the Laotian border. Thirty-eight years after being declared missing-in-action, his remains have finally been returned to his family. A graduate of Western High School, William, Jr., was presumed killed or captured after his observation post at Kham Duc was overrun by a brigade of North Vietnamese soldiers and Viet Cong. For his bravery and service William, Jr., was awarded the Bronze Star, Purple Heart and a number of medals from the Government of Vietnam, he will be laid to rest with his fellow American heroes at Arlington National Cemetery.

William, Jr., learned the value and honor of service from his father, William, Sr., who served our country with bravery and nobility in the European Theater during World War II. For his valor, William, Sr., was highly also decorated. I applaud Bill not only for his service to this country, but also for his support for all prisoners of war and missing in action and their families, and his dedication to his son, William, Jr. He is currently raising money to preserve an olive tree, The Freedom Tree, which was planted in 1972 and dedicated to his son, and all POW/MIA.

Mr. Speaker, I am proud to honor William Skivington, Sr., and William Skivngton, Jr. Their service in our Nation's armed services is admirable and shows that they are both true patriots and American heroes.

HONORING NATIONAL GRANDPARENTS DAY

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. DAVIS of Illinois. Mr. Speaker, I rise today in honor of National Grandparents Day. Designated as the first Sunday following Labor Day of every year, Grandparents Day began in 1979 by a proclamation from President Jimmy Carter. Unfortunately the vital work of grandparents frequently goes unrecognized and underappreciated. Not only do grandparents provide ties to our past, they often times provide care to the Nation's children.

Grandparents make up 5.7 million households living with over 6.1 million children, evidence that many of these grandparents are often times caring for more than one child. It is important to note that 42 percent of grandparent caregivers are the sole providers for the most basic needs of one or more of the children in their custody. Alarmingly, 35.8 percent of grandchildren under the age of 18 live in homes with Supplemental Security Income (SSI), or other form of public assistance, and 460,000 of these grandparent led households fall below the poverty line.

Chicago, alone, is the home to three of the top ten congressional districts for children living in the homes of grandparents or other relatives. In my congressional district there are 23,397 grandparents living with grandchildren and over ten thousand grandparents who are responsible for their grandchildren's needs; indeed the 7th District of Illinois, my congressional district, has the highest percentage of children living in kinship care in the entire Nation. Not only does my district have the highest incidence of grandparent-headed households in the Nation, it also has a disproportionate number of African American grandparent caregivers, around 82 percent of all grandparent-headed households. It is an unfortunate fact that the problem of grandparent-headed households disproportionately affects African-American grandparents who serve as kinship care providers at higher rates than other racial/ethnic groups; a fact that federal policies need to understand and address.

B.C. Forbes said, "Upon our children—how they are taught—rests the fate—or fortune—of tomorrow's world." The fate of our children and their future lies with the millions of grandparents who tirelessly raise their grandchildren. Grandparent-headed households are an unremitting force on our Nation's children and deserve our gratitude and support.

FOURTEENTH DALAI LAMA CONGRESSIONAL GOLD MEDAL ACT

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Mrs. MALONEY. Mr. Speaker, I fully support this legislation to bestow the Congressional Gold Medal upon Tenzin Gyatso, the 14th Dalai Lama. His Holiness is a spiritual beacon for thousands, and he has traveled the world to develop common ground among different faiths. He stands for and embodies peace and harmony.

I also honor the Dalai Lama for his continuing work to expand freedoms for the Tibetan people. Under Chinese rule, the human rights situation in Tibet is reprehensible—religious and political freedoms are severely curtailed and thousands of Tibetans have died. Practicing compassion and non-violence, the Dalai Lama has met with world leaders and has attempted to engage the Chinese government to reach a solution that will give freedom to his people. Regrettably, the Chinese government has been stubborn in its resistence, but I hope they will soon have a change of mind and heart about the situation in Tibet.

As a spiritual force and as a head of state, the Dalai Lama shows us all the meaning of peace and compassion. He deserves this honor, and I thank the leadership for bringing the bill before us.

"ART ON LABELS" CONTEST WINNERS

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to congratulate two outstanding young students who live and go to school in my district in Houston, Texas. Alejandra Garcia, 10, of Crockett Elementary School and Alina Arevalo, 8, of Sherman Elementary School recently won a national art competition in support of afterschool programs called the

"Art on Labels" contest, sponsored by Torani, the specialty syrup maker, and the Afterschool Alliance, an organization dedicated to advocating for quality and affordable afterschool programs for all children by 2010. The girls' artwork was chosen from hundreds of entries nationwide and will be featured on two of Torani's soda syrup products this fall.

Both students attend the Cooperative for After-School Enrichment program and were encouraged to enter the contest by their afterschool teacher. Afterschool programs play a critical role in the lives of many students who need a safe and nurturing place to go after the school bell rings. In communities today, 14.3 million children take care of themselves after the school day ends, including almost four million middle school students in grades six to eight. Just 6.5 million children are in afterschool programs—but the parents of another 15.3 million children say their children would participate in afterschool—if a program were available.

Afterschool programs keep children engaged in learning and work to find students' hidden talents as an alternative to going home alone to watch television all afternoon. It is important to continue to support afterschool programs like the ones Alejandra and Alina attend, which increase academic achievement, keep kids safe, and help working families.

It is an honor to be able to congratulate two wonderful young ladies, Alejandra and Alina, for their tremendous accomplishments and to thank their afterschool program providers for helping to develop their talents.

INTRODUCING BILL TO ESTABLISH MINERAL COMMODITY INFORMATION ADMINISTRATION

HON. THELMA D. DRAKE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mrs. DRAKE. Mr. Speaker, I rise today to introduce this bill to establish the Mineral Commodity Information Administration in the Department of the Interior.

This bill would make the Mineral Information Team (MIT) with the United States Geological Service an independent agency in the Department of the Interior, with much the same charter as the Energy Information Agency housed in the Department of Energy.

The MIT collects and disseminates data on virtually every commercially important non-fuel mineral commodity produced worldwide, information that is critical to businesses, the government, and importantly, the Department of Defense (DOD) to help manage the National Defense Stockpile. Due to the importance of the data, the MIT should be an independent agency reporting to the Secretary of the Interior.

Virtually every manufacturing sector, from aviation to textiles, relies on the unbiased, thorough, and comprehensive data reported by the MIT. This data is essential for effective use of our natural resources and for accurate forecasting. The information for a number of the MIT reports is derived from proprietary information given by our members precisely because the government is a trusted third party.

The United States is the world's largest user of mineral commodities, with processed materials of mineral origin accounting for over $487 billion in the economy in 2005 (an increase of 8 percent over 2004 on top of an increase of over 13 percent in 2003).

In 2002, the administration's FY 2003 budget proposed to eliminate the collection of international mineral commodity information. The attempts to eliminate international mineral commodity information collection have continued with each subsequent budget proposal. The congressional appropriations committees have wisely continued to reject calls to eliminate this critical data.

This information from the MIT is critical to the effective use of the nation's natural resources and for accurate forecasting. Without a reliable source of worldwide commodity information, the U.S. would be blind to any impending supply shortages. MIT data was critical in calming the markets during the cement and steel shortages of 2004, identifying the problem as one of logistics, not supply.

Our Nation is facing a global resources future where we are more dependent than ever on foreign sources of energy and minerals while at the same time no longer "guaranteed" to be the major recipient of energy and minerals from our traditional foreign suppliers. Considering businesses operate in a global economy, and imported raw and processed mineral materials increased in value by more than 14 percent from 2005 to $103 billion, the comprehensive data provided by the MIT becomes ever more important.

Clearly the Federal government understands the importance of worldwide data on energy production as demonstrated by the increased funding for the Energy Information Administration. Currently, the continued viability and availability of mineral commodity information is mired in the bureaucracy and under budgetary assault. It is imperative that the importance of the MIT mission be recognized by establishing it as an independent agency of the Department of the Interior.

This is the goal that my bill will accomplish. The mission of the newly created Mineral Commodity Information Administration will be to continue to collect, analyze, and disseminate information on the domestic and international supply of and demand for minerals and mineral materials essential to the U.S economy and national security.

CONGRATULATING THE LUTHER BURBANK SCHOOL DISTRICT ON ITS 100TH ANNIVERSARY

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise to congratulate the Luther Burbank School District in San Jose, California on its 100th anniversary.

Luther Burbank School District's noble mission is to educate students from kindergarten to eighth grade. Although diversity is welcomed, significant challenges confront this public school system. In the 2003–2004 school year 85 percent of the students were Hispanic, 5 percent Black and 7 percent White. Of all the District's students, 78 percent participated in the National School Lunch Program and 64 percent of the students were English Language Learners. Despite the challenges to comprehensive multicultural and multilingual education, Luther Burbank School District has met the challenges of racial, ethnic and religious diversity within the public school system.

Over the past 5 years, Luther Burbank School District has increased its California Academic Performance Index by over 200 points, thereby exceeding the state average. As the test scores and the school district's rankings have risen, so has the recognition that Luther Burbank School District has received. The school district is now a school of choice in San Jose, California.

Luther Burbank School District is a center of activity and growth in the community. Local residents are continuously invited and involved in many aspects of the school district. Luther Burbank School District welcomes parent and community involvement in the education and activities of the school and English as a Second Language classes are provided to the community during the evening hours to more closely connect the residents of this culturally diverse neighborhood.

The school district utilizes innovative teaching methods that include technology in the classroom and current instructional materials. The school district focuses on the academic growth of their students so that they may make positive contributions to their community and to society.

I am hopeful that the innovative and exemplary model portrayed by the Luther Burbank School District remains in my congressional district and spreads to many other lucky neighborhoods in the coming years.

RECOGNIZING THE METROPOLITAN ARCHDIOCESE OF AGANA ON THE HISTORIC OCCASION OF THE ENSHRINEMENT OF "OUR LADY OF CAMARIN"

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Ms. BORDALLO. Mr. Speaker, I rise today to congratulate Archbishop Anthony Sablan Apuron and the Roman Catholic Metropolitan Archdiocese of Agana on the occasion of the enshrinement of "Our Lady of Camarin" in the Basilica of the National Shrine of the Immaculate Conception in Washington, DC. Our Lady of Camarin, "Santa Marian Kamalen" as she is known in the Chamorro language, is the Patroness of the Metropolitan Archdiocese of Agana and of the Mariana Islands. I also congratulate the Guam chapters of the Catholic Daughters of the Americas who have taken an active interest in the cause of enshrinement and who are well represented in Washington for the ceremony on September 17, 2006.

The Santa Marian Kamalen is an important historic symbol of faith to the people of Guam and the Mariana Islands. The Santa Marian Kamalen statue, which arrived on Guam in the 17th century, was a significant part of the Spanish introduction of the Catholic faith on Guam and has been an enduring symbol of the growth of the Catholic Church in the Mariana Islands for the past three centuries. The Santa Marian Kamalen statue is representative of the resilience of the Chamorro people

who have turned to the Patroness in times of distress to receive her comfort. This religious symbol has survived fires, earthquakes, and typhoons and inspires the faithful who seek her intercession for protection from famine, earthquakes, typhoons and tsunamis.

During the occupation of Guam in World War II, believers turned to Santa Marian Kamalen for help and some risked their own safety by saving the statue from confiscation and destruction by the occupiers. Today, Santa Marian Kamalen continues to inspire the Catholic faithful on Guam and throughout the Marianas. She holds an exalted position above the altar in the Dulce Nombre de Maria Cathedral-Basilica in Hagåtña, Guam. As the Patroness of Guam and the Mariana Islands, her feast day is celebrated each year on December 8th, the Feast of the Immaculate Conception, with a procession of thousands of the faithful in Hagåtña.

On Sunday, September 17, 2006, a replica of the Santa Marian Kamalen will be enshrined at the Basilica of the National Shrine of the Immaculate Conception in Washington, DC. Hundreds of followers from Guam, the Northern Marianas, and throughout the nation have converged in a pilgrimage to honor Our Lady of Camarin.

The enshrinement of Santa Marian Kamalen is recognition by the Church of the deep faith of the Chamorro people and a distinct honor for the Metropolitan Archdiocese of Agana. The ceremony will celebrate the love of the devotees of the Patroness of the Mariana Islands.

The enshrinement of Our Lady of Camarin would not have been possible without the tireless efforts of many people, most notably the Most Reverend Anthony Sablan Apuron, OFM Cap., DD, the Metropolitan Archbishop of Agana, the clergy and religious on Guam and the Mariana Islands, officers of the Catholic Daughters of the Americas in the Metropolitan Archdiocese of Agana, and all of the faithful. Biba Santa Marian Kamalen!

RECOGNIZING THE CONTRIBUTIONS OF YOUTHBUILD TO THE NATION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. RANGEL. Mr. Speaker, I rise in strong support of H.R. 5837, a bill to amend the Workforce Investment Act of 1998 to provide for a YouthBuild program and to recognize the many achievements and accomplishments attributed to YOUTHBUILD USA.

The YouthBuild program started in my Congressional District of East Harlem in 1978 as a response to the failed public school system, the lack of workforce development programs available to young adults and the growing number of youth who were being driven into the criminal justice system, YouthBuild's mission is to provide a pathway to successful productive careers. YouthBuild started in the interstices between these three systems as a community-based comprehensive program designed with and for youth. It became simultaneously an alternative school, a job and career training program, a point of re-entry for adjudicated youth, a way to serve one's community by building the highly valued commodity of affordable housing, and a way to gain leadership skills to improve the community in the long run and to become somebody who could make a difference.

This combination has been highly attractive to the disconnected youth, and has created a pathway to a productive future for tens of thousands of young adults across the country.

YouthBuild spread from East Harlem throughout New York City, and from there around the country. It became a federal Housing and Urban Development (HUD) program in 1992, and with HUD's help has spread to 226 of America's poorest urban and rural communities. It has been incubated as a federal program in HUD—still outside of the existing public education, workforce development, and criminal justice systems. At HUD, the emphasis has been on broad community development.

YouthBuild has shown itself to be highly attractive to communities seeking a solution for the fact that 32 percent of America's youth are dropping out of school, a hundred thousand are aging out of foster care each year and need a supportive transition, and tens of thousands are returning to their neighborhoods from incarceration needing a guiding hand.

Now YouthBuild is being moved as a response to its success. It is consistent with the priorities of the Department of Labor to engage the most disadvantaged youth in education and job training in high-demand careers through a cost effective community-based solution. While it is consistent with HUD's general community development goals, it is consistent with the Department of Labor's central priorities for young adults.

YouthBuild programs are also working well as re-entry programs under a special grant with the Department of Labor and with various state governments. They are working as AmeriCorps programs especially designed for low-income youth in partnership with the Corporation for National and Community Service. They are also working with local public school systems and the Bill and Melinda Gates Foundation—40 YouthBuild programs have become diploma-granting public charter or alternative schools, expanding the reach of limited federal funds by attracting additional local public education funds and deepening YouthBuild's role as an alternative school. Since it has become simultaneously a school, a job-training program, a re-entry program, and a national service program, it is working now on the creative edge of all these systems.

Local YouthBuild programs are led by entrepreneurial and committed professionals rooted in local communities. They are knit together by a national non-profit organization, YouthBuild USA, that works in partnership with the federal government to hold local programs to high standards, to train them in best practices, and to recognize innovative promising practices. This public/private partnership has also proven itself to be a good delivery system which has been responsible for the effective implementation of a creative program design.

At a time when America is seeking solutions to the disconnection from school and work of over 5 million 16- to 24-year-olds, 2.4 million of whom are poor, at a time when we are realizing that some of our existing systems are not working for this sub-set of young adults, it is a good moment to highlight YouthBuild as a solution, and position it in the Department of Labor for its next stage as a visible and viable pathway to success for tens of thousands of young Americans.

AZERBAIJAN—TIME TO FREE THE POLITICAL PRISONERS

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mrs. SCHAKOWSKY. Mr. Speaker, when Secretary of State Condoleezza Rice goes to New York for the opening of the 61st United Nations General Assembly she is expected to meet with Foreign Minister Elmar Mammadyarov of Azerbaijan. His country is becoming an important geo-strategic player in the Caspian region and Central Asia. It has worked closely with the United States on the critical oil pipeline from the Caspian to the Mediterranean and other issues.

There are some important obstacles to realizing the full potential of our strategic relationship with Azerbaijan. Of particular concern is the deteriorating human rights situation and the growing number of political prisoners in that country's jails.

During her confirmation hearings before the Senate Committee on Foreign Relations earlier this year, Ambassador Anne Derse stressed the importance the United States attaches to freedom, democracy and human rights as high priorities in our relationship with Azerbaijan. The Bush administration's emphasis on the critical importance for nurturing democracy, not only in bringing freedom to people but in helping make this a safer world at a time of growing threat from Islamofascism, is of particular concern in Central Asia. Azerbaijan is a secular Muslim state, thus making the development of democracy, respect for human rights and the rule of law ever more critical in such an unstable region of the world.

Azerbaijan is also an important American interest in energy and security cooperation. As our economic and political cooperation grow, our relations with Azerbaijan become more critical. Azerbaijani President Ilham Aliyev has spoken of his commitment to democracy but, unfortunately, the gap between promise and performance is widening, not shrinking.

I am particularly concerned about the need for an independent judiciary, commitment to the rule of law and a transparent justice system. An alarming number of political prisoners are held in Azeri jails, most notably former Minister of Economic Development Farhad Aliyev and his brother Rafiq Aliyev (The brothers are no relation to President Aliyev). Farad Aliyev was arrested on trumped-up political charges of planning a coup, and to that was later added a charge of murdering the editor of Monitor magazine, Elmar Huseynov. The actual confessed murderer, Haji Mammadov, a former official of the Interior Ministry's Criminal Investigation Department, reportedly accused Farhad Aliyev of ordering the killing. Independent media reports demonstrate that the accusation is not taken seriously and believed to have been pushed on the killer, perhaps in a deal for a lighter sentence, as part of the government's desire to strengthen its weak case against Aliyev and eliminate a potential rival for the president.

Mr. Speaker, I urge Secretary of State Rice to take up this matter at the United Nations

with Foreign Minister Mammadyarov and stress that the United States seeks assurances that all political prisoners are allowed free access to counsel of their choice, are safe and provided all necessary health care, receive humane treatment and, if it goes that far, receive a free, fair and public trial. More appropriately, they should be freed at once as a demonstration of Azerbaijan's commitment to democratic reform and respect for human rights and the rule of law.

The Azeri Democracy Initiative, a non-partisan, international non-profit organization headquartered in Washington and dedicated to strengthening U.S.-Azerbaijan ties on a basis of shared values, has joined in calling on the European Court of Human Rights to investigate the politically-motivated arrest of Farhad Aliyev, the reformist former Minister of Economic Development of Azerbaijan.

The case before the Court of Human Rights in Strasbourg was filed by a group of British lawyers and alleges human rights abuses. They pointed out that Azerbaijan, as a member of the Council of Europe, is legally obligated to comply with the European Convention of Human Rights as a condition of membership of the Council of Europe.

Lord Lester QC, one of Europe's leading barristers on human rights issues, said the brothers were detained arbitrarily, put in solitary confinement and held ''without justification''. He has been denied access to the men.

''The Aliyev cases illustrate how far the Republic of Azerbaijan has to change before it can be regarded as a truly democratic state respecting the European rule of law and the fundamental human rights and freedoms of its citizens,'' Lord Lester added.

Many members of the brothers' families, business associates and acquaintances have been ''harassed, arrested and persecuted following Farhad and Rafiq's arrests,'' according to Lucy James, one of the London attorneys. ''Many have been detained on trumped up charges or without charge'' and many have reportedly lost their jobs.

Mr. Speaker, I urge the Secretary of State and Ambassador Derse in Baku to raise this critical human rights issue at the highest levels and call for the freedom of political prisoners.

CONGRATULATING DR. ROBERT JENNINGS ON HIS INAUGURATION AS PRESIDENT OF ALABAMA A&M UNIVERSITY

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. CRAMER. Mr. Speaker, on behalf of the alumni, students, faculty, and friends of Alabama A&M University, I rise today to congratulate Dr. Robert Jennings on his inauguration as the University's tenth President.

Alabama A&M is a prestigious 131-year old land-grant university located in Normal, AL. Its faculty and students are nationally recognized for their work in and out of the classroom.

A&M selected Jennings as President in January of 2006. A graduate of Morehouse College and Clark Atlanta University, Dr. Jennings is a Fulbright-Hays Fellow and a highly respected and accomplished professor and administrator.

Prior to his appointment at A&M, Dr. Jennings served many years as a professor and administrator at Atlanta University Graduate School. Dr. Jennings has also held positions at Norfolk State University, Albany State University, and North Carolina A&T State University. Most recently, he served as the Executive Vice President and Chief Operating Officer of Wake Forest University's Future Focus 2020, a program designed to encourage urban communities to more actively participate in discussions about the future of the country.

In addition to his impressive academic record, Dr. Jennings is a distinguished diplomat and civil servant. In 1999, he represented the U.S. Embassy and the U.S. State Department as a consultant and trainer at the University of Naimey in Niger, Africa. He also previously served as a Loaned Executive to the Office of the Administrator of the U.S. Environmental Protection Agency, as well as an Equal Opportunity and Employee Development Specialist and Lead Trainer for the U.S. Equal Opportunity Commission.

Mr. Speaker, during the week of September 11th, the Alabama A&M community is celebrating Dr. Jennings' inauguration. I believe that his impressive resume and numerous academic accomplishments have more than prepared him to lead Alabama A&M University to new heights. I look forward to working with him and all of the faculty, students, alumni, and staff to build on the University's proud tradition of excellence.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

SPEECH OF

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Mr. UDALL of Colorado. Mr. Speaker, I cannot vote for this bill, for several reasons.

To begin with, as the debate in the Resources Committee made clear, this is not the kind of measure that should be considered under a procedure that rigidly limits debate and prevents consideration of any amendments. Instead, it is a controversial proposal that can affect many parts of the country. All members whose districts could be affected—or who have concerns for other reasons—should have the opportunity to propose amendments that they think would improve the legislation.

But regardless of the procedures controlling debate today, I think the bill has such serious flaws that it should be rejected—which was why I voted against it in committee.

As others have noted, it would make a drastic change in current law regarding the regulation of Indian gaming, changes that do not properly reflect and respect the status of tribal governments and that have led the majority of tribes and tribal organizations to oppose the legislation.

I do not think such far-reaching changes are necessary to address the problems cited by the bill's supporters. On the contrary, I think the Interior Department already has ample authority to resolve those problems through regulation.

Finally, some have suggested that the legislation should be passed to resolve questions raised in 2004 when two tribes now based in Oklahoma asserted a claim to lands in Colorado. However, I do not think that is accurate.

Nothing in this bill would prevent tribes from making such land claims in the future. And because no legislation can bind a future Congress, the bill would not prevent a legislative settlement of such claims—the professed goal of those asserting the Colorado claim—which could involve authorization of Indian gaming on some of the lands involved.

I urge the House to reject this bill.

''IRAQ WATCH''

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. CONYERS. Mr. Speaker, back in June the Democratic Caucus began a series of weekly special orders and floor speeches as a part of our ongoing ''Iraq Watch.'' Midway through September, we're still watching, and what we're seeing is not encouraging. Other members will elaborate on the escalating death toll, the continued drain on our Treasury, and our inability to provide even the most basic services that might show the Iraqis that our invasion has improved their lives in some way. That there were no weapons of mass destruction, no link between Saddam and Al Qaeda, and no threat to America in Iraq continues to be demonstrated with each new report released and each study published. We know that we went in without a plan to manage the country after we toppled the government, contrary to military recommendations. Indeed, we now know that Secretary Rumsfeld actually threatened to fire staff who kept insisting on making some attempt at post-war planning. The generals in the field have told us, again, that their mission cannot be accomplished without tens of thousands, perhaps even a hundred thousand or more troops. Yet, according to an official army report referenced in the article I include, for the record, there are no more troops to send.

Mr. Speaker, we've been watching as this quagmire gets worse by the day. But I can't help wondering if the Republicans are watching the same conflict I am. To listen to what the Administration and its backers in Congress are saying, one might think that the invasion happened just last month, rather than three and a half years ago. You might think we were greeted as liberators, or even that we helped the Iraqis form a functioning democracy. You might even draw the conclusion that fanning the flames in Iraq is somehow, in some way making the American people safer.

Operating on the same flawed assumptions they used to mislead us into this mess in the first place, the Administration still has not given us an exit plan out of this bloodbath. We've heard plenty of slogans. ''As the Iraqis stand up, we'll stand down.'' ''Stay the course,'' But, Mr. Speaker, empty rhetoric is not a strategy. Hearing these slogans again and again, I'm reminded of one definition of insanity: to take the same action over and over and expect different results. Our continued occupation of Iraq without any kind of strategy or plan to resolve the conflict simply makes no sense.

Mr. Speaker, I was shocked and horrified when I heard that Vice President Cheney went

on a talk show last weekend and said, and I quote, ''if we had it to do over again, we'd do exactly the same thing.'' Is our vice president misleading us again, or does he really believe that our Iraq policy is working? Is this administration so arrogant, so stubborn, so unwilling to admit its mistakes that it wants to continue the occupation of Iraq ''exactly'' as it has for three and a half years? The Administration's continued failure to level with the American people and learn from its errors is an affront to all of us, but most especially to the memory of the 2,671 brave young men and women who have given their lives for this war of choice. The Republicans have shown that they lack the humility and the vision to change our disastrous course in the Middle East. We've lost not only lives and treasure but our standing in the world as a beacon of freedom and democracy. It is time for a new direction.

[From Washingtonpost.com, Sept. 14, 2006]

WHY WE CAN'T SEND MORE TROOPS

(By Lawrence J. Korb and Peter Ogden)

In ''Reinforce Baghdad'' [op-ed, Sept. 12], William Kristol and Rich Lowry argue that the United States needs to deploy ''substantially'' more troops to Iraq to stabilize the country. Aside from the strategic dubiousness of their proposal—Kristol and Lowry's piece might alternatively have been titled ''Reinforcing Failure''—there is a practical obstacle to it that they overlook: Sending more troops to Iraq would, at the moment, threaten to break our nation's all-volunteer Army and undermine our national security. This is not a risk our country can afford to take.

In their search for additional troops and equipment for Iraq, the first place that Kristol and Lowry would have to look is the active Army. But even at existing deployment levels, the signs of strain on the active Army are evident. In July an official report revealed that two-thirds of the active U.S. Army was classified as ''not ready for combat.'' When one combines this news with the fact that roughly one-third of the active Army is deployed (and thus presumably ready for combat), the math is simple but the answer alarming: The active Army has close to zero combat-ready brigades in reserve.

The second place to seek new troops and equipment is the Army National Guard and Reserve. But the news here is, if anything, worse. When asked by reporters to comment on the strain that the active Army was under, the head of the National Guard said that his military branch was ''in an even more dire situation than the active Army. We both have the same symptoms; I just have a higher fever.''

Already, the stress of Iraq and Afghanistan on our soldiers has been significant: Every available active-duty combat brigade has served at least one tour in Iraq or Afghanistan, and many have served two or three. Likewise, the vast majority of Army National Guardsmen and Reservists have been mobilized since Sept. 11, 2001, some more than once.

Thus the simple fact is that the only way for Kristol and Lowry to put their new plan into action anytime soon without resorting to a draft—and thereby dismantling the all-volunteer Army, which, as the authors themselves would certainly admit, could be strategically disastrous—is by demanding even more from our soldiers by accelerating their training and rotation schedules. While there is no question that the soldiers would respond to more frequent calls to duty, it is doubtful that they would be supplied with proper equipment and training for their mission in the near term. Moreover, the long-term toll on the cost and quality of our troops would be threatened by the added strain.

First, the equipment shortage that the U.S. Army faces at the moment is making it difficult to train troops even at current levels. The service has been compensating for this $50 billion equipment shortfall by shipping to Iraq some of the equipment that it needs to train nondeployed and reserve units. Increasing the number of deployed troops would compound this readiness problem and leave the Army with little spare capacity to respond to other conflicts around the globe that might demand immediate and urgent action.

Second, the long-term costs of leaning even more heavily on our ground troops to fight what is an unpopular war will take its toll on the quality of our Army. At present the Army is compelled to offer promotions to an unprecedented number of its personnel to retain them. Some 98 percent of captains were promoted to major this year, and the quality of the next generation of military leaders will suffer if this process is not made more selective once again.

In addition, even the quadrupling of recruitment bonuses since 2003 has not been enough to attract adequate numbers of talented men and women to meet the Army's personnel goals. Although the Army has accepted more troops with lower aptitude scores and raised its maximum enlistment age, it still must grant waivers to about 1 out of 5 new recruits and has had to cut in half the number who ''wash out'' in basic training.

While we disagree with Kristol and Lowry's contention that sending more troops to Iraq would bring peace and stability to the country, the U.S. Army and National Guard and Reserve should nevertheless possess the capacity to respond to such a plan or other deployments without undue strain and long-term costs. The solution is to do two things that the Bush administration has not: permanently increase the number of troops in the active Army and fully fund its equipment needs. Let this, not the expenditure of more blood and treasure in Iraq, be the ''courageous act of presidential leadership'' that Kristol and Lowry desire.

TRIBUTE TO LINDA BUTLER COSTIGAN

HON. DIANE E. WATSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Ms. WATSON. Mr. Speaker, it is with great sadness that I announce the passing my dear friend and colleague, Linda Butler Costigan.

Linda Butler Costigan passed away peacefully on Sept. 6, 2006 at Sutter Roseville Medical Center after a long battle with metastatic breast cancer. She was born on Dec. 20, 1946 in White Plains, NY to the late George and Faye Butler. She is survived by her beloved husband of 42 years, Richard S. Costigan, Jr. (Dick) of Granite Bay, CA and sons, Richard, III and wife Gloria of Granite Bay, CA and Chris and wife Gabby, who now live in Hong Kong.

She was the devoted ''Gram'' to her three grandchildren, Eric Samuel, Emma Laraine and Andrew Butler, of Granite Bay, CA. She is also survived by her sister, Mary Catherine Butler-Adkins and husband, Frank of Virginia Beach, VA.

Linda spent the first half of her life in Norfolk, VA., but she lived in many places, including Miami, Boston, Philadelphia, Los Angeles, Sydney Australia, and Danville, CA, before settling in Granite Bay over 16 years ago.

Though Linda would want to be remembered as a loving wife, mother and grandmother, she made many contributions to the communities in which she lived. In Norfolk, VA she was President of the local Catholic Youth Organization. In Danville, she was president of the St. Isidore's PTA and started a fund raising auction at De La Salle in Concord that is still going on; she replicated that program for La Salle College High school when the family moved to Philadelphia.

During those years, she was very active in Marriage Encounter and served on various boards. She loved college football, becoming a devoted follower of the University of Georgia where Richard and Gloria attended and the University of Alabama where Chris was a wide receiver on the 1989 SEC Championship team. She and Dick would often travel to both schools from California. She was involved in California politics for years, including serving as the State Private Sector Chair of the American Legislative Exchange Council (ALEC) for the state of California for a number of years and as the national Private Sector Chair in the early 1990s. For her service, she received the Thomas Jefferson Award.

She ran an event planning company that helped to bring policy makers together with advocates and those impacted by policy decisions. Her clients included Pfizer and Johnson and Johnson. She was also the secretary of the Granite Bay Municipal Advisory Council for a number of years when Dick served as the Chair. She also served on Board of the Arthritis Foundation of Northern California.

In 2001, after her husband became sick, they moved to Hilton Head Island, South Carolina where they thought they would spend the rest of their lives. When she was rediagnosed with cancer in 2004, they moved back to Granite Bay. She was greatly admired by many and continued to positively touch many lives even in her last days fighting this disease. Her legacy as a devoted daughter, sister, wife, mother, mother-in-law, grandmother, and dear friend will be remembered and cherished by all she touched.

HONORING ANNE-MARIE GNACEK

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2006

Mr. CRAMER. Mr. Speaker, I rise today to recognize and honor one of my constituents, Ms. Anne-Marie Gnacek upon her retirement after 50 years of managing, designing, and developing simulations to evaluate our Nation's ability to intercept and destroy foreign missiles.

Beginning in 1956, Ms. Gnacek worked for a variety of defense related engineering companies. With the exception of choosing to stay at home to raise her two sons in the 1960s, she has worked continuously on developing software simulations to help develop our Nation's space and missile development programs, including the Navy's Polaris missile and the development of our National Missile Defense initiative.

Most recently, Ms. Gnacek was involved in the independent verification and validation testing of the Ground Based Midcourse Defense System's Battle Management Command and Control and In-flight Interceptor Communications systems, and development of simulation training aid for the soldiers who will operate the system.

Ms. Gnacek also led a team of engineers that developed real time simulations of mission experiments and activities to train astronauts for NASA's SPACELAB 1 and 2 shuttle missions.

Mr. Speaker, this month, Ms. Gnacek will retire after 50 years of exceptional service. Throughout her career, she has devoted herself towards improving our Nation's space and missile development programs and has diligently worked to enhance these vital systems to meet the ever-changing needs of our country.

I rise today to join her colleagues, family, and friends in congratulating her on a job well done. I wish her and her family the very best for the future.

THOMAS J. MANTON POST OFFICE BUILDING

SPEECH OF

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Mr. RANGEL. Mr. Speaker, I rise today to join my colleagues in supporting H.R. 6033 which would designate the facility of the United States Postal Service located at 39–25 61st Street in Woodside, New York, as the ''Thomas J. Manton Post Office Building''.

As you know, we lost our dear friend Tom just a few short months ago, and I cannot think of a more fitting tribute to one of the most distinguished Members who ever served in this great House, than to see this renaming become a reality.

The character of Tom Manton's life might be summed up in a few words: he was a man of great commitment, hard-working, an inspiring leader, and he was dearly passionate about the causes he believed in and the work he did on behalf of his constituency.

Manton was a man of great intellect. During seven terms in Congress, from 1985 to 1998, he was an important figure on reauthorization of the Superfund program, which provides for the cleanup of uncontrolled or abandoned hazardous waste sites. However, most of his legislative initiatives were focused on various local issues: stopping the Long Island Rail Road from building a waste-transfer station in western Queens, barring the creation of composting plants for sewage sludge in New York City, and using amendments to the Clean Air Act to aid local businesses. As well, he also sponsored a law that made benefits to permanently injured police officers, on par with payments to officers killed in the line of duty.

This loving husband and devoted father was also a very dear friend and colleague to me through all the years we worked together here in the Congress.

It was my privilege to know him and to work with him on matters involving not only our Nation, but the great State of New York. He combined with his charm, an unlimited energy and the highest integrity and work ethic.

Tom Manton was indeed a well respected and revered Member of this institution who gave of himself diligently, and was ever zealous to carry through to its ultimate conclusion, the cause of those who would benefit from his direction. No one is likely to forget neither the courage of his faith nor the warmth of his friendship.

In Tom's memory, let us move this bill forward.

Daily Digest

HIGHLIGHTS

Senate passed H.R. 4954, SAFE Port Act.

Senate

Chamber Action

Routine Proceedings, pages S9577–S9647

Measures Introduced: Eleven bills and three resolutions were introduced, as follows: S. 3892–3902, S. Res. 570–571, and S. Con. Res. 115. **Pages S9629–30**

Measures Reported:

H.R. 5689, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, with an amendment in the nature of a substitute.

S. 3901, to authorize trial by military commission for violations of the law of war. **Page S9629**

Measures Passed:

SAFE Port Act: By a unanimous vote of 98 yeas (Vote No. 249), Senate passed H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, after taking action on the following amendments proposed thereto: **Pages S9582–S9617**

Adopted:

Stevens (for Wyden/Smith) Amendment No. 5001, to modify the definition of the term ''container security device''. **Pages S9584–85**

Stevens Amendment No. 5016, to provide a phased and temporary anchor movement exception for Alaska. **Page S9584**

Stevens (for Snowe) Amendment No. 5018, to change a conveyance date for Coast Guard property in Portland, Maine. **Page S9584**

Stevens (for Grassley) Amendment No. 5017, of a technical nature. **Page S9584**

Isakson/Kennedy Modified Amendment No. 4923, to reduce the radiation exposure of maritime workers and to reimburse maritime terminal operators for additional costs associated with illnesses or injuries for which exposure to ionizing or non-ionizing radiation from cargo screening procedures required under Federal law is a contributing cause. **Page S9585**

Collins (for Baucus) Modified Amendment No. 4986, to require that as part of the annual performance plan required in the budget submission of the Bureau of Customs and Border Protection under section 1115 of title 31, United States Code, the Commissioner of Customs establish performance indicators relating to the seizure of methamphetamine and methamphetamine precursor chemicals in order to evaluate the performance goals of the Bureau with respect to the interdiction of illegal drugs entering the United States. **Page S9585**

Stevens (for DeMint) Amendment No. 5007 (to Amendment No. 4970), to prohibit the issuance of transportation security cards to individuals who have been convicted of certain crimes. **Pages S9604–05**

DeMint Amendment No. 4970, to prohibit the issuance of transportation security cards to individuals who have been convicted of certain crimes. **Page S9604**

Stevens (for Lautenberg) Modified Amendment No. 4942, to require the Secretary of Homeland Security to implement a threat assessment screening program for port truck drivers. **Pages S9605–07**

Stevens (for Vitter) Modified Amendment No. 4952, to provide for a process for interim security clearance for certain workers. **Page S9605**

Stevens (for Vitter) Modified Amendment No. 4961, to ensure that ports that play a critical role in our national energy policy remain eligible for port security grants. **Page S9605**

Stevens (for Rockefeller) Modified Amendment No. 4966, to require a report on the implementation status of the aircraft charter customer and lessee prescreening program. **Page S9605**

Stevens (for Menendez) Modified Amendment No. 4997, to standardize the risk-based funding of port security grants. **Page S9605**

Stevens (for Schumer) Modified Amendment No. 4983, to carry out an ''Apollo Project'' to research and develop new technology for the accurate and effective detection and prevention of nuclear and radiological threats to United States seaports. **Page S9605**

Rejected:

Schumer Modified Amendment No. 4930, to improve maritime container security by ensuring that foreign ports participating in the Container Security Initiative scan all containers shipped to the United States for nuclear and radiological weapons before loading. (By 61 yeas to 37 nays, Vote No. 248), Senate tabled the amendment).

Pages S9590–S9604, S9607

During consideration of this measure today, the Senate also took the following action:

By a unanimous vote of 98 yeas (Vote No. 247), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the bill.

Page S9586

Chair sustained a point of order under rule XXII, that the following amendments were not germane, and the amendments thus fell:

Murray (for Stabenow) Amendment No. 4967, to authorize grants for interoperable communications.

Page S9582

Clinton/Dole Amendment No. 4957, to facilitate nationwide availability of 2–1–1 telephone service for information on and referral to human services, including volunteer opportunities related to human services. **Page S9582**

Clinton Amendment No. 4943, to fund additional research to improve the detection of explosive materials at airport security checkpoints. **Page S9582**

Clinton/Schumer Amendment No. 4958, to establish a grant program for individuals still suffering health effects as a result of the September 11, 2001, attacks in New York City. **Page S9582**

Nelson (NE) Modified Amendment No. 4945, to provide emergency agricultural disaster assistance.

Page S9590

Boxer Amendment No. 4995, to require the placement of blast-resistant cargo containers on all commercial passenger aircraft. **Pages S9605–06**

Hispanic Heritage Month: Senate agreed to S. Res. 571, recognizing Hispanic Heritage Month and celebrating the vast contributions of Hispanic Americans to the strength and culture of the United States. **Pages S9645–46**

U.S.-Oman Free Trade Agreement Implementation Act Agreement: A unanimous-consent-time agreement was reached providing that at a time to be determined by the Majority Leader, after consultation with the Democratic Leader, Senate begin consideration of H.R. 5684, to implement the United States-Oman Free Trade Agreement; that there be 3 hours of debate—2 hours for the minority, with 60 minutes for Senator Dorgan, 30 minutes for Senator Conrad, 30 minutes for Senator Baucus, or his designee, and 60 minutes for the majority, and that all time be consumed on either Friday, September 15, or Monday, September 18, 2006; further, that on Tuesday, September 19, 2006, there be 10 minutes for Senators Dorgan and Conrad, respectively, and 10 minutes equally divided between the Chairman and Ranking Member of the Committee on Finance; and that following the use, or yielding back of time, Senate vote on final passage of the bill.

Page S9646

Messages From the House: **Page S9629**

Measures Referred: **Page S9629**

Measures Read First Time: **Pages S9629, S9647**

Executive Reports of Committees: **Page S9629**

Additional Cosponsors: **Pages S9630–31**

Statements on Introduced Bills/Resolutions: **Pages S9631–40**

Additional Statements: **Pages S9628–29**

Amendments Submitted: **Pages S9640–44**

Notices of Hearings/Meetings: **Pages S9644–45**

Authorities for Committees to Meet: **Page S9645**

Privileges of the Floor: **Page S9645**

Record Votes: Three record votes were taken today. (Total—249) **Pages S9586, S9607, S9616**

Adjournment: Senate convened at 9:30 a.m., and adjourned at 6:46 p.m., until 10 a.m., on Friday, September 15, 2006. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S9647.)

Committee Meetings

(Committees not listed did not meet)

GLOBAL NUCLEAR ENERGY PARTNERSHIP

Committee on Appropriations: Subcommittee on Energy and Water, Related Agencies concluded a hearing to examine the Global Nuclear Energy Partnership, including proposed advanced reactor technologies for recycling nuclear waste, after receiving testimony from Dennis Spurgeon, Assistant Secretary of Energy, Office of Nuclear Energy; Alan Hanson, AREVA NC, Inc., Bethesda, Maryland; Kelly Fletcher, GE Global Research, Fairfield, Connecticut; and Matthew Bunn, Harvard University John F. Kennedy School of Government, Cambridge, Massachusetts.

CATCHING TERRORISTS

Committee on Appropriations: Subcommittee on Homeland Security concluded a hearing to examine the British system versus the U.S. system relating to

catching terrorists, after receiving testimony from Judge Richard Posner, U.S. Court of Appeals for the Seventh Circuit; John Yoo, University of California at Berkeley Boalt Hall School of Law; and Tom Parker, Halo Partnership Consulting, Chapel Hill, North Carolina.

BUSINESS MEETING

Committee on Armed Services: Committee ordered favorably reported an original bill (S. 3901) to authorize trial by military commission for violations of the law of war.

PREDATORY LENDING PRACTICES

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine the Department of Defense's report on predatory lending practices directed at members of the armed forces and their dependents, after receiving testimony from David S. C. Chu, Under Secretary of Defense for Personnel and Readiness; Admiral Charles S. Abbot, USN (Ret.), Navy-Marine Corps Relief Society, Arlington, Virginia; William O. Brown, Jr., University of North Carolina at Greensboro Department of Accounting and Finance, on behalf of the Consumer Credit Research Foundation; Lynn Drysdale, Jacksonville Area Legal Aid, Jacksonville, Florida; Hilary B. Miller, Alexandria, Virginia, on behalf of the Payday Loan Bar Association, and Community Financial Services Association; and Christopher L. Peterson, University of Florida, Gainesville.

RURAL AIR SERVICE

Committee on Commerce, Science, and Transportation: Subcommittee on Aviation concluded a hearing to examine rural air service, focusing on the development and impact of funding programs including Essential Air Service, and the status of Small Community Air Service Development Program that help small communities retain or attract air service, after receiving testimony from Michael W. Reynolds, Acting Assistant Secretary of Transportation for Aviation and International Affairs; Gerald L. Dillingham, Director, Physical Infrastructure Issues, Government Accountability Office; Faye Malarkey, Regional Airline Association, Washington, D.C.; John Torgerson, Alaska Department of Transportation, Anchorage; and Douglas Kaercher, Hill County Commissioner, Havre, Montana, on behalf of the National Association of Counties.

NOMINATIONS

Committee on Energy and Natural Resources: Committee concluded a hearing to examine the nominations of C. Stephen Allred, of Idaho, to be Assistant Secretary for Land and Minerals Management, who was introduced by Senators Craig and Crapo, and Robert W. Johnson, of Nevada, to be Commissioner of Reclamation, who was introduced by Senators Reid and Ensign, both of the Department of the Interior, after the nominees testified and answered questions in their own behalf.

NUCLEAR REGULATORY COMMISSION

Committee on Environment and Public Works: Subcommittee on Clean Air, Climate Change, and Nuclear Safety concluded an oversight hearing to examine Nuclear Regulatory Commission responsibility and capability for long- and short-term spent fuel storage programs, focusing on the effect on the NRC's resources of current and proposed nuclear waste management programs, after receiving testimony from Edward F. Sproat, III, Director, Office of Civilian Radioactive Waste Management, and R. Shane Johnson, Principal Deputy Assistant Secretary for Nuclear Energy, both of the Department of Energy; Luis A. Reyes, Executive Director for Operations, United States Nuclear Regulatory Commission; Admiral Frank L. Bowman, USN (Ret.), Nuclear Energy Institute, Washington, D.C.; and Victor Gilinsky, Santa Monica, California.

FEDERAL AGENCIES CONFERENCE SPENDING

Committee on Homeland Security and Governmental Affairs: Subcommittee on Federal Financial Management, Government Information, and International Security concluded a hearing to examine Federal agencies spending on conference meetings and travel, focusing on how they monitor and track conference participation and spending and control these activities, after receiving testimony from Lisa Fiely, Chief Financial Officer, U.S. Agency for International Development; Nina Rose Hatfield, Deputy Assistant Secretary of the Interior for Policy, Management and Budget; Lee J. Lofthus, Acting Assistant Attorney General for Administration, Department of Justice; Michell Clark, Assistant Secretary of Education for Management; Edward C. Hugler, Deputy Assistant Secretary for Operations, Office of the Assistant Secretary for Administration, Department of Labor; Clarence C. Crawford, Chief Financial Officer, Office of Personnel Management; Eugene Schied, Deputy Chief Financial Officer, Department of Homeland Security; Jeffery K. Nulf, Deputy Assistant Secretary of Commerce for Administration; Richard Holcomb, Deputy Chief Financial Officer, Department of the Treasury; and Charles R. Christopherson, Jr., Chief Financial Officer, Department of Agriculture.

SKILLS-BASED POINT SYSTEM

Committee on Health, Education, Labor, and Pensions: Committee concluded a hearing to examine the value

of a skills-based point system relating to employment-based permanent immigration, after receiving testimony from Charles M. Beach, Queen's University John Deutsch Institute for the Study of Economic Policy, Kingston, Ontario, Canada; George J. Borjas, Harvard University Kennedy School of Government, Cambridge, Massachusetts; Douglas S. Massey, Princeton University Woodrow Wilson School of Public and International Affairs, Princeton, New Jersey; and Alan Tonelson, U.S. Business and Industry Council Educational Foundation, Washington, D.C.

BUSINESS MEETING

Committee on Indian Affairs: Committee ordered favorably reported the following business items:

H.R. 854, to provide for certain lands to be held in trust for the Utu Utu Gwaitu Paiute Tribe;

S. 3648, to compromise and settle all claims in the case of Pueblo of Isleta v. United States, to restore, improve, and develop the valuable on-reservation land and natural resources of the Pueblo;

S. 3687, to waive application of the Indian Self-Determination and Education Assistance Act to a specific parcel of real property transferred by the United States to 2 Indian tribes in the State of Oregon; and

The nomination of the nomination of Carl Joseph Artman, of Colorado, to be Assistant Secretary of the Interior for Indian Affairs.

Prior to this action, committee concluded a hearing to examine the nomination of Carl Joseph Artman (listed above), after the nominee testified and answered questions in his own behalf.

FEDERAL PROSECUTORS

Committee on the Judiciary: On Wednesday, September 13, Subcommittee on Crime and Drugs concluded a hearing to examine challenges facing today's federal prosecutors, including efforts to combat terrorism, violent crime, the exploitation of children, cybercrime, drug trafficking, civil rights violations, and corporate and public corruption, after receiving testimony from Michael A. Battle, Director, Executive Office for United States Attorneys, and Susan W. Brooks, U.S. Attorney, Southern District of Indiana, Vice-Chair, Attorney General's Advisory Committee, Chair, Office of Management and Budget Subcommittee, both of the Department of Justice; and William I. Shockley, Lake Ridge, Virginia, on behalf of the National Association of Assistant United States Attorneys.

SENIOR SUICIDE

Special Committee on Aging: Committee concluded a hearing to examine mental illness and suicide prevention, focusing on the quality of geriatric psychiatry, and the rate of suicide among senior citizens, after receiving testimony from Melvin Kohn, Oregon Department of Human Services, Salem; David Carl Steffens, Duke University Medical Center, Durham, North Carolina; Christopher C. Colenda, Texas A&M University, College Station; Art Walaszek, University of Wisconsin School of Medicine and Public Health, Madison; and David Shern, National Mental Health Association, Alexandria, Virginia.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 19 public bills, H.R. 6070–6088; and 11 resolutions, H. Con. Res. 473–475; and H. Res. 1010–1013 were introduced. **Pages H6654–55**

Additional Cosponsors: **Pages H6655–56**

Reports Filed: Reports were filed today as follows:

H.R. 1369, to prevent certain discriminatory taxation of natural gas pipeline property (H. Rept. 109–656);

H.R. 2679, to amend the Revised Statutes of the United States to eliminate the chilling effect on the constitutionally protected expression of religion by State and local officials that results from the threat that potential litigants may seek damages and attorney's fees, with an amendment (H. Rept. 109–657);

H.R. 4772, to simplify and expedite access to the Federal courts for injured parties whose rights and privileges under the United States Constitution have been deprived by final actions of Federal agencies or other government officials or entities acting under color of State law, and for other purposes, with an amendment (H. Rept. 109–658);

H.R. 5863, to authorize temporary emergency extensions to certain exemptions to the requirements with respect to polychlorinated biphenyls under the Toxic Substances Control Act (H. Rept. 109–659);

H.R. 4809, to amend the provisions of chapter 35 of title 44, United States Code, commonly referred to as the Paperwork Reduction Act, to ensure

usability and clarity of information disseminated by Federal agencies, and to facilitate compliance with Federal paperwork requirements (H. Rept. 109–660); and

H.R. 5312, to amend the Indian Health Care Improvement Act to revise and extend that Act, with an amendment (H. Rept. 109–661, Pt. 1).

Page H6654

Chaplain: The prayer was offered by the guest Chaplain, Rabbi Amy Rader, B'nai Torah Congregation, Boca Raton, Florida. **Page H6537**

Recess: The House recessed at 9:04 a.m. and reconvened at 10 a.m. **Page H6537**

Federal Prison Industries Competition in Contracting Act of 2006: The House passed H.R. 2965, to amend title 18, United States Code, to require Federal Prison Industries to compete for its contracts minimizing its unfair competition with private sector firms and their non-inmate workers and empowering Federal agencies to get the best value for taxpayers' dollars, to provide a 5-year period during which Federal Prison Industries adjusts to obtaining inmate work opportunities through other than its mandatory source status, to enhance inmate access to remedial and vocational opportunities and other rehabilitative opportunities to better prepare inmates for a successful return to society, to authorize alternative inmate work opportunities in support of non-profit organizations and other public service programs, by a yea-and-nay vote of 362 yeas to 57 nays, Roll No. 443, after ordering the previous question. **Pages H6561–80**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read.

Page H6567

Agreed to:

Sensenbrenner Manager's amendment (No. 1 printed in H. Rept. 109–647) modifies 13 dates in various provisions of the bill to reflect the passage of time since the bill's introduction, which were not modified during the Committee's consideration. Also corrects one sectional cross reference and a reference to an Executive Branch agency. The amendment adds a provision explicitly requiring Federal Prison Industries (FPI) to establish a cost accounting system which was implicit in, and necessary to implement, the amendment by Rep. Issa which was adopted during Judiciary Committee consideration of the bill; and to make a grammatical correction to the Issa amendment. **Pages H6575–76**

Rejected:

Scott of Virginia amendment (No. 2 printed in H. Rept. 109–647) that sought to allow the Attorney General to direct agencies within the Department of Justice to award individual contracts to Federal Prison Industries (FPI) on a non-competitive basis (by a recorded vote of 77 ayes to 339 noes, Roll No. 441); and **Pages H6576–77, S6578**

Scott of Virginia amendment (No. 5 printed in H. Rept. 109–647) that sought allow Federal Prison Industries (FPI) to continue service contracts of the nature and to the extent it was doing so on the date of enactment of the bill (by a recorded vote of 80 ayes to 332 noes, Roll No. 442). **Pages H6577–79**

H. Res. 997, the rule providing for consideration of the bill was agreed to on yesterday, Wednesday, September 13th, by voice vote after ordering the previous question.

Establishing operational control over the international land and maritime borders of the United States: The House passed H.R. 6061, to establish operational control over the international land and maritime borders of the United States, by a recorded vote of 283 ayes to 138 noes with 1 voting "present", Roll No. 446. **Pages S6540–61, S6580–96**

Rejected the Thompson of Mississippi motion to recommit the bill to the Committee on Homeland Security with instructions to report the bill back to the House forthwith with an amendment, by a yea-and-nay vote of 193 yeas to 224 nays, Roll No. 445, after ordering the previous question. **Pages H6593–95**

H. Res. 1002, 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 224 yeas to 190 nays, Roll No. 444.

Pages H6580–81

Water Resources Development Act of 2006—Motion to Instruct Conferees: The House agreed to the Melancon motion to instruct conferees on H.R. 2864, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, by a yea-and-nay vote of 340 yeas to 79 nays, Roll No. 447. Consideration of the motion began on yesterday, Wednesday, September 13th. **Pages H6596–97**

The Chair appointed as conferees on H.R. 2864: From the Committee on Transportation and Infrastructure, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. Young of Alaska, Duncan, Baker,

Gary G. Miller of California, Brown of South Carolina, Boozman, Oberstar, Ms. Eddie Bernice Johnson of Texas, Messrs. Costello, and Bishop of New York; **Page H6597**

From the Committee on Resources, for consideration of secs. 2017, 2020, 2025, and 2027 of the House bill, and secs. 3019, 5007, and 5008 of the Senate amendment, and modifications committed to conference: Mr. Pombo, Mrs. Musgrave, and Mr. Kind. **Page H6597**

Providing for earmarking reform in the House of Representatives—Rule for Consideration: The House agreed to H. Res. 1003, providing for the adoption of H. Res. 1000, amended, providing for earmarking reform in the House of Representatives, by a recorded vote of 245 ayes to 171 noes, Roll No. 449, after agreeing to order the previous question by a yea-and-nay vote of 218 yeas to 194 nays, Roll No. 448. **Pages H6597–H6616**

Suspension—Proceedings Resumed: The House agreed to suspend the rules and pass the following measure which was debated on Wednesday, September 13th:

Designating the facility of the United States Postal Service located at 39–25 61st Street in Woodside, New York, as the "Thomas J. Manton Post Office Building": H.R. 6033, to designate the facility of the United States Postal Service located at 39–25 61st Street in Woodside, New York, as the "Thomas J. Manton Post Office Building", by a 2/3 yea-and-nay vote of 403 yeas with none voting "nay", Roll No. 450. **Page H6616**

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 11 a.m. on tomorrow, Friday, September 15th, and further, when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, September 19, 2006, for Morning Hour debate. **Page H6617**

Calendar Wednesday: Agreed by unanimous consent to dispense with the Calendar Wednesday business of Wednesday, September 20, 2006. **Page H6617**

Requesting the return of H.R. 503: The House agreed by unanimous consent to H. Res. 1011, requesting the Senate to return to the House of Representatives official papers on H.R. 503, to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption. **Page H6618**

Senate Message: Message received from the Senate today appear on page H6540.

Senate Referrals: S. 1902 was referred to the Committee on Energy and Commerce; and S. 2464 was referred to the Committee on Resources. **Page H6652**

Quorum Calls—Votes: Six yea-and-nay votes and four recorded votes developed during the proceedings of today and appear on pages H6578, H6579, H6580, H6580–81, H6595, H6595–96, H6596–97, H6614, H6614–15 and H6616. There were no quorum calls.

Adjournment: The House met at 9 a.m. and adjourned at 10:40 p.m.

Committee Meetings

FEDERAL FARM POLICY

Committee on Agriculture: Subcommittee on General Farm Commodities and Risk Management held a hearing to Review Federal Farm Policy. Testimony was heard from the following former Secretaries of Agriculture: John R. Block; Clayton Yeutter; and Dan Glickman.

FBI TRANSFORMATION

Committee on Appropriations: Subcommittee on Science, the Departments of State, Justice, and Commerce, and Related Agencies held a hearing on FBI Transformation. Testimony was heard from the following officials of the Department of Justice: Robert Mueller, Director, FBI; and Glenn A. Fine, Inspector General; the following officials of the Congressional Research Service, Library of Congress: Alfred Cumming, Specialist in Intelligence and National Security Foreign Affairs, Defense and Trade Division; and Todd Masse, Specialist in Domestic Intelligence and Counterterrorism, Domestic Social Policy Division; and former Governor of Pennsylvania and former Attorney General Dick L. Thornburgh, Fellow, National Academy of Public Administration.

BASEL CAPITAL COMMERCIAL REAL ESTATE REGULATIONS

Committee on Financial Services: Subcommittee on Financial Institutions and Consumer Credit held a hearing entitled "A Review of Regulatory Proposals on Basel Capital and Commercial Real Estate." Testimony was heard from Susan Schmidt Bies, member Board of Governors, Federal Reserve System; Sheila C. Blair, Chairman, FDIC; from the following officials of the Department of the Treasury: John C. Dugan, Comptroller of the Currency; and John M. Reich, Director, Office of Thrift Supervision; Robert L.D. Colby, Acting Director, Division of Market Regulation, SEC; and public witnesses.

INTERIOR DEPARTMENT MANAGEMENT

Committee on Government Reform: Held a hearing entitled ''Part Two, Interior Department: A Culture of Managerial Irresponsibility and Lack of Accountability?'' Testimony was heard from the following officials of the Department of the Interior: P. Lynn Scarlett, Deputy Secretary; and Johnnie Burton, Director, Minerals Materials Management Service.

BRIEFING—RECENT PLOT TO DETONATE LIQUID EXPLOSIVES CARRIED ON AIRLINERS TRAVELING TO THE UNITED STATES

Committee on Homeland Security: Met in executive session to receive a briefing on the recent plot to detonate liquid explosives carried on airliners traveling from the United Kingdom to the United States. The Committee was briefed by departmental witnesses

NUCLEAR AND BIOLOGICAL ATTACK PREVENTION SCIENCE

Committee on Homeland Security: Subcommittee on Prevention of Nuclear and Biological Attack held a hearing entitled ''The Science of Prevention.'' Testimony was heard from John Marburger, Director, Office of Science and Technology Policy; the following officials of the Department of Homeland Security: Jay Cohen, Under Secretary, Science and Technology; and Vayl Oxford, Director, Domestic Nuclear Detection Office; and public witnesses.

FEDERAL ELECTION INTEGRITY ACT OF 2006

Committee on House Administration: Ordered reported, as amended, H.R. 4844, Federal Election Integrity Act of 2006.

OVERSIGHT—JAPAN'S RELATIONS WITH ITS NEIGHBORS

Committee on International Relations: Held an oversight hearing on Japan's Relations with Its Neighbors: Back to the Future? Testimony was heard from public witnesses.

OVERSIGHT—U.S.-MIDDLE EAST AND CENTRAL ASIA POLICY

Committee on International Relations: Subcommittee on the Middle East and Central Asia held an oversight hearing entitled ''Is There a Clash of Civilizations? Islam, Democracy, and U.S.-Middle East and Central Asia Policy.'' Testimony was heard from public witnesses.

D.C. FAIR AND EQUAL HOUSE VOTING RIGHTS ACT OF 2006

Committee on the Judiciary: Subcommittee on the Constitution held a hearing on H.R. 5388, District of Columbia Fair and Equal House Voting Rights Act of 2006. Testimony was heard from Governor Jon M. Huntsman, Jr., of Utah; and public witnesses.

PATENT AND TRADEMARK OFFICE FILING

Committee on the Judiciary: Subcommittee on Courts, the Internet, and Intellectual Property held a hearing on H.R. 5120, to amend title 35, United States Code, to conform certain filing provisions within the Patent and Trademark Office. Testimony was heard from Jon W. Dudas, Under Secretary, Intellectual Property and Director, U.S. Patent and Trademark Office, Department of Commerce; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources, Subcommittee on Fisheries and Oceans held a hearing on the following bills: H.R. 4953 (S. 2430), Great Lakes Fish and Wildlife Restoration Act of 2006; and H.R. 4345 (S. 2041), Ed Fountain Park Expansion Act. Testimony was heard from Representatives Kirk and Berkley; Charles Wooley, Deputy Regional Director, Great Lakes-Big Rivers Region, U.S. Fish and Wildlife Service, Department of the Interior; Gerry Barnhart, Director, Division of Fish, Wildlife and Marine Resources, Department of Environmental Conservation, State of New York; Lawrence Weekly, Councilman, City of Las Vegas, Nevada; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on Forests and Forest Health held a hearing on the following bills: H.R. 5690, Ouachita National Forest Boundary Adjustment Act of 2006; H.R. 5756, Colorado Emergency Wildfire and Insect Infestations Response Act of 2006; H.R. 5769, Washington County Growth and Conservation Act of 2006; and S. 447, Jornada Experimental Range Transfer Act of 2005. Testimony was heard from Chad Calvert, Principal Deputy Assistant Secretary, Land and Minerals Management, Department of the Interior; and Mark Rey, Under Secretary, Natural Resources and the Environment, USDA.

OVERSIGHT—REVIEW OF COAST GUARD MISSION PERFORMANCE

Committee on Transportation and Infrastructure: Subcommittee on Coast Guard and Maritime Transportation held an oversight hearing on the Review of Coast Guard Mission Performance. Testimony was heard from the following officials of the Department of Homeland Security: RADM Joseph L. Nimmich, USCG, Assistant Commandant, Policy and Planning, U.S. Coast Guard; and Edward M. Stulginsky, Deputy Assistant Inspector General, Audits.

MISCELLANEOUS MEASURES; GSA'S FY 2007 CAPITAL INVESTMENT AND LEASING PROGRAM

Committee on Transportation and Infrastructure: Subcommittee on Economic Development, Public Buildings and Emergency Management approved for full Committee action the following: H.R. 1105, Dam Rehabilitation and Repair Act of 2005; H.R. 4981, amended, Dam Safety Act of 2006; H.R. 5026, To designate the Investigations Building of the Food and Drug Administration located at 466 Fernandez Juncos Avenue in San Juan, Puerto, as the ''Andres Toro Building;'' H.R. 1556, To designate a parcel of land located on the site of the Thomas F. Eagleton United States Courthouse in St. Louis, Missouri, as the ''Clyde S. Cahill Memorial Park;'' H.R. 5606, To designate the Federal building and United States courthouse located at 221 and 211 West Ferguson Street in Tyler, Texas as the ''William M. Steger Federal Building and United States Courthouse;'' H.R. 2322, To designate the Federal building located at 320 North Main Street in McAllen, Texas, as the ''Kika de la Garza Federal Building;'' H.R. 5546, amended, To designate the U.S. courthouse to be constructed in Greenville, South Carolina, as the ''Carroll A. Campbell, Jr., Federal Courthouse;'' H.R. 6051, amended, To designate the Federal building located at 2 South Main Street in Akron, Ohio, as the ''John F. Seiberling Federal Building;'' and the General Services Administration's Fiscal Year 2007 Capital Investment and Leasing Program.

BRIEFING—GLOBAL UPDATES/HOTSPOTS

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on Global Updates/Hot Spots. The Committee was briefed by departmental witnesses.

COMMITTEE MEETINGS FOR FRIDAY, SEPTEMBER 15, 2006

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

Committee on Energy and Commerce, Subcommittee on Commerce, Trade, and Consumer Protection, hearing entitled ''Contact Lens Sales: Is Market Regulation the Prescription?'' 9:30 a.m., 2322 Rayburn.

Committee on Government Reform, Subcommittee on National Security, Emerging Threats and International Relations, to continue hearings entitled ''Iraq: Democracy or Civil War?'' 10 a.m., 2154 Rayburn.

Next Meeting of the SENATE

10 a.m., Friday, September 15

Senate Chamber

Program for Friday: Senate will be in a period of morning business. Also, Senate expects to begin consideration of H.R. 5684, U.S.-Oman Free Trade Agreement Implementation Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

11 a.m., Friday, September 15

House Chamber

Program for Friday: To be announced.

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