United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *109th* CONGRESS, FIRSTSESSION

Vol. 151 WASHINGTON, TUESDAY, MARCH 15, 2005 *No. 31*

House of Representatives

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. PORTER).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
March 15, 2005.

I hereby appoint the Honorable JON C. PORTER to act as Speaker pro tempore on this day.

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

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 25 minutes, and each Member other than the majority and the minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 9:50 a.m.

The Chair recognizes the gentleman from Missouri (Mr. SKELTON) for 5 minutes.

HOUSE DEMOCRATS SPEAK OUT ON NATIONAL SECURITY

Mr. SKELTON. Mr. Speaker, I rise this morning, along with my colleague, the gentleman from Ohio (Mr. RYAN), to talk about how House Democrats feel about national security. It may seem obvious to say we Democrats support our troops and support a strong national defense, but I want to offer today a more detailed explanation of where we stand and why.

These are challenging and difficult times for our country. We are engaged in a global war against terrorism, we have military forces deployed around the world, and we are involved in two shooting wars in Iraq and in Afghanistan. These deployments and these conflicts are putting a terrible strain on our military, on our troops, on our equipment, on our military families, on our defense budget, and on our national economy.

I believe we will overcome these challenges because we have the greatest treasure in the world, our service men and women, who are selflessly serving around the globe on behalf of this great Nation. They are the key to the war on terrorism, more than any doctrine or system. Their effort and sacrifice will make ultimate victory for us in the war on terror, and in Iraq and Afghanistan, possible.

Unfortunately, the two most people-intensive services, the Army and the Marine Corps, are last in line for funding from the Defense Department. For example, the fiscal year 2006 budget request for the Army, not counting money that may be added in the supplemental, actually declined by some $300 million relative to last year's level.

Mr. Speaker, it is incredible to think that this administration would actually reduce funding for the Army, the service with the most people and the most equipment in Iraq and Afghanistan, in a time of war. Even if the amount for the Army is ultimately increased because of supplemental appropriations, what kind of signal does this send our troops, who are literally putting their lives on the line, when the administration asks for fewer funds for their service? Our servicemen and women deserve better.

I know I speak for all House Democrats in saying we support our troops, but what is more important for everyone to understand is that supporting the troops is more than just a bumper sticker. It means giving them the best possible leadership, the finest training, and up-to-date and working equipment, protective armor body, and vehicle armor. We in Congress have a duty to ensure that they have all the tools they need to succeed on the battlefield.

We also have a duty to provide for their families while they are deployed in service to our great Nation. We have a duty to take care of the families of those who are killed and those who are wounded.

Mr. Speaker, we also have a duty to our citizen soldiers, members of the National Guard, members of the Reserve, who also make such extraordinary sacrifices. They not only serve our country beside their active-duty counterparts, but they also do so at considerable sacrifice back home. Because they have jobs in their communities, oftentimes they give up these jobs and ask someone else to pick up the slack created by their absence. Moreover, while they are deployed, their families are entitled to benefits, but it is often hard for families to use these benefits because so many of them do not live close to military facilities.

Finally, Mr. Speaker, we Democrats believe we have an obligation to our Veterans, whether it is allowing them to receive full retired pay in addition to VA disability compensation, allowing their survivors to receive both Social Security and Survivor Benefit Plan benefits, or allowing their survivors to receive Dependency and Indemnity Compensation in addition to VA benefits. We have an obligation to make sure they know that America appreciates their patriotism and is willing to recognize their sacrifices.

America should know that Democrats unanimously take these responsibilities very, very seriously. The supplemental appropriation bill, which we will pass later this week, will have overwhelming bipartisan support. That is evidence of the commitment that we on this side of the aisle have in supporting our troops. But I want to be

Printed on recycled paper.

clear. While Democrats support a strong military and support using our military when necessary, we do not support squandering it.

My concern, Mr. Speaker, is that we are starting to see visible signs of strain in our military. I do not want to see it break. My colleague, the gentleman from Ohio (Mr. RYAN), will speak to these issues momentarily.

The bottom line, Mr. Speaker, is that all Members should support our men and women in uniform, we should not deploy them wantonly, and we should give them the compensation, recognition, and tools they, as well as their families, need and deserve. I know I speak for all Democrats in saying we honor their service.

HOUSE DEMOCRATS SUPPORT OUR TROOPS

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentleman from Ohio (Mr. RYAN) is recognized during morning hour debates for 5 minutes.

Mr. RYAN of Ohio. Mr. Speaker, I would like to start off by thanking the gentleman from Missouri (Mr. SKELTON), our leader on the House Committee on Armed Services, for his very thoughtful remarks.

I too rise this morning, Mr. Speaker, to talk about how House Democrats feel about our national security. My colleague, the gentleman from Missouri (Mr. SKELTON), talked about how Democrats are unanimous in supporting our men and women in uniform. I wholeheartedly agree with that. The gentleman from Missouri also made the point that we are perilously close to breaking the force, and I agree with that observation too, and that is what I would like to focus on here this morning.

Extended global deployment is straining our forces. Fifteen hundred American troops have been killed in Iraq so far, despite the President's claim a year ago that our mission was accomplished. The implications of these decisions and these remarks is that our recruiting is suffering. The Marine Corps missed its recruiting goal for January. The Army missed its goal for January and February. Items not funded in the Marine Corps request include $13.9 million for recruiting.

It also goes without saying that the war in Iraq and Afghanistan is using up our equipment at an accelerated rate. Current projections are that it would take the Army at least 2 years to recapitalize its current equipment. Unfunded requirements include: In the Army, $443 million for small arms; $544 million for the Stryker armored vehicle. The Marine Corps list includes $145 million for ammunition; $104 million for light armored vehicles.

Mr. Speaker, these are the very things that our troops need most in Iraq and Afghanistan, yet they have been relegated to the Services' unfunded priority list.

The Air Force, Mr. Speaker, is projecting a $3 billion deficit in its operations and maintenance budget for fiscal year 2006. Navy leaders directed their regional commands to absorb a $300 million reduction in base operating funds as a result of the war costs. The Army's shortfall in base operating support is projected to be $1.2 billion.

Mr. Speaker, forcing the military services to absorb costs of this magnitude is important for several reasons. The budget request for our military services is not adequate for war and general operation. We are about to pass a 2005 supplemental and we will need a 2006 supplemental.

Democrats believe the administration should be honest with the American people about the real cost of the war. Is the administration doing everything it can to address equipment shortages, personal protective gear and the armored vehicles for the troops? Figures in this budget suggest that the Department of Defense may be robbing Peter to pay Paul.

Does the administration have a plan for success in Iraq and to pay the costs of this war? Repeated supplementals is no way to go about doing this country's business. We would not have to make such difficult decisions with regard to our troops' safety if Republicans had not insisted on tax cuts for the wealthiest Americans.

Administration witnesses have not been able to tell us what the benchmarks for success are in Iraq. They do not know when Iraqis can protect themselves. They cannot describe how they intend to integrate the Sunni, Shia, and Kurd factions into those security forces. They cannot describe the new government's plan to ensure inclusion of these groups into the body politic. They cannot tell us when essential services will be fully restored. They cannot tell us how much Iraqi oil revenue is helping to pay the cost of providing security in Iraq, which was promised to us before we went into this war. It has been 2 years since we invaded Iraq, and we should, by now, have a strategy for success.

House Democrats support our troops. We work to ensure they have the equipment and training and to ensure that they succeed in Iraq and Afghanistan. We support taking care of their families here in the States while they are deployed. We cannot do that in a smart, cost effective way that protects the taxpayers without a plan for success in Iraq and honest budgeting for the military departments here at home.

We also need to mention the veterans. The pending budget resolution proposes $798 million in cuts to mandatory programs. It is unconscionable, I say to my colleague from Missouri, that we are going to have all these troops coming back to the United States and not have the veterans benefits that they need, deserve, and that they have earned.

NATIONAL BIKE SUMMIT

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, we come to the well of the House often to speak of weighty and contentious issues. This morning, I speak on an important but a lighter note, because this week we have hundreds of cyclists from all over America who are coming to Capitol Hill as part of the National Bicycle Summit.

Fifty-seven million Americans ride bicycles every year. Thirty-three million rode bikes in the last month. And on a daily basis there are approximately one-half million bicycle commuters.

The bicycle industry is an important part of our economy. There are over 6,000 bicycle shops, 2,000 companies that deal with bicycle manufacturing, and tens of thousands of employees. There is a large and emerging industry of bicycle tourism. Yet there is a significant area of difficulty that the cyclists will bring to Capitol Hill pleading their case. Half the Americans are not satisfied with their cycling environment. And although cycling makes up about 7 percent of the total trips, it represents a disproportionate number of the fatalities, and it receives less than 1 percent of Federal funding.

There are significant areas where bicycling could make a difference, not just in terms of transportation. We find in the area of increasing focus on our health habits a growing concern about obesity. Public health officials agree that everyone should have 30 minutes of physical activity every day, and children need an additional 20 minutes, at a minimum, of vigorous activity several times a week, yet 78 percent of our children fall short of this goal.

Well, those of us in Congress can give some good news to the bicycle advocates we will be meeting with. The near unanimous passage of the transportation legislation last year continues the legacy of transportation funding in enhancing the community infrastructure. We have seen, under the ISTEA and the most recent legislation, the overall funding raised from less than $5 million a year in 1988 to over $423 million in 2003.

There is an opportunity to enhance the cycling environment with the important Safe Routes to School program that will be able to fund and plan routes that allow our children to be able to walk and bike safely to school. There are other opportunities that we might talk to our friends about. I have introduced, with my colleague, the gentleman from Florida (Mr. FOLEY), the Bicycle Commuter Act to extend transportation commuter benefits for those who bike to work. There is the Conserve by Bike program, wherein the gentleman from Minnesota (Mr. OBERSTAR) is seeking to explore additional ways to understand and communicate

the energy savings associated with promoting bicycling.

Yes, Mr. Speaker, our friends from around the country will be joining us this week for the Bicycle Summit. I would urge my colleagues who are not part of the over 160 members of the Congressional Bike Caucus to join this week, to get their official Bike Caucus membership pen, and to join us for a ride at 2 p.m. on Friday with the members of the Bike Caucus and the Bicycle Summit around Washington, D.C..

Mr. Speaker, this is an opportunity for us to do something in a very ''bike-partisan'' way that will make America healthier, make our families safer, and enhance economic security while we do something that enriches the life of us all.

THE NATION'S FISCAL CRISIS

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentleman from California (Mr. CARDOZA) is recognized during morning hour debates for 5 minutes.

Mr. CARDOZA. Mr. Speaker, I rise today to recognize our Nation's fiscal crisis and budgeting process that, frankly, defies logic.

As we consider the budget this week, let us keep a few facts in mind:

First, our Nation's debt is out of control. We are expected to run a $427 billion deficit in 2005, with more deficits projected well into the future. This is $600 billion if you count what is being stolen from Social Security trust funds.

Second, we do not even have a firm grip on where our money is going. For example, at the Department of Defense, only 6 of 63 departments are able to produce a clean audit. That is less than 10 percent.

Third, the Bush budget omits so many major expenses that the budget is virtually a sham. The administration has essentially cooked the books using Enron-style accounting.

So here we are trying to pass a budget that hides half our problems. Already we know that foreign holdings in the United States, as far as United States debt, are on the rise and that the trade deficit is totally out of control.

Mr. Speaker, I hope this Congress will wake up and restore fiscal responsibility. The Blue Dog Coalition's 12-step reform plan is a good place to start. It requires a balanced budget, stops Congress from buying on credit, and puts a lid on spending. The time to stop digging is now.

RECESS

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

Accordingly (at 9 o'clock and 17 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

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

PRAYER

The Most Reverend Edward J. Slattery, Bishop, Diocese of Tulsa, Oklahoma, offered the following prayer:

O God, Creator of us all, in Your love You have invited us to address You as Father; and therefore, Father, we call upon You and ask You to bless the members of our Nation's House of Representatives.

Bestow upon our elected officials full gifts of wisdom and insight, courage and perseverance; that their capacity to know the truth might be deepened and their desire to choose the good strengthened.

Turn their hearts to You, Father, and move them each day to pray for Your guidance, that they might lead our Nation in peace, preserve our cities in harmony, and guard our people and their liberties.

Grant them so to love justice and fairness that the laws they enact this session might promote tolerance and equality, bring dignity and respect to the poor, and a message of hope and healing to Your world.

Hear us, Father, we pray. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. HENSARLING 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 THE MOST REVEREND EDWARD J. SLATTERY, BISHOP OF TULSA

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

Mr. SULLIVAN. Mr. Speaker, it is my honor to introduce our guest chaplain who so thoughtfully and graciously led us in prayer this morning.

The Most Reverend Edward J. Slattery serves as the third Bishop of the Diocese of Tulsa. Bishop Slattery was ordained a priest on April 26, 1966 for the Archdiocese of Chicago by the late John Cardinal Cody.

During his time in Chicago, Bishop Slattery served as Pastor of St. Rose of Lima Parish. This was an inner-city Hispanic parish on the south side of Chicago.

Additionally, Bishop Slattery served as President of the Catholic Church Extension Society, a funding agency for the American home missions.

In late 1993, Pope John Paul II notified then-Father Slattery that he had decided to name him Bishop. On January 6, 1994 the Holy Father ordained 13 men as bishops. Among the 13 men was one American, Edward J. Slattery.

A week later, Bishop Slattery was installed as the third Bishop of the Diocese of Tulsa at Holy Family Cathedral.

By the grace of God he continues to serve over 80 parishes in 21 counties, as a shepherd for the People of God in eastern Oklahoma. It is an honor to have Bishop Slattery as our guest chaplain and I know my colleagues join me in welcoming and thanking Bishop Slattery for being with us here today.

SEEDS OF PEACE

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

Mr. FOLEY. Mr. Speaker, I want to commend the administration for their strong stand in bringing peace to the Middle East and to all regions in the world.

Several weeks ago I displayed an editorial drawing showing where the seeds of peace had been planted thanks to our work in Afghanistan and in Iraq. Syria is withdrawing from Lebanon. Iraqi citizens have voted in its first democratically held election. India and Pakistan are cooperating over Kashmir. The Israelis and the Palestinians are making strides towards settlement of their long-standing disputes. Libya has surrendered its nuclear arms. And now as we turn our sights on Iran and North Korea, we urge them to join other nations in surrendering these dangerous weapons.

Only through this administration have these strides and gains been made possible. Only through the firmness of this presidency have we finally stood up to terrorists worldwide and said enough is enough.

Finally, leaders of the Muslim community have stood up and rebelled against Osama bin Laden, commemorating the one-year Spanish train bombing.

Finally, people are starting to recognize freedom and peace do have a cause, they do have a price. The cost is loss of life of American personnel. But if peace comes to the world, those sacrifices would have been worth it.

STOP FUNDING A CROOKED WAR

(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, another $82 billion for Iraq? Some will say this is to support the troops. If the administration cared about our troops, our troops would not have been begging for body armor and armor-plated vehicles.

Some will say we must rebuild Iraq. Yet $9 billion in funds that would have helped rebuild Iraq are missing, unaccounted for. Some will say we must not cut and run, but they have no exit strategy and permanent bases are being built in Iraq.

Some will say our cause is right, holy, and we are bringing peace and freedom to Iraq. I say the war was wrong, unholy, and the administration has brought death, destruction, chaos, and disruption to Iraq.

The Bible says ''that which is crooked cannot be made straight.'' This war is crooked. It cannot be made straight.

Not another dime for this war and for all those who have profited from it. Not another dime. Vote no on the supplemental appropriations.

HONORING VICTIMS OF ATLANTA COURTHOUSE SHOOTINGS

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

Mr. GINGREY. Mr. Speaker, I rise today to honor the memory of several Georgia residents who were shot and killed last week while doing their jobs at the Fulton County Courthouse in Atlanta.

Friday afternoon a gunman opened fire on the courtroom killing Superior Court Judge Rowland Barnes, Deputy Sergeant Hoyt Teasley, and Court Reporter Julie Ann Brandau. In his attempts to escape police capture, Mr. Nichols also shot and killed Federal Agent David Wilhelm.

The loss of these citizens is felt throughout the Atlanta community. While I am relieved the shooter has finally been captured, his actions leave me deeply saddened and angry.

There is no silver lining in a horrific event like this, but I hope these shootings will encourage other communities in Georgia and across this country to take a long hard look at the security measures in their own public buildings. By ensuring the safety of our public workers, we can help prevent terrible tragedies like this from ever happening again.

Mr. Speaker, I ask that you join me in mourning the deaths of these Atlanta citizens.

DO NOT SQUANDER SOCIAL SECURITY

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

Mr. HENSARLING. Mr. Speaker, we all know that Social Security faces challenges. Fortunately there is no need to change Social Security for current and near-retirees like my parents. They can and should be able to count on 100 percent of the benefits they have earned. But due to longer life spans and fewer workers supporting each retiree, serious problems are on the horizon for future generations like my children.

Social Security faces an unfunded liability of almost $11 trillion. Unless we act today younger workers are going to face either a benefit cut of almost one-third or a 43 percent tax increase by the time they retire. This is unacceptable.

Washington is part of the problem. The Social Security Trust Fund has been raided 59 different times. Benefits have been cut half a dozen times. Payroll taxes have been raised more than 20 times. Clearly the riskiest plan for Social Security is leaving retirees' money in Washington for government to squander.

SOCIAL SECURITY PRIVATIZATION

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

Mr. EMANUEL. Mr. Speaker, at a hearing last week the GAO Comptroller General David Walker, a former Social Security trustee, said Social Security privatization would ''exacerbate the solvency problem.''

It would exacerbate the problem by eliminating the Social Security Trust Fund surplus and fail to increase the Nation's savings rate.

In today's economy families are taking on more and more risk. They face uncertain jobs, the loss of health care, jittery financial markets, rising costs of college education. Their retirements are less secure than ever.

Folks like the security that comes with Social Security. This debate is about choosing between privatization and the dismantling of Social Security as we know it or strengthening the guaranteed benefit that comes with Social Security. Rather than dismantling one of the most effective retirement programs in American history, we should be working together to strengthen Social Security for future generations.

In these uncertain times we should be helping American families, not exacerbating the risks that come with retirement. Privatization is simply the wrong direction.

OUR MOST IMPORTANT BUDGET PRIORITY

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

Mr. WILSON of South Carolina. Mr. Speaker, under the leadership of President George W. Bush, the men and women of our armed forces are winning the war on terrorism. By dedicating their lives to fighting for the American people and stabilizing emerging democracies, our soldiers are protecting our country and defeating the goals of the terrorists. I am grateful for their service.

The President has submitted a supplemental budget request that will dramatically increase funding for body armor, hardened vehicles, and technology to protect our troops in the field. The supplemental also increases the maximum service member group life insurance benefits and the one-time death gratuity for combat fatalities. I strongly support the President's request.

Providing for our troops is the most important budget priority. Congress must deliver the necessary equipment and funding to our troops to ensure they remain safe and successful in their mission. Our family appreciates firsthand Iraq service with our son, Captain Alan Wilson of the South Carolina Army National Guard.

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

DROUGHT RELIEF

(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 bring attention to what can potentially be the worst drought season the State of Washington has experienced in nearly 3 decades.

In my district and throughout the State precipitation levels are hovering at or near record lows. Mountain snow pack levels are at 26 percent of normal averages. Many rivers and streams are flowing at levels well below normal for this time of the year. Unfortunately, it looks as though the worst is yet to come as the National Weather Service has predicted that dry, warm weather will continue through the spring.

If these conditions persist as predicted, the drought will have a devastating impact on our State's agriculture, fishing, and recreation industries and will increase the potential of destructive forest fires this spring and summer.

I would like to commend Washington State's Governor Christine Gregoire for her leadership and foresight in declaring a statewide drought emergency and forming a Drought Emergency Command Center. This emergency declaration will allow the State Department of Ecology to provide assistance and relief, including the issuance of emergency water permits and the temporary transfer of water rights.

The Emergency Command Center will be able to work with State and local agencies to ensure that resources are reaching the areas that need assistance the most. Governor Gregoire has set an example of proactive leadership. I look forward to working with her and

my fellow members of the Washington State delegation to help the people of our State through this difficult time.

□ 1015

FLIER FROM TERRISFIGHT.ORG

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

Mr. PITTS. Mr. Speaker, I want to read from a flier from the Web site terrisfight.org:

''Terri Schiavo is sentenced to die of starvation by the Florida courts, however:

''Terri responds to verbal, auditory and digital stimuli.

''Terri breaths normally on her own.

''Terri smiles, tries to talk to her family and friends and will move her limbs on command.

''Terri is not in a coma. She is reactive and has sleeping and wakeful periods.

''Terri is not a burden. Her parents, brother and sister have offered to care for her in a safe environment and she has a fund so is not a burden to anyone, taxpayers included.

''Terri's condition can improve with proper treatment.

''Don't let the Florida courts starve this innocent woman to death. Terri's time is running out.''

Congress can and must act this week. We cannot allow the execution of this disabled young woman.

SECURE AMERICA'S COURTHOUSE ACT OF 2005

(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, this young woman's story, Ashley Smith, speaks of courage and valor and common sense, that she was able to direct authorities to a courthouse alleged killer, but I believe that her story speaks to an ill that is occurring throughout America, and that is the lack of security in the Nation's courthouses.

I realize that most who come into the courthouses come for justice, whether they are prosecutor or defendant, whether they are plaintiff or defendant; but in America's courthouses, there are challenges and difficulties, the killing of a judge's family in Illinois, the courthouse terror that occurred in Atlanta, Georgia, and the numerous, yet unannounced, threats against courthouse personnel throughout America.

Law enforcement officers who participate in the security of those courthouses are working very hard, but I believe the plight of courthouses and justice in America cries out for congressional response, congressional hearings and congressional legislation.

So I intend to introduce the Secure America's Courthouse Act of 2005 that will bring America's attention to its courthouses both in terms of resources, in terms of equipment and personnel and the protection of the Nation's judges. I ask my colleagues to join me in the Secure America's Courthouse Act of 2005.

WASTE, FRAUD, AND ABUSE

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

Mr. PRICE of Georgia. Mr. Speaker, America's checkbook is being used and abused every minute of every day, and this is more than annoying to taxpayers. It is an insult.

The problems with financial management in the bureaucracy here in Washington cost hardworking taxpayers billions of dollars. Too often, money that comes to Washington never gets back home because it is eaten away by waste, fraud, and abuse.

When the Federal Government cannot account for over $17 billion it spent in 2001, things need to change.

When the Department of Agriculture recently was unable to account for $5 billion in receipts and expenditures, things need to change.

When the U.S. General Accounting Office will not certify the Federal Government's own accounting books because the bookkeeping is so bad, things definitely need to change.

Mr. Speaker, there are countless stories about how the government has not correctly paid on everything from Medicare to food stamps, and that is just the tip of the iceberg.

As we discuss ways to reduce spending and to increase savings, let us get serious about waste, fraud, and abuse.

It is important to remember that our government of the people, for the people is paid for by the people. It is time to stop wasting the people's money.

ASSOCIATION HEALTH PLANS

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, let us talk about association health plans. Over 60 percent of America's uninsured are small business owners and their families or the employees who work in a small business.

Now, if you are one of the many small business owners struggling to provide health insurance for yourself, your family and your employees, I need your help encouraging Congress to pass important legislation that would make health insurance more affordable for small business.

My legislation allowing the creation of association health plans would allow small business owners to band together across State lines to purchase health insurance as a group.

This week the House Committee on Education and the Workforce will vote on the Small Business Health Fairness Act of 2005; and on behalf of the 43 million Americans who want, need, and deserve access to affordable health insurance, I encourage the House to pass this soon.

Association health plans are the answer. Let us get behind them.

WELCOMING HOME HERNANDO COUNTY NATIONAL GUARD

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

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to share some good news about what happened in my district this past weekend.

A gentleman by the name of Fred Glass organized a welcome home to Hernando County's National Guard unit. I was there, State elected officials were there, and local commissioners and locally elected folks were there; but most important, the citizens, family members, and businesses were there to sponsor and to welcome home the National Guard unit that was deployed for a year.

Our National Guard unit served in Iraq and Afghanistan and served with a great deal of dignity. The story was told about how at Christmastime the National Guard unit organized an ability to raise money and to give gifts to the children in Iraq and Afghanistan. Truly, this Member of Congress is very proud of the National Guard unit.

They presented me with a flag that was flown during one of their missions. It is a helicopter unit, and let me tell my colleagues that the pride that they had in their duty as National Guard members certainly was very evident.

PROVIDING FOR CONSIDERATION OF H.R. 1268, EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND TSUNAMI RELIEF, 2005

Mr. COLE of Oklahoma. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 151 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 151

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1268) making emergency supplemental appropriations for the fiscal year ending September 30, 2005, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of

order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived, except for Sections 1113 and 1114. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. In the engrossment of H.R. 1268, the Clerk shall—

(a) add the text of H.R. 418, as passed by the House, as new matter at the end of H.R. 1268;

(b) conform the title of H.R. 1268 to reflect the addition to the engrossment of H.R. 418;

(c) assign appropriate designations to provisions within the engrossment; and

(d) conform provisions for short titles within the engrossment.

The SPEAKER pro tempore (Mr. MILLER of Florida). The gentleman from Oklahoma (Mr. COLE) is recognized for 1 hour.

GENERAL LEAVE

Mr. COLE of Oklahoma. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 151.

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

There was no objection.

Mr. COLE of Oklahoma. 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, on March 14, the Committee on Rules met and granted an open rule on House Resolution 151, with 1 hour of debate equally divided between the chairman and ranking minority member of the Committee on Appropriations. This rule accords priority of recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD and provides one motion to recommit, with or without instructions.

Additionally, this rule attaches the text of H.R. 418, as passed, to the base text of the bill. H.R. 418 previously passed the House by a bipartisan vote of 261 to 161 on February 10 of this year.

Mr. Speaker, I am proud today to be able to manage this rule. This rule provides for an emergency supplemental funding package to sustain our troops in the ongoing war on terror. Most of these funds are directed towards operations in Iraq. Just last week, I returned from Iraq where I personally received numerous briefings regarding our readiness and our operational capabilities. I heard from our commanders, military personnel, and diplomats on the ground in Iraq. My colleagues and I also had the opportunity to meet with senior and provincial Iraqi political leaders.

Their collective message was clear, compelling, and optimistic. First, things are getting better. Second, our soldiers, Marines, sailors, and airmen believe in their mission. Third, continued congressional support, both moral and financial, is absolutely essential to bring our operations to a successful conclusion. The bulk of H.R. 1268 moves us closer to that objective.

This supplemental appropriations package is the fifth supplemental since September 11 that focuses on meeting the challenges imposed on us by the ongoing global war on terrorism.

Specifically, this supplemental provides for the replenishing of those accounts that the military has exhausted during sustained operations in Iraq, Afghanistan, and other areas of the world. Additionally, it provides important funding to assist in our efforts to address the disastrous results of the recent tsunami in South Asia and the Indian Ocean. Finally, there are important measures dedicated to improving the benefits due to our soldiers and meeting the diplomatic costs that our efforts have necessitated.

Important obligations are met in this legislation. Specifically, this bill provides saving $76.8 billion for total defense expenditures, a full $1.8 billion over the President's request, funding other important military shortfalls identified by committees of the Congress. The vast majority of these dollars will directly support our servicemen in the area of operations. These include purchases such as an additional 47,000 sets of body armor, 1,700 new armored Humvees and $408 million to harden the facilities that protect our servicemen from indirect fire.

Mr. Speaker, the Committee on Appropriations also addressed several other issues inside the supplemental that are essential to successfully prosecuting our global war on terror. Among them are the inclusion of Army modularity reform and the construction of a new American embassy in Baghdad.

Specifically, with respect to Army modularity, the committee took some important steps to ensure that our troops who will deploy in the near future are able to leverage more combat power from their current formations by adding a brigade at the division level. This ultimately supports the Army's attempt to transform the service to make it lighter, faster, more efficient and to reorient itself to its core competencies. Put simply, Army modularity, the movement to new brigade formations, will put more soldiers in the fight and allow us to use our combat personnel much more efficiently.

With respect to the embassy in Baghdad, the committee took a close look at the State Department's request and reduced it by 10 percent. Mr. Speaker, with respect to the embassy, I am aware that many Members have concerns about its high cost. However, let me be clear about the need for this extraordinary expenditure.

Having visited the Baghdad embassy twice before, it is clear to me that a new facility is required. This is not an optional item. The United States should not occupy one of Saddam Hussein's palaces indefinitely, for to do so only reinforces the impression in parts of the Arab world that the United States is an occupying power.

More importantly, Iraq is a very dangerous diplomatic post. Indeed, it is so dangerous that essentially every State Department employee based in Baghdad is a volunteer. Like our soldiers, these brave career civil servants need and deserve the best security we can provide them while they perform their vital functions. A new, secure embassy is indispensable to achieving this objective.

Mr. Speaker, H.R. 1268 takes a number of important steps forward in addressing the needs of our military. Today, we are likely to debate several amendments that would have a gutting effect on this underlying legislation. I would strongly urge Members to closely examine such amendments and reject them.

□ 1030

Our debate today is not over the war. The President and the Congress have already made that decision. Our focus should be to give our forces the resources they need to successfully complete their dangerous and challenging mission.

The bill we have before us today is an excellent and timely piece of legislation with strong bipartisan input and support. Therefore, I urge the support for the rule and the underlying bill.

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

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

Mr. Speaker, this is the third major supplemental appropriations bill Congress has considered for Iraq and Afghanistan. A war and reconstruction that the administration told us could be completely financed by Iraqi oil revenues has cost the American taxpayer a staggering $275 billion, and the end is nowhere in sight. As the price of this war continues to climb, we can no longer afford to ignore the equally expansive ''accountability'' gap that has developed in the White House.

Harry Truman was famous for saying the buck stops here. After all, he was the President, and to him that meant he had to take responsibility for his government. He was accountable to the people he served.

But time and again our current President has demonstrated his unwillingness to be held accountable for any decision, or commitment or blunder of

his administration. And what is particularly disappointing is the willingness of the Republican leadership to assist the administration in its need to avoid accountability.

Let me give an example. The gentleman from Massachusetts (Mr. TIERNEY) came before the Committee on Rules last night, offered an amendment which would have established a select committee to follow up on a very disturbing report just released from the Inspector General's Office. The report indicates that $9 billion spent on Iraqi reconstruction is unaccounted for and no one knows where it is.

In one case, the Inspector General raised the possibility that thousands of ghost employees were on one unnamed ministry's payroll. In another case, a firm was allegedly paid $15 million to provide security during civilian flights into Baghdad even though no planes flew during the term of the contract. In another case, a Pentagon contract for the development of bulletproof armor was given to a ''former Army researcher who had never mass-produced anything,'' and according to the New York Times, the researcher tried for a year to meet the order and finally was forced to give up completely.

These types of incidents squander precious resources, waste time we often do not have, and place American's lives at risk.

Mr. Speaker, we heard of another report just this morning that Halliburton has overcharged us, according to the Pentagon, by $100 million.

The Tierney amendment would have established a House select committee to further investigate the allegations, much like the successful Truman Committee was established during the Second World War. The Committee on Rules Democrats tried to get the amendment made in order because we expect accountability from our government, but we were voted down on a party-line vote. Why?

No one can reasonably suggest that this body does not have time to get to the bottom of these unresolved issues. After all, we spend on average only 2 days a week in this Chamber, and half the time we do spend here we are renaming Post Offices and honoring foreign dignitaries, and a few athletic endeavors.

If we have enough time for that, we certainly have enough time to track down $9 billion that the administration seems to have misplaced. We have the time and energy to address rampant corruption in the way our contracts in Iraq are being administered. Certainly we have the will to infuse some accountability into the process, but apparently the leadership does not have the time or the will and truly demonstrates the hypocrisy of those in the majority who say they are for saving taxpayer money, except when it is being wasted by their administration. But it raises a more important question, and that is if we in this body will not hold the White House accountable for losing $9 billion, then who will? If it is not our job in this Chamber, then whose is it?

There is another disturbing aspect to the lack of accountability in Iraq contracting. The administration was supposed to issue two reports detailing spending on both military operations and reconstruction activities in Iraq. That was done by law, one of the reports due on October 31, 2004, the other due January 1, 2005. Neither report has ever been delivered to the Congress.

Mr. Speaker, the Department of Defense has a legal obligation to provide the reports to Congress and they are breaking the law by not providing them. The majority in this body is breaking its bond of trust with the American people by not demanding these reports, and with them a measure of accountability for their administration.

The American people expect the leadership of this Congress to be more than a rubber stamp for an administration that has shown itself to be secretive and dishonest time and time again. We have a responsibility to our fellow Americans, to our Constitution, to ensure that all branches of the government are held accountable to the American people.

And speaking of accountability, this supplemental increases the military death gratuity from $12,000 to $100,000 and subsidized life insurance benefits from $250,000 to $400,000 for families of soldiers who died or were killed on active duty from October 7, 2001.

This is critical language which does two important things for our fighting men and women: Expands their life insurance and increases their death benefits. But what happened, these benefits, which will be legislating on an appropriation bill, require protection from the Committee on Rules against a point of order on the floor of the House. Sadly, the leadership refused to grant that protection in this rule, and those two measures are left open to a point of order.

Therefore, any single Member of this body can stand up and knock out those provisions without any debate, without any vote, without any opportunity for dissent. This was no accident. Clearly the rule was written this way by design because we had to wait to get the rule after they completed those negotiations.

And why are the benefits of our fighting men and women not worthy of protection? The sad truth is these men and women have the courage to protect us with their lives, and yet some in this Chamber do not have the courage to protect them with even a vote on the House floor.

The Republican leadership has resorted to setting up a point of order to ensure the benefit increases never make it into law because they do not have the courage to vote it down themselves and they do not want to be accountable for the vote.

The bill also includes funding for body armor, armored Humvees, electronic jammers and other necessary items to protect our troops which are long overdue. But as we listen to Member after Member rising to pay homage to the sacrifice of our fighting forces, I want my fellow Americans to remember who was willing to sacrifice those men and women on the House floor today.

I also want them to remember two very important amendments which were not made in order by the Committee on Rules. The amendments by the gentlewoman from Oregon (Ms. HOOLEY) and the gentlewoman from Connecticut (Ms. DELAURO) would have expanded veterans' health care and mental health care, but they were not included in the bill.

Mr. Speaker, that is why at the conclusion of the debate I will ask Members to defeat the previous question to the rule so we can get a vote on the Hooley and DeLauro amendments and so we can move to protect the language in the bill which increases the benefits for our military personnel.

Our soldiers, sailors, airmen and Marines are over in Iraq today risking their lives to protect America and the world. The least we can do is provide them with decent health care when they return. Once we vote, our fellow Americans will know exactly where we all stand on health care for our veterans despite the rhetoric and legislative tricks, and that is what I like to call held accountable.

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

Mr. COLE of Oklahoma. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, just for an informational point, the gentlewoman from New York (Ms. SLAUGHTER) makes an excellent point about sections 1113 and 1114. I want to inform the gentlewoman that at the conclusion I will be offering an amendment to protect those sections from points of order.

Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise to support including the REAL ID Act in the supplemental spending bill on the floor today.

As we saw post-9/11, Congress must protect our Nation's borders against the threat of terrorism. Just last week, my district saw the unfortunate confluence of illegal immigration, Social Security fraud and potential terrorist threats meeting together.

In my hometown of Crystal River, Florida, the nuclear power plant was found to have contracted with illegal immigrant day laborers through a contract who had used fake or stolen ID and Social Security numbers to obtain government-issued driver's licenses. Thankfully, these men have been arrested by the FBI and fully interviewed by Customs enforcement agents.

Who is to say that the seemingly harmless workers could not have really

been agents of a terrorist group that is intent on blowing up or hijacking a nuclear power plant? As we saw with flight schools before 9/11, it is often the little things that are overlooked in our constant fight against terrorism that lead to the biggest problems.

As President Bush has said time and time again, we have to be right hundreds of times each and every day in our fight against terrorism, and they only have to be right once.

I voted against the 9/11 intelligence reform bill primarily because it omitted the ID standard reforms that the 9/11 Commission called for and that America needed. Had the REAL ID Act been in place, the Department of Motor Vehicles would have been required to verify the Social Security numbers used by these workers. This check would have shown that the numbers were really issued to men that had been deceased for 40 years and would have disallowed the men from gaining access to a supposedly secure nuclear power facility.

I would hate to see a future terrorist attack that Congress could have prevented by tightening our access to driver's licenses. We need the Senate to pass the REAL ID bill, and I am delighted it was added onto this supplemental budget.

Mr. Speaker, I urge my colleagues to support these much-needed reforms and to vote in favor of the REAL ID Act included in the supplemental bill.

Ms. SLAUGHTER: Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), a member of the Committee on Rules.

Mr. MCGOVERN. Mr. Speaker, I wish to commend the chairman of the Committee on Appropriations, the gentleman from California (Mr. LEWIS); the ranking member, the gentleman from Wisconsin (Mr. OBEY); and the chairman and ranking member of the Subcommittee on Defense, the gentleman from Florida (Mr. YOUNG) and the gentleman from Pennsylvania (Mr. MURTHA). They have written a bill that seeks to address the needs of our troops and provide needed reconstruction funds to Iraq, Afghanistan and those nations devastated by the recent tsunami.

I know the gentleman from Pennsylvania (Mr. MURTHA) took special care in ensuring that this bill contains adequate vehicle and personal protection for our troops in Iraq, and to make sure that our military will be adequately equipped and supplied for upcoming troop rotations in Iraq.

It is, therefore, difficult for me to rise and declare my opposition to this bill. My opposition is not meant as an affront to their hard work and care for the security of our troops. Every single Member of this House, including myself, shares their concerns and their commitment to the safety and well-being of our men and women in uniform who are serving so courageously under such difficult circumstances, nor do I object to the foreign aid of this bill.

So why do I rise in opposition? It is quite simple. Once this supplemental is signed into law, Congress will have provided this administration with nearly $300 billion for military and reconstruction efforts in Iraq and Afghanistan. Two years after we invaded Iraq President Bush still asked for these moneys under emergency authority. Tomorrow we are going to debate the President's budget. There are no funds in his budget or the Republican budget resolution for the continuing war in Iraq or security operations in Afghanistan. Why not? Is the President telling us that all our troops are coming home next year, or is he just saying that we can look forward to year after year of so-called emergency bills totaling hundreds of billions of dollars because his administration has no idea how long we are going to be engaged in Iraq and how much it is going to cost the American people in blood and treasure.

I believe Congress must know the answers to those questions before we vote more money for this war. These funds should be in the budget, and the cost of these wars should be projected over the next 5 years just like every item in the budget. We know we are in Iraq. It is not a surprise. It is certainly not an unforeseen emergency. The President has told us we are going to be there next year, so why is there no money for these operations in the budget? How much do they project these wars will cost? How do they propose we pay for it? Right now we borrow money to pay for the war, nearly $300 billion worth. We do not pay for it, we simply go deeper and deeper into debt and pass the bill on to our children.

Mr. Speaker, this is a profound failure of accountability, the failure to level with the American people.

This week when Congress debates the budget resolution we will be asked to vote for a bill which cuts education, cuts health care, cuts veterans benefits, economic development for our cities and towns, and many other critical projects. But the war, it is not part of the budget or subject to cuts or reconciliation. It is all off the books.

From the very first day when we were told the U.S. had to invade Iraq we have been lied to. We were lied to about the weapons of mass destruction. We were lied to about Saddam Hussein having ties to al Qaeda. We were lied to about how much the war would cost and how long it would take to bring stability to Iraq.

We are here today debating a bill that is filled with armored Humvees and personal body armor for our troops. But, Mr. Speaker, we provided money for those items in 2002 before we went to war in Iraq, and we provided it again in the first supplemental on Iraq and in the second supplemental on Iraq and in the third supplemental on Iraq. So why are so many of our troops still lacking body armor and still driving unprotected vehicles? Congress sent that money specifically to meet those needs. So what happened to the money? Why were those needs not met? That is a deadly serious question of accountability.

□ 1045

The Pentagon's own inspector general says that nearly $9 billion in reconstruction funds for Iraq cannot be accounted for. Another $15 million may have been subject to fraud by the very companies the Pentagon chooses to give contracts to for services in Iraq. That is taxpayer money provided by my constituents.

Mr. Speaker, we need to have a real debate about our policy in Iraq. Every few months we get an emergency supplemental for the war on Iraq. We are told we have to vote for it in order to show our support for our troops, and I expect that this bill will probably pass overwhelmingly. But it is just more of the same.

There comes a time when you just have to stop and say no more, not until we get real answers to hard questions, not until we know where we are going in Iraq and how much it is going to cost.

Mr. Speaker, I oppose this bill; and I urge my colleagues to oppose it.

Mr. COLE of Oklahoma. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Speaker, I thank the gentleman for yielding me this time. And, Mr. Speaker, I rise in strong support of this rule. Last October, 282 Members of Congress voted for landmark legislation that fulfilled our duty to our constituents to make America an appreciably safer place. H.R. 10 truly reflected the hard-earned lesson of 9/11.

Unfortunately, the other body saw fit to strip from the bill some of its most vital provisions, measures designed to ensure that terrorists would never again be able to carry out their nefarious plots by abusing our immigration system and our identity documents.

Today, leadership is fulfilling a commitment that it made to the American people that these provisions would yet become law. Today's rule makes the text of H.R. 418, the REAL ID Act, a self-executing amendment to the Emergency Wartime Supplemental Appropriations Act.

The gentleman from Wisconsin (Chairman SENSENBRENNER) introduced, and the House last month passed, the REAL ID Act containing many of the provisions stripped from the intelligence reform bill last year. I thank the gentleman from Illinois (Mr. HASTERT), the gentleman from Texas (Mr. DELAY), the gentleman from Missouri (Mr. BLUNT), and the gentleman from California (Mr. DREIER) for ensuring that the will of this House will be done, and that this crucial legislation will be enacted into law.

The goal of the REAL ID Act is straightforward. It seeks to prevent another catastrophic terrorist act by deterring terrorist travel. These terrorist methods of operation were mentioned

both in the 9/11 Commission report and the 9/11 staff report on terrorist travel. Page 49 of the terrorist travel report states: ''Abuse of the immigration system and a lack of interior enforcement were unwittingly working together to support terrorist activities.'' Page 59 states: ''Members of al Qaeda clearly valued freedom of movement as critical to their ability to plan and carry out the attacks prior to September 11.''

The REAL ID Act contains four provisions aimed at disrupting terrorist travel. First, it addresses the use of a driver's license as a form of Federal identification. American citizens have the right to know who is in their country, that people are who they say they are, and that the name on the driver's license is the real holder's name, not some alias.

The REAL ID Act will establish a uniform rule for all States that temporary driver's licenses for foreign visitors expire when their visa terms expire and establish tough rules for confirming identity before driver's licenses are issued.

Second, this legislation will tighten our asylum system. Some judges have made asylum laws vulnerable to fraud and abuse. We will end judge-imposed presumptions that benefit suspected terrorists so that we will stop providing them a safe haven.

The REAL ID Act will reduce the opportunity for immigration fraud so that we can protect honest asylum seekers and stop rewarding the terrorists and criminals who falsely claim persecution.

Third, the REAL ID Act will waive Federal laws to the extent necessary to complete gaps in the San Diego border security fence which is still unfinished 8 years after congressional authorization.

The REAL ID Act contains one final commonsense provision that helps protect Americans from terrorists who have been able to successfully infiltrate the United States: currently, certain terrorism-related grounds of inadmissibility to our country are not also grounds for deportation. The REAL ID Act makes aliens deportable from the U.S. for terrorism-related offenses to the same extent that they would be inadmissible to the United States to begin with.

Mr. Speaker, I urge my colleagues to support this rule.

Ms. SLAUGHTER. Mr. Speaker, I yield 6 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. I thank the gentlewoman for yielding me the time. Mr. Speaker, there are a number of things that can be said about this bill. Let me simply say that I opposed going to war in the first place. I think this country was misled into war on the basis of bad information and false information. And I believe some of that was purposeful.

I think that our attack on Iraq is the dumbest American war since the War of 1812. But nonetheless, that is past history. We now have the question of whether or not we are going to pay for the war which we have waged. And at this point, I do not believe we have any choice.

What I do wish is that the administration would be forthcoming about the full cost of the war, because you can bet just as surely as you sit here today that the administration will be back for even more money to cover the costs which are allegedly being provided for under this bill today. I think the administration is giving us the facts about the cost of this war on the installment plan. And by the time the full truth comes out, the costs will be much higher than this bill implies today.

I also believe that it is dead wrong for this Congress to decline to appoint a Truman-like committee to investigate profiteering and fraud by contractors in Iraq.

Just the story today about Halliburton in The Washington Post ought to be enough to prod this Congress into setting up a meaningful investigative committee. As has been pointed out, Harry Truman, when he was in the Senate, conducted almost 400 hearings and issued over 50 reports on war profiteering during World War II. That was a Democratic Congress investigating a Democratic administration and it did no harm to the country. I hope that today this House will still agree to appoint that kind of a committee.

Having said that, I think there is a far more important issue which is associated with this bill. Mr. Speaker, as we know, some of what appears in the newspaper can be right and some can be wrong, but there have been a number of stories which have appeared in the newspaper about the activities of the Defense Department which I find highly disturbing. I quote from one story Sunday, January 23, Washington Post: ''The Pentagon expanding into the CIA's historic bailiwick has created a new espionage arm and is reinterpreting U.S. law to give Defense Secretary Donald Rumsfeld broad authority over clandestine operations abroad.''

That article goes on to say: ''The Pentagon official said they are establishing the strategic support branch using reprogrammed funds without explicit congressional authority or appropriation.''

It then goes on to say: ''One Republican Member of Congress with a substantial role in national security oversight declined to speak publicly against political allies, but he is quoted as saying, 'It sounds like there's an angle here of let's get around having any oversight by having the military do something that normally the CIA does and not tell anybody. That immediately raises all kinds of red flags for me. Why aren't they telling us?' ''

I think that question needs to be answered.

There are a number of other comments in the press which are along the same lines. I would simply get to the last one by reading a portion of an article that appeared in the New Yorker several weeks ago. I just want to read one paragraph: ''The new rules will enable the special forces community to set up what it calls action teams in the target countries overseas which can be used to find and eliminate terrorist organizations. 'Do you remember the right-wing execution squads in El Salvador?' the former high-level intelligence official asked me, referring to the military-led gangs that committed atrocities in the early 1980s. 'We founded them and we financed them,' he said. 'The objective now is to recruit locals in any area we want and we aren't going to tell the Congress about it.' ''

Mr. Speaker, I think that the Congress has a right to demand that we be told about it. I had originally intended to offer an amendment today which would have fenced and prohibited the expenditure of the intelligence funds in this bill until we get from the administration an understanding about how we are going to be informed on these matters. And I do not mean after the fact.

I had intended to offer that amendment, but yesterday I received a phone call from Andy Card, the President's chief of staff, who asked me to at least temporarily withhold offering that amendment, and he gave me his commitment that the administration would try to work out an arrangement to see to it that the leaders of the Intelligence Committee, the Armed Services Committee, and the Appropriations Committee are given the adequate information that they need to make choices around here.

I told him that I would be willing to withhold that amendment on this bill with the understanding that if we have not got this worked out very quickly, that we will have an opportunity to deal with this issue on the next regular vehicle moving through here, which would be either the armed services bill or the defense appropriations bill.

This, in my view, is the most important issue associated with this bill, and I intend to be back here with just such an amendment if we do not get the kind of reporting from the administration that we have a right to expect under the Constitution.

Mr. COLE of Oklahoma. Mr. Speaker, I yield myself such time as I may consume.

Let me just make a couple of quick points. I was not in Congress when the decision, on a bipartisan basis, was made to give the President the authority to commence hostilities in Iraq, but I do think it was the right decision, and I do think that it has been vindicated frankly by things that have happened recently not only in Iraq but throughout the Middle East.

Regardless of that, I think my friend makes a good point, and I appreciate his support for this particular piece of legislation. I know it is very difficult. But the real question here is not the

war, as I tried to mention in my opening comments. That is a decision that has already been made by Congress. The real question on this particular piece of legislation on this rule is are we going to provide people the resources they need to get the job done that we asked them to do. I think it is very important that we do that on a bipartisan basis. I think that will be a very powerful message in Iraq and a very powerful message around the Middle East.

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

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

Ms. HOOLEY. I thank the gentlewoman from New York for yielding me this time.

Mr. Speaker, I rise in opposition to the rule. Last night, I offered an amendment before the Rules Committee that would have added $1.2 billion to this bill for VA health care and $100 million for reintegration services for National Guard members being released from active duty. Unfortunately, my amendment was not ruled in order.

America is currently asking more of its all-volunteer military force than it ever has before. Yet even as America prepares to continue its large and prolonged military campaign in Iraq, it has done very little to provide for the veterans of this war. Our obligation to support our troops does not end when they leave Iraq. But how are we supposed to provide adequate health care to these new veterans when we cannot even meet the needs of our current veterans?

□ 1100

Last year's budget was $1.3 billion short of the amount that VA Secretary Principi, as well as the House Committee on Veterans' Affairs, stated is needed just to maintain the current level of veterans' health care services.

We also need to make sure that our returning soldiers have the readjustment assistance they need, particularly for members of the Guard and Reserve. Members of the National Guard returning home face immense challenges in transitioning out of active duty deployments and back to civilian life. They do not go home to a base. They go home. They are scattered throughout the State. While the State Guard offices are working to provide these returning soldiers with important information regarding their health care, employment assistance, and other transitional services, they do not have the resources needed to complete the education and counseling necessary for a smooth transition back to civilian life. Our returning soldiers deserve better.

I urge my colleagues to defeat the previous question so we can consider this important amendment and keep our promises to our Nation's veterans.

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

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

Ms. DELAURO. Mr. Speaker, I rise in opposition to the rule, but because it is important to get our troops in the field the equipment that they need I will support the supplemental legislation that also includes desperately needed aid to Sudan and the victims of the tsunami and provides economic development funding for projects in Palestinian controlled areas of the West Bank.

Yet I remain concerned that the legislation provides no funding for immediate mental health needs of our troops. The House is not even being given a chance to consider an amendment that I wanted to offer that would have added $263 million in DOD and VA funding for this issue. This at a time when the Army tells us that as many as one in six returning soldiers suffer from symptoms of post-traumatic stress disorder. If that is not an emergency, then I do not know what is.

Providing badly needed funding for the Defense Department to improve its training programs for military families on the detection of mental health problems in service members returning from combat is an issue this committee agreed the Defense Department should consider in the 2005 Defense appropriations bill. As such, this amendment would have increased by 20 percent our spending on specialized PTSD programs within the DOD, within the Veterans Administration, and go to treating the symptoms of PTSD such as substance abuse and homelessness. It would have embraced new technology in the Veterans Administration, promoted the use of private sector mental health professionals and students to be able to reach more troops and their families, especially in rural and underserved areas.

More than 500 soldiers have been evacuated from Iraq for mental health reasons since the beginning of Operation Iraqi Freedom. We know the damage PTSD can do away from the battlefield, ruining families, causing alcoholism, drug abuse, and homelessness. Our men and women in uniform deserve a better homecoming than that.

Let us do the right thing for our troops, address this issue soon, and give our soldiers the mental health services that they have earned.

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

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

I will be asking Members to join with me in voting ''no'' on the previous question so that I can modify the rule and allow the House to consider two very critical amendments for our Nation's combat soldiers that were rejected last night in the Committee on Rules. The first amendment by the gentlewoman from Oregon (Ms. HOOLEY) will help our Iraq and Afghanistan veterans in two important ways: First, it will provide an additional $1.2 billion for veterans' health care. Additionally, it will provide $100 million for reintegration services for the Army and National Guard members being released from active duty and returning to civilian life.

The second amendment by the gentlewoman from Connecticut (Ms. DELAURO) would expand mental health care by providing $238 million to the VA for a post-deployment mental health initiative and $35 million for the Defense Department to contract with private mental health providers for counseling the returning service members.

Mr. Speaker, I want to emphasize that a ''no'' vote on the previous question will not block consideration of the supplemental. The bill will still be considered in its entirety. However, a ''yes'' vote will prevent us from voting to help our veterans in these very important areas. I urge all Members to join with me in supporting our soldiers and vote ''no'' on the previous question.

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

The SPEAKER pro tempore (Mr. MILLER of Florida). Is there objection to the request of the gentlewoman from New York?

There was no objection.

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

Mr. COLE of Oklahoma. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to take a few moments just to go through some of the specific provisions of this particular legislation because I think the vote that we are getting ready to cast is so exceptionally important.

Mr. Speaker, in terms of the defense portion of this particular appropriation, it includes a total of $76.8 billion for total defense expenditures. That is again $1.8 billion over what the administration requested. The additions over the request are in support of deployed and soon to be deployed or returning troops and to assist in force protection and to increase the survivability of troops in the field.

Within the total Defense fund, $3.1 billion is provided for activities under the jurisdiction of the Military Quality of Life and Veterans Affairs, and Related Agencies Subcommittee. The following table summarizes, which I will submit for the RECORD, the committee's addition to the request within the Defense Subcommittee.

So we have an extensive addition that I think actually improves the administration's original request. In addition to the Defense expenditures, we have included other moneys for foreign operations. The committee has added $1.7 billion in net foreign assistance funds within the Foreign Operations,

Export Financing and Related Programs Subcommittee. Within these funds, the committee has identified $1.7 billion in urgent or critical items funded in the bill as an emergency that are directly related to the War on Terror or aiding recovery to the tsunami victims. The committee also provides $1 billion of important items that further U.S. global interests but has offset this spending with a corresponding rescission of $1 billion in previously appropriated assistance to Turkey. These funds were provided in the first Iraq supplemental of 2 years ago and require a positive vote of the Turkish Parliament to be expended. There is widespread agreement that this will not take place anytime soon.

Within the $1.7 billion of emergency assistance, there is $594 million to the counternarcotics effort and for police training in Afghanistan; $400 million is requested to train Afghan police, and $194 million and $66 million below the request.

Mr. Speaker, I yield 8 minutes to the distinguished gentleman from California (Mr. DREIER), chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule, and I want to begin by congratulating the gentleman from Oklahoma (Mr. COLE), who has worked long and hard on this and has made four trips to Iraq and understands extraordinarily well how critically important it is for us to ensure that we get the resources necessary for our men and women in uniform there.

We have many important things that need to be done in this measure. The gentleman from Oklahoma (Mr. COLE) talked in his opening remarks about the need for us to ensure the completion of our compound. It is not just an embassy, our compound, in Baghdad. I am one who would be very critical of a massive expenditure for a huge compound like this, but we have got to realize, as the gentleman from Oklahoma (Mr. COLE) said, that sending a message throughout Iraq that we are taking over a former palace of Saddam Hussein would not be the right signal for us to send. And that is why it is essential that we proceed with the construction of this very important compound.

I think it is also very important for us to note that we have got to provide a reimbursement for the important humanitarian assistance that is being provided to those who have suffered, the over 150,000 who were killed, the people who have suffered from the tsunami. It is very important for us to deal with that.

And, Mr. Speaker, it is also very important for us to recognize that this is the first must-pass piece of legislation. And what does that say? It says that we are keeping our word based on a very rigorous debate that we had last fall in the 108th Congress, and that had to do with implementation of the recommendations of the 9/11 Commission, the intelligence reforms. And just to remind our colleagues, Mr. Speaker, there were a number of us, and I was privileged to serve as one of the five House Republican conferees on that bill to implement the 9/11 Commission's recommendations, and one of the things that we focused on was border security, realizing that Mohammed Atta, one of the individuals who flew a plane into one of the World Trade Center towers, had a valid driver's license, as did the 19 others who were involved in the terrorist attacks on September 11. But Mohammed Atta was in a unique position. He had been pulled over for a traffic violation and was actually scheduled to appear in court for that violation after September 11, and we all know what he did. He brought down one of the World Trade Center towers. And that is why we felt very strongly last fall when we were negotiating that conference agreement that we include language that this House overwhelmingly voted in support of, and that was to deal with this driver's license question, the problem of having people get into their hands, people who are here illegally, access to driver's licenses. And that is why we took those provisions. And, unfortunately, because the other body would not allow us to include those in the 9/11 conference, we had gotten to a point where we said we would include those in the first must-pass piece of legislation.

Mr. Speaker, this is the first must-pass piece of legislation. And the REAL ID Act, which the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Texas (Mr. SMITH) and a wide range of other Members have offered include, it was a measure that was passed with strong bipartisan support here, 260 votes, and it is designed to do a number of very important things that are focused on our border security, which is tied to our national security, a very important aspect of our national security. It says that those States that provide driver's licenses to people who are here illegally cannot have those driver's licenses used for any Federal purpose, meaning that we recognize the importance of federalism, we recognize States rights, which is a very important thing for us to do, but what we do say is that those States which grant licenses to people who are here illegally, those licenses cannot be used for a Federal purpose, meaning getting on board an aircraft, meaning going into a Federal courthouse, applying for any kind of Federal program. The idea behind it is that we hope we will not see States granting driver's licenses to people who are here illegally. That is really our goal.

One of the reasons that I enthusiastically supported Arnold Schwarzenegger for Governor of California 1½ years ago was the goal of ensuring that we did not see driver's licenses get into the hands of people who are here illegally.

So this measure which we are going to be voting on here today, I am happy to say we have now included this in the rule itself. By voting for the rule, we will be including that measure.

But another provision that is very important happens to be the goal that we have of closing the 3½ mile gap that exists in the 14-mile fence that goes from the Pacific Ocean to what is called the Otay Mesa on the border between San Diego and Tijuana. We have been able to see a great deal of success, based on reports that we have had from our border patrol agents, with the existence of this 14-mile fence. But, unfortunately, my California Coastal Commission, and I say it is my California Coastal Commission because I am a Californian, and I do not support what they have done, but they have chosen to sue the Federal Government to prevent completion of that 3½ mile gap in the 14-mile fence because of the fact that something known as the Bell's vireo bird has chosen to nest on that fence. And, Mr. Speaker, it is very sad that in the name of improving the environment and saving this bird, we have seen the environment devastated as well as the serious exacerbation of the illegal immigration problem across that border. Why? Because now through what is known as the Tijuana estuary we see people flowing in great numbers and all kinds of waste and devastation is there.

□ 1115

Mr. Speaker, I want to thank my colleagues, the gentleman from California (Mr. HUNTER) and the gentleman from California (Mr. CUNNINGHAM), and our former colleague, Doug Ose, who worked hard on this issue over the past several years.

Back in 1997, with the support of President Clinton, we passed legislation that was designed to build this 14-mile fence, and it is an amazing commentary that it took a shorter period of time to win the Second World War than it has to complete this 14-mile fence. I believe that with passage of this very, very important rule and the legislation itself, we will be able to deal with that.

Mr. Speaker, we have done a number of very important things in this measure, aid and support for our efforts in Iraq, and we have enjoyed resounding success. Is it still a ''tough slog,'' as the Secretary of Defense said? Absolutely. No one ever claimed that war is easy. But we are enjoying success now, as we see the people of Iraq, 8.5 million strong, casting their ballots; as we see their great appreciation for the U.S. support there; as we see this realization with the leadership in Iraq, it is not the United States Government, the leadership in Iraq or the 275 Members of the Transitional National Assembly.

So we are in position right now where we are doing the right thing with passage of this legislation. It is absolutely essential.

AMENDMENT OFFERED BY MR. COLE OF OKLAHOMA

Mr. COLE of Oklahoma. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment Offered by Mr. COLE of Oklahoma:

On page 2, line 9–10, strike '', except for Sections 1113 and 1114''.

Mr. COLE of Oklahoma. Mr. Speaker, this amendment intends to protect sections 1113 and 1114 against points of order. The Committee on Rules last night exposed these provisions at the request of the chairman of the Committee on Veterans' Affairs, who has since asked the Committee on Rules to protect the provisions.

The amendment is necessary to protect the important Military Death Gratuity Benefits contained in the bill.

Mr. Speaker, I urge my colleagues to support this particular amendment to the resolution.

Mr. Speaker, in closing, I would like to say that I believe we have had an excellent debate on the rule. What is clear to me is the importance and timeliness of this legislation. With that said, I would again encourage Members to listen carefully to the following debate and to support the underlying legislation.

Additionally, I would encourage Members to be cautious when it comes to considering the amendments. This bill has been carefully crafted and worked out in a way to ensure that our servicemen receive the best equipment when they go forward into war.

Finally, I would ask the Members to remember that this is not a vote about the wisdom of the war in Iraq. The President and the Congress made that decision years ago. This vote is about giving those we have asked to execute our policy in Iraq the tools they need to do their job. The men and women serving our cause in Iraq ask for nothing more. In good conscience we should give them nothing less.

To close, I would urge my colleagues to support this rule and the underlying resolution.

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

PREVIOUS QUESTION FOR H. RES. 151—RULE ON H.R. 1268 MARCH 2005 EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR IRAQ, AFGHANISTAN AND TSUNAMI RELIEF

At the end of the resolution add the following:

SEC. 3. Before consideration of any other amendment it shall be in order to consider the amendments printed in section 4, which may be offered only in the order specified, may be offered only by the Member designated or a designee, shall be considered as read, shall not be subject to amendment except pro forma amendments for the purpose of debate, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived.

SEC. 4. The amendments referred to in section 3 are as follows:

(a) Amendment offered by Representative Hooley:

AMENDMENT TO H.R. 1268, AS REPORTED
(SUPPLEMENTAL APPROPRIATIONS BILL, 2005)
OFFERED BY MS. HOOLEY OF OREGON

At the end of title V (page 69, after line 17), insert the following new section:

SEC. ____. (a) In addition to amounts otherwise appropriated in this Act, there is hereby appropriated for fiscal year 2005—

(1) for ''Department of Defense—Military—Military Personnel—National Guard Personnel, Army'', $100,000,000, to be available for the provision of services for the reintegration into civilian life of members of the Army National Guard being released from active duty; and

(2) for ''Department of Veterans Affairs—Veterans Health Administration—Medical Services'', $1,200,000,000.

(b) The amounts provided under this section are designated as an emergency pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

(b) Amendment offered by Representative DeLauro:

AMENDMENT TO H.R. _____, AS REPORTED
(SUPPLEMENTAL APPROPRIATIONS, 2005)
OFFERED BY MS. DELAURO OF CONNECTICUT

At the end of title V, insert the following new section:

SEC. ___. (a) In addition to amounts otherwise appropriated in this Act, there is hereby appropriated for fiscal year 2005—

(1) for ''Department of Defense—Defense Health Program'', $35,000,000, of which $25,000,000 shall be available for Department of Defense contracts with private mental health providers for counseling for returning servicemembers and $10,000,000 shall be available for other mental health programs within the Department of Defense; and

(2) for ''Department of Veterans Affairs—Veterans Health Administration—Medial Services'', $238,000,000, to be available for a post-deployment mental health initiative within the Department of Veterans Affairs.

(b) The amounts provided under this section are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Mr. BACA. Mr. Speaker, I rise in strong opposition to this rule.

This rule adds to the Emergency Supplemental Appropriations legislative language by Rep. SENSENBRENNER that is completely unrelated to the Supplemental and will allow millions of people to drive our streets and freeways without insurance or a driver's license.

Yes, we are speaking about undocumented immigrants. Yes, they broke the law and are here illegally. But, do we somehow think that denying these people the ability to legally drive is going to force them back to their home countries?

That's ridiculous.

Do we want millions of unsafe, untrained drivers on our streets with no insurance?

This provision does nothing to make America safer.

It is simply anti-immigrant legislation disguised as homeland security.

No one doubts that our immigration system is broken and needs to be fixed.

The Sensenbrenner provision is not the solution to our immigration problems and does not make our country safer.

The Emergency Supplemental Appropriations bill is for funding our men and women in uniform overseas, not for controversial anti-immigrant agendas.

Our men and women in uniform are risking their lives for our country, and need our financial support. They need armored personnel carriers, bulletproof vests, and the tools necessary to do their job as safely as possible.

The Senate needs to be able to discuss and vote on the driver's license issue on its own merits, and not have this sneaked into our emergency war funding.

I urge my colleagues to oppose this rule.

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

The SPEAKER pro tempore (Mr. FOLEY). 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 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the amendment or on final passage.

The vote was taken by electronic device, and there were—yeas 220, nays 195, not voting 19, as follows:

[Roll No. 69]

YEAS—220

Aderholt	English (PA)	Kolbe
Akin	Everett	Kuhl (NY)
Alexander	Feeney	LaHood
Bachus	Ferguson	Latham
Baker	Fitzpatrick (PA)	LaTourette
Barrett (SC)	Flake	Leach
Bartlett (MD)	Foley	Lewis (CA)
Barton (TX)	Forbes	Lewis (KY)
Bass	Fortenberry	Linder
Beauprez	Fossella	LoBiondo
Biggert	Foxx	Lucas
Bilirakis	Franks (AZ)	Lungren, Daniel E.
Bishop (UT)	Frelinghuysen	Mack
Blackburn	Gallegly	Manzullo
Blunt	Garrett (NJ)	Marchant
Boehner	Gerlach	McCaul (TX)
Bonilla	Gibbons	McCotter
Bonner	Gilchrest	McCrery
Bono	Gillmor	McHenry
Boozman	Gingrey	McHugh
Boustany	Gohmert	McKeon
Bradley (NH)	Goode	McMorris
Brady (TX)	Goodlatte	Mica
Brown (SC)	Granger	Miller (FL)
Brown-Waite, Ginny	Graves	Miller (MI)
Burton (IN)	Green (WI)	Miller, Gary
Buyer	Gutknecht	Moran (KS)
Calvert	Hall	Murphy
Camp	Harris	Musgrave
Cannon	Hart	Myrick
Cantor	Hastings (WA)	Neugebauer
Capito	Hayes	Ney
Carter	Hayworth	Northup
Castle	Hefley	Nunes
Chabot	Hensarling	Nussle
Chocola	Herger	Osborne
Coble	Hobson	Otter
Cole (OK)	Hoekstra	Oxley
Conaway	Hostettler	Paul
Cox	Hulshof	Pearce
Crenshaw	Hunter	Pence
Cubin	Hyde	Peterson (PA)
Culberson	Inglis (SC)	Petri
Cunningham	Issa	Pickering
Davis (KY)	Istook	Pitts
Davis, Jo Ann	Jenkins	Platts
Davis, Tom	Jindal	Poe
Deal (GA)	Johnson (CT)	Pombo
DeLay	Johnson (IL)	Porter
Dent	Johnson, Sam	Portman
Diaz-Balart, L.	Jones (NC)	Price (GA)
Diaz-Balart, M.	Keller	Pryce (OH)
Doolittle	Kelly	Putnam
Drake	Kennedy (MN)	Radanovich
Dreier	King (IA)	Ramstad
Duncan	King (NY)	Regula
Ehlers	Kingston	Rehberg
Emerson	Kirk	Reichert
	Kline	

Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—195

Ackerman
Allen
Andrews
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
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
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
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
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOT VOTING—19

Abercrombie
Baird
Boehlert
Brown, Corrine
Burgess
Clay
Hinojosa
Jones (OH)
Knollenberg
Norwood
Pascrell
Rogers (MI)
Ruppersberger
Saxton
Shaw
Sweeney
Walsh
Waters
Westmoreland

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FOLEY) (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1144

Messrs. DAVIS of Tennessee, GORDON, VISCLOSKY, PETERSON of Minnesota, AL GREEN of Texas, CLEAVER and CRAMER and Mrs. NAPOLITANO changed their vote from ''yea'' to ''nay.''

Mr. LEWIS of Kentucky changed his vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. ROGERS of Michigan. Mr. Speaker, on the legislative day of March 15, 2005, the House had a procedural vote on H.R. 1268, the FY 2005 Emergency Supplemental Appropriations bill. On House rollcall vote No. 69, I was unavoidably detained. Had I been present, I would have voted "aye."

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the amendment offered by the gentleman from Oklahoma (Mr. COLE).

The amendment was agreed to.

The SPEAKER pro tempore. The question is the resolution, as amended.

The resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

PRIVILEGES OF THE HOUSE—INTEGRITY OF PROCEEDINGS AS PRESCRIBED BY THE CONSTITUTION

Ms. PELOSI. Mr. Speaker, pursuant to rule IX, I rise to a question of the privileges of the House, offer a privileged resolution that I noticed, and ask for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 153

Whereas, the Constitution of the United States authorizes the House of Representatives to ''determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member'';

Whereas, in 1968, in compliance with this authority and to uphold its integrity and ensure that Members act in a manner that reflects credit on the House of Representatives, the Committee on Standards of Official Conduct was established;

Whereas, the ethics procedures in effect during the 108th Congress, and in the three preceding Congresses, were enacted in 1997 in a bipartisan manner by an overwhelming vote of the House of Representatives upon the bipartisan recommendation of the ten-member Ethics Reform Task Force, which conducted a thorough and lengthy review of the entire ethics process;

Whereas, in the 109th Congress, for the first time in the history of the House of Representatives, decisions affecting the ethics process have been made on a partisan basis without consulting the Democratic Members of the Committee or of the House;

Whereas, the Chairman of the Committee, and two of his Republican colleagues, were dismissed from the Committee;

Whereas, in a statement to the press, the departing Chairman of the Committee stated ''[t]here is a bad perception out there that there was a purge in the Committee and that people were put in that would protect our side of the aisle better than I did,'' and a replaced Republican Member, also in a statement to the press, referring to his dismissal from the Committee, noted his belief that ''the decision was a direct result of our work in the last session;''

Whereas, the newly appointed Chairman of the Committee improperly and unilaterally fired non-partisan Committee staff who assisted in the ethics work in the last session;

Whereas, these actions have subjected the Committee to public ridicule, produced contempt for the ethics process, created the public perception that their purpose was to protect a Member of the House, and weakened the ability of the Committee to adequately obtain information and properly conduct its investigative duties, all of which has brought discredit to the House; now be it

Resolved, that the Speaker shall appoint a bi-partisan task force with equal representation of the majority and minority parties to make recommendations to restore public confidence in the ethics process; and be it further

R*esolved*, that the task force report its findings and recommendations to the House of Representatives no later than May 2, 2005.

□ 1145

The SPEAKER pro tempore (Mr. SHIMKUS). The Chair has reviewed the resolution and finds that it does present a question of the privileges of the House.

MOTION TO TABLE OFFERED BY MR. LEWIS OF CALIFORNIA

Mr. LEWIS of California. Mr. Speaker, it is with great reluctance, not only because we are working with the minority leader of the House, but because the gentlewoman is from California, that I must move to table the resolution.

The SPEAKER pro tempore. The question is on the motion to lay on the table offered by the gentleman from California (Mr. LEWIS).

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 223, noes 194, not voting 17, as follows:

[Roll No. 70]

AYES—223

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
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
Cannon
Cantor
Capito
Carter
Castle
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)

Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Nunes
Nussle
Osborne
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Portman
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOES—194

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

NOT VOTING—17

Baird
Chabot
Clay
Davis (FL)
Hinojosa
Israel
Jefferson
Jones (OH)
Norwood
Otter
Owens
Rehberg
Reyes
Sweeney
Walsh
Waters
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FOLEY) (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1217

Mrs. JOHNSON of Connecticut changed her vote from ''no'' to ''aye.''

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HINOJOSA. Mr. Speaker, on rollcall No. 69, the previous question, and No. 70, the motion to table the Pelosi resolution, had I been present, I would have voted ''no'' on both rollcalls.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 21

Mr. MENENDEZ. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 21.

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

There was no objection.

GENERAL LEAVE

Mr. LEWIS of California. 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 material on the bill (H.R. 1268) making emergency supplemental appropriations for the fiscal year ending September 30, 2005, and for other purposes, and that I may include tabular material on the same.

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

There was no objection.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND TSUNAMI RELIEF, 2005

The SPEAKER pro tempore (Mr. FOLEY). Pursuant to House Resolution 151 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. 1268.

□ 1217

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. 1268) making emergency supplemental appropriations for the fiscal year ending September 30, 2005, and for other purposes, with Mr. THORNBERRY in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from California (Mr. LEWIS) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is with great pride that I bring before the House H.R. 1268, a bill making emergency supplemental appropriations for fiscal year 2005. This is my first appropriations measure as the new Appropriations Committee chairman. I am especially proud of the extraordinary effort put forth by the committee's members and staff to report a bill that will better permit our troops to prosecute the war on terrorism and will do so with a price tag less than that requested by the President.

Mr. Chairman, I would like to have the House pay special attention to three of my colleagues who have come back from the private sector to help serve this committee. Frank Cushing is my staff director, and David LesStrang and Jeff Shockey are my deputy staff directors for the Committee. I really appreciate their willingness to make great sacrifice to come back.

Six of the committee's 10 subcommittees participated in the development of this measure which provides $81.27 billion in urgent and emergency spending. The lion's share of that amount, some $76.8 billion, is for defense-related expenditures. This funding represents an increase for defense needs of $1.8 billion above the President's request, which I hasten to note is entirely for enhanced support for deployed, soon-to-be deployed, or returning troops in order to assist in force protection and to increase the survivability of the troops in the field.

To provide these important resources for our troops, we reduced other, nonessential DOD requests by some $600

million as well as nearly $1 billion in foreign assistance-related programs that were either not well justified or did not meet the strict definition we applied for emergency spending. In addition, another $1 billion of extremely important and time-sensitive non-emergency foreign assistance approved by the committee was completely offset by a rescission of funds originally appropriated in fiscal year 2003.

With my colleagues' indulgence, I would like to take a few moments to give the House a flavor of the urgent procurement needs that the committee has included in the measure for our troops. Those include up-armored Humvees and other new Humvees, medium and heavy trucks, night vision devices, handheld stand-off mine detection systems, jammers, improved high-frequency radios, Strykers to replace combat losses, add-on armor kits, small-arms modifications and ammunition, body armor for both the Army and Marine Corps, and medical supplies.

In addition to our providing these necessary resources for our troops, the committee was compelled to fully fund the Army's modularity program at this time because of the urgency to address the significant challenges the Army now faces in mitigating stress on the current active duty combat force. To meet this problem, the Army will not only create 10 additional combat brigades; all of the current combat brigades will be redesigned to enhance their ability to deploy more rapidly and operate more independently on the battlefield. I might add that our determination to procure additional equipment beyond the President's request will allow forthcoming troop rotations to receive much of their equipment prior to deployment, clearly an obvious benefit to the success of our troops.

Beyond the requirements of our defense community, the bill provides $656 million to meet the human needs resulting from last December's horrific tsunami. In addition, the bill includes $592 million for the construction of the U.S. embassy compound in Baghdad. While that money for the embassy is a reduction of some $66 million, or 10 percent, from the President's request, construction of the embassy compound has been deemed urgent because of the imminent security threats to some 4,000 U.S. personnel in Iraq. Thus far, 45 personnel with the U.S. mission in Iraq have been killed, including two American citizens who were killed by a rocket attack on our diplomatic compound the day of the Iraqi elections. Providing the funds now will greatly reduce the amount of time our personnel remain in harm's way.

Despite the additional needs we have recommended on behalf of our troops, the committee's bill is $614 million less than that requested by the President. This reduction comes largely as a result of reductions in proposed foreign assistance spending.

Mr. Chairman, I believe this measure is responsible both in how we have responded to the needs to provide for adequate resources in making this fight against terrorism and also in how we have carefully scrubbed each and every program so that we can say with utmost assurance that this is a fiscally sound piece of legislation.

Mr. Chairman, as I close my remarks, I wish to express my deep appreciation for my ranking member from Wisconsin (Mr. OBEY), as well as to each and every member of the committee. I have already expressed my feelings about our staff on both sides of the aisle. All of them have worked so diligently to prepare effectively this legislation.

Mr. Chairman, as I mentioned at the outset, I am very proud of this measure I bring to you, my first measure as chairman of the Committee on Appropriations. I certainly urge the Members to adopt this bill.

Emergency Supplemental Appropriations Act for Defense - the Global War on Terror - and Tsunami Relief - 2005 (H.R.1268)
(Amounts in thousands)

	FY 2005 Request	Recommended in the Bill	Bill vs. Request
EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR IRAQ, AFGHANISTAN, TSUNAMI, 2005			
TITLE I - DEFENSE-RELATED APPROPRIATIONS			
CHAPTER 1			
DEPARTMENT OF DEFENSE			
Military Personnel			
Military Personnel, Army (emergency)	11,756,842	11,779,642	+22,800
Military Personnel, Navy (emergency)	524,980	534,080	+9,100
Military Personnel, Marine Corps (emergency)	1,246,126	1,251,726	+5,600
Military Personnel, Air Force (emergency)	1,316,572	1,473,472	+156,900
Reserve Personnel, Army (emergency)	39,627	40,327	+700
Reserve Personnel, Navy (emergency)	9,411	11,111	+1,700
Reserve Personnel, Marine Corps (emergency)	4,015	4,115	+100
Reserve Personnel, Air Force (emergency)	130	130	---
National Guard Personnel, Army (emergency)	429,200	430,300	+1,100
National Guard Personnel, Air Force (emergency)	91	91	---
Subtotal, Military personnel	15,326,994	15,524,994	+198,000
Operation and Maintenance			
Operation and Maintenance, Army (emergency)	17,201,004	17,366,004	+165,000
Operation and Maintenance, Navy (emergency)	3,423,501	3,030,801	-392,700
Operation and Maintenance, Marine Corps (emergency)	970,464	982,464	+12,000
Operation and Maintenance, Air Force (emergency)	5,601,510	5,769,450	+167,940
Operation and Maintenance, Defense-Wide (emergency)	3,521,327	3,061,300	-460,027
Operation and Maintenance, Army Reserve (emergency)	8,154	8,154	---
Operation and Maintenance, Navy Reserve (emergency)	75,164	75,164	---
Operation and Maintenance, Marine Corps Reserve (emergency)	24,920	24,920	---
Operation and Maintenance, Army National Guard (emergency)	188,779	188,779	---
Overseas Humanitarian, Disaster, and Civic Aid (emergency)	10,000	10,000	---
Afghanistan Security Forces Fund (emergency)	1,285,000	1,285,000	---
Iraq Security Forces Fund (emergency)	5,700,000	5,700,000	---
Subtotal, Operation and maintenance	38,009,823	37,502,036	-507,787
Procurement			
Aircraft Procurement, Army (emergency)	458,677	458,677	---
Missile Procurement, Army (emergency)	294,036	340,536	+46,500
Procurement of Weapons and Tracked Combat Vehicles, Army (emergency)	2,425,207	2,678,747	+253,540
Procurement of Ammunition, Army (emergency)	475,000	532,800	+57,800

Emergency Supplemental Appropriations Act for Defense - the Global War on Terror - and Tsunami Relief - 2005 (H.R.1268)
(Amounts in thousands)

	FY 2005 Request	Recommended in the Bill	Bill vs. Request
Other Procurement, Army (emergency)	5,316,405	6,549,905	+1,233,500
(By transfer emergency)	---	(85,000)	(+85,000)
Other procurement, Army (incl transfer)	(5,316,405)	(6,634,905)	(+1,318,500)
Aircraft Procurement, Navy (emergency)	200,295	200,295	---
Weapons Procurement, Navy (emergency)	71,600	71,600	---
Procurement of Ammunition, Navy and Marine Corps (emergency)	133,635	141,735	+8,100
Other Procurement, Navy (emergency)	85,672	78,372	-7,300
Procurement, Marine Corps (emergency)	2,974,045	3,588,495	+614,450
Aircraft Procurement, Air Force (emergency)	269,241	279,241	+10,000
Procurement of Ammunition, Air Force (emergency)	6,998	6,998	---
Other Procurement, Air Force (emergency)	2,834,328	2,658,527	-175,801
Procurement, Defense-Wide (emergency)	591,327	646,327	+55,000
Subtotal, Procurement	16,136,466	18,232,255	+2,095,789
(By transfer emergency)	---	(85,000)	(+85,000)
Total funds available	(16,136,466)	(18,317,255)	(+2,180,789)
Research, Development, Test and Evaluation			
Research, Development, Test and Evaluation, Army (emergency)	25,170	25,170	---
Research, Development, Test and Evaluation, Navy (emergency)	179,051	202,051	+23,000
Research, Development, Test and Evaluation, Air Force (emergency)	102,540	121,500	+18,960
Research, Development, Test and Evaluation, Defense-Wide (emergency)	153,561	159,600	+6,039
Subtotal, RDT&E	460,322	508,321	+47,999
Revolving And Management Funds			
Defense Working Capital Funds (emergency)	1,311,300	1,411,300	+100,000
National Defense Sealift Fund (emergency)	32,400	32,400	---
Subtotal, Revolving and management funds	1,343,700	1,443,700	+100,000
Other Department of Defense Programs			
Drug Interdiction and Counter-Drug Activities, Defense (emergency)	257,000	257,000	---
Office of the Inspector General (emergency)	148	148	---
Subtotal, Other DoD programs	257,148	257,148	---
Related Agencies			
Intelligence Community Management Account (emergency)	250,300	250,300	---

Emergency Supplemental Appropriations Act for Defense - the Global War on Terror - and Tsunami Relief - 2005 (H.R.1268)
(Amounts in thousands)

	FY 2005 Request	Recommended in the Bill	Bill vs. Request
General Provisions			
Additional transfer authority (emergency)	(2,500,000)	(2,000,000)	(-500,000)
New transfer authority (emergency)	(5,000,000)	(2,000,000)	(-3,000,000)
Defense Cooperation Account (emergency)	12,000	12,000	---
Total, Chapter 1	71,796,753	73,730,754	+1,934,001
(By transfer emergency)	---	(85,000)	(+85,000)
Total funds available	(71,796,753)	(73,815,754)	(+2,019,001)
CHAPTER 2			
DEPARTMENT OF DEFENSE			
Military Construction, Army (emergency)	990,100	930,100	-60,000
Military Construction, Navy and Marine Corps (emergency)	107,380	92,720	-14,660
Military Construction, Air Force (emergency)	301,520	301,386	-134
Military Personnel, Army (emergency)	1,542,100	1,542,100	---
Operation and Maintenance, Army (emergency)	66,300	66,300	---
Defense Health Program (emergency)	175,550	175,550	---
Total, Chapter 2	3,182,950	3,108,156	-74,794
Total, Title I	74,979,703	76,838,910	+1,859,207
TITLE II - INTERNATIONAL PROGRAMS AND ASSISTANCE FOR RECONSTRUCTION AND THE WAR ON TERROR			
CHAPTER 1			
BILATERAL ECONOMIC ASSISTANCE			
FUNDS APPROPRIATED TO THE PRESIDENT			
United States Agency For International Development			
International Disaster and Famine Assistance (emergency)	44,000	44,000	---
Transition Initiatives (emergency)	63,000	---	-63,000
Operating Expenses of the USAID (emergency)	24,400	---	-24,400
Operating Expenses of the USAID	---	24,400	+24,400
Operating Expenses of the USAID Office of Inspector General (emergency)	2,500	---	-2,500
Operating Expenses of the USAID Office of Inspector General	---	2,500	+2,500
Subtotal, USAID	133,900	70,900	-63,000
Other Bilateral Economic Assistance			
Economic Support Fund (emergency)	1,631,300	376,500	-1,254,800
Economic Support Fund	---	684,700	+684,700
Assistance for the Independent States of the Former Soviet Union (emergency)	60,000	---	-60,000
Assistance for the Independent States of the Former Soviet Union	---	33,700	+33,700
Global War On Terror Partners Fund (emergency)	200,000	---	-200,000
Subtotal, Other bilateral assistance	1,891,300	1,094,900	-796,400
DEPARTMENT OF STATE			
International Narcotics Control and Law Enforcement (emergency)	660,000	594,000	-66,000
Migration and Refugee Assistance (emergency)	53,400	53,400	---

Emergency Supplemental Appropriations Act for Defense - the Global War on Terror - and Tsunami Relief - 2005 (H.R.1268)
(Amounts in thousands)

	FY 2005 Request	Recommended in the Bill	Bill vs. Request
Nonproliferation, Anti-Terrorism, Demining and Related Programs (emergency)	32,100	17,100	-15,000
Subtotal, Department of State	745,500	664,500	-81,000
MILITARY ASSISTANCE			
FUNDS APPROPRIATED TO THE PRESIDENT			
Foreign Military Financing Program (emergency)	250,000	---	-250,000
Foreign Military Financing Program	---	250,000	+250,000
Peacekeeping Operations (emergency)	210,000	10,000	-200,000
Rescission of unexpended balances (rescission)	---	-1,000,000	-1,000,000
Subtotal, Military assistance	460,000	-740,000	-1,200,000
Total, Chapter 1	3,230,700	1,090,300	-2,140,400
Appropriations	---	995,300	+995,300
Emergency appropriations	3,230,700	1,095,000	-2,135,700
Rescissions	---	-1,000,000	-1,000,000
CHAPTER 2			
DEPARTMENT OF STATE AND RELATED AGENCY			
DEPARTMENT OF STATE			
Administration of Foreign Affairs			
Diplomatic and Consular Programs (emergency)	767,200	748,500	-18,700
Embassy Security, Construction, and Maintenance (emergency)	658,000	592,000	-66,000
International Organizations			
Contributions for International Peacekeeping Activities (emergency)	780,000	580,000	-200,000
RELATED AGENCY			
Broadcasting Board Of Governors			
International Broadcasting Operations (emergency)	4,800	4,800	---
Broadcasting Capital Improvements (emergency)	2,500	---	-2,500
Total, Chapter 2	2,212,500	1,925,300	-287,200
CHAPTER 3			
DEPARTMENT OF AGRICULTURE			
Foreign Agricultural Service			
Public Law 480 Title II Grants (emergency)	150,000	150,000	---
Total, Title II	5,593,200	3,165,600	-2,427,600

Emergency Supplemental Appropriations Act for Defense - the Global War on Terror - and Tsunami Relief - 2005 (H.R.1268)
(Amounts in thousands)

	FY 2005 Request	Recommended in the Bill	Bill vs. Request
TITLE III - DOMESTIC APPROPRIATIONS FOR THE WAR ON TERROR			
CHAPTER 1			
DEPARTMENT OF ENERGY			
National Nuclear Security Administration			
Defense Nuclear Nonproliferation (emergency)	110,000	110,000	---
CHAPTER 2			
DEPARTMENT OF HOMELAND SECURITY			
United States Coast Guard			
Operating Expenses (emergency)	111,950	111,950	---
Acquisition, Construction and Improvements (emergency)	49,200	49,200	---
CHAPTER 3			
DEPARTMENT OF JUSTICE			
Federal Bureau Of Investigation			
Salaries and Expenses (emergency)	80,000	78,970	-1,030
Drug Enforcement Administration			
Salaries and Expenses (emergency)	7,648	7,648	---
Total, Title III	358,798	357,768	-1,030
TITLE IV - INDIAN OCEAN TSUNAMI RELIEF			
CHAPTER 1			
FUNDS APPROPRIATED TO THE PRESIDENT			
Other Bilateral Assistance			
Tsunami Recovery and Reconstruction Fund (emergency)	701,000	656,000	-45,000
CHAPTER 2			
DEPARTMENT OF DEFENSE			
Operation And Maintenance			
Operation and Maintenance, Navy (emergency)	124,100	124,100	---
Operation and Maintenance, Marine Corps (emergency)	2,800	2,800	---
Operation and Maintenance, Air Force (emergency)	30,000	30,000	---
Operation and Maintenance, Defense-Wide (emergency)	29,150	29,150	---
Overseas Humanitarian, Disaster, and Civic Aid (emergency)	36,000	36,000	---
Total, Chapter 2	222,050	222,050	---
CHAPTER 3			
DEPARTMENT OF DEFENSE			
Defense Health Program (emergency)	3,600	3,600	---

Emergency Supplemental Appropriations Act for Defense - the Global War on Terror - and Tsunami Relief - 2005 (H.R.1268)
(Amounts in thousands)

	FY 2005 Request	Recommended in the Bill	Bill vs. Request
CHAPTER 4			
DEPARTMENT OF HOMELAND SECURITY			
United States Coast Guard			
Operating Expenses (emergency)	350	350	---
CHAPTER 5			
DEPARTMENT OF THE INTERIOR			
United States Geological Survey			
Surveys, Investigations, and Research (emergency)	8,100	8,100	---
CHAPTER 6			
DEPARTMENT OF COMMERCE			
National Oceanic And Atmospheric Administration			
Operations, Research, and Facilities (emergency)	4,830	4,830	---
Procurement, Acquisition and Construction (emergency)	9,670	9,670	---
Total, Chapter 6	14,500	14,500	---
Total, Title IV	949,600	904,600	-45,000
Grand total	81,881,301	81,266,878	-614,423
Appropriations	---	995,300	+995,300
Emergency appropriations	81,881,301	81,271,578	-609,723
Rescissions	---	-1,000,000	-1,000,000
(Transfer authority)	(7,500,000)	(4,000,000)	(-3,500,000)
(By transfer)	---	---	---
(By transfer emergency)	---	(85,000)	(+85,000)

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

Mr. OBEY. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Pennsylvania (Mr. MURTHA), the ranking member of the defense appropriations subcommittee.

Mr. MURTHA. Mr. Chairman, this is truly a bipartisan bill, the defense part of it in particular. Chairman YOUNG and I have worked very closely together. He visited some places; I visited three bases. We found shortages. We found problems. We tried to rectify those problems. We tried to put in what the people in the field asked us and what needed to be done.

We realized that insurance payments needed to be changed. We realized that the death benefits needed to be changed. We also realized there is a jurisdictional problem, but we felt like it could not wait. I have had 12 people killed in my district, and there is no question in my mind for the need for that to be changed.

But the thing that is the most important in my estimation is accountability. Chairman YOUNG and I sat in his office not long ago and talked about the bill, and he got his copy of the Constitution out and it talked about accountability. It talked about congressional accountability. And I thought how unaccountable the Defense Department seems to be at this stage. They do not seem to realize we are not here to hurt them, we are here to help them. We believe that if you do not have the confidence of the people, if you do not have confidence in the way the money is being spent, you are going to lose confidence in the overall project, the overall philosophy, the overall direction we are trying to go.

We put language in the bill last year, and we said, you have got to give us a report. That report is 3 or 4 months late. No reason for that to happen. They had plenty of notice. And it should have been on our desk before this bill was up so that if there was something that needed to be rectified, we could rectify it. There are two reports. I do not know if the second one is late yet or not.

Of course that takes us to the next step and that is the thing with the intelligence which we have read in the newspaper and which I can neither confirm nor not confirm has happened. But I worry that things are getting out of control that we do not know about. We sit and try to help them every way we can. Many of the things we put in this bill they did not ask for because they did not know about it. We found out about it, and we made sure that was part of the presentation, part of this bill.

I have to say that when I meet with the Secretary of Defense, when we listen to his presentation, we always say to him, chairman of the full committee, Chairman LEWIS, chairman of the defense subcommittee the last time, Chairman YOUNG, we always say, Look, we're here to help you. Give us these reports. Tell us how you're spending this money. When I saw there was a $9 billion fund that was not accounted for according to the auditors, and, of course, this is not appropriated money, this is money provided for the oil, but still we should know where it goes because it can replace some of the money that we are appropriating for these resources.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. MURTHA. I yield to the gentleman from California.

Mr. LEWIS of California. I appreciate my colleague yielding. I know he will continue with his statement. I want the body to know that I very much share his concern. The gentleman from Wisconsin (Mr. OBEY) and I have discussed this issue. He expresses his concern very clearly; as did the gentleman from Florida (Mr. YOUNG). It has been my privilege to work with the gentleman for years, and I know of his commitment to the Department and our work. Indeed the Administration does owe us the courtesy of adequate and appropriate response time.

Mr. MURTHA. I would just conclude by saying this is our responsibility under the Constitution, and I am hopeful that the Defense Department gets the message. I support the bill and will do everything I can to get it passed. Of course, any problems we have in conference I am sure we will work them out.

Mr. LEWIS of California. Mr. Chairman, I yield 5 minutes to the gentleman from Arizona (Mr. KOLBE).

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

Mr. KOLBE. Mr. Chairman, I thank the gentleman for yielding me this time. I want to congratulate the gentleman on this, his first bill to be brought to the floor of the House of Representatives. I think it is indicative of the good work that he and his staff are doing.

Mr. Chairman, I want to talk about the funding of programs that are under the jurisdiction of the subcommittee that I chair, that is, the Subcommittee on Foreign Operations, Export Financing and Related Programs. It totals $2.7 billion. However, approximately $1 billion of that is offset with a cut to previously appropriated funds. The remaining $1.75 billion is provided as emergency spending and includes $656 million for tsunami recovery. The committee's overall recommendation for all the programs under the jurisdiction of the Subcommittee on Foreign Operations, Export Financing and Related Programs is $1.2 billion less than the President requested. However, with the $1 billion offset, less than half of the President's request will impact the Federal deficit.

Let me say once again that I do strongly support the objectives that the President seeks to achieve with this request as it relates to Afghanistan, the Middle East, the Ukraine and the tsunami-devastated areas of Asia. But I did tell Chairman LEWIS that I would scrutinize this request, and the result of that scrutiny is what is before the Members today. We have assigned the highest priority to programs that can be implemented and executed during 2005 and that are not likely to be funded by other donors. The resulting recommendation is a balanced approach to supporting the President's request and provides much-needed emergency appropriations to further the fight against terror and provide disaster assistance.

Let me explain further the recommendation for the programs under the foreign operations jurisdiction. We broke the President's request down into three different categories. The first includes programs that are true emergencies, such as replenishment of funds that were reprogrammed previously for tsunami disaster assistance and poppy eradication in Afghanistan, funds for the humanitarian crisis in Darfur and in Asia, and funds to train Afghan police, funds that are necessary to improve conditions that would enable us to bring our troops home as soon as possible. Total emergency spending under this first category is $1.75 billion, as I already indicated.

The second category of funds includes those programs requested by the President that we have determined to not be an emergency, but are important to U.S. leadership abroad. Additionally, this category includes reconstruction resources to stabilize and improve conditions in Afghanistan and the Middle East which support our efforts to bring our troops home, funds to support the democratic movement and government in Ukraine, and funds for programs in the West Bank and Gaza. We have provided $995 million in this second category of nonemergency spending and have offset these funds with the rescission of prior foreign assistance appropriations, specifically funds that were appropriated for Turkey in the fiscal year 2003 supplemental bill.

I think my colleagues recognize that we are faced with unique opportunities in the Middle East and Afghanistan. Our leadership can have positive influence in both the West Bank and Gaza, in Ukraine, in Indonesia and Sri Lanka and, of course, in Afghanistan. I saw a press report recently from Indonesia, the world's most populous Muslim country, that showed that the backing for Osama bin Laden had dropped from 58 percent in 2003 to 23 percent today.

□ 1230

I believe part of that is due to the efficiency and the generosity of U.S. relief efforts after the December tsunami. As chairman of the Foreign Operations, Export Financing and Related Programs Subcommittee, I am repeatedly reminded of how much we as a nation do each year to provide disaster assistance and relief. It is encouraging to know that at least one important

Muslim country has started to take notice.

Finally, the last category includes programs requested by the administration that we determined were less urgent and could be considered in the 2006 budget process. This category totals $1.2 billion in funding and includes fiscal year 2006 operating costs of our programs overseas and large construction projects that can either wait for consideration or would have a possible revenue stream, making them ideal projects for World Bank and Asian Development Bank funding. These programs total $616 million for Afghanistan, $200 million for the new Global War on Terror Partners Fund, the new $200 million Solidarity Fund, and $45 million in debt relief for countries affected by the December tsunami.

Let me say that the funds we are providing in the foreign assistance chapter must be considered an investment in security both in the region and on American soil. It is also a responsibility to our future. We must not be faced 20 years in the future with the knowledge that we looked at the opportunities of a Taliban-free Afghan government, a democracy-oriented government in the Ukraine, a Middle East craving freedom and representative government, only to turn away and leave them to their own meager means with no U.S. influence.

Mr. Chairman, I urge that this legislation be adopted. I believe that this is a good bill and a well written one.

Mr. OBEY. Mr. Chairman, I yield 5 minutes to the distinguished gentlewoman from New York (Mrs. LOWEY), the ranking member of the Foreign Operations, Export Financing and Related Programs Subcommittee.

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

Mrs. LOWEY. Mr. Chairman, I am pleased to have worked with the gentleman from Arizona (Chairman KOLBE) to develop recommendations on the international assistance portion of the bill. As the gentleman from Arizona (Chairman KOLBE) said, the bill does cut $1.2 billion in nonemergency initiatives from the administration's international assistance request as well as rescinds an additional $1 billion in previously appropriated funds that are no longer needed, and I certainly concur with most of the chairman's recommended cuts. However, I do want to express my concern that we will be expected to fund some of these items on the fiscal year 2006 bill, and as I anticipate a 302(b) allocation for the Foreign Operations bill that may cut the 2006 request, these needs will be tough to accommodate.

We are now into year three of the reconstruction programs in Afghanistan; yet the administration continues to rely on off-budget emergency supplementals to fund ongoing reconstruction. There are clearly many nonemergency items in the $2 billion requested for Afghanistan in this bill. The establishment of a stable democracy in Afghanistan with their own security forces is the key to bringing our troops home. The administration, I am concerned, has set back that effort by overuse of the emergency supplemental mechanism instead of providing appropriate assistance within the normal appropriations process, and I do hope in working closely with the gentleman from Arizona (Chairman KOLBE), we will be able to provide sufficient funds that are so important for the future of Afghanistan.

I am very pleased that the committee was able to protect funds for continued urgent needs in Afghanistan, especially for initiatives that support women and girls. The supplemental contains approximately $63 million in support of education, health, economic, democracy programs that target women and girls. And I am pleased with the generous amounts in the bill for the tsunami relief and reconstruction, as well as other items that advance our foreign policy interests.

I will be supporting the Jackson amendment to add $100 million for unmet needs in Africa because in my judgment the ongoing complex crisis in the Democratic Republic of the Congo, Liberia, Northern Uganda, Ethiopia, and Somalia may be out of the media spotlight, but the human suffering continues and additional funds are urgently needed to provide food and medical assistance to refugees, to facilitate refugee returns, and to provide drought-related aid. The Congress does have a responsibility to real disasters and to ensure that the United States is generous in our response to crises throughout the world. We have been extraordinarily generous with our tsunami relief, and I think we need to follow suit to meet the real needs in Africa.

I would also note that the bill contains $200 million for the West Bank/Gaza program with appropriate safeguards for monitoring and auditing. Fifty million of the $200 million will improve the flow of goods and people with Israel and will thus improve the security of Israel and the region.

Finally, I will be also supporting the Maloney amendment to transfer $3 million from ESF accounts to UNFPA to assist tsunami victims. The UNFPA, with its proven track record and longstanding presence in the tsunami-affected areas, is uniquely placed to immediately respond to the needs of women and children, populations among the most vulnerable after disasters such as the tsunami.

In closing, I just want to say for me I want to applaud the important efforts of the gentleman from California (Chairman LEWIS); the gentleman from Wisconsin (Mr. OBEY), ranking member; the gentleman from Pennsylvania (Mr. MURTHA); and the gentleman from Arizona (Chairman KOLBE). We wrote the bill together. I think it is a good bill, it is an important bill, and provides very vital services to important places around the world where there are ongoing emergencies.

Mr. LEWIS of California. Mr. Chairman, I yield 5 minutes to the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Chairman, I compliment the gentleman from California (Chairman LEWIS) for having brought this first of many important appropriation bills to the floor. He explained the Defense part of this bill very well, as well as he should because he has served superbly as chairman of the Defense Subcommittee for many years. Our portion of the bill is just a little over $73 billion, and it is to provide for the warfighters, to provide the equipment that they need and the protection that they need as they go about carrying out their mission.

I want to take just a few seconds and comment on the issue that the gentleman from Pennsylvania (Mr. MURTHA) raised because we have worked together on this section of the bill from the very beginning, along with the gentleman from California (Mr. HUNTER) and the gentleman from Missouri (Mr. SKELTON) of the Committee on Armed Services, the gentleman from California (Chairman LEWIS) and the gentleman from Wisconsin (Mr. OBEY). This is truly a work of bipartisanship. But on the subject of accountability, there is no reason that I can think of other than the importance of the Legislative Branch of government that Article I of the Constitution establishes the Legislative Branch of government. We have three branches, separate but equal, but right after the Preamble the first article is the Legislative Branch.

So I do not know whether that means we are a little more equal, but I do know that we control the money. And as I have referred to so many times, and I will continue when it is necessary, it says ''No money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law.'' That means nobody can spend money, Federal money, unless we appropriate it. But part of that section that does not get referred to very often says in the same sentence, ''and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.''

So we think that is just as important, and we, the gentleman from Pennsylvania (Mr. MURTHA), myself, the gentleman from California (Mr. LEWIS), the gentleman from Wisconsin (Mr. OBEY) have just recently met with representatives of the Defense Department. The gentleman from Pennsylvania (Mr. MURTHA) and I just recently sent a letter to the Secretary of Defense outlining our concerns. I think we have made that point very well.

What we do in this supplemental is to provide, as the gentleman from California (Chairman LEWIS) has mentioned, body armor, the uparmored Humvees, ammunition, and medical care. We provide the soldiers that are fighting in the war with what they

need to accomplish their mission and what they need to protect themselves while they are accomplishing their mission. And the specific details of the bill have been made available to Members if they want to see all of the items that are funded in this bill.

I would like to make a brief closing statement that if we are going to get our troops out of Iraq, and we are, and we want them out as soon as we possibly can, and as difficult as it is to state a specific date, but the way we are going to get our troops out, our exit strategy is to provide training to the Iraqis so they can protect themselves from these terrible, violent insurgent terrorists. Part of the money in this bill goes to do just that, to train the Iraqis to protect themselves so that they can have a self-government with some semblance of security. So part of the money will allow the Iraqis to get the training that they need. That is our exit strategy. Let them take over from the American troops, and our American troops will come home. And in the meantime, say a prayer for them, the ones that are over there still. They are still in harm's way. They are doing a really great job. Their attitude is beautiful. As we visit soldiers who have come back from the war in the hospitals, in the VA hospitals, their attitudes are just unbelievable. They believe in what they are doing. So many of them are anxious to get well and get back to the battle if they can. But, anyway, remember, support our troops. Find a job for them when they get out. Take them to lunch. Buy them dinner. Thank them for the good work that they do.

Mr. MURTHA. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Chairman, as someone who for the past 2 years has represented over 40,000 soldiers at Fort Hood, Texas, who have fought for our country in Iraq, I am deeply appreciative of the expeditious manner in which the gentleman from California (Chairman LEWIS), the gentleman from Wisconsin (Mr. OBEY), the gentleman from Florida (Chairman YOUNG), and the gentleman from Pennsylvania (Mr. MURTHA) have worked together to pass this important piece of legislation.

This bill sends a very clear message to our troops in harm's way that while Americans may have differences of opinion about the Iraqi War, the fact is that we are all unified when it comes to seeing that our troops in harm's way have all of the support that they need and deserve to do their mission and to come home safely to their families.

In the area of responsibility for the subcommittee on which I serve under the Committee on Appropriations, the Military Quality of Life and Veterans Affairs, and Related Agencies Subcommittee, I wholeheartedly support the language and funding in this bill. Under our subcommittee is $3.1 billion in funding, $175 million of which goes to the Department of Defense health care system to deal with the direct increased costs for health care for our wounded troops coming home; $1.5 billion to pay for housing allowance for our Guard and Reserve soldiers and their families; and $1.3 billion in military construction needed in Iraq and Afghanistan and throughout our country to support our war against terrorism.

I enthusiastically and wholeheartedly support this bill. I do want, Mr. Chairman, to express one concern. The fact is that as of the end of December of last year, there have been 48,000 American troops coming home who have needed health care from the Veterans Administration health care system. While we put $175 million in the DOD part of this budget to take care of extra DOD health care costs, there is not a dime in this supplemental appropriation bill to help the Veterans Administration deal with the cost of dealing with 48,000 and still counting troops who have needed VA health care.

Using the VA Secretary's own testimony before our subcommittee last week, the average cost mathematically is $6,200 for treatment for each veteran within the VA health care system. Multiply that number by the 48,000 troops coming back from Iraq and Afghanistan, and we are talking about an additional $302 million of cost to the VA health care system to help provide needed care for these deserving patriots. I do not think that money ought to come out of the hide of VA health care services to other veterans, and I do not think we should cut corners in terms of quality of care for Iraqi and Afghanistan War veterans once they have left the Department of Defense system and gone into the VA system.

In committee we heard some say the VA is flush with money. I have looked into that statement, and the fact is that the VA is presently laying off hundreds of employees in the VA medical system and taking money out of their equipment accounts to fund their personnel accounts. During time of war and in the spirit of this bill supporting our troops not only when they are in the combat zone but when they return home, I think in that spirit we ought to, as this bill goes to conference committee, look specifically at what additional needs the VA health care system needs, provide the quality medical care that these troops need. If the war is worth fighting, certainly it is worth paying for and it is worth supporting those troops even after they have left the military and continue to pay the mental and physical price for decades for having stood up for our country.

□ 1245

So I would like to urge the committee chairman, the gentleman from California (Mr. LEWIS), the gentleman from Wisconsin (Mr. OBEY), the gentleman from Pennsylvania (Mr. MURTHA), and the gentleman from Florida (Mr. YOUNG) to work together with us on a bipartisan basis to see that we can add the needed money for the VA health care system, to see that we do not shortchange these great Americans who have risked their lives for our country.

Mr. LEWIS of California. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia (Mr. WOLF).

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

Mr. WOLF. Mr. Chairman, the bill we bring to the floor today includes $2 billion for funding requirements under the jurisdiction of the Subcommittee on Science, State Justice and Commerce including State Department and FBI needs related to program expenses in Iraq.

There are two major issues that I want to summarize, because there is not a lot of time.

The embassy in Iraq. The embassy in Iraq, 45 people have died in attacks on the embassy in Iraq. We want security in this building; we want security in many other buildings around the city. This embassy will cost less in many respects than many of the other buildings. So there is going to be a lot to talk about. But to send our men and women in harm's way to live in a building that is unsafe or to delay the construction would be, quite frankly, wrong.

On the whole issue of peacekeeping, there may very well be an amendment to strike the peacekeeping section. Members should know that in the North-South war, 2.1 million people in Sudan, many Christians, some Muslims and Animists, died in the North-South issue.

Darfur is the scene of genocide today as we now speak, and every Member of this House voted to say there was genocide in Sudan, and every Member of the Senate voted the same way. To take away the peacekeeping money after the Bush administration has done such a good job of bringing North-South peace, to take that away to allow the raping and the pillaging and everything that is going on in Sudan would be morally unacceptable.

Now, President Bush, working with Secretary Powell and Senator Danforth, has negotiated, after 20 years, and keep in mind, Osama bin Laden lived in Sudan from 1991 to 1996, have negotiated for 20 years, and now to strike the peacekeeping money that will send troops in that regard, and we do not want to send American troops there, troops that will stop the pillaging and put insulation into the peace agreement that has been signed, and that will put pressure, pressure, on ending the genocide that is taking place in Darfur.

I would beg this Congress after the good work of this administration and Members on both sides, and almost everybody signed Dear Colleague letters urging the administration to do more on Sudan, they are now doing it. Keep in mind there was slavery in Sudan up

until 2 years ago. Without peacekeepers in Sudan, the North-South agreement will break down, 2.1 million Christians will have died in vain, and many Muslims and many Animists, and Darfur will not come to an end.

So I beg this institution, when this amendment comes up to strike peacekeeping for this area, do not support it, because if you support it and it carries, the genocide, I can guarantee you, will continue in Darfur and the North-South peace agreement will break down and the war will begin. And keep in mind, Hamas has training camps in Khartoum and so does Hezbollah.

The bill we bring to the Floor today includes just over $2 billion for funding requirements under the jurisdiction of the Subcommittee on Science, State, Justice and Commerce, including State Department and FBI needs related to program expenses in Iraq.

For the State Department, we have included $1.92 billion, a reduction of $285 million from the President's request.

The bill includes the necessary funds to maintain our diplomatic presence in Iraq and Afghanistan, and to let our personnel carry out this duties in the safest and most secure manner possible.

If we are going to conduct diplomacy anywhere, it had better be done, and done right, in Iraq and Afghanistan. These are front lines of our foreign policy, and we neglect them at our peril. This bill pays the costs necessary for operations, logistics, and security in those dangerous, but critically important parts of the world.

This bill also includes $592 million to allow State to move out quickly to build a secure compound in Baghdad. The current facilities are not secure. We need to move people out of harm's way as soon as possible.

State has secured a 100 acre site, and is ready to begin construction immediately upon receiving the funds in this bill. Since the bombings in Nairobi and Dar Es Salaam, State has delivered many of these secure compounds on time and on budget. With this funding they will complete a secure living and working compound within 24 months of enactment.

The bill also provides $580 million, $200 million below the President's request, to pay for the U.S. share of ongoing peacekeeping missions and a new mission for Sudan, where the U.S. has been a driving force for a peace agreement.

We have also included requested funding for the FBI counterterrorism efforts, and for DEA counternarcotics efforts in Afghanistan.

Finally, the bill includes requested costs of $14.5 million to jump-start the improvement of United States tsunami warning capabilities.

The Committee has scrubbed the President's request and reduced where we thought it made sense to do so. The result before you provides funding for important security measures for our diplomatic personnel, and provides for our ongoing commitments in Iraq and elsewhere.

I urge my colleagues to support the bill.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I cannot help before I begin to join with my colleague, the gentleman from Virginia (Mr. WOLF), to say that we absolutely cannot strike those vital funds for peacekeeping.

But, Mr. Chairman, I rise today, as well as to support those peacekeeping dollars, to say that many of the efforts in this legislation, the work that has been done by the gentleman from Wisconsin (Mr. OBEY) and the gentleman from California (Mr. LEWIS), I can appreciate in this emergency supplemental, even though as I have spoken to my good friend and leader, the gentleman from Pennsylvania (Mr. MURTHA), on this issue, it is important that we have an announced success strategy for leaving Iraq. Remember what I said, a success strategy, and I have not yet heard that from the administration.

But I rise today to comment that the legislation fails to contain important provisions that would provide what is truly needed by our government and that would ensure that the $81.3 billion in this bill is really spent wisely. I think we could have done better.

I am very disturbed as the ranking member of the Committee on the Judiciary Subcommittee on Immigration, Border Security, and Claims that we have now forced into this bill as a self-operating part of the rule that H.R. 418 would be included in the engrossment of the underlying bill, H.R. 1268.

I opposed the Republican leadership's position to attach the REAL ID Act to this emergency supplemental. This is anti-immigrant legislation that will not make us safer. Rather, it scapegoats asylum seekers and other immigrants.

Last year, Congress passed new driver's license standards in the 9/11 intelligence reform bill with bipartisan support, and I do support that. It was a good bill, and the intelligence reform bill was supported in a bipartisan manner. But we do not need to undo the careful compromise and thought processes by imposing anti-immigrant policies onto States' driver's licenses and identification processes.

Where is the money? This is an unfunded mandate. What is a State going to do if they are not able to implement these new procedures because they do not have the money?

The bill is being attached here in an effort to force the Senate to pass these ill-conceived policies. We have had no hearings on this REAL ID legislation, and I oppose the inclusion of this bill if the underlying legislation is passed and engrossed as set forth in H. Res. 151.

H.R. 418 includes numerous provisions limiting the rights of refugees, imposing onerous new driver's license requirements on the States, making it easier to deport legal immigrants, legal immigrants, waiving all Federal laws concerning the construction of fences and barriers where we have been told by Homeland Security experts they will not make us safer anywhere in the United States, and denying immigrants long-standing habeas corpus rights.

I believe those who are criminals need to be incarcerated, but there are immigrants who are standing in line trying to achieve citizenship. If reenacted into this legislation, it will yet again threaten to close America's doors to religious minorities escaping religious persecution and women fleeing sex trafficking, rape and forced abortions.

In the wake of the 9/11 tragedy, and even after the PATRIOT Act, this legislation would further target immigrants for crimes they have not committed and sins for which they are not responsible. At some point we have to treat terrorism as a problem that requires an ''intelligence'' response, as opposed to an excuse to scapegoat immigrants.

An emergency supplemental that purports to aid tsunami victims, our troops in Iraq and Afghanistan is no place for the provisions of the REAL ID Act. I support spending the necessary dollars to keep our troops in Iraq safe, to provide relief to victims of the tsunami in Southeast Asia and Africa, and to provide security in Afghanistan; but this is a poison pill.

I look forward to supporting the Jackson amendment. I will offer an amendment to stop the devastating lack of funding on the Immigration and Customs Enforcement section of DHS. But we need to take this REAL ID out of it so we can have a good bill.

Mr. Chairman, I rise in support of some of the efforts funded in this emergency supplemental, H.R. 1268, although the legislation fails to contain important provisions that would both provide what is truly needed by our government and that would ensure that the $81.3 billion proposed in this bill is spent wisely. Of particular concern to me as Ranking Member of the House Judiciary Subcommittee on Immigration, Border Security, and Claims, is the forced inclusion of H.R. 418 in the engrossment of the underlying bill, H.R. 1268.

I oppose the Republican leadership's decision to attach the REAL ID Act to this Emergency Supplemental. This anti-immigrant legislation will not make us safer—rather, it scapegoats asylum-seekers and other immigrants.

Last year, Congress passed new driver's license standards in the 9/11 Intelligence Reform bill with bipartisan support. We do not need to undo that careful compromise by imposing anti-immigrant policies onto States' driver's license and identification processes.

This bill is being attached here in an effort to force the Senate to pass these ill-conceived policies. We have had no hearings on this bill, and I oppose the inclusion of this bill if the underlying legislation is passed and engrossed as set forth in the Rule, H. Res. 151.

H.R. 418 includes numerous provisions limiting the rights of refugees, imposing onerous new driver's license requirements on the states, making it easier to deport legal immigrants, waiving all federal laws concerning the construction of fences and barriers anywhere within the United States, and denying immigrants long standing habeas corpus rights.

If re-enacted into this legislation it will yet again threaten to close America's doors to religious minorities escaping religious persecution; and women fleeing sex trafficking, rape, and forced abortions.

In the wake of the 9/11 tragedy, and even after the PATRIOT Act, this legislation would further target immigrants for crimes they have not committed and sins for which they are not responsible. At some point, we have to treat terrorism as a problem that requires an "intelligence" response, as opposed to an excuse to scapegoat immigrants. An emergency supplemental that purports to aid tsumani victims, our troops in Iraq, and Afghanistan is no place for the provisions of REAL ID. Inclusion in this fashion amounts to a forced acceptance of its provisions much like a contract of adhesion.

Mr. Chairman, I support spending the necessary dollars to keep our troops in Iraq safe, to provide relief to victims of the tsunamis in southeast Asia and Africa, and to provide security for Afghanistan. However, the legislation before us today stands to use the public's fear of terrorism to radically change asylum law for ALL asylees, not just those with some connection to terrorism or relating to the issues contained in the underlying legislation. For these reasons, I oppose this legislation in its present form. I will, however, support the Jackson Amendment on Africa and I as well, will offer an amendment to stop the devastating lack of funding of the Immigration and Customs Enforcement section of DHS, a real crucial part of the Nation's Homeland Security.

Mr. LEWIS of California. Mr. Chairman, I am happy to yield 4 minutes to the gentleman from Michigan (Mr. KNOLLENBERG), the chairman of the Subcommittee on Transportation, Treasury, and HUD.

Mr. KNOLLENBERG. Mr. Chairman, I rise in strong support of the supplemental appropriations bill, and I thank the gentleman from California (Mr. LEWIS) for yielding me time. I want to commend the gentleman for putting together what I believe is an excellent bill and for his leadership in reviewing each single element of the administration's request.

The Subcommittee on Transportation, Treasury, and HUD that I chair has mostly technical items in this supplemental that are not controversial, so I would like to focus my comments on the overall bill.

In the past few months, we have seen an extraordinary progress in Iraq and in the Middle East at large. From the historic Iraqi elections, the new Palestinian leadership, voting in Saudi Arabia, and massive demonstrations in Lebanon against their Syrian occupiers, I believe that these events show major positive changes that can come to this part of the world.

We must maintain that momentum, and that is what this bill does. By passing this legislation, we will keep our soldiers in Iraq fully equipped as they continue their daunting task in maintaining security and training Iraqis to take over those functions.

The funding included in this bill to secure a new United States embassy will help get us out of the palaces that we currently occupy. We will provide much-needed assistance to Afghanistan in its efforts to become more secure, restrict the drug trade, and develop its economy. This is a good bill, and it deserves our support.

I would like to comment specifically on one part of the supplemental that I know many of us are concerned about, and that is the $200 million to aid the Palestinian Authority. The Palestinians have an opportunity to get their house in order, and we should help them. Prime Minister Abbas and Finance Minister Fayyad are the right people for their jobs, but we all know that the Palestinian Authority still needs a great deal of reform, and we need to be careful about how we provide money to help the Palestinians.

That is why under the direction and leadership of the gentleman from Arizona (Mr. KOLBE), we included specific conditions for how this money can be used. We maintain the prohibition on direct assistance to the Palestinian Authority. We require the administration to provide a comprehensive report on the steps taken by the Palestinian Authority on good governance, economic reforms, and dismantling the terrorist organizations. And we require an audit of the Palestinian Authority's financial structures.

Providing this money sends an important signal that the U.S. is prepared to help the Palestinians. Including the appropriate conditions sends an equally important signal that the Palestinian Authority has expectations that must be met. The committee should be commended for handling this issue in a balanced and effective way; and I urge everyone, obviously, to support it.

Mr. Chairman, again I say, this is a good bill, It is a necessary bill, and I urge again all of my colleagues to support it.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Maryland (Mr. HOYER), the minority whip.

Mr. HOYER. Mr. Chairman, I thank the gentleman from Wisconsin, and I thank our new chairman and congratulate him on his new position.

Mr. Chairman, I intend to vote for this supplemental appropriations bill, because I believe it is imperative to support our men and women in harm's way in Iraq and Afghanistan and to continue our Nation's important work there. Our Nation must finish what it has begun. We cannot disregard the bravery of millions of Iraqi citizens who turned out to vote in January. Failure there, in my opinion, is not and should not be an option.

This legislation also is a recognition of the bravery and courage of our service men and women, more than 1,500 of whom have given the ultimate measure of sacrifice for freedom.

As Tom Friedman pointed out in the New York Times in February: ''There is no single action we could undertake anywhere in the world to reduce the threat of terrorism that would have a bigger impact today than a decent outcome in Iraq.'' I share that view.

Mr. Chairman, I believe it is more than mere coincidence that over the last several months the winds of democratic reform have begun to blow, not only in Iraq and Afghanistan but also in Lebanon, Egypt, Saudi Arabia, and the Palestinian Authority. But we must harbor no illusions about the prospects for democratic reform in lands that have never known it. However, I believe that it is in our Nation's interests to encourage and promote it.

Mr. Chairman, I also want to note that this legislation includes funding for food and humanitarian assistance in Sudan, as well as tsunami relief.

□ 1300

However, despite these important funding requests, I would be remiss if I did not point out that this bill is far from perfect. In many respects it is troubling.

This Congress has a constitutional obligation, a duty, on behalf of the voters who elected us to serve here to hold the administration accountable for such expenditures. We have asked for a report. We have not gotten that report yet.

The gentleman from Pennsylvania (Mr. MURTHA) mentioned that in our markup. The gentleman from California (Mr. LEWIS) mentioned that in our markup.

The American public wants to support this effort but wants to do so in an effective, honest and efficient manner. It is our responsibility to ensure that.

It is clear that the administration has included many measures in addition that are not emergencies. We understand that practice. It has happened before. But I believe with all due respect that we have not met our oversight requirements.

This bill is approximately $82 billion. In talking to staff, and maybe I stand to be corrected, but I believe that there are only two appropriations bills, Defense and Labor and Health that are larger than this $82 billion bill. Now there may be another one. I think VA–HUD used to be but we do not have VA–HUD. What does that mean? That means we are passing the third largest appropriations bill that we will pass in the Congress.

What does that mean? We are passing the third largest appropriations bill through this House without a single hearing, not one. There was no hearing in subcommittee, any of the subcommittees. There was no hearing in the full committee. We had 2½ hours of consideration in the full committee.

Mr. Chairman, as you know, we literally hold hundreds, perhaps thousands of hours of hearings on the individual bills. As a result, individual Members have the opportunity to ask questions, to make sure themselves that the money that is asked for is being spent appropriately.

As I said, I will support this bill. I do not hold our new chairman responsible for this. This is a supplemental. It came down relatively late. Our men

and women are at risk. We need to get this money moving. I understand that. But I suggest to my colleagues that oversight is critical, and I would urge the gentleman from California (Mr. LEWIS) and the ranking member, the gentleman from Wisconsin (Mr. OBEY), that as we proceed with further consideration of these items that we exercise oversight carefully in the coming months to assure ourselves that this money is being spent as we intend it to be.

Mr. Chairman, I thank the gentleman for yielding me time.

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would take a moment to suggest to the gentleman that he may not be aware of it because he does not serve on those subcommittees, but there were at least six hearings in a variety of subcommittees and other meetings regarding this matter before we got organized.

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

Mr. OBEY. Mr. Chairman, how much time remains?

The Acting CHAIRMAN (Mr. FOSSELLA). The gentleman from Wisconsin (Mr. OBEY) has 10 minutes remaining. The gentleman from California (Mr. LEWIS) has 8 minutes remaining.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri (Mr. SKELTON), the ranking member of the Committee on Armed Services.

Mr. SKELTON. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I will vote in favor of this bill. We cannot let our troops down who are out there on the front line.

Let me wish our new chairman the very best in his maiden voyage through this body on the floor.

Mr. Chairman, I want my colleagues to know that my vote is not a full endorsement of the bill. I am troubled that we continue to resort to supplementals to fund our efforts in Iraq and in Afghanistan. I think we can do a better job making sure our troops on the front line have everything they need if we put funding for these operations up front in the fiscal year rather than halfway through it like we are doing in a supplemental like this.

I also think we should require more rigorous accounting of the war costs. This is important. We need better information to conduct our constitutional duty of oversight. Most important, my reservations have to do with the fact that we still do not have a coherent strategy for success in Iraq.

When I go back home I get questions from my constituents about the war in Iraq and its costs. What is the meaning of winning in Iraq? How will we know when we have won and we can leave, especially when for every insurgent we kill there seems to be another to take his place? Are we trying any more to win the hearts and minds of the Iraqi people? If so, when will the Iraqis be ready to take over their own security?

Many in the administration have said we cannot put a timetable on the withdrawal. I agree. We cannot put a timetable on it. But while we should avoid a schedule, we must have a ''to do'' list. We must set goals for the Iraqi forces. We must be able to measure the progress of those Iraqi forces in attaining those goals.

I voted for the resolution authorizing the use of force in Iraq. I will vote for this bill. We must win in Iraq. But I see no game plan. There is nothing in this bill that forces the administration to level with us and to level with the American people about either the real costs or about our strategy for success. In my opinion this is a missed opportunity.

Mr. Chairman, I urge my colleagues to vote for this bill, but we should all realize that this is far from a perfect way of running Operation Iraqi Freedom.

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

Mr. OBEY. Mr. Chairman, how many speakers does the gentleman have remaining?

Mr. LEWIS of California. At this point I see none on the floor.

Mr. OBEY. Mr. Chairman, I am the last remaining speaker on my side. How much time do I have remaining?

The Acting CHAIRMAN. The gentleman from Wisconsin (Mr. OBEY) has 7½ minutes remaining.

Mr. OBEY. Mr. Chairman, I yield myself 6 minutes and 50 seconds.

Mr. Chairman, I would like to make four points. Information is the lifeblood of democracy. If the public does not get sufficient information, they cannot perform their duties in a citizen-based democracy. If this Congress does not get adequate information, it cannot make the right choices in providing checks and balances to any administration.

We have gotten precious little information about the administration's plans for war before the war. We have gotten precious little information about their plans during the war, and we certainly are getting precious little information from them now.

The full cost of this war is being revealed a little bit at a time on the installment plan, and information that the Congress has asked for has not been forthcoming. Example, section 9012 of the 2005 DOD appropriations bill requires, it does not request, it requires the administration as a condition of getting the previous money, it required the administration to give the Congress its best estimate of what our costs would be in the Iraqi war over the next 5 years. They were supposed to have that information by January 1. Last time I looked, we are past January 1. Still no information.

I have already referred previously to the information we have seen in the papers about the activities, the under-the-table classified activities that DOD appears to be engaged in without informing the Congress about those activities. The gentleman from Maryland (Mr. HOYER) referred to oversight responsibilities. I think this Congress has done a miserable job in meeting its oversight responsibilities on this war. There are notable exceptions. But I do not believe that we have insisted on the information that we need to have in order to meet our responsibilities fully and well. I certainly do not think that we have measured up to our obligation to protect taxpayers' money.

We tried in full committee to win support for the creation of a Truman-like committee to conduct ongoing investigations of profiteering in Iraq by contractors. We were turned down.

We asked the Committee on Rules to make a similar amendment in order. We were turned down.

This article demonstrates why we need that committee. This appeared in the Washington Post this morning. ''Pentagon audit questions Halliburton costs in Iraq. Pentagon auditors found more than $100 million in questionable costs in one section of a massive no-bid Halliburton Company contract for delivering fuel to Iraq according to a summary of their reports released yesterday. The audit summary written in October 2004 but withheld from public release covers one out of 10 sections from a $2.5 billion contract under which Halliburton was tapped to deliver fuel, fight oil well fires, repair oil well facilities in Iraq after the U.S.-led invasion in the spring of 2003.'' And then it goes on to tell the story.

This article alone demonstrates why we need that kind of a committee.

Now, Harry Truman during World War II when he was a member of the Senate conducted over 400 hearings. He issued almost 50 reports. That was a Democratic Congress investigating a Democratic administration and no harm was done to the country in the process. But a lot of taxpayers' money was protected and a lot of embarrassments were avoided. That is what ought to happen now, but we are being stonewalled by the majority and by the White House on this issue. I hope that changes.

I would also like to simply say with respect to my comments earlier about the Department of Defense appearing to undertake covert activities which in the past have been within the purview of the CIA, I want to read the concluding paragraph from an editorial in the Minnesota Daily which reads as follows:

> Human intelligence is a risky business. When missions go awry, the consequences can be far-reaching. Congressional oversight assures that spymasters remain accountable for their foul-ups. It might indeed be necessary to give the Pentagon more control over human intelligence but that is a decision Congress should make, not Rumsfeld.

And that is my point. I do not know whether the activities that are being

discussed in the newspapers are wise or not. I have my doubts about some of them. But it seems to me that in the end this is a judgment that needs to be made by elected officials, not an independent agency that feels it is too powerful to listen to anybody else in government.

Mr. Chairman, I will vote for this bill, but I want to make it quite clear, this is the last time we are going to be supporting a bill like this if we do not have adequate oversight and we do not have adequate information on the part of the administration.

I think it is fair to give the administration and the majority parties notice that this is the last time as far as I am concerned unless we get better information. I would urge support for the bill and simply note that it appears that many, many Members of this body who voted to go to war in Iraq are now planning to vote not to pay for the war which they agreed to support in the first place. I find that position most interesting indeed.

The Acting CHAIRMAN. Does the gentleman from Wisconsin (Mr. OBEY) yield back the balance of his time?

Mr. OBEY. Mr. Chairman, does the gentleman from California (Mr. LEWIS) have more than one speaker remaining?

Mr. LEWIS of California. Mr. Chairman, I have no additional speakers. I will make closing remarks on the general debate.

Mr. OBEY. Mr. Chairman, I yield back the balance of my time.

□ 1315

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

Having no additional speakers under general debate, I would just like to close by saying that the discussion we have had thus far on this very important measure has been very healthy.

The fundamental thrust of this supplemental is to support the troops in Iraq and in the Middle East. We do have funds that involve the terrible tragedy, the tsunami. The discussion will lead to amendments that will round out this debate. I expect it will be a very efficient, hopefully very speedy, debate.

Mr. COX. Mr. Chairman, several provisions in this legislation are of particular interest to the Committee on Homeland Security.

First, this spending bill will be procedurally consolidated with the REAL ID Act, which the House approved 261–161 on February 10, 2005. We cannot effectively fight terrorism if we cannot verify the identity of people boarding airplanes, entering nuclear power plants, visiting the White House, or gaining access to any of the countless places a terrorist could use as a stage to multiply the effect of an attack. Accurate identification of individuals before permitting them access to critical infrastructure is a prerequisite to success.

The failure to ensure the integrity of identification documents that can be legally used to access critical infrastructure means that the entire process of checking IDs is deeply flawed. Likewise, the time and effort of every law abiding citizen who waits in seemingly endless lines, first to obtain and then to present identification, is wasted. Document fraud is a crime against all Americans who must tolerate the indignity of life in a post-9/11 world. Why must honest Americans prove who we are, again and again, if terrorists and criminals are free to make a hash of this requirement?

Five weeks ago, the House approved the REAL ID Act, just as we did in the 108th Congress. In so doing, we responded to the challenge put before us by Mir Aimal Kansi, who slaughtered five people at CIA headquarters; by Ramzi Yousef, who masterminded the first World Trade Center attack; and by several of the 9/11 hijackers who would have found it far more difficult, if not impossible, to carry out their terror attacks had we prevented them from using false identification.

This spending bill also contains funding to secure our borders. To secure our nation from nuclear attack, the legislation includes $55 million to detect nuclear material at foreign ports. The Megaports Initiative is designed to interdict illicit traffic in nuclear and other radioactive materials. By surveilling container shipping at high volume, high risk overseas ports, and by deploying radiation detection devices at our own ports of entry, America's counterterrorism strategy can succeed in a comprehensive defense of the global supply chain.

This bill also provides $38.97 million for the Terrorist Screening Center. This multi-agency homeland security effort is responsible for supporting the Department of Homeland Security's effort to screen passengers on both domestic and international flights. This new funding will help the TSC to handle new requirements, such as the Department of Homeland Security's Secure Flight Program.

Mrs. JO ANN DAVIS of Virginia. Mr. Chairman, I rise today out of frustration with H.R. 1268, the Emergency Supplemental Wartime Appropriations Act. I support passage of this legislation, as I believe it is absolutely necessary to continue to fund the important activities of our brave men and women fighting the global War on Terrorism.

Our men and women depend on having the necessary equipment and systems to be successful in mission accomplishment. As a Member of the House Armed Services Committee, I am actively involved in efforts, for example, to better protect our troops while they are in harm's way. With that said, the inclusion of spending projects within this bill that certainly do not qualify as either ''emergency'' or ''wartime'' is outrageous.

The issue at hand is not whether or not it is necessary to fund the noble efforts of our soldiers, for that answer is self-evident. Rather, the question is about our responsibility to spend the American people's money wisely, and in a manner consistent with the established process. I do not doubt that the nonwartime, and non-defense related projects in this bill are worthwhile; however, the decision to fund these projects should be made during the established appropriations process. Certainly, it is inappropriate for this body to have to consider legislation under the guise of emergency, wartime spending, when in fact, that description is not completely honest.

Again, I support this funding legislation as it pertains to the support of our military, and our efforts to protect American citizens, and to promote peace and democracy in the Middle East. However, I do not support the inclusion of unrelated projects within this bill, and find it most unfortunate that Members of Congress are forced to vote on such legislation.

Mr. SALAZAR. Mr. Chairman, I rise today in support of our troops serving overseas and H.R. 1268.

I would first like to recognize Mr. LEWIS, Mr. OBEY and the Appropriations Committee for their work on this bill.

This past weekend, Colorado welcomed home the 143rd Signal Company of the Colorado Army National Guard. We honor the sacrifices these men and women have made and welcome them home.

We must ensure the safety and well being of the brave men and women who are still serving our country overseas.

By passing this budget supplemental, we send a message to our troops that, ''we support you in your cause to bring freedom and democracy to the world.''

I commend the committee for proposing to increase funding for vehicle armor kits, new trucks and night vision equipment above and beyond the administration's request.

This money will ensure our troops are safe in the line of fire.

I am also very pleased that H.R. 1268 proposes to increase benefits for military personnel.

For too long, life insurance and death gratuity benefits have not been enough to take care of families who lost a loved one.

I urge my colleagues to support these two important provisions and not allow them to be stripped from the bill.

Although I will be voting for this supplemental, I hope in the future we will not have to vote for supplemental appropriations.

I hope in the future we will vote on the funding of military operations during the budgeting process.

We are dealing with known and fixed costs in this supplemental.

It is time for the Congress to send a message to the Administration that we must include future funding for the war on terrorism in the federal budget.

Mr. Chairman, I urge my colleagues to support our troops and pass H.R. 1268. I yield back the balance of my time.

Ms. BERKLEY, Mr. Chairman, first, I want to take a moment and commend the gentleman from Texas, Mr. EDWARDS, Ranking Member OBEY, Chairman LEWIS and the Committee on Appropriations for bringing this supplemental appropriation to the floor so quickly. This legislation is extremely important to the lives of servicemembers in Iraq and Afghanistan and their families.

As many of my colleagues know, Las Vegas is home to the Nellis Air Force base and many of the men and women stationed there have been sent overseas. Over 1,000 Nevada reservists and National Guard members have been called to active duty. I have spoken to the parents and families of our men and women who have fallen in the line of duty and I am acutely aware of family conflicts which are exacerbated by the death of a servicemember.

Therefore, I have serious concerns regarding the application of the Servicemember's Group Life Insurance (SGLI) spousal consent requirements in section 1113(b) of the emergency supplemental bill. This section requires

a married servicemember to purchase a particular level of life insurance and to list their spouse as the beneficiary, unless the spouse consents otherwise. At first blush, this proposal sounds great-until you think about it. This ''one size fits all'' approach could result in the one-time payment of $400,000 to a spouse, at the expense of a servicemember's wishes and the best interest of his orphaned children.

We must remember that not all married servicemembers have the same types of families and relationships with their spouses.

Imagine a servicemember who is married to a man with a serious drug problem. This servicewoman may prefer to name their children as the beneficiaries of her life insurance policy so that in the event of her death, the insurance is spent on he children's school, clothes, and health care. Not her husband's cocaine addiction. I do not believe that this woman should have to receive permission from her husband to name her children as the beneficiaries of her life insurance policy and that the government should be forcing her to do so.

Consider a serviceman who has minor children from a prior marriage. He may want his children to receive the monies, instead of his current wife. A man who wants to be responsible and take care of his children in the event of his death, should not be prevented from doing so. But the spousal consent provision in the emergency supplemental may do just that.

Current law allows a servicemember to designate 50% of his life insurance policy to a spouse and the rest to a child. This flexibility has given servicemembers the opportunity to properly take care of their families upon their deaths, no matter what kind of family situation they have.

The Military Officers Association of America originally supported the provision, but now recognizes that the language is excessively stringent. The organization now supports striking the requirement for spousal consent. I would like to insert in the record a letter from MOAA and a similar letter from The Military Coalition.

Mr. Chairman, the potential of this provision to require that a large one time payment be made to the legal spouse of a deceased servicemember could have serious ramifications for the servicemember's children. It needs to be reconsidered in that light. I do not want to delay passage of this important bill, since it contains many important and urgent provisions. I trust that the conferees will be able to address this issue in conference.

MILITARY OFFICERS
ASSOCIATION OF AMERICA,
March 11, 2005.

Hon. STEVE BUYER,
Chairman, Committee on Veterans Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the 370,000 members of the Military Officers Association of America (MOAA), I am writing to inform you that, after discussing the issue extensively with the Committee's majority and minority staff, MOAA has reconsidered its position on the Servicemen's Group Life Insurance (SGLI) spousal consent requirement, as included in the Appropriations Committee's markup of the FY2005 Defense Supplemental Appropriations Act.

We believe there is merit to the staff's view that the Appropriations Committee's language is excessively stringent and could inappropriately preclude servicemembers' ability to make reasonable insurance decisions—especially in circumstances where it may be reasonable and appropriate for a member to designate children as beneficiaries instead of the current spouse.

MOAA believes Congress is doing the right thing in expediting passage of improved death benefits coverage in the Supplemental Appropriations Act, and we have no wish to slow that process in any way.

Therefore, MOAA urges your support for a floor amendment that would either substitute a provision requiring spousal notification (instead of spousal consent) or strike the spousal consent requirement to allow the Committee to develop more appropriate language that could be offered in conference or another appropriate legislative venue.

Sincerely,

STEVEN P. STROBRIDGE,
Colonel, USAF (Ret),
Director, Government Relations.

THE MILITARY COALITION,
Alexandria, VA, March 15, 2005.

Hon. LANE EVANS,
Ranking Member, Committee on Veteran's Affairs, Washington, DC.

DEAR REPRESENTATIVE EVANS: The Military Coalition (TMC), a consortium of nationally prominent uniformed services and veterans' organizations, representing more than 5.5 million members plus their families and survivors, is writing to inform you that, after discussions with the Veterans Affairs Committee's majority and minority staff, TMC has reconsidered its position on the Servicemen's Group Life Insurance (SGLI) spousal consent requirement, as included in the Appropriations Committee's markup of the FY2005 Defense Supplemental Appropriations Act.

TMC believes there is merit to the staff's view that the bill language is excessively stringent and could inappropriately preclude servicemembers' ability to make reasonable insurance decisions—especially in circumstances where it may be reasonable and appropriate for a member to designate children as beneficiaries instead of the current spouse.

TMC believes Congress is doing the right thing in expediting passage of improved death benefits coverage in the Supplemental Appropriations Act, and we have no wish to slow that process in any way.

Therefore, TMC urges your support for a floor amendment that would either substitute a provision requiring spousal notification or strike the spousal consent requirement to allow the Committee to develop more appropriate language that could be offered in conference or another legislative venue.

Sincerely,

Signed by the representatives of the following organizations:

Air Force Association.
Air Force Sergeants Association.
Air Force Women Officers Associated.
American Logistics Association.
AMVETS (American Veterans).
Army Aviation Assn. of America.
Assn. of Military Surgeons of the United States.
Assn. of the US Army.
Commissioned Officers Assn. of the US Public Health Service, Inc.
Enlisted Association of the National Guard of the US.
Fleet Reserve Assn.
Gold Star Wives of America, Inc.
Marine Corps Reserve Association.
Military Officers Assn. of America.
Military Order of the Purple Heart.
National Association for Uniformed Services.
National Military Family Assn.
National Order of Battlefield Commissions.
Naval Enlisted Reserve Assn.
Naval Reserve Assn.
Non Commissioned Officers Assn. of the United States of America.
Reserve Officers Assn.
The Military Chaplains Assn. of the USA.
The Retired Enlisted Assn.
United Armed Forces Assn.
USCG Chief Petty Officers Assn.
US Army Warrant Officers Assn.
Veterans of Foreign Wars of the US.

Mr. HASTINGS of Florida. Mr. Chairman, I rise to oppose the Iraqi Supplemental Appropriations Bill for Fiscal Year 2006. To call this legislation a travesty is to put it nicely. It is nothing but $81 billion of chaos blanketed in lofty-sounding phrases like ''tsunami relief'' and ''supporting our troops.'' Actually, this bill represents a mockery of the democratic process.

Calling this bill an ''Emergency Supplemental'' implies that the Bush Administration and Congress were somehow not aware of these costs. That is ridiculous. The only unforeseen cost contained in this $81 billion dollar boondoggle is the $656 million for tsunami relief.

Both Congress and the Administration have known for months that $75 billion in the bill for the wars in Iraq and Afghanistan would be needed, but we didn't put it in the budget. The real story is that the Bush Administration is attempting to hide from the American people the real costs of a mismanaged war.

The Administration once claimed the war in Iraq would cost $1.7 billion. This Supplemental alone is almost 50 times that amount. Is the Administration out to lunch?

Tomorrow, the House is going to consider a budget resolution that, like the previous year, fails to include adequate funding for the war in Iraq. I'm not a soothsayer, Mr. Speaker, but dare I warn, ''Beware of the Ides of March.'' If tomorrow's Republican budget is passed, we're going to be here next March writing the Bush Administration another check to cover the costs of its campaign of nation building.

The Bush Administration is hiding behind the rhetoric of supporting our troops to escape accountability for the war in Iraq, and the American people should be outraged. We should be embarrassed that Members in this body are so willing to write blank checks to a President who has yet to justify how the $175 billion in already appropriated money in Iraq and Afghanistan has been spent.

Mr. Chairman, I am even more appalled by the manner in which funding for clandestine operations is being carried out in this bill. This bill allocates a massive amount of money for covert operations, yet the Department of Defense did not see fit to go through either of the two House authorizing committees of jurisdiction. Congress is creating a private bank account for Secretary Rumsfield without any oversight or permission from the United States Congress. Is this what the American people want—government by fiat?

Mr. Chairman, our government has a process, and this process is vital to preserving the nature of our democracy. I shouldn't have to explain that. All of the Bush Administration's rhetoric about global freedom apparently does not extend to the United States Capitol Building. What is more important for the Bush Administration is that they get their money at all and any costs. I guess that means they will sell this bill on the altruistic notions of patriotism and humanitarianism in a snide attempt to drum up support.

Why is this bill being dubbed a tsunami relief effort when the entire Supplemental is over 120 times the amount allocated for the tsunami? What about the six hundred million dollars to build the world's biggest embassy in Baghdad? What are they building this thing out of—pure lead? That same amount of money could go towards vital security upgrades at other embassies and consulates around the world.

Why don't we just make things easier on everyone by throwing this bill out the window and opening up everyone's bank accounts to the United States Executive Branch? Now that's privatization.

This isn't a question of patriotism, nor is it a question of our commitment to helping tsunami victims recover. This is an issue with short and long-term constitutional and budgetary ramifications.

I realize that the Bush Administration feels it would be easier to simply govern without any input or oversight, but the first three Articles of the Constitution suggest otherwise.

I cannot in good conscience support legislation that, for all we know, might pour billions in the pockets of Halliburton while depriving our troops of necessary resources. And I can't imagine why the United States Congress, led by the Appropriations Committee, is handing a leash to the White House and waiting to be taken out for a walk.

Mr. Chairman, I am outraged by this crass attempt to shirk congressional responsibility, and I urge my colleagues to vote against this legislation.

Mr. LEWIS of California. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. FOSSELLA). All time for general debate has expired.

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

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

The Clerk will read.

The Clerk read as follows:

H.R. 1268

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2005, and for other purposes, namely:

TITLE I—DEFENSE-RELATED APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF DEFENSE

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $11,779,642,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $534,080,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $1,251,726,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $1,473,472,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RESERVE PERSONNEL, ARMY

For an additional amount for ''Reserve Personnel, Army'', $40,327,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RESERVE PERSONNEL, NAVY

For an additional amount for ''Reserve Personnel, Navy'', $11,111,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for ''Reserve Personnel, Marine Corps'', $4,115,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RESERVE PERSONNEL, AIR FORCE

For an additional amount for ''Reserve Personnel, Air Force'', $130,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for ''National Guard Personnel, Army'', $430,300,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for ''National Guard Personnel, Air Force'', $91,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $17,366,004,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, NAVY

For an additional amount for ''Operation and Maintenance, Navy'', $3,030,801,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $982,464,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $5,769,450,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $3,061,300,000, of which—

(1) not to exceed $25,000,000 may be used for the Combatant Commander Initiative Fund, to be used in support of Operation Iraqi Freedom and Operation Enduring Freedom; and

(2) up to $1,220,000,000, to remain available until expended, may be used for payments to reimburse Pakistan, Jordan, and other key cooperating nations, for logistical, military, and other support provided, or to be provided, to United States military operations, notwithstanding any other provision of law: *Provided*, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the Committees on Appropriations on the use of funds provided in this paragraph: *Provided further*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

AMENDMENT OFFERED BY MR. TIERNEY

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

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Clerk read as follows:

Amendment offered by Mr. TIERNEY:

Page 7, after line 10, insert the following new title:

TITLE VII—ESTABLISHMENT OF SELECT COMMITTEE TO INVESTIGATE THE AWARDING AND CARRYING OUT OF CONTRACTS TO CONDUCT ACTIVITIES IN AFGHANISTAN AND IRAQ AND TO FIGHT THE WAR ON TERRORISM

MEMBERSHIP AND FUNCTIONS

SEC. 701. The select committee is to be composed of 15 Members of the House, to be appointed by the Speaker (of whom 7 shall be appointed upon the recommendation of the minority leader), one of whom shall be designated as chairman from the majority party and one of whom shall be designated ranking member from the minority party. Any vacancy occurring in the membership of the select committee shall be filled in the same

manner in which the original appointment was made. The select committee shall conduct an ongoing study and investigation of the awarding and carrying out of contracts by the Government to conduct activities in Afghanistan and Iraq and to fight the war on terrorism and make such recommendations to the House as the select committee deems appropriate regarding the following matters—

(1) bidding, contracting, and auditing standards in the issuance of Government contracts;

(2) oversight procedures;

(3) forms of payment and safeguards against money laundering;

(4) accountability of contractors and Government officials involved in procurement;

(5) penalties for violations of law and abuses in the awarding and carrying out of Government contracts;

(6) subcontracting under large, comprehensive contracts;

(7) inclusion and utilization of small businesses, through subcontracts or otherwise; and

(8) such other matters as the select committee deems appropriate.

RULES AND PROCEDURE

SEC. 702. (a) QUORUM.—One-third of the members of the select committee shall constitute a quorum for the transaction of business except for the reporting of the results of its study and investigation (with its recommendations) or the authorization of subpoenas, which shall require a majority of the committee to be actually present, except that the select committee may designate a lesser number, but not less than two, as a quorum for the purpose of holding hearings to take testimony and receive evidence.

(b) POWERS.—For the purpose of carrying out this title, the select committee may sit and act during the present Congress at any time and place within the United States or elsewhere, whether the House is in session, has recessed, or has adjourned and hold such hearings as it considers necessary and to require, by subpoena or otherwise, the attendance and testimony of such witnesses, the furnishing of information by interrogatory, and the production of such books, records, correspondence, memoranda, papers, documents, and other things and information of any kind as it deems necessary, including classified materials.

(c) ISSUANCE OF SUBPOENAS.—A subpoena may be authorized and issued by the select committee in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present. Authorized subpoenas shall be signed by the chairman or by any member designated by the select committee, and may be served by any person designated by the chairman or such member. Subpoenas shall be issued under the seal of the House and attested by the Clerk. The select committee may request investigations, reports, and other assistance from any agency of the executive, legislative, and judicial branches of the Government.

(d) MEETINGS.—The chairman, or in his absence a member designated by the chairman, shall preside at all meetings and hearings of the select committee. All meetings and hearings of the select committee shall be conducted in open session, unless a majority of members of the select committee voting, there being in attendance the requisite number required for the purpose of hearings to take testimony, vote to close a meeting or hearing.

(e) APPLICABILITIES OF RULES OF THE HOUSE.—The Rules of the House of Representatives applicable to standing committees shall govern the select committee where not inconsistent with this title.

(f) WRITTEN COMMITEE RULES.—The select committee shall adopt additional written rules, which shall be public, to govern its procedures, which shall not be inconsistent with this title or the Rules of the House of Representatives.

ADMINISTRATIVE PROVISIONS

SEC. 703. (a) APPOINTMENT OF STAFF.—The select committee staff shall be appointed, and may be removed, by the chairman and shall work under the general supervision and direction of the chairman.

(b) POWERS OF RANKING MINORITY MEMBER.—All staff provided to the minority party members of the select committee shall be appointed, and may be removed, by the ranking minority member of the committee, and shall work under the general supervision and direction of such member.

(c) COMPENSATION.—The chairman shall fix the compensation of all staff of the select committee, after consultation with the ranking minority member regarding any minority party staff, within the budget approved for such purposes for the select committee.

(d) REIMBURSEMENT OF EXPENSES.—The select committee may reimburse the members of its staff for travel, subsistence, and other necessary expenses incurred by them in the performance of the their functions for the select committee.

(e) PAYMENT OF EXPENSES.—There shall be paid out of the applicable accounts of the House such sums as may be necessary for the expenses of the select committee. Such payments shall be made on vouchers signed by the chairman of the select committee and approved in the manner directed by the Committee on House Administration. Amounts made available under this subsection shall be expended in accordance with regulations prescribed by the Committee on House Administration.

REPORTS

SEC. 704. The select committee shall from time to time report to the House the results of its study and investigation, with its recommendations. Any report made by the select committee when the House is not in session shall be filed with the Clerk of the House. Any report made by the select committee shall be referred to the committee or committees that have jurisdiction over the subject matter of the report.

Mr. TIERNEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. TIERNEY. Mr. Chairman, my amendment mirrors in most respects a bipartisan bill that has been filed by the gentleman from Iowa (Mr. LEACH) and me.

It establishes a select committee of the House to investigate the awarding and carrying out of contracts to conduct activities in Afghanistan and Iraq and to fight terrorism.

The select committee is to be composed of 15 Members of the House, appointed by the Speaker, with seven being made upon the recommendation of the minority leader.

The select committee will make such recommendations to the House as it deems appropriate regarding the bidding, contracting, and auditing standards in the issuance of government contracts; oversight procedures; forms of payment and safeguards against money laundering; accountability of contractors and government officials involved in procurement; penalties for violations of law and abuses in the awarding and carrying out of government contracts; subcontracting under large, comprehensive contracts; inclusion and utilization of small businesses through subcontracts or otherwise; and such other matters as the select committee deems appropriate.

Mr. Chairman, according to the Congressional Research Service, the $81.9 billion that is before us today in the supplemental appropriations bill is in addition to the approximately $200 billion that has been spent so far since the 9/11/2001 attacks on combat operations, on the occupation and on the support of military personnel deployed or supporting operations in Iraq and Afghanistan.

Congress has recognized that we must meet our operational, technical, and equipment needs of our troops; and we should acknowledge that the funds for those purposes, particularly those for the safety of our troops, remains paramount. But when it comes to ensuring that the funds are properly managed and monitored, we have been largely silent. Horror stories abound. We just heard some by the gentleman from Wisconsin (Mr. OBEY) as he was talking about yesterday's news about Halliburton, and there is ample cause to carefully scrutinize the procurement process.

Just in January, the special Inspector General for the Iraqi reconstruction reported that the Coalition Provisional Authority, CPA, could not account for $8.8 billion. The report said: ''Severe inefficiencies and poor management by the CPA have left auditors with no guarantees the money would be properly used.''

That same report indicated that auditors were unable to verify that the money for which they can account was spent for the intended purposes.

The report raises the possibility of so-called ''ghost'' employees, citing 8,206 guards identified as on the payroll at one ministry, although only 602 could be verified. At another ministry, payroll listed 1,471 security guards when only 642 were working.

A Center for Strategic and International Studies analysis, which was cited in an October 6 Washington Post story, indicated that as little as 27 cents of every dollar spent in the Iraqi reconstruction is actually filtered down to projects that benefit Iraqis.

According to the testimony of Steve Ellis of the Taxpayers for Common Sense, who was citing a KPMG study, the Commander's Emergency Response Program, which is in effect a program designed to allow United States military officers to quickly fund small reconstruction projects, maintained little documentation of how taxpayers' dollars were spent.

The study found that 42 cases were worth $13 million where there were no contracts on file and for 142 cases totaling $40 million where there was no proof that the work was even done.

Quoting former Coalition Provisional Authority official Frank Willis, a February 14 story in The Washington Post told us of how the United States officials in post-war Iraq paid a contractor by stuffing $2 million worth of crisp bills into his gunny sack and routinely making cash payments around Baghdad from a pick-up truck. Even if we accept one Member's argument that this was because there were no normal payment procedures, it certainly cries out for better monitoring and better oversight.

We all may have substantive differences about the merits of the military policy, but there should be unanimous agreement about the congressional role in ensuring that our constituents' tax dollars are being effectively and judiciously spent; and that is what this amendment does, Mr. Chairman.

It is modeled after the original Truman Committee that the gentleman from Wisconsin (Mr. OBEY) mentioned a minute ago.

As Members know, in February 1941, concerned about possible waste and favoritism, then-Senator Harry Truman introduced legislation creating a congressional committee to investigate how Defense contracts were being awarded and managed.

The Special Committee to Investigate the National Defense Program, as it became known, exposed deficiencies in the bureaucratic procurement process, advocating for more effective coordination among the involved agencies, and raised important questions regarding production and cost of specific war-related materials.

During its tenure from 1941 to 1948, the Truman Committee convened 432 public hearings and heard 1,800 witnesses testify. It is estimated their work saved taxpayers over $15 billion. Mr. Chairman, by successfully identifying and ferreting out other defective weapons and other war supplies, they saved thousands of lives.

The Truman Committee was unanimously respected for its focus on fact-finding and its refusal to succumb to partisanship; and, in fact, the gentleman from Iowa (Mr. LEACH) and I share that view. The Congress has oversight responsibility that can be done without succumbing to partisanship. It is our responsibility in this institution, and we have to maintain this body's integrity by doing that job.

The Acting CHAIRMAN. Does the gentleman from California continue to reserve a point of order?

Mr. LEWIS of California. Mr. Chairman, I do.

Mr. LEACH. Mr. Chairman, I move to strike the requisite number of words.

Out of deference to the chairman, I will be very brief, but I want to thank the gentleman from Massachusetts (Mr. TIERNEY) for raising this at this time; and he has done a wonderful job in leading this effort.

I would just like to stress the dual dimension of bipartisanship of this amendment.

One, its legislative approach was introduced in the last Congress, and with the gentleman from Massachusetts (Mr. TIERNEY) I reintroduced it in this Congress.

Secondly, as we think back to the Truman Commission, which the gentleman from Massachusetts (Mr. TIERNEY) referenced, it is very impressive that that commission was established by the party in power at the time, and so it was the party in power that wanted to look at itself.

Thirdly, the Truman Commission was established at a time that Senator Truman was very concerned that a very small number of contracts were let to a very small number of companies in a very narrow part of the country. At the time, he was concerned about American manufacturing being held by too few in a contract sense. Now we are looking at services where it looks like a very small number of companies have gotten very large contracts. It is more complicated today because, in addition, some contracts are going to foreign firms. So this is a very delicate area.

I personally believe that the only way you can maintain a support for national policy, however controversial, is to have complete confidence that things are being pursued in the most honest way possible.

I think the time has come for this type of approach. I would hope this Congress would look at it.

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

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

Mr. KOLBE. Mr. Chairman, I just want to clarify one point the gentleman from Massachusetts made about the $8.8 billion, and I just think we Members need to understand we are talking about funds that came not from the United States taxpayers, but those $8.8 billion are funds from the Iraqi fund, which was Iraqi dinars that had been collected as a result of oil sales. It was a chaotic situation at the end of the war, as we all know, and ministries had collapsed. There was no communication. There were no accounting systems. The bureaucrats had not functioned for years. It was very difficult, at the very best, to know how to handle those in the very best way.

It was really a choice of whether or not we were going to get the projects done as quickly as possible and get the country functioning again. So I think, to me, the choice was fairly clear.

I just want to make people understand we are not talking about U.S. dollars when we talk about the 8.8.

Mr. LEACH. Mr. Chairman, I thank the chairman.

Mr. MCDERMOTT. Mr. Chairman, we know the right questions to ask: about Iraq, the budget, waste, fraud and abuse by contractors including Halliburton. After seeing scenes from an Iraqi prison, we know what we don't know. What are we going to do about all this?

We know the right questions to ask, but we also know these questions will not be answered—unless we reach back into recent history and reinstitute an independent, bi-partisan internal watchdog.

In the 1940s, the Truman Committee saved the government and the American people $15 billion dollars. They asked the right questions and were empowered to get the answers. The American people got what they paid for and someone made sure of it. There was truth in government. There was trust in government.

We don't have that kind of faith, confidence, or oversight anymore. Instead of scrutiny, there is subterfuge.

Already, America has spent $200 billion for the wars in Iraq and Afghanistan. Yet two years after the start of the war, many troops and their transports still do not have adequate protection.

This week, the Administration will use the supplemental process to obtain new billions for Iraq. The fact is, the supplemental process carries less scrutiny than the normal budget process.

We know the right questions to ask, but getting the answers is a different story.

Billions of dollars have been awarded in non-competitive contracts. Recently, the military acknowledged that 8 billion in cold, hard cash is missing in Iraq. It's happened before in Iraq, and unless something changes, there is no reason to believe it won't happen again.

Halliburton has already been found to have overcharged the Pentagon by billions of dollars for providing meals to soldiers and importing fuel. They're still getting paid and no one really knows if we are getting what the American people are paying for.

On a rare occasion, the Defense Secretary admits there is an issue; quoting Secretary Rumsfeld: "According to some estimates, we (DOD) cannot track $2.3 trillion in transactions." The Pentagon's own auditors admit that the military cannot account for as much as ¼ of what it spends. Defense makes up half of all the discretionary spending in the budget.

Standard issue Republican rhetoric decries waste, fraud and abuse. Well, it's time to turn the rhetoric into a plan of action.

The Truman Committee eliminated corruption, profiteering and mismanagement. It uncovered defective systems, improved efficiencies in existing programs, and freed up billions of dollars for more crucial procurement.

POINT OF ORDER

Mr. LEWIS of California. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation on an appropriations bill and, therefore, violates clause 2 of rule XXI.

The rule states in pertinent part: an amendment to a general appropriation bill shall not be in order if it changes existing law.

The amendment gives affirmative direction in effect.

I ask a ruling from the Chair.

The Acting CHAIRMAN. Does any Member wish to be heard on the point of order?

If not, the Chair finds that this provision includes language imparting direction to an executive official.

The provision, therefore, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the amendment is not in order.

AMENDMENT OFFERED BY MR. TIERNEY

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

The Clerk read as follows:

Amendment offered by Mr. TIERNEY:

On page 6, line 7, insert after the dollar figure ''(increased by $5,000,000).''

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

Mr. TIERNEY. Mr. Chairman, this amendment adds $5 million to the operation and maintenance defense-wide account.

The Secretary of Defense, using existing transfer authority, may transfer that money to the legislative branch for the purpose of establishing a select committee, in essence along the outlines of the amendment that I just reviewed moments ago, and I will not belabor that point by going over all of that information, except to say that it would be a select committee for the purposes of investigating contracts and related materials with respect to things being spent in Iraq and Afghanistan and the issue of terrorism.

As I mentioned earlier, this is and should be a bipartisan effort. I think the gentleman from Iowa (Mr. LEACH) should be commended for his leadership on this and for pointing out the fact that, in fact, when Harry Truman did it years ago, he was a Democrat and the President was a Democrat, and he still found it the patriotic and judicious thing to do with respect to the responsibilities of the House of Representatives; and if we are to maintain the integrity of this Congress and our responsibility of oversight of such huge sums of money, it would be the appropriate thing for us to do now in a bipartisan way.

Critics may say that there is no need to create a select committee when Congress has standing committees to perform this role. Regrettably, those standing committees have not done that, not exercised their institutional responsibilities to the extent they could in this particular Congress.

□ 1330

The gentleman from Connecticut (Mr. SHAYS) and the Committee on Government Reform has tried, but the full Committee on Government Reform has only met four times on related hearings. Similarly, the House Committee on Armed Services has taken up this issue once in June of 2004 at a Readiness Subcommittee hearing, but beyond that it has not delved into the issue.

Mr. Chairman, there is certainly a need with the billions and billions of dollars being spent. The gentleman from California (Mr. WAXMAN) has been vocal about his attention to this matter. The gentleman from Wisconsin (Mr. OBEY) spoke earlier about the $100 million found in contracts that were questioned just yesterday, and the fact that report was kept from us at a time when our taxpayers, our constituents and our citizens want to know about these enormous sums of money, and want us to do our job.

There is a need. We in Congress have a responsibility. The institution's integrity demands it, and the American taxpayer and our troops deserve it. They deserve no less.

Mr. LEWIS of California. Mr. Chairman, I rise in opposition to the amendment in no small part because essentially the Tierney amendment would be changing the rules of the House. That is above the purview of the Committee on Appropriations, at least of this chairman of the Committee on Appropriations. Because of that, I would oppose the amendment.

Mr. Chairman, I withdraw my point of order.

The Acting CHAIRMAN (Mr. TERRY). The point of order is withdrawn.

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

Mr. Chairman, I rise to support the gentleman's amendment. As the gentleman has made quite clear, this is his second choice. He would prefer to offer an amendment which directly establishes a Truman-like committee to investigate profiteering in Iraq. The fact is that the majority has chosen to use the technicalities of the rules to prevent that from happening. Given the fact that they have done that, the gentleman's only choice is to proceed in the manner he has proceeded in the amendment he has just offered.

It seems to me that the purpose of the amendment is clear. The purpose is to see to it that a committee is formed which will have as its sole responsibility the reviewing of the use and misuse of taxpayer funds in Iraq. This bill seems to me to be a perfectly appropriate vehicle to accomplish the end that the gentleman seeks. This bill appropriates over $80 billion of taxpayer money. I think the taxpayers, many of whom have substantial doubt, not just about the war but about the conduct of some of the contractors during and after the war, I think the taxpayers would like to know that if we are going into their pockets for an additional $80 billion today, at least we are doing the utmost possible to see to it that that $80 billion is spent in accordance with the law and is spent in accordance with good judgment.

I, for the life of me, do not understand what the problem is with the gentleman's efforts. It seems to me if this Congress is looking for ways to achieve the maximum support for the administration's policy, they would certainly support efforts to see to it that that policy is being conducted in such a manner that embarrassment is not eventually brought to the President, to this Congress and to our effort in the country and in the region.

So while this certainly is not our preferred solution, it is far better than doing nothing and I would urge support for the gentleman's amendment.

Mr. CARNAHAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in support of the bipartisan amendment offered by the gentleman from Massachusetts (Mr. TIERNEY) and the gentleman from Iowa (Mr. LEACH). I support this amendment because it will address an issue that is of paramount importance to the people in my district and I think across the country, supporting our troops while being fiscally responsible.

I recently returned from Iraq and a bipartisan delegation led by the gentleman from Oklahoma (Mr. COLE). My visit convinced me that the reestablishment of the Truman committee is the right thing for our troops, for the taxpayers and for our country. The original Truman committee was a special committee formed on March 1, 1941 to investigate the national defense program. It was chaired by Missouri's U.S. Senator at that time, Harry Truman.

Its specific directive was to investigate the terms of defense-related contracts, the methods of awarding them, the effect on labor and the geographic distribution of contracts and facilities. During World War II, the committee's principal concern was to monitor and improve production programs and contract procedures.

Its work resulted in the discovery and exposure of waste and mismanagement in the wartime production program. By convening public hearings at that time and receiving testimony and studying this issue, the Truman commission is estimated to have saved American taxpayers $15 billion.

Similarly today, we owe it to our troops to carefully watch how we are funding the Iraq initiative. It is our responsibility to ensure that every man and woman in uniform has the necessary equipment to do the job with the best possible support.

We have an obligation to every troop that no appropriated money is misspent or wasted. While the morale of our troops is high and their optimism apparent after the recent elections in Iraq, it is imperative that we do everything in our power to ensure that they are brought home as quickly as possible. Ensuring that there is no waste or mismanagement in any of our funding, I have no doubt that a modern day Truman committee will help bring our troops home quickly, safely and in a fiscally responsible way. I believe we can support our troops, give them what they need, and help them return home soon. I strongly support this amendment for the funding of the Truman committee.

Mr. SKELTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this amendment which is offered by the gentleman from Massachusetts (Mr.

TIERNEY) and the gentleman from Iowa (Mr. LEACH).

This is a strong amendment that adds a modest amount of funding for an important function, the function of creating a select committee to investigate the award and carrying out of contracts as it relates to Iraq and Afghanistan.

Mr. Chairman, we are at war. Taxpayers are looking to Congress to spend their money wisely and well. This is an idea that is rich in history. As my colleague from Missouri pointed out, this is not the first time this has been done. This was modeled after the committee created by then-Senator Harry Truman back in 1941, known as the Special Committee to Investigate the National Defense Program. This committee was bipartisan, and I might point out it was created by a Congress controlled by the same party with the same party in control at the White House. That is the situation today, and that is why it would be well to have a bipartisan committee to do just this.

We have seen reports in the news media of contract abuse, and I think a committee such as this would help tremendously. We could benefit from similar oversight as we had in Harry Truman's day today. Outstanding committees like the Committee on Armed Services, on which I am privileged to serve, have looked at some issues relating to contracting in Iraq and Afghanistan.

We have an extraordinary set of mandates at a time of war. At the same time, there is a significant amount of money in contracting in both those countries. We would benefit from a select committee to review the contracting process, and most of all, the accountability of the contractors. I thank the gentleman from Massachusetts (Mr. TIERNEY) and the gentleman from Iowa (Mr. LEACH) for their foresight, and urge serious support for this amendment.

Ms. KAPTUR. Mr. Chairman, I move to strike the requisite number of words.

I rise in strong support of the Tierney amendment, and frankly think it would be irresponsible not to vote for the Tierney amendment. All the gentleman is asking for is fiscal accountability on over $200 billion that is being spent far beyond these shores. The gentleman is asking for accountability. To not pass the Tierney amendment is to be fiscally irresponsible and to continue to be unaccountable to the taxpayers of this country.

Let me remind Members, the amount of money we have now spent in Iraq is over $200 billion. We do more checking on the books of churches around this country than we do on the expenditure of $200 billion. According to a 2003 GAO report, ''Iraq appears to be the first case where the United States Government has used private contractors extensively for protecting persons and property in potentially hostile or hostile situations.''

Indeed, it is estimated there are as many as 20,000 private military personnel in Iraq. What are they all doing? Why are private companies protecting some of the highest level officials we have there rather than our U.S. military? Who is writing those contracts? What about Abu Ghraib? What kind of contract was struck there? What kind of accountability existed? Well, it did not, why not? We ought to be investigating as a Nation.

Mr. Chairman, what happens with $200 billion, our people have a right to know. Never have we had a military conflict where so many private contractors are involved. We should be concerned about this and concerned about who is writing these contracts. A recently Congressional Quarterly article indicated, ''Neither the Defense Department nor private industry says it has exact numbers of how many people are on private payrolls under contracts paid by U.S. tax dollars.''

We should do what is right with the money of the American people. There does not appear to be any legal framework in place to handle and deal with the role of nonmilitary personnel in a war zone. Indeed, the liability of contractors who violate the law operating in Iraq, Afghanistan, and Guantanamo Bay is ambiguous so we have more responsibility to have strong oversight over these dollars that are being expended.

I cannot think of a better amendment to pass than this one. Federal procurement data suggests that money allocated to military contractors via Federal procurement has jumped by more than $70 billion in the last 3 fiscal years. Someone here should care. We should do what we would do within our own families and look at every single line in these accounts. There is an awful lot of slippage.

In January, the Special Inspector General for the Iraqi reconstruction reported that the Coalition Provisional Authority could not account for over $8.8 billion.

Mr. Chairman, I want to commend the gentleman from Massachusetts (Mr. TIERNEY) for doing what is right, what is fiscally responsible, what provides the accountability that we have responsibility for.

I heard another reference on the radio this morning that Iraq is going to be a generational commitment like World War II was. If we are going to spend that kind of money, we ought to make doggone sure that every dollar is properly accounted for.

I was pretty upset when I saw big photos of big stacks of money being handed out on the streets over there. I asked one of the top generals the other day if we are paying for the training of the Iraqi National Guard and these troops that are supposed to replace our troops. He said, no, Congresswoman, someone else is paying for that. I am still looking and want to know who is paying for some of these units.

I say congratulations to the gentleman from Massachusetts (Mr. TIERNEY), who has an uphill struggle here. But he is doing what is right for America in order to make sure that we are responsible to the taxpayer and accountable for every single dollar being expended. Please support the Tierney amendment.

□ 1345

Mr. MURTHA. Mr. Chairman, I move to strike the requisite number of words, and I rise to oppose the amendment. I have to say what I say about the administration, about the Defense Department many times. Just because you say it, does not mean it is so. Just because we say we are going to put $5 million in does not mean it is going to be a Truman Commission. We have bill language which says they have to report to us at a certain date, and they did not do it. So there is no doubt in my mind this is not something that is going to happen. I do not say we are wasting time because there is no question accountability is our responsibility. But we are not going to get any responsibility this way. As far as I am concerned, what we are saying, this language is not bill language. It does not mean that they are going to do it. And so I oppose the amendment. And I think we ought to get rid of this amendment and get on with the rest of the business on the floor.

Mr. COOPER. Mr. Chairman, I move to strike the requisite number of words. Mr. Chairman, I rise in strong support of the Tierney amendment. This is a lot of money we are talking about. As the late Everett Dirksen said, a billion here, a billion there, pretty soon you have got some real money.

We are talking about $200 billion. And we all support our warfighters. We support our men and women in uniform, but we should not throw money at any problem. And all this amendment asks is that we copy the Truman Commission where a Democratic Senator investigated a Democratic President. This should not be a partisan issue at all. Both parties should unite.

And I congratulate the gentleman from Iowa (Mr. LEACH) for his strong work in this worthy effort. Republicans should want a real-time bipartisan look at what is really going on.

I had the good fortune of being in Baghdad last Christmas. Our C-130 was broken, so we spent a little extra time at the Baghdad airport. A shipment came in that our military did not want us to see. But I had my video camera handy, and I took pictures. What was it? Six large pallets, off-loaded from U.S. aircraft, beautifully packaged, you could tell, lots of small boxes on each pallet, very heavy to lift. What was in those boxes? Answer, $1.4 billion, billion with a B as in ''boy,'' $1.4 billion of U.S. currency shipped in allegedly to replenish the Iraqi central bank. Well, I hope and pray that was true. But when our own Paul Bremer says he really cannot account for $9 billion of money, when eyewitnesses

see 300 million in U.S. cash being flown out of the country, allegedly to buy arms for the good guys, you have got to wonder. All we are asking for here is accountability.

And I want to pay special tribute to my friend, the gentleman from California (Mr. THOMPSON), a leading member of the Blue Dog Coalition. What we want is accountability. We are fiscal and defense hawks, but we need to know where the money goes. The taxpayers of this country deserve no less. This is as far from a partisan issue as you can get. All we want is accountability because catching fraud, waste, and abuse is the most bipartisan of issues. So I congratulate my friend, the gentleman from California (Mr. THOMPSON), also the gentleman from Massachusetts (Mr. TIERNEY). This needs to be in the bill because these supplementals, they are becoming a habit, guys. Every year we are going to have a major supplemental. And it is high time that we find out where the money went. Support the Tierney amendment.

The Acting CHAIRMAN (Mr. TERRY). The question is on the amendment offered by the gentleman from Massachusetts (Mr. TIERNEY).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. TIERNEY. 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 Massachusetts (Mr. TIERNEY) will be postponed.

AMENDMENT OFFERED BY MS. WOOLSEY

Ms. WOOLSEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. WOOLSEY:

Page 3, line 10, after the dollar amount, insert the following: ''(increased by $31,000,000)''.

Page 3, line 16, after the dollar amount, insert the following: ''(increased by $31,000,000)''.

Page 3, line 22, after the dollar amount, insert the following: ''(increased by $31,000,000)''.

Page 4, line 5, after the dollar amount, insert the following: ''(increased by $31,000,000)''.

Page 4, line 11, after the dollar amount, insert the following: ''(increased by $31,000,000)''.

Page 4, line 18, after the dollar amount, insert the following: ''(increased by $31,000,000)''.

Page 51, line 6, after the dollar amount, insert the following: ''(reduced by $124,100,000)''.

Page 51, line 13, after the dollar amount, insert the following: ''(reduced by $2,800,000)''.

Page 51, line 20, after the dollar amount, insert the following: ''(reduced by $30,000,000)''.

Page 52, line 3, after the dollar amount, insert the following: ''(reduced by $29,150,000)''.

Ms. WOOLSEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The Acting CHAIRMAN. Is there objection to the request of the gentlewoman from California?

There was no objection.

The Acting CHAIRMAN. Is there objection to returning to that portion of the bill?

There was no objection.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order on the gentlewoman's amendment.

The Acting CHAIRMAN. The gentleman reserves a point of order.

Ms. WOOLSEY. Mr. Chairman, I rise to offer an amendment to H.R. 1268, the $81 billion supplemental appropriations bill before the House today, that will continue to fund the President's misadventure in Iraq. My amendment would cut funds that should never have made it into the supplemental in the first place, millions of dollars to finance the regular operations of the Department of Defense, which should be paid for through normal defense budget negotiations, not through a supplemental spending bill that does not even count towards the President's incredible budget deficit.

Once again, by funding the war through another supplemental, the Bush administration is pulling a fast one on the budget and on the American people.

My amendment would take $186 million from DOD's operations and management, money that is funded every year in the defense appropriations bill, and split the $186 million evenly between the National Guard and Reserve personnel in the Army, Navy, Air Force, and Marine Corps to augment the meager funds that have been allocated for each of these branches.

I offer this amendment today because I support the troops and because I have deep admiration for their courage. Our brave soldiers are being used as pawns by their civilian superiors whose wastefulness and incompetence is betraying their duty to keep us safe. My amendment demonstrates the very wastefulness that runs rampant at the Pentagon. The fact that the Pentagon depends on an extra $200 billion for its regular operations and maintenance at the expense of our troops in the field is arrogant, incompetent, wasteful, and downright immoral. Let us not forget that Secretary of Defense Donald Rumsfeld himself has stated that there is $22 billion of waste in the Pentagon's budget every year.

The Bush administration, and in particular the leaders at the Pentagon, have demonstrated a potent lack of support for the troops through poor planning for the long military occupation of Iraq, by neglecting to provide every soldier with the equipment needed to survive military combat, and by failing to adequately support our soldiers once they return home.

Hundreds of lives could have been saved if our troops had not been left as sitting ducks on the battlefield for over a year without enough body armor and plated armor for Humvees that can save their lives during battle.

Worse, our troops are neglected when they finally get home. Veterans health care continues to suffer under the administration's reckless fiscal policies, and America has not kept its promise to properly provide for the health care of our soldiers once they have returned home from the war.

The most disturbing thing about the President's request for more Iraq funding is the lack of accountability. Why are we writing another check for a mission that has been so badly botched? Who is being held responsible for the misuse of the money we have already approved?

This practice of funding a war through supplemental spending bills underscores the lack of planning and arrogance that have characterized this war. A total of $200 billion appropriated for Iraq after Congress approves this latest bill, that is about $675 for every American man, woman and child.

So where is this money going? How much of it is enriching war profiteers? Why did the Army waive its usual procedures and make full payment to Halliburton despite legitimate questions about overbilling and financial mismanagement? And why can we not get a congressional investigation into the $9 billion that mysteriously disappeared from the books at the Coalition Provisional Authority?

If the President wants more money for this war, he can take it out of something he cares about, instead of taking it out of the hides of the American people. No more blank checks. If we are going to spend billions, let us at least spend billions on the people who deserve it, the brave troops in the field, and especially members of the National Guard and Reserve who are receiving less for their sacrifices. It is time we honor their commitment and that of their families by providing them with the resources they need and deserve.

Mr. MURTHA. Mr. Chairman, I rise in opposition to the amendment.

I would hope that the gentlewoman would withdraw this amendment. This is a very important amendment. I see what she is trying to do here. But the regular forces are just as short. As a matter of fact, this bill actually does not provide enough money for the regular forces. I understand the technicalities of it, that it should not be in a supplemental, it should be in a regular bill; but to put all the O&M money in the National Guard would do a disservice to the regular forces.

I just visited three bases. All three bases were short in O&M money. They were short in almost every category. So I wish the gentlewoman would withdraw her amendment. We will take a look in the conference to see if the National Guard needs more O&M money, and we will see what we can do.

Ms. WOOLSEY. Mr. Chairman, I will withdraw my amendment. I hope that my message has been heard. I thank the Chair for letting me speak out of order.

The Acting CHAIRMAN (Mr. TERRY). Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. MORAN OF VIRGINIA

Mr. MORAN of Virginia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MORAN of Virginia:

Page 6, line 7, after the dollar amount, insert the following: ''(reduced by $1,000,000) (increased by $1,000,000)''.

Mr. MORAN of Virginia (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. MORAN of Virginia. Mr. Chairman, this amendment is based upon two facts that I think we agree on on both sides of the aisle. One was very articulately expressed by the chairman of the defense appropriations committee earlier today when he asserted the fact that we are a coequal branch of government. We are equally responsible for what military activity we engage in. We will be held equally accountable. And the fact that we hold the purse strings makes it incumbent upon us that we have some expectation of how much a war is going to cost, how we can budget for it, and particularly what measurable criteria are we seeking to enable us to complete our mission.

The second fact is one that has been expressed time and again, particularly by our senior military officers, that we ought not engage in military activity, that we ought not go to war without a plan to win the peace. That is what this amendment addresses. It would give nominal resources to the Secretary of Defense to be able to give us the kind of information that we need to work with the executive branch to evaluate how we are doing in terms of succeeding in our mission in Iraq.

For example, what level of physical infrastructure reconstruction does the administration feel is necessary for the Iraqi economy to be viable. We have invested billions of dollars in reconstruction. How much more might be necessary?

In terms of political stability, are we waiting for ratification of the constitution and then a subsequent election? And if that election goes well, will that mean that we can gradually begin completing our mission at least in terms of the proportion of the troops that are currently committed?

□ 1400

And, particularly, what level of Iraqi security forces will be necessary? We have been given wildly varying numbers, 40,000 to 160,000 to over 200,000. What does it mean for Iraqi security forces to be adequately trained and equipped? Does it mean a 6-week training course in human rights, which some have suggested meant that they could be considered security forces, or does it mean the kind of intensive training for many months that is comparable to what we give our troops so that they can engage in battle and can show leadership in the face of military confrontation? Those are things we need to discuss together.

What we want are the measurable criteria. It is not an unreasonable expectation. And when we pass a supplemental that contains $600 million for a new embassy that maintains our substantial force in Iraq, we want to make sure we do not give any credence to our enemies who, in Secretary Rumsfeld's expression, seem to be able to recruit insurgents greater in number than we could ever possibly kill. They are able to do so by accusing us of being permanent occupiers, thereby denying Iraqis of true sovereignty over their own country.

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

Mr. MORAN of Virginia. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Chairman, I think the gentleman has good criteria for success, and the chairman and I have talked about this, and I think he has got a good idea here.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. MORAN of Virginia. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I do not want to extend this conversation for too much longer. I think it is an amendment that we can accept. I think it is the amendment that takes out $1 million and puts $1 million back in. I am very happy with that.

Mr. MORAN of Virginia. Mr. Chairman, reclaiming my time, it would remain in the bill that the administration would have to detail and share with us what is their strategy for success.

Mr. LEWIS of California. Of course.

The Acting CHAIRMAN (Mr. TERRY). The question is on the amendment offered by the gentleman from Virginia (Mr. MORAN).

The amendment was agreed to.

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

Yesterday I went before the Committee on Rules and offered four amendments to this supplemental appropriations bill. I rarely offer more than one amendment on an appropriation bill, and I understand these amendments will be subject to a point of order. However, the issues that these amendments address need to be raised.

First I want to say thanks to the gentleman from California (Mr. LEWIS), the gentleman from Wisconsin (Mr. OBEY), the gentleman from Pennsylvania (Mr. MURTHA), and the gentleman from Florida (Mr. YOUNG) for putting together this bill and for their hard work. I am pleased that this bill increases the military death benefits and subsidized life insurance benefits for families of soldiers who have died while on active duty. However, there is still more that needs to be done for our troops and their families.

While the troops who are deployed face the horrors of war abroad, far too many of their families face tremendous struggles to make ends meet here at home.

As a symbol of our appreciation for their bravery and sacrifice, I believe Congress should grant a one-time $1,500 bonus to our servicemen and women deployed under Operation Iraqi Freedom and Operation Enduring Freedom. This is the same amendment I offered on the last Iraq supplemental bill.

Not since Vietnam has such a large number of our troops had such long deployments, especially our National Guard and Reservists, who make up approximately 40 percent of the fighting force in Iraq. Forty-nine percent of the married Guard members and Reservists who report to duty have lost more than $1,000 a month from their civilian jobs. According to USA Cares, requests have been coming in from military families. Twenty-four percent of them are asking for help to pay the utility bills, 30 percent are asking for help for housing, and 70 percent request money for food.

As Members of Congress, we may have differing ideas about U.S. involvement in Iraq, but we can all agree that our servicemen and women deserve our severe recognition for their courageous effort. In the coming years, thousands of our young men and women will not see their families. A record number of Reservists and Guardsmen and women will put their private sector jobs and opportunities on hold, and thousands of children from every part of America will pray for their parents' safe return. Give our troops the $1,500 bonus they deserve.

The second amendment I would have offered ensures that the U.S. citizens who were prisoners of war in the first Gulf War, 1991, receive the court-awarded compensation that is due to them. Currently, this administration is fighting former American prisoners of war in court, trying to prevent them from collecting nearly $1 billion from frozen Iraqi assets that a Federal judge awarded them as compensation for torture at the hands of Saddam Hussein's regime. Many of these POWs were tortured in the same prison, Abu Ghraib, where American soldiers allegedly abused Iraqis. Those Iraqi victims, according to this administration, deserve compensation from the United States. Why then are our own brave men and women not being compensated for their suffering using the Iraqi assets that the U.S. has already frozen? These Americans must now fight its own government for compensation legally due them.

It is imperative that we make sure our 1991 Gulf War POWs are fully compensated. My proposal would ensure that any money expended under this Act, our American troops who were victims of torture and hostage taking, receive the compensation courts have already awarded them from frozen

Iraqi assets. It does not take an act of Congress to do this. All it does take is a compassionate President to release those assets.

Lastly, I also went to the Committee on Rules to offer two amendments that deal with the domestic helicopter industry. The first allows for $15 million in assistance to small domestic helicopter manufacturers who produce helicopters with not less than 60 percent U.S. content so they can compete with foreign-owned and foreign-subsidized helicopter manufacturers. The second amendment reinstates the Buy American provision requiring at least 50 percent American content in government purchases of civilian aircraft. Over the past 20 years, the helicopter industry in the United States has dwindled due to competition from the foreign helicopter industry which receives government funding for product development. It has become increasingly difficult for the U.S. helicopter industry to compete against its heavily subsidized foreign competition. The end result is a blow to the U.S. economy and our workers.

In my district Enstrom Helicopter Corporation recently lost a bid to Eurocopter, a company owned by a French-German conglomerate. The Department of Homeland Security awarded a $75 million contract to Eurocopter to build 55 helicopters for the U.S. Customs and Border Patrol. This contract came at the expense of American companies and American workers. This contract not only hurt the workers in my district but also 44 other States that supply parts and services to the helicopter industry. My amendment would provide financial support for the U.S. helicopter industry to try to level the playing field, while also reinstating the Buy American provisions.

I have been informed that these amendments will not be made in order; therefore, I will not offer them. I submit for the RECORD an article from the ''LA Times'' dated February 15.

[From the Los Angeles Times, Feb. 15, 2005]

WHITE HOUSE TURNS TABLES ON FORMER AMERICAN POWS

(By David G. Savage)

WASHINGTON—The latest chapter in the legal history of torture is being written by American pilots who were beaten and abused by Iraqis during the 1991 Persian Gulf War. And it has taken a strange twist.

The Bush administration is fighting the former prisoners of war in court, trying to prevent them from collecting nearly $1 billion from Iraq that a federal judge awarded them as compensation for their torture at the hands of Saddam Hussein's regime.

The rationale: Today's Iraqis are good guys, and they need the money.

The case abounds with ironies. It pits the U.S. government squarely against its own war heroes and the Geneva Convention.

Many of the pilots were tortured in the same Iraqi prison, Abu Ghraib, where American soldiers abused Iraqis 15 months ago. Those Iraqi victims, Defense Secretary Donald H. Rumsfeld has said, deserve compensation from the United States.

But the American victims of Iraqi torturers are not entitled to similar payments from Iraq, the U.S. government says.

''It seems so strange to have our own country fighting us on this,'' said retired Air Force Col. David W. Eberly, the senior officer among the former POWs.

The case, now being appealed to the U.S. Supreme Court, tests whether ''state sponsors of terrorism'' can be sued in the U.S. courts for torture, murder or hostage-taking. The court is expected to decide in the next two months whether to hear the appeal.

Congress opened the door to such claims in 1996, when it lifted the shield of sovereign immunity—which basically prohibits lawsuits against foreign governments—for any nation that supports terrorism. At that time, Iraq was one of seven nations identified by the State Department as sponsoring terrorist activity. The 17 Gulf War POWs looked to have a very strong case when they first filed suit in 2002. They had been undeniably tortured by a tyrannical regime, one that had $1.7 billion of its assets frozen by the U.S. government.

The picture changed, however, when the United States invaded Iraq and toppled Hussein from power nearly two years ago. On July 21, 2003, two weeks after the Gulf War POWs won their court case in U.S. District Court, the Bush administration intervened to argue that their claims should be dismissed.

''No amount of money can truly compensate these brave men and women for the suffering that they went through at the hands of this very brutal regime and at the hands of Saddam Hussein,'' White House Press Secretary Scott McClellan told reporters when asked about the case in November 2003.

Government lawyers have insisted, literally, on ''no amount of money'' going to the Gulf War POWs. ''These resources are required for the urgent national security needs of rebuilding Iraq,'' McClellan said.

The case also tests a key provision of the Geneva Convention, the international law that governs the treatment of prisoners of war. The United States and other signers pledged never to ''absolve'' a state of ''any liability'' for the torture of POWs.

Former military lawyers and a bipartisan group of lawmakers have been among those who have urged the Supreme Court to take up the case and to strengthen the law against torturers and tyrannical regimes.

''Our government is on the wrong side of this issue,'' said Jeffrey F. Addicott, a former Army lawyer and director of the Center for Terrorism Law at St. Mary's University in San Antonio. ''A lot of Americans would scratch their heads and ask why is our government taking the side of Iraq against our POWs.''

The POWs' journey through the court system began with the events of Jan. 17, 1991—the first day of the Gulf War. In response to Hussein's invasion of Kuwait five months earlier, the United States, as head of a United Nations coalition, launched an air attack on Iraq, determined to drive Iraqi forces from the oil-rich Gulf state. On the first day of the fighting, a jet piloted by Marine Corps Lt. Col. Clifford Acree was downed over Iraq by a surface-to-air missile. He suffered a neck injury ejecting from the plane and was soon taken prisoner by the Iraqis. Blindfolded and handcuffed, he was beaten until he lost consciousness. His nose was broken, his skull was fractured, and he was threatened with having his fingers cut off. He lost 30 pounds during his 47 days of captivity.

Eberly was shot down two days later and lost 45 pounds during his ordeal. He and several other U.S. service members were near starvation when they were freed. Other POWs had their eardrums ruptured and were urinated on during their captivity at Abu Ghraib.

All the while, their families thought they were dead because the Iraqis did not notify the U.S. government of their capture.

In April 2002, the Washington law firm of Steptoe & Johnson filed suit on behalf of the 17 former POWs and 37 of their family members. The suit, Acree vs. Republic of Iraq, sought monetary damages for the ''acts of torture committed against them and for pain, suffering and severe mental distress of their families.''

Usually, foreign states have a sovereign immunity that shields them from being sued. But in the Anti-Terrorism Act of 1996, Congress authorized U.S. courts to award ''money damages . . . against a foreign state for personal injury or death that was caused by an act of torture, extrajudicial killing, aircraft sabotage [or] hostage taking.''

This provision was ''designed to hold terrorist nations accountable for the torture of Americans and to deter rogue nations from engaging in such actions in the future,'' Sens. Susan Collins (R-Maine) and George Allen (R-Va.) said last year in a letter to Atty. Gen. John Ashcroft that urged him to support the POWs' claim.

The case came before U.S. District Judge Richard W. Roberts. There was no trial; Hussein's regime ignored the suit, and the U.S. State Department chose to take no part in the case.

On July 7, 2003, the judge handed down a long opinion that described the abuse suffered by the Gulf War POWs, and he awarded them $653 million in compensatory damages. He also assessed $306 million in punitive damages against Iraq. Lawyers for the POWs asked him to put a hold on some of Iraq's frozen assets.

No sooner had the POWs celebrated their victory than they came up against a new roadblock: Bush administration lawyers argued that the case should be thrown out of court on the grounds that Bush had voided any such claims against Iraq, which was now under U.S. occupation. The administration lawyers based their argument on language in an emergency bill, passed shortly after the U.S. invasion of Iraq, approving the expenditure of $80 billion for military operations and reconstruction efforts. One clause in the legislation authorized the president to suspend the sanctions against Iraq that had been imposed as punishment for the invasion of Kuwait more than a decade earlier.

The president's lawyers said this clause also allowed Bush to remove Iraq from the State Department's list of state sponsors of terrorism and to set aside pending monetary judgments against Iraq.

When the POWs' case went before the U.S. Court of Appeals for the District of Columbia Circuit, the three-judge panel ruled unanimously for the Bush administration and threw out the lawsuit.

''The United States possesses weighty foreign policy interests that are clearly threatened by the entry of judgment for [the POWs] in this case,'' the appeals court said.

The administration also succeeding in killing a congressional resolution supporting the POWs' suit. ''U.S. courts no longer have jurisdiction to hear cases such as those filed by the Gulf War POWs,'' then-Deputy Secretary of State Richard L. Armitage said in a letter to lawmakers. ''Moreover, the president has ordered the vesting of blocked Iraqi assets for use by the Iraqi people and for reconstruction.''

Already frustrated by the turn of events, the former POWs were startled when Rumsfeld said he favored awarding compensation to the Iraqi prisoners who were abused by the U.S. military at Abu Ghraib.

''I am seeking a way to provide appropriate compensation to those detainees who suffered grievous and brutal abuse and cruelty

at the hands of a few members of the U.S. military. It is the right thing to do,'' Rumsfeld told a Senate committee last year.

By contrast, the government's lawyers have refused to even discuss a settlement in the POWs' case, say lawyers for the Gulf War veterans. ''They were willing to settle this for pennies on the dollar,'' said Addicott, the former Army lawyer.

The last hope for the POWs rests with the Supreme Court. Their lawyers petitioned the high court last month to hear the case. Significantly, it has been renamed Acree vs. Iraq and the United States.

The POWs say the justices should decide the ''important and recurring question [of] whether U.S. citizens who are victims of state-sponsored terrorism [may] seek redress against terrorist states in federal court.''

This week, Justice Department lawyers are expected to file a brief urging the court to turn away the appeal.

Ms. LEE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as the daughter of a veteran, 25 years in the Army, I want to express my profound respect and appreciation for our brave men and women serving on the ground in Iraq. They have a very difficult job, and all of us pray for their safe return, and many of us want them home very quickly.

The administration's request for an additional $82 billion brings the total war funding to nearly $300 billion. We must continue to ask just where has this money gone? For example, the Coalition Provisional Authority was unable to account for about $9 billion, and that is just what we know. Where did that money go? We deserve to know. The American people deserve to know what our tax dollars have paid for. Did that $9 billion go, for example, to protect our troops? We have no idea.

Another important question is, are we safer today than when this war began? The answer is plainly no. If one believed the administration, the goal of the war was to prevent weapons of mass destruction from falling into the hands of terrorists and that Iraq posed an immediate threat to the United States. Now it appears that this unnecessary war may have actually increased that threat.

Instead of stopping terrorism, this administration's policies have allowed it to expand. According to the National Intelligence Council, this administration's war has turned Iraq into a breeding ground for Islamic terrorists. Before the war on Iraq, there was no connection, no connection, between Saddam Hussein and al Qaeda. Now there is.

Congress requires the administration to give a thorough accounting of how our tax dollars have been spent pursuing these policies in Iraq and what the administration's expectations are for future expenses. And despite this law, the administration has flatly refused to make this accounting to us, to the American people, or to determine what the future costs will be. We know, however, what has been overlooked. There is a documented failure to provide our troops with both body armor and armored vehicles. There are documented cases of waste and fraud perpetrated by contractors like Halliburton.

Mr. Chairman, it is the height of hypocrisy for Members of Congress to say that they support our troops and then fail to insist on the accountability of how these funds are being spent and whether or not the previous resources allocated were spent to protect our troops. If one asks me, the Bush administration just wants another blank check. No oversight, no accountability, and they have failed to provide a concrete plan for how our troops will stabilize the situation in Iraq and to bring our troops home.

Mr. Chairman, this administration has much to account for. There have been too many blank checks and not enough accountability. I will vote against the supplemental and urge my colleagues to do the same.

Mr. LEWIS of California. Mr. Chairman, I ask unanimous consent that the remainder of title I be considered as read, printed in the RECORD, and open to amendment at any point.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The text of the remainder of title I from page 7, line 11 to page 35, line 14 is as follows:

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve'', $8,154,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve'', $75,164,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for ''Operation and Maintenance, Marine Corps Reserve'', $24,920,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $188,779,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For an additional amount for ''Overseas Humanitarian, Disaster, and Civic Aid'', $10,000,000, to remain available until September 30, 2006: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

AFGHANISTAN SECURITY FORCES FUND

(INCLUDING TRANSFER OF FUNDS)

For the ''Afghanistan Security Forces Fund'', $1,285,000,000, to remain available until September 30, 2006: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Combined Forces Command-Afghanistan, or the Secretary's designee to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *Provided further*, That the authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That the Secretary of Defense may transfer the funds provided herein to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: *Provided further*, That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation: *Provided further*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

IRAQ SECURITY FORCES FUND

(INCLUDING TRANSFER OF FUNDS)

For the ''Iraq Security Forces Fund'', $5,700,000,000, to remain available until September 30, 2006: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Multi-National Security Transition Command—Iraq, or the Secretary's designee to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *Provided further*, That the authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That the Secretary of Defense may transfer the funds provided herein to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds so

transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: *Provided further*, That, notwithstanding any other provision of law, from funds made available under this heading, up to $99,000,000 may be used to provide assistance to the Government of Jordan to establish a regional training center designed to provide comprehensive training programs for regional military and security forces and military and civilian officials, to enhance the capability of such forces and officials to respond to existing and emerging security threats in the region: *Provided further*, That assistance authorized by the preceding proviso may include the provision of facilities, equipment, supplies, services, training and funding, and the Secretary of Defense may transfer funds to any Federal agency for the purpose of providing such assistance: *Provided further*, That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation: *Provided further*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for ''Aircraft Procurement, Army'', $458,677,000, to remain available until September 30, 2007: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

MISSILE PROCUREMENT, ARMY

For an additional amount for ''Missile Procurement, Army'', $340,536,000, to remain available until September 30, 2007: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for ''Procurement of Weapons and Tracked Combat Vehicles, Army'', $2,678,747,000, to remain available until September 30, 2007: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for ''Procurement of Ammunition, Army'', $532,800,000, to remain available until September 30, 2007: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OTHER PROCUREMENT, ARMY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Other Procurement, Army'', $6,634,905,000, to remain available until September 30, 2007, of which $85,000,000 shall be derived by transfer from ''Iraq Freedom Fund'': *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for ''Aircraft Procurement, Navy'', $200,295,000, to remain available until September 30, 2007: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

WEAPONS PROCUREMENT, NAVY

For an additional amount for ''Weapons Procurement, Navy'', $71,600,000, to remain available until September 30, 2007: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for ''Procurement of Ammunition, Navy and Marine Corps'', $141,735,000, to remain available until September 30, 2007: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OTHER PROCUREMENT, NAVY

For an additional amount for ''Other Procurement, Navy'', $78,372,000, to remain available until September 30, 2007: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

PROCUREMENT, MARINE CORPS

For an additional amount for ''Procurement, Marine Corps'', $3,588,495,000, to remain available until September 30, 2007: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for ''Aircraft Procurement, Air Force'', $279,241,000, to remain available until September 30, 2007: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for ''Procurement of Ammunition, Air Force'', $6,998,000, to remain available until September 30, 2007: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $2,658,527,000, to remain available until September 30, 2007: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-Wide'', $646,327,000, to remain available until September 30, 2007: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for ''Research, Development, Test and Evaluation, Army'', $25,170,000, to remain available until September 30, 2006: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY

For an additional amount for ''Research, Development, Test, and Evaluation, Navy'', $202,051,000, to remain available until September 30, 2006: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for ''Research, Development, Test and Evaluation, Air Force'', $121,500,000, to remain available until September 30, 2006: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for ''Research, Development, Test and Evaluation, Defense-Wide'', $159,600,000, to remain available until September 30, 2006: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for ''Defense Working Capital Funds'', $1,411,300,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

NATIONAL DEFENSE SEALIFT FUND

For an additional amount for ''National Defense Sealift Fund'', $32,400,000, to remain available until expended: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Drug Interdiction and Counter-Drug Activities, Defense'', $257,000,000, to remain available until December 31, 2005: *Provided*, That these funds may be used for such activities related to Afghanistan and the Central Asia area: *Provided further*, That the Secretary of Defense may transfer the funds provided herein only to appropriations for military personnel; operation and maintenance; procurement; and

research, development, test and evaluation: *Provided further*, That the funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation to which transferred: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That not to exceed $70,000,000 of the funds provided herein may be used to reimburse fully this account for obligations incurred for the purposes provided under this heading prior to enactment of this Act: *Provided further*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for ''Office of the Inspector General'', $148,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RELATED AGENCIES

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For an additional amount for ''Intelligence Community Management Account'', $250,300,000, of which $181,000,000 is to remain available until September 30, 2006: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

GENERAL PROVISIONS—THIS CHAPTER

(TRANSFER OF FUNDS)

SEC. 1101. Upon his determination that such action is necessary in the national interest, the Secretary of Defense may transfer between appropriations up to $2,000,000,000 of the funds made available to the Department of Defense in this chapter: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to this authority: *Provided further*, That the transfer authority provided in this section is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the authority in this section is subject to the same terms and conditions as the authority provided in section 8005 of the Department of Defense Appropriations Act, 2005, except for the fourth proviso: *Provided further*, That the amounts made available by the transfer of funds in or pursuant to this section are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

SEC. 1102. Section 8005 of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 969), is amended by striking ''$3,500,000,000'' and inserting ''$5,500,000,000'': *Provided*, That the amounts made available by the transfer of funds in or pursuant to this section are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

(TRANSFER OF FUNDS)

SEC. 1103. During fiscal year 2005, the Secretary of Defense may transfer amounts in or credited to the Defense Cooperation Account, pursuant to section 2608 of title 10, United States Code, to such appropriations or funds of the Department of Defense as he shall determine for use consistent with the purposes for which such funds were contributed and accepted: *Provided*, That such amounts shall be available for the same time period as the appropriation to which transferred: *Provided further*, That the Secretary shall report to the Congress all transfers made pursuant to this authority: *Provided further*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

SEC. 1104. (a) AUTHORITY TO PROVIDE SUPPORT.—Of the amount appropriated by this Act under the heading, ''Drug Interdiction and Counter-Drug Activities, Defense'', not to exceed $34,000,000 may be made available for support for counter-drug activities of the Government of Afghanistan, and not to exceed $4,000,000 may be made available for support for counter-drug activities of the Government of Pakistan: *Provided*, That such support shall be in addition to support provided for the counter-drug activities of said Governments under any other provision of the law.

(b) TYPES OF SUPPORT.—(1) Except as specified in subsections (b)(2) and (b)(3) of this section, the support that may be provided under the authority in this section shall be limited to the types of support specified in section 1033(c)(1) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85, as amended by Public Law 106–398 and Public Law 108–136) and conditions on the provision of support as contained in section 1033 shall apply for fiscal year 2005.

(2) The Secretary of Defense may transfer vehicles, aircraft, and detection, interception, monitoring and testing equipment to said Governments for counter-drug activities.

(3) For the Government of Afghanistan, the Secretary of Defense may also provide individual and crew-served weapons, and ammunition for counter-drug security forces.

SEC. 1105. The paragraph under the heading ''Operation and Maintenance, Defense-Wide'' in title II of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 954), is amended in the first proviso by striking ''$32,000,000'' and inserting ''$40,000,000''.

SEC. 1106. For fiscal year 2005, the limitation under paragraph (3) of section 2208(l) of title 10, United States Code, on the total amount of advance billings rendered or imposed for all working capital funds of the Department of Defense in a fiscal year shall be applied by substituting ''$1,500,000,000'' for ''$1,000,000,000''.

SEC. 1107. Section 1201(a) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2077), as amended by section 102 of title I of division J of the Consolidated Appropriations Act, 2005 (Public Law 108–447), is further amended by striking ''$500,000,000'' in the matter preceding paragraph (1) and inserting ''$854,000,000''.

SEC. 1108. Section 8090(b) of the Department of Defense Appropriations Act, 2005 (Public Law 108–287), is amended by striking ''$185,000,000'' and inserting ''$210,000,000''.

SEC. 1109. (a) During calendar year 2005 and notwithstanding section 5547 of title 5, United States Code, the head of an Executive agency may waive the limitation, up to $200,000, established in that section for total compensation, including limitations on the aggregate of basic pay and premium pay payable in a calendar year, to an employee who performs work while in an overseas location that is in the area of responsibility of the Commander of the U.S. Central Command, in support of, or related to—

(1) a military operation, including a contingency operation, or

(2) an operation in response to a declared emergency.

(b) To the extent that a waiver under subsection (a) results in payment of additional premium pay of a type that is normally creditable as basic pay for retirement or any other purpose, such additional pay shall not be considered to be basic pay for any purpose, nor shall it be used in computing a lump-sum payment for accumulated and accrued annual leave under section 5551 of title 5, United States Code.

(c) The Director of the Office of Personnel Management may issue regulations to ensure appropriate consistency among heads of executive agencies in the exercise of authority granted by this section.

SEC. 1110. Section 1096(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) is amended—

(1) in the matter preceding paragraph (1), by striking ''in the fiscal year after the effective date of this Act'' and inserting ''during fiscal years 2005 and 2006''; and

(2) in paragraph (1), by striking ''500 new personnel billets'' and inserting ''a total of 500 new personnel positions''.

SEC. 1111. Section 1051a(e) of title 10, United States Code, is amended by striking ''September 30, 2005'' and inserting ''December 31, 2005''.

SEC. 1112. Notwithstanding subsection (c) of section 308e of title 37, United States Code, the maximum amount of the bonus paid to a member of the Armed Forces pursuant to a reserve affiliation agreement entered into under such section during fiscal year 2005 shall not exceed $10,000, and the Secretary of Defense, and the Secretary of Homeland Security with respect to the Coast Guard, may prescribe regulations under subsection (f) of such section to modify the method by which bonus payments are made under reserve affiliation agreements entered into during such fiscal year.

SEC. 1113. (a) INCREASE IN SGLI MAXIMUM.—Section 1967 of title 38, United States Code, is amended—

(1) in subsection (a)(3)(A)(i), by striking ''$250,000'' and inserting ''$400,000 or such lesser amount as the member may elect in increments of $50,000'';

(2) in subsection (a)(3)(B), by striking ''member or spouse'' in the last sentence and inserting ''member, be evenly divisible by $50,000 and, in the case of a member's spouse''; and

(3) in subsection (d), by striking ''of $250,000'' and inserting ''in effect under subsection (a)(3)(A)(i)''.

(b) SPOUSE CONSENT AND BENEFICIARY NOTIFICATION.—Section 1967(a)(3)(B) of such title is amended—

(1) by inserting ''(i)'' after ''(B)''; and

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

''(ii) A member who is married may not, without the written concurrence of the member's spouse—

''(I) elect not to be insured under this subchapter or to be insured under this subchapter in an amount less than the maximum amount provided for under subparagraph (A)(i); or

''(II) designate any other person as a beneficiary under this program.

''(iii) Whenever a member who is not married elects not to be insured under this subchapter or to be insured under this subchapter in an amount less than the maximum amount provided for under subparagraph (A)(i), the Secretary concerned shall provide a notice of such election to any person designated by the member as a beneficiary or designated as the member's next-

of-kin for the purpose of emergency notification, as determined under regulations prescribed by the Secretary of Defense.''.

(c) LIMITATION ON SPOUSE COVERAGE TO AMOUNT OF MEMBER COVERAGE.—Section 1967(a)(3)(C) of such title is amended by inserting before the period at the end the following: ''as applicable to such member under subparagraph (A)(i)''.

(d) CONFORMING AMENDMENTS TO VGLI PROVISIONS.—Section 1977 of such title is amended by striking ''$250,000'' each place it appears and inserting ''$400,000''.

(e) MILITARY DEATH GRATUITY.—Section 1478 of title 10, United States Code, is amended—

(1) in subsection (a), by striking ''$12,000 (as adjusted under subsection (c))'' and inserting ''$100,000''; and

(2) by striking subsection (c).

(f) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to deaths occurring on or after the date of the enactment of this Act.

SEC. 1114. (a) SPECIAL DEATH GRATUITY FOR CERTAIN PRIOR DEATHS IN SERVICE.—In the case of the death of a member of the uniformed services that is a qualifying death (as specified in subsection (b)), the Secretary concerned shall pay a death gratuity of not more than $238,000. Of that amount—

(1) $150,000 shall be paid in the manner specified in subsection (c); and

(2) $88,000 shall be paid in the manner specified in subsection (d).

(b) QUALIFYING DEATHS.—The death of a member of the uniformed services is a qualifying death for purpose of this section if—

(1) the member died during the period beginning on October 7, 2001, and ending on the day before the date of the enactment of this Act; and

(2) for the purpose of section 1114(a)(2), the death was a direct result of an injury or illness (or combination of one or more injuries or illness) incurred in Operation Enduring Freedom or Operation Iraqi Freedom, as determined under regulations prescribed by the Secretary of Defense; and

(3) for the purpose of section 1114(a)(1), the death was a direct result of an injury or illness (or combination of one or more injuries or illness) incurred by any active duty military member in the performance of duty.

(c) SGLI BENEFICIARIES.—A payment pursuant to subsection (a)(1) by reason of a covered death shall be paid—

(1) to a beneficiary in proportion to the share of benefits applicable to such beneficiary in the payment of life insurance proceeds paid on the basis of that death under the Servicemembers Group Life Insurance program under subchapter III of chapter 19 of title 38, United States Code; or

(2) in the case of a member who elected not to be insured under the provisions of that subchapter, in equal shares to the person or persons who would have received proceeds under those provisions of law for a member who is insured under that subchapter but does not designate named beneficiaries.

(d) MILITARY DEATH GRATUITY BENEFICIARIES.—A payment pursuant to subsection (a)(2) by reason of a covered death shall be paid equal shares to the beneficiaries who were paid the death gratuity that was paid with respect to that death under subchapter II of chapter 75 of title 10, United States Code.

(e) STATUS OF PAYMENTS.—A death gratuity payable under this section by reason of a qualifying death is in addition to any other death gratuity or other benefit payable by the United States by reason of that death.

(f) DEFINITION.—For the purposes of this section, the term ''Secretary concerned'' has the meaning given that term in section 101 of title 37, United States Code.''.

SEC. 1115. Funds appropriated in this chapter, or made available by transfer of funds in or pursuant to this chapter, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

SEC. 1116. None of the funds provided in this chapter may be used to finance programs or activities denied by Congress in fiscal year 2004 and 2005 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

CHAPTER 2

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

For an additional amount for ''Military Construction, Army'', $930,100,000, to remain available until September 30, 2006: *Provided*, That $669,100,000 of such additional amount may not be obligated until after that date on which the Secretary of Defense submits to the Committees on Appropriations of the House of Representatives and Senate the comprehensive master plans for overseas military infrastructure required by House Report 108–342: *Provided further*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for ''Military Construction, Navy and Marine Corps'', $92,720,000, to remain available until September 30, 2006: *Provided*, That $32,380,000 of such additional amount may not be obligated until after that date on which the Secretary of Defense submits to the Committees on Appropriations of the House of Representatives and Senate the comprehensive master plans for overseas military infrastructure required by House Report 108–342: *Provided further*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for ''Military Construction, Air Force'', $301,386,000, to remain available until September 30, 2006: *Provided*, That $301,386,000 of such additional amount may not be obligated until after that date on which the Secretary of Defense submits to the Committees on Appropriations of the House of Representatives and Senate the comprehensive master plans for overseas military infrastructure required by House Report 108–342: *Provided further*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $1,542,100,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $66,300,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $175,550,000 for operation and maintenance: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Ms. PELOSI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as the Members know, all of us in our country want to have our troops to have what they need when they go into harm's way. Sadly, that was not the case in the last 2 years. I hope that the $82 billion in this bill will redress some of those shortcomings, shortfalls, that our troops have had to suffer because they did not have the proper equipment. Never again should America send our troops into harm's way without the equipment they need to keep them safe and to bring them home as soon as they have finished their job.

I rise, Mr. Chairman, to commend the gentleman from Massachusetts (Mr. TIERNEY) and the gentleman from Iowa (Mr. LEACH) for putting forth a very critical amendment to appropriate funds for a select committee to study the awarding and carrying out of government contracts in Iraq and Afghanistan. As I said, we want our troops to have what we need. We must be sure that the taxpayer's dollar is spent wisely.

In their bipartisan work, the gentleman from Massachusetts (Mr. TIERNEY) and the gentleman from Iowa (Mr. LEACH) have made clear that accountability in government is not a partisan issue. Their leadership has set the right tone for this vital debate.

In 1941, Mr. Chairman, Senator Harry Truman got in his car and drove all across the United States, making unannounced visits to defense plants and corporate offices. The people running the plants did not recognize then Senator Truman. They did not bother to hide the corruption and waste that characterized their operations.

□ 1415

This was at a time when Senator Truman was in a Democratic-majority Senate, there was a Democratic majority in the House, there was a Democrat in the White House, and our country was in a world war. But when he came home to Washington, Truman called the trip ''an eye opener,'' and he soon

introduced a resolution to create the Special Committee to Investigate the National Defense Program. I repeat, at a time of a Democratic House and Senate and White House, this Democratic Senator said we must subject this spending to investigation. It was estimated that by spending only $400,000 at the time, this Truman committee saved $15 billion. And it earned Senator Truman the gratitude of the entire Nation.

Today we are considering whether to appropriate another $80 billion to the war effort in Iraq and Afghanistan. This is in addition to the more than $200 billion that has already been made available. Spending of this magnitude demands strict accounting.

Today it would be impossible to walk into a defense plant unannounced, of course; but while security measures have changed, our American values of accountability have not. There are honest differences about defense policy, but we should all agree in a bipartisan way that taxpayer money should always be spent efficiently and effectively.

Sadly, the stories of abuse on contracts in Iraq are everywhere:

Nearly $9 billion spent on Iraq reconstruction is unaccounted for because of inefficiencies and bad management.

The Pentagon's own auditors have now concluded that Halliburton overcharged by more than $100 million under its no-bid Iraqi oil contract. $100 million.

A firm was paid $15 million to provide security for civilian flights into Baghdad, even though no planes flew during the term of the contract. This is a disgrace.

This may be just the tip of the iceberg, though. We simply do not know. That is what we want to find out. We do know who has paid the price for this waste and corruption: American troops and American taxpayers.

Our first priority must always be to force protection; yet sloppy contracting has meant that money has been wasted that could have been spent to provide our troops the equipment they need to do their jobs and protect themselves.

Recently, we learned that a contract for bulletproof ceramic plate inserts was awarded to a contractor who had no practical means of producing them. It took 167 days for troops in Iraq to start receiving the insert, 167 days. How many injuries? How many deaths? We do not know.

For taxpayers, every dollar that is wasted on corruption, and that is what this is, profiteering on the war is corruption, and incompetence, is one less dollar to pay down record deficits or to make Social Security solvent.

Harry Truman led the way for a Democratic Congress to conduct oversight of a Democratic administration. In doing so, he created a bipartisan consensus that gave the public confidence in the war effort. We can and we must do the same today.

The amendment offered by the gentleman from Massachusetts (Mr. TIERNEY) and the gentleman from Iowa (Mr. LEACH) would allow Congress to monitor the contracting process better, to meet the needs of our troops better, and to safeguard taxpayer dollars better.

I urge my colleagues to support this amendment and in doing so to support accountability in government spending and to stop the profiteering on the war in Iraq.

Mrs. CAPPS. Mr. Chairman, I move to strike the last word.

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

Mrs. CAPPS. Mr. Chairman, I wish to discuss one critically important component of this bill, the $200 million in aid to the Palestinians. The President has requested $350 million for the Palestinians, and he asks that $200 million be included in today's supplemental bill.

The President believes, as do I, that it is imperative to deliver U.S. assistance quickly to improve Palestinians' quality of life and empower their democratically elected leadership. I am pleased this bill funds the Palestinian assistance request. This money will be used on critical projects, such transportation infrastructure, drinking water, business and trade, education and democratic and legal reforms.

Mr. Chairman, on January 9, I was privileged to witness the remarkable Palestinian presidential election firsthand. I saw democracy taking hold in Palestine. I saw the mandate being handed to President Abbas. The Palestinian people support their new president's goals, to end the armed intifadah and to create a viable state living in peace alongside Israel.

Mr. Chairman, the Arafat era is over. The new Palestinian president and his government are making great strides. They are committed to political reform. Their financial reform efforts, which are led by Minister Salaam Fayyad, have produced profound accountability and transparency.

On the critical question of security, President Abbas is also off to a good start. He has clearly and unequivocally condemned terrorism. With the exception of one horrific bombing in Tel Aviv, the cease-fire has held. The Palestinian security forces have begun to fight terror and incitement. They have arrested terrorists for the first time in many years.

Yesterday, here on Capitol Hill, the ambassador of Israel sat next to the Palestinian ambassador and praised the Palestinian Authority for their security efforts. Prime Minister Sharon has welcomed the Palestinian moves as well.

Mr. Chairman, the real question before us today is not whether to keep the $200 million for Palestinian assistance in this bill. Clearly, this package serves U.S. national interests and will enhance Israel's security and the quality of life for the Palestinians. But the real question is whether the U.S. Congress is serious about working with President Bush, Prime Minister Sharon, and President Abbas to seize this historic opportunity.

The excessive conditions and limitations placed on this package may undermine progress toward peace. Of course, we must secure transparency and accountability; but the requirements in this legislation go far beyond what we demanded in the Arafat era.

Imagine that. President Bush and Prime Minister Sharon are helping to strengthen and empower President Abbas, but at the same time Congress will slap more conditions on them than they ever did on Arafat.

One especially troubling provision in the bill strikes the national security waiver under which the President could provide some of this aid directly to the Palestinian Authority. President Bush has decided in the past that some U.S. aid be directed to the authority. This bill would prevent him from doing that, tying his hands at the very moment that he most needs flexibility to promote our interests in the Middle East.

My colleagues should understand this bill puts more restrictions on the President than we ever placed on President Clinton.

Mr. Chairman, there is a broad consensus in the American pro-Israel community in support of the President's aid request for the Palestinians. The Jewish Council For Public Affairs, the umbrella group of 13 prominent national organizations and 122 local Jewish communities, has recently urged Congress to fund the Palestinian request in its entirety.

The Union For Reform Judaism, representing 1.5 million American Jews, believes the aid should go directly to the Palestinian Authority.

Americans for Peace Now wants us to support this package and remove the excessive conditions that the committee has placed on it.

In asking us to support a clean aid package, M.J. Rosenberg of the Israel Policy Forum states the following: ''Israel wants a strong Palestinian Authority that can and will liquidate the suicide bombers and build a democracy that will live in peace with Israel.''

The Arafat years are over. Fragile as it may be, a new flame of hope and optimism has been kindled in the Middle East. Shame on us as Americans if we do not do whatever we can to seize this historic opportunity.

Mr. Chairman, I urge my colleagues to support the $200 million in Palestinian assistance, I urge us to reject any amendments to strip this aid, and I hope in the conference with the Senate that we can give back to the President the flexibility he needs to promote U.S. security interests in the region.

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

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

Mr. BUYER. Mr. Chairman, I have some concerns about provisions in section 1113 of the bill relating to Service Members Group Life Insurance, which I will now referral to as SGLI.

Neither the Department of Veterans Affairs nor the House Committee on Veterans' Affairs, the authorizing committee with jurisdiction over VA insurance programs, was consulted prior to the administration's submitting the insurance proposals in the war supplemental. I recognize that it placed the gentleman from California (Mr. LEWIS) and the gentleman from Wisconsin (Mr. OBEY) in very difficult positions, because they always come to the floor to talk about authorizing on appropriations bills; but that is what you are doing exactly here.

There are two primary points of concern with regard to these sections. Number one, it would authorize retroactive insurance coverage in cases of servicemembers who die having declined insurance coverage; and, second, it would require a spouse to concur with the servicemember's insurance coverage election.

The administration proposed to provide for a retroactive payment to give the same level of benefits proposed for prospective maximum SGLI to those who have died since the beginning of combat operations on October 7, 2001. At the appropriations markup, the gentleman from Wisconsin (Mr. OBEY) offered an amendment, which was accepted, to limit retroactive payment to those who died in performance of duty.

By restricting payments to deaths that the Service Secretary concerned determines in the performance of duty, we would then expect that deaths which occurred during the performance of an assigned military duty would be compensated, but that deaths not associated with assigned military duties would not qualify.

Another qualifier, though, that perhaps should have been considered during this markup, would have been in addition to dying in performance of military duties, the servicemember must have had maximum insurance coverage at the time of death. The Committee on Veterans' Affairs has established a record in this regard.

When we increased the SGLI coverage from $200,000 to $250,000 with a delayed effective date in Public Law 106–419, then in reaction to the terrorist attack on the USS *Cole* we did, in fact, make a retroactivity in Public Law 107–14 for servicemembers who died in performance of duty that had maximum SGLI at the time of their death. We should not be providing the maximum amount of insurance posthumously if the servicemember declined coverage, hence, never paid premiums, or elected a lesser amount.

This is a policy change that could have detrimental effects. The bottom line is that it changes the identity and substance of the SGLI program. SGLI is neither an indemnity nor a gratuity program. It is an insurance program.

Second, I have great concern regarding the administration's proposal to include in H.R. 1268 that a spouse must concur with a servicemember's insurance election. Life insurance is a contract. Requiring a spouse who is not a party to the contract to assent to a servicemember's decision concerning whether to enter into a contract and the amount of that contract violates the principles of contractual law and the nature of life insurance. Requiring the spouse to concur with the servicemember's decision, as included in H.R. 1268, would in fact make SGLI a volunteer program for single servicemembers, and an involuntary program for married servicemembers.

Life insurance policies are fundamentally different from the protection to surviving spouses rightfully provided under some other retirement programs.

There are plenty of substantive concerns with regard to this provision: one, giving the spouse veto power over the amount of insurance that gives him or her greater say than the servicemember. Number two, SGLI would in fact be a voluntary program for singles, involuntary for married. Three, the concurrence policy would force the servicemember to pay premiums and keep the spouse as a beneficiary, even in situations of pending divorce, spousal abuse, drug abuse, child abuse. I mean, let your mind go. Fourth, the spousal concurrence as drafted in the bill would prevent a servicemember from naming children, children from a previous marriage, parents, grandparents, guardians of grandchildren, let your mind go, from participating in insurance.

The Supreme Court has upheld the right of the insured to name whoever he or she wants as a beneficiary, even if it is in violation of a State court divorce decree.

There are administrative concerns as well, the substantial administrative costs that would be added in the day-to-day running of this program, as well as has been added to its greater complexity. If a servicemember there says that there is no spouse or names another beneficiary and declines coverage, a spouse could come forward after the servicemember's death.

Another concern is the program may be liable to pay maximum amounts if no premiums were collected or if a separate beneficiary already had been paid. And if there is a delay in getting a spouse to agree to insurance coverage or the amount and the servicemember dies, then who receives the benefits?

These are many, many issues that need to be resolved, and I look forward to working with the gentleman from California (Chairman LEWIS) as we proceed forward to the conference to address many of these issues.

Mr. Chairman, I include the following letter from the Military Officers Association of America for the RECORD.

MILITARY OFFICERS ASSOCIATION OF AMERICA,
Alexandria, VA, March 11, 2005.

Hon. STEVE BUYER,
Chairman, Committee on Veterans Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the 370,000 members of the Military Officers Association of America (MOAA), I am writing to inform you that, after discussing the issue extensively with the Committee's majority and minority staff, MOAA has reconsidered its position on the Servicemen's Group Life Insurance (SGLI) spousal consent requirement, as included in the Appropriations Committee's markup of the FY2005 Defense Supplemental Appropriations Act.

We believe there is merit to the staff's view that the Appropriations Committee's language is excessively stringent and could inappropriately preclude servicemembers' ability to make reasonable insurance decisions—especially in circumstances where it may be reasonable and appropriate for a member to designate children as beneficiaries instead of the current spouse.

MOAA believes Congress is doing the right thing in expediting passage of improved death benefits coverage in the Supplemental Appropriations Act, and we have no wish to slow that process in any way.

Therefore, MOAA urges your support for a floor amendment that would either substitute a provision requiring spousal notification (instead of spousal consent) or strike the spousal consent requirement to allow the Committee to develop more appropriate language that could be offered in conference or another appropriate legislative venue.

Sincerely,

STEVEN P STROBRIDGE,
Colonel, USAF (Ret),
Director, Government Relations.

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

Mr. Chairman, if the previous speaker is going to describe something I did in committee, I wish he would get his facts straight. The fact is, contrary to what the gentleman said, when the majority brought its recommendations to the full committee with respect to the provision in the bill which raised life insurance benefits from $250,000 to $400,000, with respect to that provision, the committee had applied it retroactively only to those persons who died in Iraq and Afghanistan.

□ 1430

Contrary to what the gentleman said, my amendment did not restrict what the committee was doing, it expanded what the committee was doing. We added coverage for what was estimated to be 2,400 additional American service people who died but were not in Iraq or Afghanistan. We did that, for instance, on the theory that if you are a member of the Reserve, you are called up to go to Iraq, but you are killed in a training accident before you can get there, that you are just as dead, your family is just as much in need as would be the case with someone who went to Iraq and then died in an accident.

Now, the gentleman is the chairman of the Committee on Veterans' Affairs. I respect his responsibilities. I hope he respects ours. I would simply say that what the committee has tried to do is to take a vehicle which is going to spend $80 billion of the taxpayers'

money, and use that as an opportunity to expand benefits to deserving servicemen and women. I make no apology whatsoever for doing that.

Dick Bolling, who was my mentor when I came here and chaired the Committee on Rules, used to talk disdainfully of people who looked at this House through the prism of what he called ''dung hill politics''; in other words, focusing on jurisdiction of different committees, forgetting that we have a larger responsibility to the body as a whole and to the country as a whole.

Now, I make no apology for the fact that the Committee on Appropriations might have stepped on a few toes in expanding benefits for deserving servicemen and women. I am glad they did. I hope the toes did not hurt too much. But the fact is if the gentleman has objections to what the administration has suggested then I would suggest the majority party needs to get its act together rather than risking these expanded benefits by doing what they almost did in the Committee on Rules today, which is to make these two sections of the bill subject to a point of order which could have lost those benefits for deserving servicemen and women.

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

Mr. OBEY. I yield to the gentleman from Indiana.

Mr. BUYER. I had a very good discussion with the gentleman from California (Mr. LEWIS). I did not come here to the floor to strike these provisions from the bill. I will work with the administration. I will work with the Committee on Appropriations. I am going to do that as an authorizer. I am not claiming jurisdictional grounds. I am not going to play games with the gentleman from Wisconsin (Mr. OBEY) at all.

Mr. OBEY. With all due respect, the gentleman just misquoted.

Reclaiming my time, with all the due respect, the gentleman misquoted and mischaracterized my amendment in committee. The gentleman described it as an amendment limiting benefits when in fact it expanded them, and I do not appreciate that.

Mr. BUYER. I thought what the gentleman from Wisconsin (Mr. OBEY) did by making a performance of duty was a wise thing. I think that was a wise move of the gentleman. I do not know why the gentleman would be upset with regard to my remarks on performance of duty because what the gentleman from Wisconsin (Mr. OBEY) did is followed what we, the gentleman from Illinois (Mr. EVANS) and I, had also recommended. Performance of duty is a good thing.

Mr. OBEY. That is what we tried to do.

Mr. BUYER. I do not have a problem with the performance of duty. I have come to the floor to express some concerns with regard to the identification of an insurance product. We are turning it into an indemnity and a gratuity with regard to an insurance product. We have to be smart about our business with regard to how we proceed. That is my purpose of being here. It is not to reach into the Treasury and just say we are going to give this money out.

Mr. OBEY. Reclaiming my time, let me simply say I appreciate that. My only point is if the gentleman is going to come to the floor and characterize what I did please do so accurately. What the gentleman said, he may not have meant to but what he said was my amendment limited—I believe the word used was ''restricted.'' We did not. We expanded it.

Mr. BUYER. But it does and I gave the example because you can have someone who has an accidental death or a duty nonperformance in the service.

Mr. OBEY. Reclaiming my time, with all due respect, the effect of my amendment as scored by CBO was to add $95 million in costs.

The Acting CHAIRMAN (Mr. SHIMKUS). The time of the gentleman from Wisconsin (Mr. OBEY) has expired.

(By unanimous consent, Mr. OBEY was allowed to proceed for 1 additional minute.)

Mr. OBEY. What we did was to provide $95 million in additional benefits to persons who had died who were not living in Iraq and Afghanistan. That was the effect of my amendment. The gentleman may be talking about restrictions that the committee action took.

Mr. BUYER. No, the gentleman's amendment.

Mr. OBEY. My amendment expanded. It did not restrict, and the gentleman needs to reread it if he does not understand that.

Mr. BUYER. I will be more than happy to get the gentleman legal counsel so he can understand what he has written.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

I do so in order to have a very brief discussion with the gentleman who is chairman of the authorizing committee. I think many of you in the House know that I spent a lot of years in my life making an honest living in the life and health insurance business so I know a little bit about this subject.

The gentleman is raising a number of questions that are very legitimate questions. I do not think there is a conflict here. I just wanted the gentleman to know that it is my intention to examine these serious questions between now and the time we go to conference. I am absolutely certain we can at least clear the air on any remaining problems between now and then.

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

Mr. LEWIS of California. I yield to the gentleman from Indiana.

Mr. BUYER. I thank the gentleman. What the gentleman from Wisconsin (Mr. OBEY) did with regard to performance——

Mr. LEWIS of California. Reclaiming my time, let us not describe what the gentleman from Wisconsin (Mr. OBEY) did. We will be here for hours. Either we do this my way or we do not.

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

Mr. LEWIS of California. I yield to the gentleman from Indiana.

Mr. BUYER. I believe that the performance of duty that is in the bill, what it does, it does identify with regard to who will receive payment and who do not receive payments. That was why I used the word ''limited'' or ''restricted'' because you could have an individual, Mr. Chairman, of whom died in an auto accident, was murdered, or something happened to them and they do not qualify.

Mr. LEWIS of California. Reclaiming my time, the gentleman can then, in this complex field, understand when he used the term ''restrict'' that the gentleman from Wisconsin (Mr. OBEY) might be a bit disconcerted.

Does the gentleman see what I am saying?

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

Mr. LEWIS of California. I yield to the gentleman from Indiana.

Mr. BUYER. Absolutely. That is why what we have here are two individuals of whom understand what we are talking about but probably have a, well, anyway, let us not use semantics.

What I do wish to do as we proceed forward as we go to conference working with the Senate is work also with the administration, work with the Department of Defense, the VA and OMB to make sure that we bring a proper identity with regard to service and group life insurance that also subsidizes veterans group life insurance, and that is what I want to work with the chairman on.

Mr. LEWIS of California. Reclaiming my time, it would be my intention for us to have serious discussions including the gentleman from Wisconsin (Mr. OBEY) and his staff and our people so that we know that the air is cleared.

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

Mr. LEWIS of California. I yield to the gentleman from Wisconsin.

Mr. OBEY. Let me simply say that I find it ironic, Mr. Chairman, and I thank the gentleman for yielding, because the entire history of the development of this expanded benefit demonstrates that both the gentleman from California (Mr. LEWIS) and this gentleman from Wisconsin were aiming to expand benefits, not to contract them.

When I first drafted my first proposal we were told that the Committee on Veterans' Affairs itself was concerned that we might have gone too far in providing benefits to people because, for instance, the example used to me was we do not want to pay someone who was killed in a drunken driving accident because he had five martinis at a bar. We want to make sure that this

occurred in the line of duty. So that is the way we drafted the amendment. But the overall effect of the amendment was to add benefits for 2,400 people who had died, who had not been killed in Iraq and Afghanistan, and that was estimated to cost $95 million.

How an expansion of benefits can be described as a restriction is beyond me. It certainly does not fit my definition.

Mr. LEWIS of California. Reclaiming my time, I appreciate the gentleman from Wisconsin's (Mr. OBEY) point. In the meantime, I believe we will have some work to do in the weeks ahead and I look forward to working with the gentleman and with the gentleman from Wisconsin (Mr. OBEY) and others to solve this problem.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE II—INTERNATIONAL PROGRAMS AND ASSISTANCE FOR RECONSTRUCTION AND THE WAR ON TERROR

CHAPTER 1

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

For an additional amount for ''International Disaster and Famine Assistance'', $44,000,000, to remain available until expended, for emergency expenses related to the humanitarian crisis in the Darfur region of Sudan: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

AMENDMENTS OFFERED BY MR. JACKSON OF ILLINOIS

Mr. JACKSON of Illinois. Mr. Chairman, I offer two amendments and ask unanimous consent they be considered en bloc.

The Clerk read as follows:

Amendments offered by Mr. JACKSON of Illinois.

Page 35, line 25, after the dollar amount, insert ''(increased by $50,000,000)''.

Page 38, line 5, after the dollar amount, insert ''(increased by $50,000,000)''.

—

Mr. JACKSON of Illinois (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Acting CHAIRMAN. Is there objection to reaching ahead in the bill?

There was no objection.

The gentleman from Illinois (Mr. JACKSON) is recognized.

Mr. JACKSON of Illinois. Mr. Chairman, my amendment is very simple. It adds $50 million for disaster assistance and $50 million for refugee assistance in Sudan and other African countries.

If this amendment passes, the House product would still be $550 million below the President's request. So for colleagues that argue we are spending too much money, this amendment is fiscally prudent. But more importantly, adopting this amendment is quite frankly the right thing to do.

Mr. Chairman, my amendment could be the most decent, moral and effective $100 million spent in this bill. This $100 million in disaster relief and refugee assistance would go very far in alleviating the multiple disasters and refugee crisis in Africa. Most of Africa's urgent humanitarian needs are shockingly affordable. Sadly, what we have been missing is the political will to stand up and do something.

Mr. Chairman, the President speaks often about ending evil, about reaching into your heart and doing the right thing. The number of deaths, over 1,300 a day in Sudan and the Democratic Republic of the Congo, that could be prevented would truly be ending evil and we know this is the right thing to do.

Mr. Chairman, the only way for evil to succeed is for good people to do nothing. I urge a ''yea'' vote on the Jackson amendment.

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

As the gentleman from Illinois (Mr. JACKSON) knows, I spoke in committee against this amendment which was then part of a larger amendment and these two were combined at that point. I made the point that I was not at all sure that this additional money was needed in Darfur, Sudan in light of the amount of money that is already in the 2005 bill and the amount of money that is in the supplemental for this region.

However, I understand the gentleman from Illinois (Mr. JACKSON) feels very strongly about this. He and I traveled together to the Darfur region. We saw the terrible, terrible suffering that the people there are going through.

We are in complete agreement on our need to take every step that we can to provide not only for a peaceful solution in the area, but also to provide for humanitarian relief for the people who live in that region, and therefore I am prepared today with concurrence of the chairman of the committee to accept this en bloc amendment, and we will take a very good look at this in the conference with the Senate and see where we are at that point. We will be a little bit further down the road and have some time to get a better handle on this at that point.

I again want to commend the gentleman for his commitment, his dedication, his passion in offering this amendment today.

Mrs. LOWEY. Mr. Chairman, I move to strike the requisite number of words.

I want to thank the gentleman from Arizona (Mr. KOLBE) for addressing this important amendment that my friend, the gentleman from Illinois (Mr. JACKSON), introduced. I feel strongly about the urgency of this issue and I look forward to working with the gentleman in the committee as we approach conference to ensure that this emergency that the gentleman has addressed in his amendment is certainly placed in the conference and we can provide the needed assistance.

I thank the gentleman so much for his willingness to work with us to make sure that this happens.

Mr. JACKSON of Illinois. Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

The Acting CHAIRMAN. Without objection, the gentleman from Illinois is recognized for 5 minutes.

There was no objection.

Mr. JACKSON of Illinois. Mr. Chairman, I would like to thank the gentleman from Arizona (Mr. KOLBE) for his extraordinary leadership on this issue. I would like to thank the gentleman from Virginia (Mr. WOLF) for his extraordinary steadfast commitment to encouraging Members of this Congress to stand up and do the right thing. This would not be possible without the leadership of the chairman of the Committee on Appropriations, the gentleman from California (Mr. LEWIS), and the thoughtful consideration that the ranking member, the gentleman from Wisconsin (Mr. OBEY), has given to this very critical part of the world.

I thank the gentlemen for their support of this bipartisan amendment.

□ 1445

The gentlewoman from New York (Mrs. LOWEY), my ranking member, for her commitment throughout this project and throughout this process has been nothing short of stellar, and extraordinary as well. I thank the gentlewoman, and I do apologize for interrupting the regular order.

The Acting CHAIRMAN (Mr. SHIMKUS). The question is on the amendments offered by the gentleman from Illinois (Mr. JACKSON).

The amendments were agreed to.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for ''Operating Expenses of the United States Agency for International Development'', $24,400,000, to remain available until September 30, 2006.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Operating Expenses of the United States Agency for International Development Office of Inspector General'', $2,500,000, to remain available until September 30, 2006.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For an additional amount for ''Economic Support Fund'', $684,700,000, to remain available until September 30, 2006, of which up to $200,000,000 may be provided for programs, activities, and efforts to support Palestinians.

AMENDMENT OFFERED BY MRS. MALONEY

Mrs. MALONEY. Mr. Chairman, I offer an amendment.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order on the gentlewoman's amendment.

The Clerk read as follows:

Amendment offered by Mrs. MALONEY:

In chapter 1 of title II of the bill, in the item relating to the ''ECONOMIC SUPPORT

FUND'', after the first dollar amount, insert ''(reduced by $3,000,000)''.

In chapter 1 of title IV of the bill, in the item relating to the ''TSUNAMI RECOVERY AND RECONSTRUCTION FUND'', after the first dollar amount, insert ''(increased by $3,000,000)''.

Mrs. MALONEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The Acting CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. MALONEY. Mr. Chairman, my amendment moves $3 million from the Economic Support Fund, which has over $1 billion available, to the Tsunami Recovery and Reconstruction Fund, which now has over $600 million available. It is not subject to a point of order and is both budget authority and outlay neutral.

The reason for this amendment is very simple. It is to help pregnant women impacted by the tsunami. The intent of my amendment is to give $3 million to the U.N. Population Fund to assess tsunami victims in Indonesia, Sri Lanka, and the Maldives for very specific, pressing needs that I am very sure we can all agree are absolutely necessary at this time.

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

Mrs. MALONEY. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, can the gentlewoman clarify which amendment we are talking about here?

Mrs. MALONEY. Yes.

Mr. KOLBE. Mr. Chairman, I think I heard the reading of two amendments. Which one are we on here at this point? Are we on the one that is $3 million or the one that was the larger one that I heard read first?

Mrs. MALONEY. Mr. Chairman, $3 million.

Mr. KOLBE. Is that the one we are considering? Is that the understanding of the Chair?

The Acting CHAIRMAN. The gentleman will suspend. Without objection, the Clerk will re-report the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mrs. MALONEY: In Chapter I of title II of the bill, in the item relating to the ''ECONOMIC SUPPORT FUND'', after the first dollar amount, insert ''(reduced by $3,000,000)''.

Mr. KOLBE. Mr. Chairman, I am now clear which amendment we are talking about. I appreciate the gentlewoman yielding for that purpose.

The Acting CHAIRMAN. Without objection, the further reading is waived.

There was no objection.

The Acting CHAIRMAN. The gentlewoman from New York (Mrs. MALONEY) may proceed.

Mrs. MALONEY. Mr. Chairman, more than a 150,000 women are currently pregnant in the tsunami-affected areas, including 50,000 anticipated to give birth during the next 3 months.

UNFPA is determined to enhance the likelihood of deliveries occurring in safe and clean conditions by providing emergency care, basic supplies, and helping to rebuild health care facilities. They are uniquely qualified to provide these services. In fact, they are and have been on the ground since that tragic day, helping save the lives of women, children, and families.

With these funds, UNFPA can provide safe delivery kits, such as the one I have here. It includes basic supplies such as soap, plastic sheeting, razor blades, string and gloves, laundry detergent, dental supplies. These are supplies that are needed to prevent and treat cases of violence against women and youth. They also offer psychological support and counseling and promote access of unaccompanied women to vital services.

Each of these areas is a serious problem and will go a long way towards helping save the lives of thousands of women and their children.

Disasters put pregnant women at greater-than-normal risk because of the sudden loss of medical support.

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

Mrs. MALONEY. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I have looked at the amendment, and I understand what the gentlewoman is talking about, what her intentions or how it would be used in the Tsunami Recovery Fund. It does not, of course, specifically provide for that, and I am prepared to accept this amendment if the gentlewoman would be willing to move the discussion along as quickly as possible.

Mrs. MALONEY. Mr. Chairman, I thank the gentleman for accepting the amendment, and I would like to note that because of the tsunami most of the midwives lost their lives. Fully 30 percent of them died in the tsunami, and many of those who survived are still dealing with personal trauma.

So it is incredibly important that this funding be moved to UNFPA, the U.N. Population Fund, to help the tsunami victims and particularly those who need maternal health care services.

Many of my colleagues, including the gentlewoman from New York (Mrs. LOWEY), who has worked so hard on helping women and children, she traveled to the region early this year and was able to witness firsthand the horror along with the gentleman from New York (Mr. CROWLEY) and the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) and others, and they were able to see the work UNFPA has been doing to help these people.

I thank the leadership for accepting the amendment. It is an important one. We appreciate the consideration.

My amendment moves $3 million from the Economic Support Fund, which has $1.06 billion available to the Tsunami Recovery and Reconstruction Fund, which now has $656 million available. It is not subject to a point of order and is both budget authority and outlay neutral.

The reason for this amendment is very simple: it is to help pregnant women impacted by the tsunami.

The intent of my amendment is to give $3 million to the U.N. Population Fund UNFPA, to assist tsunami victims in Indonesia, Sri Lanka, and the Maldives for very specific, pressing needs that I am sure we can all agree are absolutely necessary at this time. More than 150,000 women are currently pregnant in the tsunami-affected areas, including 50,000 anticipated to give birth during the next three months.

UNFPA is determined to enhance the likelihood of deliveries occurring in safe and clean conditions by providing emergency care, basic supplies and helping to rebuild health care facilities. They are uniquely qualified to provide these services. In fact, they are and have been on the ground since that tragic day, helping save the lives of women and children.

With these funds, UNFPA can provide safe delivery kits: soap, plastic sheeting, razor blades, string and gloves; personal hygiene kits: sanitary napkins, soap, laundry detergent, dental supplies; reestablish maternal health services; prevent and treat cases of violence against women and youth offer psychological support and counseling; and promote access of unaccompanied women to vital services.

Each of these areas is a serious problem and will go a long way toward helping save the lives of thousands of women and their children.

Disasters put pregnant women at greater than normal risk because of the sudden loss of medical support, compounded in many cases by trauma, malnutrition, disease or exposure to violence.

In times of high stress, pregnant women are more prone to miscarriage or to premature labor, both of which require medical care.

The infrastructure for helping pregnant women in the tsunami region is severely damaged. 1,650 of the Indonesian Midwife Association's 5,500 members—fully 30 percent—died in the tsunami. Many of those who survived are still dealing with personal trauma and the loss of equipment used to safely deliver babies.

About 15 percent of pregnancies under normal conditions require urgent assistance from midwives or doctors to ensure the health and survival of the babies and mothers. Many maternity hospitals, women's health clinics, and other infrastructure for providing health services to women, maternal health assistance, safe delivery, contraceptives, emergency obstetric care, and preventing sexually transmitted diseases have been destroyed by the tsunami.

Mr. Chairman, to date, the United States has provided no funding to the U.N. Population Fund to help tsunami victims. The last time the United States contributed resources to UNFPA was $600,000 for similar kinds of emergency assistance in Afghanistan in 2001.

We have several colleagues who traveled to the region earlier this year and witnessed the horror of the tragedy. They were able to see the work UNFPA has been doing to help these women. I hope that they will be able to relay their experiences today.

It is time to put politics aside. These people have suffered enough. We must do everything we can to help them.

Mrs. LOWEY. Mr. Chairman, I move to strike the last word.

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

Mrs. LOWEY. Mr. Chairman, I thank the chairman for accepting this amendment, and I rise in support of the Maloney amendment.

With experience and success in saving lives and helping to ensure the safe delivery of tens of thousands of babies in more than 50 countries and territories, UNFPA is uniquely qualified to assist victims of the tsunami devastation. A small transfer of $3 million to the UNFPA would go a long way in making an immediate and tangible impact on the lives of women and children in Indonesia, Sri Lanka, and the Maldives.

I again thank the chairman for accepting this language, and I thank my colleague, the gentlewoman from New York (Mrs. MALONEY), for placing the language.

The UNFPA currently has a flash appeal for $28 million, of which they have received almost 70 percent. Our contribution would represent approximately 11 percent, bringing them much closer to meeting five pressing needs in the region.

First, UNFPA is providing safe delivery kits, hygiene kits, medicines and supplies, including soap and sanitary napkins. These basic items help stem the transmission of HIV/AIDS and ensure safe childbirth and emergency obstetric care. In communities ravaged by natural disaster, the lack of such important and simple supplies as these can result in serious life threatening health crises.

Second, UNFPA works to reestablish maternal health care clinics and services destroyed by the tsunami such as prenatal care and delivery assistance and post-natal care. As we know, disasters put pregnant women at much greater risk for miscarriage or premature labor. Approximately 150,000 women in the tsunami affected region are pregnant. Fifty thousand women alone will give birth in the next 3 months.

Third, UNFPA would work to prevent and treat cases of violence against women. It is a sad fact that women are more likely to be victims of sexual assault and violence in times of crisis. We have already heard disturbing cases of widespread sexual violence in Sri Lanka. UNFPA programs help to provide emergency response, security and legal services to better protect women and children.

UNFPA programs would also offer psychological counseling to women and children still suffering from the horror of the tsunami. In countless cases, mothers are dealing with the nearly unfathomable pain of losing their husbands and children or, conversely, children are trying to make sense of a world without their families. Many women are now faced with being the head of their household and their mental well-being will be paramount as they gather the strength to rebuild their communities.

And finally, UNFPA will help unaccompanied women and other vulnerable people access vital services such as water, food, health care and sanitation facilities.

UNFPA is especially well placed to do this life-saving work as it already has offices in all the tsunami-affected countries and long-standing relationships with local governments and non-governmental organizations. We all know that confusion and discord often stymies our efforts to get relief and support to those who need it most. Supporting organizations with a proven track record and programs in place is one of the most successful and cost-effective ways to make our generous contributions go farther.

I urge my colleagues to do everything we can to help the women and children who have already been through so much with the destruction brought by the tsunami. Please join me in voting to support UNFPA's important work in saving lives.

Mr. LEWIS of California. Mr. Chairman, I withdraw my point of order so we can accept the amendment.

Ms. JACKSON–LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

I want to rise as well to support the gentlewoman from New York's amendment dealing with the efforts the UNFPA is engaged in because we got a chance to see firsthand in visiting Sri Lanka the work that has been done.

It is true that many children were lost. It is true that 15,000, at the time that we were there, women were expecting; and it is certainly true that they lost a large infrastructure of health care, particularly the women's hospital that we were able to visit. The women's maternity hospital was completely destroyed, and so these dollars will be crucial in helping to ensure good health care, good intervention, and safe deliveries.

I want to commend all of the leadership that is focused on this particularly narrow issue, though it may seem. It is vital that we provide the support, and I would like to encourage our colleagues to support this amendment.

Ms. LINDA T. SÁNCHEZ of California. Mr. Chairman, I move to strike the requisite number of words.

I rise in support of the Maloney-Sánchez-Crowley amendment. Let me tell my colleagues a little bit about what this amendment is about, and I will try to be brief.

It is about providing women with hygiene kits that include soap, aspirin, sanitary napkins. I, like some of my colleagues before me, had a chance to travel there and see what the UNFPA is doing there, and I urge my colleagues to vote ''yes'' on the Sánchez-Crowley amendment.

This is what the UN Population Fund distributes to women devastated by the tsunami. By voting for this amendment, you. will affirm your support for women and children in dire need of our help.

The Maloney Amendment will aid the tsunami recovery effort by providing UNFPA with much-needed funding. It's a shame that the U.S. Government has not offered their support to this organization.

I've traveled to some of the areas hardest hit by the tsunami, and I can attest to their tremendous work. Our support for the UN Population Fund should be a top priority, because it's one of the few organizations that provides resources for the care of women and newborn children. Again, we're talking about soap, toothpaste, and sanitary napkins—basic needs.

UNFPA also distributes birthing kits, which are vital. Nearly half of all women give birth without a skilled attendant present, or any medical care whatsoever. These kits are sometimes all that's available to birthing women. For women who have no access to hospitals, we must support organizations that provide these kits. It's a matter of protecting life.

UNFPA provides the bare essentials. These supplies are critical to stopping the spread of diseases, like malaria.

Today, Congress can make a, statement to those hit hardest by the tsunami. We can show our commitment to the recovery effort by supporting UNFPA funding. Today we have a chance to put politics aside and support the' work of an organization that is pro-mother and pro-child care.

Helping those in need is the right thing to do. This shouldn't be a political issue, this is a moral issue. I urge you to vote yes on the Maloney/Sánchez/Crowley Amendment to help the victims of the tsunami.

Mr. SMITH of New Jersey. Mr. Chairman, for the last two decades, the United Nations Population Fund (UNFPA), has shockingly defended the coercive Chinese population control program. By refusing to give American tax dollars to the UNFPA, the United States stands solidly with the victims and against the oppressors. We must continue to do so as long as UNFPA insists on supporting the Chinese program.

Today, Representative MALONEY offered an amendment to H.R. 1268, the ''Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief'', and she described the amendment as something that would give $3 million to UNFPA. Even though she explained it as a UNFPA Amendment, I want to clarify that the language of the amendment could in no way be construed to support or give funding to UNFPA. In fact, the amendment does not even mention UNFPA. The Maloney amendment says,

> In chapter 1 of title II of the bill, in the item relating to the ''Economic Support Fund'', after the first dollar amount, insert ''(reduced by $3,000,000)''.
>
> In chapter 1 of title IV of the bill, in the item relating to the ''Tsunami Recovery and Reconstruction fund'', after the first dollar amount, insert ''(increased by $3,000,000)''.

Since the Maloney amendment simply transferred $3 million from one account to another, thereby providing aid funding without funding UNFPA, I did not oppose the amendment.

Victims of the Chinese one-child-per-couple policy have told me horrific stories. At one religious freedom meeting in China I asked what the participants knew about forced abortion policies. All three women in the group broke down in tears as they shared with me how they all had been forced to have abortions—one woman talked about how she thought God was going to protect her baby, but she was not able to escape the abortion. Other women who have gained asylum in the United States because of China's coercive population control program have told me terrible stories of crippling fines, imprisonment of family members, and destruction of homes and property—

all to force abortion and sterilization upon millions of women. According to last year's State Department Human Rights Report, one consequence of ''the country's birth limitation policies'' is that 56 percent of the world's female suicides occur in China, which is five times the world average and approximately 500 suicides by women per day.

Mrs. Gao Xiao Duan, a former administrator of a Chinese Planned Birth Control Office, testified before Congress about China's policies. She explained, ''Once I found a woman who was nine months pregnant, but did not have a birth-allowed certificate. According to the policy, she was forced to undergo an abortion surgery. In the operation room I saw how the aborted child's lips were sucking, how its limbs were stretching. A physician injected poison into its skull, and the child died, and it was thrown into the trash can. . . . I was a monster in the daytime, injuring others by the Chinese communist authorities' barbaric planned-birth policy, but in the evening, I was like all other women and mothers, enjoying my life with my children. . . . to all those injured women, to all those children who were killed, I want to repent and say sincerely that I'm sorry!''

While Mrs. Gao acknowledged her part in these human rights atrocities and courageously told her story, UNFPA continues to side with the Chinese government.

Since 1979, UNFPA has been the chief apologist and cheerleader for China's coercive one child per couple policy. Despite numerous credible forced abortion reports from impeccable sources, including human rights organizations like Amnesty International, journalists, former Chinese population control officials and, above all, from the woman victims themselves, high officials at UNFPA always dismiss and explain it all away. UNFPA has funded, provided crucial technical support and, most importantly, provided cover for massive crimes of forced abortion and involuntary sterilization.

Time and again, high officials of UNFPA have defended the indefensible and called voluntary that which is anything but. The former Executive Director of UNFPA Nafis Sadik said, ''China has every reason to feel proud of and pleased with its remarkable achievements made in its family planning policy. The country could offer its experiences and special expert to help other countries.'' On CBS Nightwatch she said, ''The UNFPA firmly believes, and so does the government of the People's Republic of China, that their program is a totally voluntary program.'' And Sven Burmester, UNFPA's man in Beijing, gushed over China's achievements, ''In strictly quantitative terms, it was the most successful family-planning policy ever developed.''

Make no mistake that China covets UNFPA financial and verbal support of their program as a ''Good-Housekeeping seal of approval'' to whitewash their human rights violations. I traveled to China and met with the head of their population control program, Peng Peiyun. In our lengthy conversation, Madame Peng Peiyun told me over and over again that there was no coercion in China, and then she cited UNFPA's participation in the program and UNFPA's public statements where UNFPA leaders have defended it. The United States should not help UNFPA cover up China's crimes against women and children.

In 2001, the Department of State determined that UNFPA's activities in China violated our human rights law, thereby making them ineligible for U.S. funding. On July 21, 2001, Secretary of State Powell wrote, ''Regrettably, the PRC has in place a regime of severe penalties on women who have unapproved births. This regime plainly operates to coerce pregnant women to have abortions in order to avoid the penalties and therefore amounts to a 'program of coercive abortion.' . . . UNFPA's support of, and involvement in, China's population-planning activities allows the Chinese government to implement more effectively its program of coercive abortion. Therefore, it is not permissible to continue funding UNFPA at this time.'' The funds that would have gone to UNFPA were instead given to aid organizations.

In 2002, China explicitly stated its Draconian population control program in law, but UNFPA still continues to support the Chinese program. The Bush Administration has consistently found UNFPA ineligible to receive funding, most recently releasing a July 15, 2004 letter where Secretary Powell said, ''China continues to employ coercion in its birth planning program, including through severe penalties for 'out of plan births'. . . . UNFPA continues its support and involvement in China's coercive birth limitation program in counties where China's restrictive law and penalties are enforced by government officials.''

UNFPA remains guilty of shamelessly supporting and whitewashing terrible crimes against humanity, and the United States must have no part in subsidizing them. In refusing to fund UNFPA, President Bush and this Congress have taken the side of the oppressed and have refused to cooperate with the oppressor. UNFPA has aggressively defended a barbaric policy that makes brothers and sisters illegal, and makes women the pawns of the population control cadres. If UNFPA lobbied the Chinese government to stop forced abortion as aggressively as they lobby the United States to overturn human rights policy, there would be less suffering in China today.

An organization like the UNFPA that continues to support China's one-child per couple coerced abortion policy should not be rewarded with any new funding, and the Maloney Amendment provides them no new funding.

Ms. WOOLSEY. Mr. Chairman, I rise in support of the Maloney Amendment because we must break the deadly political impasse that endangers the health of women around the world. The United Nations Population Fund (UNFPA) has the ability to provide health services and promote maternal health globally. Yet we deny them funding, choosing to focus on narrow ideological disagreements and not the lifesaving potential of their work. We simply cannot afford more delay. We must seek common ground and that is what the Maloney Amendment will do.

Disasters put pregnant women at greater than normal risk because of the sudden loss of medical support, compounded in many cases by trauma, malnutrition, disease or exposure to violence. We all know that the tsunami took away valuable medical care for women across the affected areas in southeast asia. Without UNFPA we wouldn't have been able to calculate that 150,000 women are currently pregnant in this region.

Without UNFPA these women would not have the guarantee of safe, clean environments to deliver their babies. They would not have access to the medical support and medicines they need to ensure a healthy birth. Safe and healthy childbirth should not be a political issue. While disagreements about UNFPA will certainly remain, continuing to ensure this program is there to rely on has never been more important.

In such a polarized political environment, we must not sacrifice this opportunity to move forward and renew our commitment to promote the health of women around the world. I urge my colleagues to join me in supporting the Maloney Amendment.

Mr. ISRAEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in strong support of this Amendment that aims to commit $3 million to the United Nations Population Fund (UNFPA). The UNFPA has asked its donor countries for about $28 million for women who were victims of the tsunami. The money in this amendment is about 11 percent of what they are asking for.

In January, I visited areas devastated by the tsunami. I visited what was left of a three-story maternity hospital. Three hundred women and infants were located here when the first wave hit. The rush of water toppled a high cement fence, knocked down utility polls like toothpicks, and shattered all of the glass windows in the front facade. Of the 300 women and their babies, all but one—a newborn—was saved from the crashing waves. We met with one doctor who finished a C-Section—in absolute darkness, after the generators were underwater, as the rest of the building was evacuated. The hospital was practically destroyed. The beds were pushed and piled against each other by the flooding, and shards of glass crunched under our feet. The sheets were strewn about like wet rags, and saturated packages of medicine were thrown in useless piles.

Natural disasters are particularly harsh on pregnant women. The loss of medical care and its infrastructure is compounded by malnutrition, disease and the trauma of the disaster. These issues can cause miscarriage or early labor, which both require medical care that is unavailable. The result can be maternal death.

The situation that women face in the areas is dire. The Indonesian Midwife Association has also reported that 1,650 of their 5,500 members, that is about 30 percent of their members, died in the tsunami. Many of the surviving midwives are picking up the pieces of their own lives and dealing with their personal loss. Reestablishing maternal health services will be a main use of this money, which is of great concern to the region.

There are 150,000 pregnant women in the tsunami-affected areas—50,000 are scheduled to give birth in the next three months. They need personal hygiene kits in refugee camps; and safe-birthing kits in hospitals, clinics and health centers. They need soap and sterile cotton cloth, antibiotics, emergency obstetric equipment, and drugs for treating sexually transmitted infections. Relief efforts often overlook these supplies, and the UNFPA is uniquely prepared to provide them.

The UNFPA has experience working with women in disaster areas: They have participated in emergency projects in more than 50 countries and territories. They already have offices in tsunami-affected countries, and they understand the distinctive ways that disasters affect women and children. Women are more

vulnerable to sexual assaults during times of disaster. Women who are pregnant, nursing, or caring for small children do not have the capacity to stand in line for long periods of time for supplies.

The funds in this amendment are intended to be used by the UNFPA to help women in these circumstances by: Providing tools and medicines needed for safe childbirth; preventing and treating sexual assault; promoting access to clean water, food and healthcare; providing sanitary supplies; and providing psycho-social counseling.

The tsunami devastated an entire region, and I am glad that this Congress is appropriating funds to help address the many issues that the people in region now face. It is my hope that my colleagues will vote for this amendment, which will help some of the most vulnerable of the region.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Mrs. MALONEY).

The amendment was agreed to.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For an additional amount for ''Economic Support Fund'', $376,500,000, to remain available until September 30, 2006: *Provided*, That these funds are hereby designated by Congress to be emergency requirements pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION

For an additional amount for ''Assistance for the Independent States of the Former Soviet Union'' for assistance for Ukraine, $33,700,000, to remain available until September 30, 2006.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''International Narcotics Control and Law Enforcement'', $594,000,000, to remain available until September 30, 2007, of which not more than $400,000,000 may be made available to provide assistance to the Afghan police: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for ''Migration and Refugee Assistance'', $53,400,000, to remain available until September 30, 2006: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for ''Nonproliferation, Anti-Terrorism, Demining and Related Programs'', $17,100,000, to remain available until September 30, 2006: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for the ''Foreign Military Financing Program'', $250,000,000.

PEACEKEEPING OPERATIONS

For an additional amount for ''Peacekeeping Operations'', $10,000,000, to remain available until September 30, 2006: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2101. Section 307(a) of the Foreign Assistance Act of 1961 is amended by striking ''Iraq,''.

(RESCISSION)

SEC. 2102. The unexpended balance appropriated by Public Law 108–11 under the heading ''Economic Support Fund'' and made available for Turkey is rescinded.

SEC. 2103. Section 559 of division D of Public Law 108–447 is amended by adding at the end the following:

''(e) Subsequent to the certification specified in subsection (a), the Comptroller General of the United States shall conduct an audit and an investigation of the treatment, handling, and uses of all funds for the bilateral West Bank and Gaza Program in fiscal year 2005 under the heading 'Economic Support Fund'. The audit shall address—

''(1) the extent to which such Program complies with the requirements of subsections (b) and (c), and

''(2) an examination of all programs, projects, and activities carried out under such Program, including both obligations and expenditures.''.

SEC. 2104. The Secretary of State shall submit to the Committees on Appropriations not later than 30 days after enactment, and prior to the initial obligation of funds appropriated under this chapter, a report on the proposed uses of all funds on a project-by-project basis, for which the obligation of funds is anticipated: *Provided*, That up to 10 percent of funds appropriated under this chapter may be obligated before the submission of the report subject to the normal notification procedures of the Committees on Appropriations: *Provided further*, That the report shall be updated and submitted to the Committees on Appropriations every six months and shall include information detailing how the estimates and assumptions contained in previous reports have changed: *Provided further*, That any new projects and increases in funding of ongoing projects shall be subject to the prior approval of the Committees on Appropriations: *Provided further*, That the Secretary of State shall submit to the Committees on Appropriations, not later than 210 days following enactment of this Act and annually thereafter, a report detailing on a project-by-project basis the expenditure of funds appropriated under this chapter until all funds have been fully expended.

SEC. 2105. The Comptroller General of the United States shall conduct an audit of the use of all funds for the bilateral Afghanistan counternarcotics and alternative livelihood programs in fiscal year 2005 under the heading ''Economic Support Fund'' and ''International Narcotics Control and Law Enforcement'': *Provided*, That the audit shall include an examination of all programs, projects and activities carried out under such programs, including both obligations and expenditures.

SEC. 2106. No later than 60 days after the date of enactment of this Act, the President shall submit a report to the Congress detailing:

(1) information regarding the Palestinian security services, including their numbers, accountability, and chains of command, and steps taken to purge from their ranks individuals with ties to terrorist entities;

(2) specific steps taken by the Palestinian Authority to dismantle the terrorist infrastructure, confiscate unauthorized weapons, arrest and bring terrorists to justice, destroy unauthorized arms factories, thwart and preempt terrorist attacks, and cooperate with Israel's security services;

(3) specific actions taken by the Palestinian Authority to stop incitement in Palestinian Authority-controlled electronic and print media and in schools, mosques, and other institutions it controls, and to promote peace and coexistence with Israel;

(4) specific steps the Palestinian Authority has taken to ensure democracy, the rule of law, and an independent judiciary, and transparent and accountable governance;

(5) the Palestinian Authority's cooperation with U.S. officials in their investigations into the late Palestinian leader Yasser Arafat's finances; and

(6) the amount of assistance pledged and actually provided to the Palestinian Authority by other donors:

Provided, That not later than 180 days after enactment of this Act, the President shall submit to the Congress an update of this report: *Provided further*, That up to $5,000,000 of the funds made available for assistance to the West Bank and Gaza by this title under ''Economic Support Fund'' shall be used for an outside, independent evaluation by an internationally recognized accounting firm of the transparency and accountability of Palestinian Authority accounting procedures and an audit of expenditures by the Palestinian Authority: *Provided further*, That the waiver authority of section 550(b) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2005 (Public Law 108–447) may not be exercised with respect to funds appropriated for assistance to the Palestinians under this chapter: *Provided further*, That the waiver detailed in Presidential Determination 2005–10 issued on December 8, 2004, shall not be extended to funds appropriated under this chapter.

CHAPTER 2

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for ''Diplomatic and Consular Programs'', $748,500,000, to remain available until September 30, 2006: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for ''Embassy Security, Construction, and Maintenance'', $592,000,000, to remain available until expended: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Contributions for International Peacekeeping Activities'', $580,000,000, to remain available until September 30, 2006: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress): *Provided further*, That up to $55,000,000 provided under this heading may be transferred to ''Peacekeeping Operations'', to be

available for costs of establishing and operating a Sudan war crimes tribunal.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for ''International Broadcasting Operations'' for activities related to broadcasting to the broader Middle East, $4,800,000, to remain available until September 30, 2006: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CHAPTER 3

DEPARTMENT OF AGRICULTURE

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 TITLE II GRANTS

For an additional amount for ''Public Law 480 Title II Grants'', $150,000,000, to remain available until expended: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

TITLE III—DOMESTIC APPROPRIATIONS FOR THE WAR ON TERROR

CHAPTER 1

DEPARTMENT OF ENERGY

NATIONAL NUCLEAR SECURITY ADMINISTRATION

DEFENSE NUCLEAR NONPROLIFERATION

For an additional amount for ''Defense Nuclear Nonproliferation'', $110,000,000, to remain available until expended: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CHAPTER 2

DEPARTMENT OF HOMELAND SECURITY

UNITED STATES COAST GUARD

OPERATING EXPENSES

For an additional amount for ''Operating Expenses'', $111,950,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for ''Acquisition, Construction, and Improvements'', $49,200,000, to remain available until September 30, 2007: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

AMENDMENT NO. 3 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON–LEE of Texas. 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. 3 offered by Ms. JACKSON-LEE of Texas:

Page 46, after line 20, insert the following:

IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', hereby derived from the amount provided in this Act for ''UNITED STATES COAST GUARD—OPERATING EXPENSES'', $40,000,000.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order on the gentlewoman's amendment.

□ 1500

Ms. JACKSON–LEE of Texas. Mr. Chairman, let me acknowledge the full committee and the members of the appropriate subcommittee dealing with Homeland Security and, as well, the full committee chairman's just recent statement on this issue.

But Mr. Chairman, I would hope that if a point of order is in order, I would hope that that point of order could be waived. And let me share with you why. This amendment is a very narrow amendment, very limited in its request. But it is documented and based upon testimony given by the very principals who are entrusted with the responsibility of Homeland Security.

Former outgoing DHS Deputy Secretary James Loy indicated that in testimony to the House Appropriations Subcommittee on Homeland Security, that ICE, the Immigration, Customs and Enforcement, needed an additional 300 million in order to finish the fiscal year 2004. This is an emergency.

Officer Callahan came before the Judiciary Committee just a few days ago on March 10 and indicated that in 5 days we might see the closing of the operations of ICE. That is the internal enforcement agency that deals with protecting the homeland internally.

Now, I have stood on the floor of this House over and over again, and I have said that immigration does not equate to terrorism. There are hard working individuals who are undocumented in this country who clearly have come here for economic reasons.

But we also know that coming across the southern border there are what we call OTMs, Other Than Mexicans, and they come across the border. They are not detained. They are given a document to retain to come back to court for a court date, and they are released on their own recognizance.

And do you realize that many of them, some who are coming from countries that have terrorist activities and attitudes toward the United States, and they are able to come up through the southern border, cross into the United States with absolutely no punitive measures whatsoever. Why? Because we are shortened at the border and we are shortened in terms of immigration enforcement inside the country, and there are no detention beds.

And so I rise today to be able to submit an amendment to ask for $40 million, that is all, to be able to carry this entity for a few more days and to be able to respond to the need for more Immigration, Customs and Enforcement Officers.

Immigration Enforcement Agent Randy Callahan testified on ICE's financial difficulties, and I realize that there is still a need to be able to fix the financial problems at ICE. But fixing the financial problems, which I understand the agency is proceeding under the new Secretary of Homeland Security, does not in any way give reason to deny extra funds for an organization that is entrusted with the security of this Nation. We can find common ground on security and immigration. This happens to be one, to provide the resources for this agency in order for it to avoid closing its doors.

His description of the problems ICE is having financially confirm the concern that I have had for some time. We do not have enough officers. We do not have enough training, and certainly we do not have enough staff in order to do their job.

Training programs have been postponed. They have halted training for approximately 2000 former Detention Enforcement Officers who are reclassified and combined with the Immigration Agent position called Immigration Enforcement Agent.

Do you realize, Mr. Chairman, that these officers are still carrying the old IDs and old ID cards and old badges? Why? Because we do not have enough money to give them new badges and new cards. Can we not include them in this emergency supplemental? This is an emergency.

You have officers who are carrying incorrect identification and officers who have not been trained who have been transferred into Homeland Security who are now supposed to be Immigration, Customs Enforcement Officers.

Tragically, one of our officers lost his life in the Atlanta courthouse killings, a man who had served for a good number of years. We owe officers who are willing to put their life on the line, no matter what way they have lost it, to be able to provide them with the resources necessary.

ICE has approximately 900 agents who have not yet been trained. Without this training, ICE cannot use these officers for any type of law enforcement function except transportation officer and possibly some computer work. And as I said to you, they have no badges, and they have no ID cards.

There is no money for uniforms, so un-uniformed Immigration Enforcement Agents are not able to order replacement uniforms. In fact, the uniforms being used nationwide right now still have Immigration Naturalization Service patches on them despite the fact that the INS no longer exists. Lack of funds appears to be causing detention facilities problems in San Diego, California and other places.

Let me just simply say we have the documentation, Mr. Chairman. I rise to ask my colleagues to support this amendment to ICE, and I also will add that I support the Palestinian money and the Sudan money. But I hope that we will know that we have to secure the homeland by providing extra dollars to respond to the needs of our own staff here in the Department of Homeland Security.

Mr. Chairman, as the ranking member of the Subcommittee on Immigration, Border Security, and Claims, I have learned of a budget

crisis in the Homeland Security Department's Bureau of Immigration and Customs Enforcement, ICE. At a hearing last week on Interior Immigration Enforcement Resources, Immigration Enforcement Agent Randy Callahan testified on ICE's financial difficulties. His description of the problems ICE is having financially confirms the concern I have had for some time now.

For instance, training programs have been postponed. This has halted training for approximately 2,000 former Detention Enforcement Officers who were reclassified and combined with Immigration Agent into a position called, ''Immigration Enforcement Agent,'' IEA. ICE has approximately 900 agents who have not been trained yet. Without this training, ICE cannot use these officers for any type of law enforcement function, except transportation officer and possibly some computer work.

There is no money for uniforms, so uniformed Immigration Enforcement Agents are not able to order replacement uniforms. In fact, the uniforms being used nationwide right now still have Immigration and Naturalization Service, INS, patches on them despite the fact that INS no longer exists.

Lack of funds appears to be causing a detention facility in San Diego, CA, to release detainees from custody. Apparently, ICE management told its employees that the office had to reduce its adult detentions from several hundred to around 100. Additional funding is needed nationwide to maintain the approximately 17,000 detention beds currently in use.

ICE's financial problems have resulted in a hiring freeze since last March and severe spending restrictions. In September, ICE ordered its offices to refrain from nonessential spending such as travel, temporary duty assignments, equipment and supply purchases, and permanent change-of-station moves.

ICE is a bureau in financial crisis. They do not have enough money to hold people in custody, buy new uniforms and equipment for employees, or even issue badges and credentials with the correct department on them. Emergency funds are essential to correct this problem.

Former DHS Deputy Secretary James Loy said recently that ICE needs $280 million to finish out the year. It is not feasible to address that entire need with the emergency supplemental, H.R. 1268. My amendment, therefore, just seeks $40 million, which can be offset in the Coast Guard allotment.

For the reasons stated above, Mr. Chairman, I ask that my colleagues accept the Jackson-Lee amendment to fund the Immigration and Customs Enforcement needs. It is a shame that this amendment could not get a waiver of the point of order for the crisis in our Department of Homeland Security.

POINT OF ORDER

Mr. LEWIS of California. Mr. Chairman, reluctantly I make a point of order against the amendment because it is in violation of section 302(f) of the Congressional Budget Act of 1974. The Committee on Appropriations filed a suballocation on budget totals for fiscal year 2005 on July 22, 2004. The amendment would provide new budget authority in excess of the committee allocations and is not permitted under section 302(f) of the act. I ask for the ruling of the Chair.

Ms. JACKSON-LEE of Texas. Will the gentleman yield for just a moment?

Mr. LEWIS of California. I have asked for a ruling of the Chair.

The Acting CHAIRMAN (Mr. SHIMKUS). The Chair will hear each member on his or her own time. The Chair recognizes the gentlewoman from Texas (Ms. JACKSON-LEE) to speak on the point of order.

Ms. JACKSON-LEE of Texas. Mr. Chairman, my understanding of an emergency supplemental is to deal with emergency funding situations in the government. I realize that the present language speaks directly to Coast Guard, which is part of now the Department of Homeland Security. This amendment amends that section and asks and has a viable offset and asks simply to allow $40 million of that amount to be able to be utilized for the underfunded ICE agents that do not have uniforms, that do not have badges, that do not have IDs.

Frankly, I believe if we are to do our work in Iraq, whether we agree or disagree with the war in Iraq, we do know that it is represented to us by the administration to be a war on terror. How can we fight the war on terror in Afghanistan and Iraq and not fight the war on terror in this country within our boundaries?

The Immigration Customs and Enforcement helps us do that. It separates out those who intend to do us harm from those who are here who may be undocumented but are here simply for economic reasons.

We need to be able to thwart those who may come across the border to do us harm and are not caught at the border. We need to be able to have the agency well equipped to protect us by securing those individuals and detaining them. Without those resources they cannot even continue.

Do not take my word. Take the word of Admiral Loy, who indicated that they needed more dollars to finish out the fiscal year in question.

I would ask my colleague, and I would also ask at this moment, that if he pursues his point of order, whether or not we will have the opportunity, whether in conference or as we continue the appropriations process, to focus on the lack of funding for the Immigration and Enforcement Officers, Immigration, Customs and Enforcement Officers, the Border Patrol, which I think you are aware of, and the detention beds.

I would like very much to yield to the chairman, and on this issue I think we are all in common agreement about the need to secure our homeland.

The Acting CHAIRMAN. Does the gentleman from California wish to be head further on the point of order?

Mr. LEWIS of California. Mr. Chairman, I would simply say it is our intention to pursue the questions the gentlewoman is asking. It may very well be in conference on the supplemental that it is appropriate, but frankly in some ways we take from Peter to pay Paul. We can pursue this is regular order, and I prefer to use the supplemental process for those emergencies that we cannot deal with in regular order. Because of that, I am not pursuing the recommendations at this time. We will follow through, however, on the questions that the gentlewoman is asking.

Mr. Chairman, I insist on my point of order.

The Acting CHAIRMAN. The Chair is prepared to rule on the point of order.

The Chair is authoritatively guided under section 312 of the Budget Act by an estimate of the Committee on the Budget that an amendment providing any net increase in new discretionary budget authority would cause a breach of pertinent allocation of such authority.

The amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) will increase the level of new discretionary budget authority in the bill. As such, the amendment violates section 302(f) of the Budget Act.

The point of order is sustained. The amendment is not in order.

The Clerk will read.

The Clerk read as follows:

CHAPTER 3

DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $78,970,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses,'' $7,648,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

TITLE IV—INDIAN OCEAN TSUNAMI RELIEF

CHAPTER 1

FUNDS APPROPRIATED TO THE PRESIDENT

OTHER BILATERAL ASSISTANCE

TSUNAMI RECOVERY AND RECONSTRUCTION FUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Foreign Assistance Act of 1961, for emergency relief, rehabilitation, and reconstruction aid to countries affected by the tsunami and earthquakes of December 2004, and for other purposes, $656,000,000, to remain available until September 30, 2006: *Provided*, That these funds may be transferred by the Secretary of State to any Federal agency or account for any activity authorized under part I (including chapter 4 of part II) of the Foreign Assistance Act, or under the Agricultural Trade Development and Assistance Act of 1954, to accomplish the purposes provided herein: *Provided further*, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That funds appropriated under this heading may be used to reimburse fully accounts administered by the United States Agency for International Development for obligations incurred for the purposes provided under this

heading prior to enactment of this Act, including Public Law 480 Title II grants: *Provided further*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress): *Provided further*, That of the amounts provided herein: up to $10,000,000 may be transferred to and consolidated with the Development Credit Authority for the cost of direct loans and loan guarantees as authorized by sections 256 and 635 of the Foreign Assistance Act of 1961 in furtherance of the purposes of this heading; up to $15,000,000 may be transferred to and consolidated with ''Operating Expenses of the United States Agency for International Development'', of which up to $2,000,000 may be used for administrative expenses to carry out credit programs administered by the United States Agency for International Development in furtherance of the purposes of this heading; up to $500,000 may be transferred to and consolidated with ''Operating Expenses of the United States Agency for International Development, Office of Inspector General''; and up to $5,000,000 may be transferred to and consolidated with ''Administration of Foreign Affairs Emergencies in the Diplomatic and Consular Service'' for the purpose of providing support services for U.S. citizen victims and related operations.

GENERAL PROVISION

SEC. 4101. Amounts made available pursuant to section 492(b) of the Foreign Assistance Act of 1961 to address relief and rehabilitation needs for countries affected by the tsunami and earthquake of December 2004, prior to the enactment of this Act, shall be in addition to the amount that may be obligated in fiscal year 2005 under that section.

SEC. 4102. The Secretary of State shall submit to the Committees on Appropriations not later than 30 days after enactment, and prior to the initial obligation of funds appropriated under this chapter, a report on the proposed uses of all funds on a project-by-project basis, for which the obligation of funds is anticipated: *Provided*, That up to 10 percent of funds appropriated under this chapter may be obligated before the submission of the report subject to the normal notification procedures of the Committees on Appropriations: *Provided further*, That the report shall be updated and submitted to the Committees on Appropriations every six months and shall include information detailing how the estimates and assumptions contained in previous reports have changed: *Provided further*, That any proposed new projects and increases in funding of ongoing projects shall be reported to the Committees on Appropriations in accordance with regular notification procedures: *Provided further*, That the Secretary of State shall submit to the Committees on Appropriations, not later than 210 days following enactment of this Act, and every six months thereafter, a report detailing on a project-by project basis, the expenditure of funds appropriated under this chapter until all funds have been fully expended.

CHAPTER 2

DEPARTMENT OF DEFENSE—MILITARY

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, NAVY

For an additional amount for ''Operation and Maintenance, Navy'', $124,100,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $2,800,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $30,000,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $29,150,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For an additional amount for ''Overseas Humanitarian, Disaster, and Civic Aid'', $36,000,000, to remain available until September 30, 2006: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CHAPTER 3

DEPARTMENT OF DEFENSE

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $3,600,000 for operation and maintenance: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CHAPTER 4

DEPARTMENT OF HOMELAND SECURITY

UNITED STATES COAST GUARD

OPERATING EXPENSES

For an additional amount for ''Operating Expenses'', $350,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CHAPTER 5

DEPARTMENT OF THE INTERIOR

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for ''Surveys, Investigations, and Research'', $8,100,000, to remain available until September 30, 2006: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CHAPTER 6

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for ''Operations, Research, and Facilities'', $4,830,000, to remain available until September 30, 2006, for United States tsunami warning capabilities and operations: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For an additional amount for ''Procurement, Acquisition and Construction'', $9,670,000, to remain available until September 30, 2007, for United States tsunami warning capabilities: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

TITLE V—GENERAL PROVISIONS AND TECHNICAL CORRECTIONS

SEC. 5001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

(INCLUDING TRANSFERS OF FUNDS)

SEC. 5002. Notwithstanding any other provision of law, upon enactment of this Act, the Secretary of Defense shall make the following transfers of funds previously made available in the Department of Defense Appropriations Act, 2005 (Public Law 108–287): *Provided*, That the amounts transferred shall be made available for the same purpose and the same time period as the appropriation to which transferred: *Provided further*, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the amounts shall be transferred between the following appropriations, in the amounts specified:

To:

Under the heading, ''Research, Development, Test and Evaluation, Air Force, 2005/2006'', $500,000;

From:

Under the heading, ''Other Procurement, Air Force'', $500,000.

To:

Under the heading, ''Other Procurement, Air Force, 2005/2007'', $8,200,000;

From:

Under the heading, ''Other Procurement, Navy, 2005/2007'', $8,200,000.

SEC. 5003. Funds appropriated by this Act may be obligated and expended notwithstanding section 15 of the State Department Basic Authorities Act of 1956, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) and section 10 of Public Law 91–672 (22 U.S.C. 2412), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 5004. The last proviso under the heading ''Operation and Maintenance'' in title I of division C of Public Law 108–447 is amended by striking ''Public Law 108–357'' and inserting ''Public Law 108–137''.

SEC. 5005. Section 101 of title I of division C of Public Law 108–447 is amended by striking ''per project'' and all that follows through the period at the end and inserting ''for all applicable programs and projects not to exceed $80,000,000 in each fiscal year.''.

SEC. 5006. The matter under the heading ''Water and Related Resources'' in title II of division C of Public Law 108–447 is amended by inserting before the period at the end the following: '': *Provided further*, That $4,023,000 of the funds appropriated under this heading shall be deposited in the San Gabriel Basin Restoration Fund established by section 110 of title I of division B of the Miscellaneous Appropriations Act, 2001 (as enacted into law by Public Law 106–554)''.

SEC. 5007. In division C, title III of the Consolidated Appropriations Act, 2005 (Public Law 108–447), the item relating to ''Department of Energy—Energy Programs—Nuclear Waste Disposal'' is amended by—

(1) inserting ''to be derived from the Nuclear Waste Fund and'' after ''$346,000,000,''; and

(2) striking ''to conduct scientific oversight responsibilities and participate in licensing activities pursuant to the Act'' and

inserting ''to participate in licensing activities and other appropriate activities pursuant to the Act''.

SEC. 5008. Section 144(b)(2) of title I of division E of Public Law 108–447 is amended by striking ''September 24, 2004'' and inserting ''November 12, 2004''.

SEC. 5009. In the statement of the managers of the committee of conference accompanying H.R. 4818 (Public Law 108–447; House Report 108–792), in the matter in title III of division F, relating to the Fund for the Improvement of Education under the heading ''Innovation and Improvement''—

(1) the provision specifying $500,000 for the Mississippi Museum of Art, Jackson, MS for Hardy Middle School After School Program shall be deemed to read ''Mississippi Museum of Art, Jackson, MS for a Mississippi Museum of Art After-School Collaborative'';

(2) the provision specifying $2,000,000 for the Milken Family Foundation, Santa Monica, CA, for the Teacher Advancement Program shall be deemed to read ''Teacher Advancement Program Foundation, Santa Monica, CA for the Teacher Advancement Program'';

(3) the provision specifying $1,000,000 for Batelle for Kids, Columbus, OH for a multistate effort to evaluate and learn the most effective ways for accelerating student academic growth shall be deemed to read ''Battelle for Kids, Columbus, OH for a multi-state effort to implement, evaluate and learn the most effective ways for accelerating student academic growth'';

(4) the provision specifying $750,000 for the Institute of Heart Math, Boulder Creek, CO for a teacher retention and student dropout prevention program shall be deemed to read ''Institute of Heart Math, Boulder Creek, CA for a teacher retention and student dropout prevention program'';

(5) the provision specifying $200,000 for Fairfax County Public Schools, Fairfax, VA for Chinese language programs in Franklin Sherman Elementary School and Chesterbrook Elementary School in McLean, Virginia shall be deemed to read ''Fairfax County Public Schools, Fairfax, VA for Chinese language programs in Shrevewood Elementary School and Wolftrap Elementary School'';

(6) the provision specifying $1,250,000 for the University of Alaska/Fairbanks in Fairbanks, AK, working with the State of Alaska and Catholic Community Services, for the Alaska System for Early Education Development (SEED) shall be deemed to read ''University of Alaska/Southeast in Juneau, AK, working with the State of Alaska and Catholic Community Services, for the Alaska System for Early Education Development (SEED)'';

(7) the provision specifying $25,000 for QUILL Productions, Inc., Aston, PA, to develop and disseminate programs to enhance the teaching of American history shall be deemed to read ''QUILL Entertainment Company, Aston, PA, to develop and disseminate programs to enhance the teaching of American history'';

(8) the provision specifying $780,000 for City of St. Charles, MO for the St. Charles Foundry Arts Center in support of arts education shall be deemed to read ''The Foundry Art Centre, St. Charles, Missouri for support of arts education in conjunction with the City of St. Charles, MO'';

(9) the provision specifying $100,000 for Community Arts Program, Chester, PA, for arts education shall be deemed to read ''Chester Economic Development Authority, Chester, PA for a community arts program'';

(10) the provision specifying $100,000 for Kids with A Promise—The Bowery Mission, Bushkill, PA shall be deemed to read ''Kids with A Promise—The Bowery Mission, New York, NY'';

(11) the provision specifying $50,000 for Great Projects Film Company, Inc., Washington, DC, to produce ''Educating America'', a documentary about the challenges facing our public schools shall be deemed to read ''Great Projects Film Company, Inc., New York, NY, to produce 'Educating America', a documentary about the challenges facing our public schools'';

(12) the provision specifying $30,000 for Summer Camp Opportunities Provide an Edge (SCOPE), New York, NY for YMCA Camps Skycrest, Speers and Elijabar shall be deemed to read ''American Camping Association for Summer Camp Opportunities Provide an Edge (SCOPE), New York, NY for YMCA Camps Skycrest and Speers-Elijabar''; and

(13) the provision specifying $163,000 for Space Education Initiatives, Green Bay, WI for the Wisconsin Space Science Initiative shall be deemed to read ''Space Education Initiatives, De Pere, WI for the Wisconsin Space Science Initiative''.

SEC. 5010. In the statement of the managers of the committee of conference accompanying H.R. 4818 (Public Law 108–447; House Report 108–792), in the matter in title III of division F, relating to the Fund for the Improvement of Postsecondary Education under the heading ''Higher Education''—

(1) the provision specifying $145,000 for the Belin-Blank Center at the University of Iowa, Iowa City, IA for the Big 10 school initiative to improve minority student access to Advanced Placement courses shall be deemed to read ''University of Iowa, Iowa City, IA for the Iowa and Israel: Partners in Excellence program to enhance math and science opportunities to rural Iowa students'';

(2) the provision specifying $150,000 for Mercy College, Dobbs Ferry, NY for the development of a registered nursing program shall be deemed to read ''Mercy College, Dobbs Ferry, NY, for the development of a master's degree program in nursing education, including marketing and recruitment activities'';

(3) the provision specifying $100,000 for University of Alaska/Southeast to develop distance education coursework for arctic engineering courses and programs shall be deemed to read ''University of Alaska System Office to develop distance education coursework for arctic engineering courses and programs''; and

(4) the provision specifying $100,000 for Culver-Stockton College, Canton, MO for equipment and technology shall be deemed to read ''Moberly Area Community College, Moberly, MO for equipment and technology''.

SEC. 5011. The matter under the heading ''Corporation for National and Community Service—National and Community Service Programs Operating Expenses'' in title III of division I of Public Law 108–447 is amended by inserting before the period at the end the following: '': *Provided further*, That the Corporation may use up to 1 percent of program grant funds made available under this heading to defray its costs of conducting grant application reviews, including the use of outside peer reviewers''.

SEC. 5012. Section 114 of title I of division I of the Consolidated Appropriations Act, 2005 (Public Law 108–447) is amended by inserting before the period ''and section 303 of Public Law 108–422''.

SEC. 5013. Section 117 of title I of division I of the Consolidated Appropriations Act, 2005 (Public Law 108–447) is amended by striking ''that are deposited into the Medical Care Collections Fund may be transferred and merged with'' and inserting ''may be deposited into the''.

SEC. 5014. Section 1703(d)(2) of title 38, United States Code, is amended by striking ''shall be available for the purposes'' and inserting ''shall be available, without fiscal limitation, for the purposes''.

SEC. 5015. Section 621 of title VI of division B of Public Law 108–199 is amended by striking ''of passenger, cargo and other aviation services''.

SEC. 5016. Section 619(a) of title VI of division B of Public Law 108–447 is amended by striking ''Asheville-Buncombe Technical Community College'' and inserting ''the International Small Business Institute''.

SEC. 5017. (a) Section 619(a) of title VI of division B of Public Law 108–447 is amended by striking ''for the continued modernization of the Mason Building''.

(b) Section 621 of title VI of division B of Public Law 108–199, as amended by Public Law 108–447, is amended by striking '', for the continued modernization of the Mason Building''.

SEC. 5018. The Department of Justice may transfer funds from any Department of Justice account to ''Detention Trustee'': *Provided*, That the notification requirement in section 605(b) of title VI of division B of Public Law 108–447 shall remain in effect for any such transfers.

SEC. 5019. The referenced statement of managers under the heading ''Community Development Fund'' in title II of division K of Public Law 108–7 is deemed to be amended—

(1) with respect to item number 39 by striking ''Conference and Workforce Center in Harrison, Arkansas'' and inserting ''in Harrison, Arkansas for facilities construction of the North Arkansas College Health Sciences Education Center''; and

(2) with respect to item number 316 by striking ''for renovation of a visitor center to accommodate a Space and Flight Center'' and inserting ''to build-out the Prince George's County Economic Development and Business Assistance Center''.

SEC. 5020. The referenced statement of the managers under the heading ''Community Development Fund'' in title II of division G of Public Law 108–199 is deemed to be amended—

(1) with respect to item number 56 by striking ''Conference and Training Center'' and inserting ''North Arkansas College Health Sciences Education Center'';

(2) with respect to item number 102 by striking ''to the Town of Groveland, California for purchase of a youth center'' and inserting ''to the County of Tuolomne for the purchase of a new youth center in the mountain community of Groveland'';

(3) with respect to item number 218 by striking ''for construction'' and inserting ''for design and engineering'';

(4) with respect to item number 472 by striking ''for sidewalk, curbs and facade improvements in the Morton Avenue neighborhood'' and inserting ''for streetscape renovation''; and

(5) with respect to item number 493 by striking ''for land acquisition'' and inserting ''for planning and design of its Sports and Recreation Center and Education Complex''.

SEC. 5021. The referenced statement of the managers under the heading ''Community Development Fund'' in title II of division I of Public Law 108–447 is deemed to be amended as follows—

(1) with respect to item number 706 by striking '' a public swimming pool'' and inserting ''recreation fields'';

(2) with respect to item number 667 by striking ''to the Town of Appomattox, Virginia for facilities construction of an African-American cultural and heritage museum at the Carver-Price building'' and inserting ''to the County of Appomattox, Virginia for renovation of the Carver-Price building'';

(3) with respect to item number 668 by striking ''for the Town of South Boston, Virginia for renovations and creation of a community arts center at the Prizery'' and inserting ''for The Prizery in South Boston, Virginia for renovations and creation of a community arts center'';

(4) with respect to item number 669 by striking ''for the City of Moneta, Virginia for facilities construction and renovations of an art, education, and community outreach center'' and inserting ''for the Moneta Arts, Education, and Community Outreach Center in Moneta, Virginia for facilities construction and renovations'';

(5) with respect to item number 910 by striking ''repairs to'' and inserting ''renovation and construction of''; and

(6) with respect to item number 902 by striking ''City of Brooklyn'' and inserting ''Fifth Ave Committee in Brooklyn''.

SEC. 5022. Section 308 of division B of Public Law 108–447 is amended by striking all after the words ''shall be deposited'', and inserting ''as offsetting receipts to the fund established under 28 U.S.C. 1931 and shall remain available to the Judiciary until expended to reimburse any appropriation for the amount paid out of such appropriation for expenses of the Courts of Appeals, District Courts, and Other Judicial Services and the Administrative Offices of the United States Courts.''.

SEC. 5023. Section 198 of division H of Public Law 108–447 is amended by inserting ''under title 23 of the United States Code'' after ''law''.

SEC. 5024. The District of Columbia Appropriations Act, 2005 (Public Law 108–335) approved October 18, 2004, is amended as follows:

(1) Section 331 is amended as follows:

(A) in the first sentence by striking the word ''$15,000,000'' and inserting ''$42,000,000, to remain available until expended,'' in its place, and

(B) by amending paragraph (5) to read as follows:

''(5) The amounts may be obligated or expended only if the Mayor notifies the Committees on Appropriations of the House of Representatives and Senate in writing 30 days in advance of any obligation or expenditure.''.

(2) By inserting a new section before the short title at the end to read as follows:

''SEC. 348. The amount appropriated by this Act may be increased by an additional amount of $206,736,000 (including $49,927,000 from local funds and $156,809,000 from other funds) to be transferred by the Mayor of the District of Columbia to the various headings under this Act as follows:

''(1) $174,927,000 (including $34,927,000 from local funds, and $140,000,000 from other funds) shall be transferred under the heading 'Government Direction and Support': *Provided,* That of the funds, $33,000,000 from local funds shall remain available until expended: *Provided further,* That of the funds, $140,000,000 from other funds shall remain available until expended and shall only be available in conjunction with revenue from a private or alternative financing proposal approved pursuant to section 106 of DC Act 15–717, the 'Ballpark Omnibus Financing and Revenue Act of 2004' approved by the District of Columbia, December 29, 2004, and

''(2) $15,000,000 from local funds shall be transferred under the heading 'Repayment of Loans and Interest', and

''(3) $14,000,000 from other funds shall be transferred under the heading 'Sports and Entertainment Commission', and

''(4) $2,809,000 from other funds shall be transferred under the heading 'Water and Sewer Authority'.''

□ 1515

AMENDMENT OFFERED BY MR. GARRETT OF NEW JERSEY

Mr. GARRETT of New Jersey. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GARRETT of New Jersey:

At the end of title V (relating to general provisions), insert the following:

SEC. ____. (a) OFFSETTING GOVERNMENT-WIDE RESCISSION.—Of the discretionary budget authority for fiscal year 2005 provided in appropriation Acts for fiscal year 2005 (other than this Act), there is rescinded the total amount determined by the Director of the Office of Management and Budget to be required to offset the discretionary budget authority that is provided in titles II and IV of this Act (relating to international programs and tsunami relief) and designated as an emergency requirement.

(b) APPLICATION.—The rescission made by subsection (a)—

(1) shall take effect upon the enactment of this Act;

(2) shall not apply to the discretionary budget authority provided for the Departments of Defense, Homeland Security, and Veterans Affairs; and

(3) shall be applied proportionately to the discretionary budget authority provided for each other department, agency, instrumentality, and entity of the Federal Government.

(c) REPORT.—Within 30 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report specifying the reductions made to each account, program, project, and activity pursuant to this section.

Mr. GARRETT of New Jersey (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The Acting CHAIRMAN (Mr. SHIMKUS). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIRMAN. The gentleman reserves a point of order.

Mr. GARRETT of New Jersey. Mr. Chairman, the question before us today, I believe, is how now shall we live within the confines of the budget that we have to deal with? Shall we live within the boundaries that we have set for ourselves and set an example for our generation today and the future, or should we ignore those boundaries that we have imposed upon ourselves and spend in excess?

Right now we are in the process, as we know, of doing the budget for next year, the 2006 budget. We are setting up the framework of what we will be spending for next year. And so I think it is fitting and appropriate that we look at the supplemental today and the amendment that I have presented to see whether or not we will fit within that budget confines, whether or not we will fit within that area or, instead, will we exceed it and say that a budget really is nothing more than a charade and not explain exactly what we will be spending for any point in time.

Let me just say that I applaud the chairman, and I applaud the members of the committee for doing what they said they would do as has been reported in the paper. To use the chairman's own words, they have taken the President's proposal and scrubbed it thoroughly for many points that they thought appropriate to remove from that spending proposal. My question, though, is, can we do a little bit better? Can we go a little bit further? Can we do exactly what we ask families to do back at home?

Think for a moment. What would a family do today if they faced emergency expenditures like we are looking at in the supplemental right now, families who maybe have to see extra car payments or medical expenses? What would a family do? A family would probably have to do what we should be doing right here, and that is limit our spending elsewhere, reduce some other unnecessary spending so that we have that money for the emergency spending.

If we look in the supplemental, there are a number of points in there that have already been raised by others. I will just point to one of them, the aid for tsunami victims. That started at $35 million, went up to $150 million, then $350 million, and now we are looking at $950 million. Some would question whether we can even spend all that before the end of this fiscal year. As a matter of fact, I spoke with people from the World Bank and they said that they are not even sure where the money would all be going to. They do not have an exact figure as to what we should be spending on long-term needs, so we can question whether or not we should be spending that money.

But given that we can argue that back and forth, let us take that as a given that we should spend the entire $950 million for tsunami relief. I would ask this, as we stand here before the world as a body saying that we are going to do the charitable thing and give money to the tsunami victims, are we really exercising any charity there when we, in fact, say, we're not going to be paying for it, we're asking our kids and our grandkids to pay for it in excessive spending and deficit spending in future generations?

Again, I applaud the chairman for the good start that they have done in this committee by scrubbing the budget and trying to find some offsets. I would simply say, can we not do a little bit better and find completely all offsets for all of the spending that we are doing, aside from the military defense spending, for all the excessive spending in the bill? It is around $4 billion. How much would it really come out to be? If you are looking at the budget that we have right now that we are living under, $2.5 trillion, and you are trying to find savings or offsets of around $4 billion, that is only two-

tenths of 1 percent. I would ask, can we not find two-tenths of 1 percent of waste, fraud and abuse in the entire fiscal budget that we are operating under right now? I think we can.

We ask families to do it for their budgets, we ask businesses to do it for their budgets, I think we can find that entire amount of approximately $4 billion of waste, fraud, and abuse in the entire budget, offset it, and then we can truly stand before the world and say that when we are making charitable contributions to the tsunami relief victims, that it is truly coming from this generation and not being passed on to future generations.

I shall end where I began. How now shall we live? We shall live within the means, by the parameters that we have set down upon ourselves. We shall live within the budget that we have set for ourselves and not outside that budget.

POINT OF ORDER

Mr. LEWIS of California. Mr. Chairman, while I am very empathetic to the gentleman's concern, for I have many a grandchild myself, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI.

The rule states in pertinent part: ''An amendment to a general appropriation bill shall not be in order if changing existing law.'' In this case, the amendment addresses funds in other acts, and so I have to reluctantly ask the Chair to rule.

The Acting CHAIRMAN. Does any other Member wish to be heard on the point of order?

Mr. GARRETT of New Jersey. Mr. Chairman, I am sorry, I should have stepped in before the gentleman stood up to say, in light of knowing the rules of the House, that I was about to withdraw the amendment.

Mr. LEWIS of California. Mr. Chairman, in that event, I withdraw my point of order.

The Acting CHAIRMAN. The gentleman from California withdraws the point of order; and without objection, the gentleman from New Jersey withdraws the amendment.

There was no objection.

AMENDMENT OFFERED BY MR. FILNER

Mr. FILNER. Mr. Chairman, I offer an amendment. The Clerk read as follows:

Amendment offered by Mr. FILNER:

At the end of title V (page 69, after line 17), insert the following new section:

SEC. ____. In addition to amounts otherwise appropriated in this Act, there is hereby appropriated for fiscal year 2005, for ''Department of Veterans Affairs—Veterans Health Administration—Medical Services'', $3,100,000,000: *Provided*, That the amounts provided under this section are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order against the gentleman's amendment.

The Acting CHAIRMAN. The gentleman reserves a point of order.

Mr. FILNER. Mr. Chairman, I have an amendment which I am labeling an emergency amendment. It is an emergency amendment because the money is needed for the veterans of this Nation, especially those who are returning from the war in Iraq and Afghanistan who may not be able to get the services they need for a variety of wounds, both physical and mental.

Let me first say where I got the number of $3.1 billion. It is not just a figure grabbed from the air. Every year the veterans service organizations of this Nation put together a budget called the Independent Budget for the Department of Veterans Affairs. This is the one for 2006. What it says is that just to keep meeting the needs for our current veterans and those who we expect to see in the coming year, we will need an additional $3.1 billion than was allocated by the President in his budget. We do not know what this House will adopt yet, so this figure is drawn from the inadequacies of the President's budget as he gave it to Congress recently.

This is a supplemental budget for those fighting in Iraq and Afghanistan. At least that is the title. Let me make sure all the people of the House understand the relevance of the veterans budget for the war that we are fighting abroad. Here is what our first President, George Washington, said and it has never been done more eloquently: ''The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional as to how they perceive the veterans of earlier wars were treated and appreciated by their country.''

Mr. Chairman, the morale of our troops overseas depends on how we are going to treat their comrades when they return and how we treat their comrades who served in earlier battles. We are not treating them to the level that is worthy of their sacrifice. Whether you look at the amount of nurses, whether you look at research funds, whether you look at the resources for post-traumatic stress disorder for which virtually every returning soldier, Marine who is in Iraq and Afghanistan may have, wherever you look, there is a deficiency in this veterans budget.

I call that an emergency. I call that important to the struggle that is being waged overseas. If you are voting for that struggle, you have to vote to make sure the veterans who come back from that struggle are well treated.

Right now we have a proposal from the President which advocates a mere one-half of 1 percent increase in the veterans health care budget over the previous year. That is a real cut, because of health inflation and the advancing age and the needs of the population, to about a 14 or 15 percent cut by the administration's own figures. So we are cutting in real terms 15 percent from the veterans health care budget.

How does the administration want to fund that cut? Doubling the copayments for prescription drugs, adding an enrollment fee of up to $250 for those in the so-called lower categories of veterans preference. That is outrageous. That is unconscionable to charge the veterans of this Nation for their own health care and to balance the budget on the backs of these veterans.

The chairman of the Committee on Veterans' Affairs was not satisfied with having a $250 enrollment fee. He proposed doubling it to almost $500 for some of these veterans. These veterans are supposedly in lower categories, either because of the nature of their illness or their income. But, Madam Chairman, this Nation, this Congress has the funds to help all of these veterans to get the care that they need.

Let me remind my colleagues, this is a $2.5 trillion budget that we are operating within our Nation. We have about a $400 billion deficit, a $7.5 trillion debt. We are spending several billion dollars a week in Iraq. Yet someone is going to say that we do not have the $3 billion that is necessary for our veterans? I reject that argument because this is a Nation that is worthy of its veterans. This a Nation that could put the money where it is needed. And this is a Nation that can do what is required for our veterans.

We simply cannot charge these copayments. We simply cannot charge this enrollment fee. We simply cannot continue to have a VA that is gagged from informing veterans of their rights under law. That is what is happening in the VA today. My amendment to provide $3 billion extra will correct that injustice.

POINT OF ORDER

Mr. LEWIS of California. Madam Chairman, I am very empathetic to the concerns of the gentleman from California. We expect fully to address those concerns in regular order. Therefore, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI. The rule states in pertinent part: ''An amendment to a general appropriation bill shall not be in order if changing existing law.'' The amendment includes an emergency designation and as such constitutes legislation in violation of clause 2 of rule XXI.

I ask for a ruling from the Chair.

□ 1530

The Acting CHAIRMAN (Mrs. BIGGERT). Does any Member wish to be heard on the point of order?

Mr. FILNER. Madam Chairman, I know how reluctant the chairman is. This is a supplemental budget. By definition it goes beyond whatever we did in the previous year. That is why it is called a supplemental. And by some technical mumbo jumbo, he has managed to say that this supplemental is not subject to the rule that he just read. Through technicalities, through arcane kinds of things, he is saying that the veterans of this Nation are not

entitled to this care because he is using a rule which is not being used for the $81 billion that we have on the floor but is used for this $3 billion that we are trying to use for our Nation's veterans.

Madam Chairman, I understand these rules, and I understand these technical points of order. They are designed to protect certain amendments and not have others. Fine. But when one uses that rule to shut out the veterans of this Nation, to shut out the troops that are coming back from Iraq and Afghanistan, from the care that they deserve and will need, we are going to shut down PTSD programs, Madam Chairman, all across this Nation, and yet every soldier and Marine is going to come back with potentially that disorder.

So one can use all the rules, but what we are doing here is immoral, it is unconscionable, it is outrageous that we would be treating the veterans in this way.

The Acting CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. LEWIS of California. Madam Chairman, speaking further on the point of order, I would simply, calmly say to the gentleman that I very much agree, as the entire House agrees, that we must be responsive to the medical needs of our veterans, especially those who are coming back at this very moment. There is not any doubt that the new Military Quality of Life and Veterans Affairs, and Related Agencies Subcommittee is designed in the fashion to be very responsive to the needs of veterans. I urge the gentleman to recognize that we have begun hearings in connection with that already. It is our intention in regular order to move these bills very quickly, and there is absolutely no doubt that the needs of these veterans, beyond money that is already in the pipeline, will be met as a result of regular order.

Mr. FILNER. Madam Chairman, I understand what the chairman is saying. I have been around here long enough. I do not have confidence in that regular order. I know what is going to happen then. Then we will be accused of legislating on appropriations or some other rule will be brought up. So I do not accept the ruling. I intend to challenge the ruling, and I think we owe this to our veterans.

The Acting CHAIRMAN. If no other Member wishes to be heard, the Chair is prepared to rule.

The Chair finds that this amendment includes an emergency designation. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained. The amendment is not in order.

Mr. FILNER. Madam Chairman, I move to appeal the ruling of the Chair.

The Acting CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the Committee of the Whole?

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FILNER. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 224, noes 200, not voting 10, as follows:

[Roll No. 71]

AYES—224

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
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
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Inglis (SC)
Issa
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Portman
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
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Tancredo
Taylor (NC)
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Wamp
Waxman
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—200

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
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
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
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
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Watson
Watt
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—10

Hyde
Istook
Leach
Millender-McDonald
Oxley
Sullivan
Sweeney
Terry
Walsh
Waters

□ 1602

Ms. PELOSI, Ms. LORETTA SANCHEZ of California and Messrs. HONDA, DAVIS of Florida, STRICKLAND and LYNCH changed their vote from ''aye'' to ''no.''

Mr. FRELINGHUYSEN changed his vote from ''no'' to ''aye.''

So the decision of the Chair stands as the judgment of the Committee.

The result of the vote was announced as above recorded.

Mr. PUTNAM. Madam Chairman, I move to strike the last word.

Madam Chairman, I wish to extend my gratitude on behalf of the entire Florida delegation to the gentleman from California (Mr. LEWIS) and the gentleman from Kentucky (Mr. MIKE ROGERS) for entering into this colloquy with us regarding a very crucial issue to Florida as well as this Congress.

Last fall the State of Florida withstood an historic four hurricanes causing enormous devastation and damage to property, waterways, homes and individuals' lives. I commend the relief efforts on the ground in the immediate aftermath of the hurricane as well as the willingness of Congress to step forward and offer meaningful relief to hurricane victims. But there are two issues for which the Department of Homeland Security, Federal Emergency Management Agency should recognize under their current statutory authority to effectively address Florida hurricane-related damage.

Congress appropriated funds to respond to the hurricane devastation through the Military Construction Appropriations and Emergency Hurricane Supplemental Appropriations Act 2005, Public Law 108–324, and the Emergency Supplemental of 2004, Public Law 108–303.

At this time, Madam Chairman, I yield to the distinguished chairman, the gentleman from Kentucky (Mr. ROGERS), to ask how was Florida hurricane disaster aid reflected in the designation of FEMA disaster relief funds?

Mr. ROGERS of Kentucky. Madam Chairman, will the gentleman yield?

Mr. PUTNAM. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Madam Chairman, House Report 108–773 which accompanied the Military Construction Emergency Hurricane Supplemental Bill stated, ''The conferees agree to provide an additional $6.5 billion for disaster relief activities associated with declared disasters such as Hurricanes Frances, Ivan and Jeanne.''

Supplemental funds appropriated in the wake of the four hurricanes may be used by FEMA in administering relief to stricken communities and victims in areas such as Florida where the President declared disaster areas that meet current statutory eligibility under the Stafford Act.

Mr. PUTNAM. Reclaiming my time, I thank the chairman.

I would ask the chairman, is it his understanding that the administration has the authority under the Stafford Act to remove debris from the private lands when it is in the public interest?

Mr. ROGERS of Kentucky. Madam Chairman, it is my understanding that the Stafford Act authorizes the removal of wreckage and debris resulting from a major disaster from both public and private lands when the President determines that it is in the public interest.

Mr. PUTNAM. I thank the chairman for his time and attention to this most important effort. It is my hope that this colloquy brings clarity and direction to FEMA as it administers the critical disaster relief funds.

The Acting CHAIRMAN (Mrs. BIGGERT). The Clerk will read.

The Clerk read as follows:

TITLE VI—HUMANITARIAN ASSISTANCE CODE OF CONDUCT

SECTION 6001. SHORT TITLE.

This title may be cited as the ''Humanitarian Assistance Code of Conduct Act of 2005''.

SEC. 6002. CODE OF CONDUCT FOR THE PROTECTION OF BENEFICIARIES OF HUMANITARIAN ASSISTANCE.

(a) PROHIBITION.—None of the funds made available for foreign operations, export financing, and related programs under the headings ''Migration and Refugee Assistance'', ''United States Emergency Refugee and Migration Assistance Fund'', ''International Disaster and Famine Assistance'', or ''Transition Initiatives'' may be obligated to an organization that fails to adopt a code of conduct that provides for the protection of beneficiaries of assistance under any such heading from sexual exploitation and abuse in humanitarian relief operations.

(b) SIX CORE PRINCIPLES.—The code of conduct referred to in subsection (a) shall, to the maximum extent practicable, be consistent with the following six core principles of the United Nations Inter-Agency Standing Committee Task Force on Protection From Sexual Exploitation and Abuse in Humanitarian Crises:

(1) ''Sexual exploitation and abuse by humanitarian workers constitute acts of gross misconduct and are therefore grounds for termination of employment.''.

(2) ''Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief regarding the age of a child is not a defense.''.

(3) ''Exchange of money, employment, goods, or services for sex, including sexual favors or other forms of humiliating, degrading or exploitative behavior, is prohibited. This includes exchange of assistance that is due to beneficiaries.''.

(4) ''Sexual relationships between humanitarian workers and beneficiaries are strongly discouraged since they are based on inherently unequal power dynamics. Such relationships undermine the credibility and integrity of humanitarian aid work.''.

(5) ''Where a humanitarian worker develops concerns or suspicions regarding sexual abuse or exploitation by a fellow worker, whether in the same agency or not, he or she must report such concerns via established agency reporting mechanisms.''.

(6) ''Humanitarian agencies are obliged to create and maintain an environment which prevents sexual exploitation and abuse and promotes the implementation of their code of conduct. Managers at all levels have particular responsibilities to support and develop systems which maintain this environment.''.

SEC. 6003. REPORT.

Not later than 180 days after the date of the enactment of this Act, and not later than one year after the date of the enactment of this Act, the President shall transmit to the Committee on Appropriations and the Committee on International Relations of the House of Representatives and the Committee on Appropriations and the Committee on Foreign Relations of the Senate a detailed report on the implementation of this title.

SEC. 6004. EFFECTIVE DATE; APPLICABILITY.

This title—

(1) takes effect 60 days after the date of the enactment of this Act; and

(2) applies to funds obligated after the effective date referred to in paragraph (1)—

(A) for fiscal year 2005; and

(B) any subsequent fiscal year.

AMENDMENT OFFERED BY MR. TANCREDO

Mr. TANCREDO. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TANCREDO:
Page 72, after line 17, insert the following:

''TITLE VII—ADDITIONAL GENERAL PROVISIONS

''SEC. 7001. None of the funds made available under the heading 'TITLE IV—INDIAN OCEAN TSUNAMI RELIEF—CHAPTER 1—FUNDS APPROPRIATED TO THE PRESIDENT—OTHER BILATERAL ASSISTANCE—TSUNAMI RECOVERY AND RECONSTRUCTION FUND (INCLUDING TRANSFERS OF FUNDS)' may be used to provide emergency relief, rehabilitation or reconstruction aid.''

Mr. TANCREDO. Madam Chairman, my amendment would strike all of the taxpayer funded relief provided in the bill to the countries affected by the Indian Ocean tsunami.

After reviewing information from the Center on Philanthropy at Indiana University detailing the level of private American contributions to the tsunami relief, I am not sure we need to spend extra taxpayer dollars for that purpose. Already some 130 private organizations are providing tsunami relief. Several private companies are also providing relief through their local offices in the region.

According to the report, some $800 million has already been provided by these organizations in cash. In addition, another $101 million has been provided in kind donations. That brings the total to $1 billion already, close to $1 billion, and that total does not include all the person-to-person aid that is not accounted for in the study.

Since the disaster many Americans have looked into their hearts and reached into their wallets in an effort to help alleviate the suffering in Thailand, Indonesia, Sri Lanka, and other affected nations.

One of these companies, as a matter of fact, a company called CH2M Hill, was one of the first on the scene to provide critical services to victims ever since. They partnered with other countries to provide a clean drinking water purification system to people in Indonesia. The quality of the water is equivalent to bottled water and is currently being provided throughout the country, including to the U.N. compound and more than 10 refugee camps.

The system is currently purifying water at the rate of 600 gallons per minute, producing 864,000 gallons of purified water each day, helping nearly a quarter of a million people each day.

I am proud of the efforts of CH2M Hill. I am proud of all of the Americans who have given so much to alleviate the suffering. Their efforts and indeed all of the efforts are to be commended. They help demonstrate that the strength of America's compassion is best measured by the efforts of individual citizens and private organizations and companies, not by the number of government programs we create or the amount of Federal appropriations we dole out.

Given this era of tight budgets and the need to provide for disasters here at home like the hurricanes that ravaged Florida, wildfires that burned through the West, tornados that hit middle America, we simply cannot ask

Americans to be all things to all people.

People have already donated what they can. We should not exact further tax dollars from them for this purpose.

Madam Chairman, I do not approach this in a light or frivolous way. I believe that the issues are significant and serious. I believe that, in fact, if more money is needed, we need to do it as a result of a study and careful examination of exactly what needs are still out there. Recent reports have indicated that in fact NGOs are saying that there is more money than they can even deal with. Some of the NGOs have indicated that people are running into each other essentially. Too many people, too much money flooding the country at the present time.

If more money is needed, I suggest it be provided in a later appropriation under a regular rule. I do not believe that any longer we can consider it to be ''an emergency'' and I certainly do not think that it qualifies for a categorization under this supplemental.

I have no illusions about the possibility of the passage of this amendment. I know it will probably fail and probably fail pretty dramatically. I recognize that entirely. But I do feel it is important to at least bring to the attention of my colleagues and to the Nation that I think a great deal has been done. I am proud of every single American who has donated. It does come from their heart. That is the way we should provide for these things. That is not the way this bill intends to do it.

Mr. KOLBE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I strongly oppose this amendment. I think most of my colleagues know that there were at least 225,000, maybe many more than that, people who were killed in the countries affected by the December 2004 tsunami, most particularly Indonesia, Sri Lanka, India and other countries as well. There were 1.1 million displaced persons, 1.1 million displaced persons. This is a disaster and it is an emergency.

The President has outlined a recovery plan. This amendment, although it does not strike the dollars, makes funding ineligible to be spent for these purposes. Some of these funds would go to reimburse accounts already depleted, USAID accounts, emergency disaster relief accounts, that have been previously spent. So it is very important that we retain those accounts and that we retain the money for those.

The rest of the funds are for a reconstruction plan that has been I think fairly well thought out. It is not, I do not think, extraordinary given the size of the catastrophe that we have experienced, $340 million to rebuild infrastructure, roads, ports, bridges, water treatment plants and a signature project which would be the construction of a 250 kilometer stretch of road from the capital, Banda Aceh, at the north end of Sumatra down the west coast to Meulaboh in Indonesia.

This road is the only link that these little communities that are utterly devastated and destroyed by the tsunami—this road is the only link that these communities will have with the outside world.

These reconstruction projects needs to get under way immediately. Until that happens, the only contact, the only way to get relief supplies to these little valleys which on the back side has a very high ridge of mountains and no access by road, the only way to get supplies to them is by air or by sea, a very expensive project. The road needs to be constructed. I think it is an emergency and I believe most of my colleagues would agree with that.

The U.S. has had a history of responding in a very compassionate way to disasters wherever they occur, here in the United States and also abroad, and I believe that this compassion is something that marks Americans and makes us who we are. And I would certainly hope that my colleagues would agree that these funds are a relatively small amount of money, given the total level of devastation of the disaster there, a relatively small amount of money to help this area recover and to replenish the money that was already spent in relief.

Mr. Chairman, I would urge my colleagues to defeat this amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the last word.

I heard my good friend from Colorado (Mr. TANCREDO) say that this amendment likely will not pass, but I hope maybe the debate will seek and help to convince him of the enormity of the crisis or at least the need in places like Sri Lanka, Indonesia and many other countries that are impacted by the tsunami.

If I might draw the gentleman's memory to the video that showed a single train that had been the lifeline of Sri Lanka, an opportunity that I took in visiting Sri Lanka with a number of my colleagues, to see the enormous devastation in terms of the infrastructure of these countries, then the gentleman would realize that in addition to the charitable heart that Americans have and the private contributions that have been made, and might I acknowledge the many donations given from the City of Houston and the Houston Tsunami Relief Effort and the Vietnamese Relief Effort and Sri Lankans and those from Thailand and many, many others in the City of Houston and the effort waged by President Clinton and President Bush, and in my community, Jim Mackinvale, and many others who worked hard to draw monies out of Houston, and I know many other cities and States did the same.

□ 1615

But the infrastructure dollars are so very important. So I would hope that my colleagues would oppose this amendment because you cannot imagine, I believe, the depth of the amendment and the need to rebuild those countries, and those dollars will help to do so.

Mr. BLUMENAUER. Mr. Chairman, I move to strike the requisite number of words. I am troubled by the amendment that we have before us today. There is, I think, a wide range of opinion that is available for us to debate the merits of a wide range of things in this bill. And I appreciate that people are coming forward in good spirit. But I appreciate the comment of the gentleman from Arizona. It was, I want to say, I do not want to say it was my privilege, but I had the opportunity to spend time after the tsunami a couple of weeks after it hit with a bipartisan delegation led by the gentleman from Iowa (Mr. LEACH), Senator BROWNBACK, touring the area.

I assure you that the testimony about the devastation is, if anything, understated. The pictures that we saw on CNN did not do justice. But I was struck by the impact of the generosity that was shown by Americans in uniform, civilian employees, members of NGOs who were there.

There was some bad publicity initially, surrounding what appeared to be a lack of compassion on the part of the United States with its initial response. But that never interfered in terms of the publicity with the work that was done by the United States and our agencies. We built amazing goodwill for this country while we helped these traumatized areas heal.

I think what has been offered by the President, by the committee, is the least that we can do. It will pay dividends many times over. I think that it would be unfortunate even to bring this proposal to a vote. It is sending the wrong signal about the United States' intention.

We are certainly, on a per capita basis, not giving more than Australia, Scandinavia, Germany. For us to indicate that there is a sense here could only be interpreted as our being callous and unfeeling, I think, is the wrong message to send to these people in these traumatized countries. I think it is the wrong thing to send to the international community.

I will say, Mr. Chairman, in the course of the visit, I had people who were Americans in business, people from the NGO communities, foreign parliamentarians, all talking about the damaged relationship that the United States has, the image that we have in this region, and how amazing they felt the progress was being made by the work that was being done by our country.

This amendment and any support for it, I think, is sending the wrong signal. And I strongly urge its rejection. I sincerely hope that it is rejected, if necessary, on a voice vote, if not withdrawn. But I hope people make no mistake about how people are watching our actions for the signals we send around the world.

The Acting CHAIRMAN (Mr. CAMP). Is there further debate on the amendment?

The question is on the amendment offered by the gentleman from Colorado (Mr. TANCREDO.)

The amendment was rejected.

Mr. REYES. Mr. Chairman, I have two amendments which I will be sending to the desk, and I move to strike the last word and talk about the issue while they get the amendments up there. Mr. Chairman, last night I testified before the Rules Committee in support of two amendments I had hoped to offer to the supplemental appropriations bill being considered by the House today.

The first of these amendments would add $772 million in funding for border security to hire an additional 1,000 border patrol agents, provide 8,000 beds for immigration and detention removal operations, and install radiation portal monitors at all ports of entry.

As a Member representing a district on the United States/Mexico border, and as the only Member of Congress with a background in immigration and experience in actually defending our Nation's borders, I have firsthand knowledge of the kinds of resources that we need to keep America safe.

Since coming to Congress, I have heard a lot about how we need to crack down on illegal immigration in this country, but have seen very little action when it comes to providing adequate funding for the programs that we know will work in dealing with this problem.

Most recently, with the passage of the Intelligence Reform Bill, Congress promised to provide funding to hire thousands of new border patrol agents and create thousands of beds for immigration detention and removal activities.

Unfortunately, the President proposed his FY 2006 budget and it falls woefully short of meeting these needs. And I fear that Congress will once again fail to keep its commitment.

Meanwhile, every day foreign nationals from over 150 different countries who are here in the United States illegally are being apprehended and turned back on to our streets because we lack the space to detain them. At the same time, we hear of known terrorists who are training recruits to infiltrate our country in order to do us harm. The time has long since come to make good on our border security promises or to continue to risk the safety of the American people.

The second of my amendments deals with funding for veterans health care. Specifically, it would provide an additional 1.3 billion for veterans health care programs for fiscal year 2005.

This increase is required in order to maintain existing service levels within the VA health care system and would bring spending in line with the recommendations of the bipartisan leadership of the Committee on Veterans' Affairs.

The VA is the largest health care network in the United States, and it is increasingly overburdened by a large military retiree population, principally of World War II and Korean veterans. That burden will only increase with new veterans returning from Iraq and Afghanistan.

America's veterans have made great sacrifices for us. Now it is time that we keep our promise to them to ensure that they get the health care they need and that they deserve. The only way to do this is to give the VA the resources they require to get the job done.

Mr. Chairman, I offer these two amendments because I truly believe that funding these two priorities is a matter of urgent need for the good of our Nation, and I ask for my colleagues' support.

AMENDMENTS OFFERED BY MR. REYES

Mr. REYES. Mr. Chairman, I offer two amendments, and I ask unanimous consent they be considered en bloc.

The Acting CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. REYES:

At the end of chapter 2 of title I (page 35, after line 14), insert the following:

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

For an additional amount for ''Medical Services'', $1,300,000,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

___

At the end of the bill, add the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. (a) In fiscal year 2005, the Secretary of Homeland Security shall increase by not less than 1,000 the number of positions for full-time, active-duty border patrol agents within the Department of Homeland Security above the number of such positions for which funds were allotted for 2004.

(b) There are authorized to be appropriated, and there are appropriated, $180,000,000 to carry out subsection (a).

SEC. 702. (a) The Secretary of Homeland Security shall increase by not less than 8,000, in fiscal year 2005, the number of beds available for immigration detention and removal operations of the Department of Homeland Security above the number for which funds were allotted for fiscal year 2004. The Secretary shall give priority for the use of these additional beds to the detention of individuals charged with removability under section 237(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(4)) or inadmissibility under section 212(a)(3) of that Act (8 U.S.C. 1182(a)(3)).

(b) There are authorized to be appropriated, and there are appropriated, $375,000,000 to carry out subsection (a).

SEC. 703. (a) The Secretary of Homeland Security shall ensure radiation portal monitors are installed at all ports of entry into the United States not later than September 30, 2005.

(b) There are authorized to be appropriated, and there are appropriated, $217,000,000 to carry out subsection (a).

Mr. REYES (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The Acting CHAIRMAN (Mr. CAMP). Is there objection to the request of the gentleman from Texas?

There was no objection.

The Acting CHAIRMAN. Is there objection to considering the amendments en bloc?

There was no objection.

The Acting CHAIRMAN. Is there objection to returning in the reading to page 35, line 14?

There was no objection.

Mr. KOLBE. Mr. Chairman, I reserve a point of order on the gentleman's amendment, and since the gentleman from Texas has already spoken, I do not know whether he intends to speak again before I make the point of order or whether he is prepared to go forward at this time.

The Acting CHAIRMAN. The point of order is reserved.

The gentleman from Texas (Mr. REYES) is recognized for 5 minutes.

Mr. REYES. Mr. Chairman, I yield to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Chairman, I thank the gentleman for yielding.

I want to thank the gentleman from Texas (Mr. REYES) for bringing us these two amendments. Again, these are for national security emergency issues, border patrol agents at our border.

I represent all the California-Mexico border. I know that we need these agents. The President asked for them, and yet he did not put the money in to pay for them.

In addition, every veterans group and the VA itself say to complete the year, giving the services they need, they need another $1.3 billion. This is truly an emergency.

The rules that will be used once again to say that our national defense at the border, our veterans to get their adequate health care, somehow we violate the rules, but let us not violate common sense. Common sense says we need these funds. We need this protection. We need these services for our veterans.

Let us dispense with the technical objections and fund what we need for our veterans and for our border defense.

POINT OF ORDER

The Acting CHAIRMAN. Does the gentleman wish to be recognized on his point of order?

Mr. KOLBE. Yes, Mr. Chairman. I make the point of order, as the chairman of the full committee has said on several occasions. I am more than sympathetic. He is more than sympathetic to some of these amendments. I especially feel that way with this amendment, given the fact that it deals with something that is very dear to me, the issue of border security.

However, I would make a point of order against the amendment which is not the humdrum of little technicalities. This is the rules of the House.

It proposes to change existing law and constitutes legislation in an appropriation bill and, therefore, violates clause 2 of rule XXI.

The rule states in pertinent part that an amendment to a general appropriation bill shall not be in order if in changing existing law it gives affirmative direction in effect.

This amendment would do that, and I ask for a ruling from the Chair.

The Acting CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. FILNER. Mr. Chairman, let me reiterate what I said about nitpicking and arcane rules. This whole bill is a violation of the rules of the House except for the fact that it says in the bill it does not violate the rules. So telling us that we should have respect for the rules, my colleagues ought to show some respect for the good sense of the American people, for common sense. This whole bill is a violation of the rules without a waiver. Is that not true, Mr. Chairman? Would this bill be a violation of the rules if there was not a waiver involved in the rules?

As I said, the rules are being used to damage common sense and to damage our Nation's security and damage our health care to our veterans. I think it is a disgrace to use those rules for these purposes.

The Acting CHAIRMAN. The Chair is prepared to rule on the point of order.

The Chair finds that this amendment includes language imparting direction to an executive official.

The amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the amendments en bloc are not in order.

AMENDMENT OFFERED BY MR. UPTON

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

The Clerk read as follows:

Amendment offered by Mr. UPTON:

At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds made available in this Act may be used for embassy security, construction, and maintenance.

Mr. LEWIS of California. Mr. Chairman, I ask unanimous consent that debate on this amendment and any amendments thereto be limited to 20 minutes, to be equally divided and controlled by the proponent and myself, the opponent.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The Acting CHAIRMAN. The gentleman from Michigan (Mr. UPTON) is recognized for 10 minutes.

□ 1630

Mr. UPTON. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman, I offer this amendment with the gentlewoman from North Carolina (Mrs. MYRICK) and the gentleman from Wisconsin (Mr. KIND) in a bipartisan amendment for two main reasons: The first is cost.

What this amendment does, it says that none of the funds made available in this act may be used for embassy security, construction and maintenance. In essence it is about a $592 million savings amendment. I would note in a CRS document printed a couple of weeks ago, it states that the State Department has identified $990 million thus far for the new embassy in Baghdad. Fiscal year 2003 and fiscal year 2004 supplementals provided $35 million from the State's Diplomatic and Consular Program account, another $105 million came from the fourth quarter fiscal year 2004 Coalition Provisional Authority appropriations, and another $184 million of the Iraqi relief and reconstruction funds was designated for the embassy. This bill provides yet another some $590 million for this building.

The second reason that I support the amendment and oppose this provision in the bill is that we knew years ago that we were going to need a new embassy, and yet last summer when plans were laid for construction of this particular site it was not included in the omnibus appropriation bill taken up in November. The 2006 budget request which came up in February, no moneys were included in the President's budget request for that as well.

I would note that the National Taxpayers Union supports this amendment. I would also note that time and time again I supported more support for our troops, body armor, supported the President's request, but this embassy stuck into this bill with this process is not right.

We need regular order and that is why the gentlewoman from North Carolina (Mrs. MYRICK) and the gentleman from Wisconsin (Mr. KIND) and I are offering this amendment on a bipartisan basis.

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

Mr. LEWIS of California. Mr. Chairman, I yield 4 minutes to the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Chairman, Members should ask themselves how would they like if their children, their son, their daughter, or their husband or their wife was in this embassy here. Now we have talked a lot, and this committee has done a lot on body armor and Humvee armor. Forty-five people have been killed in the embassy in Iraq. From Irvine, California, Keith Taylor, rocket attack; Tracy Hushin, Long Island, New York, suicide bomber; Leslie Davis from Magnolia, Texas, suicide bomber; Rosharon, Texas, suicide bomber; Astoria, Oregon, suicide bomber; Chickasaw, Alabama, suicide bomber; Myrtle Beach, South Carolina, near Fallujah attack; Cleveland, Ohio; Copperas Cove, Texas; North Branch, Minnesota; South Windham, Connecticut.

This embassy was not built to be an embassy. This was Saddam Hussein's palace. It is a symbol of torture. It is not to be the symbol of the United States Government. We need to act quickly. We need to act quickly. If this amendment, if the Upton amendment passes, there will be a 6-month period whereby they will not have the protection.

I will put this listing out so Members can review them. Fire in a wooded area, electrical fire in Saddam Hussein's palace, again the structure was not built for it. Fire in Saddam's palace, August, 2004. I will not mention the woman's name, blood on the wall of a rocket attack whereby this young woman was killed. And here is a picture of two Americans killed the day before the Iraqi election.

We have had 1,500 military people die in the war in Iraq. It is help bringing about freedom. It is making a difference in the Palestinian area. It is making a difference in Egypt. It is making a difference in Lebanon. It is inappropriate for us not to fund a safe workplace for American citizens who are going to work in harm's way.

Lastly, people say this is an expensive embassy. This is an embassy, but it is a village. There is a power plant. There are housing facilities. The Beijing embassy cost $434 million. There is no threat to American citizens in Beijing. There are no terrorist attacks.

In Lebanon, 1983, 241 Marines were killed in a barracks with no setback. That same year in the American embassy in Lebanon, a number of Americans killed. There was the American bombing of the embassies in Tanzania and Kenya 1989. We have a moral obligation to the people that we are sending in this region to live in a situation and work where they will be protected.

I rise in strong opposition to this amendment. As the gentleman from California (Mr. CUNNINGHAM) said as I was walking down to the well, how would Members like it if your children, your son or daughter or husband or wife had to work in this facility. I urge a no vote on the amendment.

Mr. UPTON. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Chairman, I thank the gentleman for bringing forth this amendment, with myself and the gentlewoman from North Carolina (Mrs. MYRICK).

With all due respect to the previous speaker, this is not about debating the merits of the necessity or the needs for a new embassy in Baghdad. Having traveled to Baghdad twice, certainly there is a strong case that can be made that we do need to be moving forth on a new embassy, but this is how we are going to pay for that new embassy, getting back to regular order and procedure around here, and how we are going to afford the cost of this new embassy rather than just going into deficit spending.

This amendment speaks to a larger issue. The last time I was in Iraq,

which was last fall, I noticed one thing, we are dropping a lot of concrete in Iraq today, which is an indication that we are going to be there for a very, very long time. And year after year coming forward with more multibillion supplemental spending requests, all deficit financing, is not a sustainable policy.

We need to get back to regular procedure and regular order around here, and what better place than to start on a nonemergency creation, the siting of a new embassy to get it to the appropriate committee for proper oversight and hearings of deliberation, and then finding the appropriate offsets to pay for this.

I am going to support the supplemental today, as I have past supplementals. I believe our troops need to get all of the tools and resources to do their job safely and effectively. They have been doing a terrific job under very dangerous circumstances, including our State Department personnel, who are working in the current embassy within the Green Zone in Baghdad which is also at times a free-fire zone.

But at some point we as a Chamber and as a body need to get back to the regular process of starting to anticipate these costs, starting to appropriate it and budget for it so we do not leave a huge legacy of debt for future Congresses and for our children and grandchildren to inherit. That is what this amendment speaks to.

I want to especially commend a couple of units serving us so well from western Wisconsin, the 128th Infantry Guard as well as the 1158th Transportation Unit. In fact, earlier this morning I got up and ran over to Walter Reed Hospital to visit with some of our troops, including Specialist Andrew Carter from the 128th who almost had his foot blown off due to an RPG that was fired at him during one of his passing patrols.

Just last week we lost another member from western Wisconsin who was shot down in the line of duty, Staff Sergeant Andrew Bossert. He will be buried in Wisconsin this Thursday. I am sure Members will join me in sending our thoughts and prayers to his family, his parents, but especially to his wife Olya who lives in Wisconsin.

What we need to start considering at some point is whether or not the ongoing operations in Iraq and Afghanistan should be paid for as part of the normal budgeting process. These are no longer surprises and no longer emergencies. We know we are there. We know what the mission is going to entail and the costs we are facing. I think this is a good place to start by having this embassy go through the regular process where we can find offsets and an ability to pay for it.

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am sure all Members are very concerned about the proposed embassy compound in Iraq and the number of dollars that are involved. I think it is very important that I share with Members our discussion with the Secretary of State. She feels it is absolutely critical that we move forward very quickly with this money, first and foremost because we have almost 4,000 American personnel whose lives are in jeopardy under current conditions. Indeed, if this compound goes forward quickly, their security will be assured.

The Secretary has been given great assurance that the compound can be completed in 24 months. There is only one small hook, and that is in order to get a contractor to bid on such a job in this territory, the money has to be there in the pot. So within this bill we are providing the funds to make sure the funds are available and we can move quickly. This embassy and the compound are designed to solidify our mission, allowing us to be successful in Iraq as well as the Middle East. It is very important that we go forward with this money now.

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

Mr. UPTON. Mr. Chairman, I yield 3 minutes to the gentlewoman from North Carolina (Mrs. MYRICK), a coauthor of the amendment.

Mrs. MYRICK. Mr. Chairman, we are all grateful to our troops and those serving in Iraq. We are grateful for what we are seeing happening there, and we want to do what we can to support those efforts and make sure that our troops have what they need.

But every time when I go home, no matter what the subject is that we are talking about in any meeting, the thing that always comes up is the deficit. Somebody always says, ''But what are you doing about the deficit?''

My concern with the embassy being in the supplemental is exactly that, it is over and above the regular process. I have no problem with building an embassy in Iraq. We need an embassy in Iraq, but we have also known we need an embassy in Iraq, and why did it not come through earlier if it is that much of an emergency.

Yes, it is a huge amount of money and I understand it is not just a building, it is a compound, but it is three times what we have spent in Afghanistan already.

If we do not start getting some discipline in this body in what we are doing, we are never going to get back to where we all want to be, and that is what we did in 1997 was start to balance the budget, and we were well on the way. Sure, we have had a lot of problems. We had the war, the recession, other problems which have interfered with that, but we have to have some fiscal discipline and just putting things that are not actual emergencies in a supplemental spending bill in my opinion is not to be done. A supplemental is for emergencies and I do not consider an embassy to be an emergency.

My constituents at home agree with this. As I said before, whenever I am anywhere they always say what are you doing about cutting spending, what are you doing about the deficit?

I hope we can bring this embassy back through regular order and make it happen because we want to be sure the people are protected, and then pass the supplemental today. The other things in the supplemental are needed. There is no question about that. Our chairman has done a very, very good job with this bill, but I have a problem with funding the embassy in a supplemental.

Mr. UPTON. Mr. Chairman, I yield myself the balance of my time.

I thank my coauthors, the gentleman from Wisconsin (Mr. KIND) and the gentlewoman from North Carolina (Mrs. MYRICK). I want to say it is not an easy task taking on the gentleman from California (Mr. LEWIS).

I too would like to say I am voting for final passage of the supplemental. It is important that we have adequate resources for all of our troops. I have been to Iraq twice. I have been to the current embassy in Baghdad twice as well. I have seen the improvements. We have spent something like $100 million already trying to make that facility safe. It is within the Green Zone.

□ 1645

This new embassy where they want to build is just down the river. Frankly, I would have preferred to see it go where Camp Victory is. I asked that question, in fact, yesterday. I was not very pleased with the answer that I got, but maybe in a few more months we will get it right and put it someplace that would be truly safe for all of our folks that are there. At the end of the day, those are the questions that all of us should be asking.

Whether it be in an authorization bill that came through this Congress the last year or in the omnibus bill or in the President's budget for fiscal year 2006, this bill no matter what train track it is on will not get to the President until May. We ought to take the time to do this right, to ask the right questions and to make sure that all of our people, whether they work for the State Department or whether they work for the armed services, have the right resources; but it ought to go the regular order. That is the way this House ought to operate.

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

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. LAHOOD).

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

Mr. LAHOOD. Mr. Chairman, I just want to say I think this is about as dumb a thing as we can do. I think to take the money away from people who are doing the hard work, these are our people. These are people that are there because they care about our country and they care about freedom and they care about bringing hope and opportunity to the people of Iraq. And the

idea that we do not want to provide safe haven to them and the idea that we want to micromanage where this place is going to be is nonsense. We cannot do that.

We are asking people to go over there and bring hope and freedom and opportunity. These are Americans. These are people that we sent there. And so we are saying to them that we do not want to give them safe haven; we do not want to give them an opportunity to have a safe place to live and do their work, the work that we have asked them to do? We need an embassy there. I cannot think of a dumber thing that we could do as to take this money away and to try and micromanage the way that we are going to establish an embassy and an opportunity for people to live safely over there.

Those of you that have been there know what a dangerous place it is. These are the people that are doing the hard work. I would urge every Member to vote against this amendment and to send a message to the Americans that are over there, the people that are doing the hard work to bring democracy, we care about their safety, we care about the work they are doing.

Vote against the Upton amendment and say to our friends over there, we care about your safety, we care about what you are doing, and we thank you for the tough, tough job you are doing in an area that is probably as dangerous as anywhere in the world.

Vote against the Upton amendment.

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

I appreciate the remarks of my colleague from Illinois. I would suggest that in voting for this amendment, Members would be voting against the view of our Commander in Chief, the President of the United States. The Secretary of State has spoken very strongly about the urgency of this matter. There is little doubt that we have the appropriate place, we have the plans in place, we can get it done quickly. We need the money up front. That is why it is here. Because of that, Mr. Chairman, I urge a ''no'' vote on the Upton amendment.

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

The Acting CHAIRMAN (Mr. CAMP). The question is on the amendment offered by the gentleman from Michigan (Mr. UPTON).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. UPTON. 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 Michigan (Mr. UPTON) will be postponed.

AMENDMENT OFFERED BY MR. WEINER

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

The Clerk read as follows:

Amendment offered by Mr. WEINER:

Insert at the end of the bill, before the short title, the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 7001. None of the funds appropriated or otherwise made available in this Act may be obligated or expended to finance any assistance to Saudi Arabia.

Mr. KOLBE. Mr. Chairman, I ask unanimous consent that debate on this amendment, and any amendments thereto, be limited to 10 minutes, to be equally divided and controlled by the proponent and myself, the opponent.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

Mr. WEINER. Mr. Chairman, reserving the right to object, just so I understand, I can under this agreement be able to reserve time. Unlike the 5-minute rule, I would be able to reserve portions of my 5 minutes?

Mr. KOLBE. If the gentleman will yield, of his 5 minutes, that is correct.

Mr. WEINER. I thank the gentleman.

Mr. OWENS. If the gentleman will yield, does that mean we cannot rise to strike the last word?

The Acting CHAIRMAN. The gentleman is correct.

Mr. WEINER. I would say to the gentleman from New York, this is just on this amendment.

Mr. OWENS. He said all future amendments. Correct?

Mr. WEINER. Amendments thereto, meaning to this.

Mr. KOLBE. That is correct. When you make the unanimous consent request, it is all amendments to this amendment.

The Acting CHAIRMAN. The Chair would state it would be limited to the Weiner amendment.

Mr. WEINER. Mr. Chairman, I withdraw my reservation of objection.

The Acting CHAIRMAN. Without objection, the gentleman from New York (Mr. WEINER) and the gentleman from Arizona (Mr. KOLBE) each will control 5 minutes.

There was no objection.

The Acting CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. WEINER).

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

Mr. Chairman, this is a similar amendment that we have passed recently, as recently as July of 2004; and it restricts any money in this bill, not a single dollar, not a single dime going to the Kingdom of Saudi Arabia. We have had the debate many times in this Chamber; and on a few occasions some of my colleagues have posited, oh, no, this is not the right time to do it, the Saudis are getting better, they are becoming more cooperative, they are not exporting Wahabism, they are not exporting terrorism, they are not funding terrorism, they are not restricting human rights as much as they had, they are on the path to reform.

I am offering the amendment again today because in the last 7, 8 months since we have offered this amendment last to restrict moneys in the foreign aid bill, it has gotten worse and worse and worse still. Just in recent months, the State Department issued its annual country reports on human rights practices. Here is what it said about Saudi Arabia: ''There were credible reports of torture and abuse of prisoners by security forces, arbitrary arrests and incommunicado detentions. The religious police continue to intimidate, abuse and detain citizens and foreigners. Most trials were closed.''

That was not years ago. That was just in the last couple of months. The State Department also issued its report on anti-Semitism on the 30th of December. Of course, it reports about how there is an explosion of anti-Semitism in Europe and throughout the world funded by the Saudi kingdom.

Just in February of this year, Freedom House, an organization, sent Muslim volunteers to 15 prominent mosques in New York, from New York to San Diego, and collected hundreds and hundreds of books paid for by the Saudi Arabian Government that said things like, quote, any Muslim who believes that, quote, churches are houses of God and that God is worshipped therein is an infidel.

Another quote from these Saudi publications: Be disassociated from the infidels. Hate them for their religion. Leave them. Never rely on them for support. Do not admire them and always oppose them in every way according to Islamic law.

And here is what these Saudi documents say about America: It is forbidden for a Muslim to become a citizen of a country governed by infidels because it is a means of acquiescing to their infidelity and accepting their erroneous ways.

Also, these documents published by the Saudis, this is what it says about war against America, not years ago but weeks ago: ''To be true Muslims, we must prepare and be ready for jihad in Allah's army. It is the duty of every citizen and the government.''

Mr. Chairman, there should not be any money in this bill, and there is not presently any money that specifically says it can go to the Saudis; but we have seen again and again how money gets reprogrammed without a full vote of this Congress. If we vote today to say no aid to the Saudis, the President could not come back and ask for any of this money to be reprogrammed.

I think that the time has come for us to start sending an unambiguous, clear message to the Saudis that we understand, particularly in the post–9/11 world, that we are going to judge people based on what they do, not on what they say, on their record, not just on their glossy public relations campaign.

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

Mr. KOLBE. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I really do not understand the need for this amendment that is offered by the gentleman from

New York. Surely as he knows, there are not any funds in this bill for Saudi Arabia in the foreign operations chapter. Additionally, there are reporting requirements to ensure that the funds are spent exactly as the committee intends. We do not intend that any of the funds should go to Saudi Arabia. So the gentleman from New York is incorrect when he says this is similar to the legislation that was passed last year on the regular appropriation bill. There was some money in last year's bill that went to Saudi Arabia. This bill does not have any money for Saudi Arabia, so it is completely unnecessary. It is a gratuitous kind of amendment. It is an absolute slap in the face to everybody that has been involved. The gentleman himself has talked about the changes that have taken place in Saudi Arabia. When there is no money in this bill, for us to include this kind of provision is not only absolutely unnecessary; it is completely wrong.

I would also point out, as I just mentioned, that we included the prohibition in the 2005 regular appropriation bill. Section 575 of Public Law 108–447 states: ''None of the funds appropriated or otherwise made available pursuant to that act shall be obligated or expended to finance any assistance to Saudi Arabia.'' The prohibition that is in that legislation extends to the fiscal year 2005 supplemental bills. Supplemental legislation includes appropriations that are added on top of the regular appropriations. So the underlying prohibition also applies here.

There are no funds in this bill that could be used for Saudi Arabia. This is simply repeating something that has already been added into the regular legislation. The gentleman from New York is simply wrong when he says that the President could come and reprogram funds for Saudi Arabia. The underlying prohibition would prohibit that. The administration can reprogram funds, but they cannot reprogram them to spend them in Saudi Arabia. The gentleman is simply wrong about that.

I am sure the gentleman is aware of these facts and I am sure he is aware, as he has pointed out, of how helpful Saudi Arabia has been very recently in helping to defuse the situation in Lebanon, the very direct statements that were made to President Assad about how his troops should depart from Lebanon. If the gentleman wants to make his statement, fine, I would encourage him to do so; but the appropriation bills include the substance of what is in his amendment; and since there is no money in this bill for Saudi Arabia, this amendment is not only redundant, it is unnecessary, it is a slap in the face, it is just simply absolutely wrong for us to do this.

I strongly urge the defeat of this amendment.

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

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

Let me just quote what the gentleman from Wisconsin said in the last debate: ''The government of Saudi Arabia has greatly increased its effort to root out terrorism. It has greatly increased its cooperation in intelligence matters and others with the United States.''

The facts that I read just now were within the last months. It is simply not true. Do not believe the hype.

Mr. Chairman, I yield the balance of my time to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Chairman, I rise in strong support of the amendment offered by my colleague from New York. It boggles my mind that the United States provides any funding to the Saudi kingdom. With all of its oil and all of its wealth, it is nothing short of insanity.

It is no secret, in spite of what the last speaker said, that the Saudi regime is a leading exporter of terrorism worldwide; it is a leading financier of terrorism worldwide. The thought that one cent of American money is being spent in Saudi Arabia is an insult to every American taxpayer. The Saudis continue to declare to the world that they are a progressive-thinking nation and they are our partners in the global war on terrorism. That is what their PR firm says, anyway. Nothing could be further from the truth.

This is our partner in peace? Fifteen of the 19 hijackers were Saudi nationals. That did not happen by accident. This is the same Saudi Arabia that has the worst record for religious tolerance on the planet, the same Saudi Arabia that exudes racism and anti-Semitic hatred.

Our partners in peace? How shameful for the United States. The Saudis claim that they are prosecuting terrorists. Who are they kidding? Saudi efforts to prosecute terrorists are inept at best and more accurately nonexistent. If they are doing anything in Lebanon, it is for themselves, not for the people of the United States of America.

I ask everyone to support the Weiner amendment.

Mr. KOLBE. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I rise to oppose my friend's amendment. I will tell you why personally. I spent a lot of time in Saudi. They can either go the wrong way or the right way.

We talk about not putting foreign troops in foreign countries. Do they have problems? Yes. But when you talk about the government itself, I know from the intelligence community, I also know how they are helping us there; but I have been into their banks where they have Canadian and U.S. and British auditors to make sure there is no money laundering. The government itself, I have met with King Aziz, I have met with the crown prince, I have met with almost every one of the Shura council, which is their Congress. The majority of Saudis support the United States.

□ 1700

So to say that their government is against us is wrong. Are there people that preach Wahabism? Yes. But they have changed their inside curriculum. They have arrested and jailed over 1,000 Imams which preach intolerance.

So I would oppose the gentleman's amendment. I did not know when we were on the floor that we had an amendment when I went over there. It really hurts people when we do things, and I think that this could hurt our relationship instead of bettering it with Saudi Arabia. I oppose the gentleman's amendment.

The Acting CHAIRMAN (Mr. CAMP). The gentleman from New York (Mr. WEINER) has 30 seconds remaining.

Mr. WEINER. Mr. Chairman, I yield myself the balance of my time.

I will close by saying just two things in points of clarification. One, the gentleman, despite the best efforts of this House, is incorrect. Despite our amendment saying no money can go to Saudi Arabia, moneys were allocated to Saudi Arabia; so they are now entitled to discount on purchasing for our military. So our will was not followed.

Secondly, to the previous speaker, this notion that they are not exporting Wahabism has been debunked by the State Department as recently as 1½ months ago. They are exporting terrorism, exporting Wahabism. I would say they are two-faced except they have so many members of the Royal Family, they are several hundred Fahds, and the time has come for us to start judging people on what they do, not what they say.

I have 5 additional seconds to make my punchline point. This amendment will say that we believe that Saudi Arabia should be treated not as an ally but as an enemy in the War on Terror because that is what they have been.

Mr. KOLBE. Mr. Chairman, I yield myself the balance of my time.

I will not even take all that time. I simply want to repeat the arguments against this amendment. There are no funds in this bill that go to Saudi Arabia. There is a prohibition in the fiscal year 2005 Foreign Operations bill that prohibits any funds from going to Saudi Arabia, and that prohibition applies to this bill.

This amendment is totally unnecessary. This amendment has absolutely no bearing. It is simply repeating what is already in the existing law that applies to this bill. To add another prohibition here now is simply to add insult to injury. It is gratuitous. It has absolutely no reason to be in this bill, and I would urge my colleagues to defeat this 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 New York (Mr. WEINER).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. WEINER. 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 New York (Mr. WEINER) 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:

The amendment offered by the gentleman from Massachusetts (Mr. TIERNEY);

The amendment offered by the gentleman from Michigan (Mr. UPTON); and

The amendment offered by the gentleman from New York (Mr. WEINER).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. TIERNEY

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. TIERNEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated 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 191, noes 236, not voting 7, as follows:

[Roll No. 72]

AYES—191

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

NOES—236

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

NOT VOTING—7

Bachus
Kennedy (RI)
Leach
Sweeney
Thornberry
Walsh
Waters

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. DUNCAN) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1729

Messrs. GILCHREST, COBLE, LARSON of Connecticut, TERRY, PASCRELL, ROYCE, STEARNS and HALL changed their vote from ''aye'' to ''no.''

Ms. MOORE of Wisconsin changed her vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. UPTON

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. UPTON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated 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 258, noes 170, not voting 6, as follows:

[Roll No. 73]

AYES—258

Andrews
Baca
Baird
Baldwin
Bartlett (MD)
Barton (TX)
Bass
Becerra
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Boehlert
Boehner
Bonner
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Buyer
Camp
Cannon
Capps
Cardin
Cardoza
Carnahan
Carson
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Conaway
Conyers
Cooper
Costello
Cuellar
Cummings
Davis (FL)
Davis, Jo Ann
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dingell
Doggett
Duncan
Ehlers
Emanuel
Etheridge
Evans
Feeney
Filner
Fitzpatrick (PA)
Flake
Foley
Fossella
Foxx
Frank (MA)
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Green (WI)
Green, Al
Green, Gene
Grijalva

Gutierrez
Gutknecht
Hall
Harman
Hastings (FL)
Hayworth
Hefley
Hensarling
Hinojosa
Holt
Hooley
Hostettler
Hoyer
Hulshof
Inglis (SC)
Inslee
Istook
Jefferson
Jenkins
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kildee
Kilpatrick (MI)
Kind
King (IA)
Kingston
Kucinich
Kuhl (NY)
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McIntyre
McKinney
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Ney
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (NC)
Putnam
Radanovich
Ramstad
Rangel
Reichert
Reyes
Reynolds
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shimkus
Shuster
Slaughter
Smith (TX)
Sodrel
Spratt
Stark
Stearns
Strickland
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Walden (OR)
Wasserman Schultz
Watson
Watt
Weiner
Westmoreland
Whitfield
Wicker
Wilson (NM)
Woolsey
Wu
Wynn
Young (AK)

NOES—170

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baker
Barrett (SC)
Barrow
Bean
Beauprez
Berkley
Berman
Biggert
Bishop (UT)
Blunt
Bonilla
Bono
Boozman
Boren
Boswell
Boustany
Brady (PA)
Burton (IN)
Calvert
Cantor
Capito
Capuano
Carter
Case
Cole (OK)
Costa
Cox
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Doyle
Drake
Dreier
Edwards
Emerson
Engel
English (PA)
Eshoo
Everett
Farr
Fattah
Ferguson
Forbes
Ford
Fortenberry
Frelinghuysen
Gerlach
Gilchrest
Gillmor
Granger
Graves
Harris
Hart
Hastings (WA)
Hayes
Herger
Herseth
Higgins
Hinchey
Hobson
Hoekstra
Holden
Honda
Hunter
Hyde
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jindal
Johnson (CT)
Johnson (IL)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lantos
Latham
Lewis (CA)
Lewis (KY)
Lucas
Lungren, Daniel E.
McCarthy
McCrery
McHenry
McHugh
McKeon
McMorris
McNulty
Mica
Mollohan
Murtha
Nadler
Northup
Oxley
Pearce
Pelosi
Pomeroy
Portman
Price (GA)
Pryce (OH)
Rahall
Regula
Rehberg
Renzi
Rogers (AL)
Rogers (KY)
Ross
Rothman
Ruppersberger
Ryan (OH)
Saxton
Schiff
Schwartz (PA)
Schwarz (MI)
Shaw
Shays
Sherman
Sherwood
Simmons
Simpson
Skelton
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Stupak
Taylor (NC)
Thomas
Tiahrt
Visclosky
Wamp
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—6

Bachus
Leach
Sweeney
Thornberry
Walsh
Waters

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. DUNCAN) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1738

Messrs. TAYLOR of North Carolina, NADLER, ENGEL, FORD and ROSS changed their vote from ''aye'' to ''no.''

Mr. LoBIONDO, Mr. ROHRABACHER and Ms. LORETTA SANCHEZ of California changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. WEINER

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. WEINER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated 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 196, noes 231, not voting 7, as follows:

[Roll No. 74]

AYES—196

Andrews
Baca
Baird
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (NY)
Blumenauer
Boren
Boswell
Boyd
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burton (IN)
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Chabot
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Cox
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
DeFazio
Delahunt
DeLauro
Dent
Dicks
Doggett
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Ferguson
Filner
Ford
Frank (MA)
Goode
Gordon
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hayworth
Herseth
Higgins
Hinchey
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Inslee
Israel
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kennedy (MN)
Kennedy (RI)
Kind
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCotter
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (KS)
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Ortiz
Otter
Owens
Pallone
Pascrell
Paul
Payne
Pelosi
Pence
Peterson (MN)
Petri
Platts
Porter
Ramstad
Rangel
Reyes
Rogers (AL)
Rogers (MI)
Rohrabacher
Ross
Rothman
Royce
Ryan (OH)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (VA)
Sensenbrenner
Serrano
Sherman
Simmons
Slaughter
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Tancredo
Tauscher
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Weldon (FL)
Wexler
Woolsey
Wu
Wynn

NOES—231

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baker
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Boustany
Bradley (NH)
Brady (TX)
Burgess
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Case
Castle
Chocola
Coble
Cole (OK)
Conaway
Costello
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (AL)
Davis (KY)
Davis, Tom
Deal (GA)
DeGette
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Doyle
Drake
Dreier
Duncan
Ehlers
Emanuel
Emerson
English (PA)
Etheridge
Everett
Feeney
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goodlatte
Granger
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Jindal
Johnson (CT)
Johnson, Sam
Kanjorski
Kaptur
Keller
Kelly
Kildee
Kilpatrick (MI)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCrery
McHenry
McHugh
McKeon
McKinney
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Neugebauer

Ney	Reichert	Stark
Northup	Renzi	Tanner
Norwood	Reynolds	Taylor (MS)
Nunes	Rogers (KY)	Taylor (NC)
Nussle	Ros-Lehtinen	Terry
Obey	Roybal-Allard	Thomas
Osborne	Ruppersberger	Thompson (MS)
Oxley	Rush	Tiahrt
Pastor	Ryan (WI)	Tiberi
Pearce	Saxton	Turner
Peterson (PA)	Schwarz (MI)	Upton
Pickering	Scott (GA)	Visclosky
Pitts	Sessions	Walden (OR)
Poe	Shadegg	Wamp
Pombo	Shaw	Weldon (PA)
Pomeroy	Shays	Weller
Portman	Sherwood	Westmoreland
Price (GA)	Shimkus	Whitfield
Price (NC)	Shuster	Wicker
Pryce (OH)	Simpson	Wilson (NM)
Putnam	Skelton	Wilson (SC)
Radanovich	Smith (NJ)	Wolf
Rahall	Smith (TX)	Young (AK)
Regula	Snyder	Young (FL)
Rehberg	Sodrel	

NOT VOTING—7

Bachus	Sweeney	Waters
Leach	Thornberry	
Smith (WA)	Walsh	

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1752

Ms. DEGETTE changed her vote from ''aye'' to ''no.''

Mr. BLUMENAUER and Mr. HINCHEY changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

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

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

Mr. OWENS. Mr. Chairman, this bill is filled with many worthwhile expenditures, and I have heard my colleagues all day make various adjustments and amendments. However, the overwhelming amount of this appropriation will be wasted in the continuing financing of the war in Iraq.

The war in Iraq is an expensive blunder with costs now approaching the level of $300 billion. In the name of security, we are throwing dollars at a problem which will yield the least amount of security here in the homeland.

We are left vulnerable within our own borders, while there is no honest accounting for billions which could make our ports safer, which could increase our first response capacities, which could train expert translators, anti-demolition experts, communications personnel and many others that are vital for maximum homeland security.

In general, our Federal expenditures for education, including school construction and modernization, could be increased greatly in order to guarantee that America has the most valuable ingredient to secure its future, that is, an educated population. Nothing is more vital for the existence of this Nation than an educated populace.

We neglect these vital needs while we continue to throw dollars into a bottomless pit. This present appropriation might be justified if there were a timetable and a clear plan for withdrawal.

Through the election process, the Iraqi people let it be known that they reject the suicide bombers. The Iraqi people reject the fanatics and the zealots. The Iraqi people reject the extremists. The extremists can be isolated and paralyzed if we build on this goodwill and desire for freedom among the Iraqi people. They demonstrated that in the election in which they went out to participate.

To build on this foundation, we must offer the Iraqi people justice. Justice means a plan to show them how their oil revenue ought to be used to help their economy, and justice means a clear timetable for the withdrawal of American troops. We must strengthen the partnership with the Iraqi people. Let us stop the waste of dollars and stop the waste of lives of American heroes. We cannot continue to dig blindly down into this deep pit of more war.

I would like to close with a quotation which I hope all of my colleagues will allow to settle on their minds for a few minutes: ''Voice or no voice, the people can always be brought to the bidding of the leaders. That is easy. All you have to do is tell them they are being attacked, and denounce the pacifists for lack of patriotism and exposing their country to danger. It works the same in any country.'' That quote was from Air Marshall Herman Goering.

I urge a ''no'' vote on this entire appropriation bill which is mostly for the continuation of the war in Iraq.

Mr. GREEN of Wisconsin. Mr. Chairman, I move to strike the last word and enter into a brief colloquy with the gentleman from Arizona (Mr. KOLBE).

Mr. Chairman, I believe it is important that all groups and organizations that want to assist in the recovery are allowed to participate. The United States Agency for International Development issued a regulation on October 19, 2004, that ensures religious organizations are allowed to compete on an equal footing with other nongovernmental organizations for USAID funding, in the case of this bill, funding to help tsunami victims.

Can the chairman clarify whether the appropriations under this bill fall under such regulation?

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

Mr. GREEN of Wisconsin. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I appreciate the gentleman raising this point, and I want to make it very clear that religious organizations may compete on an equal footing for USAID funding in this bill, as they may for USAID funding in other bills. So the answer to the gentleman's question is yes.

Mr. GREEN of Wisconsin. Mr. Chairman, reclaiming my time, I thank the gentleman. I appreciate his response, and I am very pleased to know that faith-based groups will have the same opportunity to compete for these important dollars with other nongovernmental entities so that together this funding can be used to alleviate the suffering of the tsunami victims. I thank the gentleman.

Mr. GEORGE MILLER of California. Mr. Chairman, I move to strike the last word.

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Chairman, I rise in opposition to this bill.

One of the solemn honors that I have had as a Member of Congress is to visit our soldiers who have been wounded in Iraq. I have visited with them at Walter Reed Army Hospital here in Washington and at the Veterans Hospital at Palo Alto, California.

It is rewarding and shocking to meet our troops under these circumstances. Theirs are the stories of courage under fire. Their wounds are almost unimaginable to those of us who are not sharing their world of combat.

The treatment that they receive from the moment they are attended to on the battlefield, taken to battlefield hospitals, transported to Germany and stabilized and brought home to the United States for specialized care and rehabilitation is a tribute to our magnificent military and veterans medical system.

Each time that I have left these brave men and women, I have had to confront my role as a policy-maker and whether or not I have done all I can to serve and protect them in their mission.

I voted not to go to war in Iraq because I believed at the time of the vote, and I believe now, that the case had not been made; that the intelligence we had did not support what the Bush administration was telling the American people was the threat that we faced from Iraq.

Tragically, since that time, it has become clear that there was not only no imminent threat to the United States from Iraq, but there was no plan for what our troops would encounter after the war was supposedly won.

The duty this government owed to its soldiers when they were sent into combat was not met: not in the justification, not in the preparation and not in the planning. Our obligation to them was simply not met.

All Americans now understand that the reasons that the Bush administration gave to go to war in Iraq were not true. The evidence did not exist. In spite of the advice of many in our military, in our State Department and among our allies, the administration remained determined to wage a war in Iraq. In short, the administration failed to be truthful with the American people and with the Congress.

As a result, since the first day of that war, Americans have been paying 90 percent of the costs and suffering 95 percent of the casualties beyond those of the Iraqi people.

Today, we are being asked to vote for another $81 billion for the war in Iraq.

This is the third supplemental appropriations bill for Iraq since the war started, totaling nearly $200 billion; and without a change in course, the nonpartisan Congressional Budget Office estimates the war in Iraq and Afghanistan will cost an additional $458 billion over the next 10 years.

Astoundingly, this additional request has no change in strategy forthcoming from the President to address the absence of control and continued violence against our troops and the Iraqi people.

The President and his advisers cling to the idea that America is just one major battle away from victory, or that with just one more capture of a significant insurgent leader we will break the back of the opposition to our occupation and to the formation of a democratic government in Iraq.

Those who continue to attack our troops and the Iraq people have been described in many different ways as the war has dragged on. First, we were told the resistance was under the command and control of Saddam Hussein. Then they were described as disaffected Baathists, and later they were just a bunch of ''bitter enders.''

We were told that a heavy battle attack of Fallujah would break the back of the resistance. What happened instead was that we made 300,000 people homeless by flattening their city with little or no impact on the resistance. In fact, the violence rapidly spread to other major cities.

While it has become clearer to those with both diplomatic and military experience that we must now develop a new strategy for success, it is resisted by the very same top command in the White House and the Pentagon who have made so many errors and so many miscalculations that have continued to place so many of our military in circumstances in which they are not able to prevail.

The opposition to change comes from the very same people that failed to carry out the due diligence to properly plan and prepare for the war and its aftermath.

Their failure to anticipate, plan, and train for the mission that our soldiers were faced with was a failure of the first duty of care owed by the Commander in Chief and the Defense Secretary to our troops, the duty to provide for the protection of our forces. This was not done, and the results have been thousands of wounded and killed, at the same time that the Pentagon resists change and fails to transform its approach to fighting terrorism in Iraq and elsewhere.

So, today, nearly 3 years after 9/11, we still have no comprehensive policy to support the war on terror declared by the President. As a result, both our Nation and our troops continue to face an unacceptable level of threat and danger.

Today, as we consider this request for supplemental appropriations, the dishonesty by the Bush administration continues.

This request itself is dishonest. It is labeled as an emergency, as if somehow the administration did not know what money it was going to need for the war in this year's budget or in next year's budget.

Yet we know the war has been costing between 5 and $7 billion a month and is likely to continue to do so under the current policy.

□ 1800

The administration will not take responsibility for the cost of the war or how to pay for it. At the end of the day, the President and his advisers simply do not have the courage of their convictions. If they did, they would be honest with the American people about the real cost of war and the lack of progress being made on the ground, about the plan for drawing down our troops and about the real reason American soldiers were sent to Iraq in the first place.

I cannot in good conscience vote to approve a supplemental appropriations bill that offers no strategy for success, that has no plan to draw down our troops in a responsible manner, and that fails to makes a compelling case to the American people about why the haunting sacrifices of lives, limbs and money have been necessary.

I know that some of my colleagues, in very good conscience and with honorable intentions, believe that supporting this bill is the equivalent of supporting our troops. I would very respectfully have to disagree with that view today.

Rather, in my view, to vote for this supplemental is to expose our troops to the same leadership in the White House and the Pentagon that refuses to tell the truth, that refuses to take responsibility for its actions, and that refuses to hold a single person accountable for the failed decisions that have been made for this war.

And it exposes them to the same leadership that refuses to provide the kind of change that will start to remove the central organizing principal of the guerrilla war in Iraq—the presence of nearly 150,000 American troops viewed as occupiers by those who oppose us.

To say that we must remain in the current configuration in Iraq because the situation will get worse is to ignore the facts on the ground, facts that have been acknowledged by many of our field commanders, by Members of Congress who have visited Iraq, and by members of the news media covering the war.

This is a very difficult vote, I understand that.

But let us be clear that this is not a vote about whether I or any other Member of Congress supports American troops. Of course we do. And this is not a vote about the heroism shown by the thousands of Iraqis who risked their own lives by voting in the national elections in January. They have my admiration and support.

We support the troops by arguing against the kind of failed preparation and planning that sent National Guard and Reserve troops into battle without flak jackets and reinforced Humvees.

We support our troops by arguing in favor of a strategy for success.

We support our troops by arguing against the President's budget that dishonors our veterans by undermining the system of care and benefits they need and deserve.

But we do not honor our troops simply by approving yet another allegedly emergency bill that offers no promise of success in an area of the world where success is not just critical, it is literally a matter of life and death.

We can provide for the needs of our troops in a bill that also provides for success in this war. Tragically, that bill is not before us today.

AMENDMENT OFFERED BY MRS. KELLY

Mrs. KELLY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. KELLY:

Page 72, after line 17, insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 7001. None of the funds made available in this Act may be used to provide assistance to the Government of the Federal Republic of Nigeria.

Mrs. KELLY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The Acting CHAIRMAN (Mr. GILCHREST). Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order on the gentlewoman's amendment.

The Acting CHAIRMAN. A point of order is reserved.

Mrs. KELLY. Mr. Chairman, my amendment is offered to force the government of Nigeria to transfer the indicted war criminal Charles Taylor to the United Nations Special Court in Sierra Leone. Mr. Taylor is currently residing in Calabar, Nigeria and maintaining his active role fomenting terror and crime throughout West Africa from this base. The United States Government has asked that Mr. Taylor be turned over to the U.N. court, but the government of Nigeria has refused.

Charles Taylor has been the leading force for evil in West Africa since his overthrow of the Doe government in 1990. Hundreds of thousands of Liberians were killed during his reign of terror, or forced to flee. Mr. Taylor enabled Liberia to become a base for international organized crime and has subverted the governments of his neighbors.

In 2003, Mr. Taylor was overthrown by the people of Liberia and sought sanctuary in Nigeria, despite his indictment by the U.N. Special Court for Sierra Leone in the light of his terrorist activities in his own country. The government of Nigeria has promised to keep Mr. Taylor contained, but reliable sources have confirmed political operations in Liberia, transfer assets in Europe and receive funds from crime in West Africa. Recently Mr. Taylor traveled to Burkina Faso to meet with Islamist groups in that country. Most disturbing of all, Charles Taylor organized and paid for an assassination attempt against the President of Guinea earlier this year.

Peace in West Africa will not come until Charles Taylor is brought to justice for his crime and removed as a threat from the region. The Nigerian government must be shown that harboring a war criminal and a terrorist is not in their best interest. I urge the House to join me in passing this amendment and standing for justice and the rule of law in West Africa.

Mr. Chairman, I yield to the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Chairman, I thank the gentlewoman from New York (Mrs. KELLY). The gentlewoman is right, Charles Taylor has been responsible for having dealings with al Qaeda and conflict diamonds. Charles Taylor was the one responsible for cutting off arms and legs of young people in Sierra Leone and in Liberia. I think the gentlewoman is right, Nigeria should return Charles Taylor so he can have a fair trial. I think the administration has a moral obligation to ask the Nigerians and get him back to go before the court.

Mrs. KELLY. Mr. Chairman, I yield to the gentleman from California (Mr. LANTOS).

Mr. LANTOS. Mr. Chairman, I rise in strong support of the gentlewoman's amendment. It is long overdue that action be taken on this criminal and mass murderer, and I hope all of my colleagues will vote for this amendment.

Mr. KOLBE. Mr. Chairman, I rise in opposition to the amendment.

The gentlewoman has raised some very important points, and I know she has done a great deal of work in this area as it relates to Charles Taylor and West Africa. There is no question it is a very troubled area, and Charles Taylor has certainly contributed to the instability in the region.

There are no funds in the legislation that deal with Nigeria, and there are a lot of circumstances around this issue that I think are difficult in the sense that the United States has played a role in all of this as to where he is at the moment. We do want this person brought to justice, and I know that is the intention of the United States.

I would hope, however, that the gentlewoman would withdraw this amendment because I believe that would be in the best interest of United States foreign policy. We will certainly work with the gentlewoman and her staff to try to resolve the situation, and work with the State Department and the gentlewoman to get a satisfactory explanation of what is being done.

Mr. LEWIS of California. Mr. Chairman, I withdraw my point of order.

The Acting CHAIRMAN. The gentleman withdraws his point of order.

Mrs. KELLY. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

Mr. LEWIS of California. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PEARCE) having assumed the chair, Mr. GILCHREST, 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. 1268) making emergency supplemental appropriations for the fiscal year ending September 30, 2005, and for other purposes, had come to no resolution thereon.

LIMITING AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 1268, EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND TSUNAMI RELIEF, 2005

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 1268 in the Committee of the Whole pursuant to House Resolution 151, no further amendment to the bill may be offered except:

Pro forma amendments offered at any point by the chairman and ranking minority member of the Committee on Appropriations or their designees for the purpose of debate; amendment 4, which shall be debatable for 20 minutes; and an amendment by Mr. MARKEY regarding combat pay; an amendment by Mr. MARKEY regarding torture; an amendment by Mr. WEINER regarding funds to the Palestinian Authority, which shall be debatable for 20 minutes; an amendment by Mr. OBEY regarding intelligence; an amendment by Mr. FILNER regarding veterans hiring preference for reconstruction of Iraq; and an amendment by Ms. VELÁZQUEZ regarding small business.

Each such amendment may be offered only by the Member named in this request or a designee, or the Member who caused it to be printed in the RECORD or a designee, shall be considered only in the order listed, except in the case of pro forma amendments; shall be considered as read, shall not be subject to amendment except that the chairman and the ranking minority member of the Committee on Appropriations each may offer one pro forma amendment for the purpose of debate; and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

Except as otherwise specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent. An amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

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

There was no objection.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND TSUNAMI RELIEF, 2005

The SPEAKER pro tempore (Mr. PEARCE). Pursuant to House Resolution 151 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1268.

□ 1810

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1268) making emergency supplemental appropriations for the fiscal year ending September 30, 2005, and for other purposes, with Mr. GILCHREST (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole House rose earlier today, the bill had been read through page 72, line 17.

Pursuant to the order of House today, no further amendment to the bill may be offered except:

Pro forma amendments offered at any point by the chairman and ranking minority member of the Committee on Appropriations or their designees for the purpose of debate;

Amendment 4, which shall be debatable for 20 minutes;

An amendment by Mr. MARKEY regarding combat pay;

An amendment by Mr. MARKEY regarding torture;

An amendment by Mr. WEINER regarding funds to the Palestinian Authority, which shall be debatable for 20 minutes;

An amendment by Mr. OBEY regarding intelligence;

An amendment by Mr. FILNER regarding veterans hiring preference for reconstruction of Iraq; and

An amendment by Ms. VELÁZQUEZ regarding small business.

Each amendment may be offered only by the Member designated in the order of the House or a designee, or the Member who caused it to be printed in the RECORD or a designee, shall be considered only in the order designated in the order of the House, except in the case of pro forma amendments; shall be considered as read, shall not be subject to an amendment, except that the chairman and ranking minority member of the Committee on Appropriations may offer one pro forma amendment for purpose of debate; and shall not be subject to a demand for division of the question.

Except as otherwise specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent.

It is now in order to consider amendment No. 4 by the gentleman from California (Mr. LANTOS).

AMENDMENT NO. 4 OFFERED BY MR. LANTOS

Mr. LANTOS. 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. 4 offered by Mr. LANTOS:

Add at the end (before the short title) the following new title:

TITLE VII—HOPE AT HOME ACT

SEC. 701. SHORT TITLE.

This title may be cited as the ''Help Our Patriotic Employers at Helping Our Military Employees Act'' or the ''HOPE at HOME Act''.

SEC. 702. NONREDUCTION IN PAY WHILE FEDERAL EMPLOYEE IS SERVING ON ACTIVE DUTY IN A RESERVE COMPONENT OF THE UNIFORMED SERVICES.

(a) IN GENERAL.—Subchapter IV of chapter 55 of title 5, United States Code, is amended by adding at the end the following new section:

''§ 5538. Nonreduction in pay while serving on active duty in a reserve component

''(a) An employee who is also a member of a reserve component and is absent from a position of employment with the Federal Government under a call or order to serve on active duty for a period of more than 30 days shall be entitled to receive, for each pay period described in subsection (b), an amount equal to the difference (if any) between—

''(1) the amount of civilian basic pay that would otherwise have been payable to the employee for such pay period if the employee's civilian employment with the Government had not been interrupted by the service on active duty; and

''(2) the amount of military compensation that is payable to the employee for the service on active duty and is allocable to such pay period.

''(b)(1) Amounts under this section shall be payable with respect to each pay period (which would otherwise apply if the employee's civilian employment had not been interrupted) that occurs—

''(A) while the employee serves on active duty for a period of more than 30 days;

''(B) while the employee is hospitalized for, or convalescing from, an illness or injury incurred in, or aggravated during, the performance of such active duty; or

''(C) during the 14-day period beginning at the end of such active duty or the end of the period referred to in subparagraph (B).

''(2) Paragraph (1) shall not apply with respect to a pay period for which the employee receives civilian basic pay (including by taking any annual, military, or other paid leave) to which the employee is entitled by virtue of the employee's civilian employment with the Government.

''(c) Any amount payable under this section to an employee shall be paid—

''(1) by the employing agency of the employee;

''(2) from the appropriations or fund that would be used to pay the employee if the employee were in a pay status; and

''(3) to the extent practicable, at the same time and in the same manner as would civilian basic pay if the employee's civilian employment had not been interrupted.

''(d) In consultation with Secretary of Defense, the Office of Personnel Management shall prescribe such regulations as may be necessary to carry out this section.

''(e) In consultation with the Office of Personnel Management, the head of each employing agency shall prescribe procedures to ensure that the rights under this section apply to the employees of such agency. In consultation with the Office of Personnel Management, the Administrator of the Federal Aviation Administration shall prescribe procedures to ensure that the rights under this section apply to the employees of that agency.

''(f) In this section:

''(1) The terms 'active duty for a period of more than 30 days', 'member', and 'reserve component' have the meanings given such terms in section 101 of title 37.

''(2) The term 'civilian basic pay', with respect to an employee, includes any amount payable under section 5304 of this title or under such other law providing for the compensation of the employee by the employing agency for work performed.

''(3) The term 'employing agency', as used with respect to an employee entitled to any payments under this section, means the agency with respect to which the employee has reemployment rights under chapter 43 of title 38. The term 'agency' has the meaning given such term in subparagraph (C) of section 2302(a)(2) of this title, except that the term includes Government corporations and agencies excluded by clause (i) or (ii) of such subparagraph.

''(4) The term 'military compensation' has the meaning given the term 'pay' in section 101(21) of title 37, except that the term includes allowances under chapter 7 of such title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of title 5, is amended by inserting after the item relating to section 5537 the following new item:

''5538. Nonreduction in pay while serving on active duty in a reserve component.''.

(c) APPLICATION OF AMENDMENT.—Section 5538 of title 5, United States Code, as added by subsection (a), shall apply with respect to pay periods (as described in subsection (b) of such section) beginning on or after the date of the enactment of this Act.

SEC. 703. ACTIVE-DUTY RESERVE COMPONENT EMPLOYEE CREDIT ADDED TO GENERAL BUSINESS CREDIT.

(a) ADDITION OF CREDIT.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business-related credits) is amended by adding at the end the following new section:

''SEC. 45J. ACTIVE-DUTY RESERVE COMPONENT EMPLOYEE CREDIT.

''(a) GENERAL RULE.—For purposes of section 38, the Ready Reserve-National Guard employee credit determined under this section for any taxable year with respect to each Ready Reserve-National Guard employee of an employer is an amount equal to the lesser of—

''(1) 50 percent of the actual compensation amount paid with respect to such Ready Reserve-National Guard employee for such taxable year while the employee is absent from employment for a reason described in subsection (b); or

''(2) $30,000.

''(b) COVERED PAY PERIODS.—Subsection (a) shall apply with respect to a Ready Reserve-National Guard employee—

''(1) while the employee serves on active duty for a period of more than 30 days;

''(2) while the employee is hospitalized for, or convalescing from, an illness or injury incurred in, or aggravated during, the performance of such active duty; or

''(3) during the 14-day period beginning at the end of such active duty or the end of the period referred to in subparagraph (B).

''(c) LIMITATION.—No credit shall be allowed under subsection (a) with respect to a Ready Reserve-National Guard employee on any day on which the employee was not scheduled to work (for a reason other than such service on active duty) and ordinarily would not have worked.

''(d) PORTION OF CREDIT REFUNDABLE.—

''(1) IN GENERAL.—In the case of an employer described in paragraph (2), the aggregate credits allowed to a taxpayer under subpart C shall be increased by the lesser of—

''(A) the credit which would be allowed under this section without regard to this subsection and the limitation under section 38(c), or

''(B) the amount by which the aggregate amount of credits allowed by this subpart (determined without regard to this subsection) would increase if the limitation imposed by section 38(c) for any taxable year were increased by the amount of employer payroll taxes imposed on the taxpayer during the calendar year in which the taxable year begins.

The amount of the credit allowed under this subsection shall not be treated as a credit allowed under this subpart and shall reduce the amount of the credit otherwise allowable under subsection (a) without regard to section 38(c).

''(2) EMPLOYER DESCRIBED.—An employer is described in this paragraph if the employer is—

''(A) an organization exempt from tax under this chapter,

''(B) any State or political subdivision thereof, the District of Columbia, any possession of the United States, or any agency or instrumentality of any of the foregoing, or

''(C) any Indian tribal government (within the meaning of section 7871) or any agency or instrumentality thereof.

''(3) EMPLOYER PAYROLL TAXES.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'employer payroll taxes' means the taxes imposed by—

''(i) section 3111(b), and

''(ii) sections 3211(a) and 3221(a) (determined at a rate equal to the rate under section 3111(b)).

''(B) SPECIAL RULE.—A rule similar to the rule of section 24(d)(2)(C) shall apply for purposes of subparagraph (A).

''(e) DEFINITIONS.—In this section—

''(1) The terms 'active duty for a period of more than 30 days', 'member', and 'reserve component' have the meanings given such terms in section 101 of title 37, United States Code.

''(2) The term 'compensation' means any remuneration for employment, whether in cash or in kind, which is paid or incurred by a taxpayer and which is deductible from the taxpayer's gross income under section 162(a)(1).

''(3) The term 'Ready Reserve-National Guard employee' with respect to an employer, means an employee of the employer who is also a member of a reserve component during a taxable year.''.

(b) CREDIT TO BE PART OF GENERAL BUSINESS CREDIT.—Subsection (b) of section 38 of such Code (relating to general business credit) is amended by striking ''plus'' at the end of paragraph (18), by striking the period at the end of paragraph (19) and inserting '', plus'', and by adding at the end the following new paragraph:

''(20) the active-duty reserve component employee credit determined under section 45J(a).''.

(c) CONFORMING AMENDMENT.—

(1) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting ''or 45J'' after ''section 35''.

(2) The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 45I the following new item:

''Sec. 45J. Active-duty reserve component employee credit.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

SEC. 704. DIFFERENTIAL WAGE PAYMENTS.

(a) INCOME TAX WITHHOLDING.—Section 3401 of the Internal Revenue Code of 1986 (relating to definitions) is amended by adding at the end the following new subsection:

''(i) DIFFERENTIAL WAGE PAYMENTS TO ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES.—

''(1) IN GENERAL.—For purposes of subsection (a), any differential wage payment shall be treated as a payment of wages by the employer to the employee.

''(2) DIFFERENTIAL WAGE PAYMENT.—For purposes of paragraph (1), the term 'differential wage payment' means any payment which—

''(A) is made by an employer to an individual with respect to any period during which the individual is performing service in the uniformed services while on active duty for a period of more than 30 days, and

''(B) represents all or a portion of the wages the individual would have received from the employer if the individual were performing service for the employer.''.

(b) TREATMENT OF DIFFERENTIAL WAGE PAYMENTS FOR RETIREMENT PLAN PURPOSES.—

(1) PENSION PLANS.—

(A) IN GENERAL.—Section 414(u) of such Code (relating to special rules relating to veterans' reemployment rights under USERRA) is amended by adding at the end the following new paragraph:

''(11) TREATMENT OF DIFFERENTIAL WAGE PAYMENTS.—

''(A) IN GENERAL.—Except as provided in this paragraph, for purposes of applying this title to a retirement plan to which this subsection applies—

''(i) an individual receiving a differential wage payment shall be treated as an employee of the employer making the payment,

''(ii) the differential wage payment shall be treated as compensation, and

''(iii) the plan shall not be treated as failing to meet the requirements of any provision described in paragraph (1)(C) by reason of any contribution which is based on the differential wage payment.

''(B) SPECIAL RULE FOR DISTRIBUTIONS.—

''(i) IN GENERAL.—Notwithstanding subparagraph (A)(i), for purposes of section 401(k)(2)(B)(i)(I), 403(b)(7)(A)(ii), 403(b)(11)(A), or 457(d)(1)(A)(ii), an individual shall be treated as having been severed from employment during any period the individual is performing service in the uniformed services described in section 3401(i)(2)(A).

''(ii) LIMITATION.—If an individual elects to receive a distribution by reason of clause (i), the plan shall provide that the individual may not make an elective deferral or employee contribution during the 6-month period beginning on the date of the distribution.

''(C) NONDISCRIMINATION REQUIREMENT.—Subparagraph (A)(iii) shall apply only if all employees of an employer performing service in the uniformed services described in section 3401(i)(2)(A) are entitled to receive differential wage payments on reasonably equivalent terms and, if eligible to participate in a retirement plan maintained by the employer, to make contributions based on the payments . For purposes of applying this subparagraph, the provisions of paragraphs (3), (4), and (5), of section 410(b) shall apply.

''(D) DIFFERENTIAL WAGE PAYMENT.—For purposes of this paragraph, the term 'differential wage payment' has the meaning given such term by section 3401(i)(2).''.

(B) CONFORMING AMENDMENT.—The heading for section 414(u) of such Code is amended by inserting ''AND TO DIFFERENTIAL WAGE PAYMENTS TO MEMBERS ON ACTIVE DUTY'' after ''USERRA''.

(2) DIFFERENTIAL WAGE PAYMENTS TREATED AS COMPENSATION FOR INDIVIDUAL RETIREMENT PLANS.—Section 219(f)(1) of such Code (defining compensation) is amended by adding at the end the following new sentence: ''The term 'compensation' includes any differential wage payment (as defined in section 3401(i)(2))''.

(c) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendments made by subsection (a) shall apply to remuneration paid after December 31, 2004.

(2) SUBSECTION (b).—The amendments made by subsection (b) shall apply to plan years beginning after December 31, 2004.

(d) PROVISIONS RELATING TO PLAN AMENDMENTS.—

(1) IN GENERAL.—If this subsection applies to any plan or annuity contract amendment—

(A) such plan or contract shall be treated as being operated in accordance with the terms of the plan or contract during the period described in paragraph (2)(B)(i), and

(B) except as provided by the Secretary of the Treasury, such plan shall not fail to meet the requirements of the Internal Revenue Code of 1986 or the Employee Retirement Income Security Act of 1974 by reason of such amendment.

(2) AMENDMENTS TO WHICH SECTION APPLIES.—

(A) IN GENERAL.—This subsection shall apply to any amendment to any plan or annuity contract which is made—

(i) pursuant to any amendment made by this section, and

(ii) on or before the last day of the first plan year beginning on or after January 1, 2007.

(B) CONDITIONS.—This subsection shall not apply to any plan or annuity contract amendment unless—

(i) during the period beginning on the date the amendment described in subparagraph (A)(i) takes effect and ending on the date described in subparagraph (A)(ii) (or, if earlier, the date the plan or contract amendment is adopted), the plan or contract is operated as if such plan or contract amendment were in effect; and

(ii) such plan or contract amendment applies retroactively for such period.

SEC. 705. CREDIT FOR INCOME DIFFERENTIAL FOR EMPLOYMENT OF ACTIVATED MILITARY RESERVIST AND REPLACEMENT PERSONNEL.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to foreign tax credit, etc.) is amended by adding at the end the following new section:

''SEC. 30B. EMPLOYER WAGE CREDIT FOR ACTIVATED MILITARY RESERVISTS.

''(a) GENERAL RULE.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

''(1) in the case of a small business employer, the employment credit with respect to all qualified employees and qualified replacement employees of the taxpayer, plus

''(2) the self-employment credit of a qualified self-employed taxpayer.

''(b) EMPLOYMENT CREDIT.—For purposes of this section—

''(1) QUALIFIED EMPLOYEES.—

''(A) IN GENERAL.—The employment credit with respect to a qualified employee of the taxpayer for any taxable year is equal to 50 percent of the lesser of—

''(i) the excess, if any, of—

''(I) the qualified employee's average daily qualified compensation for the taxable year, over

''(II) the average daily military pay and allowances received by the qualified employee during the taxable year, while participating in qualified reserve component duty to the exclusion of the qualified employee's normal employment duties for the number of days the qualified employee participates in qualified reserve component duty during the taxable year, including time spent in a travel status, or

''(ii) $30,000.

The employment credit, with respect to all qualified employees, is equal to the sum of the employment credits for each qualified employee under this subsection.

''(B) AVERAGE DAILY QUALIFIED COMPENSATION AND AVERAGE DAILY MILITARY PAY AND ALLOWANCES.—As used with respect to a qualified employee—

''(i) the term 'average daily qualified compensation' means the qualified compensation of the qualified employee for the taxable year divided by the difference between—

''(I) 365, and

''(II) the number of days the qualified employee participates in qualified reserve component duty during the taxable year, including time spent in a travel status, and

''(ii) the term 'average daily military pay and allowances' means—

''(I) the amount paid to the qualified employee during the taxable year as military pay and allowances on account of the qualified employee's participation in qualified reserve component duty, divided by

''(II) the total number of days the qualified employee participates in qualified reserve component duty, including time spent in travel status.

''(C) QUALIFIED COMPENSATION.—When used with respect to the compensation paid or that would have been paid to a qualified employee for any period during which the qualified employee participates in qualified reserve component duty, the term 'qualified compensation' means—

''(i) compensation which is normally contingent on the qualified employee's presence for work and which would be deductible from the taxpayer's gross income under section 162(a)(1) if the qualified employee were present and receiving such compensation,

''(ii) compensation which is not characterized by the taxpayer as vacation or holiday pay, or as sick leave or pay, or as any other form of pay for a nonspecific leave of absence, and with respect to which the number of days the qualified employee participates in qualified reserve component duty does not result in any reduction in the amount of vacation time, sick leave, or other nonspecific leave previously credited to or earned by the qualified employee, and

''(iii) group health plan costs (if any) with respect to the qualified employee.

''(D) QUALIFIED EMPLOYEE.—The term 'qualified employee' means a person who—

''(i) has been an employee of the taxpayer for the 31-day period immediately preceding the period during which the employee participates in qualified reserve component duty, and

''(ii) is a member of the Ready Reserve of a reserve component of an Armed Force of the United States as defined in sections 10142 and 10101 of title 10, United States Code.

''(2) QUALIFIED REPLACEMENT EMPLOYEES.—

''(A) IN GENERAL.—The employment credit with respect to a qualified replacement employee of the taxpayer for any taxable year is equal to 50 percent of the lesser of—

''(i) the individual's qualified compensation attributable to service rendered as a qualified replacement employee, or

''(ii) $12,000.

The employment credit, with respect to all qualified replacement employees, is equal to the sum of the employment credits for each qualified replacement employee under this subsection.

''(B) QUALIFIED COMPENSATION.—When used with respect to the compensation paid to a qualified replacement employee, the term 'qualified compensation' means—

''(i) compensation which is normally contingent on the qualified replacement employee's presence for work and which is deductible from the taxpayer's gross income under section 162(a)(1),

''(ii) compensation which is not characterized by the taxpayer as vacation or holiday pay, or as sick leave or pay, or as any other form of pay for a nonspecific leave of absence, and

''(iii) group health plan costs (if any) with respect to the qualified replacement employee.

''(C) QUALIFIED REPLACEMENT EMPLOYEE.—The term 'qualified replacement employee' means an individual who is hired to replace a qualified employee or a qualified self-employed taxpayer, but only with respect to the period during which such employee or taxpayer participates in qualified reserve component duty, including time spent in travel status.

''(D) FAILURE TO MAKE DIFFERENTIAL WAGE PAYMENTS.—The employment credit with respect to a qualified replacement employee of the taxpayer for any taxable year shall be zero if the taxpayer does not make all differential wage payments (as defined by section 3401(i)(2)) for the taxable year to the qualified employee or the qualified self-employed taxpayer (as the case may be) who is replaced by the qualified replacement employee.

''(c) SELF-EMPLOYMENT CREDIT.—For purposes of this section—

''(1) IN GENERAL.—The self-employment credit of a qualified self-employed taxpayer for any taxable year is equal to 50 percent of the lesser of—

''(A) the excess, if any, of—

''(i) the self-employed taxpayer's average daily self-employment income for the taxable year over

''(ii) the average daily military pay and allowances received by the taxpayer during the taxable year, while participating in qualified reserve component duty to the exclusion of the taxpayer's normal self-employment duties for the number of days the taxpayer participates in qualified reserve component duty during the taxable year, including time spent in a travel status, or

''(B) $30,000.

''(2) AVERAGE DAILY SELF-EMPLOYMENT INCOME AND AVERAGE DAILY MILITARY PAY AND ALLOWANCES.—As used with respect to a self-employed taxpayer—

''(A) the term 'average daily self-employment income' means the self-employment income (as defined in section 1402(b)) of the taxpayer for the taxable year plus the amount paid for insurance which constitutes medical care for the taxpayer for such year (within the meaning of section 162(l)) divided by the difference between—

''(i) 365, and

''(ii) the number of days the taxpayer participates in qualified reserve component duty during the taxable year, including time spent in a travel status, and

''(B) the term 'average daily military pay and allowances' means—

''(i) the amount paid to the taxpayer during the taxable year as military pay and allowances on account of the taxpayer's participation in qualified reserve component duty, divided by

''(ii) the total number of days the taxpayer participates in qualified reserve component duty, including time spent in travel status.

''(3) QUALIFIED SELF-EMPLOYED TAXPAYER.—The term 'qualified self-employed taxpayer' means a taxpayer who—

''(A) has net earnings from self-employment (as defined in section 1402(a)) for the taxable year, and

''(B) is a member of the Ready Reserve of a reserve component of an Armed Force of the United States.

''(d) CREDIT IN ADDITION TO DEDUCTION.—The employment credit or the self-employment credit provided in this section is in addition to any deduction otherwise allowable with respect to compensation actually paid to a qualified employee, qualified replacement employee, or qualified self-employed taxpayer during any period the qualified employee or qualified self-employed taxpayer participates in qualified reserve component duty to the exclusion of normal employment duties.

''(e) COORDINATION WITH OTHER CREDITS.—The amount of credit otherwise allowable under sections 51(a) and 1396(a) with respect to any employee shall be reduced by the credit allowed by this section with respect to such employee.

''(f) LIMITATIONS.—

''(1) APPLICATION WITH OTHER CREDITS.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess (if any) of—

''(A) the regular tax for the taxable year reduced by the sum of the credits allowable under subpart A and sections 27, 29, and 30, over

''(B) the tentative minimum tax for the taxable year.

''(2) DISALLOWANCE FOR FAILURE TO COMPLY WITH EMPLOYMENT OR REEMPLOYMENT RIGHTS OF MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES OF THE UNITED STATES.—No credit shall be allowed under subsection (a) to a taxpayer for—

''(A) any taxable year, beginning after the date of the enactment of this section, in which the taxpayer is under a final order, judgment, or other process issued or required by a district court of the United States under section 4323 of title 38 of the United States Code with respect to a violation of chapter 43 of such title, and

''(B) the 2 succeeding taxable years.

''(3) DISALLOWANCE WITH RESPECT TO PERSONS ORDERED TO ACTIVE DUTY FOR TRAINING.—No credit shall be allowed under subsection (a) to a taxpayer with respect to any period by taking into account any person who is called or ordered to active duty for any of the following types of duty:

''(A) Active duty for training under any provision of title 10, United States Code.

''(B) Training at encampments, maneuvers, outdoor target practice, or other exercises under chapter 5 of title 32, United States Code.

''(C) Full-time National Guard duty, as defined in section 101(d)(5) of title 10, United States Code.

''(g) GENERAL DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) SMALL BUSINESS EMPLOYER.—

''(A) IN GENERAL.—The term 'small business employer' means, with respect to any taxable year, any employer who employed an average of 50 or fewer employees on business days during such taxable year.

''(B) CONTROLLED GROUPS.—For purposes of subparagraph (A), all persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 shall be treated as a single employer.

''(2) MILITARY PAY AND ALLOWANCES.—The term 'military pay' means pay as that term is defined in section 101(21) of title 37, United States Code, and the term 'allowances' means the allowances payable to a member of the Armed Forces of the United States under chapter 7 of that title.

''(3) QUALIFIED RESERVE COMPONENT DUTY.—The term 'qualified reserve component duty' includes only active duty performed, as designated in the reservist's military orders, in support of a contingency operation as defined in section 101(a)(13) of title 10, United States Code.

''(4) SPECIAL RULE FOR CERTAIN MANUFACTURERS.—

''(A) IN GENERAL.—In the case of any qualified manufacturer, paragraph (1)(A) of this subsection shall be applied by substituting '100' for '50'.

''(B) QUALIFIED MANUFACTURER.—For purposes of this paragraph, the term 'qualified manufacturer' means any person if—

''(i) the primary business of such person is classified in sector 31, 32, or 33 of the North American Industrial Classification System, and

''(ii) all of such person's facilities which are used for production in such business are located in the United States.

''(5) CARRYBACK AND CARRYFORWARD ALLOWED.—

''(A) IN GENERAL.—If the credit allowable under subsection (a) for a taxable year exceeds the amount of the limitation under subsection (f)(1) for such taxable year (in this paragraph referred to as the 'unused credit year'), such excess shall be a credit carryback to each of the 3 taxable years preceding the unused credit year and a credit carryforward to each of the 20 taxable years following the unused credit year.

''(B) RULES.—Rules similar to the rules of section 39 shall apply with respect to the credit carryback and credit carryforward under subparagraph (A).

''(6) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (c), (d), and (e) of section 52 shall apply.''.

(b) CONFORMING AMENDMENT.—Section 55(c)(2) of the Internal Revenue Code of 1986 is amended by inserting ''30B(f)(1),'' after ''30(b)(3),''.

(c) CLERICAL AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end of 30A the following new item:

''Sec. 30B. Employer wage credit for activated military reservists.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

SEC. 706. EMPLOYER CONTRIBUTIONS TO IRAS OF CERTAIN MEMBERS OF THE UNIFORMED SERVICES.

(a) IN GENERAL.—Section 3121 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''(z) EMPLOYER CONTRIBUTIONS TO IRAS OF CERTAIN MEMBERS OF THE UNIFORMED SERVICES.—Nothing in any paragraph of subsection (a) (other than paragraphs (1) and (5)) shall exclude from the term 'wages' any employer payment on behalf of an individual to an individual retirement plan if such payment is made by the employer to such plan with respect to any period during which the individual is performing service in the uniformed services while on active duty for a period of more than 30 days.''.

(b) RAILROAD RETIREMENT.—Subsection (e) of Section 3231 of such Code is amended by adding at the end the following new paragraph:

''(1) EMPLOYER CONTRIBUTIONS TO IRAS OF CERTAIN MEMBERS OF THE UNIFORMED SERVICES.—Nothing in any paragraph of this subsection (other than paragraph (2)) shall exclude from the term 'compensation' any amount described in section 3121(z).''.

(c) FEDERAL UNEMPLOYMENT TAX.—Section 3306 of such Code is amended by adding at the end the following:

''(u) EMPLOYER CONTRIBUTIONS TO IRAS OF CERTAIN MEMBERS OF THE UNIFORMED SERVICES.—Nothing in any paragraph of subsection (b) (other than paragraphs (1) and (5)) shall exclude from the term 'wages' any employer payment on behalf of an individual to an individual retirement plan if such payment is made by the employer to such plan with respect to any period during which the individual is performing service in the uniformed services while on active duty for a period of more than 30 days.''.

(d) WITHHOLDING.—Section 3401(a) of such Code is amended by adding at the end the following new subsection:

''(u) EMPLOYER CONTRIBUTIONS TO IRAS OF CERTAIN MEMBERS OF THE UNIFORMED SERVICES.—Nothing in any paragraph of subsection (a) (other than paragraph (12)) shall exclude from the term 'wages' any amount described in section 3121(z).''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid after December 31, 2004.

SEC. 707. EMERGENCY DESIGNATION.

Amounts provided pursuant to the amendments made by this title are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIRMAN. A point of order on the amendment is reserved.

Pursuant to the order of the House today, the gentleman from California (Mr. LANTOS) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from California (Mr. LANTOS).

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

Mr. Chairman, when our country is at war, and every single Member of this body is in agreement that we are at war, the first rule should be to aim for equality of sacrifice. Now we know we cannot achieve that because the people who are making the sacrifice are our men and women in the field, and particularly the ones who are wounded or lose their lives. But there is no earthly reason why we should impose on our fighting men and women in Iraq the additional burden of financial hardship for their families.

□ 1815

Some 72,000 members of our National Guard and our Reserves are suffering huge reductions in their income as a result of having been activated for military duty. My amendment would rectify this outrageous inequity. The 72,000 families which find themselves with a member of the family in the war zone are losing an average of $36,000 a year, the difference between their civilian pay and their military pay.

My amendment, by providing tax benefits to their employers, would rectify this singularly inequitable and unjust state of affairs. It would ensure financial security to the families of our fighting men and women. This issue was brought to my attention by individuals in my congressional district, firemen, policemen, teachers and others who have to undergo this financial sacrifice on top of exposing themselves to physical danger 24 hours a day. It is unconscionable that we make these brave citizens choose between their duty to our country and the welfare of their families.

I urge all of my colleagues to support this modest amendment which at least in a financial sense relieves some of the hardship on our military families. It also would deal with the problem of recruitment and retention in the National Guard and Reserves. Under present circumstances, we are losing large numbers of individuals who if they did not have this extra financial burden would enlist or re-enlist. I urge all of my colleagues to support this amendment.

Mr. Chairman, I am happy to yield 1 minute to the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Chairman, I am a cosponsor of the bill. I understand this amendment is going to be withdrawn. It is subject to a point of order. It is very good. Some of our Guardsmen and Reservists have been called up twice. We are having a problem in this region whereby they are really going through a difficult, difficult time. I think the gentleman's amendment is a very good amendment. At the appropriate time, I hope it passes and becomes law.

Mr. LANTOS. Mr. Chairman, I yield 2 minutes to my friend from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Chairman, I thank my good friend and colleague from California for yielding me this time and for his incredible leadership on this important issue.

Mr. Chairman, a couple of weeks ago, six Navy Reserve Seabees prepared to depart from Worcester, Massachusetts, and 10 Marine Corps Reservists based in Worcester received their activation notice. They are now waiting to learn when and where they will be deployed. These are all too familiar events to every Member of this Chamber.

The citizen soldiers of the Guard and Reserves are fully integrated, vital components of our military force. They are essential to the success of any military operation, and they have fought and they have died wearing the uniform of this country. We are asking these brave men and women and their families, their employers and their communities to make tremendous sacrifices for us and our country. Many of them are now deployed for 12 or 18 months rather than the traditional 6 months.

This amendment recognizes this reality. We know that for every Guardsman and Reservist serving abroad, there is a family at home also making sacrifices for their country. Many of these families face a loss of income when their military pay is significantly less than their civilian pay. This pay gap forces Guard and Reservist families to pinch pennies to make ends meet. It is unacceptable that families of activated Guard and Reservists have to worry about how to put food on the table or pay the mortgage. It is unacceptable to force those families to run up their credit cards, take on extra jobs, work overtime, use their savings, borrow money, go on welfare or rely on food banks. Our soldiers have enough to worry about when they are deployed overseas. They should not have to worry about their family finances.

This amendment will help these families. It will reward those employers who are already doing the right thing by keeping their activated employees on payroll, and it will provide an incentive to other employers to join them in this patriotic service. It will also require the Federal Government to match the patriotism of the private sector by closing the pay gap for activated Federal employees. I am very proud to say that the State governments of Massachusetts and New Hampshire already make up the pay gap for State employees who have been activated by the Guard and Reserves. The Federal Government should follow their lead.

By passing this amendment, Congress can provide hope to families and communities here at home. I also hope it will provide some peace of mind to our brave men and women now serving in harm's way.

Mr. LANTOS. Mr. Chairman, I yield 2 minutes to my good friend, the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, I thank the gentleman from California (Mr. LANTOS) for yielding me this time. I am a strong cosponsor of this amendment. I join with the gentleman from Virginia and the gentleman from Massachusetts. He is right on target. Employers who are paying the difference in salary and helping Reservists and National Guardsmen be able to do their duty and not suffer financial consequences should have some compensation, or partial compensation. This bill does that. The Federal Government should make up the difference when you have Federal employees who are being called up and those who are self-employed should be able to hire someone to take their place to keep the business going. There are a number of people who are self-employed who cannot keep the business going.

We have so many other problems with those in the National Guard and Reserve. They are not paid quickly what they should be when they are in Iraq. There are a lot of problems. We have had problems with equipment. My gosh, we need to deal with this.

If there is a point of order on this bill, the gentleman from California has served an important role in notifying this Congress that his bill is in this Chamber, and is before a committee. We need to have a hearing on it. I believe it is going to pass, and I think it is going to pass on a bipartisan basis sometime because it is sorely needed. I thank the gentleman for introducing this.

Mr. LANTOS. I thank my friend from Connecticut.

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

Mr. LEWIS of California. Mr. Chairman, I rise very hesitantly to oppose the gentleman's amendment.

The Acting CHAIRMAN (Mr. GILCHREST). The gentleman from California (Mr. LEWIS) is recognized for 10 minutes.

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

The gentleman has an amendment that is very worthy of consideration. We all know we have a difficulty with the Guard and Reserve and how they maintain their level of income that they have had or what they had before they were called up. There are incredible problems here. But the gentleman's amendment involves the authorizing arena, and we are doing everything we can in this new appropriations committee to work with our authorizing committees to try to avoid doing their work.

The gentleman, for example, is one of the truly outstanding members of the Committee on International Relations. He plays a phenomenal role in this arena. In the past, I have been very disconcerted with Foreign Ops getting into that area, that is the authorizing piece. We are trying to avoid that sort of work by the appropriations committee. In this case we are talking about major authorizing circumstances that affect the Committee on Ways and Means, affect the housing committee potentially, certainly the Committee on Armed Services. So I am very hesitant about that movement in the arena that is an authorizing responsibility.

Because of that, I am opposing the amendment.

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

Mr. LANTOS. Mr. Chairman, I yield myself such time as I may consume. I appreciate my good friend's comments. He is a great leader of the Congress and a great leader in California.

This issue will not go away. I understand that there are technical objections at this moment to my amendment. But the justice and fairness of this amendment speaks for itself. It is an outrage to have men and women called up for active duty and have their families lose their homes and not be able to put food on the table because of the differential between their previous civilian pay and their current military pay. There is no Member in this body who can approve of such a circumstance.

It is my intention to revisit and have this body revisit my legislation; but at the present time, I respectfully request unanimous consent to withdraw my amendment.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

The Acting CHAIRMAN. It is now in order to consider the second amendment listed in the order of the House of today.

AMENDMENT OFFERED BY MR. MARKEY

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MARKEY:

At the end of the bill (before the short title), insert the following new title:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. (a) None of the funds made available in this Act may be used to implement any regulation reducing the total amount of monthly military pay for a member of the Armed Forces who is wounded or otherwise injured while assigned to duty in an area for which special pay is available under section 310 of title 37, United States Code, below the amount in effect for the member when the member was wounded or otherwise injured.

(b) The limitation in subsection (a) shall cease to apply with respect to a member described in that subsection as of the end of the first month during which any of the following occurs:

(1) The member is found to be physically able to perform the duties of the member's office, grade, rank, or rating.

(2) The member is discharged or separated from the Armed Forces.

(3) The member dies.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIRMAN. A point of order is reserved.

Pursuant to the order of the House of today, the gentleman from Massachusetts (Mr. MARKEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, I yield myself such time as I may consume. As preposterous as it sounds, today members of the armed services who are wounded in battle have their pay cut the moment they are evacuated from a combat zone after they have been wounded and they are fighting for their lives in a hospital bed. A pay cut is not, in my opinion, my idea of support; and it most assuredly is not what the wounded soldier thinks of as support.

The amendment I am proposing is intended to remedy this situation. It places a restriction on the supplemental appropriations funds to end this unjust practice. Essentially, this amendment will no longer allow the special hazardous duty pay to be cut for our wounded troops when they are evacuated from a combat zone. Instead, the special pay rates that they were receiving prior to their injury will be continued while the member recovers in a hospital. These pay rates will continue until the soldier either is reassigned to duty, discharged from service, or succumbs to his or her wounds.

The cut in pay comes at the exact moment when severely wounded members are evacuated for medical treatment and leave the combat zone. I know this because my constituent, James Crosby, was wounded last year in Iraq.

On March 18, 2004, James was wounded by enemy fire while riding on the back of a U.S. military vehicle in Iraq. A rocket fired at the vehicle killed the driver and injured two Marines, including James. A piece of shrapnel pierced James's side and penetrated his intestines and spine, paralyzing him from the waist down. James's pay was immediately cut when he was transported out of the combat zone in Iraq. He was discharged from the hospital in August and from active duty in September. Unfortunately, James's story is the story of many more soldiers serving in Iraq and Afghanistan, struck down by hostile fire or mortars or improvised explosive devices.

Soldiers who would never leave a wounded comrade unattended on the battlefield suddenly find themselves in a hospital bed fighting for their lives. They have been separated from their unit, they are distressed about their condition, about what it means for the future, about suddenly being ripped from their unit by a mortar shell, about being helicoptered away from a very special group that had promised to protect each other come hell or high water. Now they are in the hands of people who made no such pledge, and the first thing the soldier learns is that his pay is being cut. I cannot imagine a more unambiguous way of telling that soldier that he or she is not as valuable today as yesterday.

Some have said to me, these are special pays for special purposes. We cannot be extending them indefinitely. There are two answers to this: one, my amendment would not extend them indefinitely, only to the point where the soldier has recovered and been reassigned or discharged; and, two, the Congress has already recognized the principle that combat pay should be extended to the wounded soldier in the hospital. It did so in the case of the combat pay tax exclusion which exempts combat pay from taxation until the soldier is discharged from the hospital.

I would hope that this body would accept my ''do no harm'' amendment.

□ 1830

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

Mr. LEWIS of California. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The Acting CHAIRMAN (Mr. GILCHREST). The gentleman from California (Mr. LEWIS) is recognized for 5 minutes.

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

Mr. LEWIS of California. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Chairman, the gentleman from Florida (Chairman YOUNG) and I discussed this amendment. We last year talked about it, but we have gotten serious this year about it because he brought to our attention a real problem, not on this individual but of these folks coming out of Iraq

who are losing this money at a critical time in their lives. We are going to look at it and try to figure out what we can do. With the chairman's cooperation, hopefully we will be able to figure something out to take care of these people, the ones who are severely wounded because financially they are really hurting when they come out of there. He and I have both seen them at the hospitals. We know how hurt they are, but when they lose their financial resources, it hurts the families. So if the gentleman will withdraw his amendment, we will do everything we can to work this thing out.

Mr. LEWIS of California. Mr. Chairman, reclaiming my time, let me respond by saying that the gentleman from Florida (Mr. YOUNG) had to leave this evening. Because of that he is not here to interact regarding this amendment. I understand that what the gentleman from Pennsylvania has described is exactly my chairman's feeling. And, frankly, I appreciate the gentleman's willingness to cooperate.

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

Mr. LEWIS of California. I yield to the gentleman from Massachusetts.

Mr. MARKEY. Mr. Chairman, I thank both gentlemen for their statements. It is my intention to try to work in a way in which we can find a way to guarantee that once someone has been shot and taken out of the combat zone that their benefits are not cut. The irony is of course if they are shot but not seriously wounded and they stay in Iraq, they do not lose any of these benefits. It is only the most serious who lose the benefits. I would like to be able to work with them.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Acting CHAIRMAN. It is now in order to consider the third amendment from the gentleman from Massachusetts (Mr. MARKEY).

AMENDMENT OFFERED BY MR. MARKEY

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MARKEY:

Page 72, after line 17, insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 7001. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

(1) Section 2340A of title 18, United States Code.

(2) Section 2242 of the Foreign Affairs Reform and Restructuring Act of1998 (division G of Public Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231 note) and any regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations.

The Acting CHAIRMAN. Pursuant to the order of the House today, the gentleman from Massachusetts (Mr. MARKEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, I yield myself 1 minute.

The amendment I am offering today simply reaffirms the United States' commitment to the Convention against Torture. The United States signed this treaty under President Reagan, and the Senate ratified it in 1994. Despite our commitments under this treaty and the recent statements made by the administration emphasizing that the United States is emphatically and unambiguously against the use of torture, reports keep growing of the United States sending detainees to countries where they are likely to face torture, including countries notorious for human rights violations, including Syria, Uzbekistan, and Egypt and other countries. My amendment will just restate existing law so that this body is put on record taking the position which Ronald Reagan did in his negotiation of the Convention against Torture.

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

Mr. LEWIS of California. Mr. Chairman, I ask unanimous consent to claim the time.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The Acting CHAIRMAN. The gentleman from California (Mr. LEWIS) is recognized for 5 minutes.

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

I took this position on this amendment because I do not want to rise in opposition to the amendment. As the gentleman suggested, it is a restatement of existing law. I think it is appropriate for us to consider it in that connection, and, further, I would like to say to the gentleman that the Chair is inclined to accept the amendment.

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

Mr. MARKEY. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER), the cosponsor of this amendment.

Mr. BLUMENAUER. Mr. Chairman, I thank the gentleman for yielding me this time.

I appreciate his leadership on this issue, and I appreciate the chairman of the committee being willing to accept the restatement of existing law.

But I think it is important for this Chamber to acknowledge that there is a scandal brewing. The news accounts make clear what our committee system has not yet focused in on. There are, in fact, numerous cases that are being brought forth of torture and the horrendous practice of our sending people to other countries after we have kidnapped them knowing that these suspects are going to be tortured.

There are reasons that we are against torture. There are moral reasons. There are legal reasons. There is the fact that it is not a good way to get intelligence information and that it taints any legal proceedings that we may have against suspected terrorists. There is a selfish reason, that it puts Americans at risk. We do not want to show the world that it is acceptable treatment of civilians or people in the military that they be tortured.

We have been trying to get Congress to do its job in oversight in this area, to investigate, so that we do not have to rely on journalists and nongovernment organizations but that Congress steps forward, that we understand and are held accountable. Until Congress takes its responsibilities seriously to investigate what is going on and, if there are abuses, to hold people accountable, I join my colleague in supporting this amendment because it is the best we can do.

But I want to make clear that it is not good enough and that every Member of this assembly ought to be clamoring for the appropriate committees to exercise appropriate oversight to make sure that we are not complicit in the abuse and terror and torture of other people.

Mr. MARKEY. Mr. Chairman, I yield myself the balance of my time.

Throughout United States history, we have been the world's moral and political leader. One of the things that really strengthened our hand at Nuremberg was that in turn the Germans could not make a case that we had engaged in the kind of human rights violations that the Nazis had engaged in. It made the trials at Nuremberg a moral statement about the United States and our view of the way in which war should be conducted.

This debate that we are having is intended on ensuring that we restate that commitment. We cannot have Uzbekistan, we cannot have Syria dictating what the standards are for our country. We cannot take prisoners within our control, put them on planes, and have them flown to other countries where whatever standards exist in that country dictate whether or not and what kind of torture will be engaged in.

The statement which we are making today on the floor will be to once again reassert this Congress' complete commitment to the Convention against Torture. I think it is important at this time that we once again make this point because the rest of the world looks to us as the moral leader and it is important for us in act as well as in word to uphold that standard.

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

Mr. WOLF. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. MARKEY. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) will be postponed.

The point of no quorum is considered withdrawn.

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

Mr. Chairman, I am simply filibustering here for the moment until we get the next person here to offer an amendment, and I hope that he arrives quickly. But let me simply say what we are trying to do is to proceed as far as we can in finishing this bill tonight, and we hope that we have the cooperation of every Member so we can do that.

There may be at least one amendment that has to go over until tomorrow along with final passage, but we would hope to minimize that so that we take up as little time as possible tomorrow with this bill. For anyone who is interested, that is what we are trying to do tonight.

Mr. Chairman, I yield to the gentleman from Pennsylvania (Mr. MURTHA) who wants to brag a bit on his section of the bill.

Mr. MURTHA. Mr. Chairman, I just want to talk about how good the Defense portion of this bill is, and I was disappointed we lost the embassy vote, and hopefully we will be able to repair that. But let me say that the members of the Defense Subcommittee went out to bases all over the country. We have all kinds of shortages. We added $1.8 billion to this bill to take care of things like spare parts, small arms, mortars, things that one would expect that they would have. We not only have shortages overseas and equipment that is worn out overseas, we have Reserve and National Guard units that are actually going to the major bases like Fort Bragg and having to rehabilitate that equipment.

One of the reasons we put in $7 billion for rehabilitation of equipment was because of what we found out in the field. We think it is absolutely essential to get the Army back in shape so that when these units are called up they have the right equipment when they train, and when they go overseas they have the right equipment.

So I would hope everybody would vote for this bill.

Mr. OBEY. Mr. Chairman, reclaiming my time, while the gentleman is getting ready to proceed, let me make one other point with respect to the Lantos amendment. We have done our best to expand benefits to servicemen and women who have been killed in the line of duty. I think there is still one gaping hole. For someone who is seriously injured in Iraq or Afghanistan whose ability to obtain gainful employment may be permanently impaired because of what happened to them in combat. I think that we really need to think through how little this country does for people in those situations. It just seems to me that especially given the fact that we do not have a draft today and given the fact that so many people go into the service in order to be able to save some money so they can go to college, I think the sacrifice that people are called upon to make falls very unevenly in this society, and we have to do much more to see to it that those persons who do pay a major price because they could not afford to go to college without first going into service, for instance, I think that we need to do much more to provide enhanced benefits for them and for their families and for their children.

The Acting CHAIRMAN. It is now in order to consider the fourth amendment listed in the order of the House of today.

AMENDMENT OFFERED BY MR. WEINER

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WEINER:

At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 7001. None of the funds made available in this Act may be used for assistance to the Palestinian Authority or for programs, projects, and activities in the West Bank or Gaza.

The Acting CHAIRMAN. Pursuant to the order of the House today, the gentleman from New York and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from New York (Mr. WEINER).

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

I thank the chairman of the subcommittee and the ranking member of the full committee for stalling a bit while I prepared.

This amendment is very simple. It simply says that we should not allocate at this moment in time any aid to the Palestinians.

□ 1845

We have a history in this Congress of lurching forward at the first sign of any optimistic sign, and I freely concede that this is such a moment in the Middle East. We, the taxpayers, are the first to put money on the barrel head: $612 million up to now, including $20 million in direct aid to Prime Minister Mahmoud Abbas. If the name sounds familiar, it is because the $20 million was not offered and proposed during this administration of Mahmoud Abbas. It was the last time. That money went in direct aid, and it is now gone.

We have a tendency all too often to want to wish things to go well in the negotiations between the Palestinians and the Israelis, and the way we express that wish as taxpayers is by essentially giving money and more money and more money.

There is no doubt in my mind that we in the United States have an important role to play here in the peace that hopefully will ensue. But what we should be doing is offering money based on performance, money based on transparency, money based on democratization, money based on furtherance of U.S. interests.

We are offering this money now, and it is tied to nothing. There does not have to be compliance with the road map. There does not have to be compliance with past agreements. There does not have to be any type of democratic reform, and there does not have to be any type of transparency.

You know, I am not the first to say this. The IMF acknowledged in 2004 that $900 million, $900 million in funds that went to the Palestinian Authority were not unaccounted for.

Now, the funds we provide do not go to the Palestinian Authority except for the $20 million I referenced earlier. They go to NGOs in the region. But I will argue to you that just the same way we would not fund an NGO in Iran or North Korea until we started to see some dramatic change in behavior, we should not do it here either.

What we should do is we should pass my amendment. The committee should return to the administration and say look, we want to be participants in this peace process as well. Here is what we will do. Rather than $200 million now at the front end, we will say $25 million. At the end of the year, if you have complied with the road map towards peace that the President has laid out, we will put in another 50 or another $75 million. If after a year and a half there seems to have been 100 percent effort to cut down on violence, not the nonstop falling of Kassam rockets that is going on now, then maybe we do another $50 million or another $75 million, essentially using the money as a reward for the type of activity that the United States and our taxpayers want.

Now, no one could argue that today, despite the changes in the Middle East, ones that, frankly, have me optimistic, no one could argue that Mahmoud Abbas has shown 100 percent effort to end violence. No one could argue that the Palestinians now have transparent government. No one could argue first and foremost that they can show us where the $900 million that the IMF said had been absconded, where it has gone.

I am not saying do not provide aid. I am saying that this is the least beneficial way to do it. You give them $200 million. If tomorrow we learn that the Palestinian administration has not lived up to its commitments, then we will have lost the money.

Now, let me conclude before I reserve my time with this thought. You know, this is not the first time we have been in this pattern. We can learn a little something. At the Wye River Accord we put in money. Wye River went away. The Israelis walked away from it because the Palestinians violated it. Our money was still going.

The Oslo Accords the same way. U.S. dollars were going long after the Oslo Accords had run aground. The Tenet plan, the Mitchell plan, the road map to peace. You know, we forget that $20 million in direct aid went to the Palestinians and the same exact arguments that my good friend, the gentleman from Arizona, is going to make here today were made then. These are optimistic times. There is a new administration. We need to foster, we need to encourage it. I do not dispute that. The only question is do we put the money on the barrel head first, or do we wait till later.

And one final point. You know, the Israeli position I do not really know on this issue. And frankly I do not care. Lobbying organizations on behalf of the peace process, that is not what this is about. This is about taxpayer dollars and how they are most wisely spent.

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

Mr. KOLBE. Mr. Chairman, I rise to claim the time in opposition

The Acting CHAIRMAN (Mr. GILCHREST). The gentleman from Arizona (Mr. KOLBE) is recognized for 10 minutes.

Mr. KOLBE. Mr. Chairman, I yield myself 4 minutes. Mr. Chairman, I do rise in very strong opposition to this amendment. I cannot think of an amendment that could send a worse message to the Middle East. For the first time in years, we have prospects, real prospects for peace in the Middle East with the change in the leadership of the Palestinian Authority. We are still a long ways away from having a lasting peace or a just peace. But we have the best prospects we have had in years, some would say even in decades.

We have a responsibility to do everything we can to help Mr. Abbas, Prime Minister Abbas secure stability in his territories. I cannot think that anybody in this body would want to look back a few months or a few years from now knowing that we had adopted an amendment like this which would absolutely cut off at the knees the opportunity to bring peace to the Middle East. But make no mistake about it, that is exactly what the amendment offered by the gentleman from New York would do.

But I am glad in a way that this amendment is offered because it gives me an opportunity to describe some of the points in our bill that I think make it such an excellent approach to the issue of assistance to the Palestinians. I know there is a lot of concern, as our subcommittee has had, about how this money has been spent over the years, that none of our assistance be used for subversive purposes to support terrorist activities.

To protect against such a thing as that happening, USAID is already required to certify that its contractors are not affiliated with any terrorist organization and our assistance is not being used in any way that might support terrorism. The committee recommendation strengthens those protections by requiring the GAO, the General Accounting Office, to audit our assistance program, our assistance program. And that audit is going to help us make sure that these protections work properly.

But we have gone even further than that. We have set aside $5 million to be paid for an audit of the Palestinian Authority's financial system by an independent, internationally recognized accounting firm so we can begin to get to the bottom of how some of these monies are being spent, have been spent in the past.

And I know that the finance minister of the Palestinian Authority is very anxious to have this independent audit because he believes it will reveal where some of the money has been misallocated in the past by Mr. Arafat and some of his people.

Finance Minister Fayad has already been working with the World Bank to develop a list of organizations that might be used to do this accounting. The committee's recommendation directly addresses the concerns of those who do not want money to go directly to the Palestinian Authority. It prohibits any of the money, as the gentleman did say, prohibits any of the money from going directly to the Palestinian Authority. But it also addresses, I think, the concerns that we have about taking away the flexibility of the administration to provide funding to Prime Minister Abbas's government as the administration did for the Arafat regime. To do that would send precisely the wrong message at this point.

The compromise that we have in the language preserves the administration's ability to provide a waiver for the $75 million that is in the fiscal year 2005 legislation, but removes the Presidential waiver authority to do so with this $200 million provided in this legislation.

I say to my colleagues, this would harm the people of the Palestinian territories, but it goes even further than that. It harms the chances for the people of Israel to have a lasting peace. I am not sure if the gentleman from New York is aware that this would cut out $50 million that goes to strengthen the border crossing points for Israel, because it prohibits funding for any programs or activities in the West Bank or Gaza. It would cut out the money we are providing here to strengthen the border crossings between Israel and the Gaza and the West Bank.

It is exactly the wrong signal that we would be sending. It would erode the hope that we have for a stable peace in that region. I certainly urge my colleagues to vote against this amendment and to defeat it soundly.

Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Chairman, I thank the chairman for yielding me time, and I rise in strong opposition to the amendment.

I understand many of the points that my colleague and friend from New York was making, but I think it is clear from the comments of the gentleman from Arizona (Chairman KOLBE) on how we crafted the bill that I think we address almost every point the gentleman is making.

I feel very strongly that we have to take this opportunity to work with the Palestinians and work with the Israelis to try and move towards a peaceful settlement. We have heard Rabin say, ''You don't make peace with your friends; you make it with your enemies.'' I can remember Barak, and he would say to us very clearly, ''Trust, but verify.''

I think there is clear language in this bill that verifies what we are doing in order to provide the assistance to the West Bank and Gaza program.

I have felt that the prospects for peace in this region and for the ultimate security of Israel depend on bringing economic stability to the West Bank and Gaza. Just to repeat, these additional funds will be used for infrastructure development, democracy and government, health care and education; and as my chairman mentioned, $50 million of the $200 million is for improving the flow of goods and people into Israel with appropriate safeguards. The funds will be spent with Israel's direct input to facilitate both access and security between the West Bank and Gaza.

The safeguards were mentioned by the gentleman from Arizona (Chairman KOLBE). Language has been included calling for a GAO audit of the $200 million. The committee has specified how the funds should be spent, required a financial plan that we will approve prior to funds moving forward; and in addition, an amendment was adopted in committee which calls for a separate report on progress on dismantling terrorism, an audit of the Palestinian Authority, and a prohibition, a clear prohibition, on direct funding of the Palestinian Authority with this $200 million.

So, again, I would express my strong opposition. I do think it signals exactly the wrong message if we want to cut off these funds. I hope that my colleagues in the Congress will support the gentleman from Arizona (Chairman KOLBE) in opposing this amendment, and I hope we can move forward and make sure that all the dollars are audited appropriately and that we can take this step to work with both the Palestinians and the Israelis in moving the peace process forward.

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

Let me first of all say to the gentleman, the chairman of the subcommittee, there are no two stronger supporters of Israel in this Congress; but I have to tell you, I can practically write your remarks, because I heard them after Wye River, I heard them after Oslo, I heard them after the Tenet Plan, I heard them after the Mitchell Plan, and I heard them after the road map. And I will summarize them this way: there is never a good time to change our policies on funding the Palestinians.

It is always an optimistic time when we begin these negotiations. I do not deny it. And I am not saying do not engage in them. I am saying let us use the U.S. tax dollars in a smarter way. Let us say, why give them $200 million and then say, okay, go off and do the best you can. Why not say give them 10 percent now, 50 percent later on. We incentivize other activities in Congress. Why not do that one?

By the way, I know all about the USAID restrictions. I know about them, because you wrote them last time, and they were very, very tough. They said you cannot get a single dime, a single shekel, unless you agree that you will not support terrorism. You know what? They would not sign. A lot of these NGOs would not sign that document until the gentlewoman from New York went back and said, well, you better believe you are going to have to sign it, and then the negotiations began.

As to the notion that this one adds, well, now we are not just going to have restrictions, but we are going to have an audit, I have to tell you it is kind of like saying let us invest in Enron because there is a strong audit going on.

Maybe the smarter thing to do would be to say this: let us have the audit. Let us see if the new finance chairman is up to snuff. Let us see if Mahmoud Abbas really can delivery, and then give them more and more incentives to continue to comply with their agreements.

Why is that so counter to what we do around here? We demand that type of accountability everywhere else. It is not as if they have a good record. Every single time we have invested, we have looked back and said, well, that is another $100 million; oh, that is another $50 million.

Well, we were so optimistic. I am optimistic too, but it is deja vu all over again.

□ 1900

I am not saying do not be engaged. I am not saying do not have peace. I am not saying do not negotiate. I am not saying do not make concessions. I am not saying stay on the sideline and do not do anything. I am saying if we are going to spend United States tax dollars, let us not keep engaging in the same activity over and over again expecting to get a different result.

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

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

Mrs. LOWEY. Mr. Chairman, I would just like to stress again, we know that this is tough. We know this is not easy or there would have been peace a long time ago.

And if Sharon is willing to work with Abu Mazen and if he is willing to work with the Palestinian Authority, we feel we have to take risks for peace but not risks for just throwing the dollars. If you look at this bill carefully, and I know the gentleman has, there are very clear auditing guidelines. There is a clear requirement for a plan.

It is not as if we are going to say, here, here is the $200 million because we respect the fact that there have been many failures in the past. But in my judgment, if the Israelis want peace, if Sharon is willing to work with the Palestinians and take these risks, then we should be willing to do it with appropriate accountability and auditing.

Mr. WEINER. Reclaiming my time, first let me say, Sharon has his constituents, Abu Mazen has his and I have mine. My constituents, frankly, it is their tax dollars we are investing here. This is not Israeli policy we are talking about. They have to pursue it the best they can and hopefully it works out this time. I am not talking about the Palestinian allocation.

I am talking about the fact that I have heard this song before. I have heard we have tough restrictions. As the gentlewoman knows, we thought we wrote the perfect ones in the bill last time, requiring them to sign. We will certify not a single dollar goes to a terrorist organization. We had to fight kicking and screaming to get these organizations to sign these documents. It is our money. And all I am saying is let us stage it. Let us phase it in. Let us make it based on incentives. It did not work any other way.

By the way, I point out every negotiation that the Palestinians and Israelis have engaged in, that is the way they did it. In Oslo they did not say, here is everything. In Oslo they say, you do A, we will do B. You do C, we will do D. What do we do? We walk up to the plate. We are so eager for peace, and we all are, we are so eager to show that we are committed to it, we put the dollars out there without my incentivization on it.

I think that nothing is more symbolic. With all the talk about the audit and the USAID restrictions, nothing is more symbolic. The headlines will read tomorrow, Congress allocates $200 million to Palestinian projects.

I think what it says is, Congress allocates $25 million and says $175 million are there if things go well.

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

Mr. KOLBE. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Chairman, I rise in strong opposition to this amendment.

This amendment will only hurt the Palestinian people. It will harm Israel security and undermine our own national interests.

The Arafat era is over. In contrast to the partners in the previous agreements, Palestinians have a new president, Mahmoud Abbas, who was chosen in a free and fair election. His government has instituted excellent financial reforms. His security efforts are paying off and have gained the praise of Prime Minister Sharon.

We must strengthen and empower the new Palestinian government. President Bush has requested this aid package to help fund a number of critical humanitarian and infrastructure projects. Israel's safety and security will only be assured if the new Palestinian leadership gains credibility with its own people, and that is why the Israelis support this aid package.

That is why many pro-Israeli-American groups support it as well. In fact, a number of national Jewish organizations would like Congress even to put fewer restrictions on the aid bill than the bill contains.

I urge a ''no'' vote on the Weiner amendment.

Mr. KOLBE. Mr. Chairman, I reserve the balance of my time. The committee has the right to close.

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

We have had this conversation about process here, but let us not ignore the realities on the ground. As much as Abu Mazen has said many of the right things, let us remember what happened in those elections in Gaza, 77 of 118 seats were won by Hamas, 77 of 118 seats were won by Hamas.

Now why is that significant? Democracy, sometimes you get what you want, sometimes you do not. But let us remember what Hamas has said. They have publicly announced they will not abide by any ceasefire negotiated by Abu Mazen. Now, Abu Mazen is the one that we have referred to here. Mahmoud Abbas is who we have referred to here as the new partner for peace.

The gentlewoman who just spoke has said the Arafat era is over. The Abu Mazen period has just begun. Let us not make our investment a foolish one.

Mr. KOLBE. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let me use the closing moments to correct a couple of things that were said. There was a statement made by the gentleman from New York (Mr. WEINER) and I do appreciate his statements about the support that the gentlewoman from New York (Mrs. LOWEY), my ranking member, and I have given over the years to Israel because we certainly strongly support the Israeli state in not only its creation but its protection and its security.

The gentleman made the statement that we would not think of funding NGOs in some countries, the gentleman said something like Iran, and I would

add we do have NGOs that we work with in countries like Iran and Zimbabwe and other countries like that. We work with NGOs because there we can be sure the money is not flowing into the government. That is exactly what we are doing here with funds for the Palestinian people. This money goes to projects. It does not go to the Palestinian Authority.

The gentleman made the statement, he said we should provide these funds incrementally. We should spend the money in increments. But the fact of the matter is the gentleman's amendments would not allow you to do that. The gentleman's amendment says none of the funds may be spent in the West Bank or in the Gaza area. So even if they did comply with all of the requirements, none of the money still could be spent. So there is no way that you could possibly reword this.

Yes, the gentleman is right that we have had high hopes after other discussions after the Oslo agreement and after the Wye Accords. We had high hopes at that time and they have been dashed. But the money that we allocated at that time, none of that was ever given to the Palestinian Authority. It was given in terms of projects of what we wanted to do to try to provide the carrot. It may not have worked but it was not money that was lost either.

So the gentleman is simply saying that we have less confidence in this new Palestinian Authority leadership than we did in the leadership of Arafat. That certainly makes no sense whatsoever. For us to deny any of these funds to be used to help bring about a peaceful settlement now would be absolutely the wrong thing for us to do.

I would urge my colleagues to reject this amendment. We have good reporting requirements in the legislation. We have restrictions on how funding can be used. It cannot go to the Palestinian Authority. It goes for projects. It goes through NGOs. But we want to send the right signal, the right signal to Israel, and the right signal to Palestinians, that we believe together they can work to achieve a peaceful settlement. Then the U.S. we will be there as a partner in achieving this peaceful settlement.

I urge my colleagues to reject this amendment so that peace may have a chance of coming to the Middle East.

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

The Acting CHAIRMAN (Mr. GILCHREST). The question is on the amendment offered by the gentleman from New York (Mr. WEINER).

The amendment was rejected.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we have made considerable progress on this bill today. There has been great cooperation on both sides of the aisle. I must say the membership has been very positive in their discussion and very helpful to one another.

As the chairman may know, there are dinners that are going on tonight that affect both sides of the aisle and there are still a number of Members who would like to participate in same. Because of those circumstances and because we can finish our work very easily tomorrow morning, there are minor amendments to be expeditiously handled.

Mr. Chairman, I move the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. KNOLLENBERG) having assumed the chair, Mr. GILCHREST, 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. 1268) making emergency supplemental appropriations for the fiscal year ending September 30, 2005, and for other purposes, had come to no resolution thereon.

BLUE DOG COALITION 12-STEP BUDGET REFORM PLAN

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

Mr. COOPER. Mr. Speaker, this week the House of Representatives will pass a budget for the United States of America, $2.6 trillion. Whatever budget passes this House should include the Blue Dog Coalition's reform measures. These measures have been praised by groups as diverse as the Concord Coalition, the Heritage Foundation, the National Taxpayers Union, Citizens Against Government Waste, Taxpayers For Common Sense and, Centrists.org.

What is in this package? It is basically a 12-step plan. That is right, a 12-step plan to get our Nation off its drunken deficit binge. We need to take serious measures here such as a balanced budget amendment to the Constitution, such as real PAYGO, such as the simple step of requiring we have a cost estimate of every bill that comes before this House.

There is too much unaccountability here. We need to make sure that Members are held accountable. Our deficit is perhaps the gravest national threat that we face. This should be done on a bipartisan basis and whatever passes this House should have the Blue Dog Coalition reform measures in it.

BLUE DOG COALITION—PRAISE FOR THE 12-STEP BUDGET REFORM PLAN

''The budget reform package introduced by the House Blue Dog Coalition is a credible, balanced package that offers the potential for bipartisan agreement on meaningful reforms. Many of the proposals in the package have bipartisan support or have received bipartisan support in the past.''—Ed Lorenzen, Centrists.org

''The Blue Dogs deserve credit for putting out a strong, serious proposal to restrain runaway spending. Taken together with the Republican Study Committee's similar proposal and Administration initiatives, this proposal represent a growing bipartisan consensus that sanity must and can be restored to the federal budget process.''—Brian Reidl, Heritage Foundation

''I'm pleased there seems to be a mounting consensus on Capitol Hill that spending is out of control and something must be done. . . . The Blue Dogs have provided 12 ideas to bring more order to the budget process.''—Tom Schatz, Citizens Against Government Waste

''[W]ith the Blue Dog Democrats now offering serious ideas on how to change the course of our fiscal ship, conditions are ripe to make desperately needed bipartisan repairs to the faulty rudder that has been steering the budget process into a sea of red ink . . . Taken as a whole, the Blue Dog proposal moves the debate over budget reform forward.''—Tad DeHaven, National Taxpayers Union

''Taxpayers for Common Sense Action applauds the Blue Dog Coalition's 12-step plan to cure our nation's addiction to deficits. The first step to overcoming any addiction is to admit you have a problem. Congress and the President can take their first strides toward budgetary recovery by enacting many of these proposals immediately.''—Jill Lancelot, Taxpayers for Common Sense

BLUE DOG COALITION—PRAISE FOR THE 2004 BUDGET ENFORCEMENT BILL

''The Concord Coalition strongly supports the Blue Dog Coalition's call for a tough new budget enforcement law . . . We are particularly pleased that the budget enforcement plan the Blue Dogs have put forward would restore statutory caps for discretionary spending and the original pay-as-you-go requirement for entitlement expansions and tax cuts.''—Bob Bixby, Concord Coalition

BLUE DOG COALITION—12-POINT REFORM PLAN FOR RESTORING FISCAL SANITY

1. Require a balanced budget.—Blue Dogs support a Constitutional amendment to require a balanced budget every year except in times of war or national emergency.

Blue Dogs believe a Balanced Budget Amendment is the only way to ensure fiscal discipline in Congress.

The Blue Dog Balanced Budget Amendment would require a three-fifths vote of both the House and Senate to increase the debt limit or to waive the balanced budget requirement.

In addition, the Blue Dog Balanced Budget Amendment protects Social Security from benefit cuts and forbids increases in Social Security payroll taxes in order to balance the budget.

2. Don't let Congress buy on credit.—Thanks to irresponsible spending, our nation's budget deficit in 2004 was the largest in recorded history—$413 billion. Blue Dogs want to restore the budget rules that Congress once lived by, including, most importantly, ''pay-as-you-go'' budgeting.

Known as ''PAYGO,'' this means that any new spending must be paid for by cuts in other programs or by new revenues. Restoring PAYGO will end irresponsible deficit spending and put our nation back on track toward fiscal responsibility. The Blue Dog budget package would extend PAYGO rules through 2010.

3. Put a lid on spending.—From 2001 to 2003, total government spending soared by 16 percent. Blue Dogs want strict spending caps to slow the growth of runaway government programs. Blue Dogs propose holding the line on discretionary spending for the next three fiscal years at 2.1 percent—the percentage increase proposed this year in the President's fiscal 2006 budget.

4. Require agencies to put their fiscal houses in order.—According to the Government Accounting Office, 16 of 23 major federal agencies can't issue a simple audit of

their books. Worse, the Federal Government can't account for $24.5 billion spent in 2003. Government auditors should be doing a better job of tracking taxpayer dollars. Blue Dogs propose a budget freeze for any federal agency that can't properly balance its books.

5. Make Congress tell taxpayers how much they're spending.—Many spending bills slide through Congress on a voice vote with no debate and many members vote on bills without knowing their cost. Blue Dogs propose that any bills calling for more than $50 million in new spending must be put to a rollcall vote.

6. Set aside a rainy-day fund.—Under current law, almost any spending can be designated an ''emergency,'' and so-called ''emergency spending'' has turned into a giant loophole for non-emergency spending. Blue Dogs propose closing this loophole by defining emergency and requiring Congress to have a separate vote on items that are designated ''emergency'' spending. Blue Dogs also propose creating a rainy-day fund—something that 45 states currently do.

7. Don't hide votes to raise the debt limit.—Current House rules allow for automatic increases in the debt limit if Congress passes a budget resolution that increases the public debt. Since its establishment in 1980, this rule has been used to shield as many as 12 separate increases in the debt limit from a vote. Blue Dogs believe that increases in the public debt limit shouldn't be hidden from public view. Blue Dogs propose to change the current rules so that every increase in the public debt limit must be subject to a rollcall vote.

8. Justify spending for pet projects.—Every year, Congress spends billions on wasteful pork-barrel projects, such as $50 million for an indoor rainforest in Iowa and funding for the Paper Industry International Hall of Fame.

Since 1991, Congress has spent $185 billion on pet projects for members of Congress, and in fiscal 2004 alone, pork-barrel spending totaled $22.9 billion.

While many of these projects may be worthy of taxpayer support, many are not. Blue Dogs propose that members of Congress must provide written justification, available to the public, of any earmarked spending for pet projects.

9. Ensure that Congress reads the bills it's voting on.—Over the past few years, some of the largest spending bills in American history have been voted on after only a few hours of consideration. For example, the Medicare prescription drug bill, now estimated to cost $720 billion over the next ten years, went to a vote barely a day after the final version of the 500 + page bill was made available to members of Congress. Blue Dogs propose that members of Congress should be given a minimum of three-days to have the final text of legislation made available to them before there is a vote.

10. Require honest cost estimates for every bill that Congress votes on.—Both taxpayers and members of Congress should be aware of the price tag for any legislation passed by Congress, and there are no current requirements that bills be accompanied by an honest and objective estimate of their fiscal impact. Blue Dogs propose that every conference report and bill that comes to the floor of the House be accompanied by a cost estimate prepared by the nonpartisan Congressional Budget Office (CBO).

11. Make sure new bills fit the budget.—The Budget Committee can play an important role in making sure that new legislation passed by Congress lives within the rules agreed upon by Congress in the annual budget resolution.

Blue Dogs propose that the Budget Committee strengthen its oversight role by preparing budget compliance statements for every bill that is reported out of committee for consideration by the full Congress.

12. Make Congress do a better job of keeping tabs on government programs.—Blue Dogs believe that one way to restrain growth in federal spending is to ensure that taxpayer dollars are spent wisely. Blue Dogs also believe that Congress can do a better job of carrying out its oversight responsibilities. Blue Dogs propose that each committee be required to submit reports at least twice a year, available to the public, that provide an update on how each committee is fulfilling its oversight duties.

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.

EVEN START

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

Mr. CUNNINGHAM. Mr. Speaker, I am a strong supporter of our President and I feel that he has done a good job in this Nation. Actually the world owes him and the First Lady a lot of support and our gratitude.

Sometimes the bean counters in the White House though take a look at a program and do not look at its effectiveness and they eliminate it. Many times they have to look at a program and eliminate it if it is duplicative or wasteful or ineffective.

But during the last budget process there was a program on the list that was not only effective but enhanced Leave No Child Behind and education, and the title of that was Even Start.

Ask any teacher, administrator or parent that if a parent is involved in the program called Even Start and my friend, the gentleman from Wisconsin (Mr. OBEY) and I have a friend named Peter Yarrow involved in that. I know I can count on my colleague to support this because we did last year.

This program brings parents and it brings students together to work together. Any time you can involve parents in education the outcome is much, much better.

Chairman Bill Goodling, the former Member who was then the chairman of the Committee on Education and the Workforce, ramroded Even Start. He kept it alive when it was almost fatal.

This House last Congress recognized the significance of the successful program and came together, both Republicans and Democrats, and reinstated the Even Start program. The gains in low income children, their parents are well-documented in improving literacy levels and assisting parents in completing their GEDs. Quite often low income parents in our districts and the gentleman from California's (Mr. FILNER) and the gentleman from Wisconsin's (Mr. OBEY) do not even speak English, and these parents actually come together with their children and work these programs, and we want to have it reinstated. I have faith that we are.

The fact that the chairman of the Committee on Education and the Workforce, the gentleman from Ohio (Mr. BOEHNER) is supportive, and the gentleman from California (Mr. MCKEON), chairman of the subcommittee, are supportive, and we have commitment I believe in the Senate to do the same thing.

□ 1915

My wife asked me to go listen to a man one year who is a good friend of the gentleman from Wisconsin (Mr. OBEY) as well. She said, I want you to go here Peter Yarrow. I said, who is Peter Yarrow? She said, Peter, Paul and Mary, Peter Yarrow. I said, that anti-war, left-wing guy, I am not going to go listen to him, and she said, Well, honey, I support you and your events, go to this thing with me. I did, and I think the gentleman from Wisconsin (Mr. OBEY) will admit and agree that he is one of the most caring people that we have ever met, especially when it comes to children and children's programs.

Peter Yarrow has a song called ''Don't Laugh At Me,'' and he is involved also in the Even Start program, and I would submit the rest of this for the RECORD, but Peter's issue is that things like Columbine, if we would have encouraged these children to get together and not laugh at each other, then maybe we would not have had a Columbine.

I would like to read just a few stanzas of the song that he sings. He was so effective, I invited this guy that I do not agree with in many politics, but we brought him before the Republican Conference, and he wowed the people and got support for the Even Start program.

I'm a little boy with glasses, the one they call a geek. A little girl who never smiles, 'cause I have braces on my teeth. And I know how it feels to cry myself to sleep.

I'm that kid on every playground who's always chosen last. A single teenage mother, tryin' to overcome my past. You don't have to be my friend, but is it too much to ask.

Don't laugh at me. Don't call me names. Don't get your pleasure from my pain. In God's eyes, we're all the same. Someday we'll all have perfect wings. Don't laugh at me.

. . . I'm fat, I'm thin, I'm short, I'm tall, I'm deaf, I'm blind, in a way, we are all. I'm black, I'm white, and I am brown. I'm Jewish, I'm Christian, and I am Muslim. I was born in Sarajevo. I was born in Kosovo. I was born in Northern Ireland. I was born in Africa. I'm of the Hutu tribe. I'm of the Tutsi tribe . . . I'm American Indian. I was born in Iraq, in Afghanistan, in Canada, in Mexico. I was born in Vietnam, in Sudan. I was born in the United States of America.

I'm very, very young. I'm quite aged. I'm Israeli. I'm Palestinian. I'm quite wealthy, and I am very, very poor.

My country 'tis of thee. Oh, sweet land of liberty. It is of thee that I sing.''

There are many stanzas to this song and I challenge anyone in this room or on either side of the aisle to listen to Peter Yarrow and what he stands for and not have tears in his eyes.

Mr. Speaker, I ask for the support of Even Start, and we will put it back into the budget regardless of the President's bean counters.

You are very familiar with Peter Yarrow and his work. I'll summarize some Even Start talking points below.

Even Start serves children 0 through 7 years old and their families. The services provided include early childhood education, adult basic education, parenting education and interactive literacy instruction (parents and children reading together).

The San Diego and Poway programs are very successful and have documented significant gains in children's literacy levels as well as an impressive record in assisting parents in completing their GED. The focus is on assisting parents to be their child's first and best teacher. In addition, in San Diego we have been very successful in helping parents transition from Spanish to English thereby enabling them to be involved with their children's education as well as making them more viable in the local economy/job market.

Peter Yarrow has been a great friend to Even Start nationwide—his Don't Laugh at Me program which is a character education program in schools has been incorporated in many Even Start programs nationwide.

Goals of Even Start:

To extend learning, enrich language development and support high levels of success for children birth to age seven and their families.

To break the cycle of limited literacy, underemployment and high mobility of participating families by building literacy skills in both parents and children.

To provide 'simultaneous' services for families, where parents and their children learn together. This builds support for parents to succeed with their educational and employment goals, and develop habits of life-long learning for their children.

To support families committed to education and to economic independence.

DON'T LAUGH AT ME

(Written by Steve Seskin and Allen Shamblin, performed by Peter Yarrow)

I'm a little boy with glasses
The one they call a geek
A little girl who never smiles
'Cause I have braces on my teeth
And I know how it feels to cry
myself to sleep
I'm that kid on every playground
Who's always chosen last
A single teenage mother
Tryin' to overcome my past
You don't have to be my friend
But is it too much to ask

Don't laugh at me
Don't call me names
Don't get your pleasure from my pain
In God's eyes we're all the same
Someday we'll all have perfect wings
Don't laugh at me

I'm the beggar on the corner
You've passed me on the street
And I wouldn't be out here beggin'
If I had enough to eat
And don't think I don't notice
That our eyes never meet

Don't laugh at me
Don't call me names
Don't get you pleasure from my pain
In God's eyes we're all the same
Someday we'll all have perfect wings
Don't laugh at me

I'm fat, I'm thin, I'm short, I'm tall
I'm deaf, I'm blind, hey, aren't we all

Don't laugh at me
Don't call me names
Don't get your pleasure from my pain
In God's eyes we're all the same
Someday we'll all have perfect wings
Don't laugh at me

I'm fat, I'm thin, I'm short, I'm tall
I'm deaf, I'm blind, in a way, we are all.
I'm black, I'm white, and I am brown
I'm Jewish, I'm Christian, and I am Muslim
I was born in Sarajevo, I was born in Kosovo,
I was born in Northern Ireland, I was born in Africa
I'm of the Hutu tribe, I'm of the Tutsi tribe
I'm American Indian
I was born in Iraq, in Afghanistan, in Canada, in Mexico,
I was born in Vietnam, in Sudan, I was born in the United States of America

I'm very, very young, I'm quite aged
I'm Israeli, I'm Palestinian,
I'm quite wealthy, and I am very, very poor.

My country 'tis of thee
Oh, sweet land of liberty
It is of thee . . .
that I sing.

COMMUNICATION FROM RECEIVING AND WAREHOUSING SPECIALIST IN OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER

The SPEAKER pro tempore (Mr. KNOLLENBERG) laid before the House the following communication from David Bogan, Receiving and Warehousing Specialist in the Office of the Chief Administrative Officer:

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER, HOUSE OF REPRESENTATIVES,
Washington, DC, March 10, 2005.

Hon. DENNIS J. HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to rule VIII of the Rules of the House of Representatives, that I have been served with a criminal subpoena for testimony, issued by the Superior Court for the District of Columbia.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the rights and privileges of the House.

Sincerely,

DAVID BOGAN,
Receiving and Warehousing Specialist.

The SPEAKER pro tempore (Mrs. DRAKE). 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.)

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H. CON. RES. 95, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2006

Mr. PUTNAM, from the Committee on Rules, submitted a privileged report (Rept. No. 109–19) on the resolution (H. Res. 154) providing for consideration of the concurrent resolution (H. Con. Res. 95) establishing the congressional budget for the United States Government for fiscal year 2006, revising appropriate budgetary levels for fiscal year 2005, and setting forth appropriate budgetary levels for fiscal years 2007 through 2010, which was referred to the House Calendar and ordered to be printed.

ORDER OF BUSINESS

Ms. WOOLSEY. Madam Speaker, I ask unanimous consent to speak out of order.

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

There was no objection.

SMART SECURITY AND $81 BILLION IRAQ SUPPLEMENTAL

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

Ms. WOOLSEY. Madam Speaker, this week Congress is debating the President's request for more than 81 billion additional dollars to finance his misadventure in Iraq.

I will oppose this bill because I support the troops and have deep admiration for their courage. I will vote against the supplemental because I believe our brave soldiers are being used as pawns by their civilian superiors, whose wastefulness and incompetence is betraying their duty to keep us safe.

This supplemental will bring the overall Iraq price tag to more than $200 billion. What are the American people getting for their $200 billion? What kind of return on their investment?

We have created a hotbed of terrorism in Iraq. We have earned the wrath of the entire Muslim world. Meanwhile, we have a Swiss cheese homeland security system, and we have lost 1,500 of our troops, not to mention the more than 11,000 wounded and the many who will suffer mental trauma for the rest of their lives.

The Center For American Progress did a study of what $200 billion could really buy in terms of our security here in the United States of America.

Five billion dollars would give our ports and waterways the protection they need from attacks.

It would cost only $1 billion to screen all air passenger cargo.

Just $2.6 billion would allow our rail and public transit systems to meet important security requirements.

Just think of what we could do at home for $200 billion: universal preschool education, comprehensive health coverage for every American, a safe child care system that will give peace of mind to all working families.

There would still be plenty left over to implement a SMART security agenda that would be about preventing war, not preemptive war; that would eliminate wasteful programs like missile defense and the many Cold War relics that are doing nothing to keep us safe.

SMART security would mean robust multilateral alliances to stop the spread of terrorism, vigorous inspection regimes to stop weapons of mass destruction proliferation, and an ambitious humanitarian development program that tackles the poverty and despair that foster terrorism in the first place.

$200 billion, that is about $675 for every American man, woman and child, which is not to say that the sacrifices of this war have been spread evenly throughout the population.

The well-connected and the wealthy have not been asked to sacrifice, even though rolling back the Bush tax cuts would go a long way toward paying this enormous bill.

No, the ones who have sacrificed are coming home in flag-draped coffins because they were sent to depose a regime that represented no imminent threat to our security. Their families did not get a tax cut. The only thing they got from the government was a devastating letter that Donald Rumsfeld did not even bother to sign personally.

The most disturbing thing about the President's request for more Iraq funding is the lack of accountability. Why are we writing another check for a mission that has been so badly botched? Who is being held responsible for the misuse of the money we have already approved?

If Secretary Rumsfeld and the Pentagon could not manage to get body armor to our troops with the first $100 billion we gave them, why would we trust them with even more hard-earned American tax dollars?

Where is this money going? How much of it is enriching war profiteers? Why did the Army waive its usual procedures and make full payment to Halliburton, despite legitimate questions about overbilling and financial mismanagement?

Why can we not get a congressional investigation into the $9 billion that mysteriously disappeared from the books at the Coalition Provisional Authority?

If the President wants more money for this war, he can take it out of something he cares about instead of taking it out of the hides of the American people.

No more blank checks. I will vote against this supplemental, and I urge my colleagues to do the same.

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

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

SUPPLEMENTAL APPROPRIATIONS AND OUR NATION'S VETERANS

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

Mr. FILNER. Madam Speaker, I want to explain to my colleagues and to Americans across the country what happened here today on the floor of the House, especially what happened to the veterans of these United States, veterans of past wars, veterans of the current war in Iraq and Afghanistan. Iran may be next.

We had a supplemental budget, they call it, on the floor today, a budget for $81 billion to fund our war in Iraq and Afghanistan; and they called it a supplemental so they could do it over and above the regular budget so they do not have to pay for it in ways that you and I have to pay for things or our businesses have to pay for things. They just create a bigger deficit without accountability.

So they are on their way to passing an $81 billion supplemental bill for our active duty troops; and yet when I brought on to the floor an amendment to that $81 billion that said let us put $3 billion into care for our veterans, those coming back from the wars today and those who have been in wars previous to this, I asked for a figure of $3 billion because that is what the veterans service organizations in this Nation said is what we need more than what the President requested in his recent budget proposal. So I brought on to the floor a $3 billion amendment to an $81 billion supplemental.

Keep in mind that we have a $2.5 trillion budget. We have this year at least a $400 billion deficit. We have an existing debt of $7.5 trillion. We are spending $1 billion every 2 or 3 days in the Middle East, and yet they say we do not have the $3 billion for our veterans.

That is what happened on the floor of the House today, my fellow Americans. They voted down the ability to deal with our veterans.

Those who are coming back today from Afghanistan and Iraq, the vast majority have the potential of having post-traumatic stress disorder, PTSD; and yet when they will need the services in the coming year, we will have reduced those PTSD services because of the cut in the budget that the President has proposed and this Republican Congress will approve.

We will cut nursing care. We will cut research. We will cut prosthetic devices. But we will add more waiting time for those who want a mental health examination or a dental examination. We will add months and months and months to the waiting time for those who want their claims established. Yet when I asked today for $3 billion, the majority of this House said no.

We can afford the $81 billion. It was for our active duty. We can afford a $7.5 trillion debt. We can go into deficits for $400 billion this year, but no, no, let us not pay that $3 billion for our veterans.

I thought that was disgraceful. I thought that was unconscionable. I hope that when the Republican Members of this House go home, all the veterans across this country will say, how come you voted against that amendment to give $3 billion more for our health care? How come you did not respect our active duty, when they come home will not find the services? How come they negatively influenced the morale of our troops, because they know that they are not getting proper treatment back home?

I hope people ask that to those Republican Congressmen who voted down my motion on a technicality, when we have veterans from World War II and since and coming back today who are suffering.

□ 1930

Madam Speaker, I think that is disgraceful. I think the American people had better question this Congress about why they do not support the veterans of this United States.

The SPEAKER pro tempore (Mrs. DRAKE). Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

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

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

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

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

(Mr. MCGOVERN 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 Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

(Ms. JACKSON–LEE of Texas addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LEACH (at the request of Mr. DELAY) for today on account of a family emergency.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FILNER) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. MCGOVERN, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

(The following Members (at the request of Mr. KOLBE) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, today and March 16 and 17.

ADJOURNMENT

Mr. FILNER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 31 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 16, 2005, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1159. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule—Oriental Fruit Fly; Removal of Quarantined Area [Docket No. 02–096–4] received March 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1160. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule—Oriental Fruit Fly; Removal of Quarantined Area [Docket No. 04–106–2] received March 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1161. 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 97–02, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

1162. A letter from the Chairman, Federal Communications Commission, transmitting a letter reporting a violation of sections 1341 and 1517(a) of Title 31, United States Code (the Antideficiency Act); to the Committee on Appropriations.

1163. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Vice Admiral Phillip M. Balisle, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

1164. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Major Systems Acquisition [DFARS Case 2003–D030] received March 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

1165. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Provision of Information to Cooperative Agreement Holders [DFARS Case 2004–D025] received March 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

1166. A letter from the Deputy Secretary, Department of Defense, transmitting a report pursuant to Section 9010 of the Department of Defense Appropriations Act, 2005 (Pub. L. 108–287); to the Committee on Armed Services.

1167. A letter from the Director, U.S. Mint, Department of the Treasury, transmitting a report describing how the agency is implementing the Public Enterprise Fund (PEF) and using its flexibilities to become a market-driven public enterprise, covering the 1st Quarter of FY 2005, which ended on December 31, 2004; to the Committee on Financial Services.

1168. A letter from the Regulatory Specialist, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Department of the Treasury, transmitting the Department's final rule—OCC Guidelines Establishing Standards for Residential Mortgage Lending Practices [Docket No. 05–02] (RIN: 1557–AC93) received February 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1169. A letter from the Counsel for Legislation and Regulations, Office of Community Planning and Development, Department of Housing and Urban Development, transmitting the Department's final rule—Community Development Block Grant Program; Small Cities and Insular Areas Programs [Docket No. FR–4919–F–02] (RIN: 2506–AC17) received March 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1170. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to Chile, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

1171. A letter from the Assistant Secretary, Investment Management/Office of Regulatory Policy, Securities and Exchange Commission, transmitting the Commission's ''Major'' final rule—Mutual Fund Redemption Fees [Release No. IC–26782; File No. S7–11–04] (RIN: 3235–AJ17) received March 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1172. A letter from the Deputy Executive Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits—received March 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

1173. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled ''A Healthier, Safer America, 2001–2005''; to the Committee on Energy and Commerce.

1174. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Food Additives Permitted for Direct Addition to Food for Human Consumption; Acacia (Gum Arabic) [Docket No. 2003F–0023] received March 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1175. A letter from the Secretary, Department of the Treasury, transmitting the semiannual report detailing payments made to Cuba as a result of the provision of telecommunications services pursuant to Department of the Treasury specific licenses, as required by Section 1705(e)(6) of the Cuban Democracy Act of 1992, 22 U.S.C. 6004(e)(6), as amended by Section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, and pursuant to Executive Order 13313 of July 31, 2003, pursuant to 22 U.S.C. 6032; to the Committee on International Relations.

1176. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergency Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa–9(c),and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12957 of March 15, 1995; to the Committee on International Relations.

1177. A letter from the Deputy Director, Defense Security Cooperation Agency, Department of Defense, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 05–17, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Iraq for defense articles and services; to the Committee on International Relations.

1178. A letter from the Secretary, Department of State, transmitting consistent with the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Pub. L. 107–243), the Authorization for the Use of Force Against Iraq Resolution (Pub. L. 102–1), and in order to keep the Congress fully informed, a report prepared by the Department of State for the October 15-December 15, 2004 reporting period including matters relating to post-liberation Iraq under Section 7 of the Iraq Liberation Act of 1998 (Pub. L. 105–338); to the Committee on International Relations.

1179. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting Pursuant to section 565(b) of the Foreign Relations Authorization Act for FY 1994 and 1995 (Pub. L. 103–236), certifications and waivers of the prohibition against contracting with firms that comply with the Arab League Boycott of the State of Israel and of the prohibition against contracting with firms that discriminate in

the award of subcontracts on the basis of religion, and accompanying Memorandum of Justification; to the Committee on International Relations.

1180. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting consistent with the resolution of advice and consent to ratification of the Convention on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons and on Their Destruction, adopted by the Senate of the United States on April 24, 1997, and Executive Order 13346 of July 8, 2004, certification pursuant to Condition 7(C)(i), Effectiveness of the Australia Group; to the Committee on International Relations.

1181. A letter from the Director, Office of Human Capital Management, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1182. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Public Information Regulations; Withdrawal [Docket No. 2004N–0214] received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1183. 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 2006, prepared in compliance with OMB Circular No. A-11; to the Committee on Government Reform.

1184. A letter from the Board Members, Railroad Retirement Board, transmitting a copy of the annual report for Calendar Year 2004, in compliance with the Government in the Sunshine Act, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

1185. A letter from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Federal Gas Valuation (RIN: 1010–AD05) received March 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1186. A letter from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting a letter concerning grants made during FY 2004 under Section 2806(b) of the Paul Coverdell National Forensic Science Improvement Act of 2000 (Pub L. 106–561) to improve forensic science services; to the Committee on the Judiciary.

1187. A letter from the Deputy Assistant Attorney General, Office of Legal Policy, Department of Justice, transmitting the Department's final rule—DNA Sample Collection from Federal Offenders under the Justice for All Act of 2004 [Docket No. OAG 108; A.G. Order No. 2753–2005] (RIN: 1105–AB09) received January 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1188. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Lower Mississippi River, Mile 94.0 to Mile 95.0, in the vicinity of Algiers Point, LA [COTP New Orleans–04–040] (RIN: 1625–AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1189. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Ouachita River, Mile Marker 168 to Mile Marker 169, in the vicinity of the Forsythe Recreational Boat Launch, Monroe, LA [COTP New Orleans–04–041] (RIN: 1625–AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1190. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Cumberland River, Mile Marker 190.5 to 192.5, Nashville, TN [COTP Paducah, KY 04–010] (RIN: 2115–AA97) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1191. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Grosse Pointe Yacht Club Fireworks, Lake St. Clair, Grosse Pointe Shores, MI [CGD09–04–142] (RIN: 1625–AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1192. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Maumee River, Toledo, OH [CGD09–04–143] (RIN: 1625–AA87) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1193. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Chios Pride Lake Michigan, Menominee, Michigan. [CGD09–04–144] (RIN: 1625–AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1194. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Marathon Barge Operations, Rouge River, Detroit, MI. [CGD09–04–146] (RIN: 1625–AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1195. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Staten Island Ferry 3 Menominee River, Marinette, Wisconsin [CGD09–04–147] (RIN: 1625–AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1196. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Special Local Regulations for Marine Events; and San Francisco Fleet Week 2004 Fireworks Display, San Francisco Bay, CA [CGD11–04–009] (RIN: 1625–AA08) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1197. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Special Local Regulations for Marine Events; San Francisco New Year's Fireworks Display, San Francisco Bay, CA [CGD11–04–013] (RIN: 1625–AA08) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1198. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone Regulations, Budd Inlet, West Bay, Olympia, Washington and SS Cape Intrepid [CGD13–04–041] (RIN: 1625–AA87) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1199. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Chesapeake Bay; Maryland [COTP Baltimore 04–002] (RIN: 1625–AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1200. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Corpus Christi Inner Harbor, Corpus Christi, TX [COTP Corpus Christi–04–004] (RIN: 1625–AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1201. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Ohio River Mile 305 and Mile 308, Huntington, WV [COTP Huntington–04–002] (RIN: 1625–AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1202. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Green River mile 25 to mile 30, Curdsville, KY [COTP Louisville–04–010] (RIN: 1625–AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1203. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Monongahela River Mile Marker 2.3 to Mile Marker 3.1, Pittsburgh, PA [COTP Pittsburgh–04–026] (RIN: 1625–AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1204. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Allegheny River Mile Marker 0.3 to Ohio River Mile Marker 0.6, Pittsburgh, PA [COTP Pittsburgh–04–027] (RIN: 1625–AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1205. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Allegheny River Mile Marker 0.3 to Mile Marker 0.7, Pittsburgh, PA [COTP Pittsburgh–04–029] (RIN: 1625–AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1206. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Fireworks Display for Indian Riverside Park; Jensen Beach, FL. [COTP Miami 04–150] (RIN: 1625–AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1207. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Gulf of Mexico, Orange Beach, AL [COTP Mobile–04–010] (RIN: 1625–AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1208. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Pascagoula Ship Channel, Pascagoula, MS [COTP Mobile–04–011] (RIN: 1625–AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1209. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Gulf of Mexico and Waters from Perdido Bay, Pensacola to St. Marks, FL [COTP Mobile–04–033] (RIN: 1625–AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1210. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Bayou Cassotte Channel; Pascagoula, MS [COTP Mobile–04–050] (RIN: 1625–AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1211. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Gulf Intra-Coastal Waterway Mile 170 to 172, East of the Harvey Locks [COTP Mobile–04–051] (RIN: 1625–AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1212. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Bayou Casotte Channel; Pascagoula, MS [COTP Mobile–04–054] (RIN: 1625–AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1213. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Horn Island Ship Channel and Bayou Casotte Ship Channel, Pascagoula, MS [COTP Mobile–04–058] (RIN: 1625–AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1214. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Gulf of Mexico, Pensacola, FL [COTP Mobile–04–061] (RIN: 1625–AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1215. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Mississippi River Gulf Oulet (MRGO), Mile Marker—8 to Mile Marker 59, New Orleans, LA [COTP New Orleans–04–031] (RIN: 1625–AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1216. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Mississippi River Outlet (MRGO), Mile Marker minus 10 to Mile Marker 28, New Orleans, LA [COTP New Orleans, LA [COTP New Orleans–04–032] (RIN: 1625–AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1217. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Mississippi River Gulf Outlet (MRGO), Mile Marker minus 10 to Mile Marker 2, New Orleans, LA [COTP New Orleans–04–033] (RIN: 1625–AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1218. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Intracoastal Waterway, Harvey Canal from Hero Cutoff to Lapalco Bridge, New Orleans, LA [COTP New Orleans–04–034] (RIN: 1625–AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1219. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Intracoastal Waterway and Barataria Bay Waterway, Harvey Canal in Lafitte, LA [COTP New Orleans–04–035] (RIN: 1625–AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1220. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Mississippi River, Miles 363.0 to 364.0, in the vicinity of the Vidalia Bridge, Highway 84, Natchez, MS [COTP New Orleans–04–036] (RIN: 1625–AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1221. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Lower Mississippi River, Above Head of Passes, Mile 436.0 to 441.0, at the confluence of the Yazoo and Mississippi Rivers, Vicksburg, MS [COTP New Orleans–04–037] (RIN: 1625–AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1222. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Mississippi River Gulf Outlet (MRGO), Mile Marker minus 10 to Mile Marker 0, New Orleans, LA [COTP New Orleans–04–038] (RIN: 1625–AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1223. A letter from the Secretary, Department of Energy, transmitting the Annual Report on Contractor Work Force Restructuring at the U.S. Department of Energy for Fiscal Year 2003, pursuant to Public Law 102–484, section 3161(e)(2); jointly to the Committees on Armed Services and Energy and Commerce.

1224. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting in accordance with the provisions of section 17(a) of the Federal Deposit Insurance Act, the Chief Financial Officers Act of 1990, Pub. L. 101–576, and the Government Performance and Results Act of 1993, the Corporation's 2004 Annual Report; jointly to the Committees on Financial Services and Government Reform.

1225. A letter from the Executive Director, Office of Compliance, transmitting the Office's Section 102(b) Report for the 108th Congress, in accordance with the Congressional Accountability Act of 1995; jointly to the Committees on Education and the Workforce and House Administration.

1226. A letter from the Director, Defense Security Cooperation Agency, Department of Defense, transmitting pursuant to Section 634A of the Foreign Assistance Act of 1961, as amended, and Division D, Title V, Section 515 of the Consolidated Appropriations Act, 2005, as enacted in Pub. L. 108–447, notification that implementation of the FY 2005 International Military Education and Training (IMET) program, as approved by the Department of State, requires revisions to the levels justified in the FY 2005 Congressional Budget Justification for Foreign Operations for the enclosed list of countries; jointly to the Committees on International Relations and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PUTNAM: Committee on Rules. House Resolution 154. Resolution providing for consideration of the concurrent resolution (H. Con. Res. 95) establishing the congressional budget for the United States Government for fiscal year 2006, revising appropriate budgetary levels for fiscal year 2005, and setting forth appropriate budgetary levels for fiscal years 2007 through 2010. (Rept. 109–19). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ISSA (for himself, Mrs. DAVIS of California, and Mr. SESSIONS):

H.R. 1291. A bill to require the Secretaries of Health and Human Services, Defense, and Homeland Security to carry out activities toward bringing to market effective medical countermeasures to radiation from a nuclear or radiological attack; to the Committee on Energy and Commerce, and in addition to the Committees on Armed Services, and Homeland Security, 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. BUYER (for himself and Mr. EVANS):

H.R. 1292. A bill to make technical corrections to the Veterans Benefits Improvement Act of 2004; to the Committee on Veterans' Affairs.

By Mr. ANDREWS (for himself, Mrs. MCCARTHY, Mr. HOLT, Mr. OWENS, Ms. HOOLEY, Mr. FATTAH, Mr. HINOJOSA, Mr. DAVIS of Tennessee, Mr. KANJORSKI, Mr. ROSS, Mr. MCDERMOTT, Mr. CASE, Mr. RUSH, Mr. GORDON, Mr. BERMAN, Mr. MEEKS of New York, Mr. NEAL of Massachusetts, Ms. MCCOLLUM of Minnesota, Mr. MICHAUD, Mr. WEXLER, Mr. CONYERS, Mr. ALLEN, Mr. POMEROY, and Mr. CARDIN):

H.R. 1293. A bill to amend the Higher Education Act of 1965 to provide access and equity in higher education, and for other purposes; to the Committee on Education and the Workforce.

By Mr. BROWN of South Carolina:

H.R. 1294. A bill to amend title 11, United States Code, to establish a priority for the payment of claims for duties paid to the United States by licensed customs brokers and sureties on behalf of a debtor; to the Committee on the Judiciary.

By Mr. NEY (for himself, Mr. KANJORSKI, Mr. GARY G. MILLER of California, Mr. MEEKS of New York, Mr.

GILLMOR, Mr. CROWLEY, Mr. FEENEY, Mr. CLAY, Mr. SHERMAN, Mr. SCOTT of Georgia, Ms. HOOLEY, and Mr. TIBERI):

H.R. 1295. A bill to protect consumers against unfair and deceptive practices in connection with higher cost mortgage transactions, to strengthen the civil remedies available to consumers under existing law, to provide for certain uniform lending standards, to improve housing counseling, to better mortgage servicing, to enhance appraisal standards and oversight, to establish licensing and minimum standards for mortgage brokers, and for other purposes; to the Committee on Financial Services.

By Mr. BROWN of South Carolina:

H.R. 1296. A bill to amend title 49, United States Code, relating to responsibility for intermodal equipment compliance with commercial motor vehicle safety requirements, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BURTON of Indiana (for himself, Mr. PALLONE, Mr. DUNCAN, Mr. TANCREDO, Mr. RYUN of Kansas, Mr. PLATTS, Mr. BARTLETT of Maryland, Mr. PAUL, Mrs. JO ANN DAVIS of Virginia, Mr. NADLER, Mr. JONES of North Carolina, and Mr. SANDERS):

H.R. 1297. A bill to amend the Public Health Service Act with respect to the National Vaccine Injury Compensation Program; to the Committee on Energy and Commerce.

By Mr. CAMP:

H.R. 1298. A bill to amend title XVIII of the Social Security Act to improve the benefits under the Medicare Program for beneficiaries with kidney disease, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARDOZA (for himself, Mr. DOOLITTLE, Mr. JONES of North Carolina, Mr. BACA, Mr. HERGER, Mr. RADANOVICH, Mr. COSTA, Mr. OTTER, Mr. CALVERT, Mr. PETERSON of Pennsylvania, Mr. WALDEN of Oregon, Mr. SIMPSON, Mr. OSBORNE, Mr. REHBERG, Mr. NUNES, Ms. BORDALLO, and Mr. GARY G. MILLER of California):

H.R. 1299. A bill to amend the Endangered Species Act of 1973 to reform the process for designating critical habitat under that Act; to the Committee on Resources.

By Mr. CONYERS (for himself, Mr. BRADY of Pennsylvania, Mrs. CHRISTENSEN, Mr. CLYBURN, Mr. FATTAH, Mr. FRANK of Massachusetts, Mr. HASTINGS of Florida, Mr. JACKSON of Illinois, Mr. LEWIS of Georgia, Ms. KILPATRICK of Michigan, Ms. LEE, Mr. MEEK of Florida, Mr. MEEKS of New York, Ms. MILLENDER-MCDONALD, Mr. MORAN of Virginia, Ms. NORTON, Mr. OWENS, Mr. RANGEL, Mr. RUSH, Ms. SCHAKOWSKY, Mr. TOWNS, Ms. WATERS, Mr. WATT, and Mr. WYNN):

H.R. 1300. A bill to ensure the Federal voting rights of persons who have been released from incarceration; to the Committee on the Judiciary.

By Mr. DINGELL:

H.R. 1301. A bill to amend the Federal Charter of the Boy Scouts of America in title 36, United States Code, to ratify the authority of the Secretary of Defense and military installations and units of the Armed Forces to officially sponsor units of the Boy Scouts of America serving dependents of members of the Armed Forces and to make facilities of the Department of Defense available for Boy Scout meetings and activities, such as national and world Boy Scout Jamborees; to the Committee on the Judiciary.

By Mr. DOGGETT (for himself, Mr. ALLEN, Mr. BAIRD, Mr. BECERRA, Mrs. CAPPS, Ms. CARSON, Mr. CASE, Mr. DAVIS of Illinois, Mr. DEFAZIO, Mr. DELAHUNT, Ms. DELAURO, Mr. EDWARDS, Mr. EVANS, Mr. FARR, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. GONZALEZ, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. HASTINGS of Florida, Mr. HOLT, Mr. INSLEE, Mr. JEFFERSON, Ms. KAPTUR, Mr. KUCINICH, Ms. LEE, Mr. LEVIN, Mr. LEWIS of Georgia, Mrs. MALONEY, Mr. MARKEY, Mrs. MCCARTHY, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNULTY, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Mr. POMEROY, Ms. ROYBAL-ALLARD, Mr. RYAN of Ohio, Mr. SANDERS, Ms. SCHAKOWSKY, Ms. SLAUGHTER, Ms. SOLIS, Mr. STARK, Mr. TIERNEY, Mrs. JONES of Ohio, Mr. UDALL of New Mexico, Mr. WAXMAN, and Ms. WOOLSEY):

H.R. 1302. A bill to amend the Lobbying Disclosure Act of 1995 to require certain coalitions and associations to disclose their lobbying activities; to the Committee on the Judiciary.

By Mr. DOGGETT (for himself, Mr. LEVIN, Mr. NEAL of Massachusetts, Mr. LEWIS of Georgia, Mr. MCDERMOTT, Mr. MCNULTY, Mr. JEFFERSON, Mr. STARK, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ANDREWS, Mr. BAIRD, Ms. BALDWIN, Ms. CORRINE BROWN of Florida, Mr. BROWN of Ohio, Mrs. CAPPS, Mr. CAPUANO, Ms. CARSON, Mr. CONYERS, Mr. CROWLEY, Mr. DAVIS of Illinois, Mr. DEFAZIO, Ms. DEGETTE, Mr. DELAHUNT, Ms. DELAURO, Mr. EDWARDS, Mr. EVANS, Mr. FARR, Mr. FATTAH, Mr. FILNER, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. HINOJOSA, Mr. HOLT, Ms. HOOLEY, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Ms. KAPTUR, Mr. KENNEDY of Rhode Island, Ms. KILPATRICK of Michigan, Mr. KIND, Mr. KUCINICH, Ms. LEE, Mr. MARKEY, Mr. MCGOVERN, Mr. MEEHAN, Mr. MEEK of Florida, Ms. MILLENDER-MCDONALD, Mr. GEORGE MILLER of California, Mr. NADLER, Mr. OLVER, Mr. OWENS, Mr. PALLONE, Mr. PASCRELL, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. RYAN of Ohio, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SHERMAN, Ms. SLAUGHTER, Ms. SOLIS, Mr. STRICKLAND, Mr. TIERNEY, Mrs. JONES of Ohio, Mr. UDALL of New Mexico, Ms. VELÁZQUEZ, Ms. WATERS, Ms. WATSON, and Mr. WAXMAN):

H.R. 1303. A bill to amend the Internal Revenue Code of 1986 to prevent corporations from exploiting tax treaties to evade taxation of United States income and to prevent manipulation of transfer prices by deflection of income to tax havens; to the Committee on Ways and Means.

By Mr. DOGGETT (for himself, Mr. ALLEN, Mr. BAIRD, Mr. BECERRA, Mrs. CAPPS, Ms. CARSON, Mr. CASE, Mr. DAVIS of Illinois, Mr. DEFAZIO, Mr. DELAHUNT, Ms. DELAURO, Mr. EDWARDS, Mr. EVANS, Mr. FARR, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. GONZALEZ, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. HASTINGS of Florida, Mr. HOLT, Mr. INSLEE, Mr. JEFFERSON, Ms. KAPTUR, Mr. KUCINICH, Ms. LEE, Mr. LEVIN, Mr. LEWIS of Georgia, Mrs. MALONEY, Mr. MARKEY, Mrs. MCCARTHY, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNULTY, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Mr. POMEROY, Ms. ROYBAL-ALLARD, Mr. RYAN of Ohio, Mr. SANDERS, Ms. SCHAKOWSKY, Ms. SLAUGHTER, Ms. SOLIS, Mr. STARK, Mr. TIERNEY, Mrs. JONES of Ohio, Mr. UDALL of New Mexico, Mr. WAXMAN, and Ms. WOOLSEY):

H.R. 1304. A bill to amend the Internal Revenue Code of 1986 to require disclosure of lobbying activities by certain organizations; to the Committee on Ways and Means.

By Mr. EMANUEL (for himself, Mr. BECERRA, Mr. LARSON of Connecticut, Mr. MCDERMOTT, Mr. MEEKS of New York, and Mr. ABERCROMBIE):

H.R. 1305. A bill to amend the Internal Revenue Code of 1986 to make permanent and refundable, and to expand, the saver's credit; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania (for himself and Mr. POMEROY):

H.R. 1306. A bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level; to the Committee on Ways and Means.

By Mr. GARRETT of New Jersey (for himself, Mr. FRELINGHUYSEN, and Mr. FERGUSON):

H.R. 1307. A bill to amend the Wild and Scenic Rivers Act to designate portions of the Musconetcong River in the State of New Jersey as a component of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Resources.

By Mr. HOLDEN:

H.R. 1308. A bill to amend title 10, United States Code, to establish a combat badge for helicopter medical evacuation ambulance (Medevac) pilots and crews; to the Committee on Armed Services.

By Ms. LEE (for herself, Mr. CONYERS, Mrs. MALONEY, Mr. SERRANO, Mr. TOWNS, Ms. WATERS, Mr. CLAY, Mr. FRANK of Massachusetts, Mrs. CHRISTENSEN, and Mr. GUTIERREZ):

H.R. 1309. A bill to protect innocent elderly and disabled tenants in public housing and housing assisted under the rental assistance program under section 8 of the United States Housing Act of 1937 from eviction by reason of criminal activity; to the Committee on Financial Services.

By Mrs. MALONEY (for herself, Mr. UDALL of New Mexico, Mr. SHAYS, Ms. CARSON, Mr. SANDERS, Mr. CASE, Mr. FILNER, Mr. CUMMINGS, Mr. HONDA, Ms. BALDWIN, Ms. MCCOLLUM of Minnesota, Mr. GEORGE MILLER of California, Mr. PALLONE, Mr. BAIRD, Mr. OWENS, Ms. WOOLSEY, Mr. GONZALEZ, Mrs. DAVIS of California, Mr. ISRAEL, Ms. WATSON, Ms. LEE, Mr. WEXLER, Mr. SCOTT of Virginia, and Mr. VAN HOLLEN):

H.R. 1310. A bill to amend the Intelligence Reform and Terrorism Prevention Act of 2004 with respect to the Privacy and Civil Liberties Oversight Board, and for other purposes; to the Committee on Government Reform, and in addition to the Committees on the Judiciary, Homeland Security, and Intelligence (Permanent Select), 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 Mrs. MCCARTHY (for herself and Ms. ROS-LEHTINEN):

H.R. 1311. A bill to provide for the construction and renovation of child care facilities, and for other purposes; to the Committee on Financial Services.

By Mrs. MCCARTHY:

H.R. 1312. A bill to reauthorize the assault weapons ban, and for other purposes; to the Committee on the Judiciary.

By Mr. MURPHY (for himself, Mrs. JOHNSON of Connecticut, Mrs. KELLY, Mr. CANTOR, Mr. KINGSTON, Mr. BONILLA, Mrs. BONO, Mr. SHAYS, Mr. FITZPATRICK of Pennsylvania, Mr. BURGESS, Mr. WALSH, Mr. BRADLEY of New Hampshire, Mr. NEUGEBAUER, Mr. GINGREY, and Mr. SHADEGG):

H.R. 1313. A bill to amend the Public Health Service Act to provide liability protections for volunteer practitioners at health centers under section 330 of such Act; to the Committee on Energy and Commerce.

By Mr. ORTIZ (for himself and Mr. JONES of North Carolina):

H.R. 1314. A bill to amend the Defense Base Closure and Realignment Act of 1990 to require the 2005 base closure and realignment process to adhere to certain requirements regarding the preservation of military depot capabilities; to the Committee on Armed Services.

By Mr. OTTER (for himself, Mr. SIMPSON, Mr. FLAKE, Mr. CANNON, and Mr. DOOLITTLE):

H.R. 1315. A bill to allow small public water systems to request an exemption from the requirements of any national primary drinking water regulation for a naturally occurring contaminant, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PENCE (for himself and Mr. WYNN):

H.R. 1316. A bill to amend the Federal Election Campaign Act of 1971 to repeal the limit on the aggregate amount of campaign contributions that may be made by individuals during an election cycle, to repeal the limit on the amount of expenditures political parties may make on behalf of their candidates in general elections for Federal office, to allow State and local parties to make certain expenditures using nonfederal funds, to restore certain rights to exempt organizations under the Internal Revenue Code of 1986, and for other purposes; to the Committee on House Administration.

By Mr. PLATTS (for himself, Mr. BLUMENAUER, Mr. CUMMINGS, Mrs. BLACKBURN, Ms. WOOLSEY, Mr. PAUL, Mr. MARKEY, Mr. SHAYS, Ms. SCHAKOWSKY, Ms. BALDWIN, Mr. MCNULTY, Mr. BERMAN, Mr. STARK, Mr. VAN HOLLEN, Ms. DEGETTE, Ms. MCCOLLUM of Minnesota, Mr. SIMMONS, and Mr. LAHOOD):

H.R. 1317. A bill to amend title 5, United States Code, to clarify which disclosures of information are protected from prohibited personnel practices; to require a statement in nondisclosure policies, forms, and agreements to the effect that such policies, forms, and agreements are consistent with certain disclosure protections; and for other purposes; to the Committee on Government Reform.

By Mr. REHBERG:

H.R. 1318. A bill to allow the refurbishment and operation of a small hydroelectric facility in central Montana by adjusting the amount of charges to be paid to the United States under the Federal Power Act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. REYES:

H.R. 1319. A bill to improve the health of residents of, and the environment in, the United States-Mexico border area; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, Agriculture, Financial Services, Transportation and Infrastructure, International Relations, and Armed Services, 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. REYES:

H.R. 1320. A bill to secure the borders of the United States, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, 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. STRICKLAND (for himself, Mr. BISHOP of New York, Mr. CUMMINGS, Mr. FILNER, Mr. MCGOVERN, Mr. MEEKS of New York, Mrs. NAPOLITANO, Mr. TOWNS, and Ms. WOOLSEY):

H.R. 1321. A bill to make funds available to pay the United States prisoners of war that brought suit against the Government of Iraq in the case of Acree v. Republic of Iraq; to the Committee on International Relations.

By Mr. TIERNEY:

H.R. 1322. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to provide emergency protection for retiree health benefits; to the Committee on Education and the Workforce.

By Mr. STUPAK (for himself, Mr. FOSSELLA, Mr. ENGEL, Mrs. MCCARTHY, Mr. OBERSTAR, Mr. TOWNS, Mr. NADLER, Mr. ACKERMAN, Mr. MCNULTY, Ms. BERKLEY, and Mr. GORDON):

H.R. 1323. A bill to establish a permanent grant program to improve public safety communications and the interoperability of emergency communications equipment; to the Committee on Energy and Commerce.

By Mr. SULLIVAN (for himself, Mr. LUCAS, and Mr. BOREN):

H.R. 1324. A bill to require the Secretary of Homeland Security to establish a U.S. Immigration and Customs Enforcement Office of Investigations field office in Tulsa, Oklahoma; to the Committee on Homeland Security, and in addition to the Committees on the Judiciary, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TANCREDO:

H.R. 1325. A bill to amend the Immigration and Nationality Act to repeal authorities relating to H1-B visas for temporary workers; to the Committee on the Judiciary.

By Mr. THOMPSON of California:

H.R. 1326. A bill to enable a Bureau of Reclamation partnership with the North Bay Water Reuse Authority and other regional partners to achieve water supply, water quality, and environmental restoration objectives; to the Committee on Resources.

By Mr. TIAHRT:

H.R. 1327. A bill to amend the Act entitled ''An Act to provide for the construction of the Cheney division, Witchita Federal reclamation project, Kansas, and for other purposes'' to authorize the Equus Beds Division of the Wichita Project; to the Committee on Resources.

By Mrs. MALONEY (for herself, Mr. LEACH, Mr. GUTIERREZ, Mr. TOWNS, Ms. SOLIS, Mr. NADLER, Mr. VAN HOLLEN, Mr. HASTINGS of Florida, Mr. LEWIS of Georgia, Mr. CUMMINGS, Mr. SANDERS, Mr. GRIJALVA, Mr. CROWLEY, Mr. DEFAZIO, Mr. CASE, Mr. LANTOS, Mr. PRICE of North Carolina, Mr. GEORGE MILLER of California, Mr. DINGELL, Mr. HOLDEN, Ms. WOOLSEY, Mr. MENENDEZ, Mr. GENE GREEN of Texas, Mr. JACKSON of Illinois, Mr. ABERCROMBIE, Mrs. JONES of Ohio, Mr. HOLT, Mr. MCDERMOTT, Mr. CLAY, Mr. KOLBE, Mr. UDALL of New Mexico, Mr. BOSWELL, Ms. SLAUGHTER, Mrs. DAVIS of California, Ms. MCCOLLUM of Minnesota, Ms. LEE, Mr. BROWN of Ohio, Mr. COSTELLO, Mr. SABO, Mr. ROTHMAN, Ms. BALDWIN, Mrs. CAPPS, Ms. JACKSON-LEE of Texas, Mr. OWENS, Mr. WU, Mr. DICKS, Ms. NORTON, Mr. WAXMAN, Ms. SCHAKOWSKY, Ms. LINDA T. SÁNCHEZ of California, Mr. SCHIFF, Mr. EVANS, Mr. SMITH of Washington, Mr. SHERMAN, Mr. PALLONE, Mr. MORAN of Virginia, Mr. KUCINICH, Mr. RANGEL, Mr. HINCHEY, Mr. MOORE of Kansas, Ms. KAPTUR, Mr. PAYNE, Mr. WEINER, Mr. PASCRELL, Mr. CARDOZA, Ms. HARMAN, Mrs. MCCARTHY, Mr. FARR, Ms. ROYBAL-ALLARD, Mr. BISHOP of Georgia, Mr. BRADY of Pennsylvania, Mr. BOYD, Ms. KILPATRICK of Michigan, Mr. DAVIS of Illinois, Mr. HALL, Mr. ANDREWS, Mr. STRICKLAND, Mr. JEFFERSON, Mr. OLVER, Ms. HERSETH, Mr. FRELINGHUYSEN, Ms. WATERS, Mrs. TAUSCHER, Mr. CAPUANO, Mr. COSTA, Mr. FILNER, Mr. DAVIS of Alabama, Mr. UDALL of Colorado, Mr. STARK, Ms. MILLENDER-MCDONALD, Mr. PASTOR, Ms. ESHOO, Ms. CORRINE BROWN of Florida, Mr. DOYLE, Mrs. NAPOLITANO, Mr. KIRK, Mr. KIND, Mr. LEVIN, Mr. DELAHUNT, Mr. KILDEE, Mr. TIERNEY, Mr. MEEHAN, Mr. FRANK of Massachusetts, Mr. MCGOVERN, Mr. THOMPSON of California, Mr. CONYERS, Ms. VELÁZQUEZ, Mr. WEXLER, Ms. WATSON, Mr. RUPPERSBERGER, Mr. BACA, Mr. SHAYS, Mr. SERRANO, Mrs. CHRISTENSEN, Mr. FATTAH, Mr. LARSEN of Washington, Mr. MEEKS of New York, Mr. RUSH, Mr. BOEHLERT, Mr. AL GREEN of Texas, Ms. WASSERMAN SCHULTZ, Mr. HINOJOSA, Mr. KENNEDY of Rhode Island, Mr. BASS, Ms. MOORE of Wisconsin, Mr. MICHAUD, Mr. CASTLE, Mr. MCNULTY, Mr. CARNAHAN, Ms. ZOE LOFGREN of California, Mr. INSLEE, Ms. PELOSI, Mr. BAIRD, Mr. EMANUEL, Mr. GONZALEZ, Mr. HOYER, Mr. NEAL of Massachusetts, Mr. THOMPSON of Mississippi, Mr. MARKEY, Mr. CARDIN, Mr. BLUMENAUER, Mr. LANGEVIN, Mr. ISRAEL, Ms. BORDALLO, Mr. WYNN, Mr. EDWARDS, Mr. ALLEN, Mr. BOUCHER, Mr. MILLER of North Carolina, Mr. BECERRA, Mr. HONDA, Mr. WATT, Mr. ACKERMAN, Mr. LARSON of Connecticut, Ms. BERKLEY, Mr. DAVIS of Florida, Mrs. LOWEY, Mr. ORTIZ, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. LORETTA SANCHEZ of California, Ms. DEGETTE, Ms. MCKINNEY, Mr. ENGEL, Mr. SCOTT of Georgia, Mr. MEEK of Florida, and Mr. TAYLOR of Mississippi):

H.J. Res. 37. A joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Ms. LEE, Mr. PAYNE, Mr. JEFFERSON, Mr. TOWNS, Mr. CUMMINGS, Mr. OWENS, Mr. RANGEL, Ms. NORTON, Mr. HONDA, Mr. MEEKS of New York, Ms. CORRINE BROWN of Florida, Mr. AL GREEN of Texas, Mr. LEWIS of Georgia, Ms. MCKINNEY, Mr. BUTTERFIELD, and Mr. SERRANO):

H. Con. Res. 96. Concurrent resolution recognizing the significance of African American women in the United States scientific community; to the Committee on Science.

By Mrs. DAVIS of California (for herself, Mr. ISSA, and Mr. SESSIONS):

H. Con. Res. 97. Concurrent resolution expressing the sense of the Congress that safe and effective radioprotectant drugs should be procured and stockpiled by the Federal Government as soon as possible; to the Committee on Energy and Commerce.

By Mr. HYDE (for himself, Mr. LANTOS, Mr. SMITH of New Jersey, Mr. BURTON of Indiana, Ms. ROS-LEHTINEN, Mr. CHABOT, Mr. TANCREDO, Mr. ISSA, Mrs. JO ANN DAVIS of Virginia, Mr. PENCE, Mr. MACK, Mr. WILSON of South Carolina, and Mr. ROHRABACHER):

H. Con. Res. 98. Concurrent resolution expressing the grave concern of Congress regarding the recent passage of the anti-secession law by the National People's Congress of the People's Republic of China; to the Committee on International Relations.

By Mr. PASCRELL (for himself, Mr. PLATTS, Mr. ABERCROMBIE, Mr. ANDREWS, Mr. BAIRD, Mr. BERRY, Mr. BILIRAKIS, Ms. BORDALLO, Mr. BOYD, Mr. BRADY of Pennsylvania, Mr. BROWN of South Carolina, Mr. CAPUANO, Ms. CARSON, Mrs. CHRISTENSEN, Mr. CLYBURN, Mr. CUMMINGS, Mr. TOM DAVIS of Virginia, Mr. DAVIS of Florida, Mr. DEFAZIO, Ms. DELAURO, Mr. DOYLE, Mr. FERGUSON, Mr. FITZPATRICK of Pennsylvania, Mr. FOLEY, Mr. FORBES, Mr. FORD, Mr. FOSSELLA, Mr. FRELINGHUYSEN, Mr. GARRETT of New Jersey, Mr. GINGREY, Mr. GOODE, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. HINCHEY, Mr. HOLDEN, Mr. HOLT, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KAPTUR, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Mr. KUCINICH, Mr. KUHL of New York, Mr. LANGEVIN, Mr. LARSON of Connecticut, Mr. LATOURETTE, Mr. LEACH, Ms. LEE, Mr. LOBIONDO, Mr. MARKEY, Mrs. MCCARTHY, Ms. MCCOLLUM of Minnesota, Mr. MCCOTTER, Mr. MCGOVERN, Mr. MCNULTY, Mr. MENENDEZ, Mr. MILLER of Florida, Mr. MORAN of Virginia, Mr. MURTHA, Mrs. MYRICK, Mr. NADLER, Mr. NEAL of Massachusetts, Mr. PALLONE, Mr. PAYNE, Mr. PETERSON of Minnesota, Mr. PETRI, Mr. PRICE of North Carolina, Mr. PUTNAM, Mr. RAMSTAD, Mr. ROGERS of Michigan, Ms. ROS-LEHTINEN, Mr. ROSS, Mr. ROTHMAN, Mr. RUPPERSBERGER, Mr. RYAN of Ohio, Mr. SANDERS, Mr. SAXTON, Mr. SCHIFF, Mr. SHAYS, Mr. SHUSTER, Ms. SLAUGHTER, Mr. SMITH of New Jersey, Mr. SNYDER, Mr. SPRATT, Mr. STRICKLAND, Mr. TAYLOR of Mississippi, Mr. THOMPSON of California, Mr. TIERNEY, Mr. TOWNS, Mr. UPTON, Mr. VAN HOLLEN, Mr. WALSH, Mr. WAMP, Ms. WATERS, Ms. WATSON, Mr. WATT, Mr. WAXMAN, Mr. WEXLER, Mr. WILSON of South Carolina, Mrs. WILSON of New Mexico, Mr. WOLF, Ms. WOOLSEY, and Mr. WYNN):

H. Con. Res. 99. Concurrent resolution expressing the need for enhanced public awareness of traumatic brain injury and support for the designation of a National Brain Injury Awareness Month; to the Committee on Energy and Commerce.

By Ms. PELOSI:

H. Res. 153. A resolution raising a question of the privileges of the House which was laid on the table.

By Mr. PUTNAM:

H. Res. 154. A resolution providing for consideration of the concurrent resolution (H. Con. Res. 95) establishing the congressional budget for the United States Government for fiscal year 2006, revising appropriate budgetary levels for fiscal year 2005, and setting forth appropriate budgetary levels for fiscal years 2007 through 2010; referred to the House Calendar and ordered to be printed.

By Mr. ANDREWS (for himself, Mrs. MALONEY, Mr. PAYNE, Ms. LEE, Mr. HOLT, Mr. GRIJALVA, Mr. LANTOS, Ms. WOOLSEY, Mr. OWENS, Mr. MCNULTY, Mr. VAN HOLLEN, Ms. MCKINNEY, Ms. SCHAKOWSKY, and Mr. CUMMINGS):

H. Res. 155. A resolution requiring the House of Representatives to take any legislative action necessary to verify the ratification of the Equal Rights Amendment as part of the Constitution when the legislatures of an additional three States ratify the Equal Rights Amendment; to the Committee on the Judiciary.

By Mr. CONYERS:

H. Res. 156. A resolution condemning the conduct of Chief Minister Narendra Modi for his actions to incite religious persecution and urging the United States to condemn all violations of religious freedom in India; to the Committee on International Relations.

By Mr. REHBERG:

H. Res. 157. A resolution congratulating the Montana Future Farmers of America on the occasion of its 75th Anniversary and celebrating the achievements of Montana FFA members; to the Committee on Agriculture.

By Mr. TIERNEY (for himself, Mr. BURTON of Indiana, Mr. DOYLE, and Mr. SMITH of New Jersey):

H. Res. 158. A resolution recognizing the importance of increasing awareness of autism, supporting programs for increased research and improved treatment of autism, improving training and support for individuals with autism and those who care for individuals with autism, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, 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.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

10. The SPEAKER presented a memorial of the House of Representatives of the State of Rhode Island, relative to House Resolution No. 5101 memorializing the Congress of the United States to fulfill its commitment of forty percent (40%) federal funding in its reauthorization of the Individuals with Disabilities Education Act (20 U.S.C. 1400 et. seq.); to the Committee on Education and the Workforce.

11. Also, a memorial of the Legislature of the State of Nevada, relative to Senate Joint Resolution No. 2 memorializing the President of the United States to reverse his position on, and alternatively urging the Congress of the United States to reject, his federal budget proposal to use money derived from the sale of land in Nevada to lower the federal deficit; to the Committee on Resources.

12. Also, a memorial of the Senate of the Commonwealth of Puerto Rico, relative to Senate Resolution No. 4623 stating the most vehement support of continuing the ban established in the Federal Assault Weapons Act of 1994, and for its effectiveness to continue as well as the ban on the use of assault weapons (automatic rifles) by the civilian population; to the Committee on the Judiciary.

13. Also, a memorial of the General Assembly of the State of Ohio, relative to Senate Resolution No. 20 memorializing the Congress of the United States to enact the Clear Skies Act of 2005 in order to improve our nation's air quality and ensure our nation's economic stability; jointly to the Committees on Energy and Commerce and Science.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Ms. CARSON introduced a bill (H.R. 1328) for the relief of Adela and Darryl Bailor; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Mr. EDWARDS, Mr. GUTIERREZ, Mrs. LOWEY, Mr. PAYNE, Mr. SMITH of Washington, Mr. STARK, Mr. THOMPSON of Mississippi, Ms. HARRIS, Mr. OBERSTAR, and Mr. BRADLEY of New Hampshire.

H.R. 22: Mr. INSLEE.

H.R. 25: Mr. GINGREY.

H.R. 63: Mr. KUCINICH, Mr. SALAZAR, Mr. CLAY, Mr. BUTTERFIELD, and Mr. CLEAVER.

H.R. 97: Mr. GUTIERREZ, Ms. CARSON, Ms. WOOLSEY, Mr. CALVERT, and Mr. WOLF.

H.R. 114: Ms. BERKLEY.

H.R. 115: Mr. SANDERS and Mr. WOLF.

H.R. 136: Mrs. BLACKBURN.

H.R. 147: Mr. CRAMER, Mr. CUELLAR, Mr. PASCRELL, Mr. BOREN, Ms. HERSETH, Mr. BARTLETT of Maryland, Mr. RUPPERSBERGER, and Mr. TIERNEY.

H.R. 156: Mr. BISHOP of Georgia and Mr. STUPAK.

H.R. 181: Mr. KING of Iowa.

H.R. 219: Mr. MILLER of Florida.

H.R. 280: Mr. SHAYS.

H.R. 292: Mr. PALLONE and Ms. WASSERMAN SCHULTZ.

H.R. 331: Mr. GREEN of Wisconsin.

H.R. 341: Mr. SOUDER, Mr. FITZPATRICK of Pennsylvania, Mr. PLATTS, Mr. SIMMONS, and Mr. BOUSTANY.

H.R. 363: Mr. RUPPERSBERGER.

H.R. 414: Mr. GORDON and Mr. MORAN of Kansas.

H.R. 415: Mr. LEACH, Mr. FOLEY, and Mr. PAUL.

H.R. 458: Ms. BEAN.

H.R. 459: Mr. GUTIERREZ.

H.R. 475: Mr. MICHAUD, Ms. BERKLEY, Mr. ISRAEL, and Ms. WOOLSEY.

H.R. 490: Mrs. MUSGRAVE.

H.R. 503: Ms. SCHWARTZ of Pennsylvania, Mr. SERRANO, Mr. TOM DAVIS of Virginia, Ms. SLAUGHTER, Ms. BERKLEY, and Mr. NEY.

H.R. 515: Mr. GONZALEZ and Mr. EMANUEL.

H.R. 525: Mr. MEEKS of New York and Mr. STEARNS.

H.R. 534: Mr. TOM DAVIS of Virginia.

H.R. 558: Mr. WOLF, Mr. SAXTON, and Mr. FOLEY.

H.R. 562: Ms. SCHWARTZ of Pennsylvania.

H.R. 581: Mr. WOLF and Ms. ZOE LOFGREN of California.

H.R. 583: Ms. VELÁZQUEZ, Mr. CARDIN, Mr. LYNCH, and Ms. BERKLEY.

H.R. 602: Ms. BERKLEY, Mr. BRADLEY of New Hampshire, Mr. PORTER, and Mr. GONZALEZ.

H.R. 615: Ms. BORDALLO and Mr. HASTINGS of Florida.

H.R. 633: Mr. WEXLER.

H.R. 682: Mr. FRANKS of Arizona and Mr. BRADLEY of New Hampshire.

H.R. 687: Mr. ISRAEL and Mr. SANDERS.

H.R. 697: Mr. LEWIS of Georgia, Ms. CARSON, Mr. HASTINGS of Florida, Mr. SIMMONS, Mr. DICKS, and Mr. SANDERS.

H.R. 739: Mr. SULLIVAN.
H.R. 740: Mr. SULLIVAN.
H.R. 741: Mr. SULLIVAN.
H.R. 742: Mr. SULLIVAN.
H.R. 749: Mr. BACA.
H.R. 791: Mr. NADLER, Ms. CARSON, Mr. FRANK of Massachusetts, Mr. HOLDEN, Mr. HASTINGS of Florida, and Mr. FATTAH.
H.R. 793: Mr. CAPUANO, Mr. FRANK of Massachusetts, Mr. LATOURETTE, Mr. CASTLE, Mr. TOM DAVIS of Virginia, and Mr. BONNER.
H.R. 798: Mr. HINCHEY, Mr. BURTON of Indiana, and Mr. GREEN of Wisconsin.
H.R. 801: Mr. GRIJALVA and Mr. BOOZMAN.
H.R. 809: Mr. KINGSTON, Mr. BOOZMAN, Mr. GINGREY, and Mr. SHAW.
H.R. 819: Mr. THOMPSON of California and Mr. SHAYS.
H.R. 827: Mr. INSLEE.
H.R. 838: Mr. HONDA, Mr. PALLONE, Mr. HASTINGS of Florida, and Mr. LOBIONDO.
H.R. 856: Mr. PETERSON of Pennsylvania.
H.R. 893: Mr. SANDERS.
H.R. 921: Mr. SCOTT of Virginia, Mrs. JONES of Ohio, Mrs. MCCARTHY, and Ms. NORTON.
H.R. 925: Mr. KLINE, Mr. SOUDER, Mr. GRAVES, Mr. ALEXANDER, Mr. MCHUGH, Mr. PENCE, Mr. FLAKE, Mr. PAUL, Mr. BACHUS, Mr. NEUGEBAUER, Mr. BUYER, and Mr. SESSIONS.
H.R. 930: Mr. MILLER of Florida and Ms. BERKLEY.
H.R. 972: Mr. KING of New York, Ms. SCHAKOWSKY, Mr. EMANUEL, and Mr. LYNCH.
H.R. 985: Mr. ROHRABACHER, Mr. RENZI, Mr. CASE, Mr. WELLER, and Mr. SNYDER.
H.R. 997: Mr. DUNCAN, Mrs. BONO, Mr. REHBERG, Mrs. MILLER of Michigan, and Mrs. BLACKBURN.
H.R. 999: Mr. FILNER, Mr. BOUCHER, and Mrs. WILSON of New Mexico.
H.R. 1001: Mr. EDWARDS and Mr. DOGGETT.
H.R. 1016: Mr. MCINTYRE, Mr. NEUGEBAUER, and Mr. CHANDLER.
H.R. 1040: Mr. SESSIONS.
H.R. 1059: Mr. FATTAH, Mrs. JONES of Ohio, and Mr. CASE.
H.R. 1063: Mr. GREEN of Wisconsin and Mr. SIMMONS.
H.R. 1069: Mr. HASTINGS of Florida, Mr. OBERSTAR, Ms. WOOLSEY, Mr. EVANS, Ms. LEE, Mr. CASE, and Mr. LEWIS of Georgia.
H.R. 1079: Mrs. MILLER of Michigan.
H.R. 1080: Mrs. LOWEY.
H.R. 1091: Mr. WELLER.
H.R. 1092: Mrs. MUSGRAVE.
H.R. 1100: Mr. CONAWAY, Mr. HENSARLING, and Mr. ROGERS of Alabama.
H.R. 1106: Ms. CARSON and Mr. MCCOTTER.
H.R. 1107: Mr. COSTELLO, Mr. KUCINICH, and Mr. WAXMAN.
H.R. 1120: Mr. KENNEDY of Minnesota.
H.R. 1124: Mr. SHAYS and Mr. FILNER.
H.R. 1125: Ms. SLAUGHTER, Mr. WAXMAN, Ms. DELAURO, Mr. MCNULTY, Mr. KENNEDY of Rhode Island, and Ms. BALDWIN.
H.R. 1126: Mr. FARR, Mr. RANGEL, Mr. LIPINSKI, Mr. LEWIS of Georgia, Mr. MCDERMOTT, Mr. HOLT, Mr. KIND, Mr. TOWNS, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. NAPOLITANO, Mr. NADLER, Mr. SERRANO, Mr. HIGGINS, Ms. LEE, Mrs. JONES of Ohio, Mr. SANDERS, Mr. INSLEE, Ms. GINNY BROWN-WAITE of Florida, Mr. SHAYS, Mr. VISCLOSKY, Mr. ANDREWS, Mr. KUCINICH, Mr. ENGLISH of Pennsylvania, Mr. MEEK of Florida, and Ms. SOLIS.
H.R. 1142: Mr. MCCAUL of Texas.
H.R. 1151: Mr. POMBO, Mr. RADANOVICH, Mr. ROGERS of Alabama, Mr. MANZULLO, Mr. WELLER, Mr. RYAN of Wisconsin, Mr. BAKER, Mr. CUMMINGS, Mr. BISHOP of Georgia, Mr. JENKINS, and Mr. MCNULTY.
H.R. 1155: Ms. SLAUGHTER.
H.R. 1157: Mr. DUNCAN and Mr. SMITH of Washington.
H.R. 1175: Mr. LAHOOD.
H.R. 1185: Mr. LUCAS.
H.R. 1225: Mr. CASE, Mr. VAN HOLLEN, and Mr. MORAN of Virginia.
H.R. 1226: Ms. HOOLEY.
H.R. 1227: Mr. BURTON of Indiana, Ms. HARMAN, and Mr. LYNCH.
H.R. 1229: Mr. DUNCAN, Mr. PAUL, and Mr. JENKINS.
H.R. 1245: Mr. SCHIFF, Mr. FRANK of Massachusetts, Mr. BURGESS, Ms. BALDWIN, Mr. HASTINGS of Florida, Mr. LOBIONDO, Mr. MICHAUD, and Mr. GEORGE MILLER of California.
H.R. 1249: Mr. BASS, Mr. BRADLEY of New Hampshire, Mr. SAXTON, and Mr. RUPPERSBERGER.
H.R. 1252: Mr. LEWIS of Georgia and Mr. WELDON of Pennsylvania.
H.R. 1257: Mr. HALL, Mr. NUNES, Mr. BOOZMAN, Mrs. BONO, Mr. BILIRAKIS, Ms. HARRIS, and Mr. HUNTER.
H.R. 1281: Mr. KUHL of New York and Mr. ALLEN.
H.J. Res. 10: Mr. WALDEN of Oregon, Mr. REHBERG, and Ms. BERKLEY.
H.J. Res. 23: Mr. UDALL of New Mexico.
H. Con. Res. 71: Mr. BUTTERFIELD, Ms. SOLIS, Mrs. MCCARTHY, Ms. MCKINNEY, and Mr. SHIMKUS.
H. Con. Res. 76: Mrs. MYRICK and Mr. BURGESS.
H. Con. Res. 80: Mr. LEWIS of Georgia and Mr. GUTIERREZ.
H. Con. Res. 83: Mr. CLAY, Mrs. MALONEY, Mr. MCNULTY, Mr. LIPINSKI, Mr. KING of New York, Mr. MICHAUD, Mr. HOLT, and Mr. RADANOVICH.
H. Res. 84: Ms. GRANGER and Mr. KING of Iowa.
H. Res. 98: Mr. DINGELL.
H. Res. 131: Mr. SANDERS, Mr. COSTA, Mr. COSTELLO, Mr. ACKERMAN, Mr. CONYERS, Mr. NADLER, Mr. MEEK of Florida, Ms. NORTON, Mr. CUELLAR, Mr. INSLEE, Mr. HEFLEY, and Mr. OBEY.
H. Res. 136: Mr. INSLEE, Ms. WOOLSEY, Mrs. LOWEY, and Mr. SANDERS.
H. Res. 146: Mr. JONES of North Carolina, Mr. ALEXANDER, and Mr. PITTS.
H. Res. 148: Ms. BEAN, Mr. KANJORSKI, Ms. PRYCE of Ohio, Mr. BAKER, Ms. CORRINE BROWN of Florida, Mr. BACHUS, Mr. FORD, Mrs. MCCARTHY, Mr. COOPER, Ms. LEE, Mr. LEWIS of Georgia, Mr. RUSH, Mr. GUTIERREZ, Mr. OWENS, Mr. SCOTT of Georgia, Mrs. DAVIS of California, Mr. FRANK of Massachusetts, Mr. BACA, Ms. MOORE of Wisconsin, Ms. CARSON, Mr. KENNEDY of Minnesota, Mr. PLATTS, Mr. BOEHLERT, Mr. SHAYS, Mr. GARRETT of New Jersey, Mr. DREIER, Mr. TIBERI, Mr. LUCAS, Mr. WICKER, Mrs. JOHNSON of Connecticut, Mr. RAMSTAD, Mr. DANIEL E. LUNGREN of California, Mr. REICHERT, Mr. MCHENRY, Mr. HASTERT, Mr. JOHNSON of Illinois, Mr. WELLER, Mr. KIRK, Mr. COLE of Oklahoma, Mrs. KELLY, Ms. LORETTA SANCHEZ of California, Mr. NEY, Mr. CLEAVER, Mr. ORTIZ, Mrs. MALONEY, Mr. POMEROY, Mr. SANDERS, Mr. ROSS, Mr. GREEN of Wisconsin, Mr. MEEKS of New York, Mr. OXLEY, Mr. ENGLISH of Pennsylvania, Ms. WASSERMAN SCHULTZ, Mr. WATT, Mr. MOORE of Kansas, Mr. CLAY, Mr. CROWLEY, Ms. HOOLEY, Mr. GUTKNECHT, Mr. EHLERS, Mr. DENT, Mr. BOEHNER, Mr. GILCHREST, Mr. FORBES, Mr. CASTLE, Mr. GILLMOR, Mr. JONES of North Carolina, Mr. HENSARLING, Mr. BONNER, and Mr. TOM DAVIS of Virginia.

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. 21: Mr. MENENDEZ.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

9. The SPEAKER presented a petition of the Kentucky House Committee on Agriculture and Small Business, relative to a resolution petitioning the United States Congress and the United States Department of Agriculture to take the necessary steps to allow tobacco producers to sell the excess tobacco from their 2004 crop; to the Committee on Agriculture.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1268

OFFERED BY: MR. FEENEY

AMENDMENT NO. 5: In chapter 2 of title II of the bill, strike the item relating to ''CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES''.

H.R. 1268

OFFERED BY: MR. TANCREDO

AMENDMENT NO. 6: Page 72, after line 17, insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 7001. None of the funds made available under the heading ''TITLE IV—INDIAN OCEAN TSUNAMI RELIEF—CHAPTER 1—FUNDS APPROPRIATED TO THE PRESIDENT—OTHER BILATERAL ASSISTANCE—TSUNAMI RECOVERY AND RECONSTRUCTION FUND (INCLUDING TRANSFERS OF FUNDS)'' may be used to provide emergency relief, rehabilitation or reconstruction aid.

H.R. 1268

OFFERED BY: MR. UPTON

AMENDMENT NO. 7: At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds made available in this Act may be used for embassy security, construction, and maintenance.

H.R. 1268

OFFERED BY: MS. VELÁZQUEZ

AMENDMENT NO. 8: At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 7001. None of the funds made available in this Act may be used to fund any contract in contravention of section 15(g)(2) of the Small Business Act (15 U.S.C. 644(g)(2)).

H.R. 1268

OFFERED BY: MR. WEINER

AMENDMENT NO. 9: Insert at the end of the bill, before the short title, the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 7001. None of the funds made available in this Act may be used for assistance to the Palestinian Authority (or to any successor entity) or for programs, projects, and activities in the West Bank or Gaza.

H.R. 1268

OFFERED BY: MR. WEINER

AMENDMENT NO. 10: Insert at the end of the bill, before the short title, the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 7001. None of the funds appropriated or otherwise made available in this Act may be obligated or expended to finance any assistance to Saudi Arabia.

United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *109th* CONGRESS, FIRST SESSION

Vol. 151 WASHINGTON, TUESDAY, MARCH 15, 2005 *No. 31*

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable JOHN THUNE, a Senator from the State of South Dakota.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Our Father who art in heaven, we acknowledge that You are our creator and sustainer. Without Your power, we can accomplish nothing of worth. Forgive us for our excessive dependence upon our powers and help us to seek Your wisdom.

Bless now these men and women chosen by the people of this Nation as they strive to make a positive difference in these challenging times. Remind them that they are not alone in their labors because You have promised never to leave them or forsake them. Help them to find shelter in Your love and in the knowledge that in everything You are working for the good of those who love You and are called according to Your purposes.

O God our fortress, bless this Nation that each citizen will strive to live for Your glory. We pray in Your wonderful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN THUNE 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, March 15, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN THUNE, a Senator from the State of South Dakota, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. THUNE thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority whip is recognized.

SCHEDULE

Mr. MCCONNELL. Mr. President, this morning we will begin immediately to resume consideration of the budget resolution. There are now a little more than 32 hours remaining out of the statutory limit of 50 hours. The chairman and ranking member were on the floor all day yesterday to begin the amendment process, and we expect to have many amendments considered today with votes well into this evening. Once we get underway this morning, we will alert Senators as to the timing of the first votes. We have already alerted Senators that this will be an extremely busy week. We will complete the budget resolution this week for sure. That will require lengthy sessions into each evening as we progress through the week. We will expedite progress on the bill if Senators will cooperate by keeping their schedules flexible and staying close to the floor throughout the day. Again, it is crucial that Senators should arrive at the floor quickly, as votes are ordered, to avoid missing any important budget votes.

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. MCCONNELL. 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.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR THE FISCAL YEAR 2006

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. Con. Res. 18, which the clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 18) setting forth the congressional budget for the United States Government for the fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the time on the budget be equally divided between the majority and minority.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MCCONNELL. 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. CONRAD. 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.

Mr. CONRAD. Mr. President, I yield 20 minutes off the resolution to the Senator from Montana.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Printed on recycled paper.

The ACTING PRESIDENT pro tempore. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I thank my good friend from North Dakota and also say that I hope we can make some good sense out of this budget resolution. It is not the first time we have had a budget resolution, but I hope we can show that we are exercising leadership in getting one that makes sense.

I rise to speak about something that I hear more about at home than any other subject. It is astounding, frankly. I was home last weekend, home prior weekends. I hear more and more on this one subject than any other, and that is Social Security.

People in Montana walk up to me and say: Senator, please save Social Security. Don't adopt the privatization plan. It doesn't make sense.

In my experience as a public servant, I have never experienced such a broadside of reaction on Social Security compared to any other issue I have ever faced. It is that great.

Let me tell a little about what I think Montanans are really thinking. Here is what Montanans are telling me about Social Security.

A man from Helena, MT, put it this way:

I have been an employee and employer for 55 years. The Social Security system is the only solid, dependable program that I and everyone I have been involved with can rely on.

Laura from Baker, MT, says:

It seems to me that our Social Security system has worked well for many, many years. I cannot understand the President's desire to reform it.

Well, when it comes to trying to understand why the President wants to privatize Social Security, Laura is not alone. Let me talk a little bit about the President's plan to privatize Social Security and what it would mean in practical terms.

The first thing we have to do is to put aside the notion that privatizing Social Security has anything to do with strengthening Social Security and preserving Social Security for the long run. It does not. Privatization has nothing to do with preserving Social Security for the long run—nothing.

In fact, it undermines Social Security. Social Security's actuaries—these are the Congressional Budget Office folks, and we all agree they are totally nonpartisan, straight shooters—agree that privatizing Social Security does not improve the solvency of the Social Security. In fact, they believe it makes it worse.

Bobby from Eureka, MT, put it this way:

I strongly oppose President George Bush's proposal to privatize Social Security or any part of it. I feel this is only the first step to dismantling Social Security all together.

She is concerned about the first step to dismantle Social Security, and there is a real basis for her beliefs because the private accounts have nothing to do with solvency. Many of us are wondering whether Bobby might be right.

We have to start with the proposition that President Bush is looking somewhere else besides private accounts for the real answer to extending Social Security solvency. To be candid, none of us know exactly how the President wants to pay for extending Social Security solvency.

He hasn't given us a specific proposal. In the State of the Union speech, however, he mentioned five possibilities. What are they? One was limiting benefits for wealthy retirees. Another one he mentioned is indexing benefits to prices rather than to wages. He also mentioned increasing retirement age. Further, he mentioned discouraging early collection of Social Security benefits. Five, changing the way benefits are calculated. All of those options the President has mentioned have one thing in common: they all cut benefits.

Even if we do not know for sure how the President wants to cut Social Security benefits, the administration has not been all that subtle about their druthers. For months, President Bush and many in the administration hinted that their preference is one of the plans put forward by the President's Commission on Social Security. What is that? That plan would divert Social Security payroll taxes into new private savings accounts. As I said, that has nothing to do with solvency. I will come back to that later. But that plan would also deeply cut Social Security benefits for future beneficiaries by changing the way the benefits are calculated. The President's plan would cut benefits, in the President's words, by indexing benefits to prices rather than to wages. What does that mean? What is the effect of that? Let me explain.

Under current law, when the Government calculates a worker's initial Social Security benefit, the Government adjusts the worker's past earnings for the growth in wages and the economy. Under the President's plan, the Government would adjust the worker's past earnings for the growth in prices, not in wages but in prices. What is the effect of that? Most people don't realize it, but wages actually grow faster than prices. Wages actually grow faster in the long run. People see prices rising all the time, but folks do not always focus on how much their wages increase. Wages generally keep up and surpass the increase of prices. On average, over time, wages grow faster than prices. Why is that? That is largely because workers today are more productive than workers used to be. Workers today produce more than workers did years ago. Economists call that productivity. They are more productive, so workers today demand higher wages. They are more productive, so they have higher wages, even after adjusting for inflation. Even though inflation goes up, workers are more productive, so wages rise faster than inflation, even though prices are going up. So adjusting the initial benefits to a growth in wages makes sense. It is current law. It makes sure Social Security will replace roughly the same share of future retirement incomes as it did for previous generations of retirees.

What does the Commission plan to do about that? Their plan to move from wage indexing to a price index means initial benefits for retirees in the future would gradually start to get smaller and smaller than they would under current law. Because these reductions in benefits would accumulate over time, each new group of retirees would get that much more of a cut in their benefits relative to what the current law promises them.

This chart shows the story. It is very illustrative. I hope people pay attention to this. I daresay that every American concerned about Social Security would take a good long hard look at this chart and they would realize the deeper problems in the President's proposal. This chart shows under current law—talking about what the law is today—succeeding generations of retirees can expect Social Security to replace a relatively constant amount of their income. This yellow line shows for people who start to retire today—when they retire, their Social Security benefits are going to be about 40 percent of their previous wages. As wages go up over time and people retire, they get about 40 percent of their wages just before they retire. That is called replacement income. That is the law, and it stays at about 40 percent out into the future.

On average, Social Security promises to replace about 40 percent of income year after year, represented by the yellow line. If we adopt the Commission's plan, what happens? That means the share of income Social Security replaced would go down. That is the red line here. So over time these cuts become very deep. For workers now in their midthirties, benefits will be cut by about 25 percent. For somebody born about now—one of our children or grandchildren—benefits will be cut in half. You see this red line comes about half of where the yellow line is. So somebody who enters the workforce about now, under the President's plan, when he or she retires, is going to receive almost 20 percent of wages, not 40 percent. That is a 50-percent cut. So a person would get much less under the President's plan in the future.

I am looking at some of these pages on the floor. When they work, and if this plan goes into effect, their Social Security benefits will be half when they retire compared to what it would be today under current law if they could retire. I don't know if they would want that.

If the Commission's plan had been in place when Social Security began to pay benefits in 1940—reverse that. Say the President's plan was in effect then; benefits for average earnings would be 60 percent less than today. If the President's plan had been in effect in 1940—I was born in 1941—then the benefits I would receive today, or anybody my age, would be, under the President's

plan, much less than I would get today if I retired. How much less? You can tell by this chart. Today I would get about $1,278 a month. Under the President's plan, if I retired today, and this were in effect since 1940, I would get $515 a month. Let me state that again. Under current law, a worker with average wages who retires in 2005 will get about a $1,278 monthly Social Security check. Had the Commission's plan been in effect since 1940, that average worker would get only $515 a month in Social Security. That is $515 a month instead of $1,278.

Remember, this is kind of a startling statistic. For one-fifth of our seniors, Social Security is their total source of income. For 20 percent of seniors today, Social Security is all of their income. So no matter where you live, this is what you get in Social Security. If this plan had been in effect in 1940, seniors would be receiving $515 a month now, a lot less than they receive. That kind of cut in benefits would mean that a lot more seniors would be living in poverty. Had the Commission's plan been in effect since 1940, 7 million more seniors would be living in poverty today. Today, about 3.6 million seniors are living in poverty. That is not good. That is bad, but that is a fact. If the President's law had been in effect since 1940, then 10.5 million seniors would be living in poverty—more than three times that.

Someone might say: This isn't going to happen to me under the President's plan. Why? Because I am not going to participate in those private accounts. I will stay away from that. I will just do nothing and keep my payroll tax, which will still go into the Social Security trust fund. I don't have a private account, so this should not affect me. Then I won't have my benefits cut.

Guess what. That is not right. Under the Commission's plan, the President's proposed plan, these cuts would apply even if you did not choose to participate in private accounts. That may not seem fair, but that is a fact. These are the cuts you get irrespective of whether you participate in a private account. It makes no difference whether you do or do not participate in a private account.

Another question people might ask is, Will these cuts apply to people with disabilities, to survivors? To be candid, none of us knows for sure, but the Commission's numbers show that savings of people with disabilities and survivors were included. That means they are going to get cut, too. We are talking about widows or orphans here. Listen to the words of Linda from Great Falls, MT:

> My father died when I was 13 years old. My mom went to work as a bookkeeper making a little over $200 a month. Our entire lives changed, and without the assistance of Social Security benefits, I would never have been able to attend college.

Social Security is a vital lifeline for millions of Americans. We have to be very careful about how we change it. In addition to the cuts about which I have been talking so far, the President has a plan. It includes a second set of cuts; that is, a second set of cuts for anybody who signs up for the privatized accounts. Remember, I talked about the first round of cuts and benefits. There is a second round.

Under the plan, when workers retire, the Social Security benefits would be further reduced by, first, all of the contributions to the worker's private account. That amounts to an additional reduction in benefits. Then there is another reduction, and what is that? That is the interest that those contributions would have earned had they earned a 3-percent rate of return above inflation. Some people call it a ''clawback.'' I call it a privatization tax.

This next chart, number 4, shows the story. It shows a case of a typical worker born in 1990. So a person born in 1990 retires in 2055. I suppose that would probably apply to a lot of our younger people. After all, this has been pitched for our younger people. Under current law, that person would get $23,300 each year from Social Security. So under current law, someone who is born in 1990 and retires in 2055, at age 65, that person will get about $23,300 in benefits from Social Security.

Let's talk about the cuts. The first cut under the President's plan is in benefits, due to changing from wage indexing to price indexing, as I mentioned earlier. What is the effect of that? That would cut a worker's Social Security payments to $13,104 a year. That change alone—cutting all benefits of all retirees under the President's plan by moving from wage indexing to price indexing—means the benefits that person will receive in 2055, born in 1990, would not be $23,000, but a whole whopping roughly $10,000 a year less, a cut down to $13,000 a year.

Then there is a second cut. That is the cut due to the privatization tax. That would cut a worker's Social Security benefits further. How much further? Down to a mere $3,276 a year. Just think of this for a minute; suspend judgment and let this sink in. This is what is happening under the President's plan. Today, that person would get $23,000 in Social Security benefits. The first cut applies to everybody in the President's plan irrespective of whether you have a private account. So everybody will get a cut by $10,000 a year, down to $13,000 a year. What about those folks who say: Gee, I am going to beat the system and I am going to divert 3 or 4 percentage points of my payroll tax into my private accounts. I am going to beat the system.

Wrong. What is really the fine print of the President's probable plan? What is the effect? It is a further deep cut of another $10,000. So the benefit that a person is going to receive is going to be not $23,000 but, rather, only $3,000 a year. The proponents tell us that: Gee, if they keep their private account, that will be made up by the income they will get from the private account, earnings they will get from the private accounts.

Let me just say what the Congressional Budget Office says about this part here, the red part on the chart about earnings. What do they say? They say workers with average earnings will be back to where they were in this middle bar, up to close to $13,000. So that means that after all the shouting, workers who are now 25 to 35 years old will have total retirement income cut—Social Security benefits plus income from the private accounts—total income cut by about a quarter below what current law promises.

Think of that for a moment. What did people think when they learned about all this? Some know about this, but a lot do not. Do you want to know something, Mr. President? I found something very startling about 2 weeks ago. I hope you will listen to this point because it is pretty important. The point is this: I asked a Senator on the other side of the aisle about 2 weeks ago: Senator, I wonder, does your side understand the fine print of the President's proposal? Does it really understand it? His answer—this was a private conversation—his answer was: Not really.

I said to the Senator: Do you mind if I explain what it does, what the practical effect of all this is? I do not want to be pedantic about it.

He said: Sure; what is it?

So I explained all this to him. He was amazed. He did not know all that. I take him at his word. He said most of the other side did not understand it. Maybe he was being very generous and actually they did. But I was startled by this conversation. He said most do not understand it.

Second, it was a revelation to him when I explained what it actually does.

I mention all this because I think it is important for the facts to get out. Facts often speak louder than words. I hope the facts get out.

The PRESIDING OFFICER (Mr. VITTER). The Senator has used his allotted 20 minutes.

Mr. BAUCUS. If I may have a few more minutes, I would appreciate it.

Mr. CONRAD. I yield another 5 minutes to the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I thank the Senator.

I repeat, workers 25 to 35 years old will have total retirement income; that is, Social Security benefit cuts, plus their income from the private accounts—that is income, not the principal reduced by 3 percent—cut by about a quarter below what current law promises. Those with average earnings born in this decade who retire at age 65 will have their total retirement income cut in half—again, their total retirement income cut in half. For those who participate in private accounts, their total income will be cut in half. That is all based on CBO's assumption that the private account will

get a rate of return of 3 percent over and above inflation. It could get more, but it could get less.

Let me remind people that what goes up may also come down. In the late 1920s in America, people might have expected their stocks to go up at least 3 percent a year after inflation. As this chart shows, stocks went down nearly 90 percent between 1929 and 1932. From its high in 1929 of 381, the Dow fell to 41 in 1932.

Under the President's plan, what would happen to your Social Security benefit if the stock market crashed? You would still need to pay the full privatization tax on all the contributions to the worker's private account plus 3-percent interest above inflation. That is even if you did not earn that much. Under the President's plan, you still have to pay all that.

So under the President's privatization plan, your Social Security check will be reduced by more than what you have put in your private account. The only thing that would be guaranteed would be this little green bar at the end of $3,276 a year. I challenge anyone to explain to me how they can live on $3,276 a year. Under the President's plan, that is all you would be guaranteed. Under current law, you are guaranteed $23,000. If the stock market crashes and you are in a private account, your guarantee will only be $3,000. Come on, I do not think people want to do that. I do not think Congress wants to do that.

As Frederick from Great Falls, MT, asked:

> [I]f the bottom falls out of the market, who takes care of them then?

Some say we cannot sustain Social Security's current promises anyway. But the Commission's cuts would be deeper than if we did absolutely nothing to Social Security. If we did nothing to extend the life of Social Security—and no one is recommending that—but if Congress did nothing—again, no one is recommending we do nothing; we have to do something that makes sense—if we did nothing, then according to the Congressional Budget Office, in 2052, we would still be able to pay 80 percent of promised benefits. In contrast, under the Commission's plan—that is the President's probable plan—benefits would be cut before 2052 and benefits would be cut deeper than that in 2052 and after.

This chart puts it together. For that typical worker born in 1990, current law promises Social Security benefits to be $23,300, as I mentioned earlier. But even if we do nothing—again, I do not advocate doing nothing; we have to do something—Social Security would be able to pay that worker $18,100 a year. The Commission's plan would cut that to $13,104, and the President's privatization tax cut would cut the guaranteed benefit to $3,276. In all likelihood, the worker would get a total package of benefits—their Social Security plus their private account—in the neighborhood of $13,104.

We do not know how much the rate of return is going to be. That is why it is red with a question mark. It could go up; it could go down. It has to be a high level annual rate of return to equal, frankly, what one would get in total benefits, even after the cuts. As I said, this chart puts it altogether.

That is why the President's privatization plan does not make any sense. From the perspective of typical beneficiaries, it would leave them worse off than if we did nothing. Worse off than if we did nothing—let that sink in a little bit. The President's plan would leave people worse off compared to if we did nothing, at least over the next 40 to 50 years, through 2052. That is roughly the next 60 years—worse off. That is before we take into account the $5 trillion in new borrowing that the President's plan requires in its first 20 years. I did not talk about that.

Let me summarize. We have demonstrated conclusively why people would be worse off under the President's plan than they would be under current law. Now we add another huge problem with the President's plan. What is that? That is the $5 trillion of new borrowing the President's plan would require in its first 20 years; $5 trillion of additional borrowing. We are already deeply in debt.

Jack from Kalispell, MT, wrote me of his suspicion on this:

> President Bush is proposing a gimmick to take attention away from plans to reduce future benefits. I believe the Federal Government should solve its own solvency problems and either stop borrowing from the Social Security trust [fund] or actually pay back its loan with market rates for interest.

Jack may have a point. The private accounts are a gimmick, and the benefit cuts are bad enough that anyone associated with them might want to divert their attention away from them.

The reason why the cuts are so deep is because the Commission's plan would place all of the burdens of securing solvency on benefit cuts—all of the burden of solvency on benefit cuts, all of it, all. Within benefits cuts, the Commission's plan would place all the burdens of securing solvency on today's young people and future beneficiaries. He is passing the buck. First he says, OK, all of the solvency solution is on the back of the beneficiaries in terms of benefit cuts. And the $5 trillion, who is going to pay for that? That is going to be young people in future generations, future taxpayers. They are going to have to pay back that $5 trillion. That is the effect of switching from wage indexing to price indexing, and I do not think that is fair.

Look at this chart again. The President's plan would change Social Security from a guaranteed $23,300 in earned benefit to a guaranteed $3,000—23 down to 3, plus a gamble. That is a benefit you would get from the President's plan. You are guaranteed $3,000 and you are guaranteed a gamble. It may pay off and be big. The gamble may not pay off. You may lose your shirt. No wonder people wonder whether the President's plan is more about, as Bobby from Eureka, MT, put it, ''only the first step to dismantling Social Security altogether.'' She is concerned about that. When you look at the effect of the President's plan, you begin to think that maybe Bobby is on to something here.

That is why Democrats have called upon the President to disavow his plan for private accounts funded out of Social Security. We ask him to do so, why? Because we want to make sure these private accounts are not, in Bobby's words, ''the first step to dismantling Social Security altogether.''

Democrats want to address Social Security's solvency. You bet we do. There is a problem here. It is not a crisis. It is a problem we should address now rather than later. We want to strengthen and protect Social Security for the future. We do think there is a problem. But in order to do that, we need reassurance that the changes we agree to will strengthen Social Security, not dismantle it. The President needs to disavow privatizing Social Security. That is a necessary first step. He needs to state he does not want to dismantle Social Security and has to do that before we can agree on how to fix it. If he makes that statement, boy, you bet there would be a big rush in the Congress, on both sides of the aisle, to fix the solvency problem in Social Security.

That is the problem Americans worry about, solvency of Social Security. That is their concern, so let's address their concern.

Mary from Belgrade, MT, summed it up pretty well. She wrote:

> The American Social Security system is one of the most cost-effective pension plans ever devised. It costs a pittance to administer, it is thoroughly honest, and it works flawlessly. ''Privatizing'' it will almost certainly ruin it.

Privatizing will almost certainly ruin it.

> It would add hugely to the crushing burden of national debt, it would mean smaller retirement pensions for millions of retiring Americans, and it would cost 20 to 30 times more to administer. Congress has a duty to the American people to protect this popular, inexpensive, highly effective program. I implore you, Senator Baucus, to tell the President you oppose privatization, and to legislate only a plan that will fix long-term problems without changing the basic structure and function of our Social Security system.

Nobody could have said it better. Mary knows what is going on here. She figured it out. I think a lot of Americans are also beginning to figure it out. And when more figure it out, we have no choice but to address solvency and to take privatization totally off the table.

Mr. President, you can help us a lot if you were to make that statement.

Mary has it right. We need to get beyond plans to privatize Social Security. And once we do, we can get about the business of ''fix[ing its] long-term problems'' and securing it for generations to come.

That is why I will support the amendment by the senior Senator from Florida, Mr. NELSON.

The PRESIDING OFFICER. The Senator has consumed his additional time.

Mr. BAUCUS. If I might have 1 more minute.

Mr. CONRAD. I yield an additional minute off the resolution to the Senator.

Mr. BAUCUS. Mr. President, that is why the senior Senator from Florida, Mr. NELSON, is going to offer an amendment on Social Security later this week. It is why I urge my colleagues to support it. We want to keep Social Security, in the words of that man from Helena, as ''the only solid, dependable program that [we] can rely on.'' They want to keep it. They should keep it. We want to keep it. It is ''the only solid, dependable program'' seniors can rely on.

We want to keep it, in the words of Laura from Baker, MT, a ''system [that] has worked well for many, many years.'' And we want to keep a system that can work well for ''many, many years to come.''

I very much thank my good friend from North Dakota. I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I yield myself 25 minutes.

I rise in support of the budget resolution that is before the Senate, and I support the leadership of our new chairman. He has shown tremendous leadership on a very tough issue.

This budget is about the future. It is about our children and our grandchildren, as is Social Security. I was pleased to hear the Senator from Montana admit we do have a problem with Social Security. We have some Members who apparently do not think there is a problem with Social Security. I would like to go back to Social Security perhaps at a later time.

We have before us a budget resolution. We have to keep in mind that this budget resolution is about numbers. We are not getting into the specifics of the program, even though we are going to see a lot of amendments on the floor today that are going to be dealing with specifics of the program. In reality, this is about numbers. It is about the top numbers and how the numbers are allocated among the various committees. But the real decisions about how those dollars are going to be spent will rest, in some cases, with an authorization committee, or it may rest with the Appropriations Committee.

If we look back historically at the budget, particularly in the last few years, the growth of the national budget, as reflected in the budget resolution, has been greater than what the growth of the economy has been. This budget is an attempt to reduce the rate of growth.

There are some people who are going to try to characterize that as cuts, but if we look at the total figures in the budget, what we are doing is reducing the rate of growth. Even if we look at what we have done to reduce the rate of growth in entitlements, which has covered so much of the discussion throughout the budget debate, the growth in entitlements is greater than the growth in the economy.

So we are talking about reducing the rate of growth. I believe this resolution represents a courageous balancing act in trying to bring some sanity to the budgeting process, some fiscal responsibility.

We are funding our social and military priorities. The total discretionary budget authority for 2006 is $834.4 billion. Most of that is defense spending. We have about $438 billion, or something like that, that is set aside for discretionary spending in that area. The resolution is consistent with the President's request, plus a generous increase for some educational programs, particularly Pell grants.

The resolution assumes full funding of the President's defense request, which is supporting our global war on terrorism, restructuring our U.S. forces, which I believe is badly needed, future threats, and raising the quality of life for our men and women in uniform. We have some tough decisions that have to be made when we are allocating these dollars, and they do have an impact.

The resolution funds important existing commitments—certainly the reconstruction of Iraq. Nobody can deny the importance of that. We did not step away from that. That is an obligation we have assumed, and it is important we finish the job.

We have a $50 billion reserve fund put up in this particular budget to begin to address the needs of our men and women in the military.

In education, I mentioned the Pell grant increase, increases in higher education, No Child Left Behind—the increase in Pell grants of 10 percent or $417 million; we have a $5.5 billion reserve account for the new Higher Education Act, which is money that is going to be available when the HELP Committee acts.

The budget features sound and vital mechanisms for fiscal restraint and budget discipline, which is something we have lost here in the last few years. I think we have to regain that. It is important that we do something to reduce deficit spending. This is something that will impact our children and grandchildren, if we do not begin to address it today. And the sooner we address it, the better off we are going be.

If a business is having financial problems or any entity is having financial problems, I think everybody recognizes that if you wait until the last minute to address those financial problems, they get unsolvable. But the earlier you address those problems, the better off you are.

We do have some Social Security problems. My feeling is the sooner we begin to address them, the less the pain is going to be. There is going to be some pain, but the pain is going to be less. If we wait until the last minute, the pain is going to be unbearable in Social Security.

We have the same thing with many of our other entitlements programs. This budget begins to set discretionary budgets for 2006, 2007, and 2008, which is something that is enforced with the 60-vote point of order. It is a way of expecting a higher threshold if you want to increase spending. If we begin to mortgage the future of our children and grandchildren, then we are going to require a higher threshold in this Congress to be able to do that, which means the issue has to be that much more important in the minds of Senators and the Congress.

We establish points of order against new direct spending totaling $5 billion in any of the next four 10-year periods.

The resolution continues sensible mechanisms for nondefense spending, advance appropriations, and pay-go, and it contains recommendations for a review of Federal agencies and their performance to eliminate or reduce wasteful, duplicative, inefficient, outdated, or failed programs. This idea in particular represents a growing sentiment within the body. I believe it represents a growing sentiment that we are seeing throughout the Nation. We have seen some efforts to try to restrain spending in high priorities areas in this Congress, such as defense. We are preparing to go through the BRAC process where we are looking closely at defense installations to see if they still meet the mission of a modern military. We need to have a similar type of scrutiny in the nondefense programs, to see if they continue to meet the mission the Congress intended of them when they first passed the legislation. That is being provided for by GPRA, which stands for Government Progress and Results Act, which measures how agencies do. The President has taken this and modified it to prevail as sort of a detailed roadmap through what he called his PART ratings, which is a roadmap I think Congress should pay more attention to.

So he is looking at some accountability within the agencies. Again, we are not talking about anything more than just a reduction in the rate of spending as far as the total budget is concerned.

This budget represents a landmark attempt to do something about entitlement spending. The first attempt was 19 years ago when there was an attempt to rein in entitlement spending in a budget resolution. So it has been awhile since we have looked at these. In the meantime these programs have been running on automatic. They have been spending more than what has been happening in the growth rate of our economy. Over time we are going to pay for it. It is going to be our children and grandchildren.

The resolution includes instructions to produce mandatory savings of $32 billion over 5 years. This is a very important provision that is being wildly

exaggerated. We have to keep in mind that mandatory spending is two-thirds of our total budget. The total budget is running at 2, a little over $2.5 trillion. Figure it out. We are only talking about $32 billion over 5 years. If you want to average it out, it is a little over $6 billion a year out of this 1 year's budget of over $2.5 trillion. So many of these provisions I think are being wildly exaggerated. Mandatory spending would still increase from $1.5 trillion in 2005 to more than $2 trillion in 2010. That is a growth of $500 billion in 5 years.

So even though we are cutting back on the rate of spending growth, it is still increasing every year, and it is still increasing at a rate of $500 billion over a 5-year period of time. Some people in this body say that is too many cuts, but I look at these figures and I wonder who they are kidding.

The doomsday cuts in this resolution barely add up to a moderate restraint of the stratospheric growth of these programs. Many people agree that entitlement spending is swallowing the budget and we must look seriously at our long-term fiscal health. The Federal Government consumes just under 20 percent of our total economy, and entitlements promise to grow and consume a larger and larger portion of this sizable chunk of our gross domestic product. The Congressional Budget Office, for example, estimates 65 percent of Federal resources by 2015. We had testimony in the Budget Committee from the Congressional Budget Office which said these were not sustainable—a personal view. I have to agree, when you look at 65 percent of Federal resources by 2015 as far as entitlement growth is concerned, that is a serious problem, and this Congress needs to face up to it.

Despite the unanimous agreement that we must do something about it before our grandkids have to bear our policy burdens, I hear nothing from the other side except more money, more and more and more. I don't hear any suggestions on what their budget proposal is. They want to raise taxes, they want to increase spending. That is the only plan we get out of the other side. In some ways there is an analogy on Social Security. The other side is continuing to criticize Social Security, but they don't—and some of them, like Senator BAUCUS of Montana, agree now that there is a problem with Social Security, but there is no plan they are putting forward. The President has courageously stepped forward and suggested some plans to protect our children and grandchildren. They are very modest. He has done that with the budget. He is doing that with Social Security.

Last week's markup I thought was very revealing. We had numerous amendments for additional spending in the Budget Committee and the promise of an alternative budget they said through amendments. That is how they were going to make their budget heard. It is easy to pick out a budget through amendments, but I would like to see a total budget plan presented by the other side if this budget is so bad. But nothing has materialized except more spending and the reductions of the enormously successful tax cuts. And those tax cuts were successful. That is what has created the economic growth we are seeing today.

I had some experience in the House being in the minority which the other aisle finds themselves in, and we had the courage to step forward with a total budget and to make tough choices. We were challenged by the majority, by the Democrats in the House at the time I served on the Budget Committee, to come up with our own budget, and we said, yes, in fairness of debate, we ought to have one. So we did put forward a budget, a total budget about where we wanted to see the country be in 5 years, even in 10 years, and we compared that with the majority, the Democrats on the House side during those early years, and as a result of that, I think we established some credibility.

My challenge to the other side is, you need to come up with your budget. You need to make the tradeoffs. Just submitting amendments here and there and picking at certain parts of the budget for political reasons or because it is an easy program to pick on or whatever is not the way to put together a budget for this country. So I challenge the other side to come up with a total budget and see what their ideas are and what they are going to do to protect the future generations of Americans, our children and our grandchildren.

This resolution makes a minor adjustment to the explosive growth of Medicaid. You would think the sky was falling, and here is the percent of adjustment—.007 percent of Medicaid over 5 years. That is all we are touching. Now, there is still a huge increase going on in Medicaid, as far as I am concerned. We are just reducing that growth from what has been projected out so that there is a .007 percent of Medicaid being impacted over 5 years, which is a reduction. It appears to me that the only option that would be given from the other side is a tax increase without smothering growth and solving the underling problems

The clock is ticking. The Budget Committee testimony by the Comptroller General of the GAO revealed estimates that our Nation's unfunded promises over the next 75 years are $44 trillion. In the entire history of the Federal Government we have raised a total of only $38 trillion in revenue. That is astounding testimony. We cannot wish this away. We cannot rely solely on economic growth. And we cannot tax our kids and grandkids into oblivion to solve these problems. Annual mandatory spending is on autopilot, rarely undergoing the kind of examination we give to the issue of steroids in Major League Baseball, for example. And this is much more important.

CBO's baseline projects net mandatory spending will grow at an annual rate of 5.8 percent over the next 10 years. That is $5.4 trillion in total growth above 2005 spending levels. This resolution offers a modest reduction in the rate of that growth—a courageous and important step in our thinking around here.

The resolution offers a very good start. If someone has a better plan, again, not just a series of constant amendments but a budget, we will be here to discuss it.

Provisions to protect the taxpayer and promote growth are in this budget.

The resolution includes assumptions focusing on preventing economically damaging tax increases. The President's tax cuts, which were passed by this Congress, have helped the economy grow. They have increased revenues, and not only to the Federal Government. We can see that happening in our States. In my State of Colorado we are beginning to see a change in revenues.

Provisions of the Jobs and Growth Tax Relief Package Reconciliation of 2003 are set to expire after tax year 2008. We need to address that.

The budget assumes we will continue the tax cuts that stimulate the economic development that ended our Nation's short recession. Without this budget, capital gains taxes would jump from 15 percent to 20 percent. If there is one tax reduction out there that has been an incentive which stimulated the economic growth, it has been capital gains. We saw that happen during the Kennedy administration. That is one of the tax cuts President Kennedy advocated when he was in office to stimulate revenues in the Federal Government. We have seen that during the Reagan administration. I have seen it happen in the State of Colorado. When we had capital gains adjustments, we saw the revenues improve, as far as State revenues. We have seen it happen again. When we dropped capitol gains rates, we saw the tremendous impact it had on the economy which resulted in more revenues to the Federal Government.

Without this budget, taxes on individual income would jump from 15 percent to as much as 35 percent. Incentives for small business owners to invest would be set to expire in 2007. Without this budget, it would dry up. Not extending these tax cuts is like declaring economic war on small businesses and investment.

One of the important things we did was focus on small business. That is where most of our economic growth is. We helped them write off more on their expensing. There was a dramatic increase in what we allowed them to write off on expensing. That is one of the things that helped small business and contributed a lot to our economic growth.

In my view, small business is the key to our economic growth. Reconciliation instructions in this budget direct the Finance Committee to produce more tax relief—$70.2 billion over 5 years. That means more economic development, more investment, more savings.

We do not tell them how they are going to meet these things, but we put the dollars in there and we direct them in that direction. Personally, as many colleagues, I would endorse a larger number of tax relief provisions because I believe it is more money in the hands of business owners, more money in the hands of consumers, more money in the hands of parents and investors. It stimulates greater growth, education, savings—prosperity at every economic level. Not surprisingly, it will likely increase revenues to State and Federal Government.

The $70.2 billion is a compromise number. We have already worked on it. Many of us would have liked to have seen over $100 billion. We thought that would be more appropriate to keep our economy growing. But working with the Members of the Senate, the budget chairman, to his credit, has come up with what I think is a reasonable number. It is a number I can support, which is a little over $70 billion, holding down the tax burden.

The budget promotes fiscal health and economic development. It holds down the rate of growth in spending and protects the most important national funding priorities we have. It extends expiring tax cuts and reconciles tax cuts that have a known stimulative effect. This budget provides new disciplinary tools for spending restraint. It leads to overall deficit and thus debt reduction.

The mark will cut the deficit in half in 5 years, relative to the size of the economy. Under this resolution, the deficit will fall to 2.2 percent of gross domestic product in 2007; then, as we move on to 2010, reduce it down to 1.3 percent.

Our annual deficits compound our existing debt burden and, long term, there is no greater threat to Social Security, Medicaid, and Medicare, education—and the taxpayer—or other priorities, than the swelling of the public debt. It is something we must begin to address. I think this budget begins to address it in a serious way.

Several years ago I offered the American Debt Repayment Act. It was a suggestion to the Members of Congress that we ought to look at our national debt the way we would the mortgage on our home. We ought to put a plan in place a commitment to begin to pay down that debt.

This budget we have before us attempts to put in place a plan that will aid us in getting us out of the deficit, in a position where we can begin to pay down the national debt. It is clear if we leave it to the designs of Congress on the floor, things get out of hand and more spending happens. But if we have a plan on how we are going to pay down the debt, it gives some parameters. This budget provides somewhat of a plan. Congress repeatedly shirks its responsibility when it comes to the debt.

So I commend the chairman for doing something in a serious way to deal with our deficit and the debt. Maybe it is time for me to reintroduce the legislation to tie our undisciplined hands. This resolution before us represents a good start, as I said, in restoring such discipline.

There is one other thing. We have had some comments here about Social Security and I think Members are beginning to realize we do have a problem with Social Security. Like the budget, this debate on Social Security is very important to our children and our grandchildren.

I think we have to keep in mind that what the President is suggesting is not a mandate. If you are under 55 years of age or younger, you don't have to get into private accounts if you don't want to—personal accounts, if you don't want to have them. I prefer to refer to them as personal accounts because what we are doing is we are giving individual taxpayers a choice. People who are going to rely on Social Security will have a choice as to how they would like to structure their retirement account. We don't mandate them to do anything.

Do you know what. If we put in place personal accounts, I think the Members of this Senate, particularly people who are opposing personal accounts, would be surprised how many Americans would flock to it. I base my observations on what has happened with Federal employees and State employees. Try to suggest to the Federal employees that somehow or other they ought to participate in Social Security and give up their own retirement plans. It would not be very popular. They have a choice. Federal employees have a choice, as Members of Congress have a choice.

They have a choice. Do they want to put their money in the stock market? They don't invest in individual stocks. It goes into a fund that is managed, and these professional investors manage that stock fund. It goes into a bond fund and professional managers manage that. Or it goes into Treasury notes. Those are the choices Federal employees have.

Why can't ordinary Americans, everyday Americans who are out here working on Main Street, why can't they have the same choice as Federal employees? One concern I get from State employees in Colorado is: Don't put us in the Social Security system. We have our own retirement system, called RA. We have a choice, as State employees, where we want to put our money for retirement, whether we want it to go into a stock market fund or whether we want it to go into a bond market fund or whether to put it in some type of Treasury note. They have three choices. That is what I understand the President is talking about.

When given the choice of whether they want to go into Social Security or they want to go into a similar fund, what we are talking about with personal retirement accounts for Americans, there is a general rejection of that idea. Employees on the Federal level, employees on the State level, don't like that idea because they know Social Security performs so poorly, and when they are given their own choices as to how they want to invest their money for their own retirement plans, they can do a better job than the Government can do. That has been reflected in history. That has been reflected in the experiences we see throughout the States as well as at the Federal level.

Members of Congress have the same choices as Federal employees. During the Presidential campaign we heard the candidates talking about: The American people should have the same choices as Members of Congress have in retirement. We can go ahead and give them that.

I think this is a good budget. I think it tries to address our budget in a responsible way. So I urge my colleagues to join me in passing a budget. We need to pass a budget. That is the responsible thing, to get a budget passed. Then we can continue the debate. I think this is an important issue and I urge my colleagues to join me in supporting this resolution. I yield my time.

The PRESIDING OFFICER. Who yields time?

Mr. CONRAD. Mr. President, I will yield 4 minutes to the Senator from Montana.

Mr. BAUCUS. Mr. President, I thank my friend. I might say, in regard to the recent statement by my good friend from Colorado with respect to privatization accounts—with all due respect, I want to point out, I don't know if he is quite accurate. I would like his response to this.

Isn't it true, though, that today Federal employees have both Social Security and private accounts? In addition to Social Security, that is, you have your Thrift Savings Plan. Federal employees have the Thrift Savings Plan, and they also pay into Social Security, which is not the President's program at all. The President's program is to take money away from Social Security and put it into a personal account. Even with the so-called personal account, they wouldn't be able to keep it, as we would our Thrift Savings. They have to give it back to Social Security. It is not even apples and oranges compared to the President's plan, it is watermelons and peanuts.

There is no comparison. The fact is, again to make it very clear, we Federal employees have both Social Security and the private accounts, separate, outside Social Security. We get to keep all we put into our private account because that is our money, whereas in the President's plan, money is taken away from Social Security into a privatization account and the person who

has that account is not able to keep very much of that money. So, as I said, it is not apples and oranges, it is really watermelons to peanuts. Isn't that accurate?

Mr. ALLARD. I thank the Senator from Montana for his response. I appreciate his clarification as far as Federal employees. But the point I would make is in the State of Colorado, our employees in the State don't pay into Social Security. I think a lot of other States do that.

Mr. BAUCUS. If I might respond?

Mr. ALLARD. If I can finish, the point I want to make is we do give choices to Federal employees in their retirement plan. We do it through the 401(k). We give choices to Members of Congress. We give choices to our State employees who do not participate in Social Security. So why can't we give choices to Americans out here on Social Security? We are not mandating them to do this. We give them that choice and give them an opportunity to do that.

In my view, by giving them an opportunity to do that, actually who you help is the disadvantaged. The people who are better income earners are able to utilize individual retirement accounts and 401(k) accounts and get the revenue back and do that.

Mr. BAUCUS. I have 4 minutes, Mr. President. I don't know if I will be able to use my 4 minutes.

Mr. ALLARD. I guess the Senator understands my point, though. And I thank the Senator for yielding.

Mr. BAUCUS. I might say with respect to State plans, most State plans have both Social Security and private plans, but there are a few States that do have only private plans. That is because in those few States they are so lucrative, the employees have a good deal compared with other States. But most States by far have both. Colorado is the exception, a State that has one, the main point being we are talking about choice, Thrift Savings, and choosing different kinds of investment equity that is in a private account today for Federal employees outside of and in addition to Social Security, not carved out of Social Security. We are talking about a carve-out. So it is totally different.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I was frankly astonished to hear the Senator from Colorado say that Members of Congress and Federal employees have a choice not to participate in Social Security. That is not true.

Since 1983, under the new Federal retirement system, FERS, the Federal Employees Retirement System, all of us are in the Social Security system. Members of Congress don't have a choice, if they have been elected since 1983, as to whether to participate in Social Security. The Senator from Colorado is flat wrong, absolutely wrong. I have heard this on talk shows around the country—that Members of Congress don't participate in Social Security. I want to make very clear that this Member participates in Social Security, and every Member elected sense 1983 participates in Social Security. Anyone saying something else is flat wrong. It is incorrect and not even close to being right.

Let us be very clear. Federal employees didn't have a choice as to whether they participated in Social Security. I don't know where the Senator from Colorado got this idea. That is just not correct. Under the Federal Employees Retirement System, since 1983, Federal employees have participated in Social Security. That is a fact. It is important for people to know that.

The Senator from Colorado also said other things that I think are incorrect. The Senator from Colorado said the tax cuts produced more revenue. No, they did not. That is factually incorrect. Here is what happened to the revenue since the tax cuts. The revenue as a share of gross domestic product plunged. It didn't go up, it went down.

It is amazing to me how facts don't seem to matter when ideology gets in the way. Somebody once said everybody is entitled to their own opinion, they are not entitled to their own facts. The facts are that the revenue of the United States plunged to the lowest level since 1959 after the tax cuts. That is a fact.

Here is a second fact. With the tax cuts, the United States suffered the worst multiyear revenue drop since World War II. That is a fact. Revenue did not go up, revenue went down.

This is Federal revenues in trillions of constant 2000 dollars. Revenue went down 18 percent over 3 years with the tax cuts. Tax cuts did not generate more money, they generated less money. That is a fact.

When I hear the claim that this budget before us is fiscally responsible, that is just words. What are the facts? The facts are, according to their own calculation—this is from their own budget document—the debt goes up each and every year of this budget by over $600 billion. It goes up $669 billion this year, it goes up $636 billion next year, $624 billion in 2007, up $622 billion in 2008, and up $611 billion in 2009.

They say they are improving the deficit. No, they are not. This budget before us makes the deficit worse by $130 billion—worse than if we just put the Government on autopilot and made no policy changes. But this budget does make policy changes, and the policy changes that it makes makes the deficit worse, makes the debt worse in 5 years by over $3 trillion of additional debt when we have already got the debt that is running away from us.

AMENDMENT NO. 144

Mr. CONRAD. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from North Dakota [Mr. Conrad], for himself and Ms. STABENOW, proposes an amendment numbered 144.

Mr. CONRAD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To ensure that 75-year solvency has been restored to Social Security before Congress considers new deficit-financed legislation that would increase mandatory spending or cut taxes)

On page 57, after line 2, insert the following:

"SEC. . POINT OF ORDER TO SAVE SOCIAL SECURITY FIRST.

(a) POINT OF ORDER IN THE SENATE.—It shall not be in order in the Senate to consider any direct spending or revenue legislation that would increase the on-budget deficit in any fiscal year.

(b) EXCEPTION.—The point of order established by this section shall not apply if 75-year solvency has been restored to the Old-Age, Survivors, and Disability Insurance Trust Funds as determined by the Social Security Administration actuaries.

(c) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.''

Mr. CONRAD. Mr. President, the amendment that I send to the desk is the ''Save Social Security First'' amendment. It acknowledges that we have a challenge in Social Security. Clearly we do. It says what we ought to do is make Social Security a priority.

It says simply this: Before we have any new tax cut, or any new mandatory spending, it should be the policy of the Congress to restore solvency to Social Security. What this amendment says is no new tax cuts, no new mandatory spending, unless they are paid for, or they can achieve a supermajority vote in this Chamber.

It is a very simple amendment. It is about priorities. What is most important? Is it more important to have new spending in other programs? This amendment says no. The priority ought to be to restore solvency in Social Security. Is it a priority to have more tax cuts? This amendment says no. The priority ought to be to restore solvency in Social Security.

This amendment says simply no new mandatory spending or new no tax cuts until Social Security is solvent, unless the tax cuts for the new spending are paid for or unless they can get a supermajority vote in the Senate. You could have new spending or new tax cuts if, No. 1, you pay for them or, No. 2, you are able to get a majority vote. If you can't do those things, you can't have new tax cuts and you can't have new mandatory spending unless we achieve solvency in Social Security.

For all those who have given speeches all across the country and all across their States about Social Security first, this is a chance to put their votes where their speeches are. This is a chance to say, yes, the priority ought

to be restoring solvency to Social Security. That ought to come ahead of tax cuts, and that ought to come ahead of new spending unless those things are paid for. If you pay for new tax cuts or pay for new spending, that is fine. If you can get a supermajority vote, that is fine. Otherwise, we have to restore the solvency of Social Security first.

There is no question we have a problem in Social Security. There is no question at all. Why? Because the Congressional Budget Office tells us that in 2020 the Social Security trust fund will go cash negative; in 2052, Social Security will only be able to meet 78 percent of its obligations.

Clearly, there is a problem. The big driver to the challenge of Social Security is the demographics of the country.

Here is what happened. We have about 40 million who are eligible for Social Security now. By 2050, there will be twice as many.

That is the demographic challenge that we face. It is not just Social Security. We face it in Medicare, we face it in Medicaid, and, in fact, the shortfall in Medicare is eight times the shortfall in Social Security.

When we look at the President's budget plan, what we find is instead of making it better he makes it all much worse.

Why do I say that? Because this chart demonstrates clearly where this is all headed. The green bars are the Social Security trust fund. The blue bars are the Medicare trust fund. The red bars are the President's tax cuts, both those that have been implemented and those he has proposed.

This shows very clearly that right now we are in the sweet spot. Right now we are getting more revenue from the trust funds than we are paying out. But as those trust funds go cash negative, the cost of the President's tax cuts explodes. The result is the country goes right over the fiscal cliff. We are running record deficits now. We haven't seen anything yet. Under the President's plan, the deficits and the debt explode, and they explode right when the trust funds go cash negative.

The President has indicated that he believes there is a 75-year shortfall in Social Security of $3.7 trillion. That is based, by the way, on a very pessimistic forecast of economic growth. That is based on a forecast that says economic growth for the next 75 years will be 1.8 percent or 1.9 percent. Economic growth in the previous 75 years has averaged 3.4 percent. This whole forecast of Social Security is a very pessimistic forecast.

I must say I have great doubt about the accuracy of the underlying forecast. But based on that forecast, the President says there is this looming shortfall in Social Security. Interestingly enough, the cost of his tax cuts over that same period are three times as much—$11.6 trillion compared to the $3.7 trillion shortfall he says exists in Social Security.

When the President sent up his 2002 budget, he told us at the time:

> None of the Social Security surplus will be used to fund other spending initiatives or tax relief.

That is what he said. That is not what his budget says. His budget does precisely what he said he would not do. His budget takes every penny of Social Security money that is available to pay and uses it to pay for other things—$2.35 trillion over the next 10 years.

Just follow this for a moment. The President, on the one hand, says Social Security is short $3.7 trillion over the next 75 years, but he sends us a budget that takes $2.5 trillion of Social Security money and uses it to pay for other things.

How is that consistent? How does that make any sense, on the one hand, for the President to say we are short $3.7 trillion in Social Security over the next 75 years, and then he sends us a budget that takes $2.5 trillion of Social Security money and uses it to pay for other things? That is a contradiction of staggering proportion.

Interestingly enough, I asked my staff to figure out how much money the President is taking out of Social Security over the next 10 years and then tell me how much his tax cuts are over that same period. Interestingly enough, here is what they came back with: The President is going to take $2.35 trillion of Social Security money over the next 10 years to pay for other things. The cost of his tax cuts over the same period are almost the identical amount, $2.6 trillion.

The flaws of the President's Social Security plan are very evident, if you study the details. With the Nation already in record deficit, with the debt skyrocketing, the President says: OK, Social Security is short of money. So in my budget I am going to take even more Social Security money and use it to pay for other things, despite having promised in 2002 not to do that.

Then the President says, in addition, I want to take even more money out of Social Security to establish private accounts. How much? Over the next 10 years the President's plan takes an additional $754 billion out of Social Security, in addition to the $2.5 trillion he is taking from his budget to pay for other things. He takes another $754 billion to establish private accounts. But that is just the tip of the iceberg, because the 20-year cost of the President's plan is $4.4 trillion. Not million, not billion, trillion: $4.4 trillion.

Where does the President propose getting that money? He proposes to borrow it. On top of our already record deficits and debt, the President proposes borrowing another $4 trillion.

Now, the problem with all of that, of course, is, where is he getting the money? Where is he borrowing it? Increasingly, he is borrowing it from foreign countries. The foreign holdings of our debt have gone up almost 100 percent in just the first 3 years of this administration. And it is rising very rapidly as we go forward. The President says, Go out and borrow even more.

Here is what is happening to the publicly held debt of the United States under the President's policies. When he came into office we were $3.3 trillion in debt. By 2015, under the President's policies he will have nearly tripled the debt to $9.4 trillion.

Social Security is perhaps the most important legislative enactment of our time. Social Security has lifted people out of poverty. Two thirds of retirees rely on Social Security for more than half of their income. Let me repeat that: Two thirds of retirees rely on Social Security for more than half of their income; 31 percent get at least 90 percent of their income from Social Security.

I will never forget going to a community forum in a small rural town in North Dakota. An elderly woman was in the front row. She had a little note pad. On that note pad she had written out her budget for the month. That woman had about $800 of income a month. That was her only income. She had scrawled in a shaky hand on that note pad where the money went. She had her rent; she had her prescription drugs; she had her food costs. After she was done with rent, utilities, prescription drugs and food, she had no money left.

She said to me, Senator, what will I do if my prescription drug costs go up even more? She was paying, as I recall, out of her roughly $800 a month in income about $200 a month in prescription drugs. She was paying, as I recall, $250 a month in rent. She said, What do I do if my prescription drugs become even more costly?

She was in that category of the 31 percent that get at least 90 percent of their income from Social Security; 33 percent get 50 to 89 percent of their income from Social Security; 36 percent get less than 50 percent of their income. So almost two-thirds rely on Social Security for more than half their income and almost a third get 90 percent of their income, or more, from Social Security.

This is not something we can be gambling with. For those people, Social Security is their lifeline. We know that nearly 50 percent of beneficiaries would be in poverty without Social Security. With Social Security, 9 percent of seniors live in poverty. This is according to the Social Security Administration. Without Social Security, they estimate 48 percent of seniors would live in poverty.

I want to go back to the question of the whole basis for this discussion and debate on Social Security, because it is all based on assumptions. It is all based on forecasts. And the forecast is for economic growth of 1.8 to 1.9 percent for the next 75 years. Economic growth over the previous 75 years was much higher than that, 3.4 percent. The components of the economic growth are two: one is productivity and the second

component is new entrants to the workforce. The reason they are forecasting such lower economic growth for the future is because they look at the demographics of the country and they say we are going to have a real slowdown in new entrants to the workforce.

The other component of economic growth is productivity, and they are assuming productivity will grow at a rate of only 1.6 percent for the next 75 years. That is a very pessimistic forecast. It is much lower than the productivity gains we have been getting over the last 15 years.

The green bars on this chart show the level of productivity growth we have been achieving over the last 15 years. From 1990 to 1994 we were at 2 percent. From 1995 to 1999 we were about 2.5 percent. And from 2000 to 2004 we were over 3.5 percent productivity growth. But the whole basis for these forecasts is that somehow these people that write these forecasts say the productivity growth in the country is going to plunge to 1.6 percent. I don't believe that. I think that is overly pessimistic.

I believe part of this Social Security debate is based on a false premise, a premise that the economic growth of the country is going to collapse from what it has been over the last 75 years to a rate of half as much.

With that said, there still is a challenge in Social Security. Even if these forecasts are all right, there is still a problem. The problem is largely one of demographics. The President's plan is to dramatically cut the benefits. In fact, he would cut the benefits by moving from wage indexing to price indexing. Out in the future that would reduce benefits from what are currently provided by 46 percent.

Now, the President says, yes, that is true; I do have a plan that cuts the benefits dramatically. But, he says, I also have a plan to be able to set aside in private accounts, personal accounts or individual accounts, money that could be invested in the stock market. That money would be in your name. That money would be able to grow perhaps more rapidly. That is the bet that he is making.

The problem with the President's plan, one of the problems, aside from being financed by massive debt, is the way these private accounts function. These private accounts function in a little different way than I have heard the President describe them. Under the President's plan, there is something called an offset. Let me explain how that works.

Under the President's plan, if you set aside $1,000 for 40 years and you have 6½ percent rates of return during that period, you would have $92,000 in your account at the end of the 40 years. Let me repeat that: If you put aside $1,000 a year for 40 years and you got a 6.5 percent rate of return every year for those 40 years, you would have $92,000 in your account. That sounds pretty good. Under the President's description, that is your money and no one can take it away. That is true as far as the prescription goes.

But what the President has been leaving out is that his plan assumes that the money to establish your account was loaned to you by the Social Security trust fund and they expect to be paid back with interest. I have not heard the President ever describe his plan in quite that way, but that is how it works. Yes, you have this $92,000 in your account, but they are expecting you to pay back to the trust fund all of the money they theoretically loaned you, plus interest. So at the end of the 40 years, you would owe back $78,000 under the President's plan.

Now, you do not owe it back out of your individual account. Here is the twist to it. They assume they have loaned you this money for your private account and they expect to be paid back. But they don't expect to be paid back out of your private account. Instead, they expect to have a further reduction in your already reduced traditional Social Security benefit. So you have already taken a reduction in that account, supposedly made up for by these individual accounts, but a big chunk of what you have in your individual account you have to pay back. And you pay it back not out of your individual account but you pay it back out of your already reduced Social Security benefit.

Under this scenario, at least you would be ahead of the game. That is assuming you earned a 6.5 percent rate of return on your private account. But what happens if you do not earn a 6.5 percent rate of return on your private account? What happens then? Then the story is even less appealing. Because under that scenario you would have $64,000 in your account—not $92,000—but you would still owe back $78,000.

For those who are listening to this in somewhat incredulous disbelief, I am not making this up. This is how the President's plan works. I have had his people spend hours with me. I have asked them about it, I have quizzed them about it, and they have assured me this is how it works. Yes, you put money into your individual account. Yes, hopefully you have a rate of return on it, but—and it is a big ''but''—you owe the money back because theoretically that $1,000 a year was loaned to you from the Social Security trust fund and they want it back. And they want it back with interest.

So, if you set aside $1,000 a year for 40 years and you only earn 5 percent on the money, you would have $64,000 in your account but you would owe back $78,000—the $1,000 a year plus a 5.8 percent rate of return on the money they loaned you. That is a 3 percent real rate of return plus inflation. The Social Security Administration calculates that at 5.8 percent, you would owe back on the $1,000 a year they gave to you. So, under this scenario, if you only earn 5 percent in your individual account, you owe back more than you have in your account. And again, you do not pay back out of your individual accounts, although they assume that is where the money was loaned to you; you pay back by taking an additional reduction out of your already reduced Social Security benefit.

When people find out that is the way this works—I have had dozens of people who were very interested in this concept of the President.

When they find out how this thing really works, they become less interested.

Let me just conclude as I began. I am offering an amendment which is at the desk that says, simply, let's put Social Security first. Let's say no new mandatory spending and no new tax cuts until Social Security is solvent, unless those who want more tax cuts or more new spending pay for them or unless they can get a supermajority vote here in the Senate. If they do not pay for them, if they cannot muster a supermajority, then let's not have new mandatory spending or new tax cuts until Social Security is solvent. It is a very simple amendment that says, what are the priorities of the country? Are the priorities new tax cuts that are not paid for or new spending that is not paid for or is the priority to restore the solvency of the Social Security fund?

Mr. President, I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mr. SUNUNU). The Senator from New Hampshire.

Mr. GREGG. Mr. President, let me take a few minutes to try to reframe the issues which are before us because a lot has been said by the other side that has gone unrebutted, and I think it needs to be responded to because some of it, I believe, is bad policy and some is just inaccurate.

The representation that the Senator from Colorado was inaccurate in his statement relative to what has happened to taxes is also inaccurate. The statement of the Senator from Colorado was correct. Since the tax cut was put in place, yes, there was a falling off of tax revenues during that period. It was primarily driven by a recession, which would have been a much more severe recession. And there would have been a much deeper drop in revenues had the tax cuts not occurred.

That recession was driven by two primary elements. The first was the breaking of the bubble of the late 1990s, the largest bubble in the history of the world, the Internet expansion bubble. The second was the attack of 9/11, which was a terrorist attack, which contracted the economy as a result of America adjusting to that. And, of course, we had to spend a lot of money to get ready to deal with this terrorist event, and that was money we had not expected to spend.

But since those tax cuts have been put in place something very significant has happened. There has been an increase of revenues. The recession was shallower than we expected. As a result

of the tax cut being put in place, people, therefore, received more of an incentive to go out and work harder and to invest more of their money. Rather than having the Government make the decision as to where money was being spent, people were making decisions where their dollars were going to be spent.

As a result, we had a more efficient economy and jobs have been created. In fact, we have seen the largest expansion of the economy since the early 1990s in the last quarter. Today we are at a historic low in unemployment. Today revenues are going up, and they have gone up for a number of years.

This chart points it out. Last year revenues went up by 9.4 percent at the Federal level. That is a pretty big jump. The next year—this year—it is expected to go up by 7.6 percent. Next year it is projected to go up by 6.5 percent; then, 6 percent; 6 percent; 5.5 percent. These are very significant increases in Federal revenues, and they are a function of the fact that we have in place a tax law today which gives people the incentive to go out and be productive.

Two specific revenues which have jumped dramatically are revenues from dividend income and revenues from capital gains income, both of which the rates were cut—dividends to 15 percent, capital gains to 15 percent. What was the practical effect of that? If you listened to the other side, you would say the wealthy in America got a huge tax cut. What actually happened was the Government of America got a huge tax windfall. Items which were not being taxed before, such as capital gains assets—assets which had appreciated and which people were refusing to sell or convert or trade because they did not want to have to pay taxes—suddenly people were saying: Well, let's sell that stock. Let's sell that piece of real estate. Let's sell our small business because today we will pay less in tax.

So assets which had been locked down from which the Federal Government was getting no revenue suddenly were being sold. As a result, we had a huge spike in revenues from capital gains. Not only did we get the spike in revenues, we saw those revenues reinvested in a much more efficient way because the dollars that came out of those assets which had been sitting there were now cash in people's hands, and they had been put back in the economy in a more productive way because that is the way a market economy works. So we got a double benefit. We got more tax revenues as a result of that tax cut, and we got a more efficient marketplace. As a result, we have gotten more jobs and more productivity as a nation. That is all a big plus.

Now, the 1930s economics that the other side subscribes to—which is that you can simply tax your way to prosperity, that Americans really should not own their own assets, that the Government owns your assets, that we here in the Senate have a better way of spending your money than you have—that philosophy has been proven to be not only unconscionable but counterproductive to a strong economy in this day and age. Yet we see it restated here over and over again with amendment after amendment from the other side of the aisle which simply says: Let's tax people more. Let's spend more. We know how to spend your money better than you do. We're just going to raise your taxes and then put it on our special little project. And we are going to put it here or put it there so we can put out a good press release. Well, the effect of that, of course, is to stifle the economy, to stifle productivity, to reduce the creation of the job atmosphere in this country.

What this President understood—as we headed into a recession, which was not of his making, which came out of the 1990s bubble, which came out of the fact that we were attacked on 9/11—what this President understood in this timeframe is, if you reduce taxes, you create an incentive for people to be more productive. If you say to people, you spend your money rather than having the Federal Government take it out of your pocket and have some Senator here in Washington tell you how to spend your money, that dollar is going to be spent more efficiently and create more jobs.

That is exactly what has happened. Not only has that happened, but the Federal revenues are going up as a result of it, and they are headed back toward what the historic level of revenues is in this country, somewhere around 17.9 percent of gross national product.

We do not have as a nation a problem that the American people are undertaxed. Show me an American who is working today who is earning income who feels they are not paying enough in taxes. There are very few who fall into that category. Most Americans pay a fairly heavy load in taxes and a fairly reasonable load in taxes. They do not need to be hit with more taxes. Yet as we go through this budget, the only solution we hear from the other side is: Raise taxes and spend more money. Raise taxes and spend.

The first amendment out of the box—a tax-and-spend amendment. We have a list of tax-and-spend amendments that came out of the Budget Committee that added up to $220 billion in new spending that the American people were going to be stuck with and $240 billion of new taxes they were going to be stuck with.

Tax-and-spend—oh, that is a wonderful policy. The only problem is, it creates a fairly significant burden on the American people after you raise the taxes. Americans would rather spend their own money than have us spend it for them, quite honestly. We already spend enough money. This budget will spend $2.6 trillion. Now, even in the hallways of the Democratic caucus that has to qualify as serious money. That is a lot of dollars to be spending. And where does it come from? Well, it comes from Americans, Americans who are working.

This budget will spend $100 billion more this year than we spent last year. Even in the hallways of the Democratic caucus that should be serious money. You can run the State of New Hampshire for 20 years with $100 billion—20 years. You can take all the revenues from all the people in the State of New Hampshire and wipe them out for the next 10 years in order to pay for this year's increase in the Federal Government.

That is a lot of money, but it is not enough for the other side of the aisle. No, no, no. They have to raise taxes. They have to increase spending because they have to put out their press releases to say that they were concerned about this group or they were concerned about that group.

Well, I have to tell you, a $2.6 trillion budget shows a lot of concern for a lot of different groups. What we should be concerned about is the American taxpayer. So to make the representation that somehow the American people are undertaxed and we need to raise taxes or that somehow we are not generating significant revenue increases in this economy as a result of having cut taxes is simply inaccurate, in my opinion.

Now, to move on to this specific amendment which raises the issue of Social Security, the practical effect of this amendment would be to essentially say the Federal Government can do nothing until it solves the question of Social Security—that is the practical effect of this amendment—unless we had 60 votes, which around here is pretty hard to get for anything. We can't even get judges through. I can imagine what we would do trying to get the Government to run. We can't even get judges appointed without using 60 votes. So it is pretty obvious that 60 votes is a very high threshold and essentially saying we are going to stop the Federal Government's progress in the area of giving tax relief.

Interestingly enough, it does not say that the Federal Government will not continue to spend dramatic amounts of money. It is basically pointed at tax activity. It says new entitlements, but we all know it is not the new entitlements that are the issue. The expansion of the old entitlements is the issue. So it has a little bit of a disingenuousness to it in that it treats tax policy and then spending policy as dramatically different by essentially saying spending policy is OK, that is exempt, as long as it is on the book, but if it is tax policy and it is on the book and comes to an end, as it does under our rules, we will treat it differently.

But independent of that, the practical effect of this amendment would be to bring the activity in a number of areas of governance to a halt until Social Security is determined to be solvent. This would be philosophically

maybe a nice approach to take, but the problem with it is, from the other side of the aisle we have had no proposals—no proposals—to make Social Security solvent—none, zero, zippo. In fact, the other side of the aisle continues to refuse to engage in discussions about whether Social Security should be made solvent, which the President has initiated. They have essentially said: I'm sorry. You are alleging there is a problem. There is no problem. And we are not going to allow you to move forward even if there is a problem.

So it is a little disingenuous, again, to take the position we should solve Social Security's problems before we do anything else as a Government and at the same time not be willing to put on the table any proposals to address Social Security's problems or even admit that Social Security has a problem, which would be the implication of the Senator from North Dakota in that he said that the scoring of the problem in Social Security was inappropriately arrived at because it used too conservative a number. I presume that means if a more aggressive number had been used, he would deem there was less of a problem with Social Security and maybe there was not a problem. Maybe that would solve the amendment if—maybe we could score ourselves out from underneath this amendment, actually, as I think about it.

But independent of that, it does set up a conundrum that it essentially demands a solution to a problem which the other side claims is not a problem and will not allow us to move forward to a solution on, which in the parlance of American politics I think is called catch–22. You cannot solve the problem because the problem is denied to exist, but you do not move forward until the problem is solved. It is an amendment that I believe has serious questions on that score.

But independent of that, moving on to the question of how Social Security is structured and the problems which Social Security faces, this representation that the Social Security system is solvent through the year 2040, 2036, 2052—whatever the number is that people arrive at, depending on what assumptions are made—is theoretically correct but practically unsustainable because Social Security has no assets. The assumption that Social Security is solvent through that period assumes that Social Security has assets which are physical, but the only asset that the Social Security Administration has is an ability to call, to make a put, to be more accurate, to the American taxpayer to cover bonds which have been put into the fund.

So once the cash that is being paid into the Social Security system falls below the benefits which are being paid out—and that begins to happen in about the year 2018—once that occurs, then there are no assets which the Social Security Administration can call down from like a stock in General Motors or a bond in—I don't know—some county in America. They do not have anything they are going to be able to convert, any asset they are going to be able to convert to cash to cover the difference. All they have at the Social Security Administration is the ability to say to the American people—specifically, our children and our children's children because those of us in the baby boom generation will be retired at that time and getting the benefit; we will not be paying the taxes—to say to them: You are going to have to pay more taxes.

That is the only asset they have, the ability to say to the American people—working Americans—that you have to pay more taxes in order to pay for the obligations that were incurred years ago by Social Security.

So, yes, theoretically, they are solvent because there is this theoretical obligation that has been committed. But as a practical matter, the effect of that obligation is you are going to demand a much higher tax burden on working Americans. What does it work out to? We had testimony in committee that that works out to a doubling of the payroll tax on working young Americans. That is what that burden would cost in order to maintain the alleged solvency. You can get there, yes, but to get there, you have to double taxes on working Americans. That is what you have to do. Nobody will admit to that. That is what we are going to do to our kids—stick them with this huge tax bill on the allegation that that is an asset they have to cover that is in the Social Security trust fund and allegedly makes it solvent.

The practical effect of that is it will cause our children and our children's children to have much less of a quality of life than we have had, because they are going to have to pay twice as much in payroll taxes. They are not going to be able to send their kids to college with as much ease as we have been able to, although it has been difficult for many. They are not going to be able to buy that first house. They are not going to be able to increase their education or do a lot of things with the ability we have had as a generation, because they are going to be paying so much higher a tax rate in order to support our retired generation. It is so intuitively obvious by looking at this fact that you have to wonder why everybody on the other side of the aisle is burying their head under this issue. The people who are going to create this huge tax burden for our kids are all around this room. It is everybody over 50 years old, and it is the largest generation in American history. It takes the American system and turns it on its head, because for years we had a pyramid system where more people paid more into Social Security than was taken out. By the time the baby boom generation—my generation—retires, that is not going to be a pyramid; it will be a rectangle. We are such a huge generation and so many will be retired that we are going to overwhelm the ability of the young people in this country to support us, unless we address this issue today.

It is like that advertisement you used to see on TV for an oil filter that said: You can either pay me now or pay me later. When you pay me later, you are going to replace the entire engine; today you can just put in a new oil filter. That is the way the Social Security system is. You can ''pay me now or pay later'' when the baby boom generation retires, which will fundamentally undermine the quality of life of younger workers. It will affect their benefits so much. You are going to have to raise younger people's taxes so much.

The unwillingness of the other side of the aisle to face up to this issue is, in my opinion, a failure on their part to address their responsibilities to people who are governing this country today. Yet we see amendment after amendment such as this one, which is an attempt to basically gain political cover on the issue. What we don't see from the other side is a willingness to step up and address the issue. Show us your plan. You have castigated and vilified and basically attempted to destroy the capacity of the President to address this issue time and time again. You have said he has been dishonest in his presentation and that his positions are going to harm America and older people in this country, when he specifically said, of course, it will not affect anybody over 55 and that it is voluntary.

Yet have you come forth with a plan, proposed a plan, or suggested any remedy at all? No, you have not. You put out these amendments, which are for the purpose of political protection. You should be ashamed of yourselves.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I am glad to see my colleague show such spirit. I must say I disagree completely with his characterization not only of my amendment, but of our position on this issue. Look, I think it is very clear. The President came to the American people and said there is a problem in Social Security. I happen to agree there is a problem. My colleague must have missed part of my speech. I made it very clear, although I believe the basis of the assessment of how serious the Social Security situation is is based on a very pessimistic forecast of 1.8 or 1.9 percent economic growth for the next 75 years——

Mr. GREGG. Will the Senator yield so that I may agree with him on something?

Mr. CONRAD. I would love to have the Senator agree with me, but not right now. I want to complete my statement. Then I will be glad to have an exchange with the Senator, for whom I have regard, and I even have affection for the Senator.

I say to my colleague, we do have a difference and it is a very important

difference and it deserves to have this kind of spirited debate. Let me say that the President said there is a problem in Social Security. Again, it is based on a forecast of 1.8 or 1.9 percent economic growth every year for the next 75 years. Economic growth for the previous 75 years has been not 1.9 percent but 3.4 percent. I don't believe this forecast is accurate. I don't believe it is correct. I still believe there is a problem in Social Security and a challenge. The problem is the one the Senator from New Hampshire outlined. It is a demographic problem.

Now, the Senator also said there are no assets in Social Security. That is factually wrong. There are assets. They are Government bonds, backed by the full faith and credit of the United States. The United States has never failed to meet its obligations. Does anybody believe the United States is going to default on those special issuance bonds in the Social Security trust fund? I don't. I believe the United States is going to keep its promise. The Senator is correct, however, that to redeem those bonds, it is going to have to be done out of the current income of the United States. That is the place he and I agree. That is the place he and I might agree that we do have a challenge in Social Security, and the sooner we face up to it, the better. That is a place the Senator and I agree.

Now, with respect to the amendment I have offered, the amendment says, what are the priorities? The Senator indicated that my amendment says you cannot do anything in the Federal Government. No, it doesn't say that. The amendment I have offered says simply you cannot have more tax cuts or new mandatory spending unless you pay for them. That is a novel idea around here. I must say my friends on the other side who say they are conservative have run up the biggest deficits and debt in the history of the country. They are borrowing more from abroad. They increased holdings of U.S. debt by over 100 percent in 4 years. I don't know what happened to my other friends who used to call themselves conservative. There is nothing conservative about borrow and spend. We have heard them hurl the epithet across the aisle that we are tax and spend. I would rather pay for our bills than be in the position of the party across the aisle, which says put it on the charge card, shove the bills off to our kids, because that is what they are doing. They are doing it in this budget.

When my friend describes this budget as fiscally responsible, that is not what his own budget document reveals. It reveals that this budget increases the deficit over just putting the Government on autopilot. If we put the Government on autopilot, we would save $130 billion over this budget. More than that, the debt of the United States, according to their own calculation—this is their budget document. This is from page 5 of the budget document. It shows the debt going up each and every year by over $600 billion, if this budget is passed.

They say they are cutting the deficit in half. How is it, then, that in their own budget document, the debt goes up $669 billion this year, $636 billion the next, $624 billion the next, $622 billion the next, and $611 billion the next?

Where is the cutting of the deficit in half? I do not see it. I see the debt going up, up, and away under the budget they have brought here. There is nothing fiscally responsible about it.

Now, the Senator accused us in the committee of offering over $200 billion of spending. Boy, that sounds bad, doesn't it? The Democrats wanted to increase spending by $200 billion. Yes, we did. Absolutely we did. Do you know why? Because we wanted to pay for the war. They do not. They want to kind of kid the American people: You can have the war, but it does not cost any money, or at least it only will cost $50 billion next year.

The Congressional Budget Office says they are not being straight with the American people as to how much this war costs. It would cost at least $200 billion more. So you know what we did? We put it in the budget, and we paid for it, not just put it on the charge card, not just dump it on our kids. We said: Yes, there is a cost, and we will pay for it.

That is honest budgeting. That is telling the American people the truth, instead of this endless borrow and spend that our colleagues on the other side have fallen into. Borrow to solve Social Security, borrow to pay for the war, borrow for tax cuts, borrow, borrow, borrow, run up debt, and borrow the money from China and Japan and South Korea. If you want to get spirited, I can get spirited, too, because I think this is a reckless course for the country—reckless. We have a massive deficit and the President's answer: Borrow more money, spend more, borrow more, and go hat in hand to China. We have already borrowed $200 billion from them. Go hat in hand to Japan. I do not know of any country that strengthened itself by borrowing hundreds of billions of dollars from every country all around the world. But that is the President's plan, that is the President's strategy, and it ought to be rejected.

I notice my colleague from Michigan is in the Chamber. I yield 15 minutes to the Senator.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 15 minutes.

Ms. STABENOW. Mr. President, I thank my colleague from North Dakota for his outstanding leadership on this issue. I join in his characterization of this entire budget resolution as reckless and out of touch with the lives of the American people.

While I disagree with the chairman, I first want to say I appreciate the way he has conducted himself with the Budget Committee and the resolution. I appreciate very much his giving us the opportunity to debate all of these issues. But I could not disagree more with the characterization of what is going on or with what is happening in terms of playing politics.

I start by saying that this amendment puts Social Security first. It gets our priorities straight. Second, Social Security is our money—your money, individual money. Each one of us pays into Social Security. It is our American insurance policy so that we know we have a sense of dignity and a foundation for retirement. Then if we become disabled, there is a disability policy or, Heaven forbid, a worker loses their life, something is there for their family. It is your money. It is my money. There is not a penny of the general fund. This is our money that goes into Social Security, and we are saying we want to keep it secure.

The American public is counting on us to keep it secure for the future. And we are saying, with all the talk about Social Security these days, it is time to step up and to fix it and to put Social Security first.

I also say to my chairman, it is so easy to demagog on tax cuts. It is so easy. It is the easiest thing for an elected official to do: Don't worry about paying the bills; don't worry about how the schools are; don't worry about enough police and firefighters; don't worry if you cannot drink the water or breathe the air let's just talk about tax cuts.

You know what, we know it is your money. For those watching, it is all of our individual money, but we also know something else. It is your schools. It is your roads. It is your health care system. It is your military fighting so courageously for us overseas. It is your veterans who are coming home. It is your communities asking us to partner with them so they can provide jobs, economic development in your communities. It is your debt—the largest deficit in the history of the country. You could wipe out every penny of nondefense spending, discretionary spending, and just about pay off this debt this year. It is astounding.

This is reckless, it is irresponsible, and to demagog, always to demagog, and say, Do you want to keep your families safe? Here, have another tax cut. And by the way, you are not going to get it, but the most blessed in your community will. To say we are not going to focus on schools, we do not care about opportunities for the future, to say we do not care about keeping ourselves safe or creating jobs is just plain reckless and the ultimate in demagoguery.

When we had the largest budget surplus in the history of the country 4 years ago, I joined, on the Budget Committee, with our esteemed colleague from North Dakota to support a reasonable future, to Take a third of that surplus and put it into tax cuts focused on middle-income people, small businesses, to drive the economy. Let's do tax cuts, I am all for it, and I have

voted for many. But let's also take a third of that and take care of Social Security. We could prefund the baby boomers' liability coming and take care of Social Security for the next 75 years with just a third of that. Then how about taking the other third to make sure our kids have world-class schools, to make sure they have the technology they need, to make sure they can afford to go to college, to make sure our communities have the police and firefighters so when you dial 911, you are going to get the fastest response possible. And, by the way, let's make sure my city can talk to your city and the next city through an up-to-date communications system. And let's make sure that our seniors have a quality nursing home and can get the dignity of home health care, that we are focused on health care, both for those most in need and vulnerable, and to support those providing that health care in our businesses.

We have a lot of work to do. We have not only an aging population, we have an aging infrastructure. Not only individually do we need a face-lift, but our cities need a face-lift—water systems, sewers, roads, and bridges. It is reckless for us, in defining priorities of the future of this country, not to be responsible in addressing each piece of it.

There is a lot of demagoguery going on around here, and unfortunately it is because the easy way for an elected official is not to pay the bills but to talk about tax cuts.

Let me suggest something else. I agree with our esteemed chairman that the bulk of Americans are not getting the tax cuts they need. They are paying too much in taxes. Why? Because the tax cuts that were passed are not going to them. They are going to the most blessed, the wealthiest among us. I do not begrudge people working hard and doing well, but I think they ought to pay for schools as well, and security and roads and health care, the military, war, and the veterans. We all have a stake in America, and we all have a responsibility to do our part.

What I see is the overwhelming majority of the people in my State are getting a twofer. They sure are not getting these tax cuts that are talked about. They are not going to them. But they are going to pay more for schools, get less quality, and have fewer police officers. There are fewer police officers today in most of the cities in my State than there were on 9/11/2001. What is with that? So my folks are going to have to pay more for their kids going to college because we are cutting support for the colleges and programs for folks to be able to afford to go to college. They are going to have to be taking less in the way of services that are basic services.

We are talking about basic quality of life in America. Everyone else looks at America and wants to be like us. What we are seeing in this budget is an effort to roll us back. We don't want to be like China, where they can't drink the water. Our quality of life has been the gold standard for the world. We have a responsibility to do the right thing and to have a balanced strategy that strategically focuses on tax cuts to move the economy forward, investments as well as the responsibility of paying down this debt and securing Social Security for the future.

How many people here would take the tradeoff of saying we are not going to fund health research? It doesn't matter who you are, you can get cancer, Alzheimer's disease, diabetes, a multitude of health concerns and diseases in this country. Research will make the difference. Who would say that research into health, into cures and technology for the future is not important in the greatest country in the world? Yet all the demagoguery on tax cuts is about removing revenue so that down the road the answer will be: We would love to do that, it would be great, but we are really sorry, there is no funding. That is what this is about, and it is wrong. This is about a balance. We need to work together to get it right.

This amendment begins to get that right because it says we are going to put Social Security first. The President is going all over the country talking about Social Security and what needs to be done. We could start by a value statement about what is important to us. We could start by saying over the next 75 years, we will take a look at the costs of tax cuts that have been passed—$11.6 trillion. I supported some of those that go directly to our small businesses, to our families, and to stimulate the economy. But the overwhelming majority of this goes, again, to those most blessed who have benefited by the greatness of America in our infrastructure and our opportunity.

If we just said, instead of $11.6 trillion over 75 years, how about we take 3.7, about a third of that—just a third of it, about 30 percent of that—and we secure Social Security for 75 years, and then you can have the rest? You can have 70 percent of it. But let's secure Social Security first. Social Security is a great American success story. Everyone is benefited by it. Even those right now who are doing very well, who knows what will happen in the future?

I remember folks from Enron sitting in my office, folks who had been wiped out, who said: Thank God for Social Security. I never thought I would need it, but it is the only thing I have left.

Social Security is meant to be there as security for our families—for everybody. It works.

What we are saying is, if we want to talk about a solution, we don't have to ask folks to pay more in payroll taxes, folks who are already being taxed too much and are being asked to have their services cut. We don't have to cut benefits. We can say it is a priority for the American people and we in the Senate are going to make it a priority for us. That is what this amendment does.

Social Security is a great American success story. Prior to Social Security, 50 percent of the seniors in this country were in poverty. Today it is 10 percent. That is worth fighting for. That is a success story. Again:

Honor thy father and thy mother.

It is not just words. We should act on it. This budget does not, in a number of ways, act on that premise.

It is also important, again, to note that Social Security, in fact, is more than retirement. It is our families' insurance policy. It has worked. It costs a half a percent to administer, it has been there, and it will be there if we do the right thing. But it is important to know about not only the retirees but the disabled, and there are survivors benefits. How many folks who work here in the Senate have a story to tell about survivors benefits?

My husband, at 10 his father died. He was the youngest in the family. His mother was older and not well. He survived on Social Security and went on to college and was very successful because of our country's commitment to each other.

I happen to believe caring about other people, caring about community, is a good thing, not a bad thing. Social Security represents what is best about us. Creating a system that we all pay into, you work hard all your life, it is there at retirement or if you need it in case of a financial disaster in your family; it works. Other countries look to us, to this great system of Social Security.

There is no way the President's proposals do not undermine this system. You can't protect people 55 or older or the disabled, the survivors, when you take an insurance system and begin to pull out dollars. I don't care how many times they say it, it is not true. You can't do that. We know that. Regarding Social Security, if we go the route of what the President is talking about with privatized accounts, we know three things will happen. We are going to drastically increase the national debt, which is already the highest in our Nation's history. We will have high administrative costs—instead of a half percent to administer Social Security, we will see anywhere from 10, 15, 20 percent or more. And the folks, by the way, you would pay to administer the accounts are some of the folks we are seeing here at the Capitol now who want very much to make the change. And deep benefit cuts, there is no way to avoid benefit cuts under the President's proposal.

So we are saying this doesn't work. We don't like this. What we have is an alternative. We have the power to put Social Security first in this budget. We have the power to do that. That is what this amendment does. If you don't want to see increased national debt, you don't want to see higher administrative costs, or deep benefit cuts, join our amendment. Our amendment is the responsible approach, unless your goal is to eliminate Social Security. If the

goal is to unravel Social Security for Americans, then you will not support this amendment because this amendment is about fixing Social Security for the future, securing it for the future.

The PRESIDING OFFICER. The time of the Senator has expired.

Ms. STABENOW. Mr. President, I urge adoption of the amendment.

Mr. CONRAD. I would say to the Senator, would she like additional time? I would be happy to yield her an additional 5 minutes.

Ms. STABENOW. I appreciate that very much, but I notice a colleague here as well and I would not proceed.

Mr. CONRAD. Let me say, it would help us because I need to visit with the chairman of the committee before the next amendment is offered, in the spirit of not surprising each other.

Ms. STABENOW. I am happy to proceed for a moment.

Mr. CONRAD. I am happy to yield an additional 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for an additional 5 minutes.

Ms. STABENOW. I appreciate that. I know we have important matters to discuss on the floor. Let me take the final few moments and speak about the realities of Social Security and what is happening now, what we know to be true about the facts. There has been a lot of misinformation about the situation with Social Security, in terms of its financial security. I think it is important. We all can have different opinions and views and thoughts about what should happen, but we should not have different facts.

The folks we all rely on, as we know, really have no philosophical position. These are the number crunchers whose responsibility it is to tell it to us like it is, the Congressional Budget Office. They tell us this: The Social Security trust fund can pay 100 percent of its obligation until 2052. Beyond that, if we do not do anything, and we need to, they can pay about 80 percent, maybe slightly less, of all the benefits that are currently in law.

We know we have a cap. We know we have a problem. The President's proposal does nothing to fix this.

It actually makes it worse. It makes it worse by adding to the massive debt. It doesn't add anything to the trust fund and, as the Senator from North Dakota was indicating, the accounts are not even fully given to the individual.

There is also a lot of misunderstanding of even how that would work. I would welcome anyone to go to either my Web site or to a number of my Democratic colleagues' Web sites where we have a calculator on the Web site where you can put in your date of birth and average yearly wages over your lifetime, and you can find out for yourself how you would do under the President's proposal. But the reality is we do have a gap. We know that. That is why this amendment is so important.

This amendment basically says that in order to address this gap in funding that comes after 2052, we want to put Social Security first before extension of or any new additional revenue losses, before new tax cuts or any new mandatory spending, that we secure Social Security, that we close that gap for the next 75 years, that we put it at the front of the line before we talk about revenue spending on new things, that we put it at the front of the line.

If in fact this issue has such a high priority for the President, traveling around the country for 60 days to 60 cities, all the effort and debate going on, you would think we would have universal support for this amendment; that it would be a bipartisan vote for this amendment. The only reason not to do it is if you do not support Social Security. If you do not support Social Security as it stands as an insurance policy, then you won't like this amendment. You will not want this amendment. If you prefer to privatize the whole system, then you won't like this amendment. But if you support Social Security as being there for all of our families, if you believe, as I do, that it is a great American success story and we should celebrate it, strengthen it, and secure it, then this amendment is the right amendment for you.

I will go back to the very beginning and say this is always about values and priorities. In fact, the budget resolution is our value document. Just as looking at our own personal checkbooks tells us a little bit about ourselves, looking at the budget resolution of the Federal Government, tells us something about all of us and the people we represent.

Right now this budget resolution is out of balance. This budget resolution is reckless because it adds to the national debt. It does nothing to pay down in a real way the deficit that doesn't even include all of the expenditures. And it is out of touch with American families. It is plain out of touch.

When we are talking about a third of those cuts being in education and workforce development and vocational education, we are talking about massive cuts in Medicaid to our families and our children and our seniors in nursing homes, this does not represent the values of the majority of Americans. We need some balance. That is not reflected in this budget resolution.

I will go back to the final point, that this is about values and priorities. As an example, if we were to look at the next 75 years and the costs without new tax cuts that are being proposed, the current costs of the tax cuts for the next 75 years, it is $11.6 trillion, and to save Social Security is $3.7 trillion.

I would say to ask those most blessed in our country, receiving the majority of the benefits, to be willing to share in some way and to leave Social Security secure is the right thing to do.

The PRESIDING OFFICER (Mr. BURR). Who yields time?

The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, I ask unanimous consent that I be yielded 3 minutes off the time controlled by the majority.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SUNUNU. I want to make sure that is all right with the minority manager.

Mr. CONRAD. Mr. President, let me be clear. The Senator is asking for a unanimous consent on——

Mr. SUNUNU. For the timing of the next amendment to be offered. I thought I might be speak for up to 3 minutes to ensure that everything has been——

The PRESIDING OFFICER. The Senator will take 3 minutes of the majority's time.

Mr. CONRAD. We have no problem with that. Could I extend that unanimous consent request and indicate that after the 3 minutes of the Senator, the Senator from Florida be recognized for 20 minutes off the resolution.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SUNUNU. Mr. President, I wanted to speak briefly to the concerns raised by the previous speaker, and in particular the three grave concerns with regard to Social Security. I take issue with those three items. The first one of the three items was that any Social Security reform proposal, modernization proposal as envisioned by the President, would result from massive amounts of debt. That is wrong in part but, even worse, it is misleading.

The reason to take up Social Security reform legislation, which I have introduced in the previous session and will introduce again, is so we avoid $12 trillion of unfunded debt that our children and grandchildren will be stuck with if we don't act now.

To suddenly say we can't deal with Social Security because we are worried about debt is simply a smokescreen, and it is a smokescreen that refuses to recognize the reality that under the current structure we have a huge unfunded debt our children and grandchildren will be stuck with.

Second, there was a suggestion that personal accounts for younger workers, an optional system of personal accounts would result in huge administrative costs.

This is absolutely ridiculous, and every bit of evidence from any similar plan, similar account, similar fund argues against such a suggestion. The Thrift Savings Plan, which is probably the best model of the kind of personal accounts envisioned by the President in legislation that I have introduced, has 3.5 million members. Under Social Security, there would be significantly more than that. The administrative costs are less than two-tenths of 1 percent.

So to suggest that administrative costs would be exorbitantly high—I see

numbers of 1 percent or 2 percent thrown out—is wrong. There is no evidence, no model to suggest that would be even close to the truth. Third, the suggestion that any kind of a personal account proposal would require deep benefit cuts is again at best misleading, but at worst it is an effort to scare retirees and those who are near retirement. It is simply wrong.

I have introduced legislation which is scored by the Social Security actuary that makes the system solvent, is scored as bringing the system into balance permanently and has significant personal accounts and does not require benefit cuts.

There are a lot of proposals out there that involve changes to the current system, or even changes to benefits for, say, those at the higher income level, but to suggest that deep cuts are required is simply misleading the American public.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President——

Mr. GREGG. Mr. President, I ask unanimous consent that at 2:15——

Mr. CONRAD. We have a unanimous consent in place that the Senator from Florida be recognized.

Mr. GREGG. I am sorry. I apologize. I ask if the Senator from Florida will yield to me for purposes of making a unanimous consent request.

Mr. NELSON of Florida. I so yield.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I didn't realize there was a unanimous consent in place. I apologize.

Mr. President, I ask unanimous consent that at 2:15 today Senator GRAHAM or his designee be recognized to offer an amendment on Social Security, the text of which is at the desk; provided further that at 3 p.m. today the Senate proceed to a vote in relation to the Graham amendment, to be followed by a vote in relation to the Conrad amendment on Social Security, to be followed by a vote in relation to the Republican Social Security amendment, to be followed by a vote in relation to the Nelson of Florida Social Security amendment, to be followed by a vote in relation to the Stabenow amendment on first responders. I further ask unanimous consent that all points of order be waived with respect to the Social Security amendments; further, that no second degrees be in order to any of the five amendments prior to the votes.

I also ask unanimous consent that all debate time until 12:15 be equally divided between the chairmen and ranking members, or their designees, and further that debate from 2:15 until 3 p.m. be equally divided in the same form, and that any quorum calls be counted against the statutory time limit with time divided equally between the two sides. Further, that all votes after the first be limited to 10 minutes, with 2 minutes of debate equally divided after the first.

Mr. CONRAD. Reserving the right to object, let me just say I will be constrained to object until we get the actual text of the amendment. I understand now that we don't have the text of the Republican amendment or at least that we can't be certain that the text we have is the amendment that would be offered, so we need to get that before we could agree to this unanimous consent request.

The PRESIDING OFFICER. Does the Senator object to the unanimous consent request?

Mr. CONRAD. The Senator is constrained to object until we reach that understanding.

The PRESIDING OFFICER. The objection is heard.

The Senator from Florida.

AMENDMENT NO. 145

Mr. NELSON of Florida. Mr. President, I ask unanimous consent the pending amendment be laid aside for the purpose of offering an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Florida [Mr. NELSON] proposes an amendment numbered 145.

Mr. NELSON of Florida. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of the Senate that Congress should reject any Social Security plan that requires deep benefit cuts or a massive increase in debt)

On page 65, after line 25, insert the following:

SEC. . SENSE OF THE SENATE IN SUPPORT OF SOCIAL SECURITY.

It is the sense of the Senate that Congress should reject any Social Security plan that requires deep benefit cuts or a massive increase in debt, and a failure to act by 2042 would result in deep benefit cuts; therefore Congress should take action to address Social Security solvency.

Mr. NELSON of Florida. Mr. President, let me read the amendment to everyone because we have just changed the amendment that had been printed that I intended to offer. I have added some additional language.

It is the sense of the Senate that Congress should reject any Social Security plan that requires deep benefit cuts or a massive increase in debt, and a failure to act by 2042 would result in deep benefit cuts; therefore Congress should take action to address Social Security solvency.

That is the amendment offered as a sense of the Senate. We have heard a lot of debate on Social Security. As a result of having 10 town hall meetings in my State over the last recess, the people of Florida heard what the administration's proposal was, to take up to 4 percentage points of the 12.4 percent Social Security tax against an employee's wages and instead of allowing all of that 12.4 percent tax to pour into the Social Security trust fund, to allow up to one-third of it to go outside of the Social Security trust fund in the so-called privatized accounts, with the result, combined with the change in the formula as proposed by the White House that future Social Security benefits would be calculated increases each year not according to what has been the case since the beginning of Social Security, according to the index on wages, but instead targeted to a lower index, on prices.

So the combination of taking a third of the Social Security tax out of the Social Security trust fund plus a changing of the payment formula was going to cause cuts in benefits, with massive borrowing to fill the hole.

Why cuts in benefits?

Mr. GREGG. Would the Senator yield?

Mr. NELSON of Florida. I would be happy to yield to the Senator, but I have been waiting for the last hour and a half and this Senator wants to speak his mind. Then I will be happy to engage with the Senator.

Mr. GREGG. This would be for the purposes of renewing a unanimous consent request.

Mr. NELSON of Florida. If it is a unanimous consent request, I yield.

Mr. GREGG. I renew the unanimous consent request which I propounded a few minutes ago.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. I thank the Senator from Florida for his courtesy.

Mr. NELSON of Florida. It is a pleasure to always accommodate the leadership of the committee. I have thoroughly enjoyed working with the leadership of the committee. Perhaps we might come to a resolution over the amendment I have just offered because this amendment speaks truth.

Let's go back to where I was in the explanation. We are going to have benefit cuts certainly by virtue of the change in the formula. All of the Social Security actuaries will tell you if you change the index from increases in wages to prices, for a young worker today, by the time they retire, their Social Security benefits are going to be cut almost in half. Second, if you are taking all of that Social Security tax revenue out of the Social Security trust fund, since the trust fund is a pay-as-you-go kind of trust fund, you have to fill that hole with something. That means you are going to have to borrow additional money to pour into the Social Security trust fund to fill the hole. The Social Security actuaries have estimated that is $4.9 trillion over 20 years.

Members of the Senate, right now the publicly held national debt of the entire country is $4.3 trillion. We are talking about a system, a scheme, a proposal, that is going to more than double the publicly held national debt over the next two decades if adopted.

It is most appropriate that we start this discussion of the budget resolution

because the budget resolution is a lot about borrowing. It is a lot about massive deficit financing. And now the administration has a proposal that would add massive additional borrowing to the present national debt.

When I came to the Congress in 1978 and was put on the Budget Committee as a freshman in the House of Representatives, back then we used to call it fiscal conservatism when someone would want to balance the budget, when someone would want to get the revenues and the outflow or expenditures in sync. What we had 3 years ago was more revenues coming in each year than we had in expenditures, and the difference was a surplus. But 3½ years later this is where we are: Massive spending and less revenue.

The deficit in this next fiscal year—you can take your choice, since this budget has now become a political document instead of an economic document, whether you think it is going to be $390 billion, which does not account for all of the realities of the additional spending as well as additional tax cuts, if enacted, or it is going to be more like $434 billion of deficit spending. That is a concern.

Every time we talk about the budget—as a matter of fact, my maiden speech on the floor of this Senate—and I waited appropriately for about a month before I made a speech back in 2001—my maiden speech was about the budget and wanting to have a fiscally conservative budget. But we have gone the other way since January of 2001. So we talk a lot about the annual deficit and adding to the national debt, and now it has gone haywire. It is out of control.

Now we have a proposal with regard to Social Security, not even to speak of the merits that you already heard in the discussion here, a proposal that is going to add massively to the debt of the United States. This is not the fiscally conservative nor prudent way to approach a budget. So I have offered a sense of the Senate:

It is the sense of the Senate that Congress should reject any Social Security plan that requires deep benefit cuts or a massive increase in debt, and a failure to act by 2042 would result in deep benefit cuts; therefore Congress should take action to address Social Security solvency.

Now, why 2042? I could have used the year 2052 because the Congressional Budget Office has said it is the year—2052—when Social Security will have to cut its benefits down to something like 73 cents on the dollar. But the Social Security trustees say that date is 2042. That is 37 years from now. Why is that important? It is important to give us a marker at the point at which Social Security cannot pay 100 percent of the benefits.

This is quite in contrast to what we faced when I was a Member of the House of Representatives. For there, in 1983, Social Security was about to run out of funds within 6 months, not in 37 years, not in 47 years. It was about to run out within 6 months. And do you know how we solved it then? A Republican President, Ronald Reagan, and a Democratic Speaker, Tip O'Neill, got together and they said: We are going to solve it. We are going to solve it in a bipartisan fashion. We are not going to play ''gotcha'' politics. We are going to create a bipartisan commission. As a result of that commission, we are going to go out and give support in a bipartisan way. We are not going to use the results of that against anyone in the next election.

That was one of the finest hours in a success story of the Government of the United States, when within 6 months of Social Security being in trouble, running out of money, in 1983, as a result of that agreement, Social Security was made solvent all the way to the middle of this century—pick your date, 2042 or 2052, depending on whether you believe CBO or the Social Security trustees.

So that is why we put in this sense of the Senate the date 2042. And then we say something that we all acknowledge, that, indeed, Social Security does have a solvency problem. We state the outside of when those deep benefit cuts would occur. According to the Social Security trustees, those benefit cuts would be 27 cents on the dollar 37 years from now. But then we say Congress should do something about it and not wait until then. We say Congress should take action to address the Social Security solvency. Now, I do not know how much more straightforward we can make it.

When I would go into those townhall meetings—and people had read a lot about this in the papers, and they had heard a lot about it on the news—and I would explain to them what I have just explained, in some cases people were aghast. I think in the morning papers we see chronicled on the front pages the new results of additional feelings of the American mood about this. People have been very much helped by Social Security, and they do not want to see benefit cuts.

In the 70-plus years that this system has been in existence, it has not been an investment program. It has been a social safety net program. Indeed, in 1950, 40 percent of our senior citizens in this country—over a half a century ago—40 percent of them were living in poverty. Today, only 10 percent of senior citizens are living in poverty. A major reason for that improvement in the condition of senior citizens is the fact that they have something to fall back on; that is, they are guaranteed Social Security benefits.

In an ideal world, if you are a retiree, what would you like to have? You would like to have one-third of your total income, as a retiree, to be on your pension plan. You would like another third of your income to be from your savings. The remaining third you would like from Social Security.

But what happens if you were an employee of WorldCom, as some of our Floridians were, or an employee of Enron, as some of our Floridians were, or an employee of Eastern Airlines, as some of our Floridians were? They do not have a pension. And what meager savings they had are now eaten up. The sad truth is that too many senior citizens in this country today, in the year 2005 in fact, are subsisting, existing on their Social Security benefits.

Now, we have to stand up and stand right by our seniors. So that is why I offer a commonsense sense-of-the-Senate amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank the Senator from Florida for what I believe is a really important amendment because it sets the terms of this debate on Social Security. What is the intention of the Congress of the United States? Are we going to embrace a plan for Social Security that involves massive new borrowing, massive new debt, and steep benefit cuts? Is that the answer? Or is there another way?

I believe, and I have stated publicly, there is a kernel of a good idea to what the President has proposed. I know many do not share that, but I do think there is a kernel of a good idea.

I also believe we have a challenge in Social Security. I do not believe it is as acute as the President has presented it because I think the forecasts that it is all based on are overly pessimistic.

They are saying economic growth in America for the next 75 years is only going to be 1.8 percent a year, when in the past 75 years, economic growth has been 3.4 percent. I don't buy it. I don't believe it. I think they vastly underestimate the productivity growth of the American economy. In fact, productivity is a key component of their economic growth estimate, and productivity growth has been far in excess of what they are saying productivity growth is going to be for the next 75 years. First of all, I have very little confidence in any forecast of 10 years, much less a forecast of 75 years.

With that said, the amendment of the Senator from Florida says, yes, we should move to bring solvency to Social Security, but we should not do it by massive new borrowing, and we should not do it by steep benefit cuts. That is what the President's plan is. The President's plan is to divert money out of Social Security. That is on top of what he is doing in his budget because, remember, in his budget he is taking every penny of Social Security over the next 10 years—$2.5 trillion—and using it to pay for other things. This is after he says there is a shortfall in Social Security.

In the next action, he sends us a budget to take $2.5 trillion in Social Security money and use it to pay for something else. He says, I am not done; I have another idea; let's take another $750 billion out of Social Security to start private accounts. But that is the tip of the iceberg, because the $750 billion of additional taking from Social

Security to start private accounts is just the first 10-year cost. The 20-year cost is $4.4 trillion. Others have estimated approaching $5 trillion.

I have taken a somewhat more conservative estimate. The President says, Borrow every dime of it. When we already have record deficits, we already have debt that is growing out of control. He says, Don't worry; just borrow more money.

That is a reckless course. Why is it reckless? Because much of this borrowing is coming from abroad, coming from China, Japan, and South Korea. We have increased the foreign holdings of our debt just in the first 3 years of this administration by almost 100 percent. It is going up geometrically every year.

We have seen two warning shots about the danger of doing that. First, from South Korea. They said, Gee, we are beginning to worry about loaning so much money to the United States. We are going to diversify out-of-dollar denominated assets. What happened? The stock market plunged 170 points in 1 day. The dollar went down again. It already went down 33 percent against the Euro in the last 3 years.

We have a problem. The problem is that if there was a precipitous drop in the dollar, the policy options open to this country would be very severe. It would require a dramatic increase in interest rates, steep cuts in spending, dramatic tax increases. That is what is known as the perfect storm. That is the risk being run by this reckless policy of deficits and debt and deficits and debt and borrow and spend and borrow and spend, which, for some reason, our friends on the other side of the aisle have gotten into as a pattern of running the fiscal affairs of this country.

The deficit has skyrocketed during this President's term, and here is the course he has us on. Publicly held debt, $3.3 trillion when he took office. They are now saying $9.4 trillion by 2015. The President's answer on Social Security is to cut the benefits dramatically—26 percent by 2042, 46 percent by 2075. That is at the heart of the President's plan: to cut benefits steeply, and then to establish these private accounts by borrowing trillions of dollars.

Here is how the private accounts would work. I find people are really stunned when I explain how they work, because this is not the way the President explains it. The President says you can put aside money in your private account and earn, potentially, a higher rate of return. As far as he goes with that description, it is accurate. But he has left out something very, very important, because he assumes that money that is in your private account was loaned to you by the Social Security trust fund, and they expect to be paid back. They expect to be paid back with interest.

Has anybody ever heard the President describe the plan in that way? That is how it works. I have spent hours with his people and they have assured me that is how it works.

Here is an example. If you set aside $1,000 a year for 40 years and you earn 6.5 percent on that money, at the end of the period, you would have $92,000 in your private account. That sounds pretty good. The problem is that they assume that thousand dollars a year was loaned to you from the Social Security trust fund, and you owe it back with interest. If you pay it back with 5.8 percent interest, which is what the actuaries say would be required, you would owe back $78,000. But you don't pay it back out of our private account under the President's plan; you owe it back by further reducing your already cut Social Security benefits. That is how it works.

What happens if you don't get a 6.5 percent rate of return? What happens if you only get a 5 percent rate of return? Guess what? Under that example, you would have $64,000 in your account, but you would still owe back $78,000. I know when I describe this to people, they cannot believe it. I thought the President said, That is your account, your name is on it, nobody can take it from you. That is true, but he has left out this little additional fact: He assumes in his plan that this money was loaned to you by the Social Security trust fund. That thousand dollars a year, which came out of your Social Security payroll tax—the theory is—would have been in the Social Security trust fund earning a rate of return there. So their assumption is that you owe the money back, but you don't pay it back out of your individual account; you pay it back by taking a further reduction in your already cut Social Security benefits. That is how it works.

I will tell you, people are going to be mighty surprised to find out that is how it works. That is not the way it has been described. That is not what people have been told. They have been told that is their account, their name is on the account, nobody can take it away from them. All of that is true, but it leaves out something. It leaves out the rest of the story. The rest of the story is, yes, but you owe it back. That money was, in effect, loaned to you by the Social Security trust fund. So goes the President's theory. Therefore, you have to pay it back to the Social Security trust fund—the money loaned to you—and you have to pay it back with interest.

Unfortunately, if you don't get a higher rate of return on your invested assets, you could wind up owing back more than is in your account. That can very easily happen because this assumes you have a 5-percent rate of return on your investment.

I wrote an op-ed piece with Senator LINDSEY GRAHAM of the other side of the aisle saying there is a bipartisan approach to Social Security; we do have a problem; we do have a challenge; we ought to get together to solve it; and the sooner the better. I believe that, and I am prepared to work with my friends on the other side of the aisle to do that. But I am not prepared, and I will not be part of a plan that involves massive new debt. Count me out. I will fight that with every fiber in my being because I think it is reckless for the United States and the economic security of the country.

With that, I will be happy to yield to the Senator from Michigan. How much time would the Senator like?

Ms. STABENOW. Mr. President, I would appreciate 5 minutes to offer an amendment.

Mr. CONRAD. I am happy to yield 5 minutes. If the Senator would like more time, I am happy to yield additional time as well.

Ms. STABENOW. Let's say 5 minutes, and we will see.

Mr. CONRAD. I yield 5 minutes to the Senator.

The PRESIDING OFFICER. Is this time off the resolution or the amendment?

Mr. CONRAD. The Senator from Michigan is offering an amendment at this time?

Ms. STABENOW. That is correct.

Mr. CONRAD. I yield her time off the resolution.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 147

Ms. STABENOW. Mr. President, I again thank my colleague from North Dakota for his incredible leadership on this issue and speaking about what is responsible and what should be the priorities for our country.

I understand the senior Senator from Iowa is also waiting to speak. I appreciate him allowing me to offer this amendment first.

As we are talking about priorities, of course our first priority is to keep Social Security secure for the future. Putting Social Security first is one of the very first amendments we will be voting on today. But we also have another priority which is to keep Americans safe. And that is what my amendment will do.

My amendment will restore the $1.6 billion in cuts to first responder services that are included in this budget resolution as proposed by the President. It also will put $1.6 billion towards paying down the national debt. These are two worthy goals: pay down the national debt and restore the resources we need at a minimum to keep us where we are in terms of the resources for our communities to keep us safe.

I am very concerned that 4 years past 9/11/2001 when I visit my police chiefs around the State of Michigan and I speak with fire departments and first responders, almost all of them tell me they have fewer officers today than they did on 9/11/2001. I think the public would be shocked to understand that. I know I was shocked. They expect more from us than that, with all of the alerts and codes and concerns that have been raised—and legitimate concerns that have been raised—about what is happening in terms of terrorism, to know that we have fewer police officers on

the streets now than before the attack on 9/11 is simply reckless and irresponsible.

I am very concerned that we are seeing cuts in a number of very important programs.

I am told I need to send the amendment to the desk. I apologize for not having done that sooner, Mr. President. I send the amendment to the desk, and then I will continue. I ask unanimous consent to add Senators LEVIN, MIKULSKI, KERRY, CORZINE, HARKIN, BIDEN, PRYOR, CLINTON, and AKAKA as cosponsors of the amendment.

The PRESIDING OFFICER. Is there objection to laying aside the pending amendment?

Mr. CONRAD. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Michigan [Ms. STABENOW], for herself, Mr. LEVIN, Ms. MIKULSKI, Mr. KERRY, Mr. CORZINE, Mr. HARKIN, Mr. BIDEN, Mr. PRYOR, Mrs. CLINTON, and Mr. AKAKA, proposes an amendment numbered 147.

Ms. STABENOW. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To protect the American people from terrorist attacks by providing the necessary resources to our firefighters, police, EMS workers and other first responders by restoring $1.626 billion in cuts to first responder programs, including, $298 million to the State Homeland Security grant program, $79 million to the Urban Area Security Initiative, $226 million for firefighter assistance grants, $486 million for the COPS program and $537 million for the Byrne Justice Assistance grants. The amendment is fully offset by closing tax loopholes that will generate $3.2 billion in revenue, half of which will be used to restore the $1.6 billion in first responder program cuts, and the remaining $1.6 billion will be put towards reducing the deficit)

On page 3 line 10, increase the amount by $451,000,000.

On page 3 line 11, increase the amount by $1,145,000,000.

On page 3 line 12, increase the amount by $850,000,000.

On page 3 line 13, increase the amount by $521,000,000.

On page 3 line 14, increase the amount by $285,000,000.

On page 3 line 19, increase the amount by $451,000,000.

On page 3 line 20, increase the amount by $1,145,000,000.

On page 3 line 21, increase the amount by $850,000,000.

On page 4 line 1, increase the amount by $521,000,000.

On page 4 line 2, increase the amount by $285,000,000.

On page 4 line 7, increase the amount by $1,626,000,000.

On page 4 line 16, increase the amount by $225,000,000.

On page 4 line 17, increase the amount by $572,000,000.

On page 4 line 18, increase the amount by $425,000,000.

On page 4 line 19, increase the amount by $261,000,000.

On page 4 line 20, increase the amount by $143,000,000.

On page 4 line 24, increase the amount by $226,000,000.

On page 4 line 25, increase the amount by $573,000,000.

On page 5 line 1, increase the amount by $425,000,000.

On page 5 line 2, increase the amount by $260,000,000.

On page 5 line 3, increase the amount by $142,000,000.

On page 5 line 7, decrease the amount by $226,000,000.

On page 5 line 8, decrease the amount by $799,000,000.

On page 5 line 9, decrease the amount by $1,224,000,000.

On page 5 line 10, decrease the amount by $1,484,000,000.

On page 5 line 11, decrease the amount by $1,626,000,000.

On page 5 line 15, decrease the amount by $226,000,000.

On page 5 line 16, decrease the amount by $799,000,000.

On page 5 line 17, decrease the amount by $1,224,000,000.

On page 5 line 18, decrease the amount by $1,484,000,000.

On page 5 line 19, decrease the amount by $1,626,000,000.

On page 16 line 15, increase the amount by $603,000,000.

On page 16 line 16, increase the amount by $49,000,000.

On page 16 line 20, increase the amount by $275,000,000.

On page 16 line 24, increase the amount by $196,000,000.

On page 17 line 3, increase the amount by $83,000,000.

On page 23 line 16, increase the amount by $1,023,000,000.

On page 23 line 17, increase the amount by $176,000,000.

On page 23 line 21, increase the amount by $297,000,000.

On page 23 line 25, increase the amount by $229,000,000.

On page 24 line 4, increase the amount by $178,000,000.

On page 24 line 8, increase the amount by $143,000,000.

On page 30 line 16, decrease the amount by $451,000,000.

On page 30 line 17, decrease the amount by $3,252,000,000.

On page 48 line 6, increase the amount by $1,626,000,000.

On page 48 line 7, increase the amount by $225,000,000.

Ms. STABENOW. Mr. President, I am so concerned about this. I appreciate being reminded that I needed to send the amendment to the desk. This is so serious.

This morning I had a meeting with our city council members from around the State of Michigan. I hear stories about the fact that one police department cannot talk to the city next to them or, in some cases, the police department cannot talk to the fire department. The whole question of communications and interoperability and the training that is needed to go with that is absolutely critical.

This is not the time to be cutting first responder dollars to our communities. We ought to be, in fact, increasing those dollars because when the terrorist experts talk to us, they do not say if we are attacked in the future, they say when we will be attacked in the future. So it is absolutely irresponsible to be cutting the dollars for our local police, fire departments, and emergency responders. We need to make homeland security a priority. That is what my amendment does.

I remind my colleagues that 2 years ago, we received a report that was authored by a blue ribbon panel chaired by former Republican Senator Warren Rudman. Their findings were daunting about the inadequacies in our homeland security efforts. They indicated that we needed a total of $98.4 billion over the next 5 years to truly be able to tell the families we represent that we have done everything possible to keep them safe. But instead of adding those dollars to make sure the radio equipment is there and the officers are there and to make sure the training is available, what is happening is we are seeing a $1.6 billion cut. It makes absolutely no sense whatsoever.

We should not be ignoring this panel's recommendations. We should, in fact, be following them. As I said before, after 9/11, I did meetings all around Michigan. To a person, I was told that they did not have the resources they needed, and then coming back to them in the last year, I have asked, How is it going? They said we are worse off than we were before, which makes absolutely no sense.

I will add one important point, given the current situation as it relates to violence in our courthouses, that we should recognize is in this budget cut. The Byrne grants, which my amendment restores, can be used to hire, equip, and train additional law enforcement personnel in our courthouses. With the recent tragedy in Atlanta, GA, now is not the time to be cutting resources to our courthouses. All we have to do is look around, look at the headlines day after day, watch the news on television, listen on the radio and we know there has been a series of ongoing violent efforts in our country. Now is not the time to be cutting back on police or fire, whether it is to prepare for a terrorist attack or to keep our citizens safe today. When the President talks about overwhelming cuts, basically eliminating the COPS Program which has been so important in putting police officers on the streets, this makes absolutely no sense.

I have supported funding for our military men and women who are serving us so bravely in Iraq and Afghanistan because we said it is important that we come together and provide the resources that are necessary. We have done that on a bipartisan basis. We need to do the same thing for our men and women who are on the home front who are working hard every day to keep us safe. That is what my amendment will do.

I would like to provide several examples of the deficiencies the Independent Task Force on Emergency Responders detailed in the Rudman report:

On average, our fire departments have only half the number of radios

needed on a shift, and only enough breathing apparatuses for one-third of their firefighters.

Police departments across America do not have the protective gear to respond to a weapons of mass destruction attack.

Our public health laboratories lack the basic equipment to respond to a chemical and biological attack and most report that they are overwhelmed with testing requests.

Finally, our first responders do not have the equipment they need to determine what kind of hazardous material they may be facing.

Why have we ignored this panel's recommendations? The administration's support for first responders has been on a steady decline. For example, last year funding for Michigan's State Homeland Security grants program dropped from $47 million to $29.7 million, In this budget, the administration eliminates the Law Enforcement Terrorism Training Program, cutting another $400 million from our first responders.

I have spoken with police and fire chiefs across my State, and to a person they all tell me that they have fewer police officers and firefighters on their forces than they did before 9/11 because of funding cuts.

During a series of 11 meetings in the summer of 2003 I met with first responders and community leaders in Michigan. They told me in no uncertain terms that they are woefully underfunded and underequipped. Over the last year and a half, they have continued to remind me of that fact. The situation in Michigan is of particular importance to me but this is not solely a Michigan problem. This is a national problem and one that has been ignored for far too long.

My amendment would restore the cuts to the first responder services in the President's Department of Homeland Security budget. The amendment is fully offset and will also help reduce the deficit. The amendment is paid for by closing tax loopholes that were originally included in the Senate version of the FSC/ETI bill, but were taken out in the final conference bill. Closing these loopholes will generate $3.2 billion in revenue, half of which will be used to restore the $1.6 billion in first responder program cuts, and the remaining $1.6 billion will be put towards reducing the deficit.

The assistance to firefighters grants, the State Homeland Security grants and the Urban Area Security Initiative are critically important. Also important are the COPS Program and the Byrne justice assistance grants. While some may not think these services help keep our homeland secure against terrorism, I believe that every police officer we put on the street with the proper training is one more set of eyes that could stop a terrorist attack from ever happening or respond to one, God forbid we are attacked again.

The President's cuts to these programs not only impair our ability to prevent and respond to terrorist attacks, but are a more fundamental assault on the safety of our communities.

These programs help in unexpected ways. For example, Byrne grants, which my amendment restores, can be used to hire, train, and equip additional law enforcement personnel in our courthouses. With the recent tragedy in Atlanta, GA, now is not the time to cut the resources that keep our citizens safe.

The COPS Program has brought results in Michigan and the rest of the Nation. COPS grants have put more officers on our streets and in our schools to make our communities safer. These officers have helped reduce crime throughout the country. According to the Department of Justice, every $1 increase per resident of COPS grant funding contributes to a decline of 10 violent crimes and 27 property crimes per 100,000 residents.

When it comes to providing funding for our military men and women in Iraq and Afghanistan, we have provided the resources necessary. Unfortunately, we have not done the same when it comes to protecting us here at home. When it comes to protecting our communities, we should not be penny wise and pound foolish. Therefore, we must strengthen our resolve and do whatever it takes to keep us safe.

Can we tell our fellow Americans that we have provided our first responders with the equipment and training they need to respond quickly to a terrorist incident and prevent loss of life? If we cut $1.6 billion from the men and women on the front lines of our homeland security, the answer must be no.

I remind my colleagues that when you call 9–1–1, you do not get someone at the Homeland Security Department in Washington, DC. You get your local police or fire department. Local police and firefighters are ready and waiting to try to stop a terrorist attack or help save lives if one happens.

If we do not adopt this amendment, I believe we are not doing everything we can to keep our country safe.

I urge my colleagues, before they vote on this amendment, to ask themselves are we doing enough here at home to keep us safe?

The PRESIDING OFFICER. The Senator's time has expired.

Ms. STABENOW. I thank the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I yield myself such time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 144

Mr. GRASSLEY. Mr. President, I rise to respond to Senator CONRAD's amendment, the pay-go amendment he brings up as it relates to fixing Social Security. But before I get into my remarks, I wish to call attention to some points raised by Senator CONRAD. I do not dispute anything he said, but I would like to give some refinement of some statistics he has given.

Recently he spoke about the decline in the value of the dollar. His figures were accurate, as far as the decline of the dollar. But also where he starts, there has been a decline of the dollar, but I think we ought to point out to the people of this country that from 1995 until the year 2002, we had a 50-percent increase in the value of the dollar. When we go back to 1995, the middle of the Clinton administration, we will find that we had a dollar lower in value than presently. Then we had the increase in the value of the dollar, and now we have had a 30-percent decline in the value of the dollar. The value of the dollar still is much higher than it was in 1995.

Another point I wish to make is on his dissertation on the estimate of the trustees of what the growth of the economy, of the growth of productivity will be over the next 75 years. He would say that over the next 75 years, the growth of the economy, as the trustees put it, at 1.6 percent is too pessimistic, and consequently maybe the situation over the next 75 years of the Social Security system is not as bleak as the trustees might be led to believe. That is because he would point out that the average productivity of the economy over the last 40 years, from 1960 to the year 2000, was 1.76. So the point being made by the opposition is that the growth of the economy has really averaged more than what the trustees say it will over the next 75 years, so somehow we might not have anything to worry about.

If you take subsets of the years from 1960 until the year 2000, you will find from 1960 to the year 1975 we had a growth of productivity of 2.4 percent. But if you look at the period of time from 1975 until the year 2000, you would see that productivity growth was 1.38, to compare with what the trustees had used for the next 75 years.

So I don't think it is right to point out what the trustees have used as a figure because, compared to the last 25 years, it is not pessimistic whatsoever. You could even make an argument that maybe it is too optimistic.

As we listen to these figures, I hope there will be an effort on the part of my colleagues to study these figures and not just to take these charts at face value, because they may not tell the entire story.

Having pointed that out, I would like to speak about the amendment of Senator CONRAD, not reinstating the pay-go rules until Congress addresses the Social Security issue. Stop to think what sort of proposition this really is. The amendment says we should not do anything else to deal with overspending by Congress until we address the Social Security issue. Unfortunately, no one I am aware of who supports this amendment has a plan before Congress to fix Social Security. So we have an amendment that says, in a sense, don't do anything until we fix

Social Security but those who support this amendment don't have a plan to fix Social Security. So, as I see this amendment, this is an amendment to just simply do nothing—not do anything about a plan to keep spending under control or, if you can't do that, then under this amendment you can't do anything about Social Security.

Due to the retirement of the baby boomers, Social Security will face rising deficits in just a little bit more than a decade. In fact, some people, including me, can legitimately say that this problem really starts in 3 years, when baby boomers start retiring, because their retirement is going to lessen the amount of surplus going from the payroll tax into the Social Security trust fund, which really becomes a problem when we have negative cash flow, just 13 years down the road.

Because Americans are living longer and having fewer children, there are going to be in the future fewer workers to support each beneficiary. That means that Social Security will face rising deficits long after baby boomers are retired and gone. There is widespread agreement that Social Security is facing a significant financial problem.

We could lay out 10 different charts here that would demonstrate the problems of Social Security. I do not think there is a single Democrat or single Republican who would have any disagreement with the problems of Social Security, now or for the next 75 years. It is mathematical and we ought to be able to find a mathematical solution to it.

But when it comes to finding a solution, there is very little agreement on what needs to be done to address this problem. President Bush has made saving Social Security one of his top priorities this year. We ought to thank the President for doing it, because now we are in a position 3 years away from where baby boomers are retiring. We can look at this issue very dispassionately, not under a crisis environment. This is the period of time to deal with these problems. If President Bush had not raised this issue in the minds of the American people, we would not be dealing with it in Congress.

I have to say, as chairman of the committee that has to deal with this, I wish there was not a Social Security problem. Maybe people could say, Senator GRASSLEY, you are chairman of this committee; why didn't you deal with this 2 or 3 years ago, or 4 or 5 years ago?

There are some things you could spend a lot of time on and not get anywhere, if you don't have any colleagues who want to deal with it. But President Bush, using the bully pulpit of the Presidency, has raised this in the minds of people now. Polls show the vast majority of the people know this is a problem Congress ought to deal with. So we ought to praise the President for helping us along a very difficult road here in the Congress, dealing with something that we would not otherwise even be talking about. So it is one of his top priorities, and we ought to thank him for making this a top priority. He should be commended for his leadership.

There are a lot of Members in this body who are now fully committed to saving Social Security and doing it this year. So, as chairman of the Senate Finance Committee, I must be ever mindful of the concerns of my colleagues and the rules of the Senate. Social Security improvement is one of the most politically sensitive issues Congress can ever deal with. That is why the last time it was dealt with was in 1983. That is 22 years ago.

President Clinton brought this issue to the attention of the American people and to the Congress by his very well-thought-out statement: Save Social Security first—before you do anything else. He even referred to Social Security as a crisis. Somehow, according to my colleagues here, when President Bush says Social Security is in a crisis, that is wrong. But I didn't hear those same people, in 1998 or 1997, when President Clinton said it was a crisis, ''save Social Security first,'' saying that there was anything wrong with calling it a crisis back then. Well, if it was a crisis then, it is more of a crisis now.

I don't care whether it is a crisis, a problem or a challenge, it is something we need to deal with and deal with today. That is because if we deal with it today, this year, as opposed to next year, it is $600 billion less of a problem, because it costs $600 billion more on a cumulative basis over the next 75 years to deal with it next year instead of dealing with it this year.

President Clinton raised this issue, and even brought up the issue of investing in the stock market as an example. But then, all of a sudden, it was dropped like a hot potato, and it was not brought up again until President Bush brought it before us.

This is a very sensitive issue, one dealt with every 20 years. We ought to deal with it now. We ought to welcome the opportunity to deal with it. We can deal with it in a calm atmosphere, not the crisis of 1983 when we were borrowing money from Medicare to keep Social Security checks going, or when we as a Congress put—I don't know whether it was $10 billion or $20 billion, but we put billions of dollars from general revenue into the trust fund to keep checks going. Prior to that, a lot of people were saying, I will never increase taxes, I will never cut benefits. But you know what happens when you are in a crisis; you end up doing both.

We have an opportunity to do this in the calm and correct way, such as the promise Congress made 28 years ago—not in 1935, not in the original contract where these promises were made. These promises we can't keep today were made 28 years ago. We have a chance to correct them and we ought to take advantage of that opportunity.

Of course, as we are dealing with this sensitive issue, we are all mindful that the Senate's rules require at least 60 votes to reform Social Security; that is, assuming that you would have a filibuster and you would have to overcome the filibuster. As a result of anything which is going to get done, we have to build strong bipartisan support if we are to succeed. Consequently, even if every Republican would vote for Social Security, that would be 55 votes, and you aren't going to get all of one party going in the same direction. We have to have bipartisanship to get anything done.

To begin the process of building bipartisanship and support for Social Security, I have met with the ranking Democratic member of the committee. I do that on a regular basis, not just on Social Security but on everything before our committee. We are going to try to find some common ground. We usually do. Everything should be on the table for discussion. We should consider all of our options. Developing a plan to protect and improve Social Security will be a complex and challenging task. It will require the support of both Democrats and Republicans. If we make a commitment to build a strong bipartisan consensus, we can break down partisan roadblocks that threaten the future of Social Security, but the first step is to agree on the nature of the problem.

As I said, if I laid out 10 different charts with different aspects of the problems of Social Security, nobody would dispute them. It is quantifiable, it is mathematical, and hence the agreement.

We have had in this debate, though, some critics who would muddy the water claiming that the Social Security problem is due to tax cuts that Congress enacted in 2001 and 2003. I don't quite understand how cutting the income tax has anything to do with the trust fund being in trouble, because we have followed the pattern that was laid out by Franklin Delano Roosevelt in 1935; that he wanted a payroll tax, money designated for Social Security so that there is a relationship between what you pay into it with what you get out, so that it would be an insurance program and not be a welfare program.

Maybe today, welfare doesn't receive the public's lack of respect it did in the 1930s. In the 1930s, it was a shame to be on welfare. Maybe today it is not. That is part of our problem with our society as a whole.

Franklin Delano Roosevelt wanted to be very careful that people who received Social Security checks were not seen as being on welfare. They weren't on welfare because they paid into it. They were buying insurance when they did that.

Arguing that the cutting of the income tax has something to do with taking money out of the Social Security trust fund would be the same as saying we are going to put this income tax into the trust fund and get away from the principle of a direct relationship between what you pay in and you

get out in interest and principal, and, consequently, have it lean more toward being a welfare program.

The Social Security problem has nothing to do with the tax cuts of 2001 and 2003. The critics say that repealing the 2001 and 2003 tax cuts for the rich would cover the Social Security deficit. But according to the Congressional Budget Office, by the year 2050, the cost of extending the tax cuts, if you wanted to say it had something to do with the Social Security problem and make it a welfare program instead of an insurance program, would be 0.7 percent of gross domestic product.

As you can see by this chart, the Social Security deficit is in fact 1.4 percent of gross domestic product. In other words, repealing the tax cuts for everyone, not just the rich, would cover only half of the Social Security deficit in the year 2050.

If you want to start figuring that way, then turn the Social Security program into a welfare program where you get away from the principle set by Franklin Delano Roosevelt, that there had to be a relationship between what you pay in and what you draw out so that you weren't on welfare, so you didn't have the shame of welfare of the 1930s.

Moreover, the sustained use of general revenue to fund Social Security would destroy the historical link between individual benefits and contributions, thereby turning Social Security into another tax-and-spend welfare program. The figures being used by critics do not come from the Congressional Budget Office. They were made up by a liberal think tank often quoted here on the floor of the Senate. The critics' figures are also based upon what we call present-value calculations. Such calculations now would assume that a dollar of additional taxes collected today will pay about $17 of Social Security benefits down the road 50 years.

How could this be? These present-value calculations assume that all the money the Government collects from repealing the tax cuts would somehow be saved and be invested in interest-bearing assets, paying 5.8 percent a year in interest. There is simply no way for our Government to make this kind of investment. History shows that the Government spends every dollar of taxes it collects.

In fact, I often have said in the Senate I might be willing to increase taxes if I thought every dollar collected would go to the bottom line to reduce it. But what I find in the Congress, you raise taxes $1 and it gives Congress permission to spend $1.10 or $1.20 and sometimes even more. I have never run into anyone in Congress who wants higher taxes who has ever told me how high taxes have to be to satisfy their appetite to spend money. Until I can find out how high taxes have to be, I will be very squeamish about raising taxes and somehow reducing the deficit.

The only way to prevent the Government from spending the tax cuts they would propose would be to put them in personal accounts. Unfortunately, those who claim the tax cuts would pay for Social Security are the very same ones who oppose personal accounts.

There are a number of ways to address the Social Security long-term deficits. One such proposal would change the benefit formula from wage indexing to price indexing. Some critics of price indexing claim it would increase poverty among seniors. This point has been made in the Senate, but it is based on a number of erroneous assumptions.

First, critics say if you go back in time, reducing today's average benefit level to the level that would have been paid in 1940, benefits would be lower and poverty would be higher. What sort of spurious comparison is that? In 1940, the average retirement benefit was 40 percent of the poverty level. In 1960, the average retirement benefit for Social Security was about 60 percent of the poverty level. Today, the average retirement benefit is about 120 percent of the poverty level. So it is just this simple: no one is going to index benefits back to 1940. But that is the argument being made by our colleagues. The proposal that has been put forward would adjust, instead, today's benefits going forward into the future, not backward.

I also point out that many of the price indexing proposals include a new minimum benefit for low wage workers. An analysis by the Social Security Administration shows that a minimum benefit would actually reduce poverty more than current law does. So no one should be fooled by these spurious comparisons going back to 1940. It is almost laughable that someone would make that argument in the Senate.

The President has made Social Security a priority issue, and Congress should take advantage of this Presidential leadership. The chance to fix Social Security problems may not come again in 10 years. They will come for sure in 10 years because if we do not do anything, we get to the point of a crisis where people who want to increase taxes will not have a problem getting their heart's desire of raising taxes. But you will also do what no one wants to do: change the benefits. So we should not miss this opportunity.

President Bush needs to keep using the spotlight to educate the public about why we need to take action on Social Security. We want a safe and secure retirement for every American. That is part of the social fabric of America. It is kind of like Grandpa GRASSLEY. I am 71. I draw Social Security benefits. I am benefiting from a very good deal from the New Deal of President Franklin Delano Roosevelt—a good deal for me, my mom and dad, my grandparents. But for Carrie Grassley, 9 years old, my granddaughter, it is going to be a raw deal because doing nothing around here is not an option. Doing nothing is a guaranteed benefit cut for Carrie Grassley.

It is kind of a moral issue, whether Grandma and Grandpa GRASSLEY today ought to be concerned about a secure retirement for our children and grandchildren. Do we want to be selfish? I don't think I have a right to be selfish. I believe I need to be concerned about the next generation. We have that opportunity now. Are we going to take advantage of it?

Social Security is a successful program. It definitely is a part of the social fabric of America. These young people who are our pages are paying in dramatically for me to receive my Social Security check. Even if we did something today and they get 100 percent of the benefits that are promised today, they are still getting maybe not a raw deal but not as good as the deal I have. For sure, if we do nothing, 70 percent of those benefits is a raw deal. We have an opportunity to do something about it.

There has been a lot of attention brought to personal accounts by the other side of the aisle. The other side of the aisle has had a free ride on the question of solvency of Social Security. What about keeping promises to Carrie Grassley and the young pages so they can have what we have. What about everything else dealing with Social Security. Do they have a responsibility? After all, we all get paid $160,000 a year. You mean you cannot come to the table to negotiate with CHUCK GRASSLEY on a problem we all agree ought to be done with or without personal accounts? But don't figure you are negotiating in good faith if you say, before you sit down at the table, you can't have everything on the table. That is what negotiations are about.

The other side has had the luxury of the public's attention on personal accounts, and they are clouding that issue. This has given them the opportunity to avoid these tough issues of providing for Social Security for the pages or for Carrie Grassley. I don't think they can get away with it very long.

I hope by this summer my committee is able to meet and report out a Social Security bill. It is my intention to do that. Will I get the cooperation to do that? One person cannot provide the votes, but we ought to have that sort of discussion and see what we can do to bring it before the Senate.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I want to respond briefly to the chairman of the Finance Committee. Let me first say how much I welcome the tone and the content of his remarks. The chairman of the Finance Committee is exactly right. We need to work together

to face the challenge in Social Security, and, frankly, the even much bigger challenge in Medicare because, as I indicated this morning, the shortfall in Medicare is eight times the shortfall in Social Security. We also need to address these ballooning budget deficits and this massive growth of debt. All of these things need to be dealt with.

I also believe tax reform needs to be part of this mix. Why? Because the tax system we currently have is hemorrhaging revenue. The Revenue Service tells us the tax gap, the difference between what is owed and what is being paid, is over $300 billion a year. By all accounts, that is a conservative estimate. So before anybody talks about a tax increase for anybody, we ought to be talking about closing this massive tax gap—the difference between what is owed and what is being paid.

Senator GRASSLEY made a number of references to the amendment I have offered that I think are not a correct characterization of my amendment. I understand he said the amendment I have offered would not do anything to address overspending by Congress until we fix Social Security. And his characterization of my amendment is that it says don't do anything until we fix Social Security.

That is not what my amendment says. That is not what my amendment does. My amendment says, let's put Social Security as the top priority. Let's save Social Security first. It does not say ''only.'' It says ''first.'' It says very simply: No new spending or no new tax cuts until Social Security is solvent, unless they are paid for.

Boy, there is a novel idea out here. You are going to pay for something. You can have all the tax cuts you want if you pay for them with spending reductions or other revenue. You can have all the new spending you want if you pay for it by reductions elsewhere in spending or new revenue.

My amendment says you cannot have new spending or new tax cuts unless you pay for them or if you are able to come out here and get a supermajority vote. Otherwise, you have to wait until we put forward a plan that restores the solvency to Social Security. I think that is a pretty good idea. That is what my amendment does.

My colleague from North Dakota is in the Chamber.

Can I ask the timekeeper where we are with respect to the time between now and 2:15 on our side?

The PRESIDING OFFICER. The Senator has 21½ minutes.

Mr. CONRAD. So 21½ minutes on this side.

What is remaining on the other side, if I could ask?

The PRESIDING OFFICER. Twenty-eight minutes.

Mr. CONRAD. Twenty-eight minutes. I understand Senator DEMINT is coming to offer an amendment. We will need a little bit of time to respond to that.

So how much time will the Senator need?

Mr. DORGAN. Mr. President, I would ask for 10 minutes.

Mr. CONRAD. Mr. President, I would be happy to yield 10 minutes to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota is recognized for 10 minutes.

Mr. DORGAN. Mr. President, I intend to support the amendment offered by my colleague, Senator CONRAD, which, in effect, says: Save Social Security first. Make Social Security a priority when we evaluate what we want to do around here. There are a whole series of options that we face: increase spending, cut taxes or do both of these things. What my colleague is saying is, save Social Security. Save Social Security first.

I also intend to support the amendment offered by my colleague from Florida, Mr. NELSON. Senator NELSON's amendment is a sense-of-the-Senate amendment that Congress should reject any Social Security plan that requires deep benefit cuts or a massive increase in debt.

Now, why is Senator NELSON offering that amendment? Well, because we have the memorandum that was leaked from the White House in January that outlined the plan that the President's chief strategist on Social Security was offering. The plan was relatively simple. The plan is, borrow a lot of money up front, anywhere from $1 to $5 trillion, depending on how long a time you measure it. Borrow a lot of money. Put it in the stock market. Change the indexing formula in Social Security to cut benefits. Then you have borrowed money in the stock market, with Social Security benefit cuts. Then you just sit back and wait and hope that everything is going to be all right.

At the end of that memorandum from the White House it says this, which is very revealing: It says, ''This is the first time in six decades we have had an opportunity to win on Social Security.'' We know what that means. They go back to Alf Landon, when they debated this Social Security bill in the 1930s. They did not like it then. Some still do not like it. They would like to take it apart.

Now, the President began at his State of the Union Address, and around the State of the Union Address other members of the administration said the Social Security system is in crisis. They used the terms, ''bankrupt,'' ''flat broke,'' ''busted.'' None of that is true.

It is the case, according to the Congressional Budget Office, that Social Security, as a program, will be solvent until President George W. Bush is 106 years old. Let me say that again. The Congressional Budget Office says the Social Security system will be fully solvent until President George W. Bush is 106 years old. Now, they did not say the ''Bush, 106 years old'' piece. They just described how many years it would be solvent. I have calculated, then, the President would be 106 years old at that point.

Is that a crisis? No, it is not a crisis. People are living longer, healthier lives. We may have to make some adjustments to Social Security, but it does not require major surgery, and it is not a justification for President Bush's plan to begin taking Social Security apart, creating privatized accounts. It is not a justification for that.

Now, in many ways, this is about values. I respect those who believe Social Security should never have been adopted. I do not agree with them. I respect their right to take that viewpoint. I respect those who want to take the Social Security system apart right now. I do not agree with that either, but I respect their right to make that case.

But it seems to me if you go back to 1935 at a time in this country when 50 percent of America's senior citizens were living in poverty, this country decided: We cannot have that. We are not going to allow that to happen. So we created an insurance program. Yes, it is insurance not investments. The FICA, the tax that is taken out of your check every month—the ''I'' in FICA is insurance. That is what it means, insurance. It is the program that would always be there. You could count on it. It is guaranteed. It is not the risk piece. The antithesis of security is risk. It is the portion of retirement security that will be there. That is what it was created for. The woman who received the first Social Security check in 1940 and the tens of millions of American senior citizens who have received Social Security since have, in many cases, been lifted out of poverty by this single act. Some say, well, it is something that should never have been done. One of the leading voices on the far right says Social Security is a soft underbelly of the liberal welfare state. That describes the mindset of people who don't want the Social Security program to exist, the kind of people who voted against it in the 1930s.

As I said, this is about values, what is important to us. Some come to the floor and say the most important thing, by far, is to eliminate the death tax—a tax which doesn't exist, incidentally. There is no death tax in America. There is a tax on inherited wealth. I spoke yesterday about that. Warren Buffett, the world's second richest man, makes the point that if the majority party gets its way with respect to the ''death tax'' and exempting dividends from taxation and so on, the world's second richest man will be paying one-tenth the tax rate that the receptionist in his office pays. That is from him, not me. Warren Buffett says under their plan he would end up paying a 3-percent tax, and the receptionist in his office, with the payroll taxes, would end up paying a 30-percent tax.

I asked the question yesterday, why do we have the philosophy in the Chamber that seems to say let's tax

work, but let's exempt investment? Is work less worthy? Is it really less worthy? Don't we value work? Don't we honor work? Don't we connect effort and reward? There are some who come to the Chamber and say, look, there are priorities that are more important than Social Security. Cutting the tax on dividends and interest on passive income, eliminating the so-called death tax—despite the fact that there is no death tax—they spend money to do that. That is more important to them than the Social Security program.

I happen to think the Social Security program works well, and has for a long while and will continue for a long while. It will be solvent for 75 years with any kind of reasonable economic growth, with no changes. But assuming we get a pessimistic rate of growth for 75 years, 1.9 percent compared to the 3.4 percent we had in the previous 75 years, assume, as the actuaries do, that we have an anemic growth of 1.9 percent, then we would have to make adjustments.

But that is not a pretext for what President Bush wants to do. What he wants to do is simple. He said it in 1978 when he ran for Congress. In 1978, when he ran for Congress, he said that Social Security will be broke in 10 years. He meant 1988. Of course, that didn't happen. It wasn't true at the time. He said Social Security will be broke in 10 years and we ought to go to privatized accounts.

So this is not new. It is not even about economics. It is about a philosophy, about a decision and a desire to take apart the Social Security program. The question for this Congress is: Does Social Security have merit and worth for this country? Has it improved this country? Is it a part of this country's decisionmaking over the last century that has improved America?

In my judgment, the answer is yes. We have done a lot of things together. We decided in the last century about a lot of issues. Some of them were hard. We had people die in the streets of this country who demonstrated for the right for workers to organize. People literally died in the streets as a result of violence over the issue of whether American workers should be allowed to organize. Should they expect to be able to work in safe workplaces, safe plants. Should we have child labor laws. Should we have a minimum wage. Should we stop companies from dumping chemicals and sewage into the water and the air. And in the panoply of all of those decisions, one was to say it is intolerable that half of our senior citizens live in poverty. These are the people who helped build our country, the people who understood about going to a barnraising for the neighbor, about building a community, starting a church in a small town, about trying to raise a family by raising a crop, and hoping that crop produces something you can sell in the fall to keep your family over the winter. Yes, the people who worked in the factories, as well, that began to mass-produce products. These are the workers of America who helped build this great country of ours. We decided it is intolerable that one-half of them, when they reach their declining income years and retirement, should live in poverty; it is intolerable, as good as this country is.

So we contribute each month from our paycheck—all workers do—into a fund called Social Security. There are a lot of things you don't know about growing old. You don't know about your health. You don't know which of your relatives will survive to be helpful to you when you grow old. But you do know this: If you work and if you had an investment from your paycheck in the required number of quarters, Social Security will be there for you. You do know that. That is important.

Because we know that and because we now have nearly 70 years of experience with this program, we ought to understand that this ranks right near the top of the things we need to do to make this a better country: Preserve, strengthen, and nurture the Social Security system for the long term.

I oppose the President's proposal. I think it is a proposal that will begin to take apart the Social Security program. I support the amendments that will be offered and voted on this afternoon. Those amendments make good sense and they move us in the direction of deciding the following: We are going to strengthen and preserve Social Security for the long term. It ranks as a priority, the highest priority for this Congress.

Mr. BAUCUS. Mr. President, I rise today to express my strong support for Senator STABENOW's amendment to restore funding for our first responders, including local law enforcement. I am proud to cosponsor this amendment. We cannot continue to cut justice assistance program funding, particularly Byrne grant, local law enforcement block grants, and COPS funding.

The Byrne Grant Program, which was merged last year with the LLEBG program in a move I did not support, is vital to the efforts of local law enforcement in Montana to combat methamphetamine and other illicit drugs. I have heard this again and again and again, from local law enforcement agencies to the Montana Narcotics Officers Association to the Governor's office to the attorney general's office. The Byrne program helps communities hire additional local law enforcement, operate drug task forces, and send local law enforcement to drug training.

Unfortunately, the President's budget proposes an elimination of the Byrne Grant Program. This combined with cuts proposed by the President to the high intensity drug trafficking area HIDTA, program and other justice assistance programs, would be a disaster for Montana. It would set the clock back years in our efforts to fight the rapid spread of methamphetamine in Montana.

According to the Montana Board of Crime Control, this is what will happen to Montana if the President's fiscal year 2006 budget is enacted:

1. Montana will lose its multijurisdiction drug enforcement capacity, including seven multijurisdictional drug task forces. This means that already stretched local law enforcement agencies will have to do what they can to address drug enforcement at the local level, without broader support from the drug task forces.

2. Montana will lose 33 drug enforcement offices throughout the State.

3. Montana will experience a significant increase in drug availability, manufacturing and trafficking and drug-related crime.

4. Montana would experience an increase in clandestine labs that manufacture methamphetamine.

5. Montana would experience a reduction in the amounts of illegal drugs and guns removed from our communities.

6. Montana would experience the elimination of funds for rural law enforcement agencies' manpower, equipment, and training.

The above impacts translate to a complete loss of rural drug enforcement in Montana and are only the tip of the iceberg. The manufacturing, trafficking, drug addiction, and crime will have a ripple effect throughout the State in our public health and correction systems and the courts, negatively affecting public safety and the quality of life in Montana.

The Byrne program and similar programs support the majority of pro-active drug enforcement in the 56 counties of my State. This is because we are spread so thin across a vast area with a small population and an international border—Byrne is essential to us.

To protect our kids and our communities—our homeland—we have to continue aggressive drug enforcement across Montana. We have to continue teaching hundreds of classes to the good citizens helping to stop the spread of drugs like meth, including realtors, retailers, civil groups, and other local law enforcement agencies. Byrne funding is the difference between stopping a few street level drug sales and stopping drug manufacturing and distribution on a much larger scale.

Working hand-in-hand with Byrne Grant Program funding is the COPS Program. The COPS Program helps pay for all meth lab cleanups in Montana, protecting children and others from the harmful health impacts of the chemicals used to make meth. Additionally, the COPS Program helps provide for more law enforcement in drug enforcement units, while maintaining enough police officers patrolling our streets.

According to the president of the Montana Association of Chiefs of Police, COPS funding is necessary to maintain an adequate number of police in the field to protect our communities. He has told me that without COPS funding, the number of crimes,

especially violent crimes, will begin to rise again. And currently, there is no other alternative to the COPS Program. He tells me that the COPS Program is one of those programs that works, one of those programs that is directly responsible for protecting our communities, for getting the officers out on the street to protect us all.

In short, the Byrne and COPS Programs represent a relatively minor Federal investment in our local communities that pays huge dividends in terms of the health and safety of our citizens. We are also talking about communities that cannot foot the bill by themselves, particularly in a rural, low-population State like Montana. We just can't kid ourselves that the money will magically appear elsewhere.

I guarantee that Montana is not the only State that will suffer a dramatic loss in drug enforcement capability under the President's proposed budget. Therefore, I urge my colleagues to support the important amendment of the Senator from Michigan. We cannot shortchange our law enforcement—stopping the spread of illegal drugs is important to the security of our homeland, too.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, if I could have an update on the time situation both on the amendment and on the resolution.

The PRESIDING OFFICER. The Senator has 5 minutes remaining. The majority has 28½ minutes remaining.

Mr. CONRAD. That is on the amendment. And on the resolution?

The PRESIDING OFFICER. On the resolution, the majority has 15 hours, the minority has 14 hours.

Mr. CONRAD. I assume the time in quorum calls is being charged equally.

The PRESIDING OFFICER. It is not. The Chair corrects himself. The unanimous consent request that was agreed to does equally share quorum call time.

Mr. CONRAD. I thank the Chair. Maybe someone who is listening to these proceedings can hear me outside this Chamber. Hopefully, Senator DEMINT is either on his way to the floor or will be shortly because we have the time until 2:15 p.m. At 2:15 p.m., we will be turning the attention of the Chamber to Senator LINDSEY GRAHAM. So on Senator DEMINT's amendment, if he is to have much time, it would have to come before 2:15 or the time after 2:15 will have to be shared.

I hope somebody is listening to this and will advise Senator DEMINT that if he wants to have as much time as possible before the votes that are scheduled, he should come soon.

I thank the Chair. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I have been advised that Senator DEMINT may not be here soon to discuss his amendment. So I am going to respond to his amendment before he has laid it down. We have been advised of what the amendment is. I think if I do not do that, my time will run out, and there will not be any chance to respond.

Senator DEMINT's amendment says just this:

It is the sense of the Senate that Congress should reject any Social Security plan that requires deep benefit cuts or a massive increase in debt, and a failure to act would result in massive debt, deep benefit cuts, and tax increases.

I agree with the first clause of the Senator's amendment. In fact, it is an amendment I support. Senator NELSON's amendment says roughly the same, that we should reject any Social Security plan that requires deep benefit cuts or a massive increase in debt. But the additional clause of the Senator's amendment says ''and a failure to act would result in massive debt,'' I agree with that. ''Deep benefit cuts,'' I agree with that. ''And tax increases,'' I cannot agree with that because it is just not accurate. It is not accurate.

The way it works, when we get out to 2052, according to the Congressional Budget Office, and Social Security can only meet 78 percent of its obligations, what happens at that point is the benefits are reduced by that shortfall amount. There is no tax increase that is triggered. The benefits are cut.

Try as I might, I want to be able to support the Senator's amendment because the first clause is exactly right. We should reject any Social Security plan that requires deep benefit cuts or massive increase in debt. That is, unfortunately, what the President's plan does. But when he goes on and says, ''. . . and a failure to act would result in massive debt, deep benefit cuts, and tax increases,'' it just as a matter of fact is not true.

I understand there maybe is a sense that will happen, but, in fact, what does happen is when you get to that point, 2052, according to the Congressional Budget Office, and Social Security can only meet 78 percent of its obligations, the benefits are cut by that amount of the shortfall. There is no tax increase that is triggered.

I just cannot support something that is not factually accurate. I wish the Senator were here. I wish he would be open to changing his amendment because if we just state it in a factually accurate way, I would be happy to support it. But I cannot support something that is factually not the case.

We have an ongoing problem here. The ongoing problem is that this budget in this conversation is utterly detached from reality. It is detached from reality because we are running massive record budget deficits, and the party in the majority comes with a budget that just increases the debt each and every year, by their own calculation, by over $600 billion.

Maybe somebody could bring me the chart from their own budget document that shows what their own calculation is of what this budget does.

Mr. President, I say to my colleagues on the majority side of the aisle, do they really want to support a budget that at a time of record deficits and burgeoning debt says more of the same?

I know the rhetoric on the other side is this budget is fiscally responsible, it cuts the deficit in half over 5 years. But the only way it reduces the deficit over 5 years is it leaves out things. It leaves out war costs, it leaves out the need to fix the alternative minimum tax, it leaves out the President's Social Security proposal.

Here is what the budget before us does, according to their own document. This is on page 5. It shows the increases in the debt that would result if this budget is adopted: a $669 billion increase in the debt this year; next year it increases the debt $636 billion; the next year it increases the debt $624 billion; the next year it increases the debt $622 billion; the next year it increases the debt $611 billion. This is not my document. This is in the budget resolution before us, and it says this is a blueprint to increase the debt $3 trillion. Is that what we should be doing? Is that really the blueprint to strengthen America's economic security? I do not believe so. I think that would be a profound mistake.

Mr. President, what is the time remaining on our side?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CONRAD. I thank the Chair. I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEMINT. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Purpose: Sense of the Senate that failing to address the financial condition of Social Security will result in masive debt, deep benefit cuts and tax increases)

AMENDMENT NO. 150

Mr. DEMINT. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 150.

Mr. DEMINT. I ask unanimous consent the reading of the amendment be dispensed with.

Mr. CONRAD. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will report.

The legislative clerk read as follows:

It is the sense of the Senate that Congress should reject any Social Security plan that requires deep benefit cuts or a massive increase in debt, and a failure to act would result in massive debt, deep benefit cuts and tax increases.

Mr. CONRAD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEMINT. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Carolina.

Mr. DEMINT. Mr. President, I am encouraged by the debate today that recognizes, as we consider our budget, that Social Security and its future is an important part of budget considerations. My amendment today recognizes that if we do nothing with Social Security, which seems to be the intent of some in this Chamber, that will only result in deep benefit cuts or massive increases in debt, and a failure to act now will result in not keeping our promise to today's and tomorrow's seniors.

We need to address the challenge of Social Security. It is first a promise we must keep. Those who suggest that we need to cut benefits on today's seniors or even tomorrow's workers should consider the promise we made to seniors. Those who suggest that we do not have a problem with Social Security until the year 2042 do not recognize the facts that our own Social Security Administration is giving us year after year.

We can see clearly that the current level of payroll taxes that comes from our workers' paychecks every month will fund Social Security as it is today only through the year 2018. After 2018, the amount of money that will be required in addition to payroll taxes increases dramatically through 2079, and continues to grow beyond that day.

I think it is inconceivable that in this Chamber today people are telling us we can push this problem down to the next generation and not address it. What will happen under current law with Social Security, if we continue along the same road we are traveling today, is in 2018 we will begin to pull massive amounts of money from our general fund, taking money from our defense, from our education system, from our road system, and many of the Nation's priorities will have to move from the general fund to keep promised benefits to seniors. Beyond this point, we will continue to redeem the IOUs in the Social Security trust fund.

I want to get back to the trust fund in a minute because I am afraid those who still believe there is money in the trust fund probably still believe there is a Santa Claus. But if we use all the IOUs in this trust fund, what will happen in this year that is talked about on this floor today is in 2042 under current Social Security law, benefits for tomorrow's retirees will be cut by over 125 percent in order to be paid for by payroll taxes.

The call by our President and many of the leadership on the Republican side now to address this issue today is to avoid this cut in benefits in the future. It is unfair to tell the young workers of today that if they continue to pay into their Social Security benefits through their payroll taxes they will get a Social Security benefit equal to those receiving it today. It is, frankly, not true.

I believe we can reform and save and strengthen our Social Security system without cutting benefits, and without raising payroll taxes. In fact, I believe it is the responsibility of this Senate, this Congress, and this President to do exactly that.

There are bills that have been proposed that will begin to say what people save, what people are putting into Social Security, not taking money out of Social Security but to save the money that is going into Social Security for tomorrow's workers.

If we only today began the process of saving the current Social Security surplus—let me address that quickly—for the next 13 years or so, which this line here represents, this year it is like $100 billion of money that is coming in for Social Security that is being spent on other programs. If all we did until 2018 was to save the Social Security surplus within the Social Security system, we would create a stronger Social Security system that has real savings in it.

The problem with Social Security today is not that taxes are too low, or that benefits are too high, but the problem with Social Security is we have been taking money from workers for years and not saving it. We have been spending it on other things. Now the general fund owes the Social Security system well over $1 trillion.

The proposal by the President, and by many in the House and the Senate today, is to begin to save part of what people are putting into Social Security, allow that money to earn interest, compound interest, and to grow so that over a period of years we will transform Social Security from a political promise with nothing but IOUs into a secure and a guaranteed retirement income for tomorrow's seniors.

My amendment does something very simple. It recognizes that if we do what has been proposed by many today, that we ignore Social Security, that we push it to the next generation, it will result in either significant benefit cuts or massive, large increases in payroll taxes or huge transfers from our general fund, which will affect many of the Nation's other priorities.

It is a simple request to ask my colleagues to recognize the problem.

I appreciate the President's efforts to tell the American people we have a problem that needs to be solved. I appreciate his willingness to consider saving Social Security by saving payroll taxes that are being paid already by workers.

I ask for consideration of this amendment. I believe it is important for the American people to know that doing nothing to address Social Security will hurt every American and will hurt our country as a whole.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 152

Mr. GRAHAM. Mr. President, I have an amendment I will send to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. GRAHAM], for himself and Mr. SANTORUM, proposes an amendment numbered 152.

Mr. GRAHAM. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of the Senate regarding the urgent need for legislation to ensure the long term viability of the Social Security program)

At the end of title V, insert the following:

SEC. _____. SENSE OF THE SENATE REGARDING SOCIAL SECURITY RESTRUCTURING.

(a) FINDINGS.—The Senate finds that—

(1) Social Security is the foundation of retirement income for most Americans;

(2) preserving and strengthening the long term viability of Social Security is a vital national priority and is essential for the retirement security of today's working Americans, current and future retirees, and their families;

(3) Social Security faces significant fiscal and demographic pressures;

(4) the nonpartisan Office of the Chief Actuary at the Social Security Administration reports that—

(A) the number of workers paying taxes to support each Social Security beneficiary has dropped from 16.5 in 1950 to 3.3 in 2002;

(B) within a generation there will be only 2 workers to support each retiree, which will substantially increase the financial burden on American workers;

(C) without structural reform, the Social Security system, beginning in 2018, will pay out more in benefits than it will collect in taxes;

(D) without structural reform, the Social Security trust fund will be exhausted in 2042, and Social Security tax revenue in 2042 will only cover 73 percent of promised benefits, and will decrease to 68 percent by 2078;

(E) without structural reform, future Congresses may have to raise payroll taxes 50 percent over the next 75 years to pay full benefits on time, resulting in payroll tax rates of as much as 16.9 percent by 2042 and 18.3 percent by 2078;

(F) without structural reform, Social Security's total cash shortfall over the next 75 years is estimated to be more than $25,000,000,000,000 in constant 2004 dollars or $3,700,000,000,000 measured in present value terms; and

(G) absent structural reforms, spending on Social Security will increase from 4.3 percent of gross domestic product in 2004 to 6.6 percent in 2078; and

(5) the Congressional Budget Office, the Government Accountability Office, the Congressional Research Service, the Chairman of the Federal Reserve Board, and the President's Commission to Strengthen Social Security have all warned that failure to enact fiscally responsible Social Security reform quickly will result in 1 or more of the following:

(A) Higher tax rates.

(B) Lower Social Security benefit levels.

(C) Increased Federal debt or less spending on other federal programs.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the President, the Congress, and the American people including seniors, workers, women, minorities, and disabled persons should work together at the earliest opportunity to enact legislation to achieve a solvent and permanently sustainable Social Security system;

(2) Social Security reform—

(A) must protect current and near retirees from any changes to Social Security benefits;

(B) must reduce the pressure on future taxpayers and on other budgetary priorities;

(C) must provide benefit levels that adequately reflect individual contributions to the Social Security system; and

(D) must preserve and strengthen the safety net for vulnerable populations including the disabled and survivors; and

(3) the Senate should honor section 13301 of the Budget Enforcement Act of 1990.

Mr. GRAHAM. How much time do we have on this amendment?

The PRESIDING OFFICER. Twenty minutes on each side.

Mr. GRAHAM. I will try to be brief. I see the Senator from North Dakota, Mr. CONRAD, has come to the floor.

First, I thank Senator CONRAD, who has been a good ally in trying to define the problems the country faces. There are about $40-something trillion in promises we have made to the public through different entitlement programs and there is not money to pay those promises. That is what gets us here.

It is time for the country to come to grips with the idea we promised a lot of retirement benefits, we promised a lot of medical benefits, Medicaid benefits for people who are disabled and poor people, and we do not have the revenue streams over time to support those benefits. So 2 years ago Senator CONRAD and myself worked on a resolution trying to define the problem. There are many different views of whether it is a problem or a crisis, how to fix it, where the accounts fit in, should we borrow the money, should we raise revenue.

Quickly, I believe that without restructuring benefits and restructuring taxes you cannot get there from here. I know a lot of people do not want to hear that, but in 2018 we begin to pay out more in benefits than we collect in taxes, and it only gets worse over time because when I was born in 1955 there were 16 workers for every retiree. Today there are 3½, and 20 or 30 years from now there will be 2. So it is nobody's fault. It is not the Democrat or Republican Party's fault.

The fact is, there has been a huge demographic change in the country called the baby boom. It is a big elephant working its way through the system. We need to adjust for it, and we need to make promises in the future, starting now, that we can afford to make and that are honest promises.

My goal, and I believe this about Senator CONRAD, is to restructure Social Security and other entitlements in a fiscally responsible way so future generations do not live in fear of the check not coming, the benefit not being there, and we are willing to make some hard decisions. But this amendment is not about those hard decisions. This amendment is about, Where do we stand as a nation vis-a-vis Social Security.

If I may, I will read some of the findings:

(1) Social Security is the foundation of retirement income for most Americans;

Not only is that a true statement, it is an essential statement for us to make as a body, Republican and Democrat, because half the seniors today who receive a Social Security check would be in poverty if it were not for the Social Security check. So it is the foundation of retirement income for many Americans.

(2) preserving and strengthening the long term viability of Social Security is a vital national priority and is essential for the retirement security of today's working Americans, current and future retirees, and their families;

I think we can all agree on that. We did 2 years ago. The word ''crisis'' or ''problem'' is not in there. ''Vital national priority'' is because for millions of Americans this is what you count on when you retire.

(3) Social Security faces significant fiscal and demographic pressures;

What does that mean? It means what I said before. Senator CONRAD and I agreed 2 years ago that in 1950 there were 16½ workers for every retiree; in 2002, 3.3. And over time it comes down to two workers per retiree because families are smaller.

(C) without structural reform, the Social Security system, beginning in 2018, will pay out more in benefits than it will collect in taxes;

And that 2018 number varies: 6 months, 12 months. That is the right timeframe. What does that mean for average Americans? It means for the first time in the history of this system, the first time ever, we will pay more out in benefits than we collect in taxes. It is true that we have collected more in taxes than we have paid in benefits, and we put them in Treasury notes and borrowed the money to operate the Government. I do not like it. To Senator CONRAD's credit, he does not like it either. That has been the practice of both parties here. But that is not the reason Social Security is going to run out of money.

If you took all the notes and redeemed them and put the money back in the system, you buy solvency for a period of time, but by no means do you fix the problem. So 2018 is an important date. It is a historic date. It is the first time in the history of this program we pay out more in benefits than we collect in taxes.

Now, what does that mean over time?

(D) without structural reform, the Social Security trust fund will be exhausted in 2042, and Social Security tax revenue in 2042 will only cover 73 percent of promised benefits, and will decrease to 68 percent by 2078;

Now, the definition of ''bankruptcy'' we can argue about, but it is usually an inability to pay the obligations when they come due. In 2042, it is not bankrupt in terms of no money to be paid. In 2042, according to the Social Security Administration, only 73 percent of the benefits will be paid. So to do nothing means that we start paying more than we collect and eventually we have to cut benefits across the board. And by 2078, 68 percent of the benefits are able to be paid.

There are millions of Americans who could not suffer that in their retirement life because when these cuts come by doing nothing, they come across the board. They do not treat somebody who makes $30,000 differently than they treat somebody who is in the Senate who now makes $160,000. I think we should try to avoid that in a bipartisan way.

(E) without structural reform, future Congresses may have to raise payroll taxes 50 percent over the next 75 years to pay full benefits on time, resulting in payroll tax rates of as much as 16.9 percent by 2042 and 18.3 percent by 2078;

What that means is if you want to restore full benefits, you are going to have to go and get more money because from 2018 to 2042 you tap all the reserves. At 2042 you have a scheduled benefit cut. To avoid it, you have to bring new money to the table. And if you did it by raising payroll taxes, you would have a massive tax increase in payroll tax rates, which would make us less competitive in a global economy against China and everyone else because the payroll tax is a significant problem for business. But it is the way we fund Social Security, and we should not raise it unless we absolutely have to. To do nothing means it is going to be raised in a dramatic fashion.

(F) without structural reform, Social Security's total cash shortfall over the next 75 years is estimated to be more than $25,000,000,000,000 in constant 2004 dollars or $3,700,000,000,000 [in 2004 dollars] measured in present value terms;

In English that means you need $3.7 trillion of new money today to get this thing solvent to 2075. And we are talking about trying to take 1 percent out of the Medicaid program. How do you get $3.7 trillion of new money put in the system today to keep Social Security solvent for the next 75 years? I

don't know how to do that without some sacrifice. There is a way to do it, and we will talk about that, I guess, down the road. But that is a fact. We are $3.7 trillion short of the money we need to keep this system afloat until 2075.

(G) absent structural reforms, spending on Social Security will increase from 4.3 percent of gross domestic product in 2004 to 6.6 percent in 2078;

When you add Medicare, Medicaid, and Social Security together, it is 25 percent of the gross domestic product.

Now, listen to this: In 2080, 25 percent of the gross domestic product will be spent on Medicare, Social Security, and Medicaid. Right now, the entire Federal budget, everything we spend, is 20 percent. These three programs will outpace what we spend on the entire Government if we do nothing. So is this a problem? To me it is. I probably will not be around in 2078, but I don't want to pass on to people who are going to be around in 2078 a huge problem they can never work themselves out of.

(5) the Congressional Budget Office, the Government Accountability Office, the Congressional Research Service, the Chairman of the Federal Reserve Board, and the President's Commission to Strengthen Social Security have all warned that failure to enact fiscally responsible Social Security reform quickly will result in 1 or more of the following:

(A) Higher tax rates.

That is one way to avoid the benefit cuts. We talked about that.

(B) Lower Social Security benefit levels.

To not put new money in means you reduce benefits across the board.

(C) Increased Federal debt or less spending on other federal programs.

That is what you would need to do if you did not raise the taxes: borrow money, cut other programs.

The sense of the Senate—this is what we agreed to by voice vote. Everything I have read to you was agreed to by voice vote 2 years ago. It is not preferring one solution over another. It is not saying where accounts are good or bad or that indexing is good or bad. It is defining the problem in responsible terms, picking dates that other people have told us exist, being honest about the unfunded liability, being honest about the consequences of doing nothing. And from this I hope we can find a way to do something in a bipartisan fashion.

The sense of the Senate says:

(1) the President, the Congress, and the American people including seniors, workers, women, minorities, and disabled persons should work together at the earliest opportunity to enact legislation to achieve a solvent and permanently sustainable Social Security system;

(2) Social Security reform—

(A) must protect current and near retirees from any changes to Social Security benefits;

I think we all agree with that.

(B) must reduce the pressure on future taxpayers and on other budgetary priorities;

(C) must provide benefit levels that adequately reflect individual contributions to the Social Security system; and

(D) must preserve and strengthen the safety net for vulnerable populations including the disabled and survivors; and

(3) the Senate should honor section 13301 of the Budget Enforcement Act of 1990.

I hope we can still agree on this because this is as true now as it was 2 years ago. It is more important than it was 2 years ago to define the problems in honest terms without prejudicing any solution proposal.

I want to publicly thank Senator CONRAD for stepping to the plate, as he has in the past, to put on the table that Social Security has a problem. We have done a joint op-ed piece defining this problem, and for that I am grateful.

I will reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, let me address the amendment of the Senator. Let me say, I am generally supportive of this amendment. I think it lays out accurately our overall situation. The fact is, we have a challenge in Social Security, not a crisis in the sense that Social Security checks are not going to be written tomorrow or next month or next year.

But the longer term problem we have is the demographic problem. That is the reality. The sooner we deal with it, the better. It is also important for people to understand that this demographic challenge is not just in Social Security. In fact, we have a much bigger challenge in Medicare; the shortfall there is eight times the shortfall in Social Security.

There are two things I want to indicate about this amendment that trouble me and I thought were going to be changed. Let me just indicate, on page 3:

Without structural reform, Social Security's total cash shortfall over the next 75 years is estimated to be more than $25 trillion in constant 2004 dollars or $3.7 trillion measured in present value terms.

I thought the $25 trillion was going to be taken out and $3.7 trillion, which was in our op-ed, was going to be the number.

Mr. GRAHAM. Using 2004 dollars would be very acceptable.

Mr. CONRAD. You are willing to strike that one phrase?

Mr. GRAHAM. Yes.

Mr. CONRAD. I appreciate that.

The one other thing I wanted to mention was, on page 4, it says:

The President, the Congress, and the American people including seniors, workers, women, minorities, and disabled persons should work together at the earliest opportunity to enact legislation to achieve a solvent and permanently sustainable Social Security system.

I raise the issue about ''permanently.'' I do so for this reason. I know we included that word before. I would like to do that as well. Here is the problem I have with the word. I don't want to send an incorrect signal about my own intentions. The fundamental problem I have is, to do it permanently, one has to have some projection of long-term economic growth, and the long-term economic growth one has to have a projection of is forever. I have very little confidence in these long-term projections.

As the Senator knows well, the underlying projection is that the economy is only going to grow 1.8 to 1.9 percent every year for the next 75 years when, in fact, the economy has grown over the last 75 years by 3.4 percent.

This shows pictorially what I am talking about. I am very troubled with this long-term forecast. The Social Security Administration assumes growth of the economy is going to slow considerably after 2015. They have a long-term assumption of economic growth, on this red line, of 1.8 percent. That is what they are saying the growth is going to be over the next 75 years. Yet here is what we have seen, going back to 1950. The green bars on the chart are what economic growth has actually been. The red line is what they are projecting going forward. You can see their projection going forward is much lower economic growth than we have actually experienced over the last 55 years.

Mr. SARBANES. Will the Senator yield for a question?

Mr. CONRAD. Yes.

Mr. SARBANES. As I understand this chart, each column is a 5-year period; is that correct?

Mr. CONRAD. That is correct.

Mr. SARBANES. There has been no 5-year period since 1950—none during that period—in which the growth of long-term GDP has been at or below the line they are projecting; is that correct?

Mr. CONRAD. That is correct.

Mr. SARBANES. So we have exceeded it in each of these 5-year periods over that 55-year span?

Mr. CONRAD. That is correct.

Mr. SARBANES. I know they make very conservative assumptions, but it seems to be clear that their projection is apart from reality. I have seen projections into the future that don't parallel this assumption of the 1.8 percent. They go low in terms of the assumption of what growth is going to be as we move out into the future.

Mr. CONRAD. The reason for their very pessimistic forecast is they are looking at productivity growth and new entrants to the workforce as the two drivers of economic growth going forward. They have a very low number for new entrants into the workforce because of the demographic change. I think we can all understand that. But they also have a very low number of productivity growth for the next 75 years—1.6 percent a year of productivity growth. The fact is, productivity growth has been about double that in the last 5 years. So I, frankly, don't believe the 75-year forecast. That doesn't mean, by the way, that we don't have a challenge. I want to be clear. It reduces the challenge, and if these projections are wrong and they are overly pessimistic, it makes a substantial difference in how big the problem is. We

are still left with a challenge of this demographic change.

Mr. SARBANES. Will the Senator yield on that point?

Mr. CONRAD. Yes.

Mr. SARBANES. Not only how big the problem is, but I guess when the problem would occur, how soon it would be upon us.

Mr. CONRAD. Absolutely.

Mr. SARBANES. The better we do on the growth compared to projections——

Mr. CONRAD. It pushes the problem forward. For example, the Congressional Budget Office had told us that the trust fund would go cash negative in 2018. Now, they have updated their forecast to say, no, we won't go cash negative until 2020, because economic growth has been stronger than the underlying forecast. A big reason for that is productivity growth has been much stronger than the underlying forecast. So I think it is very important that we be clear.

That is why the word ''permanently'' gives me heartburn in the sense that we are trying to forecast forevermore, and I just flatout don't believe this forecast for 75 years. I want to make clear that we still have a challenge. We still need to address this problem because we have the demographic problem. That is one reason I have tried to talk to my colleagues about not just Social Security but Medicare and the budget deficit and Medicaid, because it is all these things coming together that really presents us with a challenge. It is real.

In any event, I don't know what the Senator's disposition is on the word ''permanently,'' if he would be willing to change that or maybe he is wedded to that. I don't know.

Mr. GRAHAM. I want to stick with what we did 2 years ago. I will comment why, and I will wait until the Senator gets through.

Mr. CONRAD. I have tried to be clear on the problem I have with that one word. That said, because I support the thrust of this, I intend to support it. I want to make clear that I believe we should be looking toward 75-year solvency because I think the forecasts are so murky, and we would make a real advance if we were to secure 75-year solvency. With that said, I think the overall direction of the amendment is good.

I ask the Chair, where are we in time?

The PRESIDING OFFICER. The Senator has 11½ minutes remaining. The majority has 9 minutes.

Mr. CONRAD. I will yield 7 minutes to the Senator from California.

Mrs. BOXER. Mr. President, I wish to make some remarks to Senator GRAHAM for a moment, if I could get his attention. I wanted to direct some remarks to the Senator. First, I wish to thank the Senator. I think what he is doing here is quite different than what we have been getting from this White House. The Senator is being very careful to essentially say, let's get together and work together to solve the problem.

I also believe that the word ''permanently'' is a little naive. I don't mind it, but the point is, nothing is permanent around here except we are going to die one day. We cannot bind future Congresses. I get the Senator's point that we want to make sure this challenge is met. Believe me, I intend to meet it. I intend to meet it without putting us in debt, and the Senator is totally silent on that; I appreciate that. This country is in debt now $7.7 trillion. This administration has turned it around. We started to balance the budget, pay back Social Security. It has been turned around.

We have the highest debt ever. A child born today has about $40,000 worth of debt on his or her back. This is painful for our country: $7.7 trillion of debt is $1 million a day for 21,000 years. That is what it is. I appreciate the fact that unlike the President's plan, the Senator from South Carolina does not talk about borrowing those staggering sums of money because there are a lot of us who will not do that to the American people. They are being burdened enough with this debt now.

The Senator is also silent on privatization. My hat is off to him on that because, as we know, the Democrats are saying, if you want to privatize this system, the only way you are going to do that is to put us deeper in debt, and you are going to take an overhead of one-half of 1 percent and turn it into a 20-percent overhead. That is according to a University of Chicago study.

I so appreciate that the Senator does not mention borrowing because we are staggering in red ink, and he does not mention privatization because it is a nonstarter. When you privatize, you take a guaranteed benefit and turn it into a guaranteed gamble. I have nothing against Wall Street, I once worked on Wall Street. I was a stockbroker. Sometimes it works out great, but you cannot count on it, not at all. So why would we take a system that has worked perfectly and turn it into a gamble, except if we really wanted to get some of that money away from the trust fund and into the hands of Wall Street.

I was in the House of Representatives in 1983, and I supported two icons in politics: Ronald Reagan, a Republican icon, and Tip O'Neill, a Democratic icon. They followed the spirit of the approach of Senator GRAHAM, which is we get together because, guess what. The people are more important than the politics.

We have a President who is doing his round of townhall meetings all across this great Nation. I think it is great. He is working hard to sell his privatization plan, to tell people they better listen to him or else they are going to be sorry. But do you know what the President did not count on? That the people understand what Social Security is.

So you can do a song and dance about privatization, you can talk about it in poetry, you can talk about an ownership society, but they are not fooled because this is what the people know: They pay a portion of their check over to the Social Security trust fund, and when they retire, they get a safety net retirement. It is safe, and it is sure. It has never defaulted. It is there.

And guess what. If the head of household dies and there are kids, they get a benefit. A lot of my constituents understand this. My own husband's father died when he was 10 years old. His mother had three kids. She was a stay-at-home mom. What would she do? Social Security. One of those kids, my husband's brother, was mentally disabled. What would she do? Social Security.

I praise my friend for not talking about putting this country into deeper debt—we are not going to go there—and for not mentioning privatization because we are not going to go there. We are not going to take money out of the trust fund and give it to Wall Street. We are not going to have a Social Security system that has an overhead cost one-half of 1 percent and turn it into a 20-percent overhead and turn it into a gamble. We are not going to do it.

The people are smart. They get it. I do not care how many townhall meetings any of us has, this is one the people understand. I have my own townhall meetings. The people get it, whether they are Republicans, Democrats, or Independents. They say Social Security works and why would we turn our back on it.

Watch out for the word ''reform.'' If it is truly reform, we should do it. But if it is repeal, which is what privatization is, we are not going to do it.

Again, with the same reservations that my friend has, I read this amendment and I say, bravo, we can talk, if we are not going to borrow. We can talk, if we are not going to privatize. We can talk, if we are not going to set up a two-tier system that hurts people. We can talk. And we can do what we did in the eighties. I was proud to stand with my President at that time, Ronald Reagan, and my Speaker at that time, Tip O'Neill, these icons who got behind a very simple plan.

And by the way, there are many civil ways. My friend has outlined one. We can step to the plate on this challenge.

Let's stop using the word ''crisis'' because you are not fooling anybody. Mr. President, 22 years ago the Cato Institute put out a paper. They said: Make people think it is a crisis as soon as you can. If they think it is a crisis, they may accept the end of Social Security. Tell them it is an iceberg coming.

That is what the White House secret little memo did.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. BOXER. Mr. President, I ask for 30 seconds, and then I will stop.

Mr. CONRAD. I yield 30 seconds to the Senator from California.

The PRESIDING OFFICER. The Senator is recognized for an additional 30 seconds.

Mrs. BOXER. The people are smart. They know there are some people around here who have been trying to get rid of Social Security for decades. We cannot trust this matter to people who have wanted to do away with Social Security. The President himself said in 1978 that Social Security will go broke by 1988 unless it is privatized. He was wrong then; he is wrong now. He said in the year 2000 that people act as if Social Security is a Federal program or something. How do we trust someone who does not know Social Security is a Federal program where people pay their insurance, they pay for it, and they get back what they put in, plus a safety net?

I thank my colleague for yielding. I thank my friend, Senator GRAHAM, for offering us something that I think many of us will be able to vote for.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LOTT. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Mississippi will state his inquiry.

Mr. LOTT. How is the time divided between now and 3 p.m.?

The PRESIDING OFFICER. The Senator from North Dakota has 3 minutes, and the Senator from South Carolina has 9 minutes.

Mr. GRAHAM. Mr. President, I yield to the Senator from Mississippi 4 minutes.

Mr. LOTT. I thank the Senator from South Carolina.

Mr. President, I wish to make some remarks before we start this series of votes at 3 o'clock. I understand there will be several stacked votes, four or five at that time.

First, I remind my colleagues that this is an important process. This is a process where we pass a budget resolution. This is a blueprint that we are trying to put in place of how we will proceed the rest of this year and even, depending on the enforcement mechanisms, next year. This is not written in stone. This is not the Ten Commandments. This is an outline. This is a blueprint. These are aggregate numbers.

I must say, ashamedly, for 2 of the last 3 years we did not have a budget. I think that is one reason we had such a mess at the end of the session last year. I admit, it was an election year, but we need to have some guidelines of what are we expected to do at Commerce, how can we do a better job at the Transportation Security Administration, how much money is going to be available, what is going to be available at the Finance Committee, what are we going to do with our entitlement programs and tax policy? One way or the other, what are the appropriators going to do?

I hope my colleagues will not get too overwrought and too much into the details. I do not like a lot of this budget proposal. I do not like a lot of what the President proposed, but I will have my opportunity to make my case and I will have my opportunity to vote for or against parts of it. This is just the beginning. This is the kickoff.

By the way, it should be a bipartisan effort to get this budget resolution in place.

I think the committee has done a good job. First, it cuts the deficit in half within 5 years. We have been dealing with increased defense needs. We have been trying to figure out all the needs of homeland security. We had economic problems, and the deficit has gone up. Now it is time we begin to do something about it. We need to begin to control spending, and we need to be careful about our tax policy which can hurt the economy if we have raised taxes or if we cut taxes even in the wrong way versus cutting taxes in a way that gives incentive for growth.

This budget starts in the right direction of reducing the deficit. It fully funds the President's request for defense and homeland security. I guess we need to do that. The numbers are adequate in both areas. I would like to see some more in defense. And I do not like the mix in the President's budget for defense. But that is not what we will decide here.

This bill maintains job-creating tax policy and it strengthens budget enforcement tools. Because we did not have a budget resolution last year, and 2 years before that, we have been losing our ability to impose some budget and fiscal restraint. This resolution does provide outlines that will take us into doing more, and doing a better job at education, energy, welfare, and pension policy, all of which we need to do.

I hope we will be careful. Let's not get too hot with the rhetoric this week. When we get to Thursday night or Friday, we will pass a budget resolution and move forward.

With regard to the amendments, I was interested to see we got some amendments on Social Security. This may be good. Is this a sign that Democrats are going to join us and we are going to have a serious discussion? Senator LINDSEY GRAHAM has his neck way out there, so far out I am not about to join him where he is right now, but he is trying to get us going, get engaged in this discussion. A lot of people say we can't do this, we can't talk about any kind of restraint in growth and benefits. We can't do anything about age. Oh, no, we can't do anything with personal savings account.

If you listen to what they are saying, it is we don't want to do anything but raise Social Security taxes again. We have done that too many times.

My time is gone. I urge my colleagues: Vote against these points of order. This would be the exact wrong way to get started toward Social Security reform and getting a budget resolution. I will have more to say about all this later.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. I want to leave this debate on a positive note. Senator CONRAD has been a pleasure to work with. We have some philosophical differences. Maybe we can bridge those gaps. Senator LOTT was talking about my political career. I hope it is secure, but I know Social Security is not. I am not worried about that now, because most people at home have appreciated the effort on my part, and others, to bring honesty to the table.

Why did I pick the word permanent? Why did we pick the word permanent? Everything Senator CONRAD said about budget forecasting is absolutely true. I think we need to understand that when we say words such as ''permanent,'' what I am trying to do is give the American public reassurance that we, as Republicans and Democrats, are going to do the same thing with Social Security that happens when you buy life insurance or you buy car insurance or you buy fire insurance; that is, when you need it, if something happens, it is going to be there. You wouldn't buy a policy from some company that could say: You are good for 10 years; After that, I am not so sure.

What we are trying to do is make a pledge and a promise to the American people that we will permanently take care of this program. We will make the adjustments as we need to, whenever they come and however they come. Our pledge is to make honest promises, keep those promises and I want to tell you why it is important.

Senator BOXER commented about her family situation. The good news is that Social Security has affected so many lives in a positive way. When I was 21, my mother died—she was 52—of Hodgkin's disease. When I was 22, a year later, my father died. He was 69. We all thought he would go first, but you never know in life. We owned small businesses, a liquor store, restaurant, and pool hall. Everything I learned about politics I learned there, and it served me well.

But when my parents died, the businesses folded. I had a 13-year-old sister. We moved in with an aunt and uncle who worked in the textile mills; they never made over $25,000. Survivor benefits mattered to my family. Without that money, it would have been tough for our family. So I know as well as anyone in this body that Social Security has a purpose. That is a good purpose. We ought to focus on making sure in the future, families like mine, who are worse off, have what we can afford to give them and what we promise to give them we will give them in a permanent fashion.

As to how we get there, I am openminded. Senator LOTT mentioned, if you don't want to go into deficit and set up accounts, I will work with you.

But the accounts make sense to me, because younger workers, born after 1980, get a 1.4 percent rate of return on their Social Security investments. I know we can beat that without becoming a day trader. I know we can do a better job than that. But I am not going to prejudge anybody's plan. My promise to you is if you want to permanently solve the Social Security problem, to make sure that people in the future can count on the benefits when their family needs them, I will work with you.

Senator CONRAD has been great to work with. I hope we can build upon what we have done today and find a solution that will protect the safety net.

AMENDMENT NO. 152, AS MODIFIED

I send a modification of the amendment to the desk.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from North Dakota.

Mr. CONRAD. Give me a moment to get settled.

The PRESIDING OFFICER. Without objection, the amendment is modified.

The amendment (No. 152), as modified, is as follows:

At the end of title V, insert the following:

SEC. _____. SENSE OF THE SENATE REGARDING SOCIAL SECURITY RESTRUCTURING.

(a) FINDINGS.—The Senate finds that—

(1) Social Security is the foundation of retirement income for most Americans;

(2) preserving and strengthening the long term viability of Social Security is a vital national priority and is essential for the retirement security of today's working Americans, current and future retirees, and their families;

(3) Social Security faces significant fiscal and demographic pressures;

(4) the nonpartisan Office of the Chief Actuary at the Social Security Administration reports that—

(A) the number of workers paying taxes to support each Social Security beneficiary has dropped from 16.5 in 1950 to 3.3 in 2002;

(B) within a generation there will be only 2 workers to support each retiree, which will substantially increase the financial burden on American workers;

(C) without structural reform, the Social Security system, beginning in 2018, will pay out more in benefits than it will collect in taxes;

(D) without structural reform, the Social Security trust fund will be exhausted in 2042, and Social Security tax revenue in 2042 will only cover 73 percent of promised benefits, and will decrease to 68 percent by 2078;

(E) without structural reform, future Congresses may have to raise payroll taxes 50 percent over the next 75 years to pay full benefits on time, resulting in payroll tax rates of as much as 16.9 percent by 2042 and 18.3 percent by 2078;

(F) without structural reform, Social Security's total cash shortfall over the next 75 years is estimated to be $3,700,000,000,000 measured in present value terms; and

(G) absent structural reforms, spending on Social Security will increase from 4.3 percent of gross domestic product in 2004 to 6.6 percent in 2078; and

(5) the Congressional Budget Office, the Government Accountability Office, the Congressional Research Service, the Chairman of the Federal Reserve Board, and the President's Commission to Strengthen Social Security have all warned that failure to enact fiscally responsible Social Security reform quickly will result in 1 or more of the following:

(A) Higher tax rates.

(B) Lower Social Security benefit levels.

(C) Increased Federal debt or less spending on other federal programs.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the President, the Congress, and the American people including seniors, workers, women, minorities, and disabled persons should work together at the earliest opportunity to enact legislation to achieve a solvent and permanently sustainable Social Security system;

(2) Social Security reform—

(A) must protect current and near retirees from any changes to Social Security benefits;

(B) must reduce the pressure on future taxpayers and on other budgetary priorities;

(C) must provide benefit levels that adequately reflect individual contributions to the Social Security system; and

(D) must preserve and strengthen the safety net for vulnerable populations including the disabled and survivors; and

(3) the Senate should honor section 13301 of the Budget Enforcement Act of 1990.

Mr. CONRAD. Mr. President, could you advise us on the time remaining on the two sides of the amendment?

The PRESIDING OFFICER. The Senator from North Dakota has 3 minutes. The Senator from South Carolina has 1 minute.

Mr. CONRAD. If the Chair would advise me at the end of 2 minutes, I would be appreciative.

Let me again say to Senator GRAHAM, I appreciate this effort. I appreciate the amendment he has offered. I have already indicated I intend to support this amendment because I think it lays out in some reasonable way the challenge we face.

On this question of permanency, I agree with him. We certainly do not want a Social Security solution that leaves people in doubt that they are actually going to get their Social Security benefits. At the same time, when we use the word ''permanently,'' I don't want to have people left with the understanding that this is based on a forecast forevermore. The reason I do not is because that might lead to improper conclusions about what we are doing.

These long-term forecasts I have seen over and over are a problem. Let me say why that is the case. The underlying forecast by the Social Security trust fund is that economic growth going forward is going to be 1.8 percent a year. That is the underlying forecast. Every year for the next 75 years, they are saying the economy is only going to grow at 1.8 percent.

If we look back over the last 55 years, these green bars show how much the economy has actually grown, and in no time—at no time over the last 55 years, in 5-year increments, have we had economic growth that was as low as their forecast of how much the economy is going to grow over the next 75 years. So I have grave doubts about the accuracy of this forecast.

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. CONRAD. I thank the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. The Senator from North Dakota's comments are well made. ''Permanent'' to me is to do whatever we need to do at whatever point in time to secure the safety net, starting today. Senator CONRAD is right; we should have started yesterday dealing with all these problems. Social Security is only a small slice of it.

This budget sense of the Senate I hope will bring us together in honestly defining the problem. I am not asking anybody to prejudice an outcome, as to how they would solve the problem. But now we have on paper what the problem is for America. Working together, I think we can solve it. If we do not, we know what happens. In that regard I think this is a good step forward.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, let me close by saying I support this amendment. I think it is a good-faith effort by the Senator to describe the problem in an accurate and honest way. For that reason, I intend to support it. I urge my colleagues to do so as well.

I would like to conclude by saying thank you to the Senator across the aisle. I think he has done a great service to all of us who are trying to address this problem. When we wrote an op-ed together, we said there is a problem here. There is a challenge. We need to work together to address it. We should not take on massive new debt to do it. But we ought to consider all the options before us.

I thank my colleague and I urge my colleagues in the body to support his amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. GRAHAM. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 46 Leg.]

YEAS—100

Akaka	Coburn	Frist
Alexander	Cochran	Graham
Allard	Coleman	Grassley
Allen	Collins	Gregg
Baucus	Conrad	Hagel
Bayh	Cornyn	Harkin
Bennett	Corzine	Hatch
Biden	Craig	Hutchison
Bingaman	Crapo	Inhofe
Bond	Dayton	Inouye
Boxer	DeMint	Isakson
Brownback	DeWine	Jeffords
Bunning	Dodd	Johnson
Burns	Dole	Kennedy
Burr	Domenici	Kerry
Byrd	Dorgan	Kohl
Cantwell	Durbin	Kyl
Carper	Ensign	Landrieu
Chafee	Enzi	Lautenberg
Chambliss	Feingold	Leahy
Clinton	Feinstein	Levin

Lieberman	Pryor	Specter
Lincoln	Reed	Stabenow
Lott	Reid	Stevens
Lugar	Roberts	Sununu
Martinez	Rockefeller	Talent
McCain	Salazar	Thomas
McConnell	Santorum	Thune
Mikulski	Sarbanes	Vitter
Murkowski	Schumer	Voinovich
Murray	Sessions	Warner
Nelson (FL)	Shelby	Wyden
Nelson (NE)	Smith	
Obama	Snowe	

The amendment (No. 152), as modified, was agreed to.

Mr. GREGG. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 144

The PRESIDING OFFICER. There are now 2 minutes evenly divided before a vote in relation to the Conrad amendment.

Who yields time?

The Senator from North Dakota.

Mr. CONRAD. Mr. President, the amendment before us is very simple. It says: Social Security first. Very simply, the amendment says: No new mandatory spending or tax cuts until Social Security is solvent, unless the new spending or the new tax cuts are paid for or they can get a supermajority in the Senate.

It is a matter of priorities. This says: Social Security first. No new spending, no new tax cuts until Social Security is solvent, unless those amendments are paid for or they get a supermajority vote here in the Chamber.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Twelve seconds.

Mr. CONRAD. Mr. President, I yield 12 seconds to the Senator from Michigan.

Ms. STABENOW. Mr. President, I am very proud to be joining my colleague on this amendment. For all of us who have talked about Social Security, this is the way to put it first in the budget process. This is the way to secure it for 75 years.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from New Hampshire.

Mr. GREGG. Mr. President, this amendment has a lot of problems. But three of the major ones are, first, it creates a precedent of mixing the general fund with the Social Security fund, which is a big mistake. Second, it treats entitlements entirely different than it treats tax cuts, which is a big mistake. And third, it is brought forward by a party which says there is no Social Security problem and, therefore, we will never have a tax cut because they will not admit there is a problem. It is essentially a stalking-horse for doing nothing on the issue of relieving American taxpayers of the burden which they have under the present tax system at any time in the future.

As we know, we need major tax reform. So it would be a huge mistake to put this point of order in place.

Mr. SANTORUM. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 144.

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 45, nays 55, as follows:

[Rollcall Vote No. 47 Leg.]

YEAS—45

Akaka	Durbin	Lincoln
Baucus	Feingold	Mikulski
Bayh	Feinstein	Murray
Biden	Harkin	Nelson (FL)
Bingaman	Inouye	Nelson (NE)
Boxer	Jeffords	Obama
Byrd	Johnson	Pryor
Cantwell	Kennedy	Reed
Carper	Kerry	Reid
Clinton	Kohl	Rockefeller
Conrad	Landrieu	Salazar
Corzine	Lautenberg	Sarbanes
Dayton	Leahy	Schumer
Dodd	Levin	Stabenow
Dorgan	Lieberman	Wyden

NAYS—55

Alexander	DeWine	McConnell
Allard	Dole	Murkowski
Allen	Domenici	Roberts
Bennett	Ensign	Santorum
Bond	Enzi	Sessions
Brownback	Frist	Shelby
Bunning	Graham	Smith
Burns	Grassley	Snowe
Burr	Gregg	Specter
Chafee	Hagel	Stevens
Chambliss	Hatch	Sununu
Coburn	Hutchison	Talent
Cochran	Inhofe	Thomas
Coleman	Isakson	Thune
Collins	Kyl	Vitter
Cornyn	Lott	Voinovich
Craig	Lugar	Warner
Crapo	Martinez	
DeMint	McCain	

The amendment (No. 144) was rejected.

Mr. GREGG. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GREGG. Mr. President, I ask unanimous consent for 1 minute.

The PRESIDING OFFICER (Mr. MARTINEZ). Without objection, it is so ordered.

Mr. GREGG. Mr. President, that vote took 20 minutes. This time does not count against the underlying budget resolution. When we have a series of stacked votes such as this, if people do not vote within the 10-minute framework of the vote, we are talking about extending the timeframe of the resolution by the time we run over the vote. So if we have 20 or 30 votes and we are adding 10 minutes to every one of those votes—which we will have before we finish, believe me—we are talking 2, 3, 4, 5, 6 hours of additional time we will be in session on this resolution, which means a lot of us, or all of us, are going to be here very late on Friday night.

It is up to us whether we discipline ourselves, but hopefully folks can stay within the 10-minute timeframe we have set up. That is why Senator CONRAD and I decided to stack these votes, so we could move this process along. We would like to continue to work in that framework.

AMENDMENT NO. 150

The PRESIDING OFFICER. There are 2 minutes equally divided with a vote on the DeMint amendment No. 150. Who yields time?

Mr. GREGG. Mr. President, I yield time to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, my amendment expresses the sense of the Senate that if we do nothing as a body to address the Social Security issue, it will result in massive debt, benefit cuts for future retirees, as well as large payroll tax increases. The big question today, and the difference in my amendment and another amendment, is whether we need to address it now or push this off until 2042.

It is clear by any measure, if we look at what the Social Security actuaries are saying, that in 2018 we will begin to move billions of dollars from the general fund to support Social Security benefits.

The time to act for Social Security change and reform to save and strengthen Social Security is now, and we can do that best by beginning to save the Social Security surplus and to save part of what people are putting into the Social Security system.

I encourage my colleagues to support my amendment, which simply says if we do nothing, the American people will pay for generations. This amendment is deciding whether we are proposing something for the next election or the next generation.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from North Dakota.

Mr. CONRAD. Mr. President, I yield time to myself.

I would support the amendment of the Senator from South Carolina if the amendment did what the Senator just described. That is not what the amendment does. It says, in pertinent part:

> It is the sense of the Senate that Congress should reject any Social Security plan that requires deep benefit cuts or massive increase in debt . . .

I agree with that absolutely. Then it goes on to say:

> . . . and a failure to act would result in massive debt, deep benefit cuts and tax increases.

That part of it is just inaccurate and here is why. When we get to 2052, according to the Congressional Budget Office, and Social Security can only meet 78 percent of its obligations, the result is deep benefit cuts. There are no tax increases that are triggered by the law at that point. What happens is deep benefit cuts.

I would just say and urge my colleagues, I think you have to oppose this amendment because, frankly, it states something that is just not accurate.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GREGG. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Louisiana (Ms. LANDRIEU) is necessarily absent.

The PRESIDING OFFICER. Is there any other Senator in the Chamber desiring to vote?

The result was announced—yeas 56, nays 43, as follows:

[Rollcall Vote No. 48 Leg.]

YEAS—56

Alexander	DeMint	McCain
Allard	DeWine	McConnell
Allen	Dole	Murkowski
Bennett	Domenici	Nelson (FL)
Bond	Ensign	Nelson (NE)
Brownback	Enzi	Roberts
Bunning	Frist	Santorum
Burns	Graham	Sessions
Burr	Grassley	Shelby
Byrd	Gregg	Smith
Chafee	Hagel	Specter
Chambliss	Hatch	Stevens
Coburn	Hutchison	Sununu
Cochran	Inhofe	Talent
Coleman	Isakson	Thomas
Collins	Kyl	Thune
Cornyn	Lott	Vitter
Craig	Lugar	Warner
Crapo	Martinez	

NAYS—43

Akaka	Feingold	Murray
Baucus	Feinstein	Obama
Bayh	Harkin	Pryor
Biden	Inouye	Reed
Bingaman	Jeffords	Reid
Boxer	Johnson	Rockefeller
Cantwell	Kennedy	Salazar
Carper	Kerry	Sarbanes
Clinton	Kohl	Schumer
Conrad	Lautenberg	Snowe
Corzine	Leahy	Stabenow
Dayton	Levin	Voinovich
Dodd	Lieberman	Wyden
Dorgan	Lincoln	
Durbin	Mikulski	

NOT VOTING—1

Landrieu

The amendment (No. 150) was agreed to.

Mr. GREGG. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 145

The PRESIDING OFFICER. There are now 2 minutes evenly divided before a vote in relation to the amendment of the senior Senator from Florida.

Mr. CONRAD. Mr. President, we had the announcement of the vote as 56 and 46; from the math I learned in North Dakota, that adds up to 102.

The PRESIDING OFFICER. Forty-three.

Mr. CONRAD. Thank you very much.

The PRESIDING OFFICER. Who yields time?

Mr. NELSON of Florida. Mr. President, this is a sense of the Senate on the same subject and I don't see how anybody can disagree with it.

It is the sense of the Senate that Congress should reject any Social Security plan that requires deep benefit cuts or a massive increase in debt, and a failure to act by 2042 would result in deep benefit cuts; therefore Congress should take action . . .

This does not say wait until 2042. It says ''a failure to act by 2042 would result in deep benefit cuts'' which is exactly what the Social Security Administration and CBO have told us; that if we do not act by 2042 they are going to pay only 73 cents on the dollar. CBO says that date is 10 years later, 2052. Out of an abundance of caution, I have stated the earlier date.

Mr. GREGG. Mr. President, although this amendment certainly on its face could be deemed to have some reasonable points, it appears to be missing a fairly large chunk of the issue. It says there should not be any required deep benefit cuts. I think we would all like to accomplish that. It says there shouldn't be any massive increase in debt. We certainly all would want to require that. But it doesn't mention taxes. As a practical matter, the implication is that taxes could be increased rather dramatically.

By silence on that issue, I think basically the other side is saying with this amendment we are ready to raise taxes a lot, especially on younger, working Americans, which would be a serious mistake.

Therefore, I suggest we vote against this amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant bill clerk called the roll.

The result was announced—yeas 50, nays 50, as follows:

[Rollcall Vote No. 49 Leg.]

YEAS—50

Akaka	Durbin	Mikulski
Baucus	Feingold	Murray
Bayh	Feinstein	Nelson (FL)
Biden	Graham	Nelson (NE)
Bingaman	Harkin	Obama
Boxer	Inouye	Pryor
Byrd	Jeffords	Reed
Cantwell	Johnson	Reid
Carper	Kennedy	Rockefeller
Clinton	Kerry	Salazar
Collins	Kohl	Sarbanes
Conrad	Landrieu	Schumer
Corzine	Lautenberg	Snowe
Dayton	Leahy	Specter
DeWine	Levin	Stabenow
Dodd	Lieberman	Wyden
Dorgan	Lincoln	

NAYS—50

Alexander	DeMint	McCain
Allard	Dole	McConnell
Allen	Domenici	Murkowski
Bennett	Ensign	Roberts
Bond	Enzi	Santorum
Brownback	Frist	Sessions
Bunning	Grassley	Shelby
Burns	Gregg	Smith
Burr	Hagel	Stevens
Chafee	Hatch	Sununu
Chambliss	Hutchison	Talent
Coburn	Inhofe	Thomas
Cochran	Isakson	Thune
Coleman	Kyl	Vitter
Cornyn	Lott	Voinovich
Craig	Lugar	Warner
Crapo	Martinez	

The amendment (No. 145) was rejected.

Mr. GREGG. Mr. President, I move to reconsider the vote.

Mr. BENNETT. 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 Colorado, Mr. ALLARD, is recognized.

AMENDMENT NO. 147

Mr. ALLARD. Mr. President, I urge a ''no'' vote on the Stabenow amendment. It increases spending and taxes. The total amount of dollars allocated in 2002 to 2005 to the Office of State and Local Government Coordination and Preparedness was $11.2 billion. The total amount spent is $6.1 billion. That means we have $5.2 billion still available. Only 55 percent first responder grant dollars have been used. Still billions of dollars remain. In the name of fiscal responsibility, I urge you to join me in voting no on the Stabenow amendment.

The PRESIDING OFFICER. The Senator from Michigan, Ms. STABENOW, is recognized.

Ms. STABENOW. Mr. President, this amendment is about keeping our families safe and our communities safe. It would restore the $1.6 billion in cuts to first responders, our police, firefighters, and emergency workers. These cuts are included in the President's budget and in this mark.

With this amendment, we would restore those funds, as well as add $1.6 billion to reduce the deficit. There is an offset we are proposing that we close tax loopholes that were dropped from last year's FSC bill in order to pay for this.

In my State of Michigan, and I am sure in your States as well, every police chief told me they have fewer officers on the streets today than on 9/11/2001. This is wrong. They are counting on us to provide them the resources in partnership with them to keep our citizens safe. Also, the Byrne grants we restored will provide for additional law enforcement personnel in our county courthouses, where we have seen recent violence.

I urge that we adopt the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. GREGG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 46, nays 54, as follows:

[Rollcall Vote No. 50 Leg.]

YEAS—46

Akaka	Carper	Durbin
Baucus	Chafee	Feingold
Bayh	Clinton	Feinstein
Biden	Conrad	Harkin
Bingaman	Corzine	Inouye
Boxer	Dayton	Jeffords
Byrd	Dodd	Johnson
Cantwell	Dorgan	Kennedy

Kerry	Mikulski	Rockefeller
Kohl	Murray	Salazar
Landrieu	Nelson (FL)	Sarbanes
Lautenberg	Nelson (NE)	Schumer
Leahy	Obama	Stabenow
Levin	Pryor	Wyden
Lieberman	Reed	
Lincoln	Reid	

NAYS—54

Alexander	DeWine	McCain
Allard	Dole	McConnell
Allen	Domenici	Murkowski
Bennett	Ensign	Roberts
Bond	Enzi	Santorum
Brownback	Frist	Sessions
Bunning	Graham	Shelby
Burns	Grassley	Smith
Burr	Gregg	Snowe
Chambliss	Hagel	Specter
Coburn	Hatch	Stevens
Cochran	Hutchison	Sununu
Coleman	Inhofe	Talent
Collins	Isakson	Thomas
Cornyn	Kyl	Thune
Craig	Lott	Vitter
Crapo	Lugar	Voinovich
DeMint	Martinez	Warner

The amendment (No. 147) was rejected.

Mr. GREGG. Mr. President, I move to reconsider the vote.

Mr. BENNETT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Who yields time? If no one yields time, time is subtracted equally from both sides.

The Senator from West Virginia.

AMENDMENT NO. 158

Mr. BYRD. Mr. President, I shall offer an amendment at the conclusion of my remarks. It will be cosponsored by my colleagues as follows: Senators CLINTON, SPECTER, CORZINE, MURRAY, ROCKEFELLER, CARPER, SCHUMER, DURBIN, LAUTENBERG, KERRY, DORGAN, and OBAMA.

Adoption of my amendment will provide a measure of financial stability to our Nation's passenger railroad—Amtrak. My amendment will also provide a measure of certainty regarding the continuation of rail service in our country to Amtrak's 25 million annual passengers and its almost 20,000 employees.

Let me be clear: this is not a Democratic amendment or a Republican amendment. It is an American amendment. It is an amendment to help rural America and urban America alike.

The Omnibus Appropriations Act for the current fiscal year provided Amtrak with a subsidy of roughly $1.2 billion. That level of funding is anticipated to allow Amtrak to continue to operate for the remainder of this fiscal year, though its cash reserves are expected to continue to deteriorate during that time.

For fiscal year 2006, President Bush's budget seeks the complete elimination of direct subsidies to Amtrak. The request for Amtrak as we know it is zero—not a penny. The only funding that the administration has requested for inter-city passenger rail service is $360 million, which would be set aside solely for the purpose of ensuring the continuation of existing local commuter rail services that depend on the use of Amtrak property, once Amtrak, as a company, has ceased to operate.

Recently, there has been a great deal of press attention regarding the fact that the administration has proposed to push Amtrak into bankruptcy. Indeed, page 243 of the President's budget is quite explicit regarding the administration's plan.

It states that, ''with no subsidies, Amtrak would quickly enter bankruptcy.''

Transportation Secretary Norman Mineta has recently held a spate of press conferences and stated that President Bush is a strong supporter of passenger rail service in our country. Well, all I can say is that the President has found a very strange way to show his support. By eliminating the annual Federal subsidy to Amtrak in its entirety, President Bush has threatened to leave 25 million passengers standing at the platform. He is threatening to push those 25 million passengers onto our already congested highways and runways and he is threatening to isolate dozens of communities across the nation who do not have air service and are now being threatened with being eliminated from the national railroad map.

The budget resolution before us assumes that overall domestic discretionary funding will be at the level requested by the President. As such, it also presumes enactment of the President's budget proposals for transportation, including the complete elimination of Amtrak's funding.

This amendment would increase the funding for function 400, the transportation function by $1.04 billion in fiscal year 2006. When combined with the $360 million that the President has requested for the continuation of commuter services in the event of Amtrak's termination, my amendment would bring total rail passenger funding up to $1.4 billion in 2006. My amendment would increase the cap over discretionary spending by the commensurate $1.04 billion. The amendment would be completely offset by an increase in revenues through the closing of corporate tax loopholes.

Some of my colleagues may be wondering how I arrived at the funding figure of $1.4 billion for Amtrak for 2006. My answer is as follows: When President Bush submitted his budget request for fiscal year 2005, has asked for only $900 million for 2005. But in that same budget, the President recognized that funding should grow to $1.4 billion in 2006 and beyond. So, my proposal to bring Amtrak to $1.4 billion in 2006 is precisely the same number that President Bush had budgeted for Amtrak for 2006 just 1 year ago.

This is an important point because certain Senators might be of the misimpression that enacting President Bush's reform bill for Amtrak might result in actual budgetary savings. In fact, the administration has said that if Congress does enact its reform bill, it would be inclined to request far more funding for Amtrak than the railroad currently receives. In an interview with National Public Radio recently, Secretary Mineta said that the administration would be inclined to request between $1.5 and $2 billion for Amtrak. That funding range compares to the $1.2 billion we provided in fiscal year 2005. The budget resolution that we are currently debating, of course, includes none of that increase for a reformed Amtrak.

Senator GREGG, the distinguished chairman of the Budget Committee, has not parroted the Bush administration's budget for all spending items. To his credit, Senator GREGG has set aside $50 billion for fiscal year 2006 for the cost of the on-going conflict in Iraq. It was the Bush administration's agenda to ignore the costs of the Iraq war and instead request this funding through a supplemental appropriations act. Senator GREGG, to his credit, said that his budget would not engage in such an indefensible policy. We know that we are going to have to pay for the ongoing conflict in Iraq in 2006 and Senator GREGG has appropriately set the money aside for that purpose.

This situation should be no different with Amtrak. The Bush administration's current budget proposes zero dollars for Amtrak's direct subsidy needs in 2006, and zero dollars for every year thereafter. Secretary Mineta, when traveling around the country, has said that the Bush administration will consider requesting adequate funding for Amtrak as part of a supplemental appropriations bill.

So, the choice before the Senate could not be clearer. If Senators really desire all Amtrak service to come to an immediate and grinding halt for lack of a Federal subsidy in 2006, vote against my amendment. But, if Senators want to pass a realistic budget that recognizes that, with or without reform legislation, continuing Amtrak service will require continued Federal subsidies in 2006, Senators should vote for my amendment.

The elimination of Amtrak's subsidy is not a recipe for a streamlined railroad. It is not a recipe for a more efficient railroad. It is a recipe for a dead railroad.

Across the Northeast corridor—the busiest urban transportation corridor in the Nation—the elimination of Amtrak's premier service would be a transportation disaster. Amtrak serves 13 million passengers each year over the Northeast corridor. The highways along this corridor—principally Interstate 95—and the runways along this corridor are already congested beyond words. Imagine for a moment the congestion that will result when an additional 13 million Americans are pushed onto those highways and runways. You are talking about both a transportation and economic disaster.

Elimination of Amtrak service would have disastrous results in both rural and urban America. There are over 120 communities all across the Nation that receive regularly scheduled Amtrak service but no air service whatsoever.

Several of these communities have seen their bus service eliminated as a result of a national shrinking of the Greyhound network. Amtrak's termination would result in dozens of these communities across the nation being isolated from the national transportation network.

Senators should not be fooled by the provision in the President's budget that calls for $360 million for commuter rail services in the Northeast corridor. These funds cannot be used as a matter of law to maintain Amtrak services on the Northeast corridor. They can only be used to maintain local commuter rail services like New Jersey Transit or the Southeast Pennsylvania Transportation Authority that operate over the Northeast corridor. And those funds can only be used as a matter of law to maintain those services and they can only be used in the event that Amtrak ceases operation. Not one penny of the $360 million requested for this purpose can be used to maintain Amtrak service for the 13 million passengers that depend on that service.

President Bush has proposed a series of so-called ''reforms'' for Amtrak that principally take the form of passing Amtrak's costs onto the States. These proposals come on top of other proposals in the President's budget, such as so-called reforms in the Medicaid Program that are designed to push additional costs of that program onto the States. As Senators are aware, the Nation's Governors traveled to Washington, DC, earlier this month. Many of those Governors visited their congressional delegations. I doubt that even one of them spoke favorably about the President's plans to push Amtrak's costs onto the States. But whether you agree with President Bush's Amtrak reform proposals or not, I would suggest that all Senators should support this amendment. There may be several disagreements over the merits of these so-called reform proposals. But one thing that is beyond question is that you cannot reform a dead railroad. And that is what the budget before us calls for—a dead, dead, dead railroad.

We should provide some stability and some peace of mind to the 25 million passengers who use Amtrak every year. We should provide some stability and peace of mind to the 20,000 Amtrak employees spread across the Nation, so that they will know that they will have employment at the end of the current year. We should provide some stability to Amtrak's finances so that the House and the Senate and the administration can have a meaningful debate over whether Amtrak should be reformed without the distraction of the near-term risk of the railroad lapsing into bankruptcy.

I encourage all Members to vote for my amendment.

Mr. President, I ask unanimous consent that the following Senators be added as original cosponsors to those names that I have already read: Senators KOHL, KENNEDY, JEFFORDS, and LIEBERMAN.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 158

Mr. BYRD. Mr. President, I send to the desk the amendment to which I have already referred.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself, and Mrs. CLINTON, Mr. CORZINE, Mr. SPECTER, Mr. ROCKEFELLER, Mrs. MURRAY, Mr. CARPER, Mr. SCHUMER, Mr. DURBIN, Mr. DORGAN, Mr. LAUTENBERG, Mr. KERRY, Mr. KOHL, Mr. KENNEDY, Mr. JEFFORDS, Mr. LIEBERMAN, and Mr. OBAMA, proposes an amendment numbered 158.

Mr. BYRD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To reject the President's proposal to eliminate Amtrak and to provide adequate funding of $1.4 billion in fiscal year 2006 to preserve a national intercity passenger rail system and to offset these costs by closing corporate tax loopholes)

On page 3, line 10, increase the amount by $1,040,000,000.

On page 3, line 19, increase the amount by $1,040,000,000.

On page 4, line 7, increase the amount by $1,040,000,000.

On page 4, line 16, increase the amount by $1,040,000,000.

On page 15, line 15, increase the amount by $1,040,000,000.

On page 15, line 16, increase the amount by $1,040,000,000.

On page 48, line 6, increase the amount by $1,040,000,000.

On page 48, line 7, increase the amount by $1,040,000,000.

Mr. BYRD. Mr. President, the following speakers have indicated an interest in making statements concerning their support for the amendment: Senators CLINTON, CORZINE, CARPER, SCHUMER, and DORGAN.

I thank the Chair. I thank all Senators.

The PRESIDING OFFICER (Mr. ALEXANDER). Who yields time?

Mr. BYRD. I yield such time as the distinguished Senator from New York may consume.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. Mr. President, thank you, once again, to my friend from West Virginia for offering this important amendment.

It is somewhat hard to believe we have to offer this amendment. There should not be a debate about the importance of Amtrak and national passenger rail service, but there is, so once again we are making the case and asking the support of our colleagues in this body on behalf of Amtrak.

As Senator BYRD pointed out, the President's budget and this budget resolution does not provide a penny for the continued operation of Amtrak. It provides just enough money to shut the trains down, but there is very little thought given as to the consequences of shutting the trains down, of ending the services that Amtrak offers, and the impact on the regional rail services that, in addition to Amtrak, provide so much support for our national transportation system.

I know there are members of the administration and even of the Congress arguing that Amtrak should not receive another penny because it is not self-sufficient. I have to respectfully ask, are the airlines self-sufficient? We keep bailing them out. Are the highway systems self-sufficient? We continue the development and maintenance of highways, transit systems, buses. No form of transportation is self-sufficient.

We have a fundamental decision to make which apparently the administration is making by this budget request that we give up on national rail for passenger travel. That is a very shortsighted position and a critical mistake.

I ask my colleagues to think back to the days after September 11. Our airports were shut down. The bridges going in and out of Manhattan were shut down. The only way in and out of Manhattan was Amtrak. That was it. If we could not have moved through the Amtrak system in and out of Manhattan, we would not have had any contact, any continuing communication, any movement of people.

I am amazed we have such a short memory. I am also amazed we do not recognize the benefits that Amtrak offers in providing this service to so many commuters and passengers. In fiscal year 2004 Amtrak broke the 25 million passenger record. That was an extraordinary accomplishment. I give David Gunn and the leadership team he brought in, which is turning Amtrak around, tremendous credit. The record of 25 million was a million greater than 2003, which itself was a record.

So we are making progress in running a railroad that meets people's needs. The new Acela trains are a great gift, moving us back and forth between Washington and New York in a little over 3 hours. I obviously have a very personal interest in this because New Yorkers rely on rail more than perhaps any other citizens in our country. Penn Station on 34th street in Manhattan is the busiest passenger rail station in our country, servicing almost 9 million passengers who boarded Amtrak trains there in 2004. Our Albany Rensselaer Station is the 10th busiest in the country. Much of our upstate economy depends upon Amtrak. We also have the busiest commuter rail system in the country. I have to point out we are putting our commuter rail system on the path to obliteration as well as Amtrak because our commuter rails operate on Amtrak rail lines. They use Amtrak tracks. Much of the system would not be able to operate if they did not share expenses, share maintenance, with Amtrak. So we are not just writing the

death warrant for Amtrak but also writing the death warrant for commuter rail.

Why are we doing this? Some are ideologically opposed to passenger rail. We might as well be ideologically opposed to air travel, if we say if you cannot make a profit you go out of business. In many instances it is the combination of Government funding and passenger use that works around the world. Why do we think we can be different?

The effect of this policy the administration has embedded in its budget will be so far reaching that I don't think people have stopped and considered the impact on the economy, the impact on our transportation infrastructure.

I was talking to one of the people who is quite an expert in railroads who said if you take Amtrak off the tracks, Amtrak is no longer responsible, the burden of keeping the tracks will fall completely on the freight companies. The freight companies have not done that good a job of keeping up their tracks and we will have all these bottlenecks that have a ripple effect through the economy, the likes of which we did not contemplate.

This has long-term effects on our economy, on our homeland security. To remove this necessary form of transportation at a time when we face all of these dangers and risks is extremely shortsighted.

What is going to happen with our airports and our highways? Amtrak right now accounts for 50 percent of the Washington, DC-New York air and rail market and 35 percent of the Boston-New York travel market. Are we going to put all of these passengers into our airports which, as anyone who has traveled lately knows, are pretty chaotic to start with? Are we going to add them to the highways and to the congestion? What are we thinking about? I wish we would take a deep breath.

The administration says it would like to reform Amtrak. I am very impressed with the steps David Gunn has taken. If the idea of reform is transferring the costs for funding Amtrak on to the States, that is a nonstarter. We will be burdening the States with expenses they cannot meet now. We will be thinking of cutting Medicaid, cutting housing. We will cut community development block grants and then say, by the way, pick up the costs of keeping your economy and business travel going by paying for Amtrak. I don't know any State that can accommodate that kind of hit.

I hope we will take the moment to support Senator BYRD's amendment. It is the right approach to take. I am the first to say if we can do some smart reforms in the context of keeping the railroad operating, let's do it. But what are the smart reforms? David Gunn has said if he can have some money for capital investments, we would cut the amount of time for commuting between Washington, DC, New York, and Boston. We could have high-speed rail along the east coast. We would make some of the routes that are not now a very effective means for transporting passengers much more so because we would make the investments that are necessary in the underlying infrastructure.

I join very happily with my friend and colleague, the senior Senator from West Virginia. I hope on both sides of the aisle all Members will think hard about this amendment. I cannot stress strongly enough the impact on the Northeast of killing Amtrak.

For people who say, well, I live a long way from there, what difference does it make, the financial engine that the Northeast still is, that provides the funds for so much of what we offer to other States far from New York, far from West Virginia, far from Boston, far from the east coast, will be at risk. This is a necessary part of our financial engine in the Northeast, particularly in New York.

I respectfully request every single Member to vote in your own self-interests. Vote for passenger rail. Vote for the economic benefits that it necessarily provides. But vote for the Byrd amendment and make us once again supportive of passenger rail as part of our overall transportation infrastructure.

Mr. President, I thank my friend and colleague and the Presiding Officer for this time.

The PRESIDING OFFICER. Who yields time?

The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished Senator from New York for her very lucid, cogent, and persuasive statement. And I thank her for her support of this amendment. I thank her very much.

Mr. President, I believe the distinguished Senator from Utah, Mr. BENNETT, is prepared to speak on the amendment.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I listened to the Senator from New York with great interest, and the Senator from West Virginia. If I thought for one moment that the administration's budget would, in fact, kill Amtrak or eliminate passenger rail service in the Northeast corridor or other corridors around the country, where it is prospering, I would be the first to stand up and oppose the administration's position.

I agree absolutely that rail passenger service in highly congested areas such as the Northeast corridor from Washington to Boston is not only important, it is essential. And I agree absolutely with the statement that says we could not absorb on our highways and our airplanes the number of passengers that would be forced there if Amtrak were to disappear.

The Senator from New York spoke about what happened after 9/11, and she said Amtrak was the only way out of Manhattan. As the bridges were closed, you could not drive out. The airports were closed. You could not fly out. You could not walk out. The only way New York City was connected—Manhattan Island, at least—with the rest of the country was by train. And it would be an absolute tragedy, it would be absolutely insane to shut that down. But as I understand the administration's position, they have no plans to shut that down. Indeed, they are willing to subsidize, as they have subsidized in the past because of all of the reasons that have been cited on the Senate floor, that kind of rail passenger traffic.

But let me take you to another part of the Amtrak system that does not enjoy the same kind of patronage as the Acela train that goes high speed from Washington to New York City, and which I have taken with great satisfaction. Let me take you to my home State of Utah. We have Amtrak service in Utah.

On one occasion, a family friend notified my wife and me that she was coming to Salt Lake City on Amtrak and would we meet her train. And we said: ''Why, of course. We will be happy to meet her train.'' We were a little less happy when we discovered that the train was arriving at 2:30 in the morning, and that this was its only stop, this was the only time. There was not an alternative time because the timing of the trains coming through, 2:30 in the morning was the only time this train came through Utah.

We went down to the depot or the terminal, and I was a little bit struck by how shabby it had become through misuse over the years. But we were there. She came. We met her. I counted the number of people who got off the train with her, and it was fewer than you could count on the fingers of your two hands.

There are fewer than 100 people a week that come into that station in Salt Lake. After 9/11, there would have been no disruption whatsoever of people traveling in and out of Salt Lake if Amtrak were not there. That terminal we went to that night was somewhat old and dilapidated and a bit shabby, but is now refurbished, lovely, big, and disconnected from Amtrak.

The current Amtrak terminal is a Quonset hut because the real estate on which the old terminal sat was too valuable and it is part of a shopping center and real estate development activity. And when that train comes in to disgorge its two or three passengers per night—and it is not every night; the schedule only comes through three times a week—the passengers who get off get off in a Quonset hut. There is no taxi service there. It is in a part of town that is not easy to walk to and from. It has fallen into disuse not because the administration has not been subsidizing it enough, not because Amtrak has not had a big enough capital budget, but because rail passenger service across very large numbers of miles between cities that do not naturally connect to each other simply does not make sense.

Amtrak in the Northeast corridor makes all the sense in the world, and we must do everything we can to make sure we preserve it. In the Cascades there is Amtrak service that makes sense. In California there is Amtrak service that makes sense. There are a number of places where Amtrak makes sense, and we must preserve it in those places. The administration, in this budget, as I understand it, has provided for $360 million that would go to the Surface Transportation Board that would be available to reimburse Amtrak in those areas where it needs it to keep the kind of service that has been described here on the Senate floor.

Now, I have given this speech before in committee—this is the first time I have done it on the floor—and every time I do, I get a flurry of letters. They are all from the same people. And they all object. Their objections all come down to nostalgia for the rail service that we all knew when we were young—or at least that I knew when I was young. I am sure there are many Members of the Senate here who have no memory of it at all.

I have great memories of rail travel: full trains, dining rooms with crisp, white linen on them, and silver tea sets and china and long trips across the country. If you were taking a train trip across the country from Salt Lake to New York, you better allocate several days for that. You better take along a pretty good library of books to read. But you'll love the scenery. Then, you were willing to take the time. You were willing to relax. It was a wonderful way to travel.

Americans don't like to travel that way anymore. It makes no sense to kid ourselves that a national railway system similar to the Europeans' makes sense in the United States. Look at the difference in distances. The Northeast corridor from Washington to Boston would cover three or four national frontiers in Europe. You would visit three or four countries traveling that far in Europe. And it makes tremendous sense with the high density of population over there for them to have a national railway system. But when you are dealing with a nation the size of Belgium, you are dealing with something rather different from a nation the size of the United States.

Now, I have a particular personal history with this. I was working in the Department of Transportation in the Nixon administration as the head of congressional relations. The distinguished Presiding Officer was the voice on the other end of the phone when I called the White House, as he was working for Bryce Harlow in charge of congressional relations. I was not always able to get hold of Bryce Harlow, but I could always get hold of LAMAR ALEXANDER. The decision to shut down passenger travel as we had known it for close to 100 years in the United States was made in the Nixon administration, and it was my responsibility to sell the Congress on the concept of Amtrak. Because railroads were required by law to maintain passenger traffic on their whole system, and the railroads were hemorrhaging red ink over this issue, our Department came up with the idea of creating a single National Railroad Passenger Corporation. That is the formal name of Amtrak. Amtrak was the name that was created by the image makers after the Congress acted.

It was my responsibility, along with my team, to come to the Congress and convince them that it made sense to shrink rail passenger service to this skeletal fashion. The outcry was enormous: You can't do that. Look at the towns that will no longer be served if you shrink it down to this skeletal system.

I remember one Governor traveled all the way to Washington to protest to us. And then we pointed out to that particular Governor that the number of people who got on the trains in his State could be picked up with chauffeur-driven limousines and driven to the nearest town where they wanted to go in the name of rail service, and it would cost a fraction of the amount that was being spent on rail service. When the Governor looked at the reality of what was really happening and got away from the nostalgia of passenger rail service, he himself, having not taken a train in many years, looked at us and said: You know, this really doesn't make any sense.

One by one, the Governors withdrew their objection to the creation of what is now Amtrak. We need to have the same kind of understanding here that brought us to the creation of Amtrak in the first place. There are parts of the country where Amtrak is essential and must be maintained. I will be the first Senator to stand here and defend it, and I will be a Senator from Utah who votes for appropriations for Amtrak for New Jersey, Delaware, Pennsylvania, Maryland, Washington State, California, and other places where it makes some sense. I agree that the Federal Government should subsidize that if it cannot make it on its own because it makes a contribution that is essential. But I cannot, under any condition, defend the expenditures of maintaining a national network in the name of saying we are connected all over the country with a set of rails and saying isn't that wonderful that you can get on the train and go all the way across the country when it is very clear that nobody wants to in any kind of quantity that makes any kind of sense.

I will be happy to contribute that portion of Amtrak's budget that goes to maintain rail service in Utah to the State of New Jersey, where they need it, and, if necessary, in Utah, we can come up with one bus per week, which has enough capacity to handle all of the Amtrak passengers who come through our State.

So for that reason, I am opposed to this amendment, because, in my view, it is attempting to maintain something that has passed from our history, actually to the detriment of that which is needed in our future. Let's get over the nostalgia of the old national railway system, and let's focus on the need to have an intelligent passenger railway system in the corridors where it contributes enormously to cutting down on congestion, pollution, and delay.

For that reason, I oppose this amendment, and I urge our fellow Senators to do the same.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, how much time does the distinguished Senator from North Dakota wish?

Mr. DORGAN. Mr. President, I ask for 10 minutes.

Mr. BYRD. I yield 10 minutes to the Senator from North Dakota.

Mr. DORGAN. Mr. President, I am advantaged from having heard twice today the proposition by the Senator from Utah—once in committee and now on the floor of the Senate. I always enjoy his presentations. I confess—and perhaps others will, too—to some nostalgia. We used to name trains. In my hometown, the train that came through was called the Galloping Goose. I used to watch that train come in to pick up the cream cans. I loved the Galloping Goose. I admit to some nostalgia, but this debate is not about nostalgia.

There is a story about a guy who, in 1896, went to Waco, TX, where a railroad company was going to destroy a couple of locomotives they were done using. They decided to put on an extravaganza. They were going to run the locomotives together, and 40,000 people showed up to watch. They ran them together in a demonstrated train wreck, and metal flew, as did sparks and steam and fire.

There was a boy named Joe Connolly—this is a great story about Joe. He discovered that people would come to watch a train wreck. Joe Connolly thought, I am going to sponsor train wrecks. He was a guy from Iowa. He sponsored 71 train wrecks in his career. His last train wreck was in 1932 at the Iowa State Fair. He built 3,000 feet of track, got two old locomotives that were about to be abandoned, and ran them together at 50 miles an hour. He had people pay from miles around to see the train wreck. They called him ''head-on Joe Connolly'' because he sponsored 71 train wrecks. What a great story.

You don't have to go to an Iowa State Fair to see a train wreck these days. You can see it right here in the middle of this budget document. That is why Senator BYRD is on the floor with his amendment. He says that Amtrak is worthy, that rail passenger service in this country ought to be a national enterprise. I fully agree. We will always have rail passenger service connecting Boston to Florida because there are millions of people living on that eastern corridor. So that will be

self-sufficient—rail passenger service on the eastern corridor of the United States. The question is: Will we be able to maintain a national rail passenger system? Is it worthy to do so? I believe the answer is yes. Senator BYRD believes the answer is yes.

We have a train that comes through my part of the country. It goes from Chicago, up to Minneapolis, over to Fargo, up north all the way to Seattle, down to Portland. It is called the Empire Builder. It has been around for decades. When it comes through the State of North Dakota, it picks up nearly 90,000 people in a year. For them, traveling on the Empire Builder is not nostalgia, it is necessary. It is one part of a transportation system in a rural State that doesn't have very many transportation systems.

We don't have the kind of aviation service, commercial air service, they have in Chicago, for example. We don't have the bus service they have in New York. But the fact is, we have Amtrak coming through our part of the country as part of a national rail passenger service. I don't object at all to subsidizing it. Every other country in the world that has rail passenger service subsidizes the service. In fact, we subsidize every other kind of transportation service in this country, so why all of a sudden do we decide that somehow rail passenger service is unworthy of our support?

My colleague from Utah used the term ''mass transit'' this morning when describing Amtrak. Amtrak is not mass transit. I support mass transit, and we don't have any in North Dakota. We don't have a subway in Bismarck or in Fargo, or light rail. I support mass transit because I believe we ought to do that for the major cities of our country. This is not mass transit. Amtrak is rail passenger service that has been, in my judgment, spectacularly successful. Despite that, we have always had people who want to disband it, take it apart, get rid of it. Why? Because they know the cost of everything and the value of nothing. This service has great value for our country. The relatively small subsidy that is required to retain a national rail passenger system is dwarfed by the subsidies in many other areas of transportation.

I understand why some would apply a profitability test to everything. I said to my colleague from Utah this morning that my guess is when they built the four-lane interstate highway system, somebody might have said there is a segment that we question: from Dickinson, ND, to Beach, ND, through the western badlands of North Dakota. There are not many people living there, and there is probably not so much traffic on that four-lane interstate highway. Or perhaps from Beach, ND, to Miles City, MT, or Billings—there is not enough traffic out there, not enough people living there to justify putting in four lanes. You know something? The country understood this was all about bridges—a bridge from here to there. So, too, is Amtrak and the Empire Builder a bridge from here to there. We understand that it stops in my State because it goes from Chicago to Seattle. It picks up nearly 90,000 people, including retired people, in the State of North Dakota.

Look, I think this is a bargain by any stretch. I support the Byrd amendment because I believe it is the right thing for this country to do.

It is all about choices. It is always, with respect to this budget when it comes to the floor of the Senate, about choices. I am absolutely surprised at some of the choices that are made and then very surprised at some of the issues other people think are unworthy for this country's enterprise.

Rail passenger service is a service that I think is important to our country. If one decides that this is all about profit and loss and not about a national transportation system that includes rail passenger service than I understand. We will have locomotives, we will have electric trains, we will have Acela trains running from Boston to Florida, and God bless them. We will wave at them as they go by, and good for all of them.

This country can, will, and should do much better and did do much better a couple of decades ago by creating a system that works. I have ridden Amtrak many times, and I like riding Amtrak. I hope that when the dust settles around here, we will have decided, once again, as a Congress that having a national rail passenger system is worthy.

I know the President believes differently. I had the president and CEO of Amtrak come into my office. I wanted to talk with him about what was happening and what was necessary. He made it plain—and I understood it before he came in—that if the President's recommendation is adopted, there will simply be no national rail passenger system. Amtrak, as we know it, will not exist.

That is a choice that perhaps the majority of Congress might want to make. I hope they will not choose to make that choice, but that is what the Byrd amendment is about. That is why it is on the floor of the Senate, and that is why it is important.

I came over to speak on this amendment because I believe an important part of this country is its transportation system, the ability of people to move around and to get around, to have access. And one part of that having a national rail passenger system that works. Yes, it requires a subsidy, and I believe that is appropriate. I am perfectly willing to do as every other industrialized country has done, and that is subsidize rail passenger service. It is not a large subsidy relative to everything else we do in the Chamber of the Senate.

My hope is, as I said, when the dust settles, we will decide to reject the recommendations of the President and this Budget Committee and continue to fund the national rail passenger system.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, I thank the distinguished Senator from North Dakota for his very timely, succinct, and persuasive statement. I thank him very much for his support of this amendment.

I believe Mr. CORZINE wishes to have some time yielded. How much time does the Senator desire?

Mr. CORZINE. Mr. President, I think it should be about 7 or 8 minutes at most.

Mr. BYRD. Mr. President, I yield 8 minutes to the very able Senator and look forward to hearing his statement.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. CORZINE. Mr. President, I congratulate the Senator from West Virginia for his strong leadership in doing something that makes a statement about an issue that holds our Nation together. I can promise that it holds New Jersey together. I respect the Senator from Utah recognizing this is a vital economic, environmental, national defense—almost any kind of variable one wants to describe—element in New Jersey's overall transportation system, but I think the point that needs to be made is that this is really true nationally. Senator BYRD's $1.4 billion in funding for Amtrak puts it in a position to continue to be that asset. I wish to speak about that a little bit.

All of us know that the transportation section of the budget that is before us mirrors President Bush's proposal, a plan that, on its surface, intends to shut down Amtrak. By the way, it does not do that with a lot of finesse. It does that across the board, whether it is in places where people might argue it is absolutely essential in the Northeast corridor, as well as in those places where maybe it is nostalgia that is driving it. I would argue that it is in those areas where we are trying to unite us as a nation.

Without the funding provided in the Byrd amendment, Amtrak will enter into bankruptcy, and it will be through the bankruptcy actions that reform is taken as opposed to where it should be, which is in the committees on the Hill, in the Congress.

Federal funding for Amtrak provides roughly one-third of what is needed to operate that national transportation system each year. Not all of it—one-third. It includes addressing pressing capital needs. The rest comes from ticket revenues and other sources, such as real estate. Without Federal funding, Amtrak will not be able to operate, and we will be into bankruptcy/reform under that format. I do not think that is the way to go. I do not think, if the American people saw it in such a stark choice mode, they would support it. I hope the Senate will support the Byrd amendment because it will make a huge difference.

No other element of our transportation system stands without subsidization. None. Zero. We are now debating, what is it, a $284 billion—a lot of us like to say it is a lot higher—subsidization of other elements of our transportation system. I am all for that. Highways, mass transit. But this is an important linkage for our economy, it is an important ingredient in protecting our environment, and it is essential to pulling together the economic strength of this country. And in times of great need, such as we saw on 9/11, it is also one of those backstops, one of those redundancies we are now building in all other kinds of places in our economy. We need to take that and drive it.

I will say there is much overlap in the Amtrak system with a whole host of other commuter agencies and activities, other mass transit systems. I give you an example. In New Jersey, there are about 4 million people who board Amtrak trains every year. Actually, we are wrong on that number. It is slightly higher. But there are over 100,000 riders of New Jersey Transit every day who use the same rail. Every day when people go to work in our financial services industry in New York or whether they go to the various elements of a very diversified economy in Philadelphia, they get on New Jersey Transit trains that actually use the same railway.

If Amtrak were to go bankrupt, we are going to be sitting with not mass transit but mess transit. We are going to have a huge, incredible outpouring jamming up two of our major cities in this country and all of that great corridor, the State of New Jersey.

It is just incomprehensible that we do not understand how we have to take a holistic view of how our transportation system works, and putting it at risk is just not a credible way to go about reform. That is why I am so pleased Senator BYRD has taken on this leadership role with regard to protecting the funding that will protect the 25 million passengers who ride Amtrak every year and gosh knows how many people who ride these other transportation systems that feed into it or parallel it or are on top of the Amtrak system. We really ought to think about an organized view about how we reform Amtrak as opposed to the blunderbuss approach of putting it into bankruptcy and using that as a basis of reform.

There is also another problem with this approach, in my view. The Presiding Officer might recognize this from his days of trying to lead a State. Transferring problems from Washington to our States where we already have huge budget problems does not seem to be an appropriate format for how we are going to resolve issues. New Jersey Transit, which I already talked about how important the Amtrak system is for its functioning, is going to get funding one way or the other. Otherwise, we are going to have a highway system that is completely clogged. The quality of life of commuters will deteriorate enormously.

So what is going to happen if this funding for Amtrak does not come through? Jersey transit fares are going to go up, and the State budgets that are already deeply in debt are going to have additional burdens imposed upon them. This is just one more shifting of responsibilities from the Federal Government here in Washington, decisions that we take, and pushing them off to State and local governments—in this case, the State government.

We need to get realistic about the importance of this transportation system, the importance of making sure that we fund it properly so we can continue to expand the number of riders that are at this point 25 million—that is up a million, year over year, and a similar amount the year before—and make sure that intercity rail service has the strength and the vitality that will allow it to help grow our economy and keep it thriving and healthy as we go forward. The Byrd amendment would provide the funding necessary to keep Amtrak out of bankruptcy, keep our economy flowing, keep our Nation tied together.

By the way, I grew up in one of those small towns in the Midwest where one of those Wabash Cannonballs came and people got on those trains and rode to St. Louis and Indianapolis and another train that went north-south to Chicago. It was an important element in keeping our Nation tied together. Those of us who live in New Jersey need to understand that there is an important networking that needs to occur in this Nation.

I think this Byrd amendment makes that statement about us being one Nation. It is important for the economics of many of our communities where there are densely populated areas. It is fundamental to that transportation system, the economic system, the environmental system. Let me say I think it is important for national security.

I urge my colleagues to support the Byrd amendment and let's move forward with real reform. Let's not do it through bankruptcy.

I yield the floor.

Mr. GREGG. Mr. President, I ask unanimous consent that there be 1½ hours for debate on the Amtrack amendment this evening, with the understanding that the debate began at 5:10, with 60 minutes under the control of the minority and 30 minutes allocated to the majority; provided further that following that debate the Senate proceed to the consideration of the ANWR amendment to be offered by Senator REID, or his designee, and that there be 2 hours for debate this evening equally divided in the usual form. I ask unanimous consent that following that debate there be 1 hour of debate in relation to an amendment relating to veterans to be offered by the minority.

I further ask unanimous consent that when the Senate resumes consideration of the budget on Wednesday that Senator FEINSTEIN be recognized to speak 20 minutes; provided further that following that debate, the Senate proceed to an additional 90 minutes of debate equally divided in the usual form in relationship to the ANWR amendment; provided further that the Senate will then have 45 minutes equally divided for debate relative to a further amendment on veterans to be offered by Senator GREGG or his designee, and the previously offered amendment on veterans.

I also ask unanimous consent that following that debate the Senate proceed to an amendment offered by Senator SPECTER relative to NIH, and there be 45 minutes for debate equally divided in the usual form.

I finally ask unanimous consent that following that debate the Senate proceed to vote in relationship to the pending Amtrak amendment, to be followed by a vote in relation to the ANWR amendment, with no amendments in order to either of those amendments prior to the votes.

I further ask that at the end of the time running this evening relative to the veterans amendment, that Senator HARKIN be recognized for up to 10 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. CONRAD. Mr. President, if I might say to the chairman of the committee, we also are trying to slot additional votes, if we can make that clear to our colleagues, and the votes would start at about 1 o'clock tomorrow afternoon. We are hoping to have five votes lined up at that time. I think it is important to say that for planning purposes of our colleagues. That is the intention of the managers of this bill. We would slot these times, as has been indicated in the agreement. That intention would be, in addition to the two votes on Amtrak and ANWR, there would be two votes on veterans and a vote on NIH starting at 1 o'clock tomorrow.

That is the intention. It is not fully spelled out in this agreement because we do not have language on those amendments at this time. But for the information of our colleagues, that is the intention of the managers.

Mr. GREGG. The Senator from North Dakota is correct. That is our intention.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I hope the two managers would be willing to put the 1 o'clock beginning of the votes into a unanimous consent request so that we can depend on that hour.

Mr. GREGG. Mr. President, I amend the request to reflect the fact that the votes cited in the request would begin at 1 o'clock.

The PRESIDING OFFICER. Is there objection to the request as modified? Without objection, it is so ordered.

Mr. BYRD. I thank the distinguished chairman of the committee.

Mr. President, I ask unanimous consent that the names of Senators LEVIN, BIDEN, and CHAFEE be added as cosponsors to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. BYRD. Mr. President, I thank the distinguished Senator for his statement. I yield such time as he may wish to have—I understand he wants about 10 minutes—to the very distinguished Senator, Mr. LAUTENBERG.

Mr. LAUTENBERG. Mr. President, I thank my colleague.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I thank my friend and colleague, the distinguished Senator from West Virginia, who has long been an advocate and supporter for Amtrak. It is so fitting that he rises at this point in time to say let's face up to this. We need more money. To do anything that would eliminate funding and practically assure bankruptcy, which we have just dealt with in a long debate, for this important national facility—I look at what is being proposed, and it is a surprise, in view of our need for better security, for a balance in the modes of transportation, which we desperately need.

In the last couple of weeks I have met with railroad people, freight railroad people. I met with aviation people. We had the heads of these companies, the CEOs in, talking to us about what their needs were and how they needed more money to finance their expansion to keep up with their demand.

When it comes to Amtrak, there is not really the support that there ought to be. This is a national facility, call it what you will. We talk about the Northeast corridor, but that is not the whole ball game because the Northeast corridor depends on its operation being part of the whole infrastructure of a rail system.

I refer to a piece I authored not too long ago. I start saying:

> Imagine hundreds of thousands more cars on our crowded highways, more hours stuck in traffic jams, more travelers in our busy airports, more oil imported from the Middle East.

One cannot be in one location in this country or another without understanding that traffic jams are more the norm, and we have to do whatever we can to relieve that congestion, to relieve ourselves from the pollution that emits from all that traffic, cars sitting one behind the other.

If that is what we want to see, then here we are, looking at the closing of Amtrak. It is a pretty grim future for millions of Americans, under the proposal made by President Bush. This irresponsible plan would stop our Nation's passenger rail system dead in its tracks. The Bush administration wants to eliminate all Federal funding for Amtrak, bankrupt our Nation's national passenger rail system, and shift more of the cost of new service toward cash-strapped States.

My colleague, the senior Senator from New Jersey, just talked about that and the impact it would have. The administration wants to eliminate all Federal funding. It would be a disaster. The shortsighted proposal would strand 850,000 commuters who depend on Amtrak and its services to get to work each and every day. It would worsen congestion, as I said, on our roads and in our skies.

Anybody who stays abreast of what is happening in our transportation system knows that we have closed the gap, the distances between airplanes, because there are too many out there under the old system. I am not suggesting it is not safe or anything of that nature, but the fact is we are putting it into overload. It is hard to get more airplanes up there. The sky, surprising to some, is a finite facility and we cannot keep putting more airplanes up there.

The impact in New Jersey and the New York metropolitan area would be devastating, where so much of our financial well-being develops, the marketplace and whatever. The heaviest population in the country is in my home State of New Jersey, and it spreads through the other States nearby, whether it is New York or Connecticut or Pennsylvania. Amtrak carries 4 million passengers a year in the New York metropolitan area, and it is the lifeline of our transportation system.

Instead of killing Amtrak, we should help provide the kind of top quality passenger rail system our country needs and deserves. We have never been willing to do that. We have never put the funds in it needed, from the point in time in the early 1970s when Amtrak became a quasi-government organization. We have never put the funding in there to bring this up to the kind of system that should be operating.

Go to Brussels, Belgium, where the NATO headquarters exists. Try to get to Paris, about 200 miles away. You cannot get an airplane to take that trip. You get into a train in the middle of town and a hour and 20 minutes later you are in Paris, 200 miles away. If we had that kind of service in some of these heavily crowded corridors, not just the Northeast corridor but from Chicago to St. Louis, for example, from Las Vegas, NV, to Los Angeles, some of these other places—if we could get high-speed rail there we could substantially reduce the number of airplanes that fill our skies. We could save money, save pollution, save congestion, and do ourselves a good service.

Since the Federal Government created Amtrak 34 years ago to relieve the private railroads of passenger service, we have invested less than $1 billion a year in infrastructure and operations, not nearly enough for a world-class system. Germany, with its modern high-speed rail system, and where the President recently visited, invested $9 billion in passenger rail service in 2003 alone. Even Estonia spends more than twice per capita than United States on passenger rail.

Americans need a world-class rail system and Amtrak has been working hard to provide it. Over the last 2 years, Amtrak has cut its costs significantly, trimmed its staff by 20 percent, increased the number of trains by 20 percent, and launched a multiyear plan to repair long-neglected infrastructure needs.

Amtrak ridership, by the way, reached a record 25 million persons in 2004; the equivalent of 125,000 fully booked 757 airplanes.

More Americans are taking the train not only out of necessity but because they appreciate the kind of service and comfort that Amtrak can provide.

The tragic events of 9/11—I remember the day vividly from the apartment I live in on the Hudson River. It is practically right across from the World Trade Center. When we witnessed this catastrophe taking place, we thought about what the consequences might be; what might happen the next day, the day after or the year after. Aviation, much to our surprise and regrettably, was shut down completely. And Amtrak was the facility that people had to use to get from Washington. A special train was set up to carry people from Congress up to New York to get some idea as to what took place.

We were reminded that we couldn't rely exclusively on airlines because this country's commercial aviation system was totally shut down. Amtrak trains kept running and carried many stranded airline passengers back to their families, to their great anxiety and concern. Amtrak provided a spectacular service in those days.

Today, everybody knows that when you go to the airport there are long lines because of security searches, making rail travel, or any kind of travel, an increasingly attractive option, but not automobile traffic.

On a personal note of experience, the other day I left our office in the Hart Building and headed for Washington's Reagan National Airport. It took us almost an hour to arrive at the airport. Then we got to the security line, and that was over a half-hour long.

If we totaled the time, excluding the flight time of the first one I missed and the waiting time for the second one that I had to catch, it would easily have been longer than it would have taken by rail.

If we could do for rail what we know is being done in other countries and shorten the ride between here and, let's say, Newark or New York to a 2-hour ride, we would relieve our skies, we would relieve our highways of all kinds of congestion, pollution—you name it—and cost. But we have never made the investment.

All transportation infrastructure costs money, including highways and airports, and States cannot bear the cost.

But while the Bush administration proposes $50 billion in Federal funds for

highways and airports this year—over $50 billion—there is not one dime reserved for inner-city passenger rail infrastructure. It is a crime not to do that.

Even though there is no money in the budget, the Bush administration promises to pay half the cost of future rail infrastructure projects. But the Federal Government currently picks up 80 percent of the cost for highways and airport infrastructure.

Since 1982, we have spent $696 billion on highways and aviation compared to $21.5 billion on rail. We have to level this playing field to make rail more competitive. It is a vital asset for our country. Even in the more remote communities serviced by rail, I know in conversation with colleagues they appreciate the service they get.

We need to help Amtrak improve service on its existing viable routes and expand to other markets where travelers deserve a choice. Instead, the Bush administration wants to leave the passengers stranded with its own version of what the rail passenger asset should look like.

In quick summary, we make a terrible mistake to turn our back on something as vital as intercity rail service. I hope we are not going to let it stand as it is presently projected. The Senator from West Virginia has proposed slightly over $1 billion to be added to the $360 million the President has proposed for traffic service that will give us a start on what we have to do to finally put Amtrak in the kind of condition that can develop the technology we see in so many other places, rapid transportation, and avoid having all of us line up at the airports and on the highways and wait anxiously to see when our turn will come to take our seat and start our travel.

I yield the floor.

The PRESIDING OFFICER (Mr. CHAMBLISS). Who yields time?

The Senator from Delaware.

Mr. CARPER. Mr. President, I start by asking unanimous consent Senator INOUYE's name be added as a cosponsor to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARPER. Mr. President, I start today by going back in time to the first time I ever rode a train. I was about 6 or 7 years old, visiting my grandparents in Beaver, WV, a bedroom community outside of Beckley, WV. The fellow who had been the delegate in the West Virginia legislature for Raleigh County, WV, which is where my grandparents lived and where I was born, was ROBERT BYRD. By that time he had left the West Virginia legislature and was serving in the Senate after having served in the House.

The first time I ever rode a train was a B&O Railroad train that stopped in front of my grandparents' house and picked me and my sister up and drove a couple hundred yards on a train of which my grandfather was a crew member.

It is ironic that some 50 years later I stand in the Senate to support the amendment offered by Senator BYRD to support continuing passenger rail service. He is literally from the same place I was born. My first personal experience in riding a train goes back to his old representative district and certainly his Senate district. I say to Senator BYRD, thank you very much for the leadership you have shown for bringing us to the Senate today to express our support for passenger rail service in the 21st century.

Fast forward a little bit to 1970. I was a naval flight officer on my first couple of tours in Southeast Asia. I remember picking up one day a Newsweek or Time and reading that somebody in the Congress had worked with the Nixon administration to create a passenger rail service for our country. At the time, the private railroads could not make money carrying people. They wanted to be relieved of that responsibility and only carry commodities, not people, from place to place in this country. An agreement was struck whereby if the for-profit private railroads would contribute their old rolling stock, their old locomotives, their old passenger cars, their old dining cars, and old track bed from Washington to Boston, overhead wires and old signaling system, old repair shops and old terminals, and kick in a little bit of money on top of that, we would somehow come up with a new passenger rail service called Amtrak.

After that couple of years and a couple of years of subsidy from the Federal Government, this new entity called Amtrak would start making money, something the private sector cannot do in carrying people. A couple years went by, and after running those old trains on the old tracks, with the old overhead rail wire and the old maintenance shop and the old signalling system and not a whole lot of Federal support to improve the capital infrastructure, Amtrak didn't make money.

If you look across the world at countries where they invest a lot of money in their passenger rail system, they don't make money either. They don't pay for the full cost of their passenger systems out of the fare box any more than we have been able to do.

Since 1970, passenger rail service, intercity passenger rail service in this country has been starved for capital. Railroads are inherently capital intensive. Passenger rail, as freight rail, needs significant capital investments and we have literally starved Amtrak for capital investments since its creation. And that continues today.

What has changed since 1970? Among the things that have changed, we import a lot more oil today. I don't recall exactly what we were importing as a percentage of consumption in 1970. It was not much. This year almost 60 percent of the oil we use in America will come from places outside the United States.

Our trade deficit in 1970 was not much at all. We were pretty much in balance. In the month of January of this year, our trade deficit reached about $60 billion in 1 month. Back to 1990, that is twice our trade deficit in 1990, and a quarter of our trade deficit each month and year is attributed to oil imports. One of the things that changed since 1970 is a greater trade deficit and greater dependence on foreign oil.

What else? Congestion on our roads and in our airports. Today, riding down I–95 to catch the train to come down here, bumper-to-bumper traffic. I–95 was a parking lot through Delaware. And that is not the only interstate highway that was a parking lot this morning or this afternoon. The same is true of roads across our country. The same is true of airports across our country.

What else is the difference from 1970? The quality of air is a little bit better. Not as good as it can be and not as good as it would be if we got more people to get out of their cars and take transit.

The other thing that is different, 25 million people rode intercity passenger rail in this country last year. That is not commuters; that is people who rode Amtrak. That is the highest number we have ever seen in the last 35 years.

My friends, if we try to cobble up enough money for Amtrak to live another year and run the old business model we have worked with for a number of years, that is not good enough. We shouldn't do it. I don't know if the administration is serious about trying to force Amtrak into bankruptcy, but I would suggest we go down two tracks. I suggest one track we go down, we adopt the amendment to provide a reasonable amount of money to run the trains in the Northeast corridor and across the country, but also do the necessary work that is needed under a 5-year capital investment plan to fix tracks, fix overhead wires, and fix signaling systems, and be able to run the trains to their capacity and on time.

At the same time we do that, we need to have a debate and a good robust discussion on what the future of passenger rail service should be in this country. I am not sure exactly what the future business model for Amtrak ought to be, but I suggest that it include a couple of these things: One, a focus on providing high-speed passenger rail service in distantly populated corridors, not only in the Northeast corridor from New York to Boston, but densely populated corridors in the Southeast, the west coast, hubs from Chicago. There are corridors we could exploit for passenger rail where folks travel 200 or 300 or 400 miles.

Today, another thing that is different from 1970 is that 75 percent of the people in America live within 50 miles of one of our coasts. Think about that. Seventy-five percent of the people in America today live within 50 miles of one of our coasts. There are all kinds of densely populated quarters that could be well served by intercity passenger rail.

Another aspect of the business model, aside from developing high-speed rail service in densely populated quarters, can be what I call trains that people pay a premium to ride because they like to ride them, because it is a neat thing to do, because it is convenient.

The Auto Train. People get on the Auto Train. They got on it about an hour ago, just south of Washington, DC. They pay a lot of money to ride a train down to Orlando, FL. They have great food on the train, watch movies, sleep on the train. It is a nice train, modern and convenient. They will get off tomorrow morning near Orlando, FL, and have their cars right there with them to go wherever they want to go. There are trains out on the west coast—Pacific Starlight—where people will pay extra money just for the beauty of the ride. Some trains across the great northern part of this country are the same.

Amtrak can make money actually running some of those trains. Amtrak can make money carrying people in a high-speed Acela Express in the Northeast corridor. Amtrak can make money carrying the mail. Amtrak can make money renting the Northeast corridor to freight for their uses, to rent out part of the right-of-way to the folks who want to run other kinds of information through the right-of-way.

Those are some elements of a business plan that I think might make some sense for passenger rail in the 21st century. Freight railroads need to be a part of that. We need to be investing in the freight railroads as well.

The last thing I will say is this. Senator SCHUMER is here to comment as well. I will finish and add this comment. A friend of mine, a senior official in the Bush administration, said to me a couple years ago, knowing of my interest in passenger rail service, that we should follow the airline model. With passenger rail service, we should do the same kind of model we follow with respect to the airlines. And I said, with tongue in cheek: Does that mean we ought to follow the Pan Am model? Should we follow the Eastern Airlines model? Should we follow Braniff? Should we follow U.S. Air? Should we follow United? Is that the model we should follow into bankruptcy, because they have all gone bankrupt? And now the administration is suggesting a path that will lead to bankruptcy for Amtrak. The Surface Transportation Board, if they were given $300 million—they can't run the Northeast corridor. That is not their ability. That is not their talent.

This does not make sense. What does make sense is going forward on two tracks. I would suggest we adopt this amendment and we simultaneously have a full and robust and rich debate on this floor and in committees and elsewhere to decide what 21st century passenger rail service ought to be in this Nation.

Last word. In a country where almost 60 percent of the oil we are using in this year comes from other places around the world, where, frankly, a lot of people don't like us, and I am convinced they take our money to hurt us, keep this in mind: To carry 1 ton of freight by rail from Washington DC, to Boston, MA, uses 1 gallon of diesel fuel. Let me say that again. To carry 1 ton of freight by rail from Washington, DC, to Boston, MA, takes 1 gallon of diesel fuel. In a country that is awash in foreign oil and that has huge trade deficits, a lot of which are attributable to our dependency on foreign oil, we are foolish to ignore that reality.

Mr. President, I yield back my time.

The PRESIDING OFFICER. Who yields time?

The Senator from New York.

Mr. SCHUMER. I appreciate my good friend from Georgia recognizing me.

I am here to rise in strong support of the Byrd amendment. First, I thank our leader and our colleague and friend, Senator ROBERT C. BYRD, for offering this amendment. I am proud to be a cosponsor of this amendment. It is one of the most vital amendments we will vote on this week in terms of the budget. Much has already been said, but I just want to add my voice to the importance of Amtrak.

If you live in the Northeast, if you live in New York State, you know how important Amtrak is, not only the train that goes from Boston to New York and then to Washington, but the line that goes from New York City to Albany and then to Montreal.

For the capital region of Albany, for over a million people, Amtrak is the No. 1 way to get to nearby cities, the route that goes from Buffalo across to Albany and then to Boston. All of them are well traveled and well used and meet any national test in terms of transportation. In New York, 10 million New Yorkers use Amtrak, and large numbers of people depend on Amtrak.

This affects all of America. I know it has been said before, but let me say it again. If we were to close Amtrak, and in our most densely populated area, the Northeast corridor, people used planes only, you would have congestion in New York City, in Boston, in Philadelphia, in Washington. It you lived, say, in Chicago or Los Angeles, or Albuquerque, you may say: What do I care? The reason is, once the traffic backs up on the east coast corridor, it then backs up to Cleveland, to Detroit, to Chicago, and down to Dallas, and all the way to California. We would choke not only our rail system, which is probably the intention of the amendment, but we would choke our entire transportation system. The roads, densely populated by trucks and cars already, would become more crowded. That means traffic jams would increase. That means pollution would increase. That means time per worker to get something done, efficiency and productivity, would go down. As I mentioned, our air service would become a total mess. So for the relatively small subsidy that Amtrak gets, it keeps our transportation system in the whole country humming.

Europe does not have the kind of delays—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SCHUMER. Mr. President, I ask unanimous consent for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Thank you, Mr. President.

Western Europe is about the only place as crowded and uses as much transportation as the United States. But the delays at the airports are so much lower. Why? Because they have a well, efficient, and subsidized system of rail. You go from London to Paris, you take the Chunnel train. You go from Paris to Lyon or Frankfurt, you take the Train a Grand Vitesse. It is just ridiculous that we are thinking of cutting it here.

Now, if you say we are against subsidies, well, agricultural subsidies are a similar subsidy. And there is sort of a balance. Believe me, my State, particularly now with the new laws we passed for dairy and apples, benefits from agriculture subsidies. They are cut 5 percent. Amtrak is eliminated. Why is that? If you are against subsidies, you are against subsidies.

I would urge the President and the people supporting this budget: OK, cut Amtrak 5 percent like you cut agriculture. Maybe together we can fight to restore even that 5 percent. But it is not a question of subsidy.

Then we get boxed in. People talk about: Well, what about the trains that are hardly used that go through large swatches of the country where they are not used? Well, the bottom line is, people from areas where Amtrak is heavily used depend on the votes of some of those folks. If we could get a guarantee from the White House and from this body that only in the areas where Amtrak is highly used we would continue to support it, and eliminate the rest, that is something to consider. But they do a ''beggar thy neighbor'' argument. They say: Cut the subsidies out West or in the South, and then we will not support Amtrak anywhere. And that gives us virtually no support. It is untenable and it is unfair.

One other issue. It affects my city, and that is the issue of terrorism. After 9/11 our airspace was shut down, but New York was not closed to the rest of the country because we had Amtrak. God forbid another terrorist incident occurs. Let's say, God forbid, somebody uses MANPAD shoulder-held missiles and shoots down planes in 20 places in the United States of America. Again, God forbid, if we did not have a rail system, this country would come to a screeching halt. So after 9/11, the rationale is even more important than it was before 9/11. And the whole idea we will send Amtrak into bankruptcy and then we will fix it will cause chaos—

chaos in New York, chaos in the Northeast, chaos in America.

This is no way to run a country. This is no way to run a transportation system. No business man or woman who knows how to get things done would make this kind of proposal. I think what we find with this proposal is what we find with a lot of things these days: a small band of ideologues who really do not look at practicalities. Ideologues of the right, ideologues of the left—they have all their genius given to them directly from the heavens, and they do not look at practicalities.

These ideologues say: Amtrak, subsidy, bad. And then, because Amtrak has less political support, people go along. Are we cutting the subsidy for roads? Are we cutting the subsidy for airports? The same ideologues say those are bad, too. But we are in the anomalous position where we are caught between the ideologues on the one hand and the practicality of political support on the other, and we get stuck. There is no consistency, no practicality, no understanding of the need of a modern nation.

So I hope we will vote for Senator BYRD's amendment. Will it take Amtrak to great new heights? No. Will it allow it to continue and grow? Yes. With the changes made by Mr. Gunn, who everybody understands is an excellent manager and who doesn't like to waste a nickel, we can make Amtrak better.

I hope that on this amendment, instead of the knee-jerk reaction to vote down all amendments, which we have seen a lot, people will look at the amendment and at the consequences of doing what is in the budget, and I hope we will support the Byrd amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. I thank my colleagues from New York and Delaware.

Many believe Amtrak is a critical service for the northeastern corridor. Amtrak is an important passenger rail service for the Midwest. In my State of Illinois, we have three different Amtrak lines that are vitally important to my State. Each year, about 3 million passengers ride Amtrak in the State of Illinois. They are young and old, many college students.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DURBIN. I ask unanimous consent for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Again, there are 3 million passengers a year in Illinois that include the young and old who ride Amtrak for a variety of reasons. I live in the State capital. State employees go back and forth on the trains from Springfield to Chicago. A lot of baseball fans heading up to see the Cubs and Sox and the Cardinals down in St. Louis ride on Amtrak. During a school year, you cannot board an Amtrak train without finding scores of students going to Southern Illinois University, University of Illinois, Illinois State University, or Quincy University. It is a critical service for our State. Two-thousand people in my State work on Amtrak.

If the administration has its way and closes down Amtrak, as Secretary Mineta and the President have suggested, or threatened, it is going to have a devastating impact on Illinois. What happens when the Amtrak trains go away? If they do—and I hope it never happens—if they do, the answer is obvious: more cars on the highway.

Who in the world thinks that is the answer to America's transportation future? Right now, communities across Illinois are begging me for more money to widen and build highways because already the congestion is out of control. Now comes the discussion of eliminating national passenger service, so 3 million train passengers in Illinois will be in a car—or maybe 1½ million if 2 people ride together—adding to the congestion, adding to the pollution, adding to more dependence on foreign oil.

What is this White House thinking? Instead of walking away from Amtrak, this administration and other administrations should walk toward Amtrak, realizing that it is one of the key elements of transportation in America.

We don't think twice about subsidizing highway transportation—trucks and cars. We do it all the time by building these highways and bridges that we are going to need. We don't think twice about subsidizing airlines in this country. We do it, and I voted for it because airline travel is critically important to our economy. Why in the world do we draw the line when it comes to this rail service and say this is an anachronism that would not work and should not have a penny of subsidy, that if it takes a subsidy, we should do away with it? That is shortsighted.

It is not surprising to me that a President from the State of Texas, with limited Amtrak service, doesn't appreciate what Amtrak means to many States. In Illinois, our State contributes $12 million a year to Amtrak. That is the State subsidy to Amtrak, which I think is a demonstration of their good will to keep Amtrak running—about 90 percent of the operating costs for the three routes I mentioned earlier, and more than $70 million over the last decade, in addition to a quarter of the cost of the Chicago-Milwaukee corridor. Illinois, despite a big deficit, is willing to pay its fair share. Should the Federal Government not be willing to do the same?

Secretary Mineta is a friend of mine; we served in the House together. He came to Chicago recently and said: I want to make it clear, we don't want to close down Amtrak. If we wanted to do that, we would do nothing. That means no subsidy. Amtrak would go away with no subsidy. We should work to improve Amtrak. They have made great progress over the last several years. But capital investments in Amtrak today mean better, more reliable service, faster trains, more people using the trains, and fewer people on the highways. Walking away from Amtrak will not achieve that goal.

I hope we can put together a bipartisan coalition to support Senator BYRD and the amendment he is offering on behalf of Amtrak. I think the Senator from West Virginia and the bipartisan group that supports Amtrak are going to keep this service in place so we can make certain that the millions of people in Illinois and across the U.S. will continue to find Amtrak a reliable train service.

Mr. President, at this point, if I am not mistaken, unanimous consent suggests that we are moving to a discussion or debate on the Arctic National Wildlife Refuge; is that correct?

The PRESIDING OFFICER. There is time remaining on this amendment under the control of the majority.

Mr. DURBIN. Of the majority?

The PRESIDING OFFICER. Yes, 17 minutes by the majority.

Mr. DURBIN. On the Amtrak amendment. Is there time remaining on the minority side?

The PRESIDING OFFICER. There is 10 seconds.

Mr. DURBIN. I will yield back all the time I have remaining to the Chair in the hopes of speeding up this debate and bringing it to a prompt conclusion.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, let me repeat what I said earlier. As I have listened to my friends talk about this amendment, I know of no one on this side who wants to shut down Amtrak. I know of no one in the administration who wants to destroy Amtrak. I know of no one who thinks that it would make sense to stop running trains in those corridors where people depend upon them for their daily activities. I hear all of the doomsday talk. I dismiss it because I don't know of anybody who is planning to do the terrible things they are accused of.

I do want to respond to the Senator from New York, Mr. SCHUMER, on one comment he made about the necessity for keeping a national rail system. He said, if we don't keep running trains in all of these States that don't have big population centers, that depend upon Amtrak the way New York, New Jersey, Delaware, and Pennsylvania do, we will lose their political support.

Apparently, he didn't hear what I had to say, so I will repeat it. I am a Senator from Utah who supports Amtrak, who believes it is essential for the Nation to have Amtrak in the Northeast corridor and other heavily populated areas. I would be glad to donate to Amtrak the cost of running a train through Utah or running several trains through Utah. I am not going to disappoint many of my constituents because they don't ride the trains. I am

not so parochial as to say that the only reason I would support Amtrak is because there is a train in my State. When I look at the number of people who are on the train, I look at the number of people who use the train, I realize that a train in my State is a waste of money. A train in my State makes no sense. I have watched the service shrink, as I said before, with the number of people who ride it. I have watched the terminal go from a large terminal that had great nostalgia and history down to a smaller one, to a corner of that one, until today it is quite literally a Quonset hut. Because there are so few people going through it, there is so little use of it that you want to conserve as much money as you can in the capital structure that supports it.

So let us not say that the reason we have to maintain the fiction of a national railway system is for political support that can support the areas where the railway system is really needed. Let's give those of us who come from other States enough credit of being smart enough to realize that shutting down Amtrak in the Northeast corridor would be a stupid thing to do, but keeping Amtrak running across areas of the country bigger than the areas across Europe all by themselves, where nobody uses the service, is also a stupid thing to do.

This is not an all-or-nothing discussion. This is not a debate between killing Amtrak and putting 15 million people on the Northeast corridor on the highways or keeping rail service available all across the Nation. This is a question of saying after 30 years of watching the subsidies fail to produce a system that makes sense, it is time to redraw the nature of the system. And this is the administration's way of getting our attention.

If, in fact, we find out during the appropriations process that the administration wants to kill Amtrak, that the administration really wants to destroy service in the Northeast corridor, I will be the first to come to the floor and stand with my friends from New Jersey, New York, Delaware, Pennsylvania, and Maryland and say this is a stupid thing to do. And I will vote for appropriations, I will vote for subsidies for Amtrak in those areas, as I always have. But do not assume the reason I always have is because there is a train running through my State. Indeed, I have always voted in that fashion saying that you ought to get rid of the train that is running through my State so that you have more money available to solve the problems in the Northeast corridor.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BENNETT. Mr. President, I yield the remainder of the time we have to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I have sought recognition to speak on the funding for Amtrak. I have joined Senator BYRD on the Byrd-Specter amendment to provide $1.4 billion for Amtrak which is, in my judgment, absolutely essential for the welfare of the United States of America.

The hallmark of an industrial society is having urban transportation. The Amtrak issue has been before the Congress virtually every year since I was elected in 1980. I recall one of the early meetings in the office of Senator Howard Baker, who was then the majority leader, where Amtrak had been zeroed out. In those days, it was funded between $600 million and $700 million. We were discussing the issue with David Stockman, who was the Director of the Office of Management and Budget. His argument was Amtrak will go to bankruptcy and the line between Boston and Washington would be saved.

It seemed to me there would be enormous problems. You would not be able to land at National Airport, now Reagan Airport, and get through the Baltimore tunnel. We were able to save Amtrak. We have saved Amtrak in every year.

There is an enormous amount of work which needs to be done on Amtrak's infrastructure, fleet, and equipment. Amtrak is setting record ridership, and as the congestion of our airports and highways continues to increase, it would be a grave mistake to cut back.

On February 10 of this year, 35 Senators, including 8 Republicans, wrote to Chairman GREGG and Ranking Member CONRAD expressing our deep concern regarding the President's proposed elimination of Amtrak funding in the 2006 budget proposal and setting forth in detail the reasons Amtrak should be funded.

Mr. President, I ask unanimous consent that the letter to Chairman GREGG and Ranking Member CONRAD 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, February 10, 2005.

Hon. JUDD GREGG,
Chairman, Senate Budget Committee, U.S. Senate, Washington, DC

Hon. KENT CONRAD,
Ranking Member, Senate Budget Committee, U.S. Senate, Washington, DC

DEAR CHAIRMAN GREGG AND SENATOR CONRAD: We are writing to express our deep concern regarding the President's proposed elimination of funding Amtrak in his 2006 Budget proposal. At a time when Amtrak is setting ridership records and as congestion at our airports and on the highways continues to increase, we believe it would be a grave mistake to cut the essential federal funds that keep Amtrak operating. Without such funds or other intervening action, Amtrak would quickly enter bankruptcy and shutdown of all Amtrak services, leaving millions of riders and thousands of communities without access to the essential and convenient transportation that Amtrak provides.

Therefore, we ask that you provide sufficient funding in the Fiscal Year 2006 Budget Resolution to sustain Amtrak's national network of passenger rail service. Amtrak's 5-year Strategic Plan, which was approved by Amtrak's Board of Directors on June 10, 2004, specifies that approximately $1.8 billion will be required for fiscal year 2006 to provide safe and efficient operation of the railroad. In addition, the most recent reauthorization proposal from the Administration would require a funding level of at least $1.5 billion for fiscal year 2006, according to the Department of Transportation Inspector General.

Where Amtrak service is available, Americans ride the train and are doing so in record numbers. Despite a sluggish domestic travel industry. Amtrak carried more than 25 million passengers nationwide. If Amtrak had the same opportunity to receive Federal infrastructure investments as highway and aviation interests, with a federal match comparable to funds available to those modes of transportation, many more communities would avail themselves of passenger rail service.

Amtrak has made real progress reforming itself over the last few years by reducing its operating costs to help fund needed capital improvements. Over the last 30 months, Amtrak CEO and President David Gunn has cut operating costs, reduced the employee headcount from slightly less than 25,000 to just under 20,000 employees, has increased the number of trains it operates by 20%, and implemented internal reforms designed to control costs and improve efficiencies. Amtrak's core operating expenses are now less than they were in 2000.

There is an enormous amount of work needed on the infrastructure, fleet and equipment Amtrak owns and operates. Amtrak cannot continue to defer this important work without jeopardizing safety and reliability of its operations or putting at risk service that is relied on by hundreds of thousands of commuter and intercity passengers each day.

Please consider our request for adequate funding for Amtrak in preparing the FY 2006 Budget Resolution.

Sincerely,
Conrad Burns,
Kay Bailey Hutchison,
Arlen Specter,
Lincoln Chafee,
Charles Schumer,
Jon S. Corzine,
Byron L. Dorgan,
Ron Wyden,
Frank R. Lautenberg,
Max Baucus,
Joe Biden,
Paul Sarbanes,
Herb Kohl,
Joe Lieberman,
Barbara H. Mikulski,
Norm Coleman,
Tom Carper,
Barbara Boxer,
Hillary Rodham Clinton,
Patrick Leahy,
Dick Durbin,
Rick Santorum,
Susan Collins,
Evan Bayh,
Mark Dayton,
John F. Kerry,
Jay Rockefeller,
Jack Reed,
Chris Dodd,
Ted Kennedy,
Olympia Snowe,
Jim Jeffords,
Barack Obama,
Carl Levin,
Debbie Stabenow.

Mr. SPECTER. Mr. President, I urge my colleagues to support adequate funding for Amtrak. I thank the Chair and yield the floor.

Mr. KENNEDY. Mr. President, I commend Senator BYRD for standing up for the future of our Nation's national passenger rail service system with this amendment.

For the past 4 years, this administration has acted in a thoroughly cynical way on Amtrak. Each year they have requested less funding than the railroad needs to operate and improve its services, and then they pillory Amtrak when it falls short of truly impossible goals.

David Gunn, the CEO of Amtrak since 2003, has stated numerous times to Congress and administration officials that to put Amtrak on solid financial footing and increase ridership, key capital improvements are desperately needed, and would cost an estimated $1.8 billion a year.

In fact, Amtrak's 5-year strategic plan calls for $1.8 billion this year, but the Bush administration simply refuses to request it from Congress, because they are bent on destroying the railroad.

Compared to the railroad investments made by our major economic competitors like Japan and Germany—each of which invests nearly 20 percent of its total transportation budget on rail or between $3–4 billion each year—Mr. Gunn's request for $1.8 billion—or 2 percent of the Federal Government's transportation budget—doesn't seem outrageous.

Amtrak operates a nationwide rail network, serving over 500 stations in 46 States. It has over 22,000 miles of track and 20,000 employees.

Amtrak's request for $1.8 billion doesn't even come close to rivaling the amount the Federal Government spends on highways and air travel. Last year, we invested $34 billion for highways, and provided airlines with $14 billion to subsidize air travel.

Yet despite Amtrak's clear and compelling needs, the administration has proposed only $900 million in each of the past 2 years, forcing Congress to scramble to provide a ''barebones'' budget of $1.2 billion needed to prevent the railroad from shutting down.

As a result, instead of being able to focus on a long-range plan of restructuring and reform, Amtrak has been forced into a permanent plan of crisis management.

They have been forced into accepting short-sighted capital investment deferrals and bookmaking wizardry simply to keep the railroad afloat. They haven't had any choice, and they are barely holding on.

As anyone in the transportation industry will testify, repairs delayed only become more costly in the future. Yet that is what Amtrak has been forced to do because of chronic underinvestment.

Despite these hardships, Mr. Gunn and his Amtrak team have had some successes, and we should acknowledge them.

First, they were able to increase ridership by 4 percent during fiscal year 2004, for a total ridership of over 25 million nationwide.

In addition, measured against domestic airlines, Amtrak has moved into 8th place in total ridership and 1st place in terms of on-time performance.

After undermining Amtrak's efforts to make critical capital investments and improve services in recent years, the administration now simply proposes to eliminate funding altogether.

In fact, the administration's budget itself advises that Amtrak will be forced into bankruptcy, and some sort of restructuring will take place.

What we see again and again from this administration is the call for reform, without the resources to achieve it. It doesn't work in education, and it won't work with the Nation's passenger rail system.

If the administration's plan—bankruptcy were—to happen, all of Amtrak's assets its stations, its track, its railroad cars, its locomotives—will be sold at fire-sale prices to pay off its creditors.

Among the assets that could be permanently removed from the Nation's transportation network are:

2,141 railroad cars; 425 locomotives; 20 high-speed train sets; 97 miles of high speed track in Michigan; 62 miles of track between Hartford, Connecticut and Springfield, MA; 104 miles of high speed track in Pennsylvania; and the 363 miles of Northeast Corridor track connecting Washington, Philadelphia, New York, and Boston.

Make no mistake, if these assets are pulled from the Nation's passenger rail system, no one will be able to put it back together again. Travel will be permanently undermined, to the detriment of our economic competitiveness, the quality of our environment, and our national security.

The administration suggests that perhaps the governors will step in. But what will they step into? The States individually, and collectively, don't have the resources to acquire an operate the system.

Even if they did, they haven't been consulted about such a proposal. Not a single State has come forward to express any interest in assuming the financial or legal responsibility for operating an interstate rail service.

Can you imagine if the administration had proposed to eliminate the FAA and suggested that perhaps the Governors should take it over?

This budget is a serious danger to the stability of our nation's transportation system. The Senate should reject the Bush administration's mindless plan of forcing Amtrak into bankruptcy.

A safe, reliable, and efficient national transportation system demands that Congress act responsibly on passenger rail issues, even if the administration continues to refuse to do so.

What if we have to shut down the national air traffic control system, as we did after 9/11, or if key parts or our Interstate system are compromised by terrorist attacks, as they may well be?

Shouldn't the mere possibility of one or more of these crises force us to recognize the importance of maintaining a viable national rail network?

The Senate should reject the administration's irresponsible passenger rail bankruptcy plan, and pass the Byrd amendment to ensure that America's transportation network remains strong and flexible for the future.

Mr. KOHL. Mr. President, I rise today to join my colleagues in supporting additional funding for passenger rail. As we all know, the administration eliminated funding for Amtrak in its fiscal year 2006 budget. I believe that this is a shortsighted policy that could strand travelers throughout the country, including those who rely on passenger rail in my State.

I am supporting this amendment, which would add $1.4 billion to the budget for Amtrak because rail service is so important to travelers in Wisconsin. I have long fought to ensure that intercity rail service exists in the Midwest. I am pleased to be joined in this effort by Wisconsin's secretary of transportation, Frank Busalacchi, who is currently serving as the chairman of the States for Passenger Rail Coalition. Rail makes up an important portion of our intermodal system in Wisconsin. In January of this year, a total of 37,445 passengers used Amtrak's Hiawatha Service between Milwaukee and Chicago. That is 37,000 fewer cars on our roads, reducing congestion and pollution. So many times, when you hear commuter rail, we think of only the Northeast corridor. I want to assure the people of Wisconsin that I know this is not the case, and that I will fight to ensure that the corridors in Wisconsin are not shut down.

I support reforms in Amtrak, and look forward to working with Amtrak, with the administration, and with my colleagues to enact meaningful reform. But we cannot move forward on reform if Amtrak has been forced to abandon its services in other areas. The Northeast is not the only region in the country that relies on a viable rail system—now is not the time to force the more than 540,000 people who used Amtrak in Wisconsin on to our overburdened roads and airports. I urge my colleagues to support Senator BYRD's amendment.

Mr. INOUYE. Mr. President, I rise in support of Senator BYRD's amendment to the fiscal year 2006 budget resolution to increase funding for Amtrak. The budget resolution before us today effectively zero's out Amtrak's funding in accordance with the President Bush's perilous strategy of bankrupting Amtrak as a means of reform. This is a disastrous plan that will shut down all Amtrak operations across the country and severely limit Congress's abilities to provide intercity passenger rail service in the future.

Senator BYRD's amendment would increase funding for Amtrak by $1.04 billion. This would be in addition to the $360 million included in the budget to

maintain commuter service operated by Amtrak in the case of bankruptcy. Amtrak would receive a total of $1.4 billion to fund railroad operations and meet capital needs. While this number is less than Amtrak has said it needs, it should allow Amtrak to continue its operations and maintain much of the progress the company continues to make on repairing and replacing worn-out capital assets. The increased spending requested by this amendment is offset by closing corporate tax loopholes.

It is essential that we provide adequate funding for Amtrak so that the railroad can maintain and improve the operations of the national system and make critically needed investments to return rolling stock and infrastructure to a state of good repair while Congress addresses the larger questions surrounding Amtrak's future through the reauthorization process. As the co-chairman of the Commerce Committee, Amtrak's authorizing committee, I look forward to working with my Chairman, Senator STEVENS, and with our Subcommittee on Surface Transportation and Merchant Marine Chairman, Senator LOTT, on ways we can improve Amtrak's service, costs, and structure. But, we must act today to ensure that adequate funding is reserved in this year's budget to avert any future crisis, to ensure the preservation of passenger rail as an alternative for the American traveling public, and to let Amtrak's employees and creditors know that Congress will not leave them out in the cold.

The PRESIDING OFFICER. Who yields time?

Mr. DURBIN. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The majority has 8 minutes 40 seconds.

Mr. DURBIN. Mr. President, I ask the Senator from Pennsylvania if he would be in a position to either yield back the time on the Amtrak debate or reserve the time and allow us to begin the debate on the Arctic National Wildlife Refuge, which I believe is next in the unanimous consent agreement.

Mr. SPECTER. I thank the Senator from Illinois giving me the option. Since I do not have the authority to waive, I choose option 2.

Mr. DURBIN. Mr. President, I ask unanimous consent that the remaining time on this Amtrak amendment on the majority side be reserved and that we now be allowed to go forward on the allocated time for the Arctic National Wildlife Refuge debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois.

Mr. DURBIN. Mr. President, I want to make clear, since the chairman of the committee came to the floor, that there were 8 minutes remaining on the Amtrak debate on the majority side, and I protected that 8 minutes so it would not be surrendered. Under the unanimous consent agreement, we now move to the debate on the Arctic National Wildlife Refuge. I hope that meets with his approval. If it does not, I will be happy to work with the majority on that question.

The Arctic National Wildlife Refuge was created in the administration of President Eisenhower. This Republican President decided in the 1950s that there were parts of the United States so important for future generations that they should be protected. One of those parts was the Arctic National Wildlife Refuge.

There has been a lot of debate about the future of that refuge. It is a place in our Nation that has a special significance to many people. There are Native Americans who live there and count on this refuge for their sustenance, maintaining their tradition, really protecting their lifestyle. There are others who see this Arctic National Wildlife Refuge from a much different perspective, and that is why we continue to debate the Arctic National Wildlife Refuge.

The reason we are considering it on the budget resolution is because a decision has been made, and that decision, made by those who wish to see drilling in the Arctic National Wildlife Refuge for oil and gas, is that they no longer want to follow the regular rules of the Senate because the regular rules of the Senate allow us to debate for a period of time.

Mr. STEVENS. Will the Senator yield?

Mr. DURBIN. I will yield for a question.

Mr. STEVENS. Are regular rules of the Senate to filibuster a bill? I do not understand what the Senator is saying. The only reason this is in the budget resolution is because he and others have threatened to filibuster it.

Mr. DURBIN. Does the Senator have a question?

Mr. STEVENS. That is my question. Would the Senator guarantee us an up-or-down vote if we do not keep it in this resolution?

Mr. DURBIN. I thank the Senator from Alaska. He has certainly been here a lot longer than I have. He understands the rules of the Senate far better than I do, and under the regular order of the Senate, we allow debate to protect the rights of the minority. I think the Senator is well aware of that fact. It is really what makes the Senate unique. And the fact that now the Senator from Alaska wants to raise this issue on the budget resolution is because he wants to in some way go around the regular order of the Senate and to win with 51 votes an issue which may require 60 votes if it was debated in the regular order. I think the Senator would concede the fact that what he is doing is extraordinary, that he is asking for this Arctic National Wildlife Refuge—

Mr. STEVENS. Will the Senator yield there?

Mr. DURBIN. Not at this point because I think we have divided time for debate.

Mr. STEVENS. I am happy to charge it against my time.

Mr. DURBIN. The Senator will have ample opportunity to use his own time. I will not yield at this time. I would like to not be interrupted for a few minutes, and then we can have a conversation.

Mr. STEVENS. Will the Senator state his party never tried to put an item in the budget resolution—

Mr. DURBIN. Is the Senator asking a question? If not, I do not yield the floor.

Mr. STEVENS. I am asking the Senator a question.

The PRESIDING OFFICER. The Senator from Illinois has the floor, and he may yield for a question if he so desires.

Mr. DURBIN. I will yield for a question, a brief question, but I have a certain amount of time to use here and I would like to use it.

Mr. STEVENS. Is the Senator saying his party has never used the same procedure to put in a budget resolution an item so it would avoid a filibuster?

Mr. DURBIN. In my response to the question, I am not saying in the history of the Senate this never occurred. But I will say to the Senator from Alaska, he knows as well as anyone who has been in this Chamber for a period of time that this is not the usual order of Senate. This is an extraordinary procedural move being made by the Senator from Alaska because he has had a difficulty passing this important bill that he would like to see passed. I think that is a fact of life.

What I would like to address for a moment, though, is the merit of the issue. Think about it for a minute. When we ask the Bush administration, What is your energy policy for America, they tell us the centerpiece for their energy policy for America is drilling for oil and gas in the Arctic National Wildlife Refuge.

Surely you must believe, if you think that is truly the centerpiece, there must be an extraordinary trove of oil and gas there that will sustain America for a lengthy period of time.

Let's look at the facts. The facts tell us quite the opposite. In fact, what we now find is when we look at the oil production that we can anticipate from the coastal plain that is being debated here, it would peak at 0.26 billion barrels a year in the year 2027, when the U.S. Energy Information Administration estimates that Americans will consume about 10.2 billion barrels of oil annually. The Arctic Refuge oil would provide about 2.5 percent of America's annual need in that 1 year—2.5 percent; and that is the peak year for oil production, according to the U.S. Energy Information Administration.

If we are talking about a source of oil which in its best and peak year is producing 2.5 percent of our oil needs in America, how in the world can this be the centerpiece of our energy policy for America? Frankly, it is not and should not be. It has become a separate issue.

For those from the State of Alaska, the two Senators here who are passionately committed to this, I can understand the nature of their commitment.

Oil and gas exploration in Alaska has been very profitable, not only for the companies involved but for many people in Alaska. But for those of us who are trying to look at a balanced energy picture, there are some serious questions here as to why we would decide to go forward in a wildlife refuge established almost 50 years ago and say we have reached such a desperate point in America when it comes to energy that we have no choice but to drill in the Arctic National Wildlife Refuge.

For years I have come to the floor questioning this decision by the Bush administration. I have been told from time to time by those on the other side that I don't know what I am talking about because I have never been there; I have never seen the Arctic National Wildlife Refuge.

After having been told that for a number of years, I decided to do something about it. I went there. I went there 2 years ago and camped out 2 nights in the refuge with my son and some friends, to take a look at what the refuge was. We went there in August. It was an amazing experience, one of the most beautiful pieces of real estate on this Earth. Although there are some who come and disparage it and say it doesn't offer that much, I think it is extraordinary. I think President Eisenhower was right in setting it aside as a wildlife refuge.

When you take a look at the area where oil exploration and drilling have been allowed, you can see as you fly over the dramatic difference. The landscape is scarred with roads and activities in those areas not protected as a wildlife refuge. On the side of the river where the wildlife refuge exists, it is quite different. It is as God made it and it still stands today. It is significantly different.

The administration and its supporters for drilling in the Arctic Refuge have claimed the drilling can be done in an environmentally sound manner. I recently heard one of the Secretaries say we would use ice roads which would disappear when the spring thaw came around; you would never even know they had been used. They noted that the United States has the highest environmental standards and the most advanced technology in the world.

That may be true. But toxic spills and air pollution from permanent yearround operations are currently wreaking havoc on many areas of Alaska's fragile North Slope. Once part of the largest intact wilderness area in the United States, Alaska's North Slope now hosts one of the world's largest industrial complexes, spanning a thousand square miles of once pristine arctic tundra.

Prudhoe Bay and 26 other oil fields include the following: 28 oil production plants, gas processing facilities, and seawater treatment and powerplants; 38 gravel mines; 223 production and exploratory gravel drill pads; 500 miles of road; 1,800 miles of pipeline; 4,800 exploration and production wells. All of this activity is taking place in an exceptionally fragile region.

Any physical disturbance—bulldozer tracks, seismic oil exploration, spills of oil and other toxic substances—can scar the land for decades. The National Academy of Sciences concluded it is likely that the most disturbed habitat will never be restored and the damage to more than 9,000 acres by oilfield roads and gravel pads is likely to remain for centuries.

At risk in the Arctic National Wildlife Refuge is the home for nearly 200 wildlife species including polar bears, musk oxen, and caribou. While I was there camping in the ANWR we saw one of these musk oxen. It was an amazing sight. During the summer, nearly 135 bird species, including millions of tundra swans, snowy owls, eider ducks and shore birds, are among those that rely on the area for sustenance before migrating south for the winter.

No matter how careful oil companies are, oil exploration and production are not environmentally sensitive practices.

Exploration and production would not be confined to a limited area; it would range across many separate fields, affecting wildlife habitat on hundreds of thousands acres interspersed between sprawling oil facilities and pipelines.

Habitat would be further disrupted by industrial activity associated with airports, permanent production and support facilities, housing, and the gravel roads needed to connect drilling sites.

All this industrial activity would fragment the coastal plain, disrupting critical birthing, denning and breeding areas.

Each year, the oil industry spills ten of thousands of gallons of crude oil and other hazardous materials on the North Slope.

From 1996 to 2004, there were some 4,530 spills of more than 1.9 million gallons of diesel fuel, oil, acid, biocide, ethylene glycol, drilling fluid and other materials.

In the Arctic, the environmental damage from oil spills is more severe and lasts longer than in more temperate climates. Diesel fuel, for instance—the most frequently spilled substance on the North Slope—is acutely toxic to plants. Even after decades have passed, tundra vegetation has been unable to recover from diesel spills.

Then there is the issue of air pollution. Each year, oil operations on Alaska's North Slope emit more than 70,000 tons of nitrogen oxides, which contribute to smog and acid rain. North Slope oil facilities also release greenhouse gases emitting anywhere from 7 to 40 million metric tons of carbon dioxide and 24,000 to 114,000 metric tons of methane. Plumes of pollution from Prudhoe Bay have been detected in Barrow, Alaska, nearly 200 miles away.

The City of Nuiqsut Council in 2001 noted, ''the impact of oil and gas development on our village has been far reaching. This has affected our day-to-day lives in several ways. Our ability to hunt and gather traditional food has been severely impacted by development.''

Increased cases of asthma have also developed in villages subject to the air pollution posed by development.

Hazardous waste contaminates water and wetlands despite advances in waste disposal methods where drilling wastes are ground up and re-injected.

In 2000 British Petroleum was ordered to pay $22 million in civil and criminal fines and establish a new environmental management program because its contractors had illegally disposed of hazardous wastes containing benzene and other toxic chemicals. These crimes only came to light because a whistle-blower reported them to the EPA.

If the United States were in a situation, a desperate situation where our economy was teetering near collapse, where we worried if businesses and jobs would continue because of energy shortages, where there was a serious question about the national security of America, I suppose the case could be made that even drilling in a wildlife refuge, even drilling in part of this world that we promised would never be touched, is warranted. That is not the case when it comes to the Arctic National Wildlife Refuge. The amount of oil and energy that could be gleaned from this area is minuscule in terms of America's security demands.

The damage that could be done to this area would be permanent. It would change it forever.

You have to ask yourself, if we have not reached such a desperate moment in our history where we have to go to a wildlife refuge and drill for oil, why are we doing it?

Some argue that many oil companies with their leases would make money. Some argue it would be good for the economy in some parts of Alaska. But I look at it from a different perspective, perhaps from a national perspective.

It is interesting to me that this energy bill which makes the Arctic National Wildlife Refuge the centerpiece of the administration's energy policy—a region which at its peak year could only produce 2.5 percent of the oil we needed—is the same Energy bill that refuses to even consider fuel efficiency and fuel economy of the cars and trucks that we drive in America. If we are worried about our dependence on foreign fuel—and we should be—aren't we doing the obvious? Why are we not saying that we are going to create incentives and standards so that we produce trucks and cars for America which will be more fuel-efficient vehicles? We have done this before.

In 1975, we faced an energy crisis. Congress ignored the big three automakers, and many who opposed them,

and said we are going to pass a standard to double the fuel efficiency of vehicles on the road in America. We went from 14 miles a gallon average fuel efficiency over 10 years to almost 28 miles a gallon. Some said it couldn't be done technologically. Some said we had no right to do it legally. We did it. More fuel-efficient vehicles were on the road, with less dependence on foreign oil.

What has happened since 1985 when those new standards were implemented? Exactly nothing. We have failed to rise to the challenge of fuel efficiency and fuel economy on cars and trucks in America. In fact, we created a gaping loophole for trucks saying they wouldn't be bound by the same fleet fuel average, and SUVs drove right into that loophole. Now there are SUVs all over the highway, with limited gas mileage burning fuel, adding to the air pollution, increasing our dependence on foreign oil. If we improved slightly the efficiency of cars and trucks, fuel efficiency over the next few years, this debate would be totally unnecessary. We wouldn't have to be talking about drilling in a wildlife refuge. We wouldn't have to be talking about drilling offshore in California or Florida or other States. We would be doing the right thing for our environment and reducing our dependence on foreign oil.

But this administration will not even entertain the possibility of asking them to drive more fuel-efficient vehicles. ''Let the marketplace work its will,'' is what we hear over and over again. We have seen ample demonstration of the marketplace at work as we find larger, heavier vehicles on the road consuming more fuel and getting fewer miles per gallon. That is the trend for our future.

In our desperation, we import more oil to feed gas-guzzling vehicles, and we turn our back on the obvious needs to conserve energy—not just in the vehicles we drive but in our everyday lives and in our business concerns as well.

I come to this debate wondering if we have reached such a desperate point that we have to drill in a wildlife refuge set aside for my children, my grandchildren, and generations beyond. Have we reached the point when it comes to America's energy security where we have no choice but to go into these areas that are so important and so pristine and engage in drilling and production techniques that will leave scars on the landscape forever?

From my point of view, we have not. There is a lot more that we can do—simple, honest approaches to this problem which will meet our Nation's energy needs without sacrificing some of the valuable resources and treasures such as the Arctic National Wildlife Refuge.

I don't know how this vote will come out on this issue. It is likely to be very close. But having been there and seen what the Arctic National Wildlife Refuge represents, this Senator is going to oppose this effort to drill in ANWR.

I think we should show real leadership, leadership that calls for conservation, renewable fuels, and better fuel efficiency. And with that fuel efficiency there will be no need to compromise the integrity of such important areas in America as the Arctic National Wildlife Refuge.

I yield the floor.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Utah.

Mr. BENNETT. Madam President, I have listened with interest to my friend from Illinois. I am sure he enjoyed his camping experience in the wildlife refuge. I wish he had been with us about a week ago when we were in the wildlife refuge and up on the North Slope when the oil activity was going on. He should remember that oil activity in the area does not go on in the summertime. It goes on in the wintertime when there is enough ice that you can drive on ice roads, and we did. You can drive to a drilling pad that is made of ice, and we did; and know that when spring comes and the thaw sets in, both the roads and the drilling pads will disappear. All that will be left from the exploratory well is a single marker showing where the well was.

The one thing I learned that I had not known before I went up there and started talking to the people who were paying attention to that area was where the areas are and the labels that have been drawn.

The Alaska National Petroleum Reserve—that is an area we do not hear discussed in this debate. But it is there, and we visited that. The National Petroleum Reserve and the Arctic National Wildlife Refuge we visited as well.

These are very evocative words: the Petroleum Reserve calls up images of great wells of petroleum being held in reserve just waiting to be tapped. The wildlife refuge calls up images of something being protected, that wildlife goes there as a haven to get away from predators, or the devastation of human activity, and so on. What I learned in the trip is that the National Petroleum Reserve was drawn on a map by President Warren Harding in 1923 at the recommendation of the Navy who said: There is probably some petroleum up here. There was no scientific examination of the kind we use today.

By today's standard, the idea that there was petroleum there was very primitive. But the President of the United States, in 1923, drew a line on a map and created by decree the National Petroleum Reserve.

President Eisenhower, in 1960, drew another line on a map creating the Arctic National Wildlife Refuge. It was expanded by subsequent Presidents, first President Johnson and then President Carter.

The interesting thing to me was to discover that there is more wildlife in the petroleum reserve than there is in the wildlife refuge, and there is more petroleum in the wildlife refuge than there is in the petroleum reserve. When the Presidents drew those lines, they didn't have the advantage of today's information.

The other thing that my friend from Illinois did not mention is that when President Eisenhower drew those lines he also drew a line around an area within the creation of the Arctic National Wildlife Range—refuge now—saying this portion of it is set aside for exploration and production of oil and gas.

For those who are saying let us not despoil this magnificent area, let me remind them that this magnificent area was created by a Presidential declaration and that same declaration said in this portion of the area we are going to have oil and gas exploration and production. It was set aside right from the beginning.

I am sure the senior Senator from Alaska will explain the promises that were made to the people of Alaska for oil and gas production in that area at the time that designation was set aside, promises that have not been fulfilled for over a quarter of a century.

The interesting thing for me to discover with respect to these evocative words and how they don't really describe what happens on the ground was the discussion of the caribou herd. We have had an awful lot of rhetoric about the caribou and how the caribou in ANWR must be protected. The caribou are unaware of the boundaries drawn by the President. The caribou go where they want to go in the area and the area includes the petroleum reserve, State land, ANWR, and Canada. The caribou go across all of those jurisdictions without paying attention to the names that are given to the land they are wandering over.

It was interesting to talk to some of the people in Barrow, which is the northern-most city in the United States. They pointed out that when Prudhoe Bay was opened for exploration and the pipeline was built there was great concern about the caribou being unable to cross the pipeline. Overpasses were built over the pipeline to allow the caribou free access to the other side because they said it will upset the caribou's migrating habits, it will upset their mating season, it will upset the calving season if they cannot move freely across. Ultimately, the compromise was that we will build the overpasses for the caribou.

As this native of Barrow who has lived there all of his life said to us, the caribou didn't understand that. The caribou don't use the overpasses. The caribou, when they get to the pipeline, scrunch down and go under the pipeline and go on with their migration without paying attention whatever to the oil pipeline.

I was in the Nixon administration when the debate about building the oil pipeline went on. It was just as bitter as the debate today. We were told the caribou population would be decimated by this. Go up there 30 years later and the caribou herds are bigger now than

they were when the pipeline was built, and by a fairly substantial margin.

I talked to some of the natives who watch the caribou. They said the thing that bothers the caribou the most are the mosquitos. They are terrible in the summer. We find caribou coming on to the gravel oil pads because if they stand under the oil platform on the gravel, there are fewer mosquitos.

The caribou like to come around. The caribou are disturbed by human activity there. The mayor of Barrow said to us, look outside the town and you find plenty of caribou. The only time caribou get upset by humans and their activity is when the humans get on snowmobiles and chase into the caribou herd with rifles and start shooting them. The caribou don't like that.

But that is the pattern of some of the people who said to us, do not disrupt our subsistence living culture. There was one Gwich'in Indian almost in tears as he pled with us, do not disrupt our subsistence living culture that has gone back 1,000 years. We live on the caribou and the whale. We don't need the oil. We live on the caribou and the whale. I thought, if you really want the subsistence living culture, it goes back 1,000 years, we can give it to you by cutting down the shipment of diesel fuel that goes to your village, that provides you with heat and power during the wintertime.

I was more moved by the prayer of the preacher who came to talk at our meeting who said he thanked God for the caribou and he thanked God for the oil. He said, God gave us the caribou and God gave us the oil. And they were meeting in a heated room where they could gather for the town meeting that we held there under the direction of Senator DOMENICI, and then for the church service that was held there.

I asked a question, how is this heated? Where do they get the power for this? They said, once a year a barge comes through and deposits a year's supply of diesel fuel. They had a power shortage in that village. Everything shut down. Helicopters, rescue teams, everything was set up to try to get to them to restore the power so they weren't sitting in their homes freezing anymore. And it was diesel fuel.

My friend from Illinois talks about the diesel spills. I think there are probably more diesel spills connected with the shipping of the fuel up there to take care of the native villages than there are on the oil pads and the activities of the oil industry because I saw the lengths to which the oil industry goes to try to prevent any kind of spills. I saw trucks driving around with diapers on. That is not literally true, but it is figuratively true. They had plastic pads under them in case there was any leakage out of the truck, then it did not get on to the ice and slip into the tundra. When you are unloading diesel fuel, a whole year's supply, in the village you will have spills.

I didn't respond to this particular Indian, tell me about your subsistence living culture, because I didn't want to embarrass him, but I knew that his subsistence living culture meant getting on a snowmobile and going after the caribou with the rifles. I thought, the caribou would much rather have oil engineers giving them some shelter from the mosquitos rather than this kind of human intervention into their lives.

A lot has been said about the puny amount of oil this would be. A lot has been said, economically, we don't need it. All the rest of it. I came back recognizing how important this is to the people of the State of Alaska, how important this is to their economy and to their future. It won't affect the caribou. It won't affect the wildlife. There are millions of acres they go over without respect to any of this activity. But if we did not proceed with this, it will significantly affect the people of Alaska. As a Senator from Utah I don't want to deprive them of that which is their natural heritage as described by that preacher when he said God gave us this oil.

It will be extracted in an environmentally friendly fashion. I think it is time we went ahead and did it.

I yield the floor.

Mr. STEVENS. Does the Senator from Colorado wish to speak? I guess we are going to go back and forth.

Mr. SALAZAR. I say to the Senator from Alaska, I would like to speak. I yield 5 minutes of my time to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, I very much appreciate that of the Senator from Colorado and also I beg the indulgence of my colleagues; I am going to speak on another subject for about 5 minutes. It is not the subject at hand. I ask consent my remarks appear apart from the debate on ANWR.

Mr. STEVENS. Parliamentary inquiry: will that time be charged against the 2 hours of the Senator's time?

The PRESIDING OFFICER. The time will be charged against the 2 hours of debate time on the Democrat side.

Without objection, it is so ordered.

Mr. BAUCUS. Madam President, I rise to oppose the reconciliation instruction in this budget resolution directing the Finance Committee to cut Medicaid by $15 billion over 5 years. These cuts will tear the fabric of our Nation's safety net at a time when Medicaid is needed more than ever. I plan to cosponsor an amendment to strike these instructions and instead establish a bipartisan Medicaid Commission.

Medicaid is just too important to be subject to arbitrary budget cuts. It is a critical public program that provides a lifeline of health coverage and long-term care services to more than 53 million of our Nation's most vulnerable individuals.

For example, Medicaid ensures access to health coverage for more than one in four children. Just think of that: one in four. It is the Nation's largest single purchaser of long-term care services and fills the gaps in Medicare's coverage for more than 6 million low-income senior and disabled individuals.

It is an essential provider of health care services for women, the leading purchaser of family planning services, and it pays for more than 40 percent of all births in America. Medicaid pays for more than 40 percent of all births in America.

Medicaid funding is a major source of support that keeps the doors open at thousands of community health centers, public hospitals, nursing homes, and other facilities.

While Medicaid is a critical component of our health care system, it is certainly not perfect. For that reason, I am open to talking about changes in Medicaid. I am open to talking about better accountability, the need for more State flexibility. And I am willing to consider any other area where improvements or clarification to existing Medicaid law is needed.

But we should not cut Medicaid for the sake of meeting an arbitrary budget number. That is clear. And we should not be cutting Medicaid under the guise of ''program integrity'' without a better understanding of what the States are doing—and what that really means—without knowing whether the activities singled out in the President's budget are truly abusive—we need to know that, too—and without knowing what impact these cuts will have on the people who depend on Medicaid—we don't know that either. So to enact these arbitrary cuts without knowing and having some semblance of the answers to those questions is just plain reckless.

Yes, Medicaid costs are growing. Recent cost growth at the State and Federal level is cause for concern. But most of this cost growth is due to an increase in enrollment and the same health care cost inflation that affects every insurance plan.

From 2001 to 2003—this is pretty important—during the last recession, Medicaid added 7.5 million people to the rolls. It was during the recession, because of the recession. Most of these people were insured but lost coverage because their employer dropped coverage or they could not afford the premiums. These 7.5 million would likely be uninsured if it were not for Medicaid. This growth in enrollment shows that Medicaid is doing its job, growing to meet the need when times are tough.

That is the whole point of Medicaid. And times were tough. We were in a recession. Employers laid people off. People needed health care, so they had to go to Medicaid.

Even though Medicaid costs are increasing, just as in Medicare and the private sector, it is important to keep in mind that Medicaid growth is lower on a per person basis. A recent study showed that Medicaid cost growth is 6.1 percent per person, compared to a 12.6-

percent cost growth for private coverage. The growth in the cost of health care in Medicaid is half the growth per person under the private insurance plans which most Americans are offered today. So Medicaid is not a wasteful program.

We also pay more for Medicaid because of the critical role it plays in filling Medicare's benefit gaps for seniors and people with disabilities.

More than 40 percent of all Medicaid spending goes to pay for long-term care, for prescription drugs, other coverage and cost-sharing for low-income individuals who are eligible for both Medicaid and Medicare. That is 40 percent of Medicare's costs, even though dual eligibles make up only about 14 percent of all Medicaid enrollees.

In essence, Medicaid picks up the tab for what Medicare should be covering. The new Medicare drug benefit should provide some new assistance with costs for the dual-eligibles. However, States will still be responsible for a substantial share of total spending in the form of so-called clawback payments.

Medicaid deserves its own policy debate, just like we had with Medicare. And whatever policy we support must address the root causes of the challenges facing Medicaid: the growth in enrollment; rising health care costs; and the increasing cost of providing long term care and other services to dual eligible beneficiaries.

We need the right diagnosis before we can get the prescription right. That is why I support creating a bipartisan Medicaid commission to advise Congress on how to sustain Medicaid well into the future.

By contrast, the budget resolution we are now debating would constrain us to finding savings that meet a target number—even if that means cutting services and benefits, shifting costs to states, or dramatically restructuring the program.

The budget resolution frames these cuts as the amount that is misspent on so-called waste and abuse in the system. Without a doubt, everyone wants to make Medicaid more efficient. And everyone agrees that we need to root out fraud and abuse in Medicaid. In fact, Congress has acted to root out fraud and abuse in Medicaid every time we have discovered it. Like with upper payment limits, disproportionate share hospital payments, and provider taxes.

And we stand ready to correct any misappropriation of federal funds.

But in the case of the administration's proposals, it is not entirely clear that there is evidence of abuse—or that the policy they have proposed will address the issue. For example, in the case of the President's proposal to limit intergovernmental transfers—IGTs—the Congressional Budget Office failed to score any savings. CBO lacked sufficient detail on the policy.

In fact, Senator GRASSLEY and I have been asking the Administration for specific information—for over a year now—about which states are currently out of compliance with the IGT rules, and how their policy on IGT enforcement may have changed. But they have not provided the information that we have requested.

I caution my colleagues in the Senate against buying the administration's pig in a poke on this issue.

So let's be clear on what the President's proposal would do. It would change the rules of the game on how states can finance their Medicaid programs, pure and simple.

And the bottom-line impact on States could be devastating. In Montana, proposed cuts in the budget resolution would result in a net loss of more than $133 million Federal dollars from state's Medicaid program. In human terms, this funding cut could mean a loss of coverage for 2,800 seniors or more than 12,000 children.

Lost Federal funds could also mean State revenues and jobs created by Medicaid spending.

For every $1 million Montana spends on Medicaid, more than $4.7 million in new business activity is generated and just over 57 new jobs are created. Montana can ill afford to lose this business revenue and economic development.

Beyond the statistics and economic impact statements, there are real people who will be hurt if we cut Medicaid.

Last month I heard from Kaaren Rizor, director of the Ashland Community Health Center in Ashland, MT, who told a powerful story about how Medicaid has helped her community and what cuts might mean for her center's ability to serve those in need. She wrote:

> I can't imagine what our population in Ashland, Montana would do without Medicaid. Talk about impacting underfunded Community Health Centers! [Medicaid cuts would] mean accepting more patients for sliding fee scale discounts with no means of recouping the cost of their care.
>
> The concept of more Community Health Centers is noble and good, but we aren't magicians. We can't pull money out of a hat to survive.
>
> Our clinic has tripled to quadrupled the number of annual patient encounters. Along with that, we see more and more families living at 100 percent of poverty. Without Medicaid, we carry a tremendous burden to see all who come to us, without the funds to provide quality care.

Let me reiterate that I am open to working on improvements to Medicaid. But we should not throw the proverbial baby out with the bath water. This program is too important to too many people. And program cuts or funding caps will have a real impact on real people.

Finally, I would note that the House budget includes reconciled cuts in these programs that are much deeper than those in the Senate. We cannot act as though all such savings can somehow be achieved by wishing away fraud, waste, and abuse. I am deeply concerned about conference deliberations on this matter.

The amendment to strike this reconciliation instruction and instead establish a bipartisan Medicaid commission enjoys widespread support from many Governors, health care providers, and more than 131 national organizations dedicated to helping the Nation's Medicaid beneficiaries, among countless others. I applaud the leadership of Senators SMITH, BINGAMAN, and COLEMAN in proposing this amendment. I urge my colleagues to join me and Senators SMITH, BINGAMAN, and COLEMAN in supporting this important amendment.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BAUCUS. Madam President, I very much appreciate the indulgence of my good friends from Colorado and Alaska and others who have let me make this statement which is not on the subject at hand. I thank them all and yield the floor, and I particularly thank my friend from Colorado.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Madam President, I yield myself 20 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. SALAZAR. Madam President, I rise today, first of all, to acknowledge the work of the chairman of the Budget Committee, Chairman GREGG, as well as Ranking Member CONRAD, and the work of their staff in putting together this very complicated budget that we are debating on the Senate floor this evening and throughout the week. I know how hard they are working because last night, even at 10 and 11 o'clock, we were getting e-mails from the work they are performing. So I thank them for their hard work on this most important of matters for the U.S. Senate.

Secondly, I also want to say, with respect to the budget resolution in general, I come from a place in the West which is very far removed from Washington, DC. As I was growing up on this farm and ranch in the San Luis Valley, south of Denver by nearly 300 miles, my father and mother taught me a lot about the most important values of America. One of those most important values was the value of honesty and the value of candor.

I grew up in the West where a handshake across a fence line meant that your word was going to be true. And it meant that you would not mislead anyone in terms of the direction you were taking with respect to anything that was important to you or your family, your country, or your God.

Yet when I look at what has happened here with the President's budget, the fact of the matter is that the American public is, in fact, being misled. We are being misled because we have been presented a budget that continues the fiscal recklessness that I believe future generations of Americans simply cannot afford.

It would be my fervent hope that as this Senate moves forward dealing with this budget, and the pay-go amendments that will be offered here tomorrow, we can, in fact, put this Government back on the kind of budget of

conservatism that will truly bring us back to a place where we can, in fact, pay our debts.

I want to take a minute and speak about the Social Security issue because that is a major issue that we have been debating in Washington for some time and which the President has been taking around the country, to talk about the importance of Social Security changes.

Mr. DOMENICI. Will the Senator yield for a question?

It will just take 1 second.

Mr. SALAZAR. Yes, I say to the great Senator from New Mexico.

Mr. DOMENICI. Madam President, do we understand the distinguished Senator is speaking on the Democrats' time on ANWR?

The PRESIDING OFFICER. That is correct.

Mr. DOMENICI. The Senator is speaking on the budget, but, I say to the Senator, you are using time that is allotted for ANWR. Does the Senator understand that?

Mr. SALAZAR. I do.

Mr. DOMENICI. I thank the Senator.

Mr. SALAZAR. I thank the Senator.

Let me make several quick points of what is happening, in my view, with respect to Social Security. I do so because the President of the United States will actually be, I hear, in my State next week to talk about the importance of the issue of Social Security. I think it is important that as the President talks to the people of America, he talk to the people of America, not simply to groups that are controlled with making sure that only people who have his point of view are heard on the issue of Social Security.

In that regard, it is important for the people of America to know the facts; that is, that Social Security has, in fact, worked, that we have gone from a time and place in our Nation where we had millions of people in poverty—50 percent of older Americans who were in poverty—to a point now where less than 10 percent of older Americans are in poverty. That is an important fact that I think the President needs to tell people.

Secondly, he also needs to make sure that he is candid with the American people, and that when we talk about the issue of solvency for Social Security, that we are solvent in Social Security. In fact, not my office, not a Republican office, not a Democratic office, but the Office of the Congressional Budget Office says that we are solvent until the year 2052.

So we do not have the kind of emergency crisis on our hands that has been exaggerated by this President to the American people. The American people need to have realism with respect to what is happening with respect to Social Security.

And third, my belief is that the President's proposal on Social Security will continue to add to the kind of red ink that we already have in this Government, which is absolutely unwarranted. We need to recognize that a very significant amount of the current Federal deficit is being masked by the huge amount of money that is currently being borrowed from the Social Security surplus.

Over $160 billion a year is borrowed from the Social Security surplus to mask the size of the deficit. The President's proposal shows that we have a deficit of $332 billion. But when you take out the omitted costs for the war on terror in Iraq and Afghanistan, and the homeland security efforts, and when you take out the amount that is being borrowed from the Social Security surplus, the fact is our current deficit for this fiscal year alone is $579 billion.

When you continue on down the road, in the next fiscal year it goes up to $584 billion, and so on, to $594 billion. So that is a huge red sea of ink that is being created for the United States of America that I do not believe we should pass on to our children or grandchildren.

When you look at what the Social Security transition costs will be, it would even deepen the deficit further, to the point where we would have a $621 billion deficit in the outyears. Now, I don't know about you, but at least when I look at what conservative values are, one of the things about those values is having fiscal integrity and making sure that we are paying our debt. We are not doing that today. We don't have a long-term plan with which to deal with the deficit.

I believe it is the obligation of our National Government to make sure that we deal with the American people with candor and the kind of honesty that they deserve.

Madam President, I rise to speak about my support for protecting the Arctic National Wildlife Refuge from oil exploration and development, and also to oppose any measure included in this year's budget reconciliation bill to open this land.

At the outset, let me say I have always believed in balance between the development of our natural resources and at the same time the protection of our lands. I had the honor of serving as the Executive Director of the Department of Natural Resources in my State for 4 years, and I worked closely with industry in the development of our oil and gas resources throughout the State of Colorado. I worked closely with the proponents of oil and shale development to see where that resource could be taken in the future. As we move forward in dealing with the issue of energy, which is important to our country, I strongly believe we need to achieve that same kind of balance we tried to achieve during the time I was Director of the Department of Natural Resources.

Let me say that no matter what happens with ANWR—and I am going to be opposed to the opening of the Arctic Refuge—no matter what happens with respect to this issue, which will be debated tonight, tomorrow, and it will be decided on the floor, it is incumbent upon all of us to make sure what we are doing is working in a bipartisan manner to create the kind of Energy bill that will help us get rid of our overdependence on foreign oil and will help us push forward with a new ethic and era of renewable resources and conservation.

Beyond this debate, I want to work closely with leaders on both sides of the aisle, with Senator BINGAMAN and Chairman DOMENICI, to make sure that what we deliver to the President for signature is an energy bill that has the support of the American people and the support of at least most of the people in this body.

Let me spend a few minutes talking about the Arctic Refuge. First, the Arctic Refuge itself, when we think about the amount of land that would actually be affected, we have heard the figure that it would only be 2,000 acres. That is the footprint out of this 1.9 million acres, in area 1002; 2,000 acres would be involved in oil and gas exploration and drilling activities. The National Academy of Sciences, and others who have looked at this, believe the amount of land that would be affected is much greater than those 2,000 acres because you have to put in pipelines and other facilities that ultimately would end up having a greater effect than just the 2,000 acres that have been talked about.

Secondly, there are the risks with respect to the transportation of hazardous materials. The Department of Environmental Conservation for Alaska last year alone said the current activity on the North Slope creates over 500 spills a year. So we will see spills and other toxic substances if this area is opened for exploration and drilling.

Third, we need to all be very candid with respect to the oil we would get from area 1002. According to the DOE's own energy administration report dated March 2004, they predicted there would be about 300,000 barrels a day that would be produced by 2015. Their projection showed that would be about 1 percent of world oil production in that year. When you look at the fact that that is only 1 percent of the world's oil production, it means the current energy dependence that we have on oil and gas that we import from other countries would only be very marginally affected, by 1 percent. It is predicted that instead of importing 63 percent of our oil, we would be importing only 62 percent of our oil.

So for a 1-percent solution, we are saying to the people of America that we are opening up the Arctic Refuge for exploration and development. My concern is not only with the opening of the refuge, but also what it would do with respect to other areas of special importance, including the over 500 refuges that we have all around our country, including the National Wildlife Refuges that we have in our States.

Even the major oil companies, many of whom I have met, and many of

whom I have worked with—I have friends who work there—they have expressed their own concern about drilling in the Arctic Refuge. In a recent New York Times article, dated February 21, the ExxonMobil CEO was quoted as saying during a previous interview:

I don't know if there is anything in ANWR or not.

There are other leading industry leaders who say they do not believe that we ought to be opening the Arctic Refuge for exploration or drilling, in the same kinds of words my colleagues believe we should move forward. Let me say I do not believe we should take what is such a precious and unique natural resource and open it for exploration and drilling, when we know that at the end of the day we are dealing with only 1 percent of the oil and gas that is needed in this country.

Let me conclude by saying I believe we need a new energy vision that frees America of our dependence on fossil fuels. We need to provide adequate resources for research and development and alternative sources. We need affordable, cleaner, and safer energy, and a policy that protects special places in wilderness. We need the opening of areas that do have oil and gas in them, but from my point of view that does not include the Arctic Refuge.

I believe opening the Arctic would also reinforce the view that we as a nation lack a commitment to humbling ourselves to the natural wonders God has bestowed upon this Earth. We are, at the end of the day, merely stewards of those gifts.

I want to make two quick points here. The budget projections that have been used in this budget reconciliation measure are, from my point of view, fantasy. I think to base our Nation's revenue projections on the opening of the refuge is not candid and not fiscally responsible. The Department of the Interior's 2006 budget assumes that the Federal Government will realize $2.4 billion from the first lease sale in 2007—$2.4 billion from the first lease sale in 2007. For the Federal Government to realize $2.4 billion, the leases would have to sell for between $4,000 and $6,000 an acre. That is not going to happen. This is not the fiscally responsible way that we should be moving forward as we develop the budget for the following year.

Let me conclude by reading this letter written by President Jimmy Carter concerning the Arctic wildlife area:

DEAR SENATOR SALAZAR:

This year marks the 25th anniversary of my signing the Alaska National Interest Land Conservation Act into law. I am proud to have been a part of crafting this landmark legislation, which is widely recognized as the most extensive land and wildlife conservation action in American history. Now it seems possible that some in Congress may try to subvert parts of ANILCA by inserting a provision in the fiscal year 2006 budget resolution that is designed to circumvent normal legislative procedures and allow for oil drilling and exploration in the coastal plain 1002 area of the Arctic National Wildlife Refuge. I have been fortunate enough to visit the coastal plain of the Arctic refuge as tens of thousands of caribou passed around me in their timeless migration into their vital calving and nursery grounds—the very area targeted for oil development. I have watched a herd of Musk oxen circle their young to protect them. But that defensive behavior will not save them from industrial development. The same is true of the polar bear and the millions of migratory waterfowl that nest on this coastal tundra. This is their wilderness home.

I urge Senators to vote for removing any provisions from the fiscal 2006 budget resolution that would turn over the Arctic refuge Coastal Plain to oil development. Keeping the Arctic refuge wild and free of development is part of fulfilling our moral obligations, not only for the present but for future generations of Americans who will be grateful for our foresight and stewardship in protecting their interests. Sincerely, Jimmy Carter.

How much time do I have, Madam President?

The PRESIDING OFFICER. There is 19½ minutes remaining on the Democratic side.

Mr. SALAZAR. I will take 30 seconds.

At the end of the day, I believe there is a very balanced approach to how we develop our resources. I am a person who has supported development of our oil and gas resources. I do not believe the Arctic Refuge is a place we should go to for development. I say that with all due respect to my colleagues from Alaska and my colleague from New Mexico and my other colleagues on the other side of this particular issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, I am sorry I did not have a chance to visit with the Senator from Colorado sooner, but I would like to disabuse him of two things. The 1002 area is not wilderness, and 1002 is not within the wildlife refuge. That section specifically excludes it from the wildlife refuge until the period of oil and gas exploration is over.

There is no question we have a difference of opinion, but I do hope we will stick to the facts. As a matter of fact, the Senator just read President Carter's letter. I am writing a response to President Carter because I also received that letter. I stood in the White House with him as he signed the bill in 1980. He did not want that bill to come to him before the election. He asked Congressman Mo Udall to hold it up until after the election because he believed he could not sign it if he was reelected. When he was not reelected, he did sign it, and he put into law the sections that pertain to this area and the overall refuge, but sections 1002 and 1003 specifically exclude this area from the refuge until the oil and gas exploration is over.

There has historically been support for utilizing Alaska's oil interests to serve our national security interests. Senators Mark Hatfield and Henry ''Scoop'' Jackson, who both represented northwestern States, agreed that the development of the North Slope was vitally important. They stated that the Alaska National Interest Lands Conservation Act and, in particular, the provision keeping the Coastal Plain of ANWR open for development was—this is their statement, and one of them was ''Scoop'' Jackson:

It is crucial to the Nation's attempt to achieve energy independence. One-third of our known petroleum reserves are in Alaska, along with even greater potential. Actions such as preventing even exploration of the Arctic wildlife range is an ostrich-like approach that ill serves our Nation in this time of energy crisis.

That was the statement of two northwestern Senators, including Senator ''Scoop'' Jackson.

We are now at a critical juncture in terms of our energy dependence. The United States is at the mercy of the Middle East and others for our energy needs. As a matter of fact, today OPEC met in Iran to determine how much oil and at what price they would sell it to us.

Opening of ANWR would reduce U.S. dependence on foreign oil which we rely on for over half our oil needs today. This development alone would reduce U.S. dependence on foreign sources of oil by 4 percent, not 1 percent, and would be produced from only 2,000 acres. The 10.4 billion barrels of oil that is estimated to be in this area translates to 436 billion gallons, and that is enough oil to fill up every car in America 115 times. Let me repeat that.

People say there is not any oil. There is enough oil there to fill up every car in America 115 times.

At 867,000 barrels a day, it would create 36 million gallons of gasoline, jet fuel and diesel fuel, heating oil, medicines, plastics, surgical devices, and other products vital to our Nation.

There is no question there has been a lot said here that is misleading. I have in my hand something given to me before I came to the floor. It is from our colleague JOHN KERRY. It says:

The Republicans are trying to sneak legislation through the Senate approving oil drilling and they are incredibly close to winning.

It goes on to say some things here that are absolutely not true, but it does pinpoint seven of our colleagues and asks for people to call them and put pressure on them now. It asks for an emergency donation right now. What for? We are going to vote tomorrow. I do not know why they need emergency donations.

Beyond that, it says:

Of course, the Arctic Refuge supports more than wildlife. For a thousand generations, the Gwich'in people of Northwest Alaska and Northwest Canada have depended on it and lived in harmony with it. To them, the Arctic Coastal Plain is sacred ground.

They do not even live there. They live on the South Slope of the Brooks Range. The Gwich'in people have nothing to do with the Arctic. The only thing they have to do with it is they harvest some of the caribou that come up the Porcupine River and go up to

the North Slope about every year. But several years of the last 10 years they have not come up at all because they are hunted so hard by the Gwich'in people in Canada that there is not enough left of them to travel. The misinformation here is staggering, really staggering.

Above all, I think we ought to get down to talking about what Eisenhower did. I was the solicitor of the Interior Department during the Eisenhower administration. I helped write the order that created the Arctic Wildlife Range in 1960. It was approved by President Eisenhower. It created an Arctic Wildlife Range open to oil and gas exploration and development specifically. When we had the great argument in the 1980s—really the late seventies, leading into 1980—about the Alaska National Interest Conservation Lands Act, the question was should that area, the 1.4 million acres in the Arctic, be left open to oil and gas development as it had been left open by President Eisenhower's administration.

I fought and fought, and we finally got the agreement with Senator Jackson and Senator Tsongas that, yes, that would be left open under two conditions. One, we had to have an environmental impact statement and, second, we had to have the approval of the President and the Congress of that impact statement. We have tried now for 24 years—24 years—to have the Congress approve that.

I heard the Senator from Colorado. I have had family connections with Colorado in the past, and I have great respect for his service in Colorado. It may interest him to know that I was the first person to testify in favor of the wilderness before the Senate on behalf of President Eisenhower. We value wilderness in our State, but this is not wilderness. It was never wilderness. It was specifically kept out of wilderness.

Let me put up a chart. I want to point this out to the Senator. This is the Eisenhower I knew and for whom I worked. It was his World War II poster.

Talk to the oil workers of America: Your work is vital to victory . . . our ships . . . our planes . . . our tanks must have oil. Stick to your job—oil is ammunition.

That is why, in the 1970s, when we tried to get the Alaska oil pipeline built, there was never even a hint of filibuster. No one, not one Senator mentioned a filibuster.

Instead, we all knew it was a security aspect that we were dealing with. It was oil, oil that we needed. We had an embargo from, I think, November to March. We had no imports of oil.

That could happen again. Again, I point out where they are meeting. They are meeting today in Iran.

The letter President Carter wrote said:

It seems possible some in Congress may be trying to subvert parts of ANILCA by inserting provisions in this budget resolution designed to circumvent normal legislative procedures.

The only reason we have been doing it is because it has been filibustered for 24 years—24 years. This is the first chance we have had, really, to keep it in this resolution. We did try it once before and when we did it before in the last Congress, no one accused us of sneaking. That is a sneaky thing to do.

I ask unanimous consent Senator KERRY's flier be printed in the RECORD after my remarks, so people can see the depth to which people are going to accuse us of somehow doing something wrong.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. STEVENS. We are trying to carry out the provisions of the 1980 act that allowed us to explore and develop this 1.5 million acres.

It is a difficult thing for some of us to be accused of trying to subvert, to circumvent normal legislative procedures.

President Carter indicates that this is a wilderness. It is not a wilderness. I stood in the White House with him and he acknowledged it then, the Jackson-Tsongas amendment was in the bill he signed in 1980, after the election—after the election.

I don't know where you are, President Carter, but I wish you would tell the truth. Tell the truth to the American public. This is an area that was left open to exploration.

I have here a chart. I don't know how many people can see it. I hope the Senator can see it. It shows the wilderness area of the old range, all of it except that portion that was named wilderness. If you look at this chart, the new addition made by President Carter was not made wilderness. There are 18 million acres there; 1.5 million acres were left for oil and gas exploration and the balance of the 8.6 million acres is wilderness. We do not oppose that wilderness. That was wilderness that we accepted as a designation because of the fact the area that was in the oil and gas province was left open to exploration.

It is not wilderness. The problem is, the people who live on the North Slope—there was one young lady with me in the press conference who lives in Kaktovik. It is in the 1002 area, but it is not wilderness; it is coastal plain and specifically open to oil and gas exploration.

Madam President, how much time have I used?

The PRESIDING OFFICER. The Senator has used approximately 10 minutes.

Mr. STEVENS. Let me know when I use 3 more minutes, please.

I want to tell the Senator, one of the friends I had here in the Senate in days gone by was Senator Jim Buckley. Senator Jim Buckley left the Senate and became a judge. He is a judge in New York. He sent me this letter. You read a letter. Let me read you a letter from Judge Buckley, former Senator Buckley. He wrote this to me on January 24.

Dear Ted, twenty-six years ago, after leaving the Senate——

And here it is for everybody to read.

Twenty-six years ago, after leaving the Senate, I was a lead signatory in full-page ads opposing oil exploration in the Arctic National Wildlife Reserve that appeared in the New York Times and the Washington Post. I opposed it because, based on the information then available, I believed that it would threaten the survival of the Porcupine caribou herd and leave huge, long-lasting scars on fragile Arctic lands. Since then, caribou populations in the areas of Prudhoe Bay and the Alaskan pipeline have increased, which demonstrates that the Porcupine herd would not be threatened, and new regulations limiting activities to the winter months and mandating the use of ice roads and directional drilling have vastly reduced the impact of oil operations on the Arctic landscape.

In light of the above, I have revised my views and now urge approval of oil development in the 1002 Study Area for the following reasons:

1. With proper management, I don't see that any significant damage to arctic wildlife would result, and none that wouldn't rapidly be repaired once operation ceased.

2. While I don't buy the oil companies' claim that only 2,000 acres would be affected, even if all of the 1.5 million-acre Study Area were to lose its pristine quality (it wouldn't), that would still leave 18.1 million acres of the ANWR untouched plus another five million acres in two adjoining Canadian wildlife refuges, or an area about equal to that of the States of Connecticut, Massachusetts, Vermont, and New Hampshire combined. In other words, it is simply preposterous to claim that oil development in the Study Area would ''destroy'' the critical values that ANWR is intended to serve.

3. In light of the above, it is economic and (to a much lesser degree) strategic masochism to deny ourselves access to what could prove our largest source of a vital resource.

Having visited the Arctic on nine occasions over the past 13 years (including a recent camping trip on Alaska's North Slope), I don't think I can be accused of being insensitive to the charms of the Arctic qua Arctic. I just don't see the threat to values I cherish.

There is the man who signed the ads. He started the drive. He literally was the one who started the drive that everyone else now has joined, and that is the drive to prevent us from carrying out the intent of the 1980 Alaska Lands Act.

I will have a lot more to say about this tomorrow. But above all, I wish people would start telling the truth.

No. 1, it has never been wilderness. No. 2, it has been open to oil and gas development since the Eisenhower days and remains open. It only takes the approval of Congress to proceed with that. No. 3, the Gwich'ins don't live on the North Slope. The Gwich'ins are not residents of this area. And, No. 4, it has not been harming and would not harm the caribou. The caribou around the oil pipeline have increased from 3,000 to over 300,000 in the central Alaska herd.

We are not bad stewards of our lands. We have protected more wilderness than all the rest of the Nation put together. We have been good stewards of our land. We have managed our wildlife better than any other State. It is ridiculous to be put on trial because of a group of professional, extreme environmentalists who make money.

Look, Senator KERRY is sending out requests for them: Send money in now. You need money. You need money to fight this because this is going to be voted on tomorrow.

It is preposterous. Again, I am sorry I did not get a chance to visit with my friend from Colorado. I admire Colorado and I know what they have down there. You should come see our wilderness areas. We have wilderness areas, a great deal more than you have seen in your life, more wilderness areas in one State than there is in the whole Nation. To have people mischaracterize this as wilderness is absolutely preposterous.

I yield the floor.

EXHIBIT 1

JOHN KERRY

DEAR FRIEND. We have only 24 to 48 hours to try and save the Arctic National Wildlife Refuge.

The Republicans are trying to sneak legislation through the Senate approving oil drilling and they are incredibly close to winning. We have to stop them.

I am joining with Senator Maria Cantwell (D-Washington) in offering a critical amendment to stop this sneak attack on our environment. We will fight on the floor of the Senate, but we need you by our side.

There are seven key Republican Senators whose votes will decide the future of the Arctic National Wildlife Refuge. Before they vote, we need to make sure they know that their constituents are watching, and that they will not be able to support drilling without anybody noticing.

Here are two critical steps we can take together to support our amendment to protect this National Wildlife Refuge:

1. Join the Citizens' Roll Call. First of all, take part in a massive fast-moving display of citizen support for the Arctic Refuge. Sign our Cantwell-Kerry Citizens' Roll Call now. http://www.johnkerry.com/RollCall.

To make our Citizens' Roll Call impossible to ignore, we have alerted the media, environmental advocates and my fellow Senators to a scrolling display of the names and home towns of the roll call signers. It is posted on our johnkerry.com website, where we hope to soon add your name and a running tally of the number of citizens on our Citizens' Roll Call.

2. Bring the fight to the home states of the seven senators. We need to launch emergency online advertising campaigns in the home states of those seven critical senators: Senator Coleman (MN), Senator Smith (OR), Senator Specter (PA), Senator Martinez (FL), Senator Lugar (IN), and Senators Gregg and Sununu (NH).

We need your help to bring our Save the Arctic Refuge message home in these six states. Help us fund an emergency ad campaign to make sure they know how strongly the people they represent feel about protecting the Arctic. Please make an emergency donation right now. http://contribute.johnkerry.com/.

When Senator Cantwell, myself and other Senators stand up in support of the Cantwell-Kerry amendment, we will have powerful arguments on our side. (I have recapped some of those arguments at the end of this email message.)

But, to win, we need to be able to report directly to our Senate colleagues that massive numbers of citizens around the country—and in their own states—are rising up to demand that the Senate protect the Arctic National Wildlife Refuge.

That's why your immediate signature is so critical. http://www.johnkerry.com/RollCall.

The Bush Administration and its oil industry allies want to send a message that they can drill for oil wherever and whenever they want to—even if it means targeting a place as striking, pristine and irreplaceable as the Arctic National Wildlife Refuge.

They don't care about putting America on a genuine path to energy independence. If they did, they'd support efforts to increase energy conservation and to create clean, renewable sources of energy that no terrorist can sabotage and no foreign government can seize.

Let me be very direct with you. It is going to take an immediate and impossible-to-ignore display of grassroots support to stop them. That's why your decision to sign our Cantwell-Kerry Amendment Citizens' Roll Call is so crucial.

Thank you for acting quickly on this vital request.

JOHN KERRY.

P.S. Senator Cantwell, who comes from a state in the heart of the Pacific Northwest, has—at considerable political risk—courageously stepped forward to join me in leading this fight. We need you to help us win it.

Here are your save the arctic refuge talking points:

The Arctic National Wildlife Refuge's 19 million acres comprise one of the last places on earth where an intact expanse of arctic and subarctic lands remains protected.

Drilling in the Arctic Refuge can't make even a small dent in meeting America's energy needs. U.S. Geological Survey scientists estimate that there is very likely only enough oil to supply America's needs for six months. And oil companies admit that, even that won't be available for at least 10 years.

An irreplaceable natural treasure, the Arctic Refuge is home to caribou, polar bears, grizzly bears, wolves, golden eagles, snow geese and more. Millions of other birds use the Arctic Refuge to nest and as a critical staging area on their migratory journeys.

Of course, the Arctic Refuge supports more than wildlife. For a thousand generations, the Gwich'in people of Northeast Alaska and Northwest Canada have depended on it and lived in harmony with it. To them, the Arctic Coastal Plain is sacred ground.

The PRESIDING OFFICER (Mr. DOMENICI). The Senator from Colorado.

Mr. SALAZAR. Mr. President, I yield myself 2 minutes of our time.

I very much respect my colleague from Alaska, not only for his heroism for our country but also for his leadership on a whole host of issues. I very much look forward to working with my colleague from Alaska. I just want to respond to one point my colleague raised. He went through a very eloquent statement about Alaskan interests and the legislation and history with respect to this area.

When you read the law specifically from 1980 it says:

> Until otherwise provided in law, from 1980, all public lands within the coastal planes area are withdrawn from all forms of entry or appropriation under the mining laws and from operation of the mineral leasing laws of the United States.

That was in 1980. It happened that they ended up with that consensus language in that legislation because there was not consensus about what ought to happen with respect to the ANWR area. Today we are in exactly the same place.

I suggest to my esteemed colleague from Alaska that we are having this debate on this floor today as part of the budget reconciliation measure because we have not yet as a country been able to come to a consensus on how exactly to treat the area 1002. If we had moved forward in a manner that would have arrived at a consensus which they anticipated might have been arrived at when they wrote the legislation in 1980, we might be in a different place today. But we are not there. There is still an absolute lack of consensus on the part of this Senate and the people of the United States about how we ought to move forward with respect to area 1002.

I yield the floor.

Mr. STEVENS. Mr. President, had the Senator been there, he would understand, as I have said, that Senator Jackson and Senator Tsongas said we will go ahead when the Congress and the President approve the environmental impact statement. Section 1003 spells that out. The land is not available for gas leasing until we act. That is true. But it is not wilderness, either. It is not refuge, either. That is the difference.

The PRESIDING OFFICER (Mr. TALENT). Who seeks time?

The Senator from Alaska is recognized.

Ms. MURKOWSKI. Mr. President, I would like to continue with the discussion about the wilderness and designation within the refuge. Senator STEVENS certainly defined it during his comments, but I think it is worth a few minutes so people understand what ANWR is, what the Arctic National Wildlife Refuge is.

It is this colored section up on the northeastern part of the State. It is an area in total of 19.6 million acres. It is an area the size of the State of South Carolina.

Within the refuge itself, there are three different designations. You have down here in the orange the refuge itself, which is about 10 million acres. You have the wilderness designation area here, which is 8 million acres. Then up here, you have the reserve area, as Senator STEVENS has indicated, that portion, the 1.5 million acres that was set aside for the purpose of study for exploration of potential oil and gas.

When we talk about ANWR, there is, I think, a confusion. The Gwich'in people, who are referred to as living within ANWR, are separated by a massive mountain range, the Brooks Range, which is here. They are down here in this section of the refuge, nowhere near the Coastal Plain. The 1002 area has been specifically set aside.

It is important that we talk about the specifics within the refuge designation, and recognize that as far as wilderness goes, those areas that are set aside for wilderness will not be subject to any kind of exploration activity. The area within the refuge will not be subject to any exploration, or any production activity. It is only this area up here. It is within this area here that we

are talking about exploring on 2,000 acres. Out of the total area the size of the State of South Carolina, we are looking at a coastal plain about the size of the State of Delaware. And within that size of the State of Delaware, we are talking about 2,000 acres, or literally the size of a medium-sized farm in South Dakota.

It helps to put it into perspective when we are talking about oil exploration on the northern plain.

I want to focus my comments tonight on three areas: energy security, economic security, and environmental security.

Senator STEVENS touched on the energy security component, recognizing we are currently 58 percent dependent on foreign oil; that we here in this country are waiting to see what the OPEC nations are going to do and how that will affect us and our economy.

This dependence is expected to pass the two-thirds mark within 20 years. This is a threat to our national security. We are in a position to do something positive. We need to recognize that by moving forward on the domestic level to produce our own resources—our own oil—we can make a difference.

There have been those who have suggested that the amount of oil potential up in the Coastal Plain is miniscule; that somehow or other it is not worth it to explore and to drill in this region.

Let us talk a little bit about what is there for us in terms of the resources, the jobs that can be created, and the economic benefit with the potential we have in ANWR right now.

To suggest this amount of oil is not going to help us in this country is akin to suggesting that all of the oil we receive from east Texas isn't worth it because it is not able to sustain this country, it is not able to give us the energy independence we need. That is a ridiculous argument.

Putting into context where we are getting our oil right now, if we are 50 percent accurate with our projections of the potential in ANWR, we are looking at a million barrels a day going into our pipeline. That is about 25 years worth of oil that we currently receive from Saudi Arabia. Twenty-five years worth of oil that we are receiving from Saudi Arabia is equivalent to what we could expect out of ANWR, if we are half right on our projections.

To suggest somehow this is not something we should do because there is not enough there is not an argument that makes sense. Giving up ANWR's likely oil is like saying we as a nation should never have bothered opening up the Prudhoe Bay oilfield in Alaska because Prudhoe would only supply us with 3 years' supply of oil. In fact, Prudhoe has provided America up to a quarter of our domestic oil supply for the past 28 years.

With our recovery methods, when we thought initially Prudhoe was going to be recovering 35 percent of our oil, we are now up to a recovery rate of about 65 percent. To suggest that the amount is minimal is not being realistic.

Let us talk about the economics in terms of our ability to stabilize our energy crisis: generating more than $30 billion in Federal revenue, probably several billion dollars within 4 years of opening of ANWR.

Talking about our deficit, as we are dealing with the budget, it would reduce our payments of deficit—the remainder of our payments of deficit—because we are not going to be buying as much oil overseas. Last year alone, we paid nearly $166 billion for oil overseas. That is a quarter of our trade deficit.

When we talk about $30 billion-plus a year, it is important to America. The jobs will come. We keep talking about hundreds of thousands of jobs, but the fact is when we produce domestically, everybody benefits. The jobs across this Nation will increase.

The other economic benefits, the reason that organized labor is supporting us, the reason the farmers are supporting us on opening ANWR, is it stabilizes everything, from the cost of planting in the springtime to the thousands of products that are made from oil, whether it is antihistamines, cosmetics, or compact disks, or heart replacement valves. The list goes on and on, to recognize the economic benefit to us as a nation of opening ANWR. American farmers last year lost $6.2 billion of income because of higher fuel and fertilization costs.

We recognize we have an opportunity here to make a difference. To downplay it and say, Well, it is only so many months' worth of oil, or it is not enough to make a difference—again, if you would suggest the oil we have received from Texas for these many years is not significant, if you would suggest the oil we have received, 20 percent of our domestic supply from the North Slope from Prudhoe Bay, is not significant, we have to put all of this into perspective.

You have energy security. By producing more of our energy needs here in the country, you have economic security that ANWR brings.

We also have the environmental side. My colleagues on both sides of the aisle have talked about the caribou and the effect on the environment. I live there. My family lives there. I am the last person in the world who wants to see my State spoiled. I want to make sure that what we do when it comes to development is going to be done in balance with our environment. We figured out how to do it up there. We have been perfecting the Arctic engineering up north for 30 years.

We have seen a tenfold increase in the central Arctic caribou herd since Prudhoe Bay was opened 30 years ago. Our wildlife studies show that several herd species have grown. Polar bears were mentioned. With the science and the technology we have, we use infrared sensing, and we pinpoint where the bears are denning so we do not go near them.

There is a sensitivity to the environment that we pay attention to. We are using 3D and now 4D seismic technology so we know where to explore. We are using underground directional drilling that allows us to put the plug in and explore out 3 or 4 miles in every direction so we are not disturbing the surface. We have decreased the size of the pads 70, 80 percent over the past 30 years.

What this picture shows is an exploration rig that is connected not by road but connected by ice roads. It was described earlier by Senator BENNETT. This road will disappear in the spring. This pad that this exploration rig is sitting on disappears in the spring. What is left is a plug, a cap, in the ground.

I need to make a quick comment about the spills that have been mentioned by a couple of my colleagues. What they do not mention is that the companies up North have to report all spills, all spills of any nonnatural occurring substance, whether this is a spill of saltwater or anything that is more than a gallon of oil or chemical such as lubricating oils or hydraulics. The vast majority of oil spills at Prudhoe Bay have been saltwater used in water floating to enhance oil recovery, not oil spills.

In 1993, one of the worst years for spills at Prudhoe Bay, there were 160 reported spills, nearly 60,000 gallons of material, but only 2 spills involved oil, and all but 10 gallons were in secondary containment structures and were easily cleaned up.

We know we have to do it right up there. It is a fragile environment. It is an environment that we know we must care for. But look at what we do in Alaska with the toughest environmental safeguards anywhere in the world. I challenge anyone, anywhere, to come up with more stringent standards when it comes to development. Alaska will beat them every time.

I suggest that we need to be global environmentalists. If we are not taking the oil from ANWR, we will still need it elsewhere. If we do not take it in an area where we know we are going to monitor it and do it correctly, it will come to us from across the water, from Russia, from Venezuela, from Africa, where they did not care for their environment. To use the phrase of some on the other side, think globally but act locally. This is a perfect example of where we need to do just that.

I look forward to the rest of the comments from my colleagues and further debate tomorrow.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from New Mexico is recognized.

Mr. DOMENICI. How much time does the other side have, and how much time do we have?

The PRESIDING OFFICER. The other side has 16 minutes 37 seconds, and you have 16 minutes 48 seconds.

Mr. DOMENICI. And now the time goes to the Democratic side.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico yields the floor.

The Senator from Washington is recognized.

AMENDMENT NO. 168

Ms. CANTWELL. Mr. President, I send an amendment to the desk. I have sent an amendment to the desk that I am offering to strike the language from the budget resolution the reconciliation instructions to the Energy Committee that assume Arctic drilling. Specifically, under the instructions, the Energy Committee must report legislation by June 6 at the latest that produces $2.7 billion in revenue from 2006 until 2007.

The PRESIDING OFFICER. If the Senator will suspend.

Mr. DOMENICI. We object to the amendment. It is not in order. There is a consent decree.

The PRESIDING OFFICER. The Chair has been advised we cannot accept your amendment right now without unanimous consent.

Ms. CANTWELL. We had a unanimous consent order earlier to agree to debate the amendment, and I thought it would be wise to put the amendment on the desk.

Mr. DOMENICI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. 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. DOMENICI. Mr. President, I objected, but I understand this is a motion to strike the ANWR provisions, and we have no objection. That is business.

Is that correct, Senator?

The PRESIDING OFFICER. The Senator from Washington is recognized again. The amendment has been sent to the desk and the clerk will report.

Ms. CANTWELL. I hope you have no objection, but tomorrow at 1 o'clock you might object to the amendment, but thank you for allowing us to lay it down.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Ms. CANTWELL], for herself, Mr. KERRY, Mr. LIEBERMAN, Mr. FEINGOLD, Mr. JEFFORDS, Mr. LAUTENBERG, Mrs. BOXER, Mrs. FEINSTEIN, Mrs. MURRAY, and Mr. CORZINE, proposes an amendment numbered 168.

The amendment is as follows:

(Purpose: To ensure that legislation that would open the Arctic National Wildlife Refuge, other federal lands, and the Outer Continental Shelf to oil drilling receives full consideration and debate in the Senate under regular order, rather than being fast-tracked under reconciliation procedures; to ensure that receipts from such drilling destined for the federal treasury are fairly shared with local jurisdictions; and does not occur unless prohibitions against the export of Alaskan oil are enacted)

Strike Section 201(a)(4).

Ms. CANTWELL. Mr. President, I thought for the benefit of my colleagues we would lay that down tonight so people could understand the amendment and we could continue debating it in our time this evening and continue debating it tomorrow. I hope that clarifies issues for my colleagues.

I start by saying a word to the Senators from Alaska because I think both Senators from Alaska have been diligent in their concerns for this issue, in their advocacy for making sure the issues they would like to represent are heard in this debate, and that the accuracy of information provided is correct. I certainly applaud them for that. But, I certainly don't diminish the difference of opinion we might express tonight as it relates to where this country should go on an energy policy.

I believe our energy policy must be very aggressive in creating a future for new energy technology and renewables, in making a downpayment on getting off of our overdependence on foreign oil, and, specifically in continuing to diversify off of our country's dependence on oil in general.

I may have a different opinion about what I think our energy strategy should be. If the last generation of Americans were smart enough to put a man on the Moon, this generation of Americans ought to be smart enough to get off our overdependence on foreign oil. But that assumes we would pass an energy bill that would outline these policies and that we would have a debate about them. We have been trying to have this debate, and we certainly have had disagreements about what the policy should be.

For the last couple of years, I have expressed concern over our country's overfocus on fossil fuels, the fact that 60 percent of the incentives in the Energy bill have focused on fossil fuels. And I think we should start incentivizing other types of energy supply and move ahead.

That is why I find this particular process to be an end run on energy policy and energy discussions. In fact, I think it is somewhat absurd that we can simply mandate the opening of ANWR by putting language in the budget, by simply saying: Let's put the revenue in the budget, and by doing that, we will then start the process for legislating that ANWR could be opened.

The reason why that is so bothersome to this particular Senator—think, for example, if in the next budget we put revenue in there expediting timber sales in our National Forests or basically expediting the leasing off the coast of Florida for oil production. Or, God forbid, why don't we put revenue in the resolution recognizing oil leasing in Yellowstone National Park, even though it is a National Park? Why don't we do this process by continuing to put revenues in the budget resolution?

Well, I think the energy debate deserves far more attention than simply sticking language in the budget resolution demanding the Energy Committee report a bill capture this revenue. I think that is what other people have started to see about this proposal. In fact, the New York Times recently ran a story about this, the refuge drilling, and basically pointed out:

Others who advised Mr. Bush on his energy plan said including the refuge was seen as a political maneuver to open the door for more geological promising prospects off the coasts of California and Florida.

So my first question is, If we don't stop this now, where does this stop in the future? I ask my colleagues, both Democrats and Republicans, if today you are going to allow the opening of ANWR by simply putting language in the budget requiring that we produce revenue, where will you go next? And clearly, I do not think the discussion of opening up leasing off the coast of Florida or the coast of California or even in ANWR belongs in the budget resolution. I do not think we should legislate in the budget resolution. To me, the process of having this debate now is very bothersome. But I understand there are some who will continue to push this until they find a way to make this proposal a reality.

I do not think anybody can say our side of the aisle cannot be concerned about this type of tactic. I simply say, we should vote for my amendment tomorrow and turn this proposal down and start a real discussion on the energy bill.

The senior Senator from Alaska, I know, is very concerned that this not be referred to as a wilderness area. He is right. It is a wildlife refuge. He is right. It is a wildlife refuge. It is not a wilderness area. One of my colleagues would like to make it a wilderness area, the Senator from Connecticut, Mr. LIEBERMAN, and he has proposed legislation to do that. We have had that debate, too. We have had that debate about as long as we have had this debate about whether we should open up ANWR to oil drilling.

The fact of the matter is, in 1980, section 1003 of the Alaska National Interest Lands Conservation Act specifically prohibited oil and gas development in the entire refuge or the leasing or development leading to the production of oil and gas from the range unless authorized by Congress. So that is what we are here debating: unless authorized by Congress.

I have given you my reasons why I do not think we should authorize on the

budget resolution this significant of an action without discussing energy policy and the impacts of opening up ANWR on the refuge.

I personally think there are many things we should be doing to attain our energy future. I think there are many policies that would be far more interesting to us as a country because a lot of people are trying to argue that we should do this now because it is an energy supply and it is national security.

Well, I can tell you, this Senator, along with my fellow west coast Senators, is outraged over the price of gasoline in America. We are from a State such as Washington, where we have four refineries, we are the closest to the supply that you could get, and yet we have some of the highest gasoline prices in America.

So what this Senator would like to see—just as I have forced and pushed, and will continue to speak out on market manipulation of electricity prices—I believe we should do our homework and make sure we are holding those responsible accountable as to: Why do we have this diversity of gasoline prices when there is so much available supply right in our backyard?

I know the Senator from Oregon, Mr. WYDEN, has asked for investigations into these high gasoline prices, and threatened to hold up various nominations over the issue. I have certainly put questions to various members of the Department of Energy, the Department of Justice, and to our own State's Governor, and will continue to do so, because I think the price of gasoline is outrageous.

This particular Senator is not a supporter for opening up the SPRO. I agree, we should have energy for energy security, an energy supply. I think people have made that point and made it well. But I want to see us continue to diversify into other areas. So this Senator will join the Alaska Senators any day of the week to talk about the development, the delivery, the execution, and expedited access to Alaska natural gas. We need to have natural gas. If there is any proposal that deserves an expedited review by this body, it would be to get that production to the United States at a faster rate.

Let me remind my colleagues, when security was a national debate in the 1970s, when we were all at the gasoline line filling up our cars, waiting, with the most absurd price for gasoline, America took notice. America took notice of those gas prices and said: What are we going to do about it? And we had an aggressive plan to get off of our dependence on home heating oil. We realized the price of oil was so expensive that it was not smart for America to continue a policy of investing in that as a delivery source of energy. Now, decades later, we have reduced our dependence on home heating oil 35 percent. We got the natural gas. We got the necessary supply. We got it to where people needed it. And we made a major shift in America. We took the prices that were facing us and we acted with the certainty about the future we wanted to see in America, with a cleaner source of energy supply.

So first on my list would be making sure we have the North Slope natural gas pipeline project moving. We certainly heard today from a variety of people about renewable fuels.

I should say, by the way, people talk about the drilling in the Arctic, and we don't know for sure, but economically recoverable oil might be somewhere between 3.2 and 5 billion barrels. That is generally what people think. Well, there is at least 35 trillion cubic feet of natural gas available. So that is the energy equivalent of 6 billion barrels of oil.

We could continue to look at renewable or nonpetroleum fuel, such as ethanol made from crops, something the other side of the aisle has also supported, and look at requirements for renewable content of gasoline. That would be about 5.1 billion barrels by 2013—again, a source of cleaner energy that would be important for us in an energy plan.

We can invest in new technology to convert agriculture waste to oil, something some States are doing on a much smaller scale. But we could produce as much as 4 billion barrels of a cleaner product on an annual basis.

I certainly am a fan of making sure that CAFE standards are passed by Congress. If you think about the CAFE standards and fuel efficiency, that would help us. We could save 60 billion barrels of oil over the next 50 years.

Why are we not focusing on that in our proposal for an energy plan? Just making sure the tires of our transportation system are properly inflated and educating America on the oil savings of that simple action could save 200,000 barrels of oil per day. Yet we are out here discussing a proposal that has been discussed for years, with much controversy and much concern because of what it focuses on—first, a refuge wildlife area that was set aside and preserved, and a focus on oil that some of us, including myself, are saying we need to diversify off of.

I could go through other examples of renewable technologies, of energy efficiency technology that could continue to save the equivalent of another 4.9 billion barrels of oil—something that I know would make great progress with the building and development sectors of our country as they add efficiency improvement, and install renewable technologies and distributed generation. But that is the kind of leadership I think we should be talking about. We should not be talking about whether we want to go and open up this wildlife refuge.

If I may, I know my colleagues have put up a few pictures. I would like to put up a few pictures of the area as well because I think when the area was first established as a wildlife refuge, people recognized the uniqueness of the coastal region. The government looked at it as an area to support wildlife and sustain their migration patterns. We have heard a lot about that for the last several years, the caribou and their migration habits. I never thought the Senate would become such experts on the migration habits of the caribou, but I think both sides of the aisle have expressed quite a bit of knowledge. I am simply offering a few pictures of the wildlife that resides on the coastal plain of the refuge. The reason I am showing these photographs is to remind my colleagues and individuals that we have choices, and we have options like this refuge drilling proposal that we have debated before, and it is fine to debate them. What I object to is the process of trying to essentially stick authorizing language on a budget bill. That is a bad precedent and it is trying to limit discussion on an issue that was never intended to be considered in this way without the Energy Committee and the Energy Committee debate.

Now, I know some people have talked about the supply of oil we might get from the refuge. I think that New York Times article was very interesting in the sense that it said:

> Even the plan's most optimistic backers agree that any oil from the refuge would only meet a tiny fraction of America's needs.

The PRESIDING OFFICER. The time on the Democratic side has expired.

Ms. CANTWELL. I ask unanimous consent for 30 more seconds so I may finish up.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. CANTWELL. Mr. President, I ask my colleagues as we continue this debate to think about this proposal and the fact that we ought to be taking ourselves in a different direction, and this proposal will not provide us the leadership for an energy future that we need.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. How much time do we have?

The PRESIDING OFFICER. Sixteen minutes forty-two seconds.

Mr. DOMENICI. Mr. President, I had two Senators who wanted to speak. I have not spoken yet. Would the Senator from Tennessee like to speak for, say, 4 minutes?

Mr. ALEXANDER. Why doesn't the chairman take the time?

Mr. DOMENICI. I will try to leave some time for the two of you. Tomorrow morning, we have a total of 45 minutes before the vote, starting somewhere around 9:45. If you don't get your time tonight, maybe you can call and see how much time you can have then.

Mr. President, let me suggest that the distinguished Senator who just spoke said she was outraged because the price of gasoline was so high in her State. I might say to the distinguished Senator, if she is outraged today, I don't know what she is going to be 3

years from now because if we don't start doing something, as President Reagan once said, ''you ain't seen nothing yet.'' That is what I am going to tell the Senate and people of this country about gasoline prices.

Let me also suggest that for those who think we are going to solve this problem with an investigation to see whether there is price fixing or something like that, let me suggest that is not going to happen. That has been looked at before. The truth is, this great United States of America has made a gigantic blunder, and we don't know how to get out of it. Certainly, one way to get into it deeper is to take a piece of America, like this 1.5 million acres which is supposed to be explored for oil and gas—and keep that kind of property closed and not produce crude oil.

Let me assure everybody here that there is no one who knows how to get off of crude oil very quickly. In fact, I don't think anybody knows how America will ever be off of oil as a means of transportation and for many other things. I hope we get an energy bill that provides conservation. I hope Americans start driving small cars. I hope we have hybrids. But for now, I say to my good friend from Colorado, every single suggestion that anyone has about how we can reduce our dependency ought to be adopted.

If you think we ought to conserve, conserve. If you think we ought to produce more crude oil, produce it. None of these potential solutions are going to be enough because we are now struggling over the fact that we are importing so much crude oil. I heard a Senator say today that we might consider ANWR if we were collapsing.

Well, we won't know when we are collapsing, but we are pretty close. Right now, we are importing about 58 percent of the crude oil from a world that is in trouble, where some countries are fragile, and war might occur in others, and here we go along our merry way importing more and more oil. Petroleum imports are expected to reach 69 percent in the year 2025. Then we get a chance to produce 1 million barrels a day, and we are immediately confronted with those who say that is not very much. Why do we want to produce a million barrels of oil? Well, you know, this great United States is consuming 20.5 million barrels of oil a day and is currently only 11th on the scale of the most reserves on down the line. We are 11th from the top in the amount of oil reserves we have in our country. That is almost insignificant compared to Saudi Arabia. Saudi Arabia ranks first in proven world oil reserves with 260 billion barrels. However, our reserves are only about 21.9 billion barrels.

I say to my good friend from Tennessee, the 1002 area we are discussing is estimated to have about 10 billion barrels of oil—that is very probable. Just do the arithmetic. Our country's entire oil reserves amount to 21.9 billion barrels. This area in ANWR will produce 10 billion barrels. Insignificant they say? Add the two together and we could have 31 billion barrels in reserves. Again, this property will comprise 10 billion barrels of it. That is one-third of the reserves of America that will be up there in Alaska, and we are being told it is insignificant. That is like saying all the oil we have in America is insignificant. Why don't we close Texas down? That must be insignificant. It must be insignificant because we buy it from the world. As long as the world can supply it, I guess we are going to have to keep on arguing about ANWR. If there are not any more ANWRs around, I don't know what we are going to look to.

I can tell you this. ANWR, with the potential for 1 million barrels of oil a day, will be the most significant onshore production capacity of any potential new onshore area in the United States—a brand new one. ANWR is by far the most promising site for onshore oil in the United States. You might say, since I learned that ANWR is so little, maybe America doesn't have much oil, and we should just not worry about having any.

I do not think so. I think we better do everything we can and must produce as much as we can.

There are so many facts indicating that we are pursuing a path of economic arrogance—we are absolutely refusing to face reality. Every time we discuss this issue someone will come and talk about another way to use less oil, but not to produce more here in America.

I repeat, if you implemented every potential solution that everybody is suggesting, our tremendous Nation would be in terrible jeopardy for the next 25 to 50 years. We already are. America, as a powerhouse in the world for good and for freedom, is totally in jeopardy because we have not decided that we are going to move in a direction of diverse energy sources and where we can produce our own.

It is so critical, in my opinion—and I say to the new Senator from Colorado—I predict that in your first term as Senator, we will be in the shale oil of Colorado again. We will be there with terrific research and experimentation saying can we convert that shale to oil because there sits oil in abundance. But you have to convert it. We tried it 30 years ago, but oil was not expensive enough. We are in such a bind, we will even look at that.

Canada will produce oil from tar sands in abundance because we have to find some way to lessen our dependence while we make a transition to something else.

I have been on the Budget Committee since a year after the Budget Act was written. I regret to tell my colleagues that everything that is used in the budgeting of America—I am going to use a terrible word—was invented by me. It was invented by me and my staff. The first reconciliation ever used, we used it. It was a total argument about whether it was right or wrong. We won on the floor and said it was right. Every year we would use reconciliation, there would be an argument about whether it was right.

Reconciliation does not mean the bill that is adopted pursuant to it or voted pursuant to it is automatic. It still has to get 51 votes, and it still has to be signed by the President. So for those who think this is an easy way to get through the process without any of the legislative and executive input, they are mistaken. But conversely, if a Budget Committee says we need additional revenue and we would like the Energy Committee to furnish us with new revenue and then gives the Energy Committee an instruction that says produce new revenue, for example produce revenue that flows about like this: 400 million, 600 million, 2 billion in each of these years, that is what the Senate voted on when we pass a budget.

The instruction comes to the Energy Committee and it says ANWR receipts will produce a certain amount of money, therefore write a bill in response to that order. The reconciliation process then, produces that amount of revenue. That is absolutely legitimate. That is what the Budget Act has been used for in the last 27 years.

I regret to say there are some who do not think that is how reconciliation ought to be used, but they lost that argument a long time ago. That is long past. The Senate wrote an act and we are living with it. I have already told them over 50 times in the past 20 years: You said this was a way to avoid filibuster. You said this was a way to avoid prolonged debate. Now we are using it. That is what we are doing here. There is absolutely nothing that says it cannot be done.

Whatever questions you have about what else might be done, we will take them up in their proper time, and if they come up, they come up.

This one we already did. We sent it all the way to the President as a reconciled bill, and then President Clinton vetoed it after it was done. If the President had signed the bill, oil from ANWR would currently be flowing and our dependence on foreign oil would be much less.

So it seems that these letters being circulated by Senator KERRY and President Jimmy Carter, those very activist environmentalists, will have nothing to talk about tomorrow when we win this, and 4 weeks from now when we produce the bill. They have to understand, we have been trying for 24 years. A filibuster means we have to have 60 votes, unless there is a procedure which permits us to do otherwise.

I say to my friend, the Senator from Colorado, this is not simple, nor is it profound. It is very cumbersome. There is a lot to it, but it is absolutely proper. It means that if this million barrels of oil a day is important enough, we

will do it with a simple majority, but we still have to have a majority. We will put it in a bill, it will go to the President, and if the President wants to sign it, he will sign it. If he does not, it will not become law.

I do not think we ought to be accusing anybody about doing this in a tricky manner or in some untoward way because such is not the case. It just is not the case.

Tomorrow I will talk, for those who want to listen, about why we will do so little harm, if any, to the environment, and why there is no project, including Prudhoe Bay, that we can go see that shows what this is going to look like with new technology. There are none. It is absolutely so different from what we have ever done before that it is going to be amazing.

I close by saying those of us who went to Alaska saw a production facility called Alpine. The Senator from Tennessee, Mr. ALEXANDER, did not go with us. I wish he had. The 96 acres of land at Alpine had upon it the entire oil production facilities—the oil wells, not one but several so close together that it looked almost like a row of outhouses at a public park. Each outhouse has a well in it—that is how little it was—an oil well. Each oil well had six or eight wells underground.

I will show one of those tomorrow. That little 96 acres had no roads. Instead, ice roads were built in the winter that simply melt away in the summer. In the summertime, there are no roads to it because they have melted. The facility produces 120,000 barrels of oil a day because under that little piece of property are wells that go down 7,000 feet, find the oil, and go up 4½ miles and drain the field. There is another one that goes down, and there are five new wells sprout out from under it, and coming out of the wellhead is 3,000 to 4,000, 5,000 barrels a day from one well. They have been getting that for a long time.

It seems to me that it is rather ironic that we are all here talking about a crisis. We are suggesting it is not a big enough crisis to worry about a million barrels a day. We are also suggesting that we ought to do other things. This Senator has been here a while. First, this is the proper way to do it. Second, if anybody has another proposal for a million barrels of American oil, let's have it. It would be tremendous if we had a few more. If anybody knows how to conserve and pass through Congress a measure that would cause us to conserve 2 million or 3 million or 4 million barrels a day, put it on the table. It is not that if we did that we do not need this. We need them both.

Mr. BINGAMAN. Mr. President, I wish to add my voice today in support of the amendment offered by Senator CANTWELL. This amendment would strike the instruction to the Energy and Natural Resources Committee contained in the budget resolution premised on opening the Arctic National Wildlife Refuge to oil and gas development and enacting the Pick-Sloan Missouri Basin Program cost recovery proposal set forth in the President's Budget for fiscal year 2006. I would like to address both of these issues.

First, I have concerns regarding the Pick Sloan cost recovery proposal. Although I have not had an opportunity to thoroughly review the proposal, I am advised that it could result in significant rate increases for power users in rural areas of the Upper Midwest and the Great Plains. The instruction assumes that the provision would increase revenues by $33 million in fiscal year 2006 and $157 million over the next 5 years. If the committee should choose not to enact the Pick Sloan cost recovery proposal, we would be obligated to find these revenues elsewhere. Given the jurisdiction of the Energy Committee, our options are few. We have only limited mandatory spending within our jurisdiction. We have jurisdiction over imposition of fees for the use of public lands. Administration of oil and gas leasing on the Outer Continental Shelf and the revenues raised from opening areas currently covered by moratoria is within the jurisdiction of the Energy Committee. Similarly, the President's budget contains a proposal to divert revenues from southern Nevada land sales, which falls within our committee's jurisdiction. All of these are likely to be controversial. The best way to ensure that the Pick Sloan cost recovery proposal is not enacted as part of budget reconciliation legislation and the only way to avoid finding an offset is to support the Cantwell amendment to strike the instruction, and I think that is clearly the preferred course of action at this juncture.

Turning now to the Arctic Refuge, there are many reasons—related to both energy security and environmental concerns—that lead me to conclude that I cannot support oil and gas leasing and development in the Arctic Refuge.

The most compelling reason for not opening the Arctic Refuge is that it will do very little, if anything, to further our national energy security. If opened, not one drop of oil will come from the Arctic Refuge for 7 to 12 years. The most recent Energy Information Administration, EIA, study, ''Analysis of Oil and Gas Production in the Arctic National Wildlife Refuge,'' March 2004, assumes that production will not occur for 10 years. According to EIA, peak production will not occur for another 10 to 11 years after initial production. Thus, we will have to wait for 20 years before having the benefit of maximum production from the Arctic Refuge. Drilling in the Arctic Refuge does nothing to address near-term shortages or issues of energy security.

More importantly, drilling in the Arctic Refuge does not address our reliance on imported oil. The United States relies on imports for 58 percent of its current oil supplies. The Energy Information Administration in March 2004 has estimated that production from the Arctic Refuge would, at its peak, reduce our reliance on imports by only 4 percent by the year 2025, based on the mean estimate of technically recoverable resources.

Unlike other future-looking initiatives that we could undertake now, drilling in the Refuge would over the long term have no effect on reducing imports, once the oil resources in the refuge have been depleted. Unfortunately, the controversy over the Arctic Refuge diverts attention from the real opportunities to enhance domestic energy production. Last Congress, we enacted energy tax legislation that I believe is a good start in addressing our Nation's energy future. Unlike opening the Arctic Refuge, this legislation is intended to provide a near-term increase in domestic energy production. Not only does the legislation include tax provisions that would promote highly efficient hybrid vehicles and alternative transportation fuels such as ethanol, make renewable energy more competitive, and enhance energy efficiency, it would also provide specific incentives to increase oil and gas production at home. In particular, I am pleased that we were able to pass the marginal well production tax credit. It is my hope that this year we will be able to expand upon the energy tax package that was enacted last Congress and do even more to provide for our Nation's energy security.

Environmentally sound development of the National Petroleum Reserve—Alaska provides another opportunity to enhance our domestic energy security. This is 23.5 million acres of Federal land set aside by President Harding to secure the Nation's petroleum reserves for the national security. The area is highly prospective for oil and gas. BLM conducted lease sales in 1999, 2002, and 2004 that had an extremely high level of industry interest. Several wells have been drilled that have encountered oil and gas. The NPRA is estimated to hold a mean value of 3.1 billion barrels of economically recoverable oil at $24 per barrel and a mean estimate of 9.3 billion barrels of technically recoverable oil. While I believe that BLM should take all measures to conduct leasing in an environmentally sensitive way, and also am of the view that there are areas of NPRA that should not be developed, the vast majority of this resource can and should be tapped to enhance our energy security.

Renewables, energy efficiency and R&D must play an increased role in meeting our Nation's energy needs. Clean energy from renewable sources such as the sun, the wind, the ocean, geothermal heat and biomass helps to diversify our energy portfolio and enhance our energy security with minimal environmental impact.

In addition, a rational energy strategy should focus on cost-effective ways to reduce energy demand, not solely on increasing supply. Energy efficiency

provides an array of benefits—economic growth, national security, reliability and environmental protection. Our growth in demand, each year, for automotive fuels far exceeds any potential new domestic oil production. That includes any production from the Arctic National Wildlife Refuge, even if we were to open it and even if the Arctic Refuge has more oil than anyone thinks is likely. Because of that reality, Congress needs to take a serious approach to increasing the fuel efficiency of our new cars, trucks, and SUVs. We cannot talk seriously about loosening our dependence on foreign oil without advancing meaningful improvements in automotive fuel efficiency.

In conclusion, Mr. President, there are many reasons why the coastal plain of the Arctic National Wildlife Refuge need not and should not be drilled for oil and gas. The environmental sensitivity of this area is well-known. Opening the Arctic Refuge is not good environmental policy, but equally important to our Nation, it is far from necessary to our energy policy.

I urge my colleagues to join me in opposition to oil and gas leasing and development in the Arctic National Wildlife Refuge. I urge my colleagues to support the amendment.

Our dependency on foreign oil is now over 11 million barrels a day—it is rapidly moving towards 20 million barrels a day. This is important. Let's assume our dependence will be 19 or 20 million barrels a day by 2025. The oil produced at ANWR would represent about 5 percent of what we need to import from foreign sources. That is a lot.

I close by saying 1 million barrels of oil a day equals $18.4 billion a year in balance of trade dollars. We talked about the merchandise trade balance. Currently, 25.5 percent of this country's merchandise trade deficit is from net imports of crude oil and petroleum products. Everybody is worried about it.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. DOMENICI. I ask for an additional 30 seconds, Mr. President.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOMENICI. We worry about China bringing in all this, but almost 26 percent of the balance of trade is pure oil. We can stop the imbalance with China and continue to buy oil, and we will have a trade imbalance that is still going up, and we will be wondering whether we need a million barrels of oil a day from an area that is supposed to be explored that some do not even want to allow us to look at. I believe the time has come. I hope it is tomorrow.

I yield the floor.

The ACTING PRESIDENT pro tempore. All time has expired.

There will now be 1 hour of debate evenly divided in the usual form on an amendment relating to veterans, to be offered by the minority. Who seeks recognition?

Mr. AKAKA. Mr. President, I ask the pending amendment be laid aside.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 149

Mr. AKAKA. Mr. President, I call up amendment No. 149, which is at the desk, and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. AKAKA], for himself, Mrs. MURRAY, Mr. OBAMA, Mr. JEFFORDS, Ms. STABENOW, Mr. CORZINE, Mr. SARBANES, Ms. LANDRIEU, Mr. SALAZAR, Mr. ROCKEFELLER, Mr. DORGAN, Mr. LEVIN, Mr. SCHUMER, Mr. KERRY, Mr. FEINGOLD, and Mr. JOHNSON, proposes an amendment numbered 149.

Mr. AKAKA. I ask unanimous consent the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase veterans medical care by $2.8 billion in 2006 and to provide for deficit reduction by closing corporate tax loopholes)

On page 3, line 10, increase the amount by $5,112,000,000.

On page 3, line 11, increase the amount by $1,377,000,000.

On page 3, line 12, increase the amount by $109,000,000.

On page 3, line 13, increase the amount by $10,000,000.

On page 3, line 19, increase the amount by $5,112,000,000.

On page 3, line 20, increase the amount by $1,377,000,000.

On page 3, line 21, increase the amount by $109,000,000.

On page 4, line 1, increase the amount by $10,000,000.

On page 4, line 7, increase the amount by $2,840,000,000.

On page 4, line 16, increase the amount by $2,556,000,000.

On page 4, line 17, increase the amount by $689,000,000.

On page 4, line 18, increase the amount by $55,000,000.

On page 4, line 19, increase the amount by $5,000,000.

On page 4, line 24, increase the amount by $2,556,000,000.

On page 4, line 25, increase the amount by $688,000,000.

On page 5, line 1, increase the amount by $54,000,000.

On page 5, line 2, increase the amount by $5,000,000.

On page 5, line 7, decrease the amount by $2,556,000,000.

On page 5, line 8, decrease the amount by $3,244,000,000.

On page 5, line 9, decrease the amount by $3,298,000,000.

On page 5, line 10, decrease the amount by $3,303,000,000.

On page 5, line 11, decrease the amount by $3,303,000,000.

On page 5, line 15, decrease the amount by $2,556,000,000.

On page 5, line 16, decrease the amount by $3,244,000,000.

On page 5, line 17, decrease the amount by $3,298,000,000.

On page 5, line 18, decrease the amount by $3,303,000,000.

On page 5, line 19, decrease the amount by $3,303,000,000.

On page 22, line 16, increase the amount by $2,840,000,000.

On page 22, line 17, increase the amount by $2,556,000,000.

On page 22, line 21, increase the amount by $689,000,000.

On page 22, line 25, increase the amount by $55,000,000.

On page 23, line 4, increase the amount by $5,000,000.

On page 30, line 16, decrease the amount by $5,112,000,000.

On page 30, line 17, decrease the amount by $6,608,000,000.

On page 48, line 6, increase the amount by $2,840,000,000.

On page 48, line 7, increase the amount by $2,556,000,000.

Mr. AKAKA. Mr. President, the budget resolution fails veterans. It is just that simple. I am pleased to stand with my colleagues who joined me in offering this veterans' health care amendment, which adds $2.85 billion for VA health care.

While I largely agree with the President on the overall amount needed for VA health care, I take issue with how he chooses to fund the system. The administration's approach is to ask veterans to pay more for their care via increased copayments for medications and a new user fee for middle-income veterans. Our approach, instead, asks for appropriated dollars. Real money for real veterans' health care needs.

I remain unclear about whether sufficient funding was included to compensate for these proposals.

Our amendment would add $2.85 billion to the resolution. How was this amount derived? I stress that nearly all of these amounts come directly from the President's own budget. According to the administration's own numbers, VA needs $1.4 billion just to cover medical care inflation and automatic salary adjustments for health care workers. The level in the budget resolution before us does not even come close to covering that amount.

Additionally, VA requires funding to absorb new patient workload, from new veterans returning home from both Operations Iraqi and Enduring Freedom and from older veterans who are just now turning to VA.

The amendment also provides funds to allow for modest increases in mental health and prosthetics. Again, these numbers follow those sent forward by the President. While it is broadly acknowledged that VA could do much more in these areas and others, we recognize that the budget climate is tight. Mental health and prosthetics must receive at least modest increases if we are to truly fulfill the promises we made to these men and women when they were sent to war.

The only new cost that was not included in the President's budget—and therefore the budget resolution—is funding to allow middle-income veterans to enroll with VA for care. In January of 2003, the President cut-off

enrollment to middle-income veterans. To date, 200,000 veterans have been turned away. This amendment provides the money to make the system accessible to all who have served. It is simply wrong to exclude any men and women who have served our country from VA services, especially at a time of war.

While some of my colleagues will argue that the President's budget is a good one for VA, I would like to share some of the comments of the veterans service organizations. The Veterans of Foreign Wars, with its 2.4 million members, say that:

it is clear that the proper funding of veterans health care is not an Administration priority.

The Disabled American Veterans has characterized this budget—and therefore the budget resolution—as:

one of the most tight-fisted, miserly budgets for veterans programs in recent memory.

Similarly, my colleagues will argue that the President has done more for VA health care than any President in recent memory. I would clarify, however, that Congress, through this amendment process, which has increased veterans health care spending year after year.

Mr. President, I implore you and my colleagues on both sides of the aisle to recognize the great need that exists for veterans' health care.

I will take time later to discuss more of this.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Mr. President, how much time is left on our side?

The ACTING PRESIDENT pro tempore. There is 23 and a half minutes.

Mrs. MURRAY. Mr. President, at this very hour, veterans in my home State of Washington and throughout the country are waiting for the health care they were promised. They are facing understaffed and overcrowded VA hospitals and clinics. They are dealing with paperwork. They are dealing with redtape. They are not getting the service they were promised.

At this hour, veterans from World War II, Korea, Vietnam, and other conflicts are waiting for appointments to see a doctor, waiting for prescription drugs, and waiting for help with posttraumatic stress disorder. While they are waiting, new veterans are coming home from Iraq, from Afghanistan, and they need health care, too.

Every day the system is getting more and more crowded. The waiting lists are growing longer. We have to do something about it. These brave men and women were there for us. We have now got to be there for them. They answered our country's call, and now we have to do our part. That is why I am on the floor tonight with Senator AKAKA, offering an amendment to increase funding for veterans health care by $2.85 billion.

I am here today with a simple message, which is displayed right here on this chart: Congress needs to keep its promise to America's veterans. We need to honor their service and their sacrifice, and we need to fund health care now. I received many letters from veterans throughout my State with this simple plea: Keep our promise to America's veterans. Fund health care now.

Let me say, we have a lot of work to do. If we follow the budget President Bush proposed last month, we will force veterans out of the VA system, we will force veterans out of nursing homes, we will force veterans to pay more in fees and copayments, and we will force veterans to wait even longer for the care they have earned.

As the daughter of a disabled World War II veteran, as the first woman in history to serve on the Senate Veterans Affairs Committee, and as the voice of more than 700,000 brave veterans in the State of Washington, I cannot let that happen.

I have been fighting for veterans for many years. In fact, just last week in the Budget Committee I offered an amendment to boost funding for VA health care. Do you know what some Senators told me? They said: We have already increased funding for veterans plenty, so we don't need another dime for veterans health care.

They are wrong. That is not what the veterans in my home State are telling me.

I want every Senator to know that how you vote on this amendment is a test of how committed you are to helping America's veterans. With this vote, we are going to find out who is serious about helping our veterans and who is just talking.

With this vote, every Senator will have to announce publicly whether they are making life better for our veterans or whether they are making excuses. I am here to say let's do the right thing. Let us support this amendment and keep the promise to those who have served.

For those veterans who are following this debate tonight, let me recap where it stands.

This month, Congress is deciding how much money to spend on priorities such as veterans health care. So far, we have only had two choices, and one is to follow President Bush's approach. He offered a budget that will impose higher fees and copayments on many veterans. It will lock the doors of VA to thousands of veterans. It is no wonder that veterans organizations from coast to coast have denounced that budget proposal.

Last week, the Senate Budget Committee organized its own budget proposal. I serve on that committee. I was part of that debate.

The Republican proposal got rid of some of the onerous fees in President Bush's budget, but they refused to increase funding for veterans to meet their needs.

I tried to improve that bill in committee with the Murray veterans health care amendment, but the Republicans blocked my funding and passed an inaccurate budget on a party-line vote. Now that flawed budget is here on the Senate floor, and we have one more chance to make it right.

That is why I am here tonight offering this amendment with Senator AKAKA. Our amendment says let's fund veterans health care based on real needs.

We know what the needs are because over the past few weeks, the Nation's largest veterans service organizations came before the Senate Veterans Affairs Committee, the committee on which I serve. Leaders from AMVETS, the Disabled Veterans of America, the Paralyzed Veterans of America, and Veterans of Foreign Wars, all told us what they need. They are not asking for special treatment—just what they were promised in exchange for serving our country. They told us that veterans are not getting the help they need. They told us what would happen if we adopted the President's budget.

For me, veterans health care is a very personal issue. My father served in World War II, and he returned as a disabled veteran. During the Vietnam war, I interned in the Seattle VA hospital. I know firsthand the scars and the wounds that burden our veterans when they come home.

During the gulf war, when our soldiers were coming home with gulf war syndrome, I brought the VA Secretary out to Washington State so he could hear from veterans what I was hearing.

Over the past 2 years when President Bush tried to close the doors at three VA hospitals in Washington State, I worked with veterans and community leaders from across our State to keep those facilities open. I continue to press the VA to open new community clinics in north-central Washington and in Whatcom County to help our veterans who today have little access to VA services.

When it comes to VA's health care budget, it has been a battle every year to get the funding we need. Every year, the President has proposed a small number for veterans health care, and every year we in Congress have stepped in to protect our veterans.

I have been convinced for a long time that we need to move VA health care out of the annual budget process. That is why I have sponsored legislation to make VA health care funding mandatory, so it is always there no matter what type of budget games are going on.

Unfortunately, the Republican majority has blocked that commonsense proposal every year.

So the fight goes on. That is why we are here tonight. This year's debate started on February 2 when the President unveiled his budget proposal.

Veterans of Foreign Wars looked at his proposal, and they said:

If the President's budget were approved, waiting time for basic health care appointments would again skyrocket, returning us to the era of the six-month waiting period.

That is what the commander in chief of the Veterans of Foreign Wars said about the President's budget.

The President's budget would force more than 2 million veterans to pay a $250 annual fee just to get VA health care. In my book, if you served our country, if you have already paid your dues, it is insulting to nickel and dime America's veterans.

The President's plan would also double the copayment for prescription drugs for thousands of our veterans. It would slash prosthetics research by $9 million.

The President's budget would eliminate thousands of State-run nursing home beds. In my home State alone, 300 veterans who honorably served this country would lose their place in a State nursing home. That is 300 Washington State families being asked to shoulder a new burden, and that is just wrong.

The President's budget would cut the VA workforce by more than 3,000 people while there is a backlog of more than 700,000 claims. That just does not make any sense.

We have a huge backlog of claims, with new claims coming in every day, and now there will be fewer staff to process. That is wrong.

The President's budget would also continue to ban some veterans from coming to the VA for care. So far, under this flawed policy, nearly 200,000 veterans have been turned away, including more than 3,100 veterans in Washington State.

That is what the President proposed. I have been working with others to fix that.

I have to tell you that it has been very frustrating. No one in this administration is willing to say how we are going to take care of our newest veterans, when they have waiting lists for existing veterans.

I asked the President's budget director on February 9: Where is the money in your budget to take care of our newest veterans and our existing veterans? I didn't get an answer. So on February 15, I asked the Veterans Secretary. I didn't get an answer from him. So the next day, I asked the Defense Secretary, but I didn't get an answer from him either.

So I offered an amendment in the Senate Budget Committee last week. My veterans amendment was defeated on a party-line vote of 10 to 12.

So tonight I am here on the Senate floor with Senator AKAKA with a similar amendment. And now every Senator is going to have to go on the record either for or against our veterans.

During this debate, you are going to hear Senators say that we have raised funding for veterans plenty. Other Senators are going to suggest that we are meeting the needs today. I am going to refute those claims line by line. But let me say this first: When veterans tell me they are being left behind and politicians tell me everything is fine, I will believe the veterans every time.

With that said, I want to look at some of the claims the other side will make.

One of the arguments you are going to hear from the opponents is that appropriations for veterans medical care grew by 63 percent from fiscal year 1995 to fiscal year 2004. That claim is inaccurate because it leaves out three critical facts.

First of all, the number of veterans who have served has gone up dramatically over that same period of time, as this chart shows. During the same year, the number of unique veterans getting care from the VA has increased by 88 percent.

It is nice that the funding has gone up, but it is nowhere close to meeting the number of veterans who are getting care at the VA.

Second, the Republican claim is inaccurate because it ignores the impact of medical inflation.

As this chart shows, over the same timeframe they are talking, medical inflation has shot up 92 percent, so the increases we have had so far have not even kept up with medical inflation. It is great that veterans funding has increased over the years, but it has not even kept up with inflation.

There is another problem with this excuse that we do not need this amendment, because every day, as each of us knows, new veterans are coming back home and seeking care at the VA. If the number of veterans was going to be stable in the coming years, it would be one thing, but we all know the number of veterans will keep growing as soldiers come home from Operation Iraqi Freedom and Operation Enduring Freedom.

Washington State alone has sent thousands of brave men and women to Iraq and Afghanistan over the past several years. Now a large group is returning home, including 4,000 members of the National Guard. This is the next generation of veterans.

Congress needs to provide more funding if we are going to keep up with the growing needs. So we are going to hear some of the opponents claim that veterans funding has gone up 63 percent so veterans do not need any more. But when we hear that claim, we need to remember the number of veterans in the VA system has gone up 88 percent. Medical inflation has gone up 92 percent. And we are creating new veterans every single day who need a strong, stable VA to take care of them.

Here is another excuse we will hear from the opponents. They will say the VA is sitting on nearly $500 million. VA officials in Washington, DC, may well be holding back money to see what next year may bring, but that does not mean the funds are not needed at VA hospitals and clinics. Veterans health networks are already experiencing shortfalls. As a result, the committee has heard that outpatient clinics have stopped seeing even the poorest of patients, sending them hundreds of miles away to other facilities.

I am hearing from veteran leaders in my region that the VA is not moving forward with new clinics in Whatcom County and north central Washington because all those dollars are needed for medical care for existing veterans.

If the VA is sitting on funds we have appropriated, I want those dollars moved out to help veterans as we intended. It is not an excuse to block this amendment.

We may also hear opponents claim this budget increases veterans funding by about $900 million. But when you look at the numbers, the increase in medical care is less than $80 million.

I have a chart that was produced not by us but by majority staff on the Committee on Veterans Affairs. I ask unanimous consent to have it printed in the RECORD after my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, we have heard some opponents say we should not provide another dime in the budget for veterans health care because we do not know how the Appropriations Committee will spend that money. I serve on the Committee on Veterans' Affairs and I serve on the Veterans Appropriations Subcommittee. If the Senate passes our amendment, then the Appropriations subcommittee will have explicit instructions that this money is to be spent on veterans health care. Because I serve on all the committees involved—Appropriations, Veterans' Affairs—I will be there at every turn to remind my colleagues of the promise we made.

This amendment is also about making sure our military is strong today. How we treat our veterans affects our ability to recruit the men and women we need to serve in our Armed Forces. That is nothing new. It has actually been true since the founding of our country. On the chart behind me I have a quote from George Washington in 1789. Washington said:

> The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional as to how they perceive the veterans of earlier wars were treated and appreciated by their country.

That was President George Washington in 1789.

We have an opportunity tonight with this amendment to do right by our veterans and to keep our country strong. This amendment will help meet the growing needs and will ensure that we keep the promise to those who have answered this country's call. They were there for us when we needed them, and we need to be there for them.

With this amendment offered by Senator AKAKA and myself and many others, every Senator will have to decide if they are voting for veterans or against them. I urge every Senator to do the right thing and vote for our amendment.

EXHIBIT 1

PROPOSED VA BUDGET FOR FISCAL YEAR 2006

FY 2006	FY 2005 Appropriation [1]	FY 2006 Request	Requested dollar increase	Requested percent increase
Medical Services	$19,916,688,000 [2]	$19,995,141,000	$78,453,000	.39
Medical Administrative	4,437,770,000	4,517,874,000	80,104,000	1.8
Medical Facilities	3,330,453,000	3,297,669,000	(32,784,000)	(.99)
Medical Research	402,348,256	393,000,000	(9,348,000)	(2.3)
Total Veterans Health Care	28,087,259,256	28,203,684,000	116,425,000	.41
Construction	700,606,600	816,037,000	115,430,400	16.5
Comp., Pension, Readjustment, Insurance Programs	35,182,223,680	36,668,466,000	1,486,242,320	4.2
Home Loan Program	2,053,234,000 [3]	218,161,000	(1,835,073,000)	(89)
Administrative and Grants	1,792,702,608	1,677,448,000	(115,254,608)	(6.4)
Total Appropriations	67,816,026,144	67,588,635,000	(227,391,144)	(.34)
Collections	1,953,020,000	2,588,000,000	634,980,000	32.5
Approps. plus Collections	69,769,045,144	70,176,635,000	407,589,856	.58
Approps. plus Collections w/o Home Loan Line	67,715,811,144	69,958,474,000	2,242,662,856	3.3

[1] Includes 0.8% across-the-board rescission to discretionary accounts as directed by section 122 of Public Law 108–447; includes $124 million supplemental (hurricane) in Public Law 108–324.
[2] Reflects (1) realignment of funds across medical services, administration and facilities accounts as authorized by section 120 of Public Law 108–447, and (2) transfer of $125 million from medical services to Administrative and Grants account as authorized by Public Law 108–324.
[3] Relects annual reestimate, as required by Credit Reform Act, of updated housing subsidy costs for existing loans guaranteed by VA. Estimate presented with FY 2005 proposed budget was $197,859,000.

The ACTING PRESIDENT pro tempore. The Senator from Hawaii.

Mr. AKAKA. How much time do I have?

The ACTING PRESIDENT pro tempore. There is 6 minutes.

Mr. AKAKA. Mr. President, we have heard a lot about the fact that VA has so much money that they expect to carry-over nearly $500 million to next year, as Senator MURRAY said.

I urge all my colleagues to touch base with the veterans at home and find out if the VA is really swimming in money.

VA's health networks are already experiencing shortfalls. Let me share some more specifics.

The Boise facility is facing a $1.8 million deficit. This facility, like so many others, has a hiring freeze. The facility has seen a workload increase over 7% for FY 05, but there will be staff reductions. And at present there is no money for staff education.

Veterans in need of treatment for PTSD or addiction treatment will have one less place to go due to the VA budget. The Psychiatric Rehabilitation Program at the Chillicothe VA hospital is being shut down.

Thirty nursing home beds at the VA hospital in Manchester, NH, will not be opening. VA officials expect to save $1.3 million by not opening these beds.

As my good friend, Senator COLLINS, has pointed out, the hospital in Togus has a projected $14 million deficit. This Maine facility has a hiring freeze and cannot replace equipment.

At the Louisville, KY, hospital veterans undergoing a cystoscopy must lie on a broken table during the procedure. It's been almost a year that this medical table has been broken—but the VA can't replace it because they have no money. The facility's only endoscope is broken, and the facility cannot afford a back-up.

Also at the Louisville, VA, elective surgeries have been cancelled because of lack of staff due to funding.

So, again, the administration—the same administration putting forward the budget—is holding back $450 million.

Perhaps they are holding onto this money because they know that the coming year may be horribly tight if the President's budget is made a reality.

But the VA facilities which are serving veterans need more funding.

During the Clinton years, the Clinton administration, a Democratic administration, proposed actual cuts in a veterans budget. In 1998 and 1999, they proposed those cuts. What did Congress do? Did it accept the budget? Of course it did not. It said: No, Mr. President, you may propose, but we will dispose. And we did. And we plussed up those budgets dramatically.

Not once in the past 4 years has the Bush administration proposed cuts in veterans budgets. They proposed substantial increases. Once again, Congress came along and said: Mr. President, we don't think those are quite adequate. And we plussed them up. In the course of the last 4 years, we have seen relatively dramatic increases in veterans budgets. Are they necessary? You bet they are necessary.

Here is a perfect example of the medical care budget. From 2001 to 2005, we went from $21 billion to nearly $30 billion. What did we get in return? More veterans being served. And we now have what is being called the finest health care delivery system in the United States.

This Congress ought to be darn proud of it. And we are. That is what we are going to sustain in the budget this Congress will adopt this week.

What did we do in other benefit areas? We did in the general mandatory areas exactly the same kind of thing. We looked at the budget in 2001. It was $25.7 billion. By 2005, it was $37.1 billion. Necessary? You bet it was necessary. As a result of that, we were able to expand the capacity of the Veterans' Administration to serve veterans. And that is what we are about. So that has resulted in the greatest increase in veterans spending in the history of this country, to serve a truly needy and necessary population. We have had a 43-percent increase over 4 years, better than a 10-percent increase.

My colleague from Washington said: Yes, but numbers increased. You bet they did. They went in the area of enrollment from 4.9 million to over 7.7 million, and all during that time the quality of health care went up. We served those in need. We served those in the right categories. And, most importantly, we increased the timeliness of the service to the veterans. As a result of that, we also produced quality care.

Well, I have to tell you that when the President proposed his budget, there were areas of it I was not satisfied with. Some of my colleagues were not satisfied with it. The ranking member was not satisfied with it. And we proposed to make some changes. We are going to see an amendment offered in a few moments that makes those changes, an amendment offered by Senator ENSIGN, myself, Senator VITTER, and Senator HUTCHISON that will add another $410 million of budget resolution to the health care services.

When that is done—the committee has already added more than that—for the 2005 budget we will have moved that well beyond its area. We will have seen an increase of 3.7 percent. An additional $1.2 billion will be provided, and it will be a tremendous amount for incentives in funding. There will be no reconciliation order. That is new money. That is real money in the Veterans' Administration.

We do not raise taxes. We do not raise taxes on working veterans such as our Democrat colleagues do to serve veterans. We believe the budget pie is big enough to reach in and pull out another $1.2 billion to meet the necessary services we are about to do.

My colleagues are going to go into greater detail in a few moments to do so. But what is important about it? We said no to enrollment fees. We said no to copayments as they relate to prescription drugs. We did not think those were necessary at this time. Most importantly, the Veterans Committee, after hearing from all of those service organizations, as my colleagues have mentioned, recognized not only the need of current day veterans, but coming out of Iraq there is a whole new class of veterans. And they, too, have to be served. They are injured and impaired in unique ways, and they will have to have health care and service, in

some instances, for the rest of their lives from this Government and this country which recognizes the kind of services they did and have continued to perform.

So not only no copays for prescription drugs, and no enrollment fees, we have done something else. There is another layer of service out there to veterans that oftentimes we do not talk about. It is because it is not as visible. But home in our States it is visible; that is, the State veterans homes where the State government and the Federal Government share. This year it was proposed that we reduce the per diem payment at the Federal level. In my State of Idaho and across the Nation we would have found truly needy veterans without the kind of care that we think is necessary, and we said: No, Mr. President, we don't think at this time we ought to be doing that. Yes, budgets are tight. Yes, you proposed reasonable increases in a variety of areas. But what is most important is that we serve the veterans we are serving today, we add to the enrollment when we can, and we make darn sure we are doing the right things for those veterans coming home.

Our veterans homes across the Nation provide over 20,000 beds. In my State it is 268. It is important in my State and across the Nation that we plus those up where we can and recognize the true need.

There are a good many other areas I could cover that are included in the President's budget. The President recognized the unique need for prosthetic care and as a result added $100 million to it, focusing on the truly injured veterans coming out of Iraq and Afghanistan. We recognize that and recognize that portion of the budget and add to it to strengthen it.

So a lot of work has been done. My colleagues on the other side, I am sad to say, would suggest there is never enough. This is a tight budget year. We all recognize that, but we ought not try to cut the budget on the backs of the veterans. And we are not doing that. A plus-up of $1.2 billion without reconciliation orders in this budget is a significant increase, one we can all be proud of, one that services our veterans, as it should, and services those who are in true need today.

Mr. President, can I ask how much time remains?

The ACTING PRESIDENT pro tempore. The Senator has 21 minutes 50 seconds left.

Mr. CRAIG. Mr. President, let me stop at this point and yield to my colleague from Nevada for the purpose of the offering of an amendment, further discussion on this important issue of veterans funding, and then I believe we will be joined by my colleague from Texas, Senator HUTCHISON, to further discuss this before we close out for the evening. But I believe we can turn to the Senate tomorrow and ask them to vote on a very responsible veterans budget as proposed by the Senate.

With that, I yield to Senator ENSIGN.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

AMENDMENT NO. 171

Mr. ENSIGN. Mr. President, I send an amendment to the desk on behalf of myself, Senator CRAIG, Senator VITTER, and Senator HUTCHISON.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN], for himself, Mr. CRAIG, Mr. VITTER, and Mrs. HUTCHISON, proposes an amendment numbered 171.

Mr. ENSIGN. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose to increase Veterans medical care by $410,000,000 in fiscal year 2006.)

On page 22, line 16, increase the amount by $410,000,000.

On page 22, line 17, increase the amount by $369,000,000.

On page 22, line 21, increase the amount by $37,000,000.

On page 22, line 25, increase the amount by $2,000,000.

On page 9, line 15, decrease the amount by $410,000,000.

On page 9, line 16, decrease the amount by $369,000,000.

On page 9, line 20, decrease the amount by $37,000,000.

On page 9, line 24, decrease the amount by $2,000,000.

Mr. ENSIGN. Mr. President, we are proposing an amendment today that will increase the spending on our veterans in this budget by $410 million this year. Some may ask: Why not the amount that the Democrats have proposed? Well, first, we are in tight budget times. And we are considering this amendment without raising taxes. We are taking the money out of the State Department and foreign aid budgets instead of taking the money out of the pockets of hard working Americans who are trying to make a living, trying to provide for their families.

We can never spend as much money as the Democrats. There is no question about that. Every single time we offer an increase in this budget, the Democrats will try to outbid us. We understand that. We accept that. We are trying to be fiscally responsible, at the same time taking care of our veterans and not increasing taxes on working Americans.

In the Democratic amendment, there is a $6.6 billion tax increase over the next 3 years—$6.6 billion in new taxes. That is one of the many amendments they are going to offer on this budget that will increase taxes. Of that, $2.8 billion goes for veterans care next year. But $6.6 billion in new taxes.

Senator MURRAY from the State of Washington talked about some of her veterans and the problems with some of her veterans. Nevada has experienced some of the same problems. Nevada is the fastest growing State in the country.

The problem, Mr. President, is not the amount of money we are spending, but rather the manner in which we are spending it. By that I mean that veterans are moving away from the Rustbelt to faster growing States like Nevada. A large number are moving to the west coast. A lot to the Sunbelt States. They have chosen to move, but a lot of the VA facilities are still located in the Rustbelt.

Because of the way Congress works, Senators and Representatives work hard to keep a lot of money in their States, even though the veterans have moved away. So while States such as Washington and Nevada may have VA facilities that are packed to the gills, there are some VA facilities that have 20 to 30 percent occupancy in their beds. Frankly, some of them should be closed. This President has, with the CARES Commission, proposed reallocating some of the funds so that the veterans with the greatest needs will get the care they deserve. Our amendment recognizes that you cannot do this overnight. So we recognize we have to increase spending on veterans care. We have to keep our promise—the promise we made to the men and women who don the uniform of the U.S. military and say: I will lay my life on the line to protect your freedom. All our veterans ask in return is that we take care of those who come home with medical needs. This amendment is about keeping that promise to our veterans.

I thank Senator CRAIG, chairman of the Veterans' Affairs Committee. He has done great work on behalf of veterans across America. We really owe him a debt of gratitude for the work he has done. This is just the opening chapter, I believe, in ensuring that every veteran gets the kind of quality medical care they deserve. We have to look at the whole VA system as we are transforming it, to make sure we best spend the dollars so that veterans will get the quality care they need. As a result of veterans coming home from the war, we are going to have to examine their needs. As we determine those needs, we may have to spend more. If we have to spend more, I know this body will step up to the plate and do what is necessary to take care of those heroes who fought for our freedom.

The $410 million in our amendment will restore funding to maintain the prescription copays at $7 for veterans. It also restores funding required to prevent the imposition of a $250 enrollment fee on veterans. This amendment restores funding required to stop the scale back of State nursing home per diem payments made by the VA.

It adopts the President's request to spend an additional $100 million for mental health services.

Many of our homeless veterans are homeless because of mental health issues. The President has proposed another $100 million, and this budget will

now meet that. We also adopt the President's request to spend an additional $100 million for prosthetics. With all the veterans who have been wounded in the war, we are going to need at least that much. Next year, we may have to spend even more than that.

We also adopt the President's request for other nonmedical discretionary accounts, allowing for a $116 million increased funding for construction, an increase in disability claims, caseworkers, and the continued expansion of the National Cemetery System, the largest such expansion since the Civil War.

Mr. President, I believe strongly that we must keep our word to our veterans, and we must take care of those men and women who have sacrificed so much while wearing the uniform of the U.S. military. This amendment helps keep the promise we have made to our veterans.

I yield the floor.

Mr. CRAIG. Mr. President, I thank my colleague from Nevada for his amendment. I believe it is responsible and appropriate, as we plus up this budget, to assure that the veterans are adequately served and that we adjust appropriately for the new veterans coming in from Iraq and Afghanistan.

Now I yield to the Senator from Texas, Senator HUTCHISON.

Mrs. HUTCHISON. Mr. President, I would like to be notified at 7 minutes so that I can yield back the remainder of the time to Senator CRAIG.

The ACTING PRESIDENT pro tempore. The Senator from Texas is notified that there is a little over 6 minutes left.

Mrs. HUTCHISON. Mr. President, please notify me when I have used 4 minutes. I thank Senator CRAIG, the chairman of the Veterans Affairs Committee, and Senator ENSIGN, a member of that committee. I chair the Veterans' Affairs Appropriations Subcommittee. It happens that today we had our hearing on the Veterans Affairs Department, and Secretary Nicholson came before our committee and talked about what is in the budget. He said, of course, we have full coverage for the priority 1 through 6 veterans. We have full coverage in the budget for the injured coming home from Iraq and Afghanistan. And we all know that the growth in the veterans medical care area has been in the other priority veterans, Nos. 7 and 8. These are people who do not have combat-related injuries and people who are in upper incomes. When they became covered a few years ago, really, it was thought by Congress that there would not be a big surge to get the Veterans Affairs coverage because they, we thought, had private insurance. But, in fact, that has been the big surge in medical care coverage for veterans, in those 2 categories, 7 and 8; and 15 percent of those do not have private coverage.

So what we are doing with this amendment is we are saying we are not going to change anything right now. We are not going to have copays, and we are not going to have enrollment fees. But I did talk to the Secretary about making sure that if there is private insurance, that that insurance would be the first payer in a veterans health care need; that the private insurance payer would pay first, and Veterans Affairs would come second so that we could recoup some of the money that could be going into serving other more needy veterans and try to also keep a balance in the budget. That is what we are trying to do. We are trying to increase what is in the budget, and we will do that in this amendment.

We are, most certainly, going to try to do it in a way that will not harm any veteran at all. We are not going to have copay increases. We are not going to have enrollment fees, and we are not going to have a reduction in the per diem payments for nonservice-connected veterans in State veterans homes. So we are trying to do the right thing, while also whittling down the deficits we are facing in our country.

I think Senators CRAIG and ENSIGN have a very good amendment. We are going to do the right thing for veterans always. We will be able to assure coverage this year with this added $400 million, and we will be able to come back in next year, if we need more.

Mr. President, I want to mention one other area before I turn the podium back over to Senator CRAIG. It is something we will more fully discuss tomorrow. I wanted to lay down the marker that we will have an amendment to increase the number of border patrol in this budget. I am very concerned about the reports from our FBI Director Mueller, who told Congress that people from countries with ties to al-Qaida are crossing into the United States through our Mexican border.

Deputy Secretary of Homeland Secretary James Loy, recently said that intelligence reports say that Al-Qaida is looking at the Mexican border as a way to put people into the United States for the purpose of terrorist attacks. So I think we must increase the budget coverage above the 210 border patrol agents who have been added in the budget before us. We need to increase that to at least 1,000. Our intelligence reform bill said that we would have the capability to increase border patrol by 2,000 per year for the next 5 years. I am going to try, through an amendment, to increase that to at least 1,000, and we will do it without busting the top line of the budget.

We think it is very important that we stop people from coming over our borders illegally. We know we are vulnerable in this Nation right now. We know we need more places for detention, more Border Patrol agents, and better technology to secure our borders to the south and the north. These Border Patrol agents will go throughout the United States to the Border Patrol centers.

My amendment will be sponsored by Senator CORNYN, Senator BINGAMAN, Senator MCCAIN, and Senator FEINSTEIN. These are Senators from border States who know the problems of illegal immigration firsthand.

It is a very important amendment that we will discuss more fully tomorrow, but I hope our colleagues will start thinking of ways that we can assess the priorities and determine that we need at least a thousand Border Patrol agents in this year's budget and another thousand next year. But we will do 1,000 at a time, I hope, because that is what can be absorbed, that is the number that can be trained in any 1 year.

I hope we will address the Border Patrol issue tomorrow, and I certainly hope that when we have the competing veterans amendments that we will take the Craig-Ensign-Vitter-Hutchison amendment that does keep in mind the priorities of our budget, but also increases the amount that will be for medical care for our veterans and will not require any higher copays or registration fees for any of our veterans at this time.

I yield back my time to Senator CRAIG.

Mr. CRAIG. Mr. President, what is the time remaining on our side?

The ACTING PRESIDENT pro tempore. The Senator from Idaho is notified that the Parliamentarian informed the Senator of the wrong time. The Senator now has 7½ minutes.

Mr. CRAIG. Mr. President, I will close. I think the Senator from Washington has time left that she would like to use.

I think every Senator who comes to the floor of the Senate to speak about our veterans is committed without question to assuring to the veterans community of this country that we will honor their needs. It is our responsibility.

I happen to disagree with the Senator from Washington. I do not think we need to raise taxes to meet the necessary needs at this time. Veterans are hard working, too, and they pay taxes. But there are additional moneys necessary from what were moneys proposed by the President, and that is exactly what this amendment does, along with the additional plus up that the committee itself has accomplished.

When the Ensign-Craig-Vitter-Hutchison amendment is adopted, the net increase will be over $1.2 billion of new money for the Veterans Administration to spend. What do we do with that money? I mentioned we add $100 million for VA prosthetic care. We look seriously at those who are tremendously injured in body, but we also recognize that there may be veterans injured not of body but of mind, and mental health programs are increased.

The Ensign-Craig amendment to the budget resolution will mean an additional $100 million can be devoted this year to expanding treatment and services in mental illness for America's veterans who suffer PTSD as a result of their service in Iraq and Afghanistan.

Also, the budget proposes $43 million to ensure that veterans who seek emergency care in non-VA facilities are treated exactly the same as if they had sought care at a VA facility. Clearly, across my large expansive State of Idaho—it is true of the State of Washington—we cannot have a veterans hospital or a care center in every community, and yet veterans live there and emergency care is sometimes necessary. We assure that they can enter that emergency room door and be treated prior to moving on to a veterans care facility.

Finally, this budget with the $410 million added by the Ensign-Craig-Vitter-Hutchison amendment will provide $19 million for the treatment of homeless veterans. That may sound like a small amount of money, but it will bring this program up to the $100 million level and help us build on gains we have already made in reaching out to this incredibly vulnerable population of veterans.

I can stand on the floor of the Senate tonight with the offering of this amendment, as chairman of the Veterans Affairs' Committee in the Senate, working with all of my colleagues and assure them that all of those gains we talked about earlier that we all share, we recognize, and we are proud of, whether it be in mandatory spending or whether it be in health care, are gains that will be sustained by this budget in 2006, that we can build on the strength of those gains and assure that veterans who are in the categories of 1 through 6 will be truly served.

Those who have service-connected disabilities or problems in other areas will be served. We recognize that the 20,000 veterans' home beds across the States will remain open and available to veterans by not bringing down the per diem. This is a sincerely responsible budget to deal with America's veterans' needs as we have always done as a Congress and as we will continue to do in the 2006 budget and into the future.

A tight budget year? You bet it is. Need we be fiscally responsible? You bet we should be. Should we raise taxes on the working men and women of America to accomplish that? No, we should not. What we should do is exactly what we are doing tonight: reestablishing priorities within the overall budget and saying here is an area of true need and care, a responsibility that we have to address, and we are open, caring, and responsible in addressing it.

I am proud to serve as chairman of the committee. I am proud to work with my colleague from Texas who is the chairman of the appropriating committee. With the combination of all of us in a very real and bipartisan way, we are going to meet the needs of veterans as we always have, and we are going to meet them with a budget that represents a 3.7-percent increase over last year.

In as tight a fiscal year as we are in, that is a large and responsible and sensitive increase of which I am proud.

I will yield the floor, and we will be back tomorrow to debate this important issue as we ask our colleagues to support us in this effort. I do believe when we look at all the facts and figures, when we look at the 43-percent increase in veterans spending over the last 4 years, when we see the increase of veterans going out and the quality of health care going up and the efficiencies that we have asked the system to produce—and it has produced it—then this is in itself a truly responsible and caring budget, and I am proud to be a sponsor of it along with my colleagues.

We will ask the Senate to support us in this effort. I yield the floor and yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator has 3 minutes 9 seconds remaining.

Mrs. MURRAY. Mr. President, the Senator from Idaho, who has assumed this year the task of chairing the Veterans' Committee, does have a true compassion for veterans. I appreciate his work and his diligence on this and all the work he is attempting to do to take care of our veterans because he shares with all of us a concern of making sure we take care of those who have served us.

We just have a difference of opinion on the amendment that we have offered on this side. There are $70 billion worth of tax cuts that are assumed in this budget. All we are saying with our amendment is let's assume over $67 billion instead of $70 billion and use that amount for our veterans.

I am one who believes that when we ask our men and women to serve, we have to keep a commitment to them that we will be there to take care of them when they come home. It is part of the cost of war. I agree with the Senator from Idaho, the chairman of the Veterans' Committee, that we have increased veterans care. We had to. We have more veterans. We have increased it 43 percent over the past 4 years. But I remind my colleagues that the number of veterans needing veterans health care has increased 88 percent. Medical inflation has increased 92 percent. Even with the amendment that Republicans have offered, we will not be meeting the needs of the veterans, the men and women who have served this country.

I believe we have a responsibility to do that. I believe we cannot tell the next generation we are asking to serve that we are only going to take care of 43 percent or 60 percent. We have an obligation to take care of their health care when they come home.

The amendment offered on this side by Senator AKAKA and myself will assure us we can go home and our tell veterans they have been there for us and they will not be turned away. They have served us and we should serve them.

I am one who believes the cost of taking care of veterans is a cost war. It is not a cost we should pass on to the next generation. It is not a cost we should ignore. It is a cost that we have a responsibility to take care of.

I commend the Senator from Idaho for his amendment. I appreciate his attempt to raise it. But I say we have to make sure that all veterans are cared for. I believe that is a cost of war and it is a cost we should assume. I urge my colleagues to vote for the amendment that was offered on this side so we can make sure when we go home and face our veterans, the men and women who are coming home today from Iraq and Afghanistan will have the services they need. It is the least we can do.

Mr. DEWINE. Mr. President, amendment No. 153 is a sense of the Senate expressing the importance of providing treatment to children infected with HIV/AIDS. I encourage all of my colleagues to read the amendment and ask that they join as cosponsors to show support for pediatric treatment of HIV/AIDS. This Congress must not overlook children who are infected with HIV/AIDS.

Fortunately, Congress has realized that the transmission of HIV/AIDS is preventable and avoidable. We have supported funding for mother-to-child transmission, which, when effectively implemented in the United States, has resulted in the near elimination, less than 2 percent transmission, of mother-to-child HIV/AIDS transmission. By contrast, in resource-poor settings, less than 10 percent of pregnant women living with HIV have access to services to prevent mother-to-child transmission of HIV. It is inexcusable for us to not do something to continue to reduce the rate of transmission between mother and child. With the President's Emergency AIDS Initiative, we have certainly made some progress, but there is always more to do.

But, we cannot stop at preventing the transmission. We have to ensure that there is treatment available for children when necessary.

Approximately 2.2 million children under the age of 15 are infected with the HIV virus, and 1,900 children worldwide are infected with HIV each day. To date, more than 4 million children worldwide are estimated to have died from AIDS. We must ensure that HIV-positive children and children with AIDS are no longer overlooked and that they begin receiving the treatment and care that they deserve.

Few programs specifically target the treatment of children with HIV/AIDS in resource-poor countries due to significant challenges in diagnosing and treating infants and young children with HIV. Such challenges include: difficulty in diagnosing HIV in infants less than 18 months of age; lack of appropriate and affordable pediatric HIV/

AIDS medicines; and lack of trained health care providers. When I went to Guyana two years ago, only one child—one child in the whole country—was receiving antiretroviral treatment medicine. I know that more are receiving treatment now, but not many. We have to do more to change that. We need to ensure that physicians and clinicians are trained in pediatric care and that safe and effective medicines are available to infected children who need them to survive.

Ultimately, pediatric treatment cannot be anecdotal. It must be routine. And we should demand that it be routine. This sense-of-the-Senate amendment is a step in that direction. It forces us to look at the facts, and it compels us to do something about it.

Mr. President, today I also join my friend and colleague, Senator LEAHY, in amendment No. 161 that would increase the funding level for the Child Survival and Maternal Health Program to $660 million. That would be a $334 million increase over the budgeted level of $326 million.

This is an appropriate and necessary step. And, it is, simply, the right thing to do.

With regard to today's child survival crises, we know the facts: 130 million children entered the 21st Century unable to read or write; 2,000 children younger that 15 each day are infected with AIDS; 650 million children live in extreme poverty; and over 10 million children die each year, most from preventable causes and almost all in poor countries.

According to UNICEF, out of every 100 children born, 30 will most likely suffer from malnutrition in their first 5 years of life; 26 will not be immunized against the most basic of childhood diseases; 19 will lack access to clean, safe drinking water; and 17 will never—ever—go to school.

How have we responded to this world of ours? How have we responded to the developing world? We have seemingly come to expect, and indeed, accept poverty, instability, and epidemic disease as a way of life in the developing world. The real tragedy is that all of it is avoidable.

We can do something about it. We can do simple things to save millions of children's lives. Our amendment would help save lives.

I would like to take a few minutes to share some more statistics about child and maternal mortality. I am often hesitant to recite statistics here on the floor of the U.S. Senate because when we hear them repeatedly, it is all too easy to become numb to them—to forget the human realities that they do, in fact, represent. It is important, though, for my colleagues and for the American people to listen to some of these statistics because they are so unbelievable and so tragic and represent so many lives that could be saved—lives that could be saved if we would make the appropriate amount of resources available to the developing countries in such dire need.

Of those 10 million children who die each year worldwide, 3.9 million occur in the first 28 days of life. These babies don't even have a shot at living their lives. Yet, two-thirds of these deaths could be prevented if available and affordable interventions had reached the children and mothers who needed them.

Malnutrition contributes to 54 percent of all childhood deaths. And, as many as 3 million children die annually as a result of Vitamin A deficiency and an estimated 400,000 cases of childhood blindness are reported each year.

According to World Health Organization estimates, at least 30 million infants still do not have access to basic immunization services, and over 4.4 million children died from vaccine preventable diseases in 2001—diseases such as hepatitis, polio, and tetanus. Of all the vaccine-preventable diseases, measles remains the leading childhood killer, claiming the lives of 745,000 children—more than half of them in Africa. Yet, vaccine-preventable deaths could actually be cut in half by 2005 if these children were receiving proper vaccinations.

Recently, the Lancet, which ran a series of articles last year about child survival, has launched a series of articles about neonatal death. Here is what the first few articles reveal: Of the 130 million babies born every year, about 4 million die in the first 4 weeks of life—the neonatal period. In poor communities, many babies who die are unnamed and unrecorded, indicating the perceived inevitability of their death. [Also], 450 newborn children die every hour, mainly from preventable causes.

This is unconscionable, and it is an emergency situation. There really isn't any other way to describe it. Over 10 million children dying each year from preventable and treatable illnesses is an emergency.

But this emergency cannot be resolved through short-term, temporary, piecemeal assistance. If we are to make any real headway in improving the health of women and children in the long-term, we need to take some bold and radical steps and be committed to supporting maternal and child health programs not just now, but next year and the year after and the year after that. Our funding simply cannot be administered in a single-dose.

Our amendment would allocate additional money to help avert maternal and neonatal death and improve maternal health, including the prevention of obstetric fistulas and other types of injuries and disabilities resulting from childbirth in unsafe circumstances. The fact is that all pregnant women are at risk for injuries and childbirth complications, which is why it is so important to have skilled attendants—midwives, doctors, or nurses—present at birth. Yet, only about half of the world's women give birth with a skilled attendant available.

Child survival and maternal health funding provides resources so that USAID can provide training and technical assistance in infection prevention and quality of care, as well as needed equipment and supplies to bring health facilities up to a level where they can provide safe and effective emergency pre- and post-natal care. Child survival interventions work, and they are the most cost-effective tools we have in the struggle for better global health. We can and should invest in these programs as they increase developing countries' access to basic health services—services like vaccinations, immunizations, micronutrient programs, and vitamin supplements.

If we make this investment and work toward equal access to health care, we help ensure that mothers receive proper prenatal care, that children and families receive nutrition counseling and vitamin supplements, and that children receive the necessary immunizations and vaccinations to live healthy lives. But tragically, if we fail to make a sufficient and sustained investment in the development of public health systems that provide primary care, mothers will continue to die prematurely during childbirth, children will continue to die from preventable disease and causes, and life expectancies in these developing nations will stagnate or perhaps even decrease. That is not an acceptable future for any of us.

I ask my colleagues to join us in supporting this amendment.

Mr. OBAMA. Mr. President, I have come to the floor as a cosponsor on the Sarbanes amendment to the budget to protect funding for the community development block grant CDBG administered at the Department of Housing and Urban Development.

This program is crucial to the development of low income communities across America.

As you know, the administration has proposed a plan in the 2006 budget to consolidate 18 existing economic and community development programs into a single program administered by the Department of Commerce. The HUD community development block grant program—also called the CDBG program—is the largest of those 18 programs.

The grants previously awarded under these 18 programs would be awarded in the name of a single, newly formed strengthening America's communities, SAC, grant program.

But when examined, it becomes clear that the President's proposal will mean less assistance for low-income communities and a dismantling of relationships within a community development infrastructure of public servants and community-based organizations that we have built over the last 30 years.

Under the proposal, the total budget for these 18 programs would drop 30 percent from $5.31 billion in 2005 to a proposed $3.71 billion in 2006. That means less money for home ownership, less money for economic development, less money for communities struggling in changing economy.

To give you a sense of what that means for State and local governments, consider that in 2005 the community development block grant, CDBG, program alone was funded at $4.15 billion, $450 million more than the $3.7 billion requested for the total 18 programs being consolidated under the new strengthening America's communities grant program in 2006.

That is not a consolidation of programs. It is a direct attempt to dismantle those programs. That is why the U.S. Conference of Mayors, the National Association of Counties, and the National League of Cities all oppose this.

As those groups have pointed out, the Commerce Department lacks the capacity to administer the newly proposed program. HUD has 1,100 urban, suburban, and rural CDBG grantees, constituting a strong infrastructure for program administration. And, HUD's $4.7 billion CDBG program dwarfs the Commerce Department's $257 million economic development program. HUD has skills and experience Commerce lacks.

On March 4, 2005, I wrote a letter to Chairman GREGG and Ranking Member CONRAD supporting full funding for the CDBG and objecting to its transfer to the Department of Commerce from HUD.

Those who are closest to the needs of low-income communities our Nation's Governors, community based organizations in Illinois, and local government officials from Illinois have all come out in support of the Sarbanes amendment. They know the CDBG program works and have shared success stories of communities strengthened with CDBG funds. They respect the public servants that administer the program, and they have developed a working partnership with them.

In Illinois, communities large and small are making the most of this assistance.

The city of Chicago, for example, which has already seen its formula share of CDBG funds reduced by $14 million over the last 3 years, has focused its CDBG priorities on five specific program areas: affordable housing, youth programming, health clinics, job training, and support services to groups with specific needs, such as domestic violence, emergency food aid, and meals on wheels.

Let me give you a specific example of CDBG funds in action. Mujeres Latinas en Acción is an organization in Chicago's Pilsen community that serves Latinas and their families. The total they receive in CDBG funds both through the city of Chicago and the city of Cicero is close to $170,000.

Mujeres Latinas en Acción depends on CDBG funds to support services such as rental assistance for program participants to prevent homelessness. They also provide comprehensive services for victims of domestic violence including crisis intervention, court advocacy, individual counseling, group counseling, 24-hour crisis hotline, and referrals to shelters. And, the group also uses CDBG funds to provide services to young people promoting the development of peaceful relationships, open communication with peers and family, and school success. The goal of the program is to provide youth a variety of age appropriate structured activities during nonschool hours to help prevent teen involvement in gangs, alcohol and drug use, sexual activity, pregnancy, and other problems facing adolescents in low-income communities.

In Champaign, IL, CDBG funds have been used to help low-income families become homeowners, make homes accessible for the disabled, provide credit counseling, construct emergency and transitional shelters for the homeless, and provide a broad range of services to people in need. A number of towns in St. Clair County, IL, are using CDBG funds for housing rehabilitation grants and loans for their low to moderate income residents.

As you can see, these proposed cuts in the CDBG program affect big cities and smaller towns. Chicago Mayor Richard J. Daley wrote me that, ''significant reductions in CDBG funds . . . would have a serious effect on the network of community-based organizations throughout the city which rely on CDBG for their existence. A number of them would likely close their doors.'' And, in the words of Eric Kellogg, the mayor of Harvey, IL, population 30,000, ''Many have characterized CDBG as the best federal domestic program ever enacted because of its flexibility and adaptability in meeting the needs of a diverse America.''

The CDBG program works. Let's not destroy it.

I urge my colleagues to support the Sarbanes amendment.

MORNING BUSINESS

UNIVERSITY OF MONTANA GRIZZLIES IN THE NCAA

Mr. BAUCUS. Mr. President, I rise today to congratulate the University of Montana, which for the first time since 1997 will watch both its men's and its women's basketball teams advance to the NCAA tournament, and we do so with Big Sky tournament championships fresh in hand.

The University of Montana men's basketball team will head to the tournament for the sixth time in school history. The Grizzlies now face a daunting task, facing the No. 1 seed University of Washington, and we are going to beat them.

Under Coach Larry Krystkowiak, we have a coach and a team that is going to win. Larry was a legendary basketball player for the Grizzlies in the 1980s, rising all the way up to the NBA, and now in his first year as head coach of the Grizzlies, he is a champion.

We won the tournament. We are going to beat those characters over in the State of Washington. We are going to win the next round.

The Lady Griz basketball team is leading to the tournament for the 16th time in school history. They will face Vanderbilt, and I am quite confident head coach Robin Selvig—just a terrific coach—will have his team ready to play.

Both teams represent that which is great about college athletics: fellowship, sportsmanship, and fair play. They are great kids. The student athletes conduct themselves with dignity and class, and I am very proud how well they have represented my home State, and we are very proud to see them compete on a national stage for the national championship.

All I have to say is, watch out, Vanderbilt; watch out, University of Washington. Montana is coming.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

Last September, a gay tourist was attacked outside a popular gay club in Hawaii. The woman was walking to the club with two of her friends when she was approached by two men. One of the men asked if the women were gay. When the men found out that the women were lesbians, they began to shout antigay epithets at them, and the tourist was struck in the face. She received several fractures below her eye, a broken jaw, and a concussion from the attack.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

RUSSIAN SUPPORT FOR THE SYRIAN REGIME

Mr. BROWNBACK. Mr. President, the Helsinki Commission, which I chair, held a hearing last week that examined the close relationship between Russian Federation and Syria. The Commission heard testimony detailing their intricate financial and military dealings that began in the earliest days of the Cold War and continue to this day. This relationship allows Syria to continue to support numerous terrorist groups, groups that have terrorized Lebanon for the past three decades and fuel the insurgency in Iraq. In addition,

we heard details about Syria's support of terrorist organizations who operate around the world. Finally, we heard from both Lebanese and Syrians committed to freedom and democracy who have become victims of the Assad regime and are now languishing in the prison cells of Damascus.

The Commission's concern regarding Russia's involvement with Syria—a country that has been listed as a state sponsor of terrorism since 1979 by the State Department—rises from the Helsinki commitments that Russia has freely accepted as a participating State of the Organization for Cooperation and Security in Europe OSCE. The OSCE Charter on Preventing and Combating Terrorism was agreed to at the Porto Ministerial in 2002. Russia then committed to refrain from instigating or providing active or passive support or assistance to, or otherwise sponsoring terrorist acts in another state. Russia also committed to reducing the risk of terrorists gaining access to weapons and materials of mass destruction and their means of delivery.

Russia's support for the terrorist regime in Damascus flies in the face of these commitments. Russia is an active enabler of the Assad regime, whose Ba'ath Party was described by one of our witnesses as the richest terrorist organization in the region. The Syrian regime has received untold amounts of military hardware, much of which are currently being used by terrorists in Iraq against our American troops and our allies. Additionally, Syrian intelligence supports terrorist units in Iraq, composed not only of Syrians, but including Egyptians, Sudanese, Moroccans, and other Islamic mujaheddin.

Even more alarming is Russia's plan to sell an unknown number of Igla SA–18 shoulder-held missiles to Syria. Such a sale to this terrorist state is more than criminal. This sale will put in the hands of terrorists some of the most sophisticated shoulder-held missiles in the Russian inventory, and increases the likelihood that they will get into the arsenals of other terrorist organizations around the world. Despite Russia's denials, indicators are that this sale will go forward soon, putting at risk every airline flight, every military flight, with the potential for massive loss of life and the shutting down of modern transportation around the world.

We must focus on the fact that, while there is no apparent direct Russian involvement in Iraq, this direct support of Syrian military and intelligence operations, coupled with Syria's support for Hezbollah in Lebanon and the long list of evil deeds coming out of Damascus, cast Russia as a suspicious party to these terrorist activities. We should not sit idly by and allow this to transpire without comment. We must call upon President Bush and Secretary Rice to reiterate U.S. demands that Russia disengage from its support of Syria, a state sponsor of terrorism. It is not enough to stop the sale of the missiles. Complete cessation of financial and military support to this rogue regime is necessary.

On the eve of the Helsinki Commission hearing, a courageous group of human rights activists and pro democracy reformists held a demonstration in Damascus, a daring display of dissent quickly broken up by the security forces. One of the protesters held up at banner that read: ''Freedom for Prisoners of Opinion and Conscience.'' According to the Syrian Human Rights Committee, the Assad regime in Damascus has executed nearly 17,000 Syrian and Lebanese prisoners. Additionally, there are over 600 prisoners of conscience in Syrian jails, champions of human rights, accountability and transparency who are still languishing under horrible conditions.

I would like to highlight a few of these prisoners of conscience whose names were submitted to us by one of the witnesses and call for their immediate release: Riad Seif, member of parliament; Aref Dalilah, economist; Maamun al-Homsi, member of parliament; Abdul Aziz al-Khayer, physician; Habib Issa, lawyer; Walid al-Bounni, physician; Mohammad Bashir al-Arab, student leader and doctor; Muhanad al-Debs, student leader; Mahmoud Ammo, activist; Mahmoud Abou Sader, activist; Mazid Ali Al-Terkawi, businessman; and Fawaz Tello, engineer.

I was pleased to hear of Syria's promise to a U.N. envoy to withdraw its troops and intelligence agents from Lebanon, but as the counter-demonstrations yesterday against Syria demanded, Damascus must follow through with actions as soon as possible. I am hoping that details of the withdrawal plan from U.N. envoy Terje Roed-Larsen after his talks with Syrian President Bashar Assad and Lebanese President Emile Lahoud will allow the people of Lebanon to hold their parliamentary elections in May without any interference from the Syrians and to do so in a manner that is free, timely, and transparent.

What would be unacceptable is the kind of warning issued by Prime Minister-designate Omar Karami that polls may have to be postponed if the country's political opposition fails to enter a dialogue with the government. Such an effort will surely ignite the kind of violence that the Lebanese people have been yearning for so many years to avoid.

It is time for the international community to lend support for the slogan that defines the people's revolution in Lebanon and in the region: ''Kifaya,'' which means ''enough.'' Let's listen to what the people in Lebanon are saying for what they are saying is now being heard not only in Beirut but in Damascas, in Cairo, and in Riyahd: enough of autocrats, enough of the corruption, and enough of the repression.

WINDS OF CHANGE IN ROMANIA?

Mr. BROWNBACK. Mr. President, I rise to congratulate the people of Romania and newly elected President Traian Basescu on the success of their recent national elections, and to encourage them in their efforts to consolidate democracy in Romania. In the 15 years since the overthrow of the brutal Communist dictatorship which ruled that country for decades, Romania has undertaken four successful national elections and peaceful transfers of power, and has made important strides in building democratic institutions and the rule of law.

I was recently appointed chairman of the Commission on Security and Cooperation in Europe—the Helsinki Commission—and have followed events in Romania for many years. In that capacity, I look forward to working with the government and the people of Romania on the challenges confronting both of our countries.

Romania is a good friend of the United States and a strong partner in the war on global terrorism. I thank the Government of Romania for its steadfast support of Operation Enduring Freedom in Afghanistan, where a battalion serves on the ground, and for its support of the U.S.-led military action in Iraq. More than 700 Romanian soldiers contributed to the efforts that supported the people of Iraq in their historic ballot. Romania is our NATO ally and anticipates accession to the European Union in 2007.

President Basescu has recognized that endemic corruption and the poverty it breeds are a threat to Romania's national security, and his government is already taking steps to combat this scourge and to institute effective government reform. We commend the President's efforts and stand ready to assist him as he shines the light of transparency across Romania.

President Basescu's focus and determination give me hope that progress can also be made on a number of matters that have been of concern.

In 2001, Romania imposed a moratorium on all international adoptions under pressure from the European Union, and amid allegations of ''baby selling.'' This moratorium was extended several times pending development of comprehensive child protection legislation to include new rules on adoption. The new legislation came into effect in January of this year and limits international adoption to the grandparents of the Romanian child—effectively ending international adoption. More than 200 U.S. families were in the process of adopting Romanian children when the moratorium was established, and the Government of Romania indicated that it would proceed with those adoption requests that were ''already in the pipeline.'' However, to date, these cases remain unresolved. This total ban on international adoptions is regrettable and means that many children in Romania will now grow up without permanent families. I

am particularly concerned about the over 200 adoption cases which were already being processed for U.S. parents, and I urge the Government of Romania to resolve these cases quickly, so these children can be placed with the families as promised. I also urge President Basescu to consider revising existing law to allow the resumption of international adoptions with appropriate safeguards.

The Government of Romania enacted a comprehensive antidiscrimination law in 2000 and has in place a national action plan on Roma. Yet the great majority of Roma and Sinti in Romania remain marginalized, living in abject poverty due to severe discrimination in employment, housing, and education. President Basescu should take bold and concrete steps to ensure that Romani citizens have full opportunity to participate in the civil and political life of Romania. The establishment of a fund to implement school desegregation would be an important step toward achieving that goal and would make the Romanian government's participation in the Decade of Roma Inclusion truly meaningful.

Following decades of denial, the Government of Romania has made great strides in the past year in recognizing Romania's role in the Holocaust. I commend the government for taking steps to examine this dark and painful chapter in the country's history. The International Commission for the Study of the Holocaust in Romania, led by Elie Wiesel, officially issued its findings last November in Bucharest. In addition to the establishment of a national Holocaust Remembrance day, which Romania marks on October 12, the Commission's recommendations include the construction of a national Holocaust memorial and museum in Bucharest, the annulment of war criminal rehabilitations, and the establishment of Holocaust education curricula and holocaust courses in secondary schools and universities. The government should move quickly to implement that Commission's recommendations.

In a related matter, I hope that the Government of Romania will finally bring to closure the rehabilitation and honoring of World War II dictator, Marshall Ion Antonescu, Hitler ally and war criminal condemned for the mass murder of Jews and Roma. During the past 3 years, government officials publicly condemned efforts to honor Antonescu and removed from public land three statues that had been erected in his honor. One statue remains on public land in Jilava, the site of Antonescu's execution, and important streets in the cities of Cluj, Targu Mures, and Campulung Muscel continue to be named after him. I urge the Government of Romania to remove these remaining vestiges honoring the former dictator.

The process of providing restitution or compensation for property confiscated by former regimes in Romania has been slow, complicated, and difficult. Government records indicate that more than 200,000 claims for property restitution have been filed by individuals, and more than 7,000 claims have been filed by religious denominations and communal groups. The plight of Romania's Greek Catholic Uniate Church, which was banned by the Communist government in 1948, is particularly troubling. More than 2,500 churches and other buildings seized from the Uniates were given to Orthodox parishes. The government decree that dismantled the Greek Catholic Church was abrogated in 1989, however, of the thousands of properties confiscated from the Greek Catholics, fewer than 200 have been returned. I hope that this government will finally take significant steps toward the restitution of Greek Catholic property as well as that of other religious denominations. Romania's failure to return religious properties to their rightful owners 15 years after Communist rule is inexcusable and, in my view, a destabilizing element in Romanian society.

Trafficking in human beings will continue to challenge the new government. Romania is a source and transit country primarily for women and girls trafficked for sexual exploitation. While the Romanian Government has made tremendous progress in its antitrafficking initiatives in the past several years, there are still some areas of concern including corruption within the law enforcement community, light penalties for those convicted of trafficking, and proposals to legalize or regulate prostitution.

Greater accountability is needed among members of the law enforcement community in view of allegations that officials have assisted traffickers in obtaining false passports, facilitated illegal border crossings and accepted bribes to tamper with witnesses' testimony. Traffickers are increasingly likely to be prosecuted for their crimes in Romania, however, the penalties imposed by judges are still too low—usually 1 year or less in prison. Penalties should be severe enough to reflect the heinous nature of the crime and to serve as a deterrent to other prospective traffickers. Finally, it is important for the government to take a firm stance against all efforts to legalize or regulate prostitution. Legalized and regulated prostitution is a magnet for human trafficking and provides a shield behind which traffickers hide.

While many challenges remain on the road ahead for President Basescu, his new government, and the people of Romania, I am convinced that, working together, they will move toward a bright and prosperous future. I stand ready to assist our friends in Romania in any way I can.

INTERNATIONAL DAY OF ACTION AGAINST SLAUGHTER OF SEALS

Mr. LEVIN. Mr. President, today there will be rallies in 50 cities across the world calling on the Canadian Government to stop the cruel and needless slaughter of seals. Animal protection and environmental groups in the U.S. and throughout the world have condemned Canada's increased seal hunt, which will allow sealers to kill over 300,000 baby seals this year alone. The hunt officially opened on Nov. 15, 2004, but the bulk of the killing will begin toward the end of March, after the babies have been born. They will be clubbed and shot mainly for their fur.

A recent study was conducted by an independent team of veterinarians which found that the seal hunt failed to comply with basic animal welfare standards and that Canadian regulations with regard to humane killing were not being enforced. The study concluded that up to 42 percent of the seals studied were likely skinned while alive and conscious. The United States has long banned imports of seal products because of widespread outrage over the magnitude and cruelty of the hunt.

Our neighbor to the north is fortunate to have vast and diverse wildlife populations—animals that deserve protection, not senseless slaughter. Americans have a long history of defending marine mammals, best evidenced through our Marine Mammal Protection Act. Not surprisingly, recent polling shows close to 80 percent of American voters oppose Canada's seal hunt, and the majority of those surveyed are willing to make consumer choices that will help put a stop to the slaughter.

On February 1, 2005, Senator COLLINS and I introduced a resolution, S. Res. 33, which urges the Government of Canada to end this senseless, inhumane slaughter. We are pleased that 18 of our colleagues in the Senate have cosponsored this resolution: Senators LUGAR, BIDEN, CANTWELL, JEFFORDS, DODD, DURBIN, FEINSTEIN, JOHNSON, LAUTENBERG, MURRAY, STABENOW, DORGAN, KENNEDY, REED, SCHUMER, WYDEN, FEINGOLD and BOXER.

ADDITIONAL STATEMENTS

CONGRATULATING THE POPLAR BLUFF MULES

• Mr. TALENT. Mr. President, I want to recognize today the distinguished accomplishments of the Mules, the Poplar Bluff High School Boys Basketball Team of Poplar Bluff, MO, and congratulate them on winning the 2005 Missouri Class 5 State Championship for Boys Basketball.

The team had a truly remarkable season, and their accomplishment was hard fought and well deserved.

Working as a team, these talented young men pulled together to defeat the previously unbeaten No. 1 ranked team in the Nation.

The Mules finished with a record of 27 wins and only 4 losses, with 2 of those losses against teams that were, at the time, ranked in the top 10 in the Nation. The State title win was the

second consecutive Missouri Class 5 Boys Basketball Championship for the Poplar Bluff Mules.

Anchored by an aggressive defense and a balanced offense, the Mules turned back many deserving opponents in their march to the championship.

I also congratulate their coach, John David Pattillo, and the excellent leadership he has provided. With a staff of dedicated assistant coaches and a great deal of support from students and parents, he created a program for which all of us can be proud.

I congratulate the students and coaches of Poplar Bluff High School on their exceptional championship season.●

CONGRATULATIONS TO THE REGIONAL ACADEMIC KENTUCKY NEW ERA/ROTARY REGIONAL ACADEMIC ALL-STAR TEAM PROGRAM

● Mr. BUNNING. Mr. President, today I wish to recognize nominees for the Regional Academic All-Star Team from the Pennyroyal region in western Kentucky.

The regional Academic All-Star program's purpose is to recognize top academic scholars and performers. Students from Caldwell, Christian, Trigg and Todd Counties of Kentucky were nominated based on their academic performance in seven disciplines: English, foreign language, journalism, mathematics, science, social studies and the creative and performing arts. The students are judged on their core academic score, the curriculum of the student, their grade point average, academic honors earned, unique accomplishments and achievements, extracurricular activities, employment history, and an autobiographical essay.

Education is the foundation upon which we reach our human potential. Students in Kentucky are developing their talents, furthering their education, and pursuing their aspirations in life through programs such as the Academic All-Star program. Encouragement and recognition develop confidence and achievement among young Americans—the future leaders of our country.

The following students have been nominated for their academic excellence:

Griffin Blane, Christian Co. High School; Gregory Kyle Rader, Hopkinsville High School; Ralph King Anderson IV, Trigg Co. High School; Kody Douglas Carpenter, University Heights Academy; Dianne Lisette Rousseau, Caldwell Co. High School; Lauren Whitney Scott, Heritage Christian Academy; Jennifer Renea Fowler, Todd Co. Central High School; Samantha Joy White, Christian Co. High School; Chad Darrel Brown, Todd Co. Central High School; Casey Jo Calhoun, Trigg Co. High School; Bryan Hill, Hopkinsville High School; David Clayton Blake, Heritage Christian Academy; Stephanie Leigh Huntsman, Caldwell Co. High School; Danielle Diane Brown, Heritage Christian Academy; Matthew Wyn Lewis, Hopkinsville High School; Kristin Averitt Dickinson, Todd Co. Central High School; Brittany Nichole Goodenough, Trigg Co. High School; Haylee Laura Lynne Ortiz, Christian Co. High School; Drew Martin Swain, University Heights Academy; Sarah Christine Wilson, Heritage Christian Academy; Marianne Wynn Lassiter, Hopkinsville High School; Amy Beth Shemwell, Todd Co. Central High School; Brandon Bowron, Trigg Co. High School; Jerika Nashea Wilson, Trigg Co. High School; Melissa Nail, Hopkinsville High School; Kathryn Elizabeth Gill, Todd Co. Central High School; Jonathan Christopher Bass, University Heights Academy; Zachary Daniel Ferguson, Christian Co. High School; Erika Elaine MacMillan, Heritage Christian Academy; Ryan David Mullen, University Heights Academy; Andrew Christian Chiles, Hopkinsville High School; Barry Eli Knoblock, Todd Co. Central High School; Paul Thomas Latham, Christian Co. High School; Joshua Allen Fitzhugh, Trigg Co. High School; Sarah Christine Wilson, Heritage Christian Academy; William Matthew Suiter, Todd Co. Central High School; Amy Nicole Adams, Caldwell Co. High School; Norman Bradley Fox, University Heights Academy; Juliana Elyse Patterson, Trigg Co. High School; Robert Kyle Whitaker, Heritage Christian Academy; Pretesh Parmar, Hopkinsville High School; Nicholas Pickford Thompson, Christian Co. High School; Dustin Glynn Kostalek, Hopkinsville High School; Ann Marie Crabtree, Trigg Co. High School; Kelley Lynn Smiley, Christian Co. High School; Meera Ramesh Patel, University Heights Academy; John Hayes Laster, Todd Co. Central High School; Emily Scott, Heritage Christian Academy; Sarah Beth Vied, Caldwell Co. High School.

These students embody the spirit, commitment, and sacrifice that we all should strive for in our daily lives. The citizens of Kentucky should be proud to have these young men and women in their community. Their example of dedication and hard work should be an inspiration to the entire Commonwealth. I extend my thanks to these students for their efforts, and I am proud to bring their accomplishments to the attention of the Senate.●

HATTIE CARAWAY

● Mrs. LINCOLN. Mr. President, every year in March we celebrate Women's History Month. It offers us the opportunity to honor the women who have made historical contributions to our Nation. It also allows us time to reflect on their achievements, which continue to inspire us every single day.

Today, I rise in tribute to one of these very special women. A woman dear to my heart and dear to the hearts of generations of Arkansans, whose courage and convictions forever changed the history of this Great Body. That woman is Hattie Ophelia Wyatt Caraway. On January 12, 1932, this Arkansan became the first woman ever elected to the United States Senate.

When we think of the life of Hattie Caraway, we think of a life devoted to the family, State, and country that she loved so deeply. Those who knew her were drawn to her endearing sense of humor, her gentle and dignified manner, and her warmth. The example she set, both personally and professionally, has always been an inspiration to me, and as the second woman to serve Arkansas in the U.S. Senate, I feel a special bond with Hattie and am humbled to follow in her footsteps.

Hattie Caraway came to this distinguished body on November 13, 1931, following the death of her husband, Senator Thaddeus Caraway. An appointment by the Governor of Arkansas allowed her to temporarily fill the seat of her husband, and the historic special election that followed allowed her to achieve what no woman had ever achieved—an elected seat in the U.S. Senate. It was not only a testament to the openmindedness and fairness of the people of Arkansas, but it was a testament to Hattie Caraway and the kind of woman she was.

Upon the conclusion of her husband's term, it was generally expected that Hattie would retire and quietly settle down with her family back in Arkansas. In doing so, the seat that she and her husband had proudly served for 12 years would go to one of the candidates, including a former Governor and U.S. Senator, who were now running for the nomination. But Hattie Caraway was never one to make decisions based on the expectations of others. With a firm belief that ''women are just as loyal, courageous, and self-sacrificing as men,'' she stood boldly in the face of overwhelming odds to campaign for a full Senate term. Although she had little campaign funding and was less experienced than her male opponents, she got support from an unlikely source—the legendary Senator Huey Long, of neighboring Louisiana.

Not only were the Caraways and the Longs close friends but Senator Long had come to respect his new female colleague for her undaunted courage in voting against special interests and standing up for the people in her home State. Upon arriving in Arkansas for the campaign, what the two of them would accomplish together that first week of August in 1931 would become legend. The week-long ''Hattie and Huey Tour'' wound its way through the State, speaking in more than 35 communities, traveling over 2,000 miles, and drawing huge crowds. With the fiery Long imploring crowds that, ''If Wall Street and their gang succeed in defeating enough Senators who have stood with the people like this little woman from Arkansas has . . . You'll never be able to get anyone from this State to stand by you again,'' he effectively introduced Hattie to new areas

of the State. As a result, the depression-stricken Arkansans who had endured months of unemployment, poverty, and low farm prices began to see Hattie Caraway for who she was, an honorable friend and neighbor who would always remain an advocate for the best interests of them and their families. At the polls, the people of Arkansas stood by Hattie in overwhelming numbers, doubling the votes of her nearest rival and carrying 61 of Arkansas' 75 counties.

In the Senate, it was rare for ''Silent Hattie'' to participate actively in debate or deliver a speech to the chamber. She had learned from her husband's years of public service and was weary of the politicians who placed a higher priority on hearing their own voice than working on behalf of the people they were elected to represent, often remarking, ''It's funny how they talk on after we've all made up our minds.'' Senator Caraway took her responsibilities as a legislator seriously and built a reputation among her colleagues as a woman of integrity who showed a determination to faithfully champion the interests of Arkansas above everything else.

Although she maintained her political independence, Hattie was a proponent of much of the legislation proposed under President Franklin Roosevelt's New Deal. As a friend to the veterans and a critic of lobbying groups, Hattie also advocated commercial aviation safety and used her seat on the Senate Agriculture Committee to fight for farm relief and flood control on behalf of Arkansas farmers. Her diligent service and effective advocacy of legislation for Arkansas won her another term in 1938, beating in the Democratic primary a legend in Arkansas politics who would later serve 34 years in the U.S. Senate, John L. McClellan.

Quickly becoming accustomed to breaking the Senate's gender barriers, Hattie became the first woman to chair a Senate committee, the Committee on Enrolled Bills, in 1933 and 10 years later would become the first woman to serve as Presiding Officer on the floor of the Senate. Her legacy would also be distinguished by the support she offered for many of the Nation's historical pieces of legislation. One of these bills was President Roosevelt's lend-lease proposal and Hattie gained national notoriety by speaking assertively on its behalf. This program of lending supplies and materials to England to assist in their war effort was viewed by many isolationists in the United States as an unnecessary measure that would drag our Nation into war. In that time, women were seldom involved in issues of war and national security but Hattie's voice was influential in passing the lend-lease bill through Congress. Hoping to avoid war at all costs, she felt lend-lease would only strengthen England's effort to provide the ''last wall protecting us from Naziism.'' As the proud mother of sons serving our Nation in uniform, she was a credible voice on the issue and her plea to view the matter without emotion struck a chord among Americans.

Hattie's historic Senate career came to a conclusion during the Democratic primary of 1944, when she was defeated by another Arkansas political legend, J. William Fulbright. At the conclusion of her final term, Hattie was honored by her Senate colleagues with a standing ovation on the floor of the Senate. Those on hand described it as ''almost without precedent.''

Although Hattie passed away in December of 1950, her impact is still felt in the institution she served and by all of those who have found inspiration in the life she led. In 1996, a portrait of Hattie was placed just outside the Senate Chamber in the U.S. Capitol. The portrait is only the second in the Senate's permanent art collection which honors a woman; the first is Pocahontas. In 2001, Hattie made history again when she became the first Arkansan to ever appear on a stamp and I was proud to help unveil the 76-cent Hattie Caraway definitive stamp, as a part of the Postal Service's ''Distinguished Americans'' series.

While there are many ways for us to remember Hattie, her lasting legacy will live on in those who have been inspired by her example and in the generations of women seeking elective office who have followed the road she has so boldly paved. We have come a long way since the Suffragist Movement at the beginning of the last century, and we have women like Hattie Caraway to thank. Thirty-one women have followed Hattie Caraway to the U.S. Senate, and today, a record 14 women are currently serving. With the 68 women serving in the U.S. House of Representatives, a record 82 currently women serve in the U.S. Congress today. Hattie would be proud. It is up to us to continue the progress she made and to urge a new generation to follow the heroic example set by her and so many other pioneering women.

When I think of Hattie Caraway, I think of a quote she made throughout her 1932 campaign. I carried it with me throughout my first Senate campaign: ''If I can hold on to my sense of humor and a modicum of dignity, I shall have a wonderful time running for office whether I get there or not.'' Well, Hattie, you got there. In the process, your humor carried you through and your dignity earned you the affection of generations who are inspired to follow in your footsteps despite whatever barriers they may encounter or traditions they must overcome.

In the illustrious history of this great body and in the hearts of those who are inspired by her courage, one woman clearly stands out. Her name is Hattie Caraway. I am proud that she is from my home State of Arkansas, and I am proud to call her one of my heroes.

Each of us has our own personal story about a woman who has provided our lives with hope and inspiration. During this month, take some time to tell that story. By doing so, you will not only honor their efforts but may also inspire a member of our younger generation with both the imagination to think a bit larger, and the courage to boldly turn their dreams into reality.●

ROCKY MOUNTAIN COLLEGE

● Mr. BAUCUS. Mr. President, I rise today to congratulate one of Montana's fine educational institutions on its first national championship title. Rocky Mountain College, located in Billings, is Montana's oldest institution of higher education. Last weekend, the men's ski team became the overall national champions at the 27th Annual US Collegiate Ski Association Championships.

Montana's schools may be smaller than the (average universities around the Nation, but Rocky Mountain College has again proven that smaller schools can achieve giant results.

Under Coach Jerry Wolf's leadership, the men's ski team made history for Rocky Mountain College by leading the men's ski team to their first national championship in the school's history.

However, the men were not the only ones from the Big Sky State to shine that day. The Women's ski team finished 10th overall. Both teams have made it to the national championships for the last 4 consecutive years but never with this excellent combination of results.

I want to recognize three students who finished events with times in the top 10: Pete Petry, Erik Willborg, and Johanna Aaker. I know how hard all of the students on the ski team worked to achieve these fantastic finishes, and I am pleased to represent such talented individuals.

To both the men's and women's ski teams of Rocky Mountain College, congratulations on your fantastic seasons.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTED MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 1:30 p.m., a message from the House of Representatives, delivered by

Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 62. An act to create the Office of Chief Financial Officer of the Government of the Virgin Islands, and for other purposes.

H.R. 126. An act to amend Public Law 89–366 to allow for an adjustment in the number of free roaming horses permitted in Cape Lookout National Seashore.

H.R. 186. An act to authorize the Secretary of the Interior, acting through the Bureau of Reclamation and in coordination with other Federal, State, and local government agencies, to participate in the funding and implementation of a balanced, long-term groundwater remediation program in California, and for other purposes.

H.R. 412. An act to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of establishing the Western Reserve Heritage Area.

H.R. 486. An act to provide for a land exchange involving private land and Bureau of Land Management land in the vicinity of Holloman Air Force Base, New Mexico, for the purpose of removing private land from the required safety zone surrounding munitions storage bunkers at Holloman Air Force Base.

H.R. 584. An act to authorize the Secretary of the Interior to recruit volunteers to assist with, or facilitate, the activities of various agencies and offices of the Department of the Interior.

H.R. 680. An act to direct the Secretary of the Interior to convey certain land held in trust for the Paiute Indian Tribe of Utah to the City of Richfield, Utah, and for other purposes.

H.R. 694. An act to enhance the preservation and interpretation of the Gullah/Geechee cultural heritage, and for other purposes.

H.R. 816. An act to direct the Secretary of Agriculture to sell certain parcels of National Forest System land in Carson City and Douglas County, Nevada.

H.R. 1134. An act to amend the Internal Revenue Code of 1986 to provide for the proper tax treatment of certain disaster mitigation payments.

H.R. 1160. An act to reauthorize the Temporary Assistance for Needy Families block grant program through June 30, 2005, and for other purposes.

The message also announced that the House has passed the following bill, without amendment:

S. 384. An act to extend the existence of the Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group for 2 years.

The message further announced that pursuant to 20 U.S.C. 4303, and the order of the House of January 4, 2005, the Speaker appoints the following Member of the House of Representatives to the Board of Trustees of Gallaudet University: Mr. LAHOOD of Illinois.

The message also announced that pursuant to sections 5580 and 5581 of the Revised Statutes (20 U.S.C. 42–43), and the order of the House of January 4, 2005, the Speaker appoints the following Members of the House of Representatives to the Board of Regents of the Smithsonian Institution: Mr. REGULA of Ohio, Mr. SAM JOHNSON of Texas, and Mr. BECERRA of California.

The message further announced that pursuant to section 161(a) of the Trade Act of 1974 (19 U.S.C. 2211), and the order of the House of January 4, 2005, the Speaker appoints the following Members of the House of Representatives as Congressional Advisers on Trade Policy and Negotiations: Mr. THOMAS of California, Mr. SHAW of Florida, Mr. HERGER of California, Mr. RANGEL of New York, and Mr. CARDIN of Maryland.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 62. An act to create the Office of Chief Financial Officer of the Government of the Virgin Islands, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 126. An act to amend Public Law 89–366 to allow for an adjustment in the number of free roaming horses permitted in Cape Lookout National Seashore; to the Committee on Energy and Natural Resources.

H.R. 186. An act to authorize the Secretary of the Interior, acting through the Bureau of Reclamation and in coordination with other Federal, State, and local government agencies, to participate in the funding and implementation of a balanced, long-term groundwater remediation program in California, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 412. An act to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of establishing the Western Reserve Heritage Area; to the Committee on Energy and Natural Resources.

H.R. 486. An act to provide for a land exchange involving private land and Bureau of Land Management land in the vicinity of Holloman Air Force Base, New Mexico, for the purpose of removing private land from the required safety zone surrounding munitions storage bunkers at Holloman Air Force Base; to the Committee on Energy and Natural Resources.

H.R. 584. An act to authorize the Secretary of the Interior to recruit volunteers to assist with, or facilitate, the activities of various agencies and offices of the Department of the Interior; to the Committee on Energy and Natural Resources.

H.R. 680. An act to direct the Secretary of Interior to convey certain land held in trust for the Paiute Indian Tribe of Utah to the City of Richfield, Utah, and for other purposes; to the Committee on Indian Affairs.

H.R. 694. An act to enhance the preservation and interpretation of the Gullah Geechee cultural heritage, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 816. An act to direct the Secretary of Agriculture to sell certain parcels of National Forest System land in Carson City and Douglas County, Nevada; to the Committee on Energy and Natural Resources.

H.R. 1134. An act to amend the Internal Revenue Code of 1986 to provide for the proper tax treatment of certain disaster mitigation payments; to the Committee on Finance.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1276. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Weighted Average Interest Rate Update Notice—Pension Funding Equity Act of 2004'' (Notice 2005–26) received on March 14, 2005; to the Committee on Finance.

EC–1277. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a biennial report relative to the Physician Group Practice demonstration; to the Committee on Finance.

EC–1278. A communication from the Director, Regulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Tobacco Transition Assessments'' (RIN0560–AH31) received on March 14, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1279. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Oriental Fruit Fly; Removal of Quarantined Area'' (APHIS Docket No. 02–096–4) received on March 14, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1280. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Bovine Spongiform Encephalopathy; Minimal-Risk Regions and Importation of Commodities: Partial Delay of Applicability'' (RIN0579–AB73) received on March 14, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1281. A communication from the Railroad Retirement Board, transmitting, pursuant to law, the annual report of the Railroad Retirement Board under the Government in the Sunshine Act for calendar year 2004; to the Committee on Homeland Security and Governmental Affairs.

EC–1282. A communication from the Comptroller General, Government Accountability Office, transmitting, a report entitled ''21st Century Challenges: Reexamining the Base of the Federal Government''; to the Committee on Homeland Security and Governmental Affairs.

EC–1283. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, the report of transactions involving exports to Chile; to the Committee on Banking, Housing, and Urban Affairs.

EC–1284. A communication from the Associate General Counsel, Office of General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''Loans to Members and Lines of Credit to Members'' (12 C.F.R. Part 701) received on March 14, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–1285. A communication from the Deputy Assistant Secretary of the Army (Project Planning and Review), Department of Defense, transmitting, pursuant to law, the report of the Chief of Engineers on Dallas Floodway Extension, Trinity River Basin, Texas; to the Committee on Armed Services.

EC–1286. A communication from the Under Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–1287. A communication from the Under Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–1288. A communication from the Acting Secretary of the Air Force, Department of Defense, transmitting, pursuant to law, the report of and Average Procurement Unit Cost (APUC) breach; to the Committee on Armed Services.

EC–1289. A communication from the Secretary, Judicial Conference of the United States, transmitting, a draft of proposed legislation to amend the Internal Revenue Code of 1986; to the Committee on the Judiciary.

EC–1290. A communication from the Secretary, Judicial Conference of the United States, transmitting, a draft of proposed legislation to amend the Higher Education Act of 1965; to the Committee on the Judiciary.

EC–1291. A communication from the Chairman, Office of General Counsel, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled ''Final Rules and Explanation and Justification on Political Party Committees Donating Funds to Certain Tax-Exempt Organizations and Political Organizations'' received on March 14, 2005; to the Committee on Rules and Administration.

EC–1292. A communication from the Chairman, Office of General Counsel, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled ''Filing Documents by Priority Mail, Express Mail, and Overnight Delivery Service'' received on March 14, 2005; to the Committee on Rules and Administration.

EC–1293. A communication from the Director, Office of National Drug Control Policy, Executive Office of the President, transmitting, the report of the Office's objection to the Government Accountability Office's (GAO) finding of violations of the Anti-Deficiency Act; to the Committee on Appropriations.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. LUGAR for the Committee on Foreign Relations.

*John Thomas Schieffer, of Texas, to be Ambassador to Japan.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: John Thomas Schieffer.

Post: Ambassador to Japan.

Contributions, amount, date, and donee:

1. Self: $1,000.00, 8/2/00, Martin Frost Campaign Committee; $2,000.00, 6/14/04, Bush-Cheney '04 Inc.

2. Spouse: Susanne S. Schieffer: $2,000.00, 6/14/04, Bush-Cheney '04 Inc.

3. Children and Spouses: Paul Robert Schieffer: none.

4. Parents: Gladys Payne Schieffer—deceased; John E. Schieffer—deceased.

5. Grandparents: Florence Payne—deceased; Worth Payne—deceased; Janette Schieffer—deceased; Emmitt Schieffer—deceased.

6. Brothers and Spouses: Bob L. Schieffer, none; Patricia P. Schieffer, none.

7. Sisters and Spouses: Sharon Mayes, none; Roger Mayes, none.

Howard J. Krongard, of New Jersey, to be Inspector General, Department of State.

*David B. Balton, of the District of Columbia, for the rank of Ambassador during his tenure of service as Deputy Assistant Secretary of State for Oceans and Fisheries.

*Joseph R. DeTrant, of Virginia, for the rank of Ambassador during his tenure of service as Special Envoy for the Six Party Talks.

*John B. Ballinger, of Virginia, to be Legal Adviser of the Department of State.

*R. Nicholas Burns, of Massachusetts, to be an Under Secretary of State (Political Affairs).

*C. David Welch, of Virginia, to be an Assistant Secretary of State (Near Eastern Affairs).

*Christopher R. Hill, of Rhode Island, to be an Assistant Secretary of State (East Asian and Pacific Affairs).

*Rudolph E. Boschwitz, of Minnesota, for the rank of Ambassador during his tenure of service as Representative of the United States of America on the Human Rights Commission of the Economic and Social Council of the United Nations.

Mr. LUGAR. Mr. President, for the Committee on Foreign Relations I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Foreign Service nominations beginning with Walter E. North and ending with Robert J. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on January 24, 2005.

Foreign Service nominations beginning with Peter Fernandez and ending with Ross G. Kreamer, which nominations were received by the Senate and appeared in the Congressional Record on January 24, 2005.

Foreign Service nominations beginning with George Ruffner and ending with William Zarit, which nominations were received by the Senate and appeared in the Congressional Record on February 8, 2005.

*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.

(Nominations without as asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CONRAD (for himself and Mr. KYL):

S. 621. A bill to amend the Internal Revenue Code of 1986 to permanently extend the 15-year recovery period for the depreciation of certain leasehold improvements; to the Committee on Finance.

By Mr. LEAHY (for himself, Mr. LEVIN, Mr. FEINGOLD, and Mr. LIEBERMAN):

S. 622. A bill to amend the Homeland Security Act of 2002 (Public Law 107–296) to provide for the protection of voluntarily furnished confidential information, and for other purposes; to the Committee on the Judiciary.

By Mr. HATCH:

S. 623. A bill to direct the Secretary of Interior to convey certain land held in trust for the Paiute Indian Tribe of Utah to the City of Richfield, Utah, and for other purposes; to the Committee on Indian Affairs.

By Mr. BAYH:

S. 624. A bill to amend title 10, United States Code, to protect the financial condition of members of the reserve components of the Armed Forces who are ordered to long-term active duty in support of a contingency operation, and for other purposes; to the Committee on Finance.

By Mr. SCHUMER:

S. 625. A bill to amend the Internal Revenue Code of 1986 to allow a $1,000 refundable credit for individuals who are bona fide volunteer members of volunteer firefighting and emergency medical service organizations; to the Committee on Finance.

By Mr. NELSON of Nebraska (for himself and Mrs. HUTCHISON):

S. 626. A bill to amend title XVIII of the Social Security Act to improve access to diabetes self management training by designating certified diabetes educators who are recognized by a nationally recognized certifying body and who meet the same quality standards set forth for other providers of diabetes self management training, as certified providers for purposes of outpatient diabetes self-management training services under part B of the medicare program; to the Committee on Finance.

By Mr. HATCH (for himself, Mr. BAUCUS, Mr. GRASSLEY, Mr. KYL, Mr. SMITH, Mr. SCHUMER, and Mr. KERRY):

S. 627. A bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, to increase the rates of the alternative incremental credit, and to provide an alternative simplified credit for qualified research expenses; to the Committee on Finance.

By Mr. LUGAR (for himself, Mr. BINGAMAN, Mr. DURBIN, and Mr. BUNNING):

S. 628. A bill to provide for increased planning and funding for health promotion programs of the Department of Health and Human Services; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SESSIONS (for himself and Mr. KYL):

S. 629. A bill to amend chapter 97 of title 18, United States Code, relating to protecting against attacks on railroads and other mass transportation systems; to the Committee on the Judiciary.

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. 630. A bill to establish procedures for the acknowledgment of Indian tribes; to the Committee on Indian Affairs.

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. 631. A bill to provide grants to ensure full and fair participation in certain decisionmaking processes of the Bureau of Indian Affairs; to the Committee on Indian Affairs.

By Mr. KENNEDY (for himself, Mrs. MURRAY, Ms. CANTWELL, Mr. CORZINE, Mr. KERRY, Mr. LIEBERMAN, Mr. SARBANES, Ms. MIKULSKI, Mrs. BOXER, Mr. LAUTENBERG, Mr. LEVIN, Mr. DURBIN, Mr. SCHUMER, Mrs. FEINSTEIN, Mr. HARKIN, and Mr. DODD):

S.J. Res. 7. A joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. COCHRAN (for himself, Mr. FRIST, and Mr. LEAHY):

S.J. Res. 8. A joint resolution providing for the appointment of Shirley Ann Jackson as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

By Mr. COCHRAN (for himself, Mr. FRIST, and Mr. LEAHY):

S.J. Res. 9. A joint resolution providing for the appointment of Robert P. Kogod as a citizen regent of the Board of Regents of the

Smithsonian Institution; to the Committee on Rules and Administration.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ALLEN (for himself, Mr. LIEBERMAN, Mr. BAYH, and Mr. SMITH):

S. Res. 82. A resolution urging the European Union to add Hezbollah to the European Union's wide-ranging list of terrorist organizations; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 21

At the request of Ms. COLLINS, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 21, a bill to provide for homeland security grant coordination and simplification, and for other purposes.

S. 65

At the request of Mr. INHOFE, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 65, a bill to amend the age restrictions for pilots.

S. 183

At the request of Mr. GRASSLEY, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 183, a bill to amend title XIX of the Social Security Act to provide families of disabled children with the opportunity to purchase coverage under the medicaid program for such children, and for other purposes.

S. 185

At the request of Mr. NELSON of Florida, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 185, a bill to amend title 10, United States Code, to repeal the requirement for the reduction of certain Survivor Benefit Plan annuities by the amount of dependency and indemnity compensation and to modify the effective date for paid-up coverage under the Survivor Benefit Plan.

S. 333

At the request of Mr. SANTORUM, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 333, a bill to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran.

S. 338

At the request of Mr. SMITH, the names of the Senator from California (Mrs. BOXER) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 338, a bill to provide for the establishment of a Bipartisan Commission on Medicaid.

S. 365

At the request of Mr. COLEMAN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 365, a bill to amend the Torture Victims Relief Act of 1998 to authorize appropriations to provide assistance for domestic and foreign centers and programs for the treatment of victims of torture, and for other purposes.

S. 370

At the request of Mr. LOTT, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S. 370, a bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 397

At the request of Ms. MIKULSKI, her name was added as a cosponsor of S. 397, a bill to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others.

S. 438

At the request of Mr. ENSIGN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 438, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 512

At the request of Mr. SANTORUM, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 512, a bill to amend the Internal Revenue Code of 1986 to classify automatic fire sprinkler systems as 5-year property for purposes of depreciation.

S. 521

At the request of Mrs. HUTCHISON, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 521, a bill to amend the Public Health Service Act to direct the Secretary of Health and Human Services to establish, promote, and support a comprehensive prevention, research, and medical management referral program for hepatitis C virus infection.

S. 523

At the request of Mr. SALAZAR, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 523, a bill to amend title 10, United States Code, to rename the death gratuity payable for deaths of members of the Armed Forces as fallen hero compensation, and for other purposes.

S. 539

At the request of Mr. MARTINEZ, the names of the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. 539, a bill to amend title 28, United States Code, to provide the protections of habeas corpus for certain incapacitated individuals whose life is in jeopardy, and for other purposes.

S. 544

At the request of Mr. JEFFORDS, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 544, a bill to amend title IX of the Public Health Service Act to provide for the improvement of patient safety and to reduce the incidence of events that adversely affect patient safety.

S. 619

At the request of Mrs. FEINSTEIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 619, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. CON. RES. 17

At the request of Mr. BIDEN, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. Con. Res. 17, a concurrent resolution calling on the North Atlantic Treaty Organization to assess the potential effectiveness of and requirements for a NATO-enforced no-fly zone in the Darfur region of Sudan.

S. RES. 40

At the request of Ms. LANDRIEU, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. Res. 40, a resolution supporting the goals and ideas of National Time Out Day to promote the adoption of the Joint Commission on Accreditation of Healthcare Organizations' universal protocol for preventing errors in the operating room.

AMENDMENT NO. 143

At the request of Mr. BINGAMAN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of amendment No. 143 proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CONRAD (for himself and Mr. KYL):

S. 621. A bill to amend the Internal Revenue Code of 1986 to permanently extend the 15-year recovery period for the depreciation of certain leasehold improvements; to the Committee on Finance.

Mr. CONRAD. Mr. President, I rise today to introduce legislation to make permanent the 15-year depreciation period for leasehold improvements that was enacted on a temporary basis as part of the American Jobs Creation Act of 2004. I am pleased to be joined in this effort by my Finance Committee colleague, Senator KYL.

Leasehold improvements are the alterations to leased space made by a building owner as part of the lease agreement with a tenant. In actual commercial use, leasehold improvements typically last as long as the lease—an average of less than 10 years.

However, until last year, the Internal Revenue Code required leasehold improvements to be depreciated over 39 years—the life of the building itself.

Economically, this made no sense. The owner received taxable income over the life of the lease, yet could only recover the costs of the improvements associated with that lease over 39 years. This mismatch of income and expenses was alleviated somewhat by our action last year in reducing the recovery period to 15 years.

A shorter recovery period more closely aligns the expenses incurred to construct improvements with the income they generate over the term of the lease. By reducing the cost recovery period, the expense of making these improvements has fallen more into line with the economics of a commercial lease transaction. One of the most important goals of this change is to encourage building owners to adapt their buildings to fit the needs of today's business tenant.

It is good for the economy to keep existing buildings commercially viable. When older buildings can serve tenants who need modern, efficient commercial space, there is less pressure for developing greenfields in outlying areas. Americans are concerned about preserving open space, natural resources, and a sense of neighborhood.

Unfortunately, the recovery period reduction enacted last year is effective only through the end of 2005. If Congress fails to act before the end of this year, the recovery period for leasehold improvements placed in service beginning in 2006 would again be 39 years.

I urge all Senators to join us in supporting this legislation to provide rational depreciation treatment for leasehold improvements for the long term.

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. 621

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

SECTION 1. PERMANENT EXTENSION OF 15-YEAR RECOVERY PERIOD FOR DEPRECIATION OF CERTAIN LEASEHOLD IMPROVEMENTS.

Section 168(e)(3)(E)(iv) of the Internal Revenue Code of 1986 (defining 15-year property) is amended by striking ''before January 1, 2006''.

By Mr. LEAHY (for himself, Mr. LEVINE, Mr. FEINGOLD, and Mr. LIEBERMAN):

S. 622. A bill to amend the Homeland Security Act of 2002 (Public Law 107–296) to provide for the protection of voluntarily furnished confidential information, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, this week marks the first national ''Sunshine Week.'' The centerpiece of this week is Freedom of Information Day, which falls on March 16, the anniversary of James Madison's birthday. A firm believer in the need for open and accountable government, Madison said, ''A popular government, without popular information, or the means of acquiring it, is but a prologue to a farce or tragedy or perhaps both.'' Each generation of Americans should heed James Madison's warning, and it is fitting and proper that today's generations of Americans use this week to revisit the potentially damaging limitations placed on access to government information in just the last few years.

The Freedom of Information Act (FOIA) has been the centerpiece of open government for the 38 years since it came into force in 1967. It enables citizens to obtain information on how their government is protecting the Nation, spending their tax dollars, and implementing the laws their officeholders enact. FOIA helps hold our government accountable. It was through FOIA requests that the St. Petersburg Times uncovered information showing that since the 1991 Gulf War, and due in part to lax security at military bases, thousands of pounds of weapons have been lost or stolen from U.S. stockpiles, and some remains unaccounted for. The Bremerton Sun newspaper in Washington State used FOIA to confirm the mishandling of a nuclear missile at a Navy submarine facility. These are examples of the day-to-day importance of FOIA in helping Americans safeguard our security infrastructure. There are countless other examples of FOIA enabling citizens to obtain information relating to health and safety concerns in their cities and neighborhoods.

In 2002, when I voted to support passage of the Homeland Security Act (HSA), I voiced concerns about several flaws in the legislation. I called for the Administration and my colleagues on both sides of the aisle to monitor implementation of the new law and to craft corrective legislation. One of my chief concerns with the HSA was a subtitle of the act that granted an extraordinarily broad exemption to FOIA in exchange for the cooperation of private companies in sharing information with the government regarding vulnerabilities in the nation's critical infrastructure.

Unfortunately, the law that was enacted undermines Federal and State sunshine laws permitting the American people to know what their government is doing. Rather than increasing security by encouraging private sector disclosure to the government, it guts FOIA at the expense of our national security and the safety and health of the American people.

Today, with my distinguished colleagues Senators LEVIN, FEINGOLD, and LIEBERMAN I reintroduce legislation to restore the integrity of FOIA. I thank my colleagues for working with me on this important issue of public oversight. We first offered this bill, which we call the Restoration of Freedom of Information Act, or ''Restore FOIA,'' in the 108th Congress.

''Restore FOIA'' protects Americans' right to know while simultaneously providing security to those in the private sector who voluntarily submit critical infrastructure records to the Department of Homeland Security (DHS).

Encouraging cooperation between the private sector and the government to keep our critical infrastructure systems safe from terrorist attacks is a goal we all support. But the appropriate way to meet this goal is a source of great debate a debate that has been all but ignored since the enactment of the HSA.

The HSA created a new FOIA exemption for ''critical infrastructure information.'' That broadly defined term applies to information covering a wide variety of facilities such as privately operated power plants, bridges, dams, ports, or chemical plants that might be targeted for a terrorist attack. In HSA negotiations in 2002, House Republicans and the Administration promoted language that they described as necessary to encourage owners of such facilities to identify vulnerabilities in their operations and share that information with DHS. The stated goal was to ensure that steps could be taken to ensure the facilities' protection and proper functioning.

In fact, such descriptions of the legislation were disingenuous. These provisions, which were eventually enacted in the HSA, shield from FOIA almost any voluntarily submitted document stamped by the facility owner as ''critical infrastructure.'' This is true no matter how tangential the content of that document may be to the actual security of a facility. The law effectively allows companies to hide information about public health and safety from the American people even from neighbors of such a facility in its local community—simply by submitting it to DHS. The enacted provisions were called ''deeply flawed'' by Mark Tapscott of the Heritage Foundation in a November 20, 2002, Washington Post op-ed. He argued that the ''loophole'' created by the law ''could be manipulated by clever corporate and government operators to hide endless varieties of potentially embarrassing and/or criminal information from public view.''

In addition, under the HSA, disclosure by private facilities to DHS neither obligates the private company to address the vulnerability, nor requires DHS to fix the problem. For example, in the case of a chemical spill, the law bars the government from disclosing information without the written consent of the company that caused the pollution. As the Washington Post pointed out in an editorial on February 10, 2003, ''A company might preempt environmental regulators by 'voluntarily' divulging incriminating material, thereby making it unavailable to anyone else.''

The law also 1. shields the companies from lawsuits to compel disclosure, 2. criminalizes otherwise legitimate whistleblower activity by DHS employees, and 3. preempts any state or local disclosure laws.

Finally, the HSA requires no reporting whatsoever to the Congress or the public on critical infrastructure submissions to DHS. As a result, it is nearly impossible for the public to learn whether this law is being followed in good faith, whether it is being manipulated by submitters, and whether DHS is conducting due diligence on submissions. It also places hurdles before those of us in Congress who believe in effective oversight.

In an effort to obtain some basic data on the treatment of ''critical infrastructure information'' at DHS, two organizations filed a FOIA request in 2004. OMB Watch and the Electronic Privacy Information Center sought public release of the number of submissions and rejections under the law, and of any communications between DHS and submitters. They also requested the Department's program procedures for handling information. DHS did not provide answers. The groups filed a complaint, and the D.C. District Court ordered DHS to respond. We learned that as of February 2005, the critical infrastructure program received 29 submissions and rejected seven of those. We know nothing of the substance of the accepted submissions, what vulnerabilities they may describe, or what is being done to address them.

Most businesses are good citizens and take seriously their obligations to the government and the public, but this ''disclose-and-immunize'' provision is subject to abuse by those businesses that want to exploit legal technicalities to avoid regulatory guidelines that are designed to protect the public's health and safety. The HSA lays out the perfect blueprint to avoid legal liability: funnel damaging information into this voluntary disclosure system and preempt the government or others harmed by the company's actions from being able to use it against the company. This is not the kind of two-way public-private cooperation that serves the public interest.

The HSA FOIA exemption goes so far in exempting such a large amount of material from FOIA's disclosure requirements that it undermines government openness without making any real gains in safety for families in Vermont and across America. We do not keep America safer by chilling federal officials from warning the public about threats to their health and safety. We do not ensure our nation's security by refusing to tell the American people whether or not their federal agencies are doing their jobs, or whether their government is spending their hard-earned tax dollars wisely. We do not encourage real cooperation by giving companies protection from civil liability when they break the law. We do not respect the spirit of our democracy when we cloak in secrecy the workings of our government from the public we are elected to serve.

The Restore FOIA bill I introduce today with Senators LEVIN, FEINGOLD and LIEBERMAN is identical to language I negotiated with Senators LEVIN and BENNETT in the summer of 2002 when the HSA charter was debated by the Governmental Affairs Committee. Senator BENNETT stated in the Committee's July 25, 2002, markup that the Administration had endorsed the compromise. He also said that industry groups had reported to him that the compromise language would make it possible for them to share information with the government without fear of the information being released to competitors or to other agencies that might accidentally reveal it. The Governmental Affairs Committee reported out the compromise language that day. Unfortunately, much more restrictive House language was eventually signed into law.

The Restore FOIA bill would correct the problems in the HSA in several ways. First, it limits the FOIA exemption to relevant ''records'' submitted by the private sector, such that only those that actually pertain to critical infrastructure safety are protected. ''Records'' is the standard category referred to in FOIA. This corrects the effective free pass given to regulated industries by the HSA for any information it labels ''critical infrastructure.''

Second, unlike the HSA, the Restore FOIA bill allows for government oversight, including the ability to use and share the records within and between agencies. It does not limit the use of such information by the government, except to prohibit public disclosure where such information is appropriately exempted under FOIA.

Third, it protects the actions of legitimate whistleblowers rather than criminalizing their acts.

Fourth, it does not provide civil immunity to companies that voluntarily submit information. This corrects a flaw in the current law, which would prohibit such information from being used directly in civil suits by government or private parties.

Fifth, unlike the HSA, the Restore FOIA bill allows local authorities to apply their own sunshine laws. The Restore FOIA bill does not preempt any state or local disclosure laws for information obtained outside the Department of Homeland Security. It also does not restrict the use of such information by state agencies.

Finally, the Restore FOIA bill does not restrict congressional use or disclosure of voluntarily submitted critical infrastructure information.

These changes to the HSA would accomplish the stated goals of the critical infrastructure provisions in the HSA—without tying the hands of the government in its efforts to protect Americans and without cutting the public out of the loop.

Restore FOIA is supported by the American Library Association, Common Cause, the Freedom of Information Center, OMB Watch, Association of Research Libraries, the Project on Government Oversight, and OpenTheGovernment.org, among other leading open government organizations.

The argument over the scope of the FOIA and unilateral Executive power to shield matters from public scrutiny goes to the heart of our fundamental right to be an educated electorate aware of what our government is doing. The Rutland Herald got it right in a November 26, 2002, editorial that explained: ''The battle was not over the right of the government to hold sensitive, classified information secret. The government has that right. Rather, the battle was over whether the government would be required to release anything it sought to withhold.''

We need to fix this troubling restriction on public accountability. James Madison's warning is a clear warning to us, and it is our generation's duty to heed it. I urge my colleagues to support the Restoration of Freedom of Information Act of 2005.

I ask unanimous consent that the text of the bill and a sectional analysis be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 622

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 ''Restoration of Freedom of Information Act of 2005''.

SEC. 2. PROTECTION OF VOLUNTARILY FURNISHED CONFIDENTIAL INFORMATION.

Title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is amended by striking subtitle B and inserting the following:

''Subtitle B—Protection of Voluntarily Furnished Confidential Information

''SEC. 211. PROTECTION OF VOLUNTARILY FURNISHED CONFIDENTIAL INFORMATION.

''(a) DEFINITIONS.—In this section:

''(1) CRITICAL INFRASTRUCTURE.—The term 'critical infrastructure' has the meaning given that term in section 1016(e) of the USA PATRIOT ACT of 2001 (42 U.S.C. 5195c(e)).

''(2) FURNISHED VOLUNTARILY.—

''(A) DEFINITION.—The term 'furnished voluntarily' means a submission of a record that—

''(i) is made to the Department in the absence of authority of the Department requiring that record to be submitted; and

''(ii) is not submitted or used to satisfy any legal requirement or obligation or to obtain any grant, permit, benefit (such as agency forbearance, loans, or reduction or modifications of agency penalties or rulings), or other approval from the Government.

''(B) BENEFIT.—In this paragraph, the term 'benefit' does not include any warning, alert, or other risk analysis by the Department.

''(b) IN GENERAL.—Notwithstanding any other provision of law, a record pertaining to the vulnerability of and threats to critical infrastructure (such as attacks, response, and recovery efforts) that is furnished voluntarily to the Department shall not be made available under section 552 of title 5, United States Code, if—

''(1) the provider would not customarily make the record available to the public; and

''(2) the record is designated and certified by the provider, in a manner specified by the Department, as confidential and not customarily made available to the public.

''(c) RECORDS SHARED WITH OTHER AGENCIES.—

''(1) IN GENERAL.—

''(A) RESPONSE TO REQUEST.—An agency in receipt of a record that was furnished voluntarily to the Department and subsequently shared with the agency shall, upon receipt of a request under section 552 of title 5, United States Code, for the record—

''(i) not make the record available; and

''(ii) refer the request to the Department for processing and response in accordance with this section.

''(B) SEGREGABLE PORTION OF RECORD.—Any reasonably segregable portion of a record shall be provided to the person requesting the record after deletion of any portion which is exempt under this section.

''(2) DISCLOSURE OF INDEPENDENTLY FURNISHED RECORDS.—Notwithstanding paragraph (1), nothing in this section shall prohibit an agency from making available under section 552 of title 5, United States Code, any record that the agency receives independently of the Department, regardless of whether or not the Department has a similar or identical record.

''(d) WITHDRAWAL OF CONFIDENTIAL DESIGNATION.—The provider of a record that is furnished voluntarily to the Department under subsection (b) may at any time withdraw, in a manner specified by the Department, the confidential designation.

''(e) PROCEDURES.—The Secretary shall prescribe procedures for—

''(1) the acknowledgment of receipt of records furnished voluntarily;

''(2) the designation, certification, and marking of records furnished voluntarily as confidential and not customarily made available to the public;

''(3) the care and storage of records furnished voluntarily;

''(4) the protection and maintenance of the confidentiality of records furnished voluntarily; and

''(5) the withdrawal of the confidential designation of records under subsection (d).

''(f) EFFECT ON STATE AND LOCAL LAW.—Nothing in this section shall be construed as preempting or otherwise modifying State or local law concerning the disclosure of any information that a State or local government receives independently of the Department.

''(g) REPORT.—

''(1) REQUIREMENT.—Not later than 18 months after the date of the enactment of the Restoration of Freedom of Information Act of 2005, the Comptroller General of the United States shall submit to the committees of Congress specified in paragraph (2) a report on the implementation and use of this section, including—

''(A) the number of persons in the private sector, and the number of State and local agencies, that furnished voluntarily records to the Department under this section;

''(B) the number of requests for access to records granted or denied under this section; and

''(C) such recommendations as the Comptroller General considers appropriate regarding improvements in the collection and analysis of sensitive information held by persons in the private sector, or by State and local agencies, relating to vulnerabilities of and threats to critical infrastructure, including the response to such vulnerabilities and threats.

''(2) COMMITTEES OF CONGRESS.—The committees of Congress specified in this paragraph are—

''(A) the Committees on the Judiciary and Homeland Security and Governmental Affairs of the Senate; and

''(B) the Committees on the Judiciary and Government Reform and Oversight of the House of Representatives.

''(3) FORM.—The report shall be submitted in unclassified form, but may include a classified annex.''.

SEC. 3. TECHNICAL AND CONFORMING AMENDMENT.

The table of contents for the Homeland Security Act of 2002 (Public Law 107–296) is amended by striking the matter relating to subtitle B of title II and inserting the following:

''SUBTITLE B—PROTECTION OF VOLUNTARILY FURNISHED CONFIDENTIAL INFORMATION

''Sec. 211. Protection of Voluntarily Furnished Confidential Information''.

THE RESTORATION OF FREEDOM OF INFORMATION ACT (''RESTORE FOIA'') SECTIONAL ANALYSIS

Sec. 1. Short title. This section gives the bill the short title, the ''Restoration of Freedom of Information Act.''

Sec. 2. Protection of Voluntarily Furnished Confidential Information. This section strikes subtitle B (secs. 211–215) of the Homeland Security Act (''HSA'')(P.L. 107–296) and inserts a new section 211.

Sections to be repealed from the HSA: These sections contain an exemption to the Freedom of Information Act (FOIA) that (1) exempt from disclosure critical infrastructure information voluntarily submitted to the new department that was designated as confidential by the submitter unless the submitter gave prior written consent; (2) provide civil immunity for use of such information in civil actions against the company; (3) preempt state sunshine laws if the designated information is shared with state or local government agencies; and (4) impose criminal penalties of up to one year imprisonment on government employees who disclosed the designated information.

Provisions that would replace the repealed sections of the HSA: The Restore FOIA bill inserts a new section 211 to the HSA that would exempt from the FOIA certain records pertaining to critical infrastructure threats and vulnerabilities that are furnished voluntarily to the new Department and designated by the provider as confidential and not customarily made available to the public. Notably, the Restore FOIA bill makes clear that the exemption covers ''records'' from the private sector, not all ''information'' provided by the private sector, as in the enacted version of the HSA. The Restore FOIA bill ensures that portions of records that are not covered by the exemption would be released pursuant to FOIA requests. It does not provide any civil liability immunity or preempt state or local sunshine laws, and it does not criminalize whistleblower activity.

Specifically, this section of the Restore FOIA bill includes the following:

A definition of ''critical infrastructure'': This term is given the meaning adopted in section 1016(e) the USA Patriot Act (42 U.S.C. 5195c(e)) which reads, ''critical infrastructure means systems and assets, whether physical or virtual, so vital to United States that the incapacity or destruction of such systems and assets would have a debilitating impact on security, national economic security, national public health or safety, or any combination of those matters.'' This definition is commonly understood to mean facilities such as bridges, dams, ports, nuclear power plants, or chemical plants.

A definition of the term ''furnished voluntarily'': This term signifies documents provided to the Department of Homeland Security (DHS) that are not formally required by the department and that are provided to it to satisfy any legal requirement. The definition excludes any document that is provided to DHS with a permit or grant application or to obtain any other benefit from DHS, such as a loan, agency forbearance, or modification of a penalty.

An exemption from FOIA of records that pertain to vulnerabilities of and threats to critical infrastructure that are furnished voluntarily to DHS. This exemption is made available where the provider of the record certifies that the information is confidential and would not customarily be released to the public.

A requirement that other government agencies that have obtained such records from DHS withhold disclosure of the records and refer any FOIA requests to DHS for processing.

A requirement that reasonably segregable portions of requested documents be disclosed, as is well-established under FOIA.

An allowance to agencies that obtain critical infrastructure records from a source other than DHS to release requested records consistent with FOIA, regardless of whether DHS has an identical record in its possession.

An allowance to providers of critical infrastructure records to withdraw the confidentiality designation of records voluntarily submitted to DHS, thereby making the records subject to disclosure under FOIA.

A direction to the Secretary of Homeland Security to establish procedures to receive, designate, store, and protect the confidentiality of records voluntarily submitted and certified as critical infrastructure records.

A clarification that the bill would not preempt state or local information disclosure laws.

A requirement for the Comptroller General to report to the House and Senate Judiciary Committees, the House Governmental Reform Committee and the Senate Homeland Security and Governmental Affairs Committee the number of private entities and government agencies that submit records to DHS under the terms of the bill. The report would also include the number of requests for access to records that were granted or denied. Finally, the Comptroller General would make recommendations to the committees for modifications or improvements to the collection and analysis of critical infrastructure information.

Sec. 3. Technical and conforming amendment. This section amends the table of contents of the Homeland Security Act.

By Mr. HATCH:

S. 623. A bill to direct the Secretary of Interior to convey land held in trust for the Paiute Indian Tribe of Utah to the City of Richfield, Utah, and for other purposes; to the Committee on Indian Affairs.

Mr. HATCH. Mr. President, I rise today to introduce the Paiute Indian Tribe Land Conveyance Act of 2005.

This bill would authorize the Secretary of the Interior to convey or transfer four small Paiute trust land parcels to the city of Richfield.

The Paiute Indian Tribe Land Conveyance Act of 2005 would allow the Secretary of the Interior to transfer three acres of land held in trust for the Paiute Indian Tribe of Utah to the city of Richfield, UT. The city of Richfield would provide fair market value compensation directly to the tribe, and pay any costs incurred in this transaction. This land transfer would allow expansion of the Richfield Municipal Airport and provide the Tribe with proceeds to purchase land that has economic development potential. This bill passed the House last year and I introduced it in the Senate, but the Senate bill did not make it through the legislative process prior the end of the 108th Congress.

This proposal has support from all sides. The city of Richfield approached the Tribe about acquiring this parcel of land adjacent to the airport runway. The Tribe agreed and the Paiute Tribal Council passed Resolution 01–36, unanimously agreeing to the conveyance of this parcel of land to the City. The land in question has not been used by the Tribe for more than 20 years. It is not contiguous to the Paiute's Reservation and for nearly 30 years now has had no economic development potential. The tribal resolution expresses the Paiute's desire to accept the city's offer to purchase the land at fair market value and serves as the request to the Secretary of the Interior to convey the trust land. However, only an act of Congress may authorize this land conveyance.

The Paiute Indian Tribe Land Conveyance Act of 2005 would also transfer three trust land parcels, each an acre or less in size, from the Tribe to its Kanosh and Shivwits Bands. All parcels would remain in trust status. The first parcel of one acre would be transferred from land held in trust by the United States for the Paiute Tribe to land held in trust for the Kanosh Band. This parcel is surrounded by 279 acres of land that is either owned by the Kanosh Band or held in trust for the Kanosh Band. For more than twenty years, the sole use of this land has been for the Kanosh Band Community Center. The second parcel, two-thirds of an acre in size, would also be transferred from the Tribe to the Kanosh Band. The land has been used exclusively by the Kanosh Band. It was originally intended that the land be taken in trust for the Kanosh Band in 1981 under the Paiute Indian Tribe of Utah Restoration Act. However, through an administrative error, the land was mistakenly placed in trust for the Tribe. By way of several Band resolutions, the Kanosh Band has formally requested correction of this error.

The third parcel of land, less than an acre in size, would be transferred from the Tribe to be held in trust for the Shivwits Band. The land already is surrounded by several thousand acres of land held in trust for the Shivwits band, and its sole use has been for the Shivwits Band Community Center.

Finally, the bill would eliminate the word ''City'' from the current official name of the ''Cedar City Band of Paiute Indians,'' a name which has never been used by the Band of residents of southwestern Utah. Thus, the bill makes clear that any reference in a law, map, regulation, document, paper, or other record, of the United States to the ''Cedar City Band of Paiute Indians'' shall be deemed to be reference to the ''Cedar Band of Paiute Indians.''

I would like to make some clarifications as part of the record. This bill has language that would allow the city of Richfield to purchase land from the Tribe and provide payment directly to the Tribe without the funds being funneled through the Department of the Interior. I support that provision. The bill also has a provision that would make lands which were acquired by the United States in trust for the Tribe, after February 17, 1984 and prior to the date of the enactment of this legislation, a part of the reservation. this clarifies the intent that lands already in possession of the tribe should be part of the reservation. I would also like to clarify that nothing in this legislation authorizes the Secretary of the Interior to make land conveyances for any tribe or band without their official consent to such a conveyance.

This bill will cost U.S. taxpayers nothing, but it will solve the dilemma that the city of Richfield faces as it works to make its airport meet the needs of the citizens of southwestern Utah. Equally important is the fact that this bill will allow the Paiute Tribe to use the proceeds from the land sale to acquire land with economic development potential to facilitate the well-being of the Tribe. The bill also takes care of non-controversial land adjustments and technical corrections. The bill is supported by the Paiute Tribe, its Bands, and the people of southwestern Utah residing nearby. That is why I am introducing this legislation that would convey or transfer small Paiute trust land parcels.

I thank the Senate for the opportunity to address this issue today, and I urge my colleagues to support the passage of the Paiute Indian Tribe Land Conveyance Act of 2005.

By Mr. SCHUMER:

S. 625. A bill to amend the Internal Revenue Code of 1986 to allow a $1,000 refundable credit for individuals who are bona fide volunteer members of volunteer firefighting and emergency medical service organizations; to the Committee on Finance.

Mr. SCHUMER. Mr. President, I am pleased to come to the floor today and introduce legislation that would allow a $1,000 refundable tax credit for the true heroes in our society: those brave and dedicated Americans who serve as volunteer firefighters and volunteer emergency medical service personnel.

I am introducing today a companion bill to H.R. 934, a bill introduced in the House of Representatives by a fellow New Yorker, Congressman MAURICE HINCHEY. His bill is cosponsored by six other New York Members of Congress: TIM BISHOP, STEVE ISRAEL, NITA LOWEY, MIKE MCNULTY, JERROLD NADLER, and MAJOR OWENS.

Many communities around New York State rely on volunteer firefighters and EMTs for much-needed public services, but it is getting harder and harder to find people to fill the slots because middle-class families have increasing demands on their time, or financial concerns that preclude their participation. This bill is designed to offer an additional incentive for people to get involved in their communities in this vitally important way.

In 1736, Benjamin Franklin organized the Union Fire Brigade in Philadelphia, PA, and ever since, thousands of American municipalities have depended on civilians to protect lives and property from the ravages of fire. The ''volunteer firefighter'' is a true American invention, and its tremendous success for over 200 years has been rooted in the spirit of volunteerism that Alexis de Tocqueville was so taken with when he visited this country in the 1800s.

That spirit is still alive today, yet it is becoming increasingly hard for municipalities to recruit and retain enough volunteer firefighters. Many people simply have less time to devote to community service. Families in which both parents work have become commonplace, and what little free time is left is often spent on organized activities such as youth sports and school functions. At the same time, the science of firefighting has evolved, and the mission of fire departments has diversified. This has caused the amount of required training to increase exponentially. While this is good for safety, it greatly increases the overall time commitment that volunteer firefighters must make. Twenty-five years ago, a volunteer could join and respond to a call in the same day. Today, that same volunteer must complete months of training before they can truly participate at an emergency.

The situation has reached a crisis stage in many of our communities. According to the Fireman's Association of the State of New York, fewer young people are joining the ranks. Many departments are having a hard time filling crews, especially during the day when most people are working. All across the country, fire departments are depending on ''mutual aid'' from neighboring departments to supplement their own crews. This leads to increased response time, which in turn, places further risk on life and property.

While many local governments understand the need for a recruitment incentive, most simply do not have the resources to implement one. At the same time, we all understand that our firefighters are often on the front lines of the War on Terror, and essential to

our homeland security. Moreover, every single day we rely on volunteer firefighters to save residential and commercial property, and to clean up accidents and reopen our highways, all of which protects the economic prosperity of many of our communities.

Let me offer a few examples from my State of how difficult the problems of recruitment and retention have become.

In Duchess County, former fire chief Harold Ramsey is a current member of the volunteer corps. His company is 100 percent volunteer, with about 30 to 35 current members. When Mr. Ramsey joined the department in the mid 1980s, there were 60 to 75 members. They have significant suffered a loss of members in the past five years. He believes that a tax credit would be a major incentive to younger members and would help to recruit new members.

In Orange County, Jeff Hunt is the President of Dikeman Engine and Hose Company in Goshen. His company currently has 55 active members. They are getting a new member next month, which will be their first new member in five years. In an effort to improve their numbers, they have been visiting area schools to recruit, with little success. The company has also looked into working with the Boy Scouts of America to increase enrollment. Membership is a major concern; during the day shift Mr. Hunt says he is lucky to get four or five members to respond to calls. That is not even enough to get all of the trucks and equipment out. He believes that the $1,000 tax credit would be a ''great start in the right direction'' to attract new members.

In Westchester County, in the town of Lewisboro, Joe Posadas is the Chief of the South Salem Fire Department. His department also has severe recruitment and retention issues. In next six months, he expects to lose three of his top responders. Members of the company are moving out of Westchester because they can no longer afford to live there—an ongoing problem.

The company has approximately 35 members on paper, but for daytime calls, only four members are typically able to respond. For night calls, 10 to 15 can respond. The property tax deduction approved by the state is so small that it provides little benefit or incentive for recruitment, so Mr. Posadas believes that the $1,000 federal tax credit would help. ''Anything we get helps attract new members,'' he said.

Steve Mann is a member of my staff and a 17-year veteran of a volunteer firefighter squad. He is Captain of Engine 4 in Rensselaer, NY. His father and uncle are firefighters as well, and I guess you'd say it's ''in his blood.'' He devotes most of his spare time to the fire department—but with a young family and a demanding job, it's not always easy. He tells me that it is becoming harder and harder to find people who are willing to devote the necessary time to the fire department.

These are just a few examples.

Therefore, I believe it is appropriate for the federal government to take an active role in fixing this problem. This tax credit would give municipalities and fire departments an important tool in attracting new volunteers, and just as important, in retaining current members. The volunteer firefighters are just as important to this country today as they were in Benjamin Franklin's day, and we must do all that we can to preserve this legacy of service.

By Mr. NELSON of Nebraska (for himself and Mrs. HUTCHISON):

S. 626. A bill to amend title XVIII of the Social Security Act to improve-access to diabetes self management training by designating certified diabetes educators who are recognized by a nationally recognized certifying body and who meet the same quality standards set forth for other providers of diabetes self management training, as certified providers for purposes of outpatient diabetes self-management training services under part B of the medicare program; to the Committee on Finance.

Mr. NELSON of Nebraska. Mr. President, today I introduce an important piece of legislation that will correct an oversight from the Balanced Budget Act of 1997.

In 1997, Congress created a new diabetes benefit under medicare—diabetes self-management training—but did not create a new provider group to deliver it. Congress assumed that the existing diabetes education programs in hospitals would be able to provide services to all who were in need.

Certified Diabetes Educators (CDEs) were not given the ability to bill Medicare directly for diabetes self-management training when Congress passed the new benefit in 1997 because they did not feel there was a need to create a new provider because CDEs could work within a hospital setting and receive reimbursement through hospital billing.

However, due to changing health care economics, hospital diabetes self-management training programs have been closing at an alarming rate, forcing patients to seek other avenues for obtaining diabetes self-management training such as clinics and stand-alone programs.

While small in scope, the Diabetes Self-Management Training act of 2005 will correct this oversight to ensure our Nation's seniors with diabetes have access to this important benefit.

Diabetes education is very important in my State of Nebraska. According to the Nebraska Health and Human Services System, about five percent of Nebraska's adults have diagnosed diabetes—or about 60,000 people. An additional 20,000 Nebraskans probably have diabetes but have not been diagnosed.

While diabetes rates continue to grow at an alarming rate, lack of access to diabetes-self management training, which is critical to controlling diabetes and preventing secondary complications, has also become a chronic problem. Despite the fact that twenty percent of Medicare patients have diabetes, and about a quarter of all Medicare spending goes to treat diabetes and diabetes-related conditions, less than one-third of eligible patients are currently receiving the benefit.

Because CDEs are not able to bill Medicare directly for diabetes self-management training, patients have limited options for obtaining the training they need to successfully manage their disease and prevent expensive and debilitating complications.

The potential for complications is enormous. If patients with diabetes cannot gain access to diabetes self-management training, serious complications will arise, such as kidney disease, amputations, vision loss, and sever cardiac disease. In fact, half of all Medicare dialysis patients suffer from diabetes.

By improving access to this important benefit, I believe we will take an important step toward helping patients control their diabetes, which will not only save the Medicare program the significant costs associated with the complications from uncontrolled diabetes, but more importantly it will dramatically improve the quality of life for the millions of Medicare beneficiaries with diabetes.

That is why I am so proud to introduce this bi-partisan legislation, the Diabetes Self-Management Training Act of 2005, along with my colleague Senator HUTCHISON.

Throughout the Medicare debate in 2003, one of the top considerations for all Senators was the cost of the legislation and the long-term solvency of the Medicare program. In fact, we passed new programs in that legislation to begin studying new health care delivery models that will improve the outcomes for beneficiaries with chronic diseases like Medicare. While I strongly supported those new demonstration programs, we need not wait to begin helping our seniors.

With diabetes already directly affecting so many seniors, and the baby boomers on the horizon, we cannot afford to deny seniors access to proven programs like diabetes self-management training any longer. I look forward to working to pass this legislation and help those with diabetes.

By Mr. HATCH (for himself, Mr. BAUCUS, Mr. GRASSLEY, Mr. KYL, Mr. SMITH, Mr. SCHUMER, and Mr. KERRY):

S. 627. A bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, to increase the rates of the alternative incremental credit, and to provide an alternative simplified credit for qualified research expenses; to the Committee on Finance.

Mr. HATCH. Mr. President, I am very pleased to join with my friend and colleague Senator BAUCUS and several of our Finance Committee colleagues

from both sides of the aisle today in introducing legislation that would permanently extend and improve the research tax credit.

Extending the research credit is an important step for the future economic growth of the United States. A permanent credit can help our economy develop the new technologies that will enhance existing capital inputs and make workers more productive. The result will be a stronger economy at home, and a more competitive nation abroad. As many of our colleagues are aware, the current research credit is set to expire on December 31, 2005.

I believe that if we allow the research credit to expire, we will see the negative effects manifest in lower economic growth, fewer jobs created, fewer innovative products, and lost opportunities as research activities move to other countries with more attractive incentives. We should never forget that our Nation's future economic health is dependent on the innovations of today.

In assessing the health of our economy, we find an important correlation between economic growth and inflationary pressures. One sure way to have strong economic growth without the pain of inflation is to increase productivity. And most productivity gains are derived from technological advances, which reduce the cost of producing goods and services, and thereby help maintain low consumer prices.

An additional benefit of productivity growth is a corresponding increase in corporate profits. Such increases lead to higher returns on savings and investment, and higher wages for workers. I believe the greatest benefit of increased R&D is productivity growth, which in turn forms the foundation of higher living standards.

Productivity growth also largely determines our society's long-term economic welfare. Our ability to deal with budgetary challenges, such as Social Security, Medicare, and other entitlements, depends critically on the future direction of our productivity.

From 1995 through 2003, average annual productivity growth was three percent, double the 1.5 percent growth rate that prevailed between 1973 and 1995. According to economists, this surge in productivity is the result of businesses beginning to efficiently integrate computer and information technology into day-to-day operations. We need a strong and permanent research credit in order to continue these gains in productivity growth.

My home State of Utah is a good example of how State economies currently benefit from the research credit. Utah is home to various firms that invest a high percentage of their revenue in R&D. There are thousands of employees working in Utah's technology based companies, with thousands more working in other sectors that engage in R&D. Approximately 5 percent of the State's non-agricultural workforce is employed in research-intensive, high technology sectors.

Moreover, high technology jobs pay substantially more than the Utah average. In 2004, high technology payrolls accounted for 9.2 percent of Utah's total payrolls. This is a significant proportion considering technology jobs make up only 5 percent of the workforce.

Utah's largest technology segment is in computer systems design, which accounts for more than 20 percent of the State's technology employment with approximately 10,700 workers. Furthermore, this sector is Utah's second highest exporter of merchandise. This is a prime example of an industry group contributing directly to the productivity expansion I mentioned earlier.

The medical equipment manufacturing industry makes up another substantial R&D industry group employing nearly 8,000 Utahns. This industry has been an important and relatively stable component of the technology sector for many years.

Utah profits from, and also imparts, many ''spill-over'' benefits from the innovations developed both within and outside of the state. To give one example, more than 7,000 people work in Utah's chemical industry. This industry is the State's fourth-largest exporter. It benefits greatly from R&D taking place in Utah and throughout the country, and it shares the benefits with its trade partners. Research and development is clearly the lifeblood of Utah's economy.

Since 1981, when the research credit was first enacted, the Federal Government has joined in partnership with large and small businesses to ensure that research expenditures are made in the United States. This enhances domestic job creation, and helps the United States to internalize more of the economic benefits from the research credit.

It seems clear that to grow our economy we must enhance our position as the world leader in technological advances. Consequently, robust R&D spending should permeate our economy. We simply must continue to invest in research and development, and the Federal Government needs to reaffirm its role as a partner with the private sector. To achieve this, I have long advocated a permanent credit, and this body is overwhelmingly on record in favor of that proposition. During the Senate's debate on the 2001 tax cut bill, I offered, and the Senate adopted, an amendment to provide for such a permanent credit. Unfortunately, that provision was dropped in conference and we lost a great opportunity.

Once again, I want to ask my colleagues to make this credit permanent. I think we all know that this credit is going to be extended, again and again, every few years. It takes time and energy for my colleagues to revisit this issue every few years. Can we not just, once and for all, make this provision permanent? We know this is good policy, and it is one of the most effective tax incentives in the code. Even under today's permanently temporary credit, every dollar of tax credit is estimated to increase R&D spending by one dollar in the short run and by up to two dollars in the long run. And if we make this permanent, those incentives will only improve.

While the research credit has proven to be a powerful incentive for companies to increase research and development activities, it unfortunately does not work perfectly. One reason is that the credit is incremental, and was designed to reward additional research efforts, not just what a company might have done otherwise. From a tax policy perspective, I believe this is the best way to provide an incentive tax credit. Nevertheless, it is difficult to craft an incremental credit that works flawlessly in every case.

While the credit works well for many companies, it does not help some firms that still incur significant research expenditures. This is because the credit's base period of 1984 through 1988 is growing more distant and some firms' business models have changed.

To address this problem, we have added a third way to qualify for the credit, an elective ''alternative simplified credit.'' We propose to base this new alternative credit on how much a company has increased its R&D spending compared to the last three years. Companies will average their R&D spending over the previous three years, and cut that number in half. For every dollar they spend over that amount, they get a 12 percent tax credit. If they spend less than that amount, they get no credit at all. This is why this credit is so effective—it gives benefits to companies that do more, and gives no benefits to companies that do less. That is good tax policy, and good growth policy.

The United States needs to continue to be the world's leader in innovation. We cannot afford to allow other countries to lure away the research that has always been done here. We cannot afford to have the lapses in the research pipeline that would result if we do not take care of extending this credit before it expires on December 31.

In conclusion, making the research tax credit permanent will increase the growth rate of our economy. It will mean more and better jobs for American workers. Making the tax credit permanent will speed economic growth. And new technology resulting from American research and development will continue to improve the standard of living for every person in the U.S. and around the world. I look forward to working with my colleagues to create a permanent, improved research credit.

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. 627

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 ''Investment in America Act of 2005''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Research and development performed in the United States results in quality jobs, better and safer products, increased ownership of technology-based intellectual property, and higher productivity in the United States.

(2) The extent to which companies perform and increase research and development activities in the United States is in part dependent on Federal tax policy.

(3) Congress should make permanent a research and development credit that provides a meaningful incentive to all types of taxpayers.

SEC. 3. PERMANENT EXTENSION OF RESEARCH CREDIT.

(a) IN GENERAL.—Section 41 of the Internal Revenue Code of 1986 (relating to credit for increasing research activities) is amended by striking subsection (h).

(b) CONFORMING AMENDMENT.—Paragraph (1) of section 45C(b) of such Code is amended by striking subparagraph (D).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after the date of the enactment of this Act.

SEC. 4. INCREASE IN RATES OF ALTERNATIVE INCREMENTAL CREDIT.

(a) IN GENERAL.—Subparagraph (A) of section 41(c)(4) of the Internal Revenue Code of 1986 (relating to election of alternative incremental credit) is amended—

(1) by striking ''2.65 percent'' and inserting ''3 percent'',

(2) by striking ''3.2 percent'' and inserting ''4 percent'', and

(3) by striking ''3.75 percent'' and inserting ''5 percent''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 5. ALTERNATIVE SIMPLIFIED CREDIT FOR QUALIFIED RESEARCH EXPENSES.

(a) IN GENERAL.—Subsection (c) of section 41 of the Internal Revenue Code of 1986 (relating to base amount) is amended by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively, and by inserting after paragraph (4) the following new paragraph:

''(5) ELECTION OF ALTERNATIVE SIMPLIFIED CREDIT.—

''(A) IN GENERAL.—At the election of the taxpayer, the credit determined under subsection (a)(1) shall be equal to 12 percent of so much of the qualified research expenses for the taxable year as exceeds 50 percent of the average qualified research expenses for the 3 taxable years preceding the taxable year for which the credit is being determined.

''(B) SPECIAL RULE IN CASE OF NO QUALIFIED RESEARCH EXPENSES IN ANY OF 3 PRECEDING TAXABLE YEARS.—

''(i) TAXPAYERS TO WHICH SUBPARAGRAPH APPLIES.—The credit under this paragraph shall be determined under this subparagraph if the taxpayer has no qualified research expenses in any 1 of the 3 taxable years preceding the taxable year for which the credit is being determined.

''(ii) CREDIT RATE.—The credit determined under this subparagraph shall be equal to 6 percent of the qualified research expenses for the taxable year.

''(C) ELECTION.—An election under this paragraph shall apply to the taxable year for which made and all succeeding taxable years unless revoked with the consent of the Secretary. An election under this paragraph may not be made for any taxable year to which an election under paragraph (4) applies.''.

(b) COORDINATION WITH ELECTION OF ALTERNATIVE INCREMENTAL CREDIT.—

(1) IN GENERAL.—Section 41(c)(4)(B) of the Internal Revenue Code of 1986 (relating to election) is amended by adding at the end the following: ''An election under this paragraph may not be made for any taxable year to which an election under paragraph (5) applies.''.

(2) TRANSITION RULE.—In the case of an election under section 41(c)(4) of the Internal Revenue Code of 1986 which applies to the taxable year which includes the date of the enactment of this Act, such election shall be treated as revoked with the consent of the Secretary of the Treasury if the taxpayer makes an election under section 41(c)(5) of such Code (as added by subsection (a)) for such year.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

Mr. BAUCUS. Mr. President, I am pleased to again join with my friend, Senator HATCH, in introducing legislation to make a permanent commitment to research-intensive businesses in the United States. This legislation is bipartisan and bicameral. A companion bill will be introduced in the House of Representatives by Congresswoman NANCY JOHNSON and Congressman BEN CARDIN.

Every morning we hear news of some new product or discovery that promises to make our jobs easier or our lives better. Many of these innovations started with a business decision to hire needed researchers and finance the expensive and long process of research and experimentation. Since 1981, when the R&D tax credit was first enacted, the Federal Government was a partner in that business endeavor because of the potential spillover benefits to society overall from additional research spending.

Research has shown that a tax credit is a cost-effective way to promote R&D. The Government Accountability Office, the Bureau of Labor Statistics, the National Bureau of Economic Research, and others have all found significant evidence that a tax credit stimulates additional domestic R&D spending by U.S. companies. A report by the Congressional Research Service, CRS, indicates that economists generally agree that, without government support, firm investment in R&D would fall short of the socially optimal amount and thus CRS advocates government policies to boost private sector R&D.

R&D is linked to broader economic and labor benefits. R&D lays the foundation for technological innovation, which, in turn, is an important driving force in long-term economic growth—mainly through its impact on the productivity of capital and labor. We have many times heard testimony from economists, including Federal Reserve Board Chairman Alan Greenspan, that the reason our economy grew at such breakneck speed during the 1990s stemmed from the productivity growth we realized thanks to technological innovations.

There has been a belief that companies would continue to increase their research spending and that the benefits of these investments on the economy and labor markets would continue without end. Unfortunately, that is not the case. According to Battelle's 2005 funding forecast, industrial R&D spending will increase only 1.9 percent above last year, to an estimated $191 billion, which is less than the expected rate of inflation of 2.5 percent. For the fifth year in a row, industrial R&D spending growth has been essentially flat.

Over recent years, industry-financed R&D declined from 1.88 percent to 1.65 percent of GDP in the United States between 2000 and 2003, while R&D performed by the business sector declined from 2.04 percent to 1.81 percent of GDP. Japan, in contrast, saw a steep increase in business-performed R&D—from 2.12 percent to 2.32 percent of GDP between 2000 and 2002—and modest gains were posted in the EU.

Moreover, just last week, the World Economic Forum released its annual Global Information Technology Report. The rankings, which measure the propensity for countries to exploit the opportunities offered by information and communications technology, ICT, revealed that Singapore has displaced the United States as the top economy in information technology competitiveness. As a matter of fact, the United States has dropped from first to fifth place in this ranking. Iceland, Finland and Denmark are the countries ranked two, three and four out of the 104 countries surveyed. Iceland moved up from tenth last year.

These numbers should be a wake up call for all of us. As research spending falls, so too will the level of future economic growth.

It is also important to recognize that many of our foreign competitors are offering permanent and generous incentives to firms that attract research dollars to those countries. A 2001 study by the Organization of Economic Cooperation and Development, OECD, ranked the U.S. ninth behind other nations in terms of its incentives for business R&D spending. Countries that provide more generous R&D incentives include Spain, Canada, Portugal, Austria, Australia, Netherlands, France, and Korea. The United Kingdom was added to this list in 2002 when it further expanded its existing R&D incentives program. The continued absence of a long-term U.S. government R&D policy that encourages U.S.-based R&D will undermine the ability of American companies to remain competitive in U.S. and foreign markets. This disparity could limit U.S. competitiveness relative to its trading partners in the long-run.

Also, U.S. workers who are engaged in R&D activities currently benefit from some of the most intellectually stimulating, high-paying, high-skilled

jobs in the economy. My own State of Montana is an excellent example of this economic activity. During the 1990s, about 400 establishments provided high-technology services, at an average wage of about $35,000 per year. These jobs paid nearly 80 percent more than the average private sector wage of less than $20,000 per year during the same year. Many of these jobs would never have been created without the assistance of the R&D credit. While there may not be an immediate rush to move all projects and jobs offshore, there has been movement at the margins on those projects that are most cost-sensitive. Once those projects and jobs are gone, it will be many years before companies will have any incentive to bring them back to the United States.

We continue to grapple with the need to stimulate economic growth and advance policies that represent solid long-term investments that will reap benefits for many years to come. Senator HATCH and I repeatedly have pointed to the R&D tax credit as a measure that gives us a good ''bang for our buck.'' I hope this year we can enact a permanent tax credit that is effective and more widely available. I encourage my colleagues to join us in this effort.

As we have in years past, our proposal would make the current research and experimentation tax credit permanent and increase the Alternative Incremental Research Credit, AIRC, rates. And, in this legislation we take one additional but necessary step.

We propose a new alternative simplified credit that will allow taxpayers to elect to calculate the R&D credit under new computational rules that will eliminate the present-law distortions caused by gross receipts. This revised and improved R&D credit did pass the Senate last year on a 93–0 vote, but a straight short-term extension of current law was enacted instead.

There is no good policy reason to make research more expensive for some industries than for others. While the regular R&D tax credit works very well for many companies, as the credit's base period recedes and business cycles change, the current credit is out of reach for some other firms that still incur significant research expenditures. To help solve part of this problem Congress enacted the AIRC in 1996 and now we propose a way to address the rest of that problem.

Under current law, both the regular credit and the AIRC are calculated by reference to a taxpayer's gross receipts, a benchmark that can produce inequities and anomalous results. For example, many taxpayers are no longer able to qualify for the regular credit, despite substantial R&D investments, because their R&D spending relative to gross receipts has not kept pace with the ratio set in the 1984–88 base period, which governs calculation of the regular credit. This can happen, for example, simply where a company's sales increase significantly in the intervening years, where a company enters into an additional line of business that generates additional gross receipts but involves little R&D, or where a company becomes more efficient in its R&D processes.

Our proposal would correct this by allowing taxpayers a straightforward alternative research credit election. Taxpayers could elect, in lieu of the regular credit or the AIRC, a credit that would equal 12 percent of the excess of the taxpayer's current year qualified research expenditures, QREs, over 50 percent of the taxpayer's average QREs for the 3 preceding years. Unlike the regular credit and the AIRC, this credit calculation does not involve gross receipts.

The R&D tax credit has proven it can be an effective incentive. We need to act to make it a permanent part of the tax code that U.S. businesses can rely on. The best thing we can do for our long-term economic well-being is to stoke the engine of growth—technology, high-wage jobs and productivity. I look forward to working with Senator HATCH and all my colleagues on this important issue.

I urge my colleagues to support this important piece of legislation.

By Mr. LUGAR (for himself, Mr. BINGAMAN, Mr. DURBIN, and Mr. BUNNING):

S. 628. A bill to provide for increased planning and funding for health promotion programs of the Department of Health and Human Services; to the Committee on Health, Education, Labor, and Pensions.

Mr. LUGAR. Mr. President, I rise today to introduce the Health Promotion FIRST, Funding Integrated Research, Synthesis and Training, Act, legislation to provide the foundation for solid planning and a scientific base for health promotion.

Between one half and two-thirds of premature deaths in the United States and much of our health care costs are caused by just three risk factors: poor diet, physical inactivity, and tobacco. Recent news reports have highlighted the alarming increase in obesity across the Nation. In the last 10 years, obesity rates have increased by more than 60 percent among adults—with approximately 59 million adults considered obese today.

We also know that medical costs are directly related to lifestyle risk factors. The September 2000 issue of the American Journal of Health Promotion reported that approximately 25 percent of all employer medical costs are caused by lifestyle factors. Emerging research is showing the value may be closer to 50 percent today.

Medical care costs are reaching crisis levels. Some major employers are actively exploring discontinuing medical insurance coverage if costs are not controlled. The Federal Government has the same cost problems with its own employees, and the cost to Medicare of lifestyle-related diseases will only increase as Baby Boomers retire, and more and more beneficiaries are diagnosed with lifestyle-related illnesses.

An obvious first step to addressing our health and medical cost problems is to help people stay healthy.

The good news is that both the public and private sectors are starting to do more in the area of health prevention and health promotion. For instance, the Medicare Modernization Act of 2003 included several new prevention initiatives for Medicare beneficiaries.

Also in recent years Congress and the Administration have worked together to pass numerous pieces of legislation to establish grants to provide health services for improved nutrition, increased physical activity, and obesity prevention.

However, despite the success of many health promotion programs, there is a quality gap between the best programs and typical programs. This occurs because most professionals are not aware of the best practice methods. Furthermore, even the best programs reach a small percentage of the population and do poorly in creating lasting change.

The Health Promotion FIRST Act will build the foundation for a stable coordinated strategy to develop the basic and applied science of health promotion, synthesize research results and disseminate findings to researchers, practitioners and policy makers.

The bill directs the Department of Health and Human Services to develop strategic plans focusing on the following: how to develop the basic and applied science of health promotion; how to best utilize the authority and resources of the Department of Health and Human Services and other Federal agencies to integrate health promotion concepts into health care and other elements of society; how to synthesize health promotion research into practical guidelines that can be easily disseminated and; how to foster a strong health workforce for health promotion activities.

Additional funding is also provided for the Centers for Disease Control and the National Institutes of Health to augment current activities related to health promotion research and dissemination.

We have made a good start, at the Federal level, in addressing the needs of health promotion. However, we need to go further. I believe this legislation will serve as a good basis for Congress and the administration to take the next step in developing health promotion programs for the next decade.

Mr. DODD (for himself and Mr. LIEBERMAN):

S. 630. A bill to establish procedures for the acknowledgment of Indian tribes; to the Committee on Indian Affairs.

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. 631. A bill to provide grants to ensure full and fair participation in certain decisionmaking processes of the

Bureau of Indian Affairs; to the Committee on Indian Affairs.

Mr. DODD. Mr. President, I rise with our colleague, Senator LIEBERMAN, to reintroduce two pieces of legislation intended to improve the process by which the Federal Government considers petitions of American Indians and their tribal governments for Federal recognition. The first bill is called the Tribal Recognition and Indian Bureau Enhancement Act, or the TRIBE Act. The second bill is a bill to provide assistance grants to financially needy tribal groups and municipalities so that those groups and towns can more fully and fairly participate in certain decision-making processes at the Bureau of Indian Affairs, BIA. I offer these bills with a sense of hope and with the expectation that they will contribute to the larger national conversation about how the Federal Government can best fulfill its obligations to America's native peoples, and uphold the principles of fairness and openness in our laws.

The persistent problems that plague the current tribal recognition process have been well-documented and widely acknowledged. A General Accounting Office report concluded in November, 2001 that ''weaknesses in the process create uncertainty about the basis for recognition decisions, and the amount of time it takes to make those decisions impedes the process of fulfilling its promise as a uniform approach to tribal recognition.'' This conclusion has been shared by many tribal and non-tribal governments. The Chairwoman of the Duwamish Tribe of Washington State has testified that she and her people ''have known and felt the effects of 20 years of administrative inaccuracies, delays and the blasé approach in . . . handling and . . . processing the Duwamish petitions.'' And it has even been shared by the BIA itself, when in 2001, the Assistant Secretary for Indian Affairs admitted that ''. . . it is time for Congress to consider an alternative process.'' Clearly, tribes, municipalities, and others interested in the recognition process have been ill-served over the years by a broken system. I believe that we have an obligation to restore public confidence in the recognition process.

The TRIBE Act would improve the recognition process in several ways. First, it would authorize $10 million per year to better enable the Bureau of Indian Affairs to consider petitions in a thorough, fair, and timely manner. Currently, there is an enormous backlog of tribal recognition petitions pending at the BIA. At current rates of progress, it takes many years for a petition to be considered. It seems to me that is an unacceptably long amount of time. Indeed, I can think of no other area of law where Americans must wait as long to have their rights adjudicated and vindicated. Second, the TRIBE Act would provide for improved notice of a petition to key parties who may have an interest in a petition, including the governor and attorney general of the State where a tribe seeks recognition, other tribes, and elected leaders of municipalities that are adjacent to the land of a tribe seeking recognition. Third, it would require that a petitioner meets each of the seven mandatory criteria for Federal recognition spelled out in the current Code of Federal Regulations. Unfortunately, in a number of highly controversial decisions, it appears that these criteria have not been applied in a uniform and consistent manner. Fourth, it would require that a decision on a petition be published in the Federal Register, and include a detailed explanation of the findings of fact and of law with respect to each of the seven mandatory criteria for recognition.

I want to emphasize what this legislation would not do. It would not revoke or in any way alter the status of tribes whose petitions for Federal recognition have already been granted. It would not restrict in any way the existing prerogatives and privileges of such tribes. Tribes would retain their right to self-determination consistent with their sovereign status. Finally, and perhaps most importantly, the TRIBE Act would not dictate outcomes nor would it tie the hands of the BIA. It would simply create a uniform recognition process that is equal and fair to all.

My second bill would provide grants to allow poor tribes and municipalities an opportunity to participate fully in important decision-making processes pertaining to recognition. Consequently, these grants would enable these communities to provide to the BIA more relevant information and resources from which to make a fair and fully-informed decision on tribal recognition. When the Federal Government, through the BIA, makes decisions that will have an enormous impact on a variety of communities—both tribal and non-tribal—it is only right that the Government should provide a meaningful opportunity for those communities to be heard.

I believe that every tribal organization that is entitled to recognition ought to be recognized and ought to be recognized in an appropriately speedy process. At the same time, we must make sure that the BIA's decisions are accurate and fair. Every recognition decision carries with it a legal significance that should endure forever. Each recognition decision made by the BIA is a foundation upon which relationships between tribes and States, tribes and municipalities, Indians and non-Indians will be built for generations to come. We need to make sure that the foundation upon which these lasting decisions are built is sound and will withstand the test of time. We cannot afford to build relationships between sovereigns on the shifting sands of a broken bureaucratic procedure.

By Mr. KENNEDY (for himself, Mrs. MURRAY, Ms. CANTWELL, Mr. CORZINE, Mr. KERRY, Mr. LIEBERMAN, Mr. SARBANES, Ms. MIKULSKI, Mrs. BOXER, Mr. LAUTENBERG, Mr. LEVIN, Mr. DURBIN, Mr. SCHUMER, Mrs. FEINSTEIN, Mr. HARKIN, and Mr. DODD):

S.J. Res. 7. A joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

Mr. KENNEDY. Mr. President, today, Senators MURRAY, CANTWELL, CORZINE, KERRY, LIEBERMAN, SARBANES, MIKULSKI, BOXER, LAUTENBERG, DURBIN, SCHUMER, LEVIN, FEINSTEIN, HARKIN, DODD and I are re-introducing the Equal Rights Amendment to the Constitution. In doing so, we reaffirm our strong commitment to equal rights for men and women.

Adoption of the ERA is essential to guarantee that the freedoms protected by our Constitution apply equally to men and women. From the beginning of our history as a nation, women have had to wage a constant, long and difficult battle to win the same basic rights granted to men. It was not until 1920 that the Constitution was amended to guarantee women the right to vote, and still today discrimination continues in other ways. Statutory prohibitions against discrimination have clearly failed to give women the assurance of full equality they deserve.

Despite passage of the Equal Pay Act and the Civil Rights Act in the 1960s, discrimination against women continues to permeate the workforce and many areas of the economy. Today, women earn less than 76 cents for each dollar earned by men, and the gap is even greater for women of color. In the year 2000, African American women earned just 64 percent of the earnings of white men, and Hispanic women earned only 54 percent.

Women with college and professional degrees have achieved advances in a number of professional and managerial occupations in recent years—yet more than 60 percent of working women are still clustered in a narrow range of traditionally female, traditionally low-paying occupations, and female-headed households continue to dominate the bottom rungs of the economic ladder.

The routine discrimination that so many women still face today makes clear that the Equal Rights Amendment is needed now more than ever. Passage of the ERA by Congress will reaffirm our strong commitment to genuine equality for all women in this new century.

A bolder effort is clearly needed to enable Congress and the States to live up to our commitment of full equality. The ERA alone cannot remedy all discrimination, but it will clearly strengthen the ongoing efforts of women across the country to obtain equal treatment.

We know from the failed ratification experiences of the past that including the ERA in the Constitution will not

be easy to achieve. But its extraordinary significance requires us to continue the battle. I urge my colleagues to approve the ERA in this Congress, and join the battle for ratification in the states. Women have waited too long for full recognition of their equal rights by the Constitution.

I ask unanimous consent that the text of our joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S. J. RES. 7

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

''ARTICLE —

''SECTION 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

''SECTION 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

''SECTION 3. This article shall take effect 2 years after the date of ratification.''.

By Mr. COCHRAN (for himself, Mr. FRIST, and Mr. LEAHY):

S.J. Res. 8. A joint resolution providing for the appointment of Shirley Ann Jackson as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

By Mr. COCHRAN (for himself, Mr. FRIST, and Mr. LEAHY):

S.J. Res. 9. A joint resolution providing for the appointment of Robert P. Kogod as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

Mr. COCHRAN. Mr. President, today I am introducing two Senate Joint Resolutions appointing citizen regents to the Board of Regents of the Smithsonian Institution. I am pleased that my fellow Smithsonian Institution Regent, Senators FRIST and LEAHY, are cosponsors.

The Smithsonian Institution Board of Regents recently recommended the following distinguished individuals for appointment to six year terms on the Board; Robert P. Kogod of Washington, D.C., and Shirley Ann Jackson of New York.

I ask unanimous consent that a copy of their biographies and the text of the joint resolutions by printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SHIRLEY ANN JACKSON, PRESIDENT, RENSSELAER POLYTECHNIC INSTITUTE, TROY, NEW YORK

Shirley Ann Jackson is the 18th president of Rensselaer Polytechnic Institute and the first African American woman to lead a national research university. She is widely recognized for her intelligent, compassionate problem-solving abilities and her promotion of women and minorities in the sciences.

The words ''first African American woman'' describe much of Dr. Jackson's career: a theoretical physicist, she is the first African American woman to receive a doctorate from M.I.T., the first African American to become a Commissioner of the U.S. Nuclear Regulatory Commission, the first woman and the first African American to serve as the Chairman of the U.S. Nuclear Regulatory Commission, and the first African American woman elected to the National Academy of Engineering.

Since coming to Rensselaer, Dr. Jackson has led the development and initial implementation of the Rensselaer Plan (the Institute's strategic blueprint), restructured processes and procedures, and secured a $360 million unrestricted gift commitment to the University. Prior to becoming Rensselaer's president, Dr. Jackson's career encompassed senior positions in government, industry, research, and academe.

Dr. Jackson is currently president of the American Association for the Advancement of Science (AAAS); director of a number of major corporations, including FedEx Corporation, AT&T Corporation, Marathon Oil Corporation, and Medtronic, Inc.; member of the New York Stock Exchange's board of directors, the Council on Foreign Relations, the National Academy of Engineering, the National Advisory Council for Biomedical Imaging and Bioengineering of the National Institutes of Health (NIH), the U.S. Comptroller-General's Advisory Committee for the Government Accounting Office (GAO), the Executive Committee of the Council on Competitiveness, and the Council of the Government-University-Industry Research Roundtable; fellow of the American Academy of Arts and Sciences and the American Physical Society; Life Member of the M.I.T. Corporation (the M.I.T. Board of Trustees); and trustee of Georgetown University, Rockefeller University, Emma Willard School, and the Brookings Institution. Dr. Jackson was recently named one of seven 2004 Fellows of the Association for Women in Science (AWIS). She has received numerous other honors, such as the Golden Torch Award for Lifetime Achievement in Academia from the National Society of Black Engineers, US Black Engineer & Information Technology magazine's ''Black Engineer of the Year Award'' (first female recipient), and the Associated Black Charities' ''Immortal Award''; been inducted into the Women in Technology International Foundation Hall of Fame (WITI) and the National Women's Hall of Fame; and been recognized in such publications as Discover magazine (''Top 50 Women in Science''), the ESSENCE book 50 of The Most Inspiring African Americans, and Industry Week magazine (''50 R&D Stars to Watch'').

A native of Washington, D.C., Dr. Jackson received both her S.B. in Physics (1968) and her Ph.D. in Theoretical Elementary Particle Physics (1973) from M.I.T. Dr. Jackson also holds 32 honorary doctoral degrees.

ROBERT P. KOGOD, DONOR AND PRESIDENT, ROBERT P. AND ARLENE R. KOGOD FAMILY FOUNDATION; DONOR AND VICE PRESIDENT, CHARLES E. SMITH FAMILY FOUNDATION WASHINGTON, D.C.

Robert P. Kogod is the former co-chairman and co-chief executive officer of Charles E. Smith Realty Companies. He joined the Smith Companies, founded by Charles E. Smith (father of Mr. Kogod's wife, Arlene), in 1959. From 1964 to 2001, Mr. Kogod served as president, chief executive officer, and a director of Charles E. Smith Management, Inc., where he oversaw and directed all phases of the leasing and management of the Smith Companies' commercial real estate portfolio. The Smith Companies pioneered mixed-use development in the Washington, D.C., area, including residential, office, and retail buildings in Crystal City, Virginia, that became one of the largest mixed-use developments in the United States.

Charles E. Smith Commercial Realty, Inc., formerly the commercial portfolio of Charles E. Smith Management Inc., is the largest owner and operator of commercial property in the Washington, D.C., metropolitan market. It was acquired by Vornado Realty Trust in 2001 and now operates as a division of Vornado. Charles E. Smith Residential Realty is a publicly traded real estate investment trust that merged with Archstone Communities to become Archstone-Smith Trust in 2001. Its core business is developing, acquiring, owning, and managing upscale urban residential rental properties. Mr. Kogod is a member of the boards of directors of Vornado Realty Trust and Archstone-Smith Trust. He is also a member of the Economic Club of Washington.

The Kogods are renowned philanthropists. In 1979, the Robert P. and Arlene R. Kogod School of Business at American University (where Mr. Kogod received his B.S. in 1962) was named in honor of a major gift from the Kogods. Founded in 1976, the Shalom Hartman Institute in Jerusalem, a leading innovator in the field of pluralistic Jewish thought and education, is home to the Robert P. and Arlene R. Kogod Institute for Advanced Jewish Research.

The Kogods are also world-recognized collectors of American crafts, Art Deco, and American art, as evidenced in the 2004 catalogue 2929: The Kogod Collection. Mr. and Mrs. Kogod are longstanding members of the Smithsonian American Art Museum's American Art Forum and the Archives for American Art. Mr. Kogod has also served as a member of the Smithsonian Washington Council and is currently serving as special advisor to Secretary Small on the Patent Office Building renovation project.

Other beneficiaries of the Kogods and/or the Kogod-Smith families and foundations have included the Jewish Community Center of Greater Washington; the University of Pennsylvania; the Charles E. Smith Jewish Day School; the Hebrew Home of Greater Washington; the Jewish Community Center of Greater Washington; the Latin American Youth Center; the Corcoran Gallery of Art; and George Washington University. Mr. Kogod also serves as a trustee and advisor to the president of American University, a board member of the Charles E. Smith Jewish Day School, and a trustee of The Island Foundation and Federal City Council.

S.J. RES. 8

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution (in the class other than Members of Congress) occurring because of the expiration of the term of Hanna H. Gray of Illinois on April 13, 2005, is filled by the appointment of Shirley Ann Jackson of New York, for a term of 6 years, beginning on the later of April 13, 2005, or the date on which this resolution becomes law.

S.J. RES. 9

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution (in the class other than Members of Congress) occurring because of the expiration of the term of

Wesley S. Williams, Jr., of Washington, D.C., on April 13, 2005, is filled by the appointment of Robert P. Kogod of Washington, D.C., for a term of 6 years, beginning on the later of April 13, 2005, or the date on which this resolution becomes law.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 82—URGING THE EUROPEAN UNION TO ADD HEZBOLLAH TO THE EUROPEAN UNION'S WIDE-RANGING LIST OF TERRORIST ORGANIZATIONS

Mr. ALLEN (for himself, Mr. LIEBERMAN, Mr. BAYH, and Mr. SMITH) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 82

Whereas Hezbollah is a Lebanon-based radical organization with terrorist cells based in Europe, Africa, North America, South America, Asia, and elsewhere, receiving financial, training, weapons, and political and organizational aid from Iran and Syria;

Whereas Hezbollah has led a 23-year global campaign of terror targeting United States, German, French, British, Italian, Israeli, Kuwaiti, Saudi Arabian, Argentinean, Thai, Singaporean, and Russian civilians, among others;

Whereas former Director of Central Intelligence George Tenet called Hezbollah ''an organization with the capability and worldwide presence [equal to] al Qaeda, equal if not far more [of a] capable organization . . . [t]hey're a notch above in many respects . . . which puts them in a state sponsored category with a potential for lethality that's quite great'';

Whereas Hezbollah has been suspected of numerous terrorist acts against United States citizens, including the suicide truck bombing of the United States Embassy and Marine Barracks in Beirut, Lebanon, in October 1983, and the Embassy annex in Beirut in September 1984;

Whereas the French unit of the Multinational Force in Beirut was also targeted in the attack of October 1983, in which 241 United States soldiers and 58 French paratroopers were killed;

Whereas Hezbollah has attacked Israeli and Jewish targets in South America in the mid-1990s, including the Israeli Embassy in Buenos Aires, Argentina, in March 1992, and the AMIA Jewish Cultural Center in Buenos Aires in July 1994;

Whereas Hezbollah has claimed responsibility for kidnappings of United States and Israeli civilians and French, British, German, and Russian diplomats, among others;

Whereas even after the Government of Israel's compliance with United Nations Security Council Resolution 425 (March 19, 1978) by withdrawing from Lebanon, Hezbollah has continued to carry out attacks against Israel and its citizens;

Whereas Hezbollah has expanded its operations in the West Bank and Gaza Strip, providing training, financing, and weapons to Palestinian terrorist organizations on the European Union terrorist list, including the Al Aqsa Martyrs Brigade, Hamas, the Palestinian Islamic Jihad, and the Popular Front for the Liberation of Palestine;

Whereas in 2004, Hezbollah instigated, financed, or played a role in implementing a significant number of Palestinian terrorist attacks against Israeli targets;

Whereas the European Union agreed by consensus to classify Hamas as a terrorist organization for purposes of prohibiting funding from the European Union to Hamas;

Whereas the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 (22 U.S.C. 2151 note) urges the Government of Lebanon to assert the sovereignty of the Lebanese state over all of its territory and to evict all terrorist and foreign forces from southern Lebanon, including Hezbollah and the Iranian Revolutionary Guards;

Whereas, although the European Union has included Imad Fayiz Mughniyah, a key operations and intelligence officer of Hezbollah, on its terrorist list, it has not included his organization on the list;

Whereas the United States, Canada, and Australia have all classified Hezbollah as a terrorist organization and the United Kingdom has placed the Hezbollah External Security Organization on its terrorist list;

Whereas leaders of Hezbollah have made statements denouncing any distinction between its ''political and military'' operations, such as Hezbollah's representative in the Lebanese Parliament, Mohammad Raad, who stated in 2001, that ''Hezbollah is a military resistance party, and it is our task to fight the occupation of our land. . . . There is no separation between politics and resistance.'';

Whereas in a book recently published by the deputy secretary-general of Hezbollah, Sheikh Naim Qassem, entitled ''Hezbollah—the Approach, the Experience, the Future'', Qassem writes ''Hezbollah is a jihad organization whose aim, first and foremost, is jihad against the Zionist enemy, while the political, pure and sensible effort can serve as a prop and a means of support for jihad'';

Whereas United Nations Security Council resolution 1559 (September 2, 2004), jointly sponsored by the United States and France, calls upon all remaining foreign forces to withdraw from Lebanon and for the disbanding and disarmament of all Lebanese and non-Lebanese militias;

Whereas in December 2004, the Department of State placed Al-Manar, Hezbollah's satellite television network, on the Terrorist Exclusion List, and in December 2004, the French Council of State banned the broadcasting of Al-Manar in France;

Whereas France, Germany, and Great Britain, with the support of the High Representative of the European Union, have created a working group with Iran to discuss regional security concerns, including the influence of terror perpetuated by Hezbollah and other extremist organizations; and

Whereas cooperation between the United States and the European Union regarding efforts to combat international terrorism is essential to the promotion of global security and peace: Now, therefore, be it

Resolved, That the Senate—

(1) urges the European Union to classify Hezbollah as a terrorist organization for purposes of prohibiting funding from the European Union to Hezbollah and recognizing it as a threat to international security;

(2) condemns the continuous terrorist attacks perpetrated by Hezbollah;

(3) condemns Hezbollah's continuous support of Palestinian terrorist organizations on the European Union terrorist list, such as the Al Aqsa Martyrs Brigade, Hamas, the Palestinian Islamic Jihad, and the Popular Front for the Liberation of Palestine; and

(4) calls on Hezbollah to disarm and disband its militias in Lebanon, as called for in United Nations Security Council resolution 1559 (September 2, 2004).

AMENDMENTS SUBMITTED AND PROPOSED

SA 144. Mr. CONRAD (for himself and Ms. STABENOW) proposed an amendment to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

SA 145. Mr. NELSON of Florida (for himself and Mrs. CLINTON) proposed an amendment to the concurrent resolution S. Con. Res. 18, supra.

SA 146. Mr. WARNER (for himself, Ms. COLLINS, Mr. COCHRAN, Mr. LOTT, Mr. INHOFE, Mr. CHAMBLISS, Mr. ALLEN, Mr. VITTER, Ms. LANDRIEU, Mr. LIEBERMAN, Mr. TALENT, and Ms. SNOWE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 147. Ms. STABENOW (for herself, Mr. LEVIN, Ms. MIKULSKI, Mr. KERRY, Mr. CORZINE, Mr. HARKIN, Mr. BIDEN, Mr. PRYOR, Mrs. CLINTON, Mr. AKAKA, Mr. BAUCUS, Mr. NELSON, of Florida, Mr. ROCKEFELLER, Mr. LIEBERMAN, Mr. CARPER, Mr. NELSON of Nebraska, and Mr. DAYTON) proposed an amendment to the concurrent resolution S. Con. Res. 18, supra.

SA 148. Mr. KENNEDY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 149. Mr. AKAKA (for himself, Mrs. MURRAY, Mr. OBAMA, Mr. JEFFORDS, Ms. STABENOW, Mr. CORZINE, Mr. SARBANES, Ms. LANDRIEU, Mr. SALAZAR, Mr. ROCKEFELLER, Mr. DORGAN, Mr. LEVIN, Mr. SCHUMER, Mr. KERRY, Mr. FEINGOLD, Mrs. BOXER, Mrs. CLINTON, and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra.

SA 150. Mr. DEMINT proposed an amendment to the concurrent resolution S. Con. Res. 18, supra.

SA 151. Mr. BIDEN (for himself, Mr. DORGAN, Mr. LEAHY, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 152. Mr. GRAHAM (for himself and Mr. SANTORUM) proposed an amendment to the concurrent resolution S. Con. Res. 18, supra.

SA 153. Mr. DEWINE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 154. Mrs. CLINTON submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 155. Mrs. CLINTON submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 156. Mr. SARBANES (for himself, Mr. NELSON of Florida, Ms. STABENOW, Mrs. MURRAY, Mr. CORZINE, Mr. FEINGOLD, Mr. REED, Mr. LEAHY, Mr. KENNEDY, Mrs. CLINTON, Mr. DURBIN, Mrs. FEINSTEIN, Ms. MIKULSKI, Mr. SCHUMER, Mr. DAYTON, Mr. JEFFORDS, Mr. DODD, Mr. OBAMA, Mrs. BOXER, Mr. HARKIN, and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 157. Mr. BAYH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 158. Mr. BYRD (for himself, Mrs. CLINTON, Mr. CORZINE, Mr. SPECTER, Mr. ROCKEFELLER, Mrs. MURRAY, Mr. CARPER, Mr. SCHUMER, Mr. DURBIN, Mr. DORGAN, Mr. LAUTENBERG, Mr. KERRY, Mr. OBAMA, Mr. KOHL, Mr. KENNEDY, Mr. JEFFORDS, Mr. LIEBERMAN, Mr. BIDEN, Mr. SARBANES, Mr. LEVIN, Mr. CHAFEE, Mr. LEAHY, Ms. MIKULSKI, and Mr. INOUYE) proposed an amendment to the concurrent resolution S. Con. Res. 18, supra.

SA 159. Mr. OBAMA submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 160. Mr. LEAHY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 161. Mr. DEWINE (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 162. Mr. ENSIGN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 163. Mr. SANTORUM submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 164. Mr. GRASSLEY (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 165. Ms. SNOWE (for herself, Mr. WYDEN, Mr. MCCAIN, Mr. FEINGOLD, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 166. Mr. KENNEDY (for himself, Mr. CORZINE, Mr. KERRY, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 167. Mr. BAUCUS (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 168. Ms. CANTWELL (for herself, Mr. KERRY, Mr. LIEBERMAN, Mr. FEINGOLD, Mr. JEFFORDS, Mr. LAUTENBERG, Mrs. BOXER, Mrs. FEINSTEIN, Mrs. MURRAY, and Mr. CORZINE) proposed an amendment to the concurrent resolution S. Con. Res. 18, supra.

SA 169. Mr. SANTORUM (for himself, Mr. DURBIN, Mr. BINGAMAN, Mrs. CLINTON, Mr. CORZINE, Mr. DODD, Mrs. FEINSTEIN, Mr. JOHNSON, Mr. KERRY, Mr. KOHL, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. MURRAY, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 170. Mrs. HUTCHISON (for herself, Mr. CORNYN, Mr. BINGAMAN, Mr. MCCAIN, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 171. Mr. ENSIGN (for himself, Mr. CRAIG, Mr. VITTER, and Mrs. HUTCHISON) proposed an amendment to the concurrent resolution S. Con. Res. 18, supra.

SA 172. Mr. HARKIN (for himself, Mr. DURBIN, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 144. Mr. CONRAD (for himself and Ms. STABENOW) proposed an amendment to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

On page 57, after line 2, insert the following:

''SEC. . POINT OF ORDER TO SAVE SOCIAL SECURITY FIRST.

(a) POINT OF ORDER IN THE SENATE.—It shall not be in order in the Senate to consider any direct spending or revenue legislation that would increase the on-budget deficit in any fiscal year.

(b) EXCEPTION.—The point of order established by this section shall not apply if 75-year solvency has been restored to the Old-Age, Survivors, and Disability Insurance Trust Funds as determined by the Social Security Administration actuaries.

(c) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.''

SA 145. Mr. NELSON of Florida (for himself and Mrs. CLINTON) proposed an amendment to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

On page 65, after line 25, insert the following:

SEC. . SENSE OF THE SENATE IN SUPPORT OF SOCIAL SECURITY.

It is the sense of the Senate that Congress should reject any Social Security plan that requires deep benefit cuts or a massive increase in debt, and a failure to act by 2042 would result in deep benefit cuts; therefore Congress should take action to address Social Security solvency.

SA. 146. Mr. WARNER (for himself, Ms. COLLINS, Mr. COCHRAN, Mr. LOTT, Mr. INHOFE, Mr. CHAMBLISS, Mr. ALLEN, Mr. VITTER, Ms. LANDRIEU, Mr. LIEBERMAN, Mr. TALENT, and Ms. SNOWE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 40, line 22, strike ''$23,393,000,000'' and insert ''$37,393,000,000''.

On page 57, between lines 2 and 3, insert the following:

SEC. 409. INCLUSION OF DEPARTMENT OF DEFENSE, SHIPBUILDING AND CONVERSION, NAVY, ACCOUNT IN ACCOUNTS IDENTIFIED FOR ADVANCE APPROPRIATIONS.

The accounts identified in the joint explanatory statement of managers to accompany this resolution under the heading ''Accounts Identified for Advance Appropriations'' shall include the ''Department of Defense, Shipbuilding and Conversion, Navy'' account.

SA 147. Ms. STABENOW (for herself, Mr. LEVIN, Ms. MIKULSKI, Mr. KERRY, Mr. CORZINE, Mr. HARKIN, Mr. BIDEN, MR. PRYOR, Mrs. CLINTON, Mr. AKAKA, Mr. BAUCUS, Mr. NELSON of Florida, Mr. ROCKEFELLER, Mr. LIEBERMAN, Mr. CARPER, Mr. NELSON of Nebraska, and Mr. DAYTON) proposed an amendment to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

On page 3 line 10, increase the amount by $451,000,000.

On page 3 line 11, increase the amount by $1,145,000,000.

On page 3 line 12, increase the amount by $850,000,000.

On page 3 line 13, increase the amount by $521,000,000.

On page 3 line 14, increase the amount by $285,000,000.

On page 3 line 19, increase the amount by $451,000,000.

On page 3 line 20, increase the amount by $1,145,000,000.

On page 3 line 21, increase the amount by $850,000,000.

On page 4 line 1, increase the amount by $521,000,000.

On page 4 line 2, increase the amount by $285,000,000.

On page 4 line 7, increase the amount by $1,626,000,000.

On page 4 line 16, increase the amount by $225,000,000.

On page 4 line 17, increase the amount by $572,000,000.

On page 4 line 18, increase the amount by $425,000,000.

On page 4 line 19, increase the amount by $261,000,000.

On page 4 line 20, increase the amount by $143,000,000.

On page 4 line 24, increase the amount by $226,000,000.

On page 4 line 25, increase the amount by $573,000,000.

On page 5 line 1, increase the amount by $425,000,000.

On page 5 line 2, increase the amount by $260,000,000.

On page 5 line 3, increase the amount by $142,000,000.

On page 5 line 7, decrease the amount by $226,000,000.

On page 5 line 8, decrease the amount by $799,000,000.

On page 5 line 9, decrease the amount by $1,224,000,000.

On page 5 line 10, decrease the amount by $1,484,000,000.

On page 5 line 11, decrease the amount by $1,626,000,000.

On page 5 line 15, decrease the amount by $226,000,000.

On page 5 line 16, decrease the amount by $799,000,000.

On page 5 line 17, decrease the amount by $1,224,000,000.

On page 5 line 18, decrease the amount by $1,484,000,000.

On page 5 line 19, decrease the amount by $1,626,000,000.

On page 16 line 15, increase the amount by $603,000,000.

On page 16 line 16, increase the amount by $49,000,000.

On page 16 line 20, increase the amount by $275,000,000.

On page 16 line 24, increase the amount by $196,000,000.

On page 17 line 3, increase the amount by $83,000,000.

On page 23 line 16, increase the amount by $1,023,000,000.

On page 23 line 17, increase the amount by $176,000,000.

On page 23 line 21, increase the amount by $297,000,000.

On page 23 line 25, increase the amount by $229,000,000.

On page 24 line 4, increase the amount by $178,000,000.
On page 24 line 8, increase the amount by $143,000,000.
On page 30 line 16, decrease the amount by $451,000,000.
On page 30 line 17, decrease the amount by $3,252,000,000.
On page 48 line 6, increase the amount by $1,626,000,000.
On page 48 line 7, increase the amount by $225,000,000.

SA. 148. Mr. KENNEDY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. _____. DEFICIT-NEUTRAL RESERVE FUND FOR THE FAMILY OPPORTUNITY ACT.

In the Senate, if the Committee on Finance reports a bill or joint resolution or an amendment is offered thereto or a conference report is submitted thereon, that provides families of disabled children with the opportunity to purchase coverage under the medicaid coverage for such children (the Family Opportunity Act), and provided that the committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974, the chairman of the Committee on the Budget may revise allocations of new budget authority and outlays, revenue aggregates, and other appropriate measures to reflect such legislation if any such measure would not increase the deficit for fiscal year 2006 and for the period of fiscal years 2006 through 2010.

SA 149. Mr. AKAKA (for himself, Mrs. MURRAY, Mr. OBAMA, Mr. JEFFORDS, Ms. STABENOW, Mr. CORZINE, Mr. SARBANES, Ms. LANDRIEU, Mr. SALAZAR, Mr. ROCKEFELLER, Mr. DORGAN, Mr. LEVIN, Mr. SCHUMER, Mr. KERRY, Mr. FEINGOLD, Mrs. BOXER, Mrs. CLINTON, and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

On page 3, line 10, increase the amount by $5,112,000,000.
On page 3, line 11, increase the amount by $1,377,000,000.
On page 3, line 12, increase the amount by $109,000,000.
On page 3, line 13, increase the amount by $10,000,000.
On page 3, line 19, increase the amount by $5,112,000,000.
On page 3, line 20, increase the amount by $1,377,000,000.
On page 3, line 21, increase the amount by $109,000,000.
On page 4, line 1, increase the amount by $10,000,000.
On page 4, line 7, increase the amount by $2,840,000,000.
On page 4, line 16, increase the amount by $2,556,000,000.
On page 4, line 17, increase the amount by $689,000,000.
On page 4, line 18, increase the amount by $55,000,000.
On page 4, line 19, increase the amount by $5,000,000.
On page 4, line 24, increase the amount by $2,556,000,000.
On page 4, line 25, increase the amount by $688,000,000.
On page 5, line 1, increase the amount by $54,000,000.
On page 5, line 2, increase the amount by $5,000,000.
On page 5, line 7, decrease the amount by $2,556,000,000.
On page 5, line 8, decrease the amount by $3,244,000,000.
On page 5, line 9, decrease the amount by $3,298,000,000.
On page 5, line 10, decrease the amount by $3,303,000,000.
On page 5, line 11, decrease the amount by $3,303,000,000.
On page 5, line 15, decrease the amount by $2,556,000,000.
On page 5, line 16, decrease the amount by $3,244,000,000.
On page 5, line 17, decrease the amount by $3,298,000,000.
On page 5, line 18, decrease the amount by $3,303,000,000.
On page 5, line 19, decrease the amount by $3,303,000,000.
On page 22, line 16, increase the amount by $2,840,000,000.
On page 22, line 17, increase the amount by $2,556,000,000.
On page 22, line 21, increase the amount by $689,000,000.
On page 22, line 25, increase the amount by $55,000,000.
On page 23, line 4, increase the amount by $5,000,000.
On page 30, line 16, decrease the amount by $5,112,000,000.
On page 30, line 17, decrease the amount by $6,608,000,000.
On page 48, line 6, increase the amount by $2,840,000,000.
On page 48, line 7, increase the amount by $2,556,000,000.

SA 150. Mr. DEMINT proposed an amendment to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

It is the sense of the Senate that Congress should reject any Social Security plan that requires deep benefit cuts or a massive increase in debt, and a failure to act would result in massive debt, deep benefit cuts and tax increases.

SA 151. Mr. BIDEN (for himself, Mr. DORGAN, Mr. LEAHY, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 3 line 10, increase the amount by $240,000,000.
On page 3 line 11, increase the amount by $560,000,000.
On page 3 line 12, increase the amount by $500,000,000.
On page 3 line 13, increase the amount by $400,000,000.
On page 3 line 14, increase the amount by $300,000,000.
On page 3 line 19, increase the amount by $240,000,000.
On page 3 line 20, increase the amount by $560,000,000.
On page 3 line 21, increase the amount by $500,000,000.
On page 4 line 1, increase the amount by $400,000,000.
On page 4 line 2, increase the amount by $300,000,000.
On page 4 line 7, increase the amount by $1,000,000,000.
On page 4 line 16, increase the amount by $120,000,000.
On page 4 line 17, increase the amount by $280,000,000.
On page 4 line 18, increase the amount by $250,000,000.
On page 4 line 19, increase the amount by $200,000,000.
On page 4 line 20, increase the amount by $150,000,000.
On page 4 line 24, increase the amount by $120,000,000.
On page 4 line 25, increase the amount by $280,000,000.
On page 5 line 1, increase the amount by $250,000,000.
On page 5 line 2, increase the amount by $200,000,000.
On page 5 line 3, increase the amount by $150,000,000.
On page 5 Iine 7, decrease the amount by $120,000,000.
On page 5 line 8, decrease the amount by $400,000,000.
On page 5 line 9, decrease the amount by $650,000,000.
On page 5 line 10, decrease the amount by $850,000,000.
On page 5 line 11, decrease the amount by $1,000,000,000.
On page 5 line 15, decrease the amount by $120,000,000.
On page 5 line 16, decrease the amount by $400,000,000.
On page 5 line 17, decrease the amount by $650,000,000.
On page 5 line 18, decrease the amount by $850,000,000.
On page 5 line 19, decrease the amount by $1,000,000,000.
On page 23 line 16, increase the amount by $1,000,000,000.
On page 23 line 17, increase the amount by $120,000,000.
On page 23 line 21, increase the amount by $280,000,000.
On page 23 line 25, increase the amount by $250,000,000.
On page 24 line 4, increase the amount by $200,000,000.
On page 24 line 8, increase the amount by $150,000,000.
On page 30 line 16, decrease the amount by $240,000,000.
On page 30 line 17, decrease the amount by $2,000,000,000.
On page 48 line 6, increase the amount by $1,000,000,000.
On page 48 line 7, increase the amount by $120,000,000.
On page 65, after line 25 insert the following:

FUNDING FOR DEPARTMENT OF JUSTICE COMMUNITY ORIENTED POLICING SERVICES PROGRAMS.

(a) FINDINGS.—The Senate finds that—

(1) State and local law enforcement officers provide essential services that preserve and protect our freedom and safety;

(2) with the support of the Community Oriented Policing Services program (referred to this section as the ''COPS program''), State and local law enforcement officers have succeeded in dramatically reducing violent crime;

(3) on July 15, 2002, the Attorney General stated, ''Since law enforcement agencies began partnering with citizens through community policing, we've seen significant drops in crime rates. COPS provides resources that reflect our national priority of terrorism prevention.'';

(4) on February 26, 2002, the Attorney General stated, ''The COPS program has been a miraculous sort of success. It's one of those things that Congress hopes will happen when it sets up a program.'';

(5) the Federal Bureau of Investigation's Assistant Director for the Office of Law Enforcement Coordination has stated, ''The FBI fully understands that our success in the fight against terrorism is directly related to the strength of our relationship with our State and local partners.'';

(6) a 2003 study of the 44 largest metropolitan police departments found that 27 of them have reduced force levels;

(7) shortages of officers and increased homeland security duties has forced many local police agencies to rely on overtime and abandon effective, preventative policing practices. And, as a result police chiefs from around the nation are reporting increased gang activity and other troubling crime indicators,

(8) several studies have concluded that the implementation of community policing as a law enforcement strategy is an important factor in the reduction of crime in our communities;

(9) In addition, experts at the Brookings Institute have concluded that community policing programs are critical to our success in the war against terrorism.

(10) the continuation and full funding of the COPS program through fiscal year 2010 is supported by several major law enforcement organizations, including—

(A) the International Association of Chiefs of Police;

(B) the International Brotherhood of Police Officers;

(C) the Fraternal Order of Police;

(D) the National Sheriffs' Association;

(E) the National Troopers Coalition;

(F) the Federal Law Enforcement Officers Association;

(G) the National Association of Police Organizations;

(H) the National Organization of Black Law Enforcement Executives;

(I) the Police Executive Research Forum; and

(J) the Major Cities Chiefs;

(11) Congress appropriated $928,912,000 for the COPS program for fiscal year 2003, $756,283,000 for fiscal year 2004, and $499,364,000 for fiscal year 2005, and (12) the President requested $117,781, 000 for the COPS program for fiscal year 2006, $381,583,000 less than the amount appropriated for fiscal year 2004.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that an increase of $1,000,000,000 for fiscal year 2006 for the Department of Justice's community oriented policing program will be provided without reduction and consistent with previous appropriated and authorized levels.

SA 152. Mr. GRAHAM (for himself and Mr. SANTORUM) proposed an amendment to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

At the end of title V, insert the following:

SEC. _____. SENSE OF THE SENATE REGARDING SOCIAL SECURITY RESTRUCTURING.

(a) FINDINGS.—The Senate finds that—

(1) Social Security is the foundation of retirement income for most Americans;

(2) preserving and strengthening the long term viability of Social Security is a vital national priority and is essential for the retirement security of today's working Americans, current and future retirees, and their families;

(3) Social Security faces significant fiscal and demographic pressures;

(4) the nonpartisan Office of the Chief Actuary at the Social Security Administration reports that—

(A) the number of workers paying taxes to support each Social Security beneficiary has dropped from 16.5 in 1950 to 3.3 in 2002;

(B) within a generation there will be only 2 workers to support each retiree, which will substantially increase the financial burden on American workers;

(C) without structural reform, the Social Security system, beginning in 2018, will pay out more in benefits than it will collect in taxes;

(D) without structural reform, the Social Security trust fund will be exhausted in 2042, and Social Security tax revenue in 2042 will only cover 73 percent of promised benefits, and will decrease to 68 percent by 2078;

(E) without structural reform, future Congresses may have to raise payroll taxes 50 percent over the next 75 years to pay full benefits on time, resulting in payroll tax rates of as much as 16.9 percent by 2042 and 18.3 percent by 2078;

(F) without structural reform, Social Security's total cash shortfall over the next 75 years is estimated to be more than $25,000,000,000,000 in constant 2004 dollars or $3,700,000,000,000 measured in present value terms; and

(G) absent structural reforms, spending on Social Security will increase from 4.3 percent of gross domestic product in 2004 to 6.6 percent in 2078; and

(5) the Congressional Budget Office, the Government Accountability Office, the Congressional Research Service, the Chairman of the Federal Reserve Board, and the President's Commission to Strengthen Social Security have all warned that failure to enact fiscally responsible Social Security reform quickly will result in 1 or more of the following:

(A) Higher tax rates.

(B) Lower Social Security benefit levels.

(C) Increased Federal debt or less spending on other federal programs.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the President, the Congress, and the American people including seniors, workers, women, minorities, and disabled persons should work together at the earliest opportunity to enact legislation to achieve a solvent and permanently sustainable Social Security system;

(2) Social Security reform—

(A) must protect current and near retirees from any changes to Social Security benefits;

(B) must reduce the pressure on future taxpayers and on other budgetary priorities;

(C) must provide benefit levels that adequately reflect individual contributions to the Social Security system; and

(D) must preserve and strengthen the safety net for vulnerable populations including the disabled and survivors; and

(3) the Senate should honor section 13301 of the Budget Enforcement Act of 1990.

SA 153. Mr. DEWINE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE CONCERNING CHILDREN WITH HIV/AIDS.

(a) FINDINGS.—The Senate makes the following findings:

(1) Approximately 2,200,000 million children under the age of 15 are infected with the HIV virus, and 1,900 children worldwide are infected with HIV each day.

(2) In 2004, it was estimated that of the 4,900,000 people newly infected with HIV, 640,000 were children. The vast majority of them were infected through mother-to-child transmission, which includes transmission at any point during pregnancy, labor, delivery, or breastfeeding.

(3) Effective implementation of prevention of mother-to-child transmission of HIV and care and treatment services in the United States has resulted in the near elimination (less than 2 percent transmission) of mother-to-child transmission of HIV/AIDS. By contrast, in resource-poor settings less than 10 percent of pregnant women living with HIV have access to services to prevent mother-to-child transmission of HIV.

(4) Currently, more than 4,000,000 children worldwide are estimated to have died from AIDS.

(5) In 2004, approximately 510,000 children died of AIDS, resulting in almost 1,400 AIDS deaths in children per day.

(6) According to the Joint United Nations Programme on HIV/AIDS, if current trends continue by 2010, 3,500,000 of the 45,000,000 people infected worldwide will be children under the age of 15.

(7) At least a quarter of newborns infected with HIV die before the age of one, up to 60 percent die before reaching their second birthday, and overall, most die before they are 5 years of age.

(8) HIV threatens to reverse the child survival and developmental gains of past decades.

(9) Research and practice have shown conclusively that timely initiation of antiretroviral therapy to infants or young children with HIV/AIDS can preserve or restore their immune functions, promote normal growth and development, and prolong life.

(10) There is clear evidence in resource-rich countries that antiretroviral treatment in children is very effective. For example, many children who were infected through mother-to-child transmission in the United States are living with HIV as young adults.

(11) Few programs specifically target the treatment of children with HIV/AIDS in resource-poor countries due to significant challenges in diagnosing and treating infants and young children with HIV. Such challenges include difficulty in diagnosing HIV in infants less than 18 months of age, lack of appropriate and affordable pediatric HIV/AIDS medicines, and lack of trained health care providers.

(12) Children are not small adults and treating them as such can seriously jeopardize their health.

(13) Children should not be forgotten in the fight against the global HIV/AIDS pandemic.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that this resolution assumes that—

(1)(A) assistance should be provided to support the expansion of programs to prevent

mother-to-child transmission of HIV as an integral component of a comprehensive approach to fighting HIV/AIDS;

(B) to facilitate the expansion described in subparagraph (A)—

(i) more resources are needed for infrastructure improvements and education and training of health care workers; and

(ii) better linkages between mother-to-child transmission and broader care and treatment programs should be created for women, children, and families who are in need of access to expanded services;

(2) assistance should be provided to support the care and treatment of children with HIV/AIDS, including the development and purchase of high-quality, low-cost pediatric formulations of antiretroviral drugs and other HIV/AIDS medicines, including fixed-dose combinations, pediatric-specific training to doctors and other health-care personnel, and the purchase of pediatric-appropriate technologies;

(3) all antiretroviral drugs need precise and simplified dosing guidelines for all pediatric age groups, including infants, and all HIV/AIDS drugs including those developed for children should be made available at drastically-reduced prices in resource-poor countries;

(4) health care sites in resource-poor countries need better diagnostic capacity and appropriate supplies to provide care and treatment services for children, and additional training is required to ensure that all health care providers can administer specialized care services for children, including psychosocial support; and

(5) pediatric care and treatment should be integrated into the existing health care framework so children and families can be treated simultaneously.

SA 154. Mrs. CLINTON submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

At the appropriate place in title III, insert the following:

SEC. ___. SENATE OF THE SENATE CONCERNING COMPARATIVE EFFECTIVENESS STUDIES.

It is the Sense of the Senate that—

(1) the overall discretionary levels set in this resolution assume $75,000,000 in new budget authority in fiscal year 2006 and new outlays that flow from this budget authority in fiscal year 2006 and subsequent years, to fund additional research and ongoing systematic reviews in the Agency for Health Care Research and Quality; and

(2) in addition to the efforts currently undertaken by the Agency for Health Care Research and Quality that are designed to improve scientific evidence related to the comparative effectiveness and safety of prescription drugs and other treatments and to disseminate the findings and underlying data from such research to health care practitioners, consumers, and health care purchasers, knowledge gaps identified through such efforts should be the focus of additional research efforts to ensure that the goals of the relevant authorizing legislation are met.

SA 155. Mrs. CLINTON submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. DEFICIT NEUTRAL RESERVE FUND FOR INFLUENZA VACCINE SHORTAGE PREVENTION.

If the Committee on Health, Education, Labor, and Pensions of the Senate reports a bill or joint resolution, or an amendment thereto is offered or a conference report thereon is submitted, that increases the participation of manufacturers in the production of influenza vaccine, increases research and innovation in new technologies for the development of influenza vaccine, and enhances the ability of the United States to track and respond to domestic influenza outbreaks as well as pandemic containment efforts, the chairman of the Committee on the Budget shall revise committee allocations for the Committee on Health, Education, Labor, and Pensions and other appropriate budgetary aggregates and allocations of new budget authority and outlays by the amount provided by that measure for that purpose, regardless of whether the committee is within its 302(a) allocations, and such legislation shall be exempt from sections 302, 303, 311, and 425 of the Congressional Budget Act, and from section 505 of the concurrent resolution on the budget for fiscal year 2004 (H. Con. Res. 95), if that measure would not increase the deficit for fiscal year 2006 and for the period of fiscal years 2006 through 2010.

SA 156. Mr. SARBANES (for himself, Mr. NELSON of Florida, Ms. STABENOW, Mrs. MURRAY, Mr. CORZINE, Mr. FEINGOLD, Mr. REED, Mr. LEAHY, Mr. KENNEDY, Mrs. CLINTON, Mr. DURBIN, Mrs. FEINSTEIN, Ms. MIKULSKI, Mr. SCHUMER, Mr. DAYTON, Mr. JEFFORDS, Mr. DODD, Mr. OBAMA, Mrs. BOXER, Mr. HARKIN, and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 3 line 10, increase the amount by $427,000,000.

On page 3 line 11, increase the amount by $627,000,000.

On page 3 line 12, increase the amount by $455,000,000.

On page 3 line 13, increase the amount by $214,000,000.

On page 3 line 14, increase the amount by $103,000,000.

On page 3 line 19, increase the amount by $427,000,000.

On page 3 line 20, increase the amount by $627,000,000.

On page 3 line 21, increase the amount by $455,000,000.

On page 4 line 1, increase the amount by $214,000,000.

On page 4 line 2, increase the amount by $103,000,000.

On page 4 line 7, increase the amount by $1,890,000,000.

On page 4 line 16, increase the amount by $427,000,000.

On page 4 line 17, increase the amount by $627,000,000.

On page 4 line 18, increase the amount by $455,000,000.

On page 4 line 19, increase the amount by $214,000,000.

On page 4 line 20, increase the amount by $103,000,000.

On page 16 line 15, increase the amount by $1,219,000,000.

On page 16 line 16, increase the amount by $38,000,000.

On page 16 line 20, increase the amount by $365,000,000.

On page 16 line 24, increase the amount by $442,000,000.

On page 17 line 3, increase the amount by $207,000,000.

On page 17 line 7, increase the amount by $103,000,000.

On page 17 line 16, increase the amount by $671,000,000.

On page 17 line 17, increase the amount by $389,000,000.

On page 17 line 21, increase the amount by $262,000,000.

On page 17 line 25, increase the amount by $13,000,000

On page 18 line 4, increase the amount by $7,000,000.

On page 30 line 16, decrease the amount by $427,000,000.

On page 30 line 17, decrease the amount by $1,826,000,000.

On page 48 line 6, increase the amount by $1,890,000,000.

On page 48 line 7, increase the amount by $427,000,000.

SA 157. Mr. BAYH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 65, after line 25, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING FOREIGN-OWNED DEBT.

It is the sense of the Senate that the Comptroller General should conduct a study to examine the economic impact of United States publicly-held debt that is held by foreign governments, institutions, and individuals. The study should provide an analysis of the following:

(1) The amount of foreign-owned debt dating back to 1980, broken down by foreign governments, foreign institutions, and foreign private investors, and expressed in nominal terms and as a percentage of the total amount of publicly-held debt in each year.

(2) The economic impact that the increased foreign ownership of United States publicly-held debt has had on the ability of the United States to maintain a stable dollar policy.

(3) The impact that foreign ownership of United States publicly-held debt has had, or could have, on United States trade policy.

(4) What entities (i.e. individuals, corporations, or foreign governments) own United States publicly-held debt that exist in Caribbean banking centers.

(5) The implicit tax burden that results from foreign debt holdings, specifically the per capita amount that a United States taxpayer will pay in annual Federal income taxes to service the foreign debt during each of fiscal years 2006 through 2010.

SA 158. Mr. BYRD (for himself, Mrs. CLINTON, Mr. CORZINE, Mr. SPECTER, Mr. ROCKEFELLER, Mrs. MURRAY, Mr. CARPER, Mr. SCHUMER, Mr. DURBIN, Mr. DORGAN, Mr. LAUTENBERG, Mr. KERRY,

Mr. OBAMA, Mr. KOHL, Mr. KENNEDY, Mr. JEFFORDS, Mr. LIEBERMAN, Mr. BIDEN, Mr. SARBANES, Mr. LEVIN, Mr. CHAFEE, Mr. LEAHY, Ms. MIKULSKI, and Mr. INOUYE) proposed an amendment to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

On page 3, line 10, increase the amount by $1,040,000,000.
On page 3, line 19, increase the amount by $1,040,000,000.
On page 4, line 7, increase the amount by $1,040,000,000.
On page 4, line 16, increase the amount by $1,040,000,000.
On page 15, line 15, increase the amount by $1,040,000,000.
On page 15, line 16, increase the amount by $1,040,000,000.
On page 48, line 6, increase the amount by $1,040,000,000.
On page 48, line 7, increase the amount by $1,040,000,000.

SA 159. Mr. OBAMA submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 9, line 15, increase the amount by $25,000,000.
On page 9, line 16, increase the amount by $6,000,000.
On page 9, line 20, increase the amount by $11,000,000.
On page 9, line 24, increase the amount by $5,000,000.
On page 10, line 3, increase the amount by $2,000,000.
On page 26, line 14, decrease the amount by $25,000,000.
On page 26, line 15, decrease the amount by $6,000,000.
On page 26, line 18, decrease the amount by $11,000,000.
On page 26, line 21, decrease the amount by $5,000,000.
On page 26, line 24, decrease the amount by $2,000,000.

SA 160. Mr. LEAHY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 9, line 15, increase the amount by $44,000,000.
On page 9, line 16, increase the amount by $40,000,000.
On page 9, line 20, increase the amount by $3,000,000.
On page 9, line 24, increase the amount by $1,000,000.
On page 26, line 14, decrease the amount by $44,000,000.
On page 26, line 15, decrease the amount by $40,000,000.
On page 26, line 18, decrease the amount by $3,000,000.
On page 26, line 21, decrease the amount by $1,000,000.

SA 161. Mr. DeWINE (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 9, line 15, increase the amount by $334,000,000.
On page 9, line 16, increase the amount by $67,000,000.
On page 9, line 20, increase the amount by $150,000,000.
On page 9, line 24, increase the amount by $62,000,000.
On page 10, line 3, increase the amount by $29,000,000.
On page 10, line 7, increase the amount by $13,000,000.
On page 26, line 14, decrease the amount by $334,000,000.
On page 26, line 15, decrease the amount by $67,000,000.
On page 26, line 18, decrease the amount by $150,000,000.
On page 26, line 21, decrease the amount by $62,000,000.
On page 26, line 24, decrease the amount by $29,000,000.
On page 27, line 2, decrease the amount by $13,000,000.

SA 162. Mr. ENSIGN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 23, line 16, increase the amount by $352,400,000.
On page 23, line 17, increase the amount by $317,000,000.
On page 23, line 21, increase the amount by $35,400,000.
On page 9, line 15, decrease the amount by $352,400,000.
On page 9, line 16, decrease the amount by $317,000,000.
On page 9, line 20, decrease the amount by $35,400,000.

SA 163. Mr. SANTORUM submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

At the end of title V, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING TAX RELIEF TO ENCOURAGE CHARITABLE GIVING.

(a) FINDINGS.—The Senate finds that—

(1) the CARE Act, which represents a part of the President's faith-based initiative, will spur charitable giving and assist faith-based and community organizations that serve the needy;

(2) more than 1,600 small and large organizations from around the Nation have endorsed the CARE Act, and in the 108th Congress the CARE Act had bipartisan support and was sponsored by 23 Senators;

(3) although the CARE Act passed the Senate on April 9, 2003, by a vote of 95 to 5, and the House of Representatives passed companion legislation on September 17, 2003, by a vote of 408 to 13, a conference committee on the CARE Act was never formed and a final version was not passed in the 108th Congress; and

(4) charities around the Nation continue to struggle, and the passage of the incentives for charitable giving contained in the CARE Act would provide significant dollars in private and public sector assistance to those in need.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that a relevant portion of amounts in this budget resolution providing for tax relief should be used—

(1) to provide the 86,000,000 Americans who do not itemize deductions an opportunity to deduct charitable contributions;

(2) to provide incentives for individuals to give tax free contributions from individual retirement accounts for charitable purposes;

(3) to provide incentives for an estimated $2,000,000,000 in food donations from farmers, restaurants, and corporations to help the needy, an equivalent of 878,000,000 meals for hungry Americans over 10 years;

(4) to provide at least 300,000 low-income, working Americans the opportunity to build assets through individual development accounts or IDAs, which can be used to purchase a home, expand educational opportunity, or to start a small business; and

(5) to provide incentives for corporate charitable contributions.

SA 164. Mr. GRASSLEY (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. ____. DEFICIT-NEUTRAL RESERVE FUND FOR THE FAMILY OPPORTUNITY ACT.

In the Senate, if the Committee on Finance reports a bill or joint resolution or an amendment is offered thereto or a conference report is submitted thereon, that provides families of disabled children with the opportunity to purchase coverage under the medicaid coverage for such children (the Family Opportunity Act), and provided that the committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974, the chairman of the Committee on the Budget may revise allocations of new budget authority and outlays, revenue aggregates, and other appropriate measures to reflect such legislation if any such measure would not increase the deficit for fiscal year 2006 and for the period of fiscal years 2006 through 2010.

SA 165. Ms. SNOWE (for herself, Mr. WYDEN, Mr. MCCAIN, Mr. FEINGOLD, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010;

which was ordered to lie on the table; as follows:

On page 40, after line 8, insert the following:

SEC. ___. RESERVE FUND FOR THE NEGOTIATION OF THE BEST POSSIBLE PRICE FOR PRESCRIPTION DRUGS UNDER MEDICARE PART D.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, functional totals, and other appropriate levels and limits in this resolution upon enactment of legislation that allows the Secretary of Health and Human Services to participate in negotiations to achieve the best possible prices for prescription drugs provided under part D of title XVIII of the Social Security Act through fallback prescription drug plans, and through prescription drug plans and MA–PD plans (if requested by such plans), and in other circumstances, by the amount of savings in that legislation, to ensure that those savings are reserved for deficit reduction.

SA 166. Mr. KENNEDY (for himself, Mr. CORZINE, Mr. KERRY, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 3, line 10, increase the amount by $1,800,000,000.

On page 3, line 11, increase the amount by $3,900,000,000.

On page 3, line 12, increase the amount by $3,700,000,000.

On page 3, line 13, increase the amount by $3,900,000,000.

On page 3, line 14, increase the amount by $4,000,000,000.

On page 3, line 19, increase the amount by $1,800,000,000.

On page 3, line 20, increase the amount by $3,900,000,000.

On page 3, line 21, increase the amount by $3,700,000,000.

On page 4, line 1, increase the amount by $3,900,000,000.

On page 4, line 2, increase the amount by $4,000,000,000.

On page 4, line 7, increase the amount by $1,800,000,000.

On page 4, line 8, increase the amount by $3,900,000,000.

On page 4, line 9, increase the amount by $3,700,000,000.

On page 4, line 10, increase the amount by $3,900,000,000.

On page 4, line 11, increase the amount by $4,000,000,000.

On page 4, line 16, increase the amount by $1,800,000,000.

On page 4, line 17, increase the amount by $3,900,000,000.

On page 4, line 18, increase the amount by $3,700,000,000.

On page 4, line 19, increase the amount by $3,900,000,000.

On page 4, line 20, increase the amount by $4,000,000,000.

On page 20, line 16, increase the amount by $1,800,000,000.

On page 20, line 17, increase the amount by $1,800,000,000.

On page 20, line 20, increase the amount by $3,900,000,000.

On page 20, line 21, increase the amount by $3,900,000,000.

On page 20, line 24, increase the amount by $3,700,000,000.

On page 20, line 25, increase the amount by $3,700,000,000.

On page 21, line 3, increase the amount by $3,900,000,000.

On page 21, line 4, increase the amount by $3,900,000,000.

On page 21, line 7, increase the amount by $4,000,000,000.

On page 21, line 8, increase the amount by $4,000,000,000.

On page 30, line 16, decrease the amount by $1,800,000,000.

On page 30, line 17, decrease the amount by $17,300,000,000.

At the end of title V, insert the following:

SEC. . SENSE OF THE SENATE ON THE REDUCTION OF CHILD POVERTY.

(a) FINDINGS—The Senate makes the following findings:

1. Nearly 13 million American children younger than 18—nearly one in five—live below the poverty line;

2. The parents of poor children are playing by the rules and still can't get ahead since seven out of ten poor children live in a working family, and almost one poor child in three lives with a full-time year-round worker;

3. Poor children are at least twice as likely as non-poor children to suffer stunted growth or lead poisoning, or to be kept back in school; poor children score significantly lower on reading, math, and vocabulary tests when compared with otherwise-similar non-poor children; and more than half of poor Americans experience serious deprivations during the year, including lack of food, utility shutoffs, crowded or substandard housing, or lack of a stove or refrigerator.

4. Eighteen percent of children are hungry or on the verge of hunger—largely because they are living in poverty. Hungry children lack nutrients vital to healthy brain development; have difficulty focusing their attention and concentrating in school; often have greater emotional and behavioral problems; have weaker immune systems and are more susceptible to infections, including anemia; and often suffer from obesity;

5. Child poverty has risen significantly—by 1.3 million—since 2000.

6. The poverty rate for children in the United States is substantially higher than that of other major industrialized nations.

7. America's children are more likely to live in poverty than Americans in any other age group.

8. African-American and Latino children are much more likely to live in poverty than white children. One third of African-American children are low-income, as are nearly a third of Latino children.

9. Great Britain made a public commitment to cut child poverty in half in 10 years, and end child poverty by 2020, and they have already successfully lifted 2 million children out of poverty.

10. Poverty is a moral issue and the Congress has a moral obligation to address it.

(b) SENSE OF THE SENATE—It is the sense of the Senate that the functional totals in this resolution assume that the United States shall set a national goal of cutting child poverty in half within a decade, and eliminating it entirely as soon as possible thereafter; that funds should be raised through a one percent surtax on income over $1 million for joint filers, or over $500,000 for single filers to help achieve that goal; that the revenue raised is to be designated to a child poverty elimination fund and overseen by a child poverty elimination board, which shall design the poverty reduction program, set annual child poverty reduction targets, and recommend allocation of funds.

SA 167. Mr. BAUCUS (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING FUNDING OF ADMINISTRATIVE COSTS OF SOCIAL SECURITY ADMINISTRATION.

It is the sense of the Senate that Congress should approve the full amount of the President's request for the administrative costs of the Social Security Administration for fiscal year 2006, including funds for the implementation of the low-income prescription drug subsidy under part D of title XVIII of the Social Security Act (as added by the Medicare Prescription Drug, Improvement, and Modernization Act of 2003).

SA 168. Ms. CANTWELL (for herself, Mr. KERRY, Mr. LIEBERMAN, Mr. FEINGOLD, Mr. JEFFORDS, Mr. LAUTENBERG, Mrs. BOXER, Mrs. FEINSTEIN, Mrs. MURRAY, AND Mr. CORZINE) proposed an amendment to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

Strike Section 201(a)(4).

SA 169. Mr. SANTORUM (for himself, Mr. DURBIN, Mr. BINGAMAN, Mrs. CLINTON, Mr. CORZINE, Mr. DODD, Mrs. FEINSTEIN, Mr. JOHNSON, Mr. KERRY, Mr. KOHL, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. MURRAY, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 9, line 15, increase the amount by $500,000,000.

On page 9, line 16, increase the amount by $500,000,000.

On page 26, line 14, decrease the amount by $500,000,000.

On page 26, line 15, decrease the amount by $500,000,000.

At the appropriate place, insert the following:

SEC. ___. UNITED STATES RESPONSE TO GLOBAL HIV/AIDS, TUBERCULOSIS, AND MALARIA.

(a) FINDINGS.—Congress makes the following findings:

(1) The HIV/AIDS pandemic has reached staggering proportions. At the end of 2004, an estimated 40,000,000 people were infected with HIV or living with AIDS. HIV/AIDS is estimated to kill 3,000,000 men, women and children each year. Each year, there are estimated to be 5,000,000 new HIV infections.

(2) The United States was the first, and remains the largest, contributor to the Global Fund.

(3) The Presidential Administration of George W. Bush (referred to in this section

as the ''Administration'') has supported language in the Global HIV/AIDS authorization bill that links United States contributions to the Global Fund to the contributions of other donors, permitting the United States to provide 33 percent of all donations, which would match contributions on a one-to-two basis.

(4) Congress has provided one-third of all donations to the Global Fund every year of the Fund's existence.

(5) For fiscal year 2006, the Global Fund estimates it will renew $2,400,000,000 worth of effective programs that are already operating on the ground, and the Administration and Fund Board have said that renewals of existing grants should receive priority funding.

(6) The Global Fund is an important component of United States efforts to combat AIDS, tuberculosis and malaria, and supports approximately 300 projects in 130 countries.

(7) For fiscal year 2006, the President has requested $300,000,000 for the United States contribution to the Global Fund.

(8) Through a mid-year review process, Congress and the Administration will assess contributions to date and anticipated contributions to the Global Fund, and ensure that United States contributions, at year-end, are at the appropriate one-to-two ratio.

(9) Congress and the Administration will monitor contributions to the Global Fund to ensure that United States contributions do not exceed one-third of the Global Fund's revenues.

(10) In order to cover one-third of renewals during fiscal year 2006, and to maintain the one-to-two funding match, the United States will need to contribute an additional $500,000,000 above the President's request for the Global Fund for fiscal year 2006 to keep good programs funded at a level of $800,000,000.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying this budget resolution assume that none of the offsets needed to provide $800,000,000 for the Global Fund will come from international humanitarian assistance programs.

SA 170. Mrs. HUTCHISON (for herself, Mr. CORNYN, Mr. BINGAMAN, Mr. MCCAIN, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 9, line 15, decrease the amount by $143,000,000.

On page 9, line 16, decrease the amount by $143,000,000.

On page 23, line 16, increase the amount by $143,000,000.

On page 23, line 17, increase the amount by $143,000,000.

SA 171. Mr. ENSIGN (for himself, Mr. CRAIG, Mr. VITTER, and Mrs. HUTCHISON) proposed an amendment to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

On page 22, line 16, increase the amount by $410,000,000.

On page 22, line 17, increase the amount by $369,000,000.

On page 22, line 21, increase the amount by $37,000,000.

On page 22, line 25, increase the amount by $2,000,000.

On page 9, line 15, decrease the amount by $410,000,000.

On page 9, line 16, decrease the amount by $369,000,000.

On page 9, line 20, decrease the amount by $37,000,000.

On page 9, line 24, decrease the amount by $2,000,000.

SA 172. Mr. HARKIN (for himself, Mr. DURBIN, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table, as follows:

On page 3, line 10, increase the amount by $1,400,000,000.

On page 3, line 11, increase the amount by $2,800,000,000.

On page 3, line 12, increase the amount by $4,600,000,000.

On page 3, line 13, increase the amount by $6,500,000,000.

On page 3, line 14, increase the amount by $8,500,000,000.

On page 3, line 19, increase the amount by $1,400,000,000.

On page 3, line 20, increase the amount by $2,800,000,000.

On page 3, line 21, increase the amount by $4,600,000,000.

On page 4, line 1, increase the amount by $6,500,000,000.

On page 4, line 2, increase the amount by $8,500,000,000.

On page 4, line 7, increase the amount by $1,380,000,000.

On page 4, line 8, increase the amount by $1,430,000,000.

On page 4, line 9, increase the amount by $1,490,000,000.

On page 4, line 10, increase the amount by $1,550,000,000.

On page 4, line 11, increase the amount by $1,610,000,000.

On page 4, line 16, increase the amount by $40,000,000.

On page 4, line 17, increase the amount by $1,040,000,000.

On page 4, line 18, increase the amount by $1,350,000,000.

On page 4, line 19, increase the amount by $1,480,000,000.

On page 4, line 20, increase the amount by $1,540,000,000.

On page 4, line 24, increase the amount by $1,360,000,000.

On page 4, line 25, increase the amount by $1,760,000,000.

On page 5, line 1, increase the amount by $3,250,000,000.

On page 5, line 2, increase the amount by $5,020,000,000.

On page 5, line 3, increase the amount by $6,960,000,000.

On page 5, line 7, decrease the amount by $1,360,000,000.

On page 5, line 8, decrease the amount by $3,120,000,000.

On page 5, line 9, decrease the amount by $6,370,000,000.

On page 5, line 10, decrease the amount by $11,390,000,000.

On page 5, line 11, decrease the amount by $18,350,000,000.

On page 5, line 15, decrease the amount by $1,360,000,000.

On page 5, line 16, decrease the amount by $3,120,000,000.

On page 5, line 17, decrease the amount by $6,370,000,000.

On page 5, line 18, decrease the amount by $11,390,000,000.

On page 5, line 19, decrease the amount by $18,350,000,000.

On page 17, line 16, increase the amount by $1,380,000,000.

On page 17, line 17, increase the amount by $40,000,000.

On page 17, line 20, increase the amount by $1,430,000,000.

On page 17, line 21, increase the amount by $1,040,000,000.

On page 17, line 24, increase the amount by $1,490,000,000.

On page 17, line 25, increase the amount by $1,350,000,000.

On page 18, line 3, increase the amount by $1,550,000,000.

On page 18, line 4, increase the amount by $1,480,000,000.

On page 18, line 7, increase the amount by $1,610,000,000.

On page 18, line 8, increase the amount by $1,540,000,000.

On page 30, line 16, decrease the amount by $1,400,000,000.

On page 30, line 17, decrease the amount by $23,800,000,000.

On page 48, line 6, increase the amount by $1,380,000,000.

On page 48, line 7, increase the amount by $40,000,000.

On page 48, line 9, increase the amount by $1,430,000,000.

On page 48, line 12, increase the amount by $1,490,000,000.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. GRAHAM. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition and Forestry be authorized to conduct a hearing during the session of the Senate on Tuesday, March 15, 2005. The purpose of this hearing will be to discuss school nutrition programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. GRAHAM. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 15, 2005, at 9:30 a.m., in open session to receive testimony from combatant commanders on their military strategy and operational requirements, in review of the Defense Authorization Request for fiscal year 2005.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. GRAHAM. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 15, 2005, at 4:30 p.m. in open session to consider the following nomination: Honorable Anthony J. Principi to be a Member of the Defense Base Closure and Realignment Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. GRAHAM. 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 March 15, 2005, at 10:00 a.m., to conduct a hearing on ''Identity Theft: Recent Developments Involving the Security of Sensitive Consumer Information.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. GRAHAM. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 15, 2005 at 9:30 a.m. to hold a nomination hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. GRAHAM. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 15, 2005 at 2:15 p.m. to hold a Business Meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. GRAHAM. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Tuesday, March 15, 2005 at 2:30 p.m. on ''SBC/ATT and Verizon/MCI Mergers—Remaking the Telecommunications Industry.'' The hearing will take place in the Dirksen Senate Office Building Room 226. The tentative witness list is attached.

PANEL I: Edward E. Whitacre, Jr., Chairman and CEO, SBC Communications, Inc., San Antonio, TX; Ivan G. Seidenberg, Chairman and CEO, Verizon Communications, New York City, NY; David Dorman, Chairman and CEO, AT&T Corp., Bedminister, NJ; and Michael D. Capellas, President and CEO, MCI, Ashburn, VA.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. GRAHAM. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 15, 2005 at 3:30 p.m. to hold a closed meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. GRAHAM. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet Tuesday, March 15, 2005 from 10:00 a.m.–12:00 p.m. in Dirksen 562 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AIRLAND

Mr. GRAHAM. Mr. President, I ask unanimous consent that the Subcommittee on Airland be authorized to meet during the session of the Senate on March 15, 2005, at 2:30 p.m., in open session to receive testimony on Army transformation and the future combat system in review of the defense authorization request for fiscal year 2006.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. GRAHAM. Mr. President, I ask unanimous consent that the Subcommittee on National Parks be authorized to meet during the session of the Senate on Tuesday, March 15, 2005, at 2:30 p.m.

The purpose of the hearing is to receive testimony on the following bills: S. 175, a bill to establish the bleeding Kansas and Enduring Struggle for Freedom National Heritage Area, and for other purposes; S. 322, a bill to establish the Champlain Valley National Heritage Partnership in the States of Vermont and New York, and for other purposes; S. 323, a bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating the French Colonial Heritage Area in the State of Missouri as a unit of the National Park System, and for other purposes; and S. 429, a bill to establish the Upper Housatonic Valley National Heritage Area in the State of Connecticut and the Commonwealth of Massachusetts, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. GRAHAM. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet on Tuesday, March 15, 2005, at 10 a.m. for a hearing entitled, ''Critical Mission: Ensuring the Success of the National Security Personnel System.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TERRORISM, TECHNOLOGY, AND HOMELAND SECURITY

Mr. GRAHAM. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary Subcommittees on Terrorism, Technology, and Homeland Security be authorized to meet to conduct a hearing on ''Openness in Government and Freedom of Information: Examining the OPEN Government Act of 2005,'' on Tuesday, March 15, 2005, at 10 a.m. in Room 226 of the Dirksen Senate Office Building. The tentative witness list is attached.

Panel I: Kathering M. ''Missy'' Cary, Assistant Attorney General of Texas, Chief, Open Records, Division, Austin, TX; Walter Mears, former Washington Bureau chief and Executive Editor, Associated Press, Chapel Hill, NC; Marck Tapscott, Director, Center for Media and Public Policy, The Heritage Foundation, Washington, DC; Lisa Graves, Senior Counsel for Legislative Strategy, American Civil Liberties Union, Washington, DC; Meredith Fuchs, General Counsel, National Security Archive, George Washington University, Washington, DC; and Thomas M. Susman, Ropes & Gray LLP, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following fellows and interns of the Finance Committee be granted floor privileges during consideration of the budget resolution: Brian Townsend, Mary Baker, Janis Lazda, Richard Litsey, Cuong Huynh, David Schwartz, Stuart Sirkin, Janellen Duffy, Ashley Fingarson, Jessica Heringer, Serena Maxwell, Jesse Woodson, Briana Schwandt, Emily Meeker, Waylon Mathern, and Adrienne Frazier.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT

The ACTING PRESIDENT pro tempore. The Chair, on behalf of the Democratic Leader, pursuant to Public Law 105–83, announces the appointment of the following individual to serve as members of the National Council on the Arts: the Senator from Vermont, Mr. LEAHY; vice, the Senator from Nevada, Mr. REID.

The Chair, pursuant to Executive Order 12131, as amended, appoints the following Members to the President's Export Council: the Senator from Montana, Mr. BAUCUS; the Senator from North Dakota, Mr. DORGAN.

REAUTHORIZING THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK GRANT PROGRAM

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 1160, which was received from the House.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1160) to reauthorize the Temporary Assistance for Needy Families block grant program through June 30, 2005, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. CRAIG. Mr. President, I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (H.R. 1160) was read the third time and passed.

ORDERS FOR WEDNESDAY, MARCH 16, 2005

Mr. CRAIG. Mr. President, I ask unanimous consent that when the Senate completes its business today, the Senate adjourn until 9 a.m. on Wednesday, March 16. 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 resume consideration of S. Con. Res. 18, the budget resolution; provided further that Senator FEINSTEIN then be recognized for 20 minutes as provided under the previous order; further, that following those remarks, Senator SPECTER be recognized to offer the NIH amendment under the limitations provided under the earlier agreement.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PROGRAM

Mr. CRAIG. Mr. President, tomorrow the Senate will resume consideration of the budget resolution. We will continue the amendment process tomorrow morning. Under the previous order, we will conclude debate on five amendments during tomorrow morning's session. It is anticipated that we will have votes in relation to all five of these amendments around 1 p.m. tomorrow, and we will keep Senators posted as to the timing of these stacked series of votes.

For the remainder of the day, the Senate will continue working through the amendments on the budget resolution. We have made good progress on the resolution thus far, but we still have a long way to go prior to passage. We will be very busy over the next couple of days, and Senators should continue to make themselves available for the remainder of the week.

ORDER FOR ADJOURNMENT

Mr. CRAIG. If there is no further business to come before the Senate, I ask the Senate stand in adjournment under the previous order, following the remarks of Senator HARKIN for up to 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Iowa.

PERKINS VOCATIONAL AND TECHNICAL EDUCATION ACT AMENDMENT

Mr. HARKIN. Mr. President, I have an amendment that I just sent to the desk. It is pending. I will not call it up now or ask unanimous consent, but I will do so at some point, probably tomorrow. I want to take this time to at least lay out the reasons for this amendment and what it does, because I know what the crunch will be like tomorrow when we come back here.

The budget resolution for fiscal year 2006 basically eliminates funding for an enormously effective and popular education program called the Perkins Vocational and Technical Education Act. The straightforward purposes of my amendment, which I will offer for myself, Senator DURBIN, Senator MURRAY, and others, are, first, to restore funding to the Perkins Vocational Education Act; second, to reduce the deficit; and, third, to offset the costs by rescinding two tax-cut provisions in the 2001 tax bill.

These tax-cut provisions, the so-called PEP and Pease phaseout provisions, are scheduled to start taking effect next year for the first time.

President Kennedy used to say that to govern is to choose. Right now the budget resolution chooses very unwisely. It eliminates funding for a critical education program, vocational education, while allowing to stand two new tax cuts. While these two new tax cuts cost $23 billion in the first 5 years, after that the costs explode. They will cost at least $146 billion in lost revenue in the coming decade, with 97 percent of the benefits going to those earning at least $200,000 a year.

This is the wrong choice. The budget resolution does not reflect the priorities of the American people. Overall, the budget resolution would cut funding for education, the first cut in education funding in 10 years. It underfunds the President's No Child Left Behind Act by $12 billion. It leaves behind nearly 3 million children who could be fully funded and fully served if title I were funded at the authorized level. And, as I said, it eliminates all the funding for the Perkins Vocational Education Act.

This is one I am particularly concerned about. It is a program that was just reauthorized in the Senate on a bipartisan basis by a vote of 99 to 0. The Perkins Act makes possible a broad range of vocational and technical education programs for millions of young people and adults. It is a true lifeline for students at risk of dropping out of school.

For millions of these at-risk students, vocational education programs are relevant, and they are meaningful. They give kids a reason to stick it out until graduation, maybe to go on to a community college, and they lead to good, solid jobs.

In Iowa alone, elimination of the Perkins Vocational Education Program would impact 93,000 high school students and more than 37,000 community college students. The impact nationwide would be a disaster for millions of students.

We are eliminating the Perkins Vocational Education Program for two new tax cuts? Overwhelmingly for the most affluent? This makes no sense. In fact, it borders on the obscene.

Our friends on the other side might claim the budget resolution does not expressly eliminate the vocational education program, but the reality is this budget resolution effectively endorses the budget proposed by President Bush, and President Bush endorsed eliminating the Perkins program.

So there are only two ways to retain funding for vocational education under this budget resolution: either cut other educational programs or increase the overall allocation for education.

This chart here shows what I mean. Right here basically you have a puzzle. We put it all together. This is education. We have title I, we have afterschool centers, we have special ed, bilingual ed, impact aid, Pell grants—all the things that make up our education plan.

What is left out? Vocational education, ed tech, TRIO, Safe and Drug-free Schools, arts education. These are left out.

Someone on the Budget Committee might say, we didn't say that voc ed couldn't be funded, but here are all the things we fund. If you want to put voc ed back into the puzzle, what do you take out? Because, you see, this is the limit. We only have this much money. If you put voc ed in, do we take the money away from title I or do we take it away from Pell grants? How about special ed; do we take money away from special ed to put it back in? Or do we make the square bigger and then put it in, so we don't take anything away from the educational programs that are already there.

That is exactly what my amendment accomplishes. We add more overall funding to the educational budget. How do we do this? Where do we get the money? My amendment offsets the cost of restoring the Perkins program. It also reduces the deficit by rescinding two tax cuts that have not even taken effect yet. Both of these tax cuts, the so-called PEP and Pease provisions, were enacted in 2001 and they start next year.

We have a unique opportunity. We are not proposing to repeal or undo a tax cut that is already in effect. Rather, we are saying that because of radically transformed budgetary circumstances—that is the huge debt we are in, the deficits we are running up—we are not going to go forward with two new tax cuts that haven't even taken effect yet, two new tax cuts we can no longer afford.

When PEP and Pease were put in in 2000, the argument was made that we had all of these budget surpluses that were left over from President Clinton, and we could afford it. That was then and this is now.

Because of the surge in Federal spending, because of the deficits since President Bush has taken office, the surpluses left by President Clinton are gone. Instead, we are looking at projected deficits in excess of $200 billion a year, and annual deficits in excess of $500 billion a year decades from now, unless we straighten out our house.

It makes good sense to stop these two new tax cuts from going into effect next year—$146 billion that this will cost us over 10 years.

Who gets the gravy? Here it is right here. Under PEP and Pease, the tax cuts that start next year, for those making over $1 million, when they are phased in, $19,234 a year; $500,000 to $1 million, $4,000 a year; under $75,000 a year, you get nothing, zero.

In fact, if these two new tax cuts go into effect next year, 97 percent of all the benefits will go to people making over $200,000 a year. Fifty-four percent will go to people making over $1 million a year. We can't afford these tax cuts.

There are two things we can't afford. We can't afford these tax cuts, and we can't afford to underfund and to eliminate the Perkins vocational education bill.

We now have a unique opportunity to rescind these tax cuts before they even go into effect.

The Perkins program is a lifeline to low-income Americans struggling to obtain job skills, the essential rung on the ladder of opportunity.

I also refer to this editorial that was in the Washington Post, February 22, last month. ''PEP, Pease, Presidents.''

I will refer to this. It says:

The cuts would repeal two provisions enacted as part of the first President Bush's deficit reduction plan. The provisions—known as PEP, for Personal Exemption Phaseout, and Pease, for its author, the late Rep. Donald J. Pease of Ohio—essentially make more income of wealthy Americans subject to taxation.

As they said:

Given the deficits that have piled up on his watch, and the growing costs of war in Iraq, it makes sense to ask: Why does President Bush think this tax break is necessary?

It is not necessary. It hasn't even started yet. I will lay 10 to 1 that not one Senator in this Senate on either side of the aisle has ever been contacted by someone making over $200,000 a year who says we have to have it. Nonsense.

My amendment basically says we are not repealing these, we are just saying these two tax cuts won't go into effect next year. We will save a lot of money. We will put that money into deficit reduction, and we will put the money into restoring Perkins funding.

We just recently voted 99 to 0 to reauthorize the Perkins program. Every Senator said, yes, we need vocational education. The President sends his budget out and says get rid of the whole thing. And this budget has the same money figures in it for education that the President wants.

Now is our opportunity. We can vote to not let these tax cuts go into effect. We can do two good things: Reduce the deficit and make sure we continue with vocational education in this country.

I ask unanimous consent to have printed in the RECORD a copy of the Washington Post editorial.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 22, 2005]

PEP, PEASE, PRESIDENTS

Here's a modest tax proposal for President Bush: Cancel two tax-cut provisions that haven't yet taken effect. These tax cuts weren't part of Mr. Bush's original tax proposal but were inserted into his 2001 tax package. They begin to phase in next year unless Congress acts. And 97 percent of the cuts will go to the 4 percent of U.S. households with incomes greater than $200,000; more than half to the 0.2 percent of households with annual incomes of more than $1 million. During the first 10 years they are fully in effect, they will reduce government tax revenue by close to $200 billion, including interest, and possibly much more it, as the administation has promised, there are adjustments to the alternative minimum tax (which would otherwise recapture some of taxpayers' savings from these breaks).

The cuts would repeal two provisions enacted as part of the first President Bush's deficit reduction plan. The provisions—known as PEP, for Personal Exemption Phaseout, and Pease, for its author, the late Rep. Donald J. Pease (D-Ohio)—essentially make more income of wealthy Americans subject to taxation. In a perfect tax world, PEP and Pease would be abolished. They are complex and at times unfair (for example, PEP penalizes those with larger families). PEP and Pease would be great candidates for change in the broader tax overhaul Mr. Bush is planning.

But of all the complicated tax provisions in the most complicated tax code in the developed world, why repeal these two? After all, even if PEP and Pease were untouched, wealthier taxpayers would reap big benefits from the remaining tax cuts. For example, in 2010, when the repeal is to be fully effective, households with incomes of more than $1 million will get tax cuts averaging $108,000 from other tax provisions adopted in 2001 and 2003, according to calculations by the Tax Policy Center. With the effect of estate tax repeal, this group will reap average cuts of $133,000. Getting rid of PEP and Pease brings that total to $152,000.

Given the deficits that have piled up on his watch, and the growing costs of war in Iraq, it makes sense to ask: Why does President Bush think this tax break is necessary?

To reiterate, Mr. President, President Kennedy used to say that ''to govern is to choose.'' Right now, the budget resolution chooses very unwisely. It eliminates funding for a critical education program: the Perkins act, while allowing to stand two new tax cuts worth. While these two new tax cuts cost $23 billion in the coming 5 years, the costs explode after that. They will cost at least $146 billion in the coming decade—with 97 percent of the benefits going to those earning at least $200,000 a year.

This is the wrong choice. The budget resolution does not reflect the priorities of the American people. In fact, it doesn't reflect what President Bush says are among his top priorities. Overall, the budget resolution would cut funding for education—the first cut in education funding in 10 years. It underfunds the President's No Child Left Behind Act by $12 billion. It leaves behind nearly 3 million children who could be fully served by Title I if the program were funded at the authorized level. It underfunds special education by $3.6 billion—just 3 months after the President signed a new IDEA reauthorization law. And it eliminates all funding for vocational education, school counselors, education technology, safe and drug-free schools, and 44 other education programs totaling over $4 billion.

I am particularly concerned that the budget resolution totally eliminates funding for the Perkins vocational education program—a program that was just reauthorized in the Senate on a bipartisan basis.

The Perkins Act makes possible a broad range of vocational and technical education programs for millions of young people and adults. Vocational education combines classroom instruction, hands-on-laboratory work, and on-the-job training. This is a true lifeline for students at risk of dropping out of school.

For millions of these at-risk students, vocational education programs are relevant. They are meaningful. They give kids a reason to stick it out until graduation and perhaps go on to community college. And they lead to good, solid jobs after graduation.

Just last week, I met with high school and community college students from Iowa who have benefited from Perkins funding. They are truly an inspiration—and I hate to think of their fate if they had not been given the option of vocational and technical education. But that is exactly what will happen if the budget resolution is not changed. In Iowa alone, elimination of the Perkins Vocational Education program would directly impact 93,000 high school students and more than 37,000 community college students. The impact nationwide would be a disaster for many millions of students.

And we are eliminating this program to make room for two new tax cuts, overwhelmingly for the most affluent? This makes no sense. In fact, it borders on the obscene.

Our friends on the other side of the aisle claim that the budget resolution doesn't expressly eliminate the vocational education program. That is too clever by half. The reality is that the budget resolution effectively endorses the budget proposed by President Bush—and that means it endorses the elimination of Perkins funding.

There are only two ways to retain funding for vocational education under this budget resolution: By cutting other education programs instead . . . or by increasing the overall allocation for education.

This chart shows what I mean. The puzzle represents the Republican budget resolution. Unfortunately, there are a lot of pieces that don't fit. There's no room in the budget resolution for vocational education, technical education, TRIO, and many other programs. The only way to include funding for vocational education is to take out a different piece of the puzzle. So what pieces do the Republicans propose to take out in lieu of vocational education? Do they want to cut Title I? Pell Grants? Special education?

The truth is that the only way we can be assured of saving Perkins funding is by adding more overall funding

to the education budget for that purpose. And that is exactly what my amendment accomplishes.

As I said, my amendment offsets the cost of restoring Perkins—and it reduces the deficit, as well—by rescinding two tax cuts that have not yet taken effect. Both of these tax cuts—the so-called PEP and Pease provisions—were enacted in 2001. One of these tax measures repeals the law enacted in 1990 that scales back the magnitude of itemized deductions that high-income taxpayers can take. The second tax-cut measure repeals another provision enacted in 1990, under which the personal exemption is phased out for households with very high incomes. Under the 2001 tax cut legislation, these two current provisions of law begin to be phased out next year, and are eliminated entirely in 2010.

We have a unique opportunity, here, because we are not proposing to repeal or un-do tax cuts that are already in effect. Rather, we are saying that—because of radically transformed budgetary circumstances—we are not going to go forward with two new tax cuts that have not yet taken effect. . . two new tax cuts that we can no longer afford.

When the PEP and Pease phase-out provisions were passed in 2001, a case could be made—I disagreed, but certainly a case could be made—that these tax cuts were affordable. Thanks to the budget surpluses that President Bush inherited from President Clinton, we were looking at cumulative surpluses of $5 trillion over the coming decade, enough to eliminate the national debt, and then some. The chairman of the Federal Reserve Board, Alan Greenspan, publicly worried about the impending surplus crisis—What in the world would we do with all these surpluses after we eliminated the national debt? Moreover, President Bush and other advocates of the 2001 tax cuts assured us that they would total no more than $1.35 trillion between 2001 and 2010.

Well that was then, and this is now. The tax cuts that were supposed to cost $1.35 trillion are now projected to cost more than $2 trillion in the decade after 2010. And because of the surge in federal spending since President Bush took office—including the creation of a huge new entitlement program—the surpluses bequeathed by President Clinton are gone. Instead, we are looking at projected deficits in excess of $200 billion each year as far as the eye can see—and annual deficits in excess of $500 billion a year a decade from now if we follow the President's recommendations.

It makes good sense to eliminate these two tax cuts. The fact is, they are a ticking timebomb scheduled to detonate after 2010—a detonation that will further explode the deficits and debt. The revenue loss because of the PEP and Pease phase-outs would be a relatively modest $24 billion over the first 5 years. But the revenue loss explodes in the years after that. In the first 10 years after full implementation, the revenue loss will be a whopping $146 billion.

And who gets these tax cuts? According to the Tax Policy Center of the Urban Institute and the Brookings Institution, 54 percent of the benefits go to households earning more than $1 million a year. Fully 97 percent of benefits go to households making more than $200,000 per year.

What does that mean for a taxpayer? When the phase out is fully phased in by 2010, the tax cut will save the average taxpayer making over $1 million nearly $20,000 per year.

But almost no taxpayers making less than $150,000 will receive even a penny of tax cuts under these provisions.

These are two tax cuts that we cannot afford. They are two tax cuts that their beneficiaries do not need.

The deficits and debt are exploding because of actions by the President and Congress. To quote the cartoon character Pogo: ''We have met the enemy, and he is us.'' But we now have this unique opportunity to rescind two unnecessary and unaffordable tax cuts before they take effect.

Such a modest mid-course correction is exactly what President Ronald Reagan did in 1982. He realized that his 1981 tax cuts had overshot, and that they were projected to cause the kind of monster deficits we are experiencing today. President Reagan did the prudent and responsible thing: he pared back some of his tax cuts. Today, we need to show that same kind of restraint by not allowing the PEP and Pease provisions to go forward.

The difference, or course, is that President Reagan repealed tax cuts that had already taken effect. What we are proposing, today, is simply to not allow two new tax cuts to go forward—tax cuts that haven't yet taken effect.

The Perkins program is a lifeline to low-income Americans struggling to obtain marketable job skills. It is an essential rung on the ladder of opportunity that we extend to our young people.

So I come back to President Kennedy's remark that ''to govern is to choose.'' We can't have it all. We must choose. And today we are confronted with this choice. We can go forward with these two new tax cuts, overwhelmingly for people who don't need them, while eliminating Perkins funding for vocational education. Or we can say, ''Two trillion dollars in tax cuts, mostly for the affluent, is surely enough. Let's rescind these two new tax cuts before they go into effect. And let's redirect that money to education. . . to giving millions of young Americans the vocational skills they need to succeed in the global economy.''

Certainly, all who favor creating an opportunity society should be in favor of this amendment. So should all who believe in basic fairness and equity.

Indeed, if all the millionaires who stand to benefit from these two new tax cuts were here in this chamber, today, and voting on this amendment, there is no doubt in my mind that the vast majority of them would vote ''yes.'' They would say, ''We have already made it. America has already blessed us with wealth and comfort. By all means, withhold these latest tax cuts, and redirect that money to vocational education students so they can graduate, so they can have opportunity, so they can achieve the American dream as we did.''

Let's restore Perkins funding and let's reduce the deficit. I urge my colleagues to join me in a resounding, bipartisan vote on this amendment. We voted 99–0 to reauthorize the Perkins program. Now let's vote to keep this proven, effective program alive and thriving for millions of students across America.

I will close by saying I hope we will get this amendment up for a vote tomorrow so Senators can express themselves on it.

I yield the floor.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands adjourned until 9 a.m. tomorrow.

Thereupon, the Senate, at 10:06 p.m., adjourned until Wednesday, March 16, 2005, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate March 15, 2005:

DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION

JAMES H. BILBRAY, OF NEVADA, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION. (NEW POSITION)

PHILIP COYLE, OF CALIFORNIA, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION. (NEW POSITION)

ADMIRAL HAROLD W. GEHMAN, JR., UNITED STATES NAVY, RETIRED, OF VIRGINIA, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION. (NEW POSITION)

JAMES V. HANSEN, OF UTAH, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION. (NEW POSITION)

GENERAL JAMES T. HILL, UNITED STATES ARMY, RETIRED, OF FLORIDA, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION. (POSITION)

CLAUDE M. KICKLIGHTER, OF GEORGIA, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION. (NEW POSITION)

SAMUEL KNOX SKINNER, OF ILLINOIS, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION. (NEW POSITION)

BRIGADIER GENERAL SUE ELLEN TURNER, UNITED STATES AIR FORCE, RETIRED, OF TEXAS, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION. (NEW POSITION)

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S2661–S2757

Measures Introduced: Eleven bills and four resolutions were introduced, as follows: S. 621–631, S.J. Res. 7–9, and S. Res. 82. **Pages S2734–35**

Measures Passed:

Welfare Reform Extension Act: Senate passed H.R. 1160, to reauthorize the Temporary Assistance for Needy Families block grant program through June 30, 2005, clearing the measure for the President. **Page S2754**

Concurrent Budget Resolution: Senate continued consideration of S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010, taking action on the following amendments proposed thereto: **Pages S2661–S2728**

Adopted:

By a unanimous vote of 100 yeas (Vote No. 46), Graham Modified Amendment No. 152, to express the sense of the Senate regarding the urgent need for legislation to ensure the long-term viability of the Social Security program. **Pages S2686–92**

By 56 yeas to 43 nays (Vote No. 48), DeMint Amendment No. 150, to express the sense of the Senate that failing to address the financial condition of Social Security will result in massive debt, deep benefit cuts and tax increases.

Pages S2685–86, S2692–93

Rejected:

By 45 yeas to 55 nays (Vote No. 47), Conrad Amendment No. 144, to ensure that 75-year solvency has been restored to Social Security before Congress considers new deficit-financed legislation that would increase mandatory spending or cut taxes.

Pages S2668–76, S2680–85, S2692

By 50 yeas to 50 nays (Vote No. 49), Nelson Amendment No. 145, to express the sense of the Senate that Congress should reject any Social Security plan that requires deep benefit cuts or a massive increase in debt. **Pages S2676–78, S2693**

By 46 yeas to 54 nays (Vote No. 50), Stabenow Amendment No. 147, to protect the American people from terrorist attacks by providing the necessary resources to our firefighters, police, EMS workers and other first-responders by restoring $1,626 billion in cuts to first-responder programs.

Pages S2678–80, S2693–94

Pending:

Byrd Amendment No. 158, to provide adequate funding of $1.4 billion in fiscal year 2006 to preserve a national intercity passenger rail system.

Pages S2694–S2706

Cantwell Amendment No. 168, to strike section 201(a)(4) relative to the Arctic National Wildlife Refuge. **Pages S2716–20**

Akaka Amendment No. 149, to increase veterans medical care by $2.8 billion in 2006. **Pages S2720–24**

Ensign Amendment No. 171, to increase veterans medical care by $410,000,000 in fiscal year 2006.

Pages S2724–28

A unanimous-consent agreement was reached providing for further consideration of the resolution at 9 a.m., on Wednesday, March 16, 2005, and that Senator Feinstein be recognized for up to 20 minutes; that Senator Specter be recognized to offer an amendment relative to the National Institutes of Health (NIH), on which there will be 45 minutes for debate equally divided; that following that debate, the Senate begin 90 minutes of debate equally divided in relation to the Cantwell Amendment No. 168 (listed above); that there then be 45 minutes equally divided for debate relative to Ensign Amendment No. 171 (listed above) and Akaka Amendment No. 149 (listed above); and that at 1 p.m., the Senate vote on, or in relation to, certain amendments. **Page S2755**

Appointments:

President's Export Council: The Chair, pursuant to Executive order 12131, as amended, appointed the following Members to the President's Export Council: Senators Baucus and Dorgan. **Page S2754**

National Council on the Arts: The Chair, on behalf of the Democratic Leader, pursuant to Public

Law 105–63, announced the appointment of the following individual to serve as members of the National Council on the Arts: Senator Leahy, vice Senator Reid. Page S2754

Nominations Received: Senate received the following nominations:

James H. Bilbray, of Nevada, to be a Member of the Defense Base Closure and Realignment Commission.

Philip Coyle, of California, to be a Member of the Defense Base Closure and Realignment Commission.

Admiral Harold W. Gehman, Jr., United States Navy, Retired, of Virginia, to be a Member of the Defense Base Closure and Realignment Commission.

James V. Hansen, of Utah, to be a Member of the Defense Base Closure and Realignment Commission.

General James T. Hill, United States Army, Retired, of Florida, to be a Member of the Defense Base Closure and Realignment Commission. (Position)

Claude M. Kicklighter, of Georgia, to be a Member of the Defense Base Closure and Realignment Commission.

Samuel Knox Skinner, of Illinois, to be a Member of the Defense Base Closure and Realignment Commission.

Brigadier General Sue Ellen Turner, United States Air Force, Retired, of Texas, to be a Member of the Defense Base Closure and Realignment Commission. Page S2757

Messages From the House: Pages S2732–33

Measures Referred: Page S2733

Executive Communications: Pages S2733–34

Executive Reports of Committees: Page S2734

Additional Cosponsors: Page S2735

Statements on Introduced Bills/Resolutions: Pages S2735–46

Additional Statements: Pages S2730–32

Amendments Submitted: Pages S2746–53

Authority for Committees to Meet: Pages S2753–54

Privilege of the Floor: Page S2754

Record Votes: Five record votes were taken today. (Total—50) Pages S2691–94

Adjournment: Senate convened at 9:30 a.m., and adjourned at 10:06 p.m., until 9 a.m., on Wednesday, March 16, 2005. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S2755.)

Committee Meetings

(Committees not listed did not meet)

SCHOOL NUTRITION PROGRAMS

Committee on Agriculture, Nutrition, and Forestry: Committee concluded a hearing to examine school nutrition programs, focusing on the elimination of reduced price meals, the Summer Food Service Program, and nutrition education and promotion, after receiving testimony from Senator Dole; Dora Rivas, Dallas Independent School District, Dallas, Texas; Annette Bomar Hopgood, Georgia Department of Education, Atlanta; Karen Johnson, Child Nutrition Programs, Yuma, Arizona, on behalf of the School Nutrition Association; and Ruth Jonen, Hoffman Estates, Palatine, Illinois.

APPROPRIATIONS: DEPARTMENT OF VETERANS AFFAIRS

Committee on Appropriations: Subcommittee on Military Construction and Veterans' Affairs concluded a hearing to examine proposed budget estimates for fiscal year 2006 for the Department of Veterans Affairs, after receiving testimony from R. James Nicholson, Secretary, Jonathan B. Perlin, Acting Under Secretary for Health, Veterans' Health Administration, Vice Admiral Daniel L. Cooper (USN Ret.), Under Secretary for Benefits, Veterans Benefits Administration, Richard A. Wannemacher, Acting Under Secretary for Memorial Affairs, National Cemetery Administration, Tim McClain, General Counsel, and Rita A. Reed, Deputy Assistant Secretary for Budget, all of the Department of Veterans Affairs.

APPROPRIATIONS: DEPARTMENT OF LABOR

Committee on Appropriations: Subcommittee on Labor, Health, and Human Services, Education, and Related Agencies concluded a hearing to examine proposed budget estimates for fiscal year 2006 for the Department of Labor, after receiving testimony from Elaine L. Chao, Secretary of Labor.

APPROPRIATIONS: DEPARTMENT OF TRANSPORTATION

Committee on Appropriations: Subcommittee on Transportation, Treasury, Judiciary and Housing and Urban Development concluded a hearing to examine proposed budget estimates for fiscal year 2006 for the Department of Transportation, after receiving testimony from Norman Y. Mineta, Secretary of Transportation.

APPROPRIATIONS: DEPARTMENT OF ENERGY

Committee on Appropriations: Subcommittee on Energy and Water concluded a hearing to examine proposed budget estimates for fiscal year 2006 for the Office of Energy Efficiency and Renewable Energy, the Office of Science, and the Office of Nuclear Energy, Science and Technology in the Department of Energy, after receiving testimony from David Garman, Assistant Secretary, Office of Energy Efficiency and Renewable Energy, Raymond L. Orbach, Director, Office of Science, and William D. Magwood, IV, Director, Office of Nuclear Energy, Science and Technology, all of Department of Energy.

DEFENSE AUTHORIZATION: MILITARY STRATEGY

Committee on Armed Services: Committee concluded a hearing to examine military strategy and operational requirements from combatant commanders in review of the Defense Authorization Request for fiscal year 2006, after receiving testimony from General Bantz J. Craddock, USA, Commander, U.S. Southern Command; and Admiral Timothy J. Keating, USN, Commander, U.S. Northern Command.

NOMINATION

Committee on Armed Services: Committee concluded a hearing to examine the nomination of Anthony Joseph Principi, of California, to be a Member of the Defense Base Closure and Realignment Commission, after the nominee testified and answered questions in his own behalf.

HERITAGE AREA BILLS

Committee on Energy and Natural Resources: Subcommittee on Nationals Parks concluded a hearing to examine S. 175, to establish the Bleeding Kansas and Enduring Struggle for Freedom National Heritage Area, S. 322, to establish the Champlain Valley National Heritage Partnership in the States of Vermont and New York, S. 323, to authorize the Secretary of the Interior to study the suitability and feasibility of designating the French Colonial Heritage Area in the State of Missouri as a unit of the National Park System, and S. 429, to establish the Upper Housatonic Valley National Heritage Area in the State of Connecticut and the Commonwealth of Massachusetts, after receiving testimony from Janet Snyder Matthews, Associate Director, Cultural Resources, National Park Service, Department of the Interior; James Baker, Missouri Department of Natural Resources, St. Genevieve; Judy Billings, Kansas Chamber of Commerce, Convention and Visitors Bureau, Lawrence; Ronald D. Jones, Upper Housatonic Valley National Heritage Area, Inc., Salisbury, Connecticut; Ann Cousins, Preservation Trust of Vermont, Burlington; John W. Cosgrove, Alliance of National Heritage Areas, Scranton, Pennsylvania; and J. Peyton Knight, American Policy Center, and American Land Rights Association, Warrenton, Virginia.

NOMINATION

Committee on Foreign Relations: Committee concluded a hearing to examine the nomination of Howard J. Krongard, of New Jersey, to be Inspector General, Department of State, after the nominee answered questions in his own behalf.

NOMINATIONS

Committee on Foreign Relations: Committee concluded a hearing to examine the nominations of Joseph R. DeTrani, of Virginia, for the rank of Ambassador during his tenure of service as Special Envoy for the Six Party Talks, John Thomas Schieffer, of Texas, to be Ambassador to Japan, who was introduced by Senator Hutchison, and Christopher R. Hill, of Rhode Island, to be an Assistant Secretary of State for East Asian and Pacific Affairs, after each nominee testified and answered questions in their own behalf.

BUSINESS MEETING

Committee on Foreign Relations: Committee ordered favorably reported the nominations of Howard J. Krongard, of New Jersey, to be Inspector General, Department of State, Joseph R. DeTrani, of Virginia, for the rank of Ambassador during his tenure of service as Special Envoy for the Six Party Talks, John Thomas Schieffer, of Texas, to be Ambassador to Japan, Christopher R. Hill, of Rhode Island, to be an Assistant Secretary of State for East Asian and Pacific Affairs, R. Nicholas Burns, of Massachusetts, to be an Under Secretary of State for Political Affairs, C. David Welch, of Virginia, to be an Assistant Secretary of State for Near Eastern Affairs, John B. Bellinger, of Virginia, to be Legal Adviser of the Department of State, David B. Balton, of the District of Columbia, for the rank of Ambassador during his tenure of service as Deputy Assistant Secretary of State for Oceans and Fisheries, Rudolph E. Boschwitz, of Minnesota, for the rank of Ambassador during his tenure of service as Representative of the United States of America on the Human Rights Commission of the Economic and Social Council of the United Nations, and promotion lists in the Foreign Service.

NATIONAL SECURITY PERSONNEL SYSTEM

Committee on Homeland Security and Governmental Affairs: Subcommittee on Oversight of Government Management, the Federal Workforce and the District of Columbia concluded an oversight hearing to examine ensuring the success of the National Security

Personnel System, focusing on the proposed regulations jointly published by the Department of Defense and Office of Personnel Management for the National Security Personnel System regarding management of the department and for civil service reform across the Federal government, after receiving testimony from David M. Walker, Comptroller General, Government Accountability Office; Charles S. Abell, Principal Deputy Under Secretary of Defense for Personnel and Readiness; George Nesterczuk, Senior Advisor to the Director on Department of Defense, Office of Personnel Management; Richard Oppedisano, Federal Managers Association, Alexandria, Virginia; and John Gage, American Federation of Government Employees, AFL–CIO, Washington, D.C., and Gregory J. Junemann, International Federation of Professional and Technical Engineers, AFL–CIO and CLC, Silver Spring, Maryland, both on behalf of the United DOD Workers' Coalition.

OPEN GOVERNMENT ACT

Committee on the Judiciary: Subcommittee on Terrorism, Technology and Homeland Security concluded a hearing to examine S. 394, to promote accessibility, accountability, and openness in Government by strengthening section 552 of title 5, United States Code (the OPEN Government Act), and S. 589, to establish the Commission on Freedom of Information Act Processing Delays, after receiving testimony from Katherine M. "Missy" Cary, Office of the Texas Attorney General, Austin; Mark Tapscott, The Heritage Foundation, Lisa Graves, American Civil Liberties Union, Meredith Fuchs, George Washington University National Security Archive, and Thomas M. Susman, Ropes and Gray LLP, all of Washington, D.C.; and Walter Mears, Chapel Hill, North Carolina.

TELECOMMUNICATIONS INDUSTRY MERGERS

Committee on the Judiciary: Committee concluded a hearing to examine the SBC/ATT and Verizon/MCI mergers relating to remaking the telecommunications industry, after receiving testimony from Edward E. Whitacre, Jr., SBC Communications Inc., San Antonio, Texas; Ivan G. Seidenberg, Verizon Communications, Inc., New York, New York; David Dorman, AT&T Corporation, Bedminister, New Jersey; and Michael D. Capellas, MCI, Inc., Ashburn, Virginia.

BUSINESS MEETING

Select Committee on Intelligence: Committee met in closed session to consider pending intelligence matters.

Committee recessed subject to the call.

RETIREMENT

Special Committee on Aging: Committee concluded a hearing to examine the economics of retirement, focusing on the aging population, after receiving testimony from Alan Greenspan, Chairman, Board of Governors of the Federal Reserve Board.

House of Representatives

Chamber Action

Measures Introduced: 37 public bills, H.R. 1291–1327; 1 private bill, H.R. 1328; and 11 resolutions, H.J. Res. 37; H. Con. Res. 96–99, and H. Res. 153–158, were introduced. **Pages H1506–09**

Additional Cosponsors: **Pages H1509–10**

Reports Filed: Report were filed today as follows:

H. Res. 154, providing for consideration of H. Con. Res. 95, establishing the congressional budget for the United States Government for fiscal year 2006, revising appropriate budgetary levels for fiscal year 2005, and setting forth appropriate budgetary levels for fiscal years 2007 through 2010 (H. Rept. 109–19). **Page H1506**

Speaker: Read a letter from the Speaker wherein he appointed Representative Porter to act as Speaker pro tempore for today. **Page H1423**

Chaplain: The prayer was offered today by Most Rev. Edward J. Slattery, Bishop, Diocese of Tulsa, Oklahoma. **Page H1425**

Recess: The House recessed at 9:17 a.m. and reconvened at 10 a.m. **Page H1425**

Emergency Supplemental Wartime Appropriations Act: The House began consideration of H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005. Further consideration of the bill will resume tomorrow, March 16. **Pages H1436–90, H1490–H1500**

Agreed by unanimous consent to limit further amendments offered and the time for debate on such amendments. Page H1490

Agreed to:

Moran of Virginia amendment that reduces and then increases by the same amount, the funding for Operation and Maintenance, Defense-Wide; Page H1458

Jackson of Illinois en bloc amendment that increases funding for International Disaster & Famine Assistance and Migration & Refugee Assistance; Page H1467

Maloney amendment that increases funding for the Tsunami Recovery and Reconstruction Fund; and Pages H1467–71

Upton of Michigan amendment that prohibits the use of funds for embassy security, construction, and maintenance (by a recorded vote of 258 ayes to 170 noes, Roll No. 73). Pages H1482–84, H1486–87

Rejected:

Tancredo amendment that sought to prohibit the use of funds in Title IV, Chapter 1 to provide emergency relief, rehabilitation or reconstruction aid; Pages H1479–81

Tierney amendment that sought to increase the funding for Operation and Maintenance, Defense-Wide (by a recorded vote of 191 ayes to 236 noes, Roll No. 72); Pages H1455–57, H1486

Weiner amendment that sought to prohibit the use of funds to finance any assistance to Saudi Arabia (agreed to limit time for debate on the amendment) (by a recorded vote of 196 ayes to 231 noes, Roll No. 74); and Pages H1484–86, H1487–88

Weiner amendment that sought to prohibit the use of funds for assistance to the Palestinian Authority or for programs, projects, and activities in the West Bank or Gaza. Pages H1497–H1500

Withdrawn:

Woolsey amendment that was offered and subsequently withdrawn that would have increased funding for reserve personnel in all branches of the Armed Forces, and for the Army and Air Force National Guard; Pages H1457–58

Garrett of New Jersey amendment that was offered and subsequently withdrawn that would have inserted a new section at the end of the bill regarding Offsetting Government-Wide Rescission; Pages H1476–77

Kelly amendment that was offered and subsequently withdrawn that would have prohibited the use of funds to provide assistance to the Government of the Federal Republic of Nigeria; Pages H1489–90

Lantos amendment (No. 4 printed in the Congressional Record of March 14) that was offered and subsequently withdrawn that would have added a title VII to the measure, entitled Hope at Home Act; and Pages H1491–95

Markey amendment that was offered and subsequently withdrawn that would have prohibited the use of funds to implement any regulation reducing the total amount of monthly military pay for a member of the Armed Forces who is wounded or otherwise injured while assigned to duty in an area for which special pay is available. Pages H1495–96

Point of Order sustained against:

Tierney amendment that sought to establish a select committee to investigate reconstruction efforts in Iraq and Afghanistan; Pages H1452–55

Jackson-Lee of Texas amendment (No. 3 printed in the Congressional Record of March 14) that sought to increase funding for Immigration and Customs Enforcement; Pages H1472–73

Filner amendment that sought to provide funding for the Veterans' Health Administration (agreed to sustain the ruling of the chair by a recorded vote of 224 ayes to 200 noes, Roll No. 71); and Pages H1477–78

Reyes en bloc amendment that sought to provide funding for veterans' health-care programs, and adds a Title VII to the bill regarding the Department of Homeland Security. Pages H1481–82

H. Res. 151, the rule, providing for consideration of the bill was agreed to by voice vote. Pages H1427–35

Agreed to the Cole amendment by voice vote. Pages H1433–35

Earlier it was agreed to order the previous question on the resolution the amendment, by a yea-and-nay vote of 220 yeas to 195 nays, Roll No. 69. Pages H1434–35

Privileged Resolution: The House agreed to table H. Res. 153, relating to a question of privileges of the House, by a recorded vote of 223 ayes to 194 noes, Roll No. 70. Pages H1435–36

Quorum Calls—Votes: One yea-and-nay vote and five recorded votes developed during the proceedings of the House today and appear on pages H1434–35, H1435–36, H1478, H1486, H1486–87, and H1487–88. There were no quorum calls.

Adjournment: The House met at 9 a.m. and adjourned at 7:31 p.m.

Committee Meetings

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS

Committee on Appropriations: Subcommittee on the Department of Homeland Security held a hearing on Customs and Border Protection. Testimony was

heard from Robert Bonner, Commissioner, Customs and Border Protection, Department of Homeland Security.

LABOR, HHS, EDUCATION, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on the Department of Labor, Health and Human Services, Education, and Related Agencies held a hearing on Health Resources and Services Administration. Testimony was heard from Elizabeth James Duke, Administrator, Health Resources and Services Administration, Department of Health and Human Services.

ENERGY AND WATER DEVELOPMENT AND RELATED PROGRAMS APPROPRIATIONS

Committee on Appropriations: Subcommittee on Energy and Water Development, and Related Agencies held a hearing on Department of Energy—Science, Nuclear Energy and Renewable Energy/Conservation. Testimony was heard from the following officials of the Department of Energy: Raymond L. Orbach, Director, Office of Science; William D. Magwood, IV, Director, Office of Nuclear Energy, Science and Technology; and David K. Garman, Assistant Secretary, Office of Energy Efficiency and Renewable Energy.

SCIENCE, THE DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Science, the Departments of State, Justice, and Commerce, and Related Agencies continued appropriation hearings. Testimony was heard from Members of Congress.

NATIONAL DEFENSE AUTHORIZATION BUDGET REQUEST FISCAL YEAR 2006—NAVAL CRITICAL ENABLERS

Committee on Armed Services: Subcommittee on Projection Forces held a hearing on the Fiscal Year 2006 National Defense Authorization budget request—Naval Critical Enablers. Testimony was heard from the following officials of the Department of the Navy: E. Anne Sandel, Deputy Assistant Secretary, Integrated Warfare Systems; Roger M. Smith, Deputy Assistant Secretary, Littoral and Mine Warfare; RADM Mark J. Edwards, USN, Director, Surface Warfare Division (N76), Department of the Navy; MG Gordon C. Nash, USMC, Director, Expeditionary Warfare Division (N75), U.S. Marine Corps; RADM Joseph A. Walsh, USN, Director, Submarine Warfare Division (N77); and RADM Anthony L. Winns, USN, Deputy Director, Air Warfare Division (N78), Department of the Navy.

NATIONAL DEFENSE AUTHORIZATION BUDGET REQUEST FISCAL YEAR 2006

Committee on Armed Services: Subcommittee on Readiness held a hearing on the Fiscal Year 2006 National Defense Authorization budget request for Military Construction, Family Housing, Base Closures, and Facilities Operations and Maintenance. Testimony was heard from the following officials of the Department of Defense: Philip Crone, Deputy Under Secretary, Installations and Environment; Geoffrey G. Prosch, Principal Deputy Assistant Secretary, Army, Installations and Environment; B. J. Penn, Assistant Secretary, Navy, Installations and Environment; and Fred W. Kuhn, Deputy Assistant Secretary, Air Force, Installations.

NATIONAL DEFENSE AUTHORIZATION BUDGET REQUEST FISCAL YEAR 2006 MISSILE DEFENSE PROGRAMS

Committee on Armed Services: Subcommittee on Strategic Forces held a hearing on the Fiscal Year 2006 National Defense Authorization budget request for Missile Defense Programs. Testimony was heard from the following officials of the Department of Defense: LTG Trey Obering, USAF, Director, Missile Defense Agency; LTG Larry J. Dodgen, USA, Commander, U.S. Army Space and Missile Defense Command; and David W. Duma, Acting Director, Operational Test and Evaluation.

NATIONAL DEFENSE AUTHORIZATION BUDGET REQUEST FISCAL YEAR 2006

Committee on Armed Services: Subcommittee on Terrorism, Unconventional Threats and Capabilities held a hearing on the Fiscal Year 2006 National Defense Authorization budget request—Department of Defense responsibilities in homeland defense and homeland security missions. Testimony was heard from the following officials of the Department of Defense: Paul McHale, Assistant Secretary, Homeland Defense; ADM Timothy Keating, USN, Commander, North American Aerospace Defense Command and United States Northern Command; and LTG H. Steven Blum, USA, Chief, National Guard Bureau.

WELFARE REFORM: REAUTHORIZATION OF WORK AND CHILD CARE

Committee on Education and the Workforce: Subcommittee on 21st Century Competitiveness held a hearing entitled "Welfare Reform: Reauthorization of Work and Child Care." Testimony was heard from Wade F. Horn, Assistant Secretary, Children and Families, Department of Health and Human Services; and public witnesses.

PROTECTING CONSUMERS' DATA

Committee on Energy and Commerce: Subcommittee on Commerce, Trade, and Consumer Protection held a hearing entitled "Protecting Consumers' Data: Policy Issues Raised by ChoicePoint." Testimony was heard from Deborah Platt Majoras, Chairman, FTC; and public witnesses.

REGULATION NMS: THE SEC'S VIEW

Committee on Financial Services: Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises held a hearing entitled "Regulation NMS: The SEC's View." Testimony was heard from William H. Donaldson, Chairman, SEC.

OVERSIGHT—UNITED NATIONS REFORM

Committee on International Relations: Held an oversight hearing on United Nations Reform: Challenges and Prospects. Testimony was heard from the following former United States Permanent Representatives to the United Nations: Ambassador Jeane J. Kirkpatrick, Ambassador Richard C. Holbrooke, and Ambassador Richard S. Williamson.

PROTECTION OF LAWFUL COMMERCE ON ARMS ACT

Committee on the Judiciary: Subcommittee on Commercial and Administrative Law held a hearing on H.R. 800, Protection of Lawful Commerce in Arms Act. Testimony was heard from public witnesses.

OVERSIGHT—DEPARTMENT OF HOMELAND SECURITY

Committee on the Judiciary: Subcommittee on Crime, Terrorism and Homeland Security held an oversight hearing on the Department of Homeland Security to Examine the Security of the Nation's Seaports and the Cargo Entering Those Ports. Testimony was heard from the following officials of the Department of Homeland Security: Jayson P. Ahern, Assistant Commissioner, U.S. Customs and Border Protection; and RADM Larry Hereth, USCG, Director, Port Security; Jeff Keever, Deputy Executive Director, Port Authority, State of Virginia; and a public witness.

OVERSIGHT—ELECTRICITY SYSTEM IMPROVEMENT

Committee on Resources: Subcommittee on Water and Power held an oversight hearing on the Power Marketing Administrations' Role in Bringing Our Nationwide Electricity Transmission System into the 21st Century. Testimony was heard from the following Administrators of the Power Administrations, Department of Energy: Charles A. Borchardt, Southeastern Power Administration; Michael A. Deihl, Southwestern Power Administration; Michael S. Hacskaylo, Western Area Power Administration; and Stephen J. Wright, Bonneville Power Administration.

CONCURRENT RESOLUTION ON THE BUDGET, FY 2006

Committee on Rules: Granted, by voice vote, a structured rule providing 5 hours of general debate on H. Con. Res. 95, Concurrent Resolution on the Budget, FY 2006, with 4 hours equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget, and one hour on the subject of economic goals and policies equally divided and controlled by Representative Saxton of New Jersey and Representative Maloney of New York or their designees. The rule waives all points of order against consideration of the concurrent resolution. The rule provides that the concurrent resolution shall be considered for amendment under the five-minute rule and that the concurrent resolution shall be considered as read. The rule makes in order only those amendments printed in the Rules Committee report accompanying the resolution which may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House and in the Committee of the Whole. The rule waives all points of order against the amendments printed in the report, except that the adoption of an amendment in the nature of a substitute shall constitute the conclusion of consideration of the concurrent resolution for amendment. The rule permits the chairman of the Budget Committee to offer amendments in the House to achieve mathematical consistency. The rule provides that the concurrent resolution shall not be subject to a demand for division of the question of its adoption. The rule provides that after passage of H. Con. Res. 95, it shall be in order to consider in the House S. Con. Res. 18, to move to strike all after the resolving clause of S. Con Res. 18, and to insert the provisions of H. Con. Res. 95, as passed by the House. Finally, the rule waives all points of order against S. Con. Res. 18, against its consideration, and against the motion to strike and insert. Testimony was heard from Chairman Nussle and Representatives Shays, Flake, Spratt, Cooper, Scott of Virginia, Stupak, Brown of Ohio, Harman, and Jackson-Lee of Texas.

MISCELLANEOUS MEASURES

Committee on Science: Subcommittee on Environment, Technology, and Standards approved for full Committee action the following bills: H.R. 50, amended, National Oceanic and Atmospheric Administration

Act; H.R. 798, Methamphetamine Remediation Research Act of 2005; and H.R. 250, amended, Manufacturing Technology Competitiveness Act of 2005.

OVERSIGHT—LASERS

Committee on Transportation and Infrastructure: Subcommittee on Aviation held an oversight hearing on Lasers: A Hazard to Aviation Safety and Security? Testimony was heard from Nicholas A. Sabatini, Associate Administrator, Aviation Safety, FAA, Department of Transportation; and public witnesses.

MEASURING PHYSICIAN QUALITY AND EFFICIENCY OF CARE IN MEDICARE

Committee on Ways and Means: Subcommittee on Health held a hearing on Measuring Physician Quality and Efficiency of Care in Medicare. Testimony was heard from Herb Kuhn, Director, Center for Medicare Management, Centers for Medicare and Medicaid Services, Department of Health and Human Services; and public witnesses.

PERSONAL RESPONSIBILITY, WORK, AND FAMILY PROTECTION ACT OF 2005

Committee on Ways and Means: Subcommittee on Human Resources approved for full Committee action, as amended, H.R. 240, Personal Responsibility, Work, and Family Protection Act of 2005.

BUDGET HEARING

Permanent Select Committee on Intelligence: Met in executive session to hold a hearing on the Budget. Testimony was heard from departmental witnesses.

COMMITTEE MEETINGS FOR WEDNESDAY, MARCH 16, 2005

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Defense, to hold hearings to examine proposed budget estimates for fiscal year 2006 for the Navy, 10 a.m., SD–192.

Subcommittee on Labor, Health and Human Services, and Education, to hold hearings to examine proposed budget estimates for fiscal year 2006 for the Department of Health and Human Services, 10:30 a.m., SD–138.

Subcommittee on Military Construction, to hold hearings to examine proposed budget estimates for fiscal year 2006 for the Army and Air Force, 2 p.m., SD–138.

Committee on Armed Services: Subcommittee on Airland, to hold hearings to examine Army Transformation and the Future Combat System in review of the Defense Authorization Request for fiscal year 2006, 9:30 a.m., SR–232A.

Subcommittee on Strategic Forces, to hold hearings to examine national security space policy and programs in review of the Defense Authorization request for fiscal year 2006, 3 p.m., SR–232A.

Full Committee, to receive a closed briefing regarding Improvised Explosive Devices (IED), focusing on the evolving IED threat and the Department of Defense's approach to addressing this issue, 4:30 p.m., SR–222.

Committee on Energy and Natural Resources: business meeting to consider pending calendar business, 11:30 a.m., SD–366.

Committee on Environment and Public Works: business meeting to consider The Reliable Fuels Act, and The Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005, 9:15 a.m., SD–406.

Committee on Finance: to hold hearings to examine expiring tax provisions, 10 a.m., SD–628.

Committee on Foreign Relations: to hold hearings to examine the lifting of the European Union arms embargo on China, 2:30 p.m., SD–419.

Committee on the Judiciary: Subcommittee on Constitution, Civil Rights and Property Rights, to hold hearings to examine obscenity prosecution and the constitution, 3 p.m., SD–226.

Select Committee on Intelligence: to hold a closed briefing on intelligence matters, 2:30 p.m., SH–219.

House

Committee on Agriculture, hearing to Review United States Agricultural Trade with Cuba, 10 a.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on Agricultural, Rural Development, Food and Drug Administration, and Related Agencies, on Under Secretary for Marketing and Regulatory Programs, 2 p.m., 2362A Rayburn.

Subcommittee on Energy and Water Development, and Related Agencies, on Department of Energy-Nuclear Waste Disposal and Environmental Management, and on Department of Energy-Fossil Energy, 2 p.m., 2362A Rayburn.

Subcommittee on Science, The Departments of State, Justice, and Commerce, and Related Agencies, on DEA, 2 p.m., H–309 Capitol.

Committee on Armed Services, to continue hearings on the Fiscal Year 2006 National Defense Authorization budget request, 10 a.m., 2118 Rayburn.

Subcommittee on Military Personnel, hearing on Recruiting, Retention and Military Personnel Policy, and Benefits and Compensation Overview, 2 p.m., 2212 Rayburn.

Subcommittee on Tactical Air and Land Forces, hearing on the Fiscal Year 2006 National Defense Authorization budget request—Future Combat Systems, Modularity, and Force Protection Initiatives, 2:30 p.m., 2118 Rayburn.

Committee on Education and the Workforce, to mark up H.R. 525, Small Business Health Fairness Act of 2005, 10:30 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Oversight and Investigations, hearing on Problems with the E-rate Program: GAO Review of FCC Management and Oversight, 2 p.m., 2123 Rayburn.

Subcommittee on Telecommunications and the Internet, hearing entitled ''How Internet Protocol-Enabled

Services are Changing the Face of Communications: A Look at the Voice Marketplace," 10 a.m., 2123 Rayburn.

Committee on Financial Services, to consider the following measures: H.R. 458, Military Personnel Financial Services Protection Act; H.R. 749, Expanded Access to Financial Services Act of 2005; H.R. 280, Brownfields Redevelopment Enhancement Act; H.R. 804, To exclude from consideration as income certain payments under the national flood insurance program; H.R. 1057, True American Heroes Act; and H.R. 902, Presidential $1 Coin Act, 10 a.m., 2128 Rayburn.

Committee on Government Reform, to consider the following: an Oversight Plan for the 109th Congress; H. Res. 142, Supporting the goals and ideals of a "Rotary International Day" and celebrating and honoring Rotary International on the occasion of its centennial anniversary; and H. Res. 148, Supporting the goals and ideals of Financial Literacy Month; followed by a hearing entitled "Service Oriented Streamlining: Rethinking the Way GSA Does Business," 10 a.m., 2154 Rayburn.

Subcommittee on Energy and Resources, oversight hearing entitled "Energy Demands in the 21st Century: Are Congress and the Executive Branch Meeting the Challenge?" 2 p.m., 2203 Rayburn.

Subcommittee on Government Management, Finance, and Accountability, hearing entitled "Strengthening Travel Reimbursement Procedures for Army National Guard Soldiers," 2 p.m., 2247 Rayburn.

Committee on House Administration, to continue consideration of funding requests for the Committees of the House, 1:15 p.m., 1310 Longworth.

Committee on International Relations, hearing on Libya: Progress on the Path Toward Cautious Reengagement, 10:30 a.m., 2172 Rayburn.

Subcommittee on Africa, Global Human Rights and International Operations, oversight hearing on Northern Ireland Human Rights: Update on the Cory Collusion Inquiry Reports, 2 p.m., 2172 Rayburn.

Committee on the Judiciary, to mark up the following measures: S. 256, Bankruptcy Abuse Prevention and Consumer Protection Act of 2005; and H. Res. 136, Directing the Attorney General and the Secretary of Homeland Security to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the possession of those officials relating to the security investigations and background checks relating to granting access to the White House of James D. Guckert (also known as Jeff Gannon), 10 a.m., 2141 Rayburn.

Subcommittee on the Constitution, hearing on H.R. 1151, to amend title 28, United States Code, to provide the protections of habeas corpus for certain incapacitated individuals whose life is in jeopardy, 2 p.m., 2141 Rayburn.

Committee on Resources, Subcommittee on Energy and Mineral Resources, oversight hearing on U.S. Energy and Mineral Needs Security and Policy: Impacts of Sustained Increases in Global Energy and Mineral Consumption by Emerging Economics Such as China and India, 10 a.m., 1324 Longworth.

Subcommittee on Forests and Forest Health, hearing on the following bills: H.R. 410, Northern Arizona Land Exchange and Verde River Basin Partnership act of 2005; H.R. 599, Federal Lands Restoration Enhancement, Public Education, and Information Resources Act of 2005, and H.R. 975, Trail Responsibility and Accountability for the Improvement of Lands Act, 2:30 p.m., 1324 Longworth.

Committee on Science, Subcommittee on Space and Aeronautics, hearing on the Future of Aeronautics at NASA, 10 a.m., 2318 Rayburn.

Committee on Small Business, hearing entitled "The RFA at 25: Needed Improvements for Small Business Regulatory Relief," 2 p.m., 311 Cannon.

Committee on Transportation and Infrastructure, Subcommittee on Water Resources and Environment, oversight hearing on Member Project Requests for the Water Resources Development Act of 2005, 10 a.m., 2167 Rayburn.

Committee on Ways and Means, hearing on the President's Fiscal Year 2006 Budget for the Department of Labor, 10:30 a.m., 1100 Longworth.

Permanent Select Committee on Intelligence, executive, hearing on the Budget, 1:30 p.m., H–405 Capitol.

Next Meeting of the **SENATE**

9 a.m., Wednesday, March 16

Senate Chamber

Program for Wednesday: Senate will continue consideration of S. Con. Res. 18, Concurrent Budget Resolution, and at 1 p.m., vote on, or in relation to, certain amendments.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

10 a.m., Wednesday, March 16

House Chamber

Program for Wednesday: Complete consideration of H.R. 1268, Emergency Supplemental Wartime Appropriations Act.

Consideration of H. Con. Res. 95, Budget Resolution for FY 06 (structured rule, five hours of general debate).

Congressional Record

The *Congressional Record* (USPS 087–390). The Periodicals postage is paid at Washington, D.C. The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed one time. ¶Public access to the *Congressional Record* is available online through *GPO Access*, a service of the Government Printing Office, free of charge to the user. The online database is updated each day the *Congressional Record* is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d session (January 1994) forward. It is available through *GPO Access* at www.gpo.gov/gpoaccess. Customers can also access this information with WAIS client software, via telnet at swais.access.gpo.gov, or dial-in using communications software and a modem at 202–512–1661. Questions or comments regarding this database or *GPO Access* can be directed to the *GPO Access* User Support Team at: E-Mail: gpoaccess@gpo.gov; Phone 1–888–293–6498 (toll-free), 202–512–1530 (D.C. area); Fax: 202–512–1262. The Team's hours of availability are Monday through Friday, 7:00 a.m. to 5:30 p.m., Eastern Standard Time, except Federal holidays. ¶The *Congressional Record* paper and 24x microfiche edition will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $252.00 for six months, $503.00 per year, or purchased as follows: less than 200 pages, $10.50; between 200 and 400 pages, $21.00; greater than 400 pages, $31.50, payable in advance; microfiche edition, $146.00 per year, or purchased for $3.00 per issue payable in advance. The semimonthly *Congressional Record Index* may be purchased for the same per issue prices. To place an order for any of these products, visit the U.S. Government Online Bookstore at: bookstore.gpo.gov. Mail orders to: Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954, or phone orders to 866–512–1800 (toll free), 202–512–1800 (D.C. area), or fax to 202–512–2250. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, American Express, or GPO Deposit Account. ¶Following each session of Congress, the daily *Congressional Record* is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the *Congressional Record*.

POSTMASTER: Send address changes to the Superintendent of Documents, *Congressional Record*, U.S. Government Printing Office, Washington, D.C. 20402, along with the entire mailing label from the last issue received.