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House of Representatives

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
July 12, 2005.

I hereby appoint the Honorable MICHAEL C. BURGESS 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 not to exceed 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

The Chair recognizes the gentleman from Ohio (Mr. BROWN) for 5 minutes.

CENTRAL AMERICAN FREE TRADE AGREEMENT

Mr. BROWN of Ohio. Mr. Speaker, last year the House Majority Leader the gentleman from Texas (Mr. DELAY), the most influential Republican in the Congress, promised that this Congress would vote during last year on the Central American Free Trade Agreement, a trade agreement that includes six countries in Latin America and the United States. December 31 rolled around, there was no vote.

Majority Leader DELAY then promised a vote by Memorial Day on CAFTA. Memorial Day came and went.

Majority Leader DELAY then promised a vote on CAFTA prior to July 4. July 4 has since come and gone. Now, Leader DELAY has said there will be a vote on the Central American Free Trade Agreement some time in July.

Mr. Speaker, the reason that there has not been a vote on the Central American Free Trade Agreement is because of the overwhelming opposition to that trade agreement, opposition from Republicans on that side of the aisle, Democrats on this side of the aisle, opposition from small manufacturers, machine shops, tool and die makers, small manufacturing companies, opposition from unions and all kind of worker organizations, opposition from environmentalists, opposition from religious leaders, opposition from in the United States to the Central American Free Trade Agreement, widespread opposition among leaders and religious leaders, labor leaders, environmentalists advocates for the poor, small business people, small farmers and ranchers throughout the six Latin American countries. The reason they oppose the Central American Free Trade Agreement is it simply will not work for the great majority of people whether it is in Nicaragua or the United States, whether it is in Guatemala or the Dominican Republic.

All of us understand that this CAFTA does not make sense. We should renegotiate the Central American Free Trade Agreement, get rid of this one, renegotiate one that works for everyone.

The reason CAFTA does not work is that it was crafted by a select few, negotiated by a select few to benefit a select few. The drug companies were at the negotiating table. They, of course, will benefit from the Central American Free Trade Agreement, but small manufacturers will not.

The insurance companies and the financial institutions and the banks were at the negotiating table helping to write the Central American Free Trade Agreement. The representatives of small farmers and small ranchers in small businesses were not at the table.

Oil companies and other big energy companies were at the table negotiating the Central American Free Trade Agreement. But consumers and people who will be hurt, the poor and working families in all seven CAFTA countries, were not at the table. It, as I said, was negotiated by a select few, for a select few.

Now, Mr. Speaker, the reason we know that our trade policy is not working is exemplified very well in this chart. 1992, the year I first ran for Congress, was elected, our trade deficit in this country was \$38 billion. In 2004 that trade deficit was \$618 billion, from \$38 billion to \$618 billion in the space of 12 years.

Mr. Speaker, those numbers, those are just trade deficit numbers. But what they represent is loss of manufacturing jobs in large part. The states in red are states that have lost 20 percent of their manufacturing jobs. My State of Ohio, at 216,000 in just 5 years. Michigan over 200,000, Illinois over 200,000, Pennsylvania over 200,000. The Speaker, the man in the Speaker's chair, his State of Texas, 200,000. The gentleman from Oregon (Mr. BLUMENAUER's) State has lost 30,000 manufacturing jobs. The gentleman from New Jersey, (Mr. PALLONE's) State of New Jersey has lost 105,000 manufacturing jobs in the last 5 years.

Mr. Speaker, this trade policy is not working. These trade agreements are not working. This trade agreement is not about lifting up workers in the developing world. It is about U.S. companies moving plants to Honduras, outsourcing jobs to El Salvador and exploiting cheap labor in Guatemala, not to help those workers, because those

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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workers living standards under past trade agreements simply have not risen.

We know, Mr. Speaker, that we need a different CAFTA, and we have a different CAFTA when the world's poorest people can buy American goods, not just make them, we will know our trade policies are finally working. We should defeat this CAFTA and renegotiate a better Central American Free Trade Agreement.

CHANCE TO KEEP FAITH WITH AMERICAN TAXPAYERS

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, this week, Members of the House of Representatives will have a chance to keep faith with the American taxpayers and the interests of our each and every district. The gentleman from Arizona (Mr. FLAKE) and I will offer an amendment to assure that the most expensive project in the history of the Corps of Engineers, the Upper Mississippi River Navigation expansion, is in fact justified.

This \$1.8 billion project will take up 10 to 15 percent of the entire Corps construction budget for years, perhaps decades to come, impacting projects in every congressional district. That is because the Corps' current backlog of construction is about \$58 billion and the construction budget is less than \$2 billion a year. We need to make sure that we are using our limited funding for worthwhile projects.

Now, while I have deep reservations about this project, I respect the hard work of our chairman, the gentleman from Tennessee (Mr. DUNCAN), of the ranking member, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), and particularly of the gentleman from Illinois (Mr. COSTELLO), who, for years has worked hard in the committee and behind the scenes to make this a better project.

Out of respect for their hard work, the gentleman from Arizona (Mr. FLAKE) and I have come up with a compromise, not to eliminate the project, but simply to make sure that we are preserving the integrity of the Corps' project and the fiscal responsibility of Congress.

The amendment we will offer will authorize the project to proceed if the minimum economic justification that has been offered for the project is met. The planning is such that this project is going to be in a planning stage for the next 5 years. So our amendment will not in any way interfere with the planning process itself. It will simply require that over the course of the next 3 years that the projections for barge traffic at the minimum level are met.

Now, this is the key justification because barge traffic is cited in scenarios put forward by the Corps to show the

need for this massive project because they claim that barge traffic on the Mississippi River system is going up. But according to the Corps' own data, barge traffic has declined 23 percent from 1992 to 2003. Last year it dropped by 19 percent.

While it seems the Corps' traffic scenarios are wildly overoptimistic, and that barge traffic is likely to continue its decline, our amendment will allow the Corps to go forward with its planning project if, over the next 3 years, they meet the lowest scenario that makes this project economically justified.

Why is this special attention so important? Well, I have already pointed out it is the largest project in the history of the Corps and is going to impact projects all across the country that are worthy and much more important. But we ought to consider the troubled history of this project, for this project is, for many people, the project that launched the Corps Reform movement. In 2000, the Corps economist, Donald Sweeney, claimed that the Corps officials ordered him to cook the books in order to economically justify this project. After a whistle blower investigation, the Army Inspector General agreed, and two generals and a colonel lost their jobs.

This project epitomizes the need for reform and modernization of the Corps of Engineers. It is an example of how the Corps' planning system has a bias towards large structural projects. The National Association of Science has concluded that the Corps has ignored nonstructural alternatives such as congestion fees, scheduling and switch boats, that will enable the system to work better. And we do not yet have a good system of independent review, which, if it had been required of this project, we would not be arguing about it today.

Several National Academy of Science reports have examined the project. In 2001, the panel concluded the Corps had relied on over optimistic projections. In December of 2003 a second panel renewed their objections, concluding it was not possible to evaluate the benefits of lock expansion until an efficient system for managing the waterway was implemented. Last year an additional report concluded that despite the Corps' efforts, "the study contains flaws serious enough to limit its credibility and value in the policymaking program."

While I believe we have gone a long way in modernizing many of the Corps activities, I salute my colleague, the gentleman from Tennessee (Mr. DUNCAN) and the committee for the work that WRDA has done. It is a step in the right direction. I urge my colleagues to look at this amendment, and I urge its approval.

KARL ROVE

The SPEAKER pro tempore. Pursuant to the order of the House of Janu-

ary 4, 2005, the gentleman from New Jersey (Mr. PALLONE) is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Mr. Speaker, it is time President Bush's Deputy White House Chief of Staff Karl Rove level with the American people and explain exactly what his role was in the leak of a covert CIA agent.

Mr. Speaker, this is serious business. But from the way the White House has been handling it, you would think it is no big deal. Valerie Plame was a covert CIA agent stationed in many hot spots around the world. When someone in the White House decided to leak her name to reporters they were jeopardizing any undercover operations that Plame had worked with in the past.

You would think that President Bush would take this issue very seriously, since it was his father who said in a presidential address at the CIA headquarters back in 1999, and I am going to quote that, "that I have nothing but contempt and anger for those who betray the trust by exposing the name of our sources. They are, in my view the most insidious of traitors."

Now those are some tough words from the first President Bush who knew the CIA well from his days as director of that agency. But when Valerie Plame's name was first leaked, this president, the current President Bush, also had some tough comments for whoever was responsible. In September 2003 he said in response to a question regarding the leak of Plame's name, and again I am quoting, "if there is a leak out of my administration, I want to know who it is, and if the person has violated the law, the person will be taken care of."

Well now, Mr. Speaker, it appears that we know who one of those people is. And now the question is, will President Bush hold Karl Rove accountable for his actions?

Karl Rove has also repeatedly denied any involvement. When he was first asked if he had any knowledge or involvement in the identification of the CIA agent, Rove simply said no. Then earlier this month, when interviewed by CNN, Rove amended that statement slightly and said, and again I am quoting, "I will repeat what I said to ABC News when this whole thing broke some number of months ago. I do not know her name and I did not leak her name."

Well, we now know that he may not have necessarily given the reporter Valerie Plame's name. But he certainly told the reporter that Joseph Wilson's wife was a covert CIA agent.

Now how difficult would it be for a reporter to find out the name of Wilson's wife? Not that difficult, obviously.

Mr. Speaker, it is troubling that neither Karl Rove nor the Bush administration have leveled with the American people about Rove's real involvement. Shortly after the leak became news, White House Press Secretary Scott

McClellan went before White House reporters and told the world he talked with Karl Rove, Elliot Abrams and Lewis Libby, and that each of three had assured him that they were not involved.

And so now the question is, was Karl Rove withholding information from his colleagues at the White House about his involvement in the Valerie Plame scandal? Or did the White House know, and did they send out erroneous and false statements to the media?

It would be nice if the White House would answer these questions, but now the White House refuses to comment on any issue regarding the ongoing investigation. Yesterday reporters tried to ask Scott McClellan whether or not he would stand by the statement he made back in 2003 in which he stated that Karl Rove had told him he was not involved. And McClellan said he could no longer comment on the investigation. How convenient, Mr. Speaker, that McClellan was able to vouch for Rove back in 2003 but is silent today.

So today we are left are two possibilities really. 1, the White House has been bending the truth on this very serious issue since the beginning, or 2, Karl Rove has misrepresented his involvement to the White House. Either way, Karl Rove has a lot of explaining to do. And I believe, Mr. Speaker, that President Bush should stand behind his past statement and ask Karl Rove to either defend his actions or resign.

DRAWDOWN OF FORCES IN IRAQ

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

Mr. MEEHAN. Mr. Speaker, this weekend many of us learned that the Bush Administration may have a plan for a phased drawdown of coalition forces in Iraq in the next 12 to 18 months.

Unfortunately, we did not learn about these plans from the Administration's legally mandated yet unfulfilled reporting requirements to Congress. We learned about it from news reports of a leaked memo circulating in the British government.

The memo outlines the Administration's plan to cut the size of our force in Iraq from 140,000 down to 66,000 by the middle of next year, and describes a "strong U.S. military desire" to hand over control to the Iraqi security forces in most of Iraq.

In January I released a white paper in which I proposed a timetable for a phased drawdown of the majority of American troops by the end of 2006. If the information in the British memo is true, then the Administration may be planning similar plans, despite its public claims to the contrary.

Ironically, the British memo, reportedly written at least a month ago, broke in the American press at exactly

the same moment that the Administration missed a very important deadline to share precisely this sort of information with this Congress.

There is something wrong when we are learning about the Administration's plans for our troops, not from the President, not from the Pentagon, but from leaked foreign memos. Yesterday the Pentagon should have released to Congress an essential report on the benchmarks and guidelines for measuring progress in Iraq.

The report for "Measuring Stability and Security in Iraq" was a provision of the Supplemental Defense Appropriations Bill passed by this Congress and signed into law by President Bush on May 11, 2005. This law required the Administration to outline a comprehensive approach to Iraq by July 11, yesterday, with follow-up reports every 90 days thereafter.

This report presents an invaluable opportunity for the administration to explain to Congress and to the American people their plans and intentions in Iraq. Providing Congress with a more comprehensive set of performance indicators will undoubtedly lead to a more informed debate over U.S. policy in Iraq.

The congressionally mandated report calls on the Administration to outline key measures of stability and security in Iraq. This includes measurements of political stability, the training of Iraqi forces. Specifically, the report mandates that the Administration provide information on the operational readiness status of the Iraqi military forces, including the type, number, size and organizational structure of Iraqi battalions, as well as their ability to conduct counterinsurgency operations.

The report requirement also calls for estimates of the strength of the Iraqi insurgency and details on the training of the Iraqi police force.

I urge the Administration to take this responsibility seriously and to take this legal obligation seriously by providing this information to Congress as quickly and as comprehensively as possible.

The information contained in this report is a critical step towards bringing our troops home. To that end, I am a cosponsor of House Resolution 55, the Homeward Bound Act. This bipartisan legislation requires the President to announce a plan by December 31 of this year for the eventual return of all elements of the Armed Forces. This plan would be a natural extension of the report due to this body yesterday.

The bill also requires the President to begin a drawdown of our troops on or before October 1, 2006. Beyond that date, it provides the President with the flexibility for an orderly drawdown.

Finally, the legislation requires the President to accelerate the training of Iraqi forces and to ensure that they are adequate to take the leading role in fighting the insurgency.

Our troops have done everything we have asked of them in Iraq. They have

acted heroically. They have done their job. Now is the time for Washington to do its job.

RECESS

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

Accordingly (at 9 o'clock and 22 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. FOLEY) at 10 a.m.

PRAYER

Rabbi David Greene, Chabad-Lubavitch, Rochester, Minnesota, offered the following prayer:

Almighty God, Master of the Universe, according to the Jewish tradition, You instructed mankind to obey seven universal laws:

not to worship false Gods;
never to blaspheme Your Holy Name;
not to murder;
not to commit adultery, incest, or any sexual misdeeds;
not to steal, lie, or cheat;
not to be cruel to any living creature;

and that every society govern by just laws based on the recognition of You, O God, as a sovereign ruler of all men and all nations.

Today the Members of this House convene to fulfill one of these commandments, to govern by just laws. May it be Your will that those assembled here enact laws to govern this great country, be mindful of Your presence and conduct themselves in all their matters with justice, kindness, and peace.

Grant them success in making this country truly fit for Your presence. Bless them with good health, wisdom, compassion, good cheer, and fellowship. 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 Minnesota (Mr. GUTKNECHT) come forward and lead the House in the Pledge of Allegiance.

Mr. GUTKNECHT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has agreed to the following resolution:

S. RES. 194

In the Senate of the United States, July 11, 2005.

Whereas Gaylord A. Nelson served in the United States Army from 1942-1946;

Whereas Gaylord A. Nelson served as Governor of the State of Wisconsin from 1959-1963;

Whereas Gaylord A. Nelson served the people of Wisconsin with distinction for 18 years in the United States Senate;

Whereas Gaylord A. Nelson served the Senate as Chairman of the Select Committee on Small Business from the Ninety-Third through the Ninety-Sixth Congresses and as Chairman of the Special Committee on Official Conduct in the Ninety-Fifth Congress;

Whereas Gaylord A. Nelson received the Presidential Medal of Freedom in 1995;

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Gaylord A. Nelson, formerly a Senator from the State of Wisconsin.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Gaylord A. Nelson.

The message also announced that the Secretary of the Senate be directed to request the House to return to the Senate the bill (H.R. 2985) "An Act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2006, and for other purposes.", to make technical corrections in the engrossment of the Senate amendment.

HONORING RABBI DAVID GREENE

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

Mr. GUTKNECHT. Mr. Speaker, I rise today in honor of our guest chaplain and my friend, Rabbi David Greene of Rochester, Minnesota. I often tell students when they come to visit the Capitol that the first official act of the United States Congress was to appoint a chaplain. The second thing that they did was they prayed, and it was not a perfunctory prayer. They prayed for 1½ hours. We have long understood the importance of faith in our society.

Rabbi Greene was born and raised in Minneapolis, Minnesota. He attended the first Orthodox Jewish parochial school in Minnesota, received his ordination from the Rabbinical College of Canada in 1984, and completed post-graduate Judaic studies at Lubavitch Yeshiva in Brooklyn, New York.

Since 1988 Rabbi Greene has served as the Lubavitcher Rebbe's Emissary to Rochester, more specifically, to the Mayo Clinic. In his service, he meets

the spiritual needs of Jewish people who reside in or visit Rochester, Minnesota.

I thank Rabbi Greene for his service as our guest chaplain to the United States House of Representatives today.

ELLINGTON FIELD AIR FORCE
BASE

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

Mr. POE. Mr. Speaker, I question whether the Defense Department in the base closing process has neglected the obvious: homeland security.

No place does this appear more evident than Ellington Field in Houston, Texas. It is said that Ellington Air Force base with its F-16 fighters and National Guard units are of little military value. Without agreeing to that, I point out that over 8 million people live in the area. There are three major ports: the port of Houston, second largest in the United States, sixth in the world; Port Arthur; Port of Beaumont, where one third of the military cargo going to Iraq comes out of this one small port. The massive petrochemical and refineries in the region, Houston still is the energy capital of the world. Over one-half of the gasoline refined in the United States comes from this area. Of course, we have the nuclear power plant in southeast Texas, the largest medical center in the world, and then there is NASA.

Mr. Speaker, I served in the United States Air Force and was stationed at Ellington Field, and the people of southeast Texas want Ellington. They want to keep those F-16s flying. When 9/11 hit, it was the F-16s at Ellington that flew over the blue skies of Texas on watch. It would defy common sense to take those fighters from this needed area of securing the homeland.

KARL ROVE

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

Mr. WAXMAN. Mr. Speaker, I rise to talk about the disgraceful revelation that Karl Rove and people in the White House may have been involved in outing a CIA agent. How serious is this matter? I refer people to the quote of President George H.W. Bush. He said: "I have nothing but contempt and anger for those who betray the trust by exposing the name of our sources. They are, in my view, the most insidious of traitors." What did this President Bush say? He said he would fire anybody who might have been involved in doing such a thing.

Now what we are hearing is that the evidence is mounting that Karl Rove and others in the White House may have been involved in using classified information as part of a conspiracy for

political purposes, jeopardizing our national security. It is imperative that we know the facts. And how do we get to the facts? Not just wait for a special prosecutor, but Congress has the responsibility to hold hearings. Let us bring Rove here, put him under oath, and let him tell us what he has to say.

BRITS RESPOND WITH RESOLVE,
DETERMINATION

(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, July 7 in Britain is not the same as March 11 in Spain. Last week's terrorist attacks were met not with blame, self-loathing, and retreat. They were met with proper expressions of mourning, steely resolve, and clarion calls for justice. I would expect nothing else from the country that withstood the onslaught of the Nazis.

And while all of Great Britain mourns, our friends across the Atlantic should be commended for the face of resolve they have shown in recent days. This resolve was best expressed by London's mayor when he told the terrorists: "Whatever you do, however many you kill, you will fail."

If terrorists thought that the murder of innocent people would further their aims, they picked the wrong country to target. Giving terrorists safe haven in the name of tolerance only encourages the violent intolerance expressed most vividly in last week's attacks. These attacks again demonstrate the reason everyone needs to root out these barbarians.

A SOLDIER'S REFLECTIONS

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

Mr. BUTTERFIELD. Mr. Speaker, on June 1, 2005, U.S. Army Corporal Phillip Charles Edmondson of my home community of Wilson, North Carolina, became the first war casualty since Vietnam. I rise today to remember his bravery by reading a poem he wrote just prior to his death, "A Soldier's Reflections":

"I was that which others did not want to be. I went where others feared to go and did what others failed to do. I asked nothing from those who gave nothing and reluctantly accepted the thought of eternal loneliness . . . Should I fail, I have seen the face of terror; felt the stinging cold of fear; and enjoyed the sweet taste of a moment's love. I have cried, pained, and hoped . . . But most of all, I have lived times others would say were best forgotten. At least some day I will be able to say that I was proud of what I was . . . 'a soldier.'"

STRONG RESOLVE IN THE FACE OF TERRORISM

(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, I conclude every floor speech with the reminder, "God bless our troops and we will never forget September 11," because I strongly believe that we must remember the lessons of that tragic day to protect American families.

After witnessing a handful of terrorists murder thousands of innocent Americans, our Nation immediately took action to defeat terrorism at home and abroad. Yesterday, I observed hundreds of terrorists now detained at Guantanamo Bay, Cuba and witnessed the tremendous progress our Nation is making in defending our freedom and defeating terrorism.

Last week's brutal attacks on the streets of London demonstrated that we must remain on the offensive against terrorists who seek to murder innocent civilians and destroy our way of life. Terrorists who believe they can break our will through cowardly attacks are mistaken. As President Bush said, "America will not retreat in the face of terrorists and murderers. And neither will the free world."

In conclusion, God bless our troops; we will never forget September 11 and London's July 7.

ANNIVERSARY OF THE MEDAL OF HONOR

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

Mr. SALAZAR. Mr. Speaker, I rise today to pay homage to the Medal of Honor recipients and the values that the Medal of Honor symbolizes. On this date in 1862, President Abraham Lincoln approved the legislation that created the Medal of Honor, our Nation's highest military medal. The Medal of Honor is awarded for acts of valor and gallantry above and beyond the call of duty. In its 140-plus-year history, only 3,441 individuals have been awarded this distinguished medal; 121 of those individuals are still alive today.

Mr. Speaker, I wish to pay tribute to these brave individuals and to those men and women currently serving our Nation overseas. The Nation's highest award is facing a serious challenge to its meaning and symbol. I am outraged by the impostors who claim they have received this and other honors the military awards for deeds and actions of soldiers. These criminals not only dishonor themselves, but they dishonor the sacrifice that true recipients have made.

That is why, Mr. Speaker, I plan to introduce the Stolen Valor Act of 2005 next week. This piece of legislation will make it easier for Federal law en-

forcement officials to prosecute phonies and impostors and restore the true meaning of these illustrious awards.

I hope my colleagues can join me in this effort to reclaim the meaning of honor and bravery and sacrifice in these United States.

RETURN TO FLIGHT

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

Mr. WELDON of Florida. Mr. Speaker, today I wish all the best for NASA and the crew of the Space Shuttle *Discovery* and the men and women of Kennedy Space Center on attempting to launch tomorrow. Those of us who support the program understand how critically important it is for the United States to have a continuing human presence in space.

After the loss of the Space Shuttle *Columbia* in February of 2003, we have not been able to launch our astronauts into space for almost 2½ years. With a successful launch tomorrow, we will once again show the world that our program and the dedicated people behind it are second to none and that our space shuttle fleet is unrivaled when it comes to technology and mission capability. This launch will be an important first step, a first step in the new vision for space exploration articulated by President Bush in January of 2004, a vision that is not only taking us back to low Earth orbit and the space station but that will lead us back to the Moon and one day on to Mars.

Again, I know I speak for all Americans when we wish the crew of *Discovery* God speed and a safe mission.

COLLAPSE OF A COVER-UP

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

Mr. INSLEE. Mr. Speaker, in the last 48 hours we have witnessed the sad collapse of a cover-up. On September 29, 2003, Press Secretary Scott McClellan said that he had spoken with the deputy chief of staff of the White House and it was simply not true that he had anything to do with the disclosure of the identity of a CIA agent. He characterized it as "totally ridiculous." And again on October 10, 2003, he said the White House had nothing to do with this terrible disclosure.

The President was then asked on June 10, 2004, whether he would stand by the promise to the American people to fire someone responsible for this disclosure, and he answered with a simple "yes."

The American people do not want sensitivity training after this sad disclosure of a CIA agent. They need full accountability. The jig is up. The deputy chief of staff needs to come in front of Congress and answer questions about this. And this is not just a matter of a simple violation of Federal law. It is a

sad violation of democracy to try to punish a truth-teller, Joe Wilson, who blew the whistle on the "yellow cake" false statement made by the President. We know that that is wrong because Mr. McClellan said this is not the way the White House operates. We beg to differ.

URGING SUPPORT FOR THE 527 FAIRNESS ACT

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

Mr. PENCE. Mr. Speaker, all of us remember the summer of 527s. Groups organized on the left and right under section 527 of the Internal Revenue Code spent nearly \$400 million in the midst of the Presidential campaigns while the Nation's two major political parties, its most respected labor unions, associations, businesses, and constitutional groups seemed to stand on the sideline in mute amazement.

In response to that summer of 527s, some here in Washington, D.C. want to exert even more regulation and control, and that is certainly their right to pursue. But the gentleman from Maryland (Mr. WYNN) and I have a different approach. We believe that the only proper response to inequities in the political economy of a free society is more freedom, not less freedom.

□ 1015

The Pence-Wynn bill is our effort to restore freedom and fairness to political parties and outside organizations, to give them the opportunity to compete more effectively with not only 527 organizations but their progeny that may arise if the Congress decides even yet to regulate them.

Thomas Jefferson said, "I would rather be exposed to the inconveniences attending too much liberty than those attending too small a degree of it."

Mr. Speaker, I urge my colleagues to consider the Pence-Wynn Freedom resolution.

REPUBLICAN PLAN TO MOVE SOCIAL SECURITY INSOLVENCY CLOSER

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

Ms. SOLIS. Mr. Speaker, congressional Republicans have shown their hand once again. It is now clear that Republicans have no desire to strengthen Social Security for future generations. Instead, their only intentions are to privatize the guaranteed retirement program.

The Republicans' risky privatization scheme would create private accounts financed by diverting money out of Social Security. It does absolutely nothing to extend solvency of Social Security. In fact, the Republican proposal would actually move Social Security

insolvency up 2 years. The Republican plan actually harms Social Security by taking away money from the trust fund. Every so-called "surplus" dollar put into the trust fund is already earmarked to pay future benefits. There is simply no way to divert those dollars to private accounts.

If Republicans really want to strengthen Social Security, do we not think they would come up with a proposal that would really actually extend solvency?

The American public demands reform, but not in this manner. Privatization is not the way to go. In my own district, 60,000 people are on Social Security. They look forward to that continued support.

GROWING REAL OWNERSHIP FOR WORKERS ACCOUNTS ACT

(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, when my constituents find out that Congress has been spending Social Security money on programs other than Social Security, they are mad. That is why I am working to put an end to this immoral practice.

In the past, Congress has not had the discipline to keep its hand out of the Social Security cookie jar.

Our proposal says that future Congresses cannot get their hands on the money in the first place.

My commonsense solution is simple: make sure that Congress spends Social Security taxes on Social Security.

When workers can save part of their Social Security money in a personal retirement account with their name on it, Congress will have to cut spending from other bloated programs.

Our bill, the Growing Real Ownership for Workers Accounts Act, grows accounts and is an achievable first step toward sending the Social Security surplus back where it belongs, in the pockets of hardworking Americans.

I urge my colleagues to cosponsor this bill today.

KARL ROVE DIRECTLY INVOLVED IN OUTING OF COVERT CIA AGENT

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

Ms. SLAUGHTER. Mr. Speaker, we now know that Karl Rove is one of the White House officials directly involved in the outing of a covert CIA agent.

Rove and his attorneys can parse the words all they want, but it is now clear that while Rove may not have given a reporter Plame's name, he clearly identified her by telling the reporter that Joseph Wilson's wife was a CIA agent.

Does Rove expect us to believe that any reporter worth a byline could not easily find out the actual name of Wilson's wife? And, as disturbing as this

is, it is even more disturbing that President Bush continues to support Rove.

In September 2003, President Bush told reporters, "If there is a leak out of my administration, I want to know who it is." Well, the President now knows at least one of the persons in his administration is responsible for this leak. The question is, will he keep his word and fire Mr. Rove?

President Bush should not forget the comments of his own father who in a speech before the CIA in 1999 said, "I have nothing but contempt and anger for those who betray the trust by exposing the names of our sources. They are, in my view, the most insidious of traitors." And right on, first President Bush.

If this President agrees with his father, he will fire Karl Rove and clear the way for his prosecution.

EXPLOSION OF TRIBAL CASINOS

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

Mr. WOLF. Mr. Speaker, I am concerned about the rapid spread of gambling in the United States, now largely through the dramatic expansion of tribal casinos, which are devastating America's communities and families.

Gambling ruins families. It ruins communities. It ruins businesses. Gamblers often neglect their families and lose their jobs, careers and marriages to the habit. Gambling preys on the weak and gambling exploits the poor. Study after study shows that when a casino opens in a community, crime and suicide and bankruptcies rise.

As if our Nation is not saturated enough with gambling operations, now comes news of plans to open a casino two miles from the historic Gettysburg battlefield. Yes, Gettysburg. Thousands of Americans from the north and the south died at Gettysburg. It is hallowed ground. Its place in our history is sacred.

Is there no place in America immune from the lure of gambling?

I recently wrote President Bush urging him to issue an Executive Order to halt the explosion of gambling with a 2-year moratorium on new tribal casinos. Why will the Bush administration not act?

TIME FOR ROVE TO COME CLEAN WITH PUBLIC

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

Ms. WATSON. Mr. Speaker, when Karl Rove's attorney finally admitted to the Washington Post yesterday that Rove told a reporter Joseph Wilson's wife was a CIA agent, he was indeed identifying her. It does not take too much investigative reporting beyond that to actually come up with a name.

Now, Rove's attorney is trying to explain away Rove's actions by stating that he was merely "discouraging Time from perpetuating some statements that had been made publicly and weren't true." Convenient explanation, but are we supposed to believe this from an attorney who previously stated that Rove did not reveal any confidential information?

Clearly, Rove did reveal confidential information when he told Time reporter Matt Cooper that Joseph Wilson's wife was a CIA agent.

Karl Rove himself should come forward and level with the American people about his involvement in the Valerie Plame leak. Failing this, President Bush should ask for his resignation.

IMPROVING ECONOMY

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

Mr. PRICE of Georgia. Mr. Speaker, 146,000 jobs were created in the month of June with the unemployment rate dropping to 5 percent, the lowest unemployment rate since September of 2001. Steady job growth has taken place each month over the last 25 months, and more Americans are working than ever before.

Economic indicators show strong and sustained growth, with real gross domestic product and real income revised up for the first quarter and inflation down. Profits as a share of GDP are up to their highest levels since 1967. Durable goods orders are on the rise, with new orders increasing 5.5 percent for May, the largest increase in 14 months. U.S. manufacturing continues to expand. For the 25th consecutive month, manufacturing expanded, again, in June. Consumer confidence is up, rising nearly 3 points in June to its highest level in 3 years.

Mr. Speaker, the improving economy is not empty rhetoric. What is crystal clear is that the policies of this Congress and this administration are pro-growth, leading the charge, and they are succeeding.

WATER RESOURCES DEVELOPMENT ACT

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

Mr. BLUMENAUER. Mr. Speaker, the single most important vote of the week and one of the most important of the year is buried in the massive Water Resources Development Act coming before Congress this week: the Upper Mississippi Lock project. This is the "Big Dig" of water projects. Actually, it is like five or six big digs, since 10 percent of all water resources for years to come will be spent on this single project.

I urge my colleagues to look closely at the amendment that I will be offering with my colleague, the gentleman

from Arizona (Mr. FLAKE), which will require that before this project moves from planning to construction in 5 years, that the minimum justification for the demand for barge traffic, the rationale for the project, is justified. Taxpayers deserve no less for the largest water resources project in America's history.

REVISING THE NATIONAL FLOOD MAPS

(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, my district is the fifth congressional district of Florida, and the area is commonly referred to as the "Nature Coast." Residents of this area, most of them are not owners of beachfront property; they live on what previously were pristine, swampy wetlands that were filled in. We certainly have a beautiful view and, unfortunately, while it is the Nature Coast, it also has historically been the area where many hurricanes have hit.

While this last hurricane, Dennis, did not directly hit our area, we had residual effects of the hurricane. We had storm surges, and a lot of areas were under water. Suddenly, residents thought they owned waterfront property, because right out front of their homes, waterfront existed.

I am very, very glad to see that we are looking at revising the national flood maps so people who previously were denied flood insurance now, once we revise those flood maps, they will be able also to be able to purchase flood insurance.

GAMING INDUSTRY FUELS ECONOMY

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

Ms. BERKLEY. Mr. Speaker, I came down to the floor to speak about Social Security and the President's plan to privatize, but after hearing the comments of the gentleman from Virginia regarding the gaming industry, I felt it is my responsibility as the Congresswoman from Las Vegas to speak on behalf of the gaming industry.

I grew up in Las Vegas. I know the people well. I know the community well. And I know the industry well. My father has a ninth-grade education. He was a waiter when I was growing up. On a waiter's salary in a Las Vegas casino, he made enough money to put a roof over our heads, food on the table, clothes on our backs and two daughters through college and law school. That is not so bad on a waiter's salary. The reason he was able to do that was because of a strong economy fueled by the gaming industry.

For anybody that thinks that the social ills of this country are caused by

gaming, I invite them to come to my beautiful city of Las Vegas and see for themselves firsthand the strong economy based on the gaming industry that is run by some of the most reputable people that I have ever met. Come to Las Vegas and see for yourself the wonders of that amazing community.

TIME FOR KARL ROVE TO STEP ASIDE

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

Mr. PALLONE. Mr. Speaker, it appears that either President Bush's righthand man Karl Rove was deceiving his boss or the Bush administration was deceiving the American people in regards to the leak of a CIA agent's identity to the press.

When asked in September 2003 if he had any knowledge or leaked the name of the CIA agent to the press, Rove simply answered, "no." The deception continued earlier this month when, on July 4th, Rove simply amended his previous statements by saying, "I'll repeat what I said to ABC News when this whole thing broke some number of months ago, I didn't know her name, didn't leak her name." Last week, after Newsweek reported that the leak came from Rove, Rove's attorney shot back and said Rove "did not tell any reporter that Valerie Plame worked for the CIA."

Well, now Karl Rove's attorney is admitting that Rove did tell a reporter that Joseph Wilson's wife was a CIA agent. Sounds like a leak to me. So, it is now time for President Bush to ask for Karl Rove to go.

AMERICAN NEWSPAPERS NOT BUYING CONGRESSIONAL REPUBLICAN SOCIAL SECURITY PLAN

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

Mr. MELANCON. Mr. Speaker, America's editorial boards, both liberal and conservative, were not fooled by the Congressional Republican Social Security proposal unveiled this past month. The Republican plan would create private accounts out of the money now going into the Social Security trust fund.

The Baltimore Sun called the plan "the worst plan yet." While the Minneapolis Star-Tribune said, "It is so weird and ill-conceived that it wouldn't merit comment, except that prominent GOP lawmakers have rallied around it." USA Today examined the plan and concluded, "for every one part substance, the plan contains nine parts gimmick." While the New York Times wrote that the plan abandons "efforts to restore solvency in order to resuscitate those doomed, unwanted, unwise private accounts." Finally, the Roanoke Times and World News opined, "Republicans touting the plan say it will stop the 'raid' on the Social Secu-

rity trust fund. But if they wish to identify those perpetrating that 'raid' for the last 4 years, they need only look in a very large mirror."

Mr. Speaker, Republicans are no longer fooling anyone. It is time that they take privatization off the table.

□ 1030

KARL ROVE MUST GO

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

Mr. FRANK of Massachusetts. Mr. Speaker, a couple of weeks ago, the right wing hit man, who is now the deputy chief of staff in the White House made an outrageously, consciously dishonest set of attacks on Members of this body by arguing that liberals had show ignored the terrible events of September 11, despite the fact that we virtually unanimously voted to go to war in Afghanistan, and voted for a homeland security department, in fact advocated it over the administration's objections.

We now have learned that the response of this hit man was to leak the name of a CIA agent, probably in violation of the law, certainly in violation of the rules that ought to be in place. And now we have this defense, the lawyer having previously denied that he did it, now says, well, it was not really a problem because he only said it was Joe Wilson's wife, he did not mention her name.

Now, perhaps the President's hit man maybe got him confused with one of his Saudi prince friends that thought that Mr. WILSON was a polygamist and had several wives and therefore identifying his wife would have thrown people off the track.

But I do not think that is really acceptable in a court of law. And as to the argument that by not naming her no one knew who he meant, does anyone doubt that the right wing hit man I am talking about, whose name I have not previously mentioned, is Karl Rove.

KARL ROVE MUST WALK THE PLANK

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

Mr. MENENDEZ. Mr. Speaker, now that we know Karl Rove was one of the White House officials who leaked the identity of Valerie Plame, it is time for President Bush to hold his right-hand man accountable and ask for Rove's resignation. This is, after all, what members of his own administration stated would happen when the President learned the identity of those responsible for the leak.

In September of 2003, White House Press Secretary Scott McClelland told reporters, "If anyone in this administration was involved in it, they would no longer be in this administration."

Pushed further a reporter asked him if the leaker should be fired. And he answered, "If a source leaked information of this nature, yes."

Republican National Committee Chairman Ed Gillespie said, I do not believe it would be hard for President Bush to ask the person to walk the plank. The fact that Karl Rove remains at the White House speaks volumes. It is certainly not the way the White House should operate.

The White House should not aid and abet those within it in exposing CIA agents who work for this country and defend it to danger, and therefore it is time for Karl Rove to walk the plank.

DISCOURAGING JOB NUMBERS

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

Mrs. MALONEY. Mr. Speaker, last Friday we got another employment report showing that American workers are losing out. Payroll employment growth was disappointing once again. Only 146,000 jobs were added in June, when market forecasters were expecting between 175,000 and 200,000.

Though the unemployment rate edged down, it was not because people are reentering the labor force. There still seems to be a great deal of hidden unemployment. Compared to the start of the recession in early 2001, participation in the labor force now is actually 1.2 percent lower.

A smaller proportion of the working age population has a job now compared to then. Worst of all, inflation is still outpacing wages, and the distribution of earnings is increasingly imbalanced.

The signs are clear, workers are being shortchanged in this economic recovery, but this administration is standing idly by.

RESTORE VETERANS HEALTH FUNDING

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

Mr. EDWARDS. Mr. Speaker, the House should not recess this week until we have addressed the VA health care crisis. As we speak, health care services for veterans all across America are either being delayed or cut because of a billion dollar plus shortfall in VA health care programs.

Cutting veterans health care during a time of war is inexcusable and wrong. Unfortunately, 12 days ago the House leadership refused to support the billion and a half emergency funding bill passed by the Senate 96 to 0 on a bipartisan basis.

We could have had help already on its way to our veterans. It has been 8 days since Members of Congress gave patriotic speeches on July 4 honoring the service of our veterans. Those speeches are fine. Veterans deserve our support with our deeds not just our words.

Given the House leadership caused the VA health care crisis in the first

place by underfunding, seriously underfunding health care programs for veterans over the last 2 years, they have a moral obligation to bring and pass through this House and send to the President this week an emergency funding bill for veterans. Our veterans deserve no less.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FOLEY). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

TREATMENT OF CERTAIN PAYMENTS UNDER NATIONAL FLOOD INSURANCE PROGRAM

Mr. BAKER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 804) to exclude from consideration as income certain payments under the national flood insurance program, as amended.

The Clerk read as follows:

H.R. 804

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TREATMENT OF CERTAIN PAYMENTS UNDER NATIONAL FLOOD INSURANCE PROGRAM.

Chapter I of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.) is amended by adding at the end the following new section:

"TREATMENT OF CERTAIN PAYMENTS

"SEC. 1324. Assistance provided under a program under this title for flood mitigation activities (including any assistance provided under the mitigation pilot program under section 1361A, any assistance provided under the mitigation assistance program under section 1366, and any funding provided under section 1323) with respect to a property shall not be considered income or a resource of the owner of the property when determining eligibility for or benefit levels under any income assistance or resource-tested program that is funded in whole or in part by an agency of the United States or by appropriated funds of the United States."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. BAKER) and the gentleman from Massachusetts (Mr. FRANK) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. BAKER).

GENERAL LEAVE

Mr. BAKER. 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 under consideration.

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

There was no objection.

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

Mr. Speaker, it was just last year that the United States Congress acted to reform the flood assistance programs of this country to ensure that those who engaged in abusive practices and thereby were over assessing the program for repetitive flood losses would no longer avail themselves of that inappropriate opportunity.

Accordingly, as the House passed legislation, there was an unintended consequence, however, pursuant to a ruling by the IRS which found that there was no technical or legislative basis on which to exempt payments made from the flood assistance program for the purposes of an individual qualifying for additional governmental assistance.

I will translate that into something that is more appropriate. If, for example, a person were to accept an assistance mitigation payment to reduce the probability of future flooding, that income could then be counted and disqualify that person from receiving food stamps, aid to dependent children, perhaps Social Security, other health care assistance. And that, of course, was not the intent of the legislation as passed.

In fact, under the provisions of the Stafford Act, all other emergency assistance granted by FEMA does not count toward qualifying individuals for governmental assistance, or for that matter, as income qualifying under the IRS for taxable liability.

The reason for this policy position is quite clear, the whole goal of the effort was to incent people to make changes necessary to their property so they would no longer call on the Federal Government for flood mitigation assistance.

In one instance, an individual who was to receive significant mitigation funding, had he accepted it, would have put him far over the qualifying limits for even his Social Security benefits. That is not the outcome that one would want to see as a result of trying to assist a person with flooding problems.

Coming on the heels of Hurricane Dennis and many events across the Gulf Coast of the past few months, it is now clear this action is not only appropriate but necessary and does not violate precedent nor other actions of the Congress with regard to other assistance programs.

For these reasons, I feel the adoption of H.R. 804 is highly appropriate and responsive to the needs of our constituents.

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

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I agree that this is a very important improvement to what was a very important piece of legislation.

At a time when people wonder about whether or not we are able to go forward, it ought to be noted clearly there

are strong ideological and partisan differences over some issues, as there should be in a democracy, but we have been able, from time to time, to work together on things where there is a consensus of common sense.

In this particular instance, the underlying legislation here was one which was strongly supported by a coalition of environmentalists and taxpayer groups who had a common understanding that in effect encouraging people to continue to rebuild in areas that were going to be flooded made no sense from either the environmental or the taxpayer perspective.

There was also an unusually fruitful bipartisan collaboration that brought us this bill. Our former colleague, the gentleman from Nebraska (Mr. BEREUTER), a senior member of the Committee on Financial Services, worked very closely with a continuing Member, the gentleman from Oregon (Mr. BLUMENAUER) and they did an excellent job of putting this piece of legislation together.

And we now, having enacted the legislation, encounter something that was unanticipated. This would clean it up. It would make a very good piece of legislation better.

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

Mr. FRANK of Massachusetts. I yield to the gentleman from Louisiana.

Mr. BAKER. Mr. Speaker, I just wanted to express my appreciation to the gentleman from Massachusetts (Mr. FRANK) and to the gentleman from Oregon (Mr. BLUMENAUER) for his cooperative work in this matter.

It has been bipartisan. I think it achieves a worthwhile policy goal, and I express my appreciation.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield as much time as he would consume to the gentleman from Oregon (Mr. BLUMENAUER) who will be my last speaker.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy in permitting me to speak on this and the leadership of our friend, the gentleman from Louisiana (Mr. BAKER), who, as was mentioned along with our colleague, the former Member, the gentleman from Nebraska (Mr. Bereuter), will ironically will be in Washington D.C. this week.

I cannot think of a better gift for Mr. Bereuter, a recognition for his long service to this House and to the people of Nebraska and the country, to do this important clarification. I could not agree more with my friend from Louisiana (Mr. BAKER) how important it is to clarify the intent of this legislation.

The whole thrust of it was to, in some cases, eliminate potential abuse of the program. But more than an isolated case of abuse here and there, there were a number of people who were trapped in a pattern of flood and having to repair and did not know how to get out of it.

And the bill was designed, as my friend, the gentleman from Massachusetts (Mr. FRANK), pointed out, in cooperation with environmental groups, with taxpayer groups, with industry, the insurance industry, home building

industry, financial institutions, to try and make sure that we did the right job for both the taxpayer and people who are in flood-prone areas.

The National Flood Insurance Program is critical to the lives of over 4 million policyholders. And many of the people eligible for flood-mitigation assistance under the flood insurance program were caught in this cycle of flooding and rebuilding and flooding again that could be ended with mitigation assistance.

Now, I support strongly this legislation to remove a disincentive for people living in flood-prone areas to accept the mitigation grant that will help prepare them for floods before they happen, reduce damage for future floods, and save lives for future disasters. Everybody wins if this program works right.

The policyholders win because, as we pointed out, as the legislation was moving forward, when we have the legislation, only 1 percent of the property owners were responsible for 25 percent of the flood-loss dollars.

By reducing the magnitude of this repetitive flood loss program, we were able to make a huge difference to a wide range of people. The Association of State Flood Plain Managers estimates that avoiding just one 10 percent increase will save the 4.4 million policyholders about \$175 million each year.

Taxpayers will win if the mitigation program works right, because the flood insurance payments are the tip of the iceberg. Because there are many, many people in harm's way, who get part of their relief from flood insurance, but we have disaster plains on the Federal Government that far exceed them.

By making this program work right, we will save taxpayers money time and time again. I appreciate the hard work the Financial Services Committee has done in trying to fine-tune the flood insurance program, continuing hearings to make sure that it works right, and here, clearing up any ambiguity to make sure that we take any disincentive for using the mitigation grants and solve that problem to make sure that people take advantage of moving out of harm's way, saving money, enhancing the environment.

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

□ 1045

Mr. BAKER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) who is a strong advocate of our flood insurance program.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I want to thank, on behalf of my constituents, many of whom have to have flood insurance, I would like to thank the gentleman from Louisiana (Mr. BAKER) for introducing H.R. 804.

As we all know from watching the television, hurricane season has arrived again. Residents of the Gulf and east coast face familiar anxieties associated with the hurricane season. They begin to cross their fingers and hope

their home will not be devastated by nature's wrath and that their belongings will not be washed away.

What residents should not have to be crossing their fingers over is whether the government is going to hit them with additional liabilities after they receive help. Yet, under the National Flood Insurance Program today, that is exactly what happens. The IRS considers NFIP grants as income which means any person on means-tested assistance loses. Residents who accept NFIP grants after their homes are destroyed by floods are then slapped with reduced government benefits such as health care, education or even nutrition assistance.

I commend the gentleman from Louisiana (Mr. BAKER) for introducing this legislation that prevents agencies other than the IRS from considering NFIP grants as income and I implore my colleagues to support this bill. Those who have been hit by floods should not have to choose between NFIP assistance and food stamps.

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

Mr. Speaker, I want to express my appreciation to all Members who have had an interest and role in perfecting this legislation. Merely for the purposes of establishing in the record as we close the chapter I believe on the reform of the Flood Mitigation Assistance Program, but every dollar of benefit paid is generated by premiums of flood insurance paid into the fund by home and property owners. It is a program which pays out benefits, and at any time, if there has been an advance of funding by the Federal Government when funds on hand have been deficient to pay existing claims, all dollars have been repaid plus interest over the life of the program. So in fact it is a program that functions in an efficient taxpayer-responsible manner.

And with the adjustments made over the past 18 months to the program, I hope it brings to an end further Congressional review and oversight of the important flood assistance programs as now constructed.

Mr. Speaker, the following is the revised cost estimate prepared by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 11, 2005.

Hon. MICHAEL G. OXLEY,
Chairman, Committee on Financial Services,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed revised cost estimate for H.R. 804, a bill to exclude from consideration as income certain payments under the National Flood Insurance Program. This estimate supersedes our original estimate that was transmitted on March 31, 2005.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Kathleen Fitzgerald.

Sincerely,

DOUGLAS HOLTZ-EAKIN,
Director.

Enclosure.

H.R. 804—A bill to exclude from consideration as income certain payments under the National Flood Insurance Program

If H.R. 804 were enacted, payments made under the National Flood Insurance Program for flood mitigation activities would not be

counted as income or resources when determining eligibility for any federal means-tested program. The Federal Emergency Management Agency (FEMA) awards grants to states and communities, which in turn distribute funds to individuals and businesses for activities that reduce the risk of repetitive flood damage to buildings. Data from FEMA show that the average approved award is about \$75,000.

CBO expects that enacting this bill would increase the number of persons eligible for certain means-tested programs including Food Stamps and Medicaid. Currently, flood mitigation grants are counted as income or resources, by these programs and make some people ineligible for benefits or reduce the amount of their benefit. (Certain other FEMA grants are already excluded from income for benefit-eligibility purposes.) Based on data from FEMA on the number of flood mitigation grants awarded since fiscal year 1997 CBO estimates that the increase in the number of people newly eligible for these programs as a result of this legislation would be small and that any increase in direct spending for them would not be significant. Enacting the bill would not affect revenues.

H.R. 804 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act, and any increased spending by states for public benefits would be minimal.

This revised estimate supersedes the estimate that CBO transmitted on this bill on March 31, 2005. Based on new information on both the number of flood mitigation grants and how they are distributed, CBO has lowered its estimate of the number of instances where individual families receive such grants. We previously estimated a cost of about \$1 million a year, but now estimate that such costs would be less than \$500,000 a year.

The CBO staff contacts for this estimate are Kathleen FitzGerald (for federal costs), Leo Lex (for the impact on state, local, and tribal governments), and Paige Piper/Bach (for the private-sector impact). This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, July 12, 2005.

Hon. MICHAEL G. OXLEY,
Chairman, Committee on Financial Services,
Rayburn House Office Building, Wash-
ington, DC.

DEAR CHAIRMAN OXLEY: I am writing concerning H.R. 804, a bill "[t]o exclude from consideration as income certain payments under the national flood insurance program," which is scheduled for floor consideration on Tuesday, July 12, 2005.

The bill is within the jurisdiction of the Committee on Ways and Means because it would exclude certain flood insurance mitigation payments from consideration for purposes of determining eligibility for and amount of benefits under certain means-tested programs. As a result the bill could affect eligibility for and benefit levels under certain programs under the Committee's jurisdiction. However, in order to expedite this legislation for floor consideration, the Committee will forgo action on this bill. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 804, and would ask that a copy of our exchange of letters on this mat-

ter be included in the Congressional Record during floor consideration.

Best regards,

BILL THOMAS,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, July 12, 2005.

Hon. WILLIAM M. THOMAS,
Chairman, Committee on Ways and Means,
Longworth House Office Building, Wash-
ington, DC.

DEAR CHAIRMAN THOMAS: Thank you for your letter regarding H.R. 804, a bill "to exclude from consideration as income certain payments under the flood insurance program."

I recognize that specifying the treatment of these payments for purposes of determining eligibility for any income assistance or resource-tested programs could affect eligibility for and benefit levels under certain programs, including those under the jurisdiction of the Committee on Ways and Means. I appreciate your cooperation in developing an amended version of the bill, thereby permitting its consideration under suspension of the rules. This cooperation does not prejudice your Committee in any way with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I intend to place this exchange of letters in the Congressional Record. Thank you again for your assistance.

Yours truly,

MICHAEL G. OXLEY,
Chairman.

Mr. NEY. Mr. Speaker, I appreciate Chairman BAKER's effort on crafting this piece of legislation and Chairman MIKE OXLEY's diligence in seeing this bill to the floor.

H.R. 804, introduced on February 15, 2005, will prevent federal agencies that administer means-tested or income-tested benefits from considering NFIP mitigation grants as income. H.R. 804 is necessary due to an IRS ruling in July 2004 that such grants must be reported as income for tax purposes. This IRS ruling has caused significant uncertainty in the administration of the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004. Anecdotal information has revealed that a significant number of homeowners have refused mitigation offers not only due to the fear of a potential tax liability, but also the potential for other unknown liabilities imposed by other federal government agencies. These penalties could include the loss of certain federal education, nutrition and health care benefits. H.R. 804 eliminates the potential for additional penalties by preventing federal government agencies (other than the IRS) from considering NFIP flood mitigation grants as income.

The precedent for this exception is found in the Stafford Act, which explicitly states that any disaster or pre-disaster mitigation payments made to homeowners under that Act are not to be considered as income by any federal agency administering a means- or income-tested benefit. By incorporating this language in the National Flood Insurance Act, H.R. 804 will resolve any additional uncertainty by likewise preventing federal agencies from considering flood mitigation grants as income.

Floods have been, and continue to be, one of the most destructive and costly natural hazards to our nation. In the aftermath of Hurricane Dennis this past weekend, I fear many communities in the South and Midwest will wit-

ness this unrelenting power firsthand as the tropical depression continues to unload heavy, flooding rains inland.

During this past year, there have been three major floods in my district in eastern Ohio. All three of these incidents qualified for federal relief granted by the President. Recent flooding in January of this year resulted in historic levels in several local dams, and, in Tuscarawas County, three communities were forced to evacuate, which displaced 7,000 people. I was able to witness this devastation firsthand when I toured damaged properties in both Tuscarawas and Guernsey counties. Also, I am planning to hold a field hearing in Tuscarawas County next month to continue the Subcommittee's oversight of the National Flood Insurance Program.

The National Flood Insurance Program is a valuable tool in addressing the losses incurred throughout this country due to floods. It assures that businesses and families have access to affordable flood insurance that would not be available on the open market.

Prior to the passage of the National Flood Insurance Act in 1968, insurance companies generally did not offer coverage for flood disasters because of the high risks involved. Today, almost 20,000 communities participate in the national flood insurance program. More than 90 insurance companies sell and service flood policies. There are approximately 4.4 million policies covering a total of \$620 billion.

Last year's Flood Insurance Reform Act achieved significant reforms to this important federal program and I look forward to hearing from all of our witnesses today as we discuss FEMA's implementation of its flood mapping policy, as well as determine whether new reforms and initiatives are in order to complement the work we accomplished last year. I urge my colleagues to approve this legislation.

Mr. OXLEY. Mr. Speaker, I rise today in support of H.R. 804, a bill that would exclude from consideration as income certain payments under the national flood insurance program.

This bill was introduced by my friend and colleague from Louisiana, Mr. RICHARD BAKER, and was reported from the Financial Services Committee, by voice vote, on March 16, 2005. I am pleased to see it on the floor of the House this morning and am confident that it will receive favorable consideration.

H.R. 804 is a common-sense bill that will prevent Federal agencies administering means- or income-tested benefits from considering National Flood Insurance Program (NFIP) mitigation grants as income. Successful distribution of these mitigation grants is vitally important to the financial soundness of the NFIP, since they help prevent costly repetitive flood losses by allowing homeowners to elevate their properties or take other measures to prevent future flooding.

In July 2004, an IRS ruling maintained that these mitigation grants must be reported to the IRS as income for tax purposes. As a result, some homeowners have refused mitigation offers out of a concern that mitigation funds could increase their reported income to levels that would result in a loss of Federal education, nutrition and health care benefits. Other homeowners fear potential tax liabilities.

We in the Congress have put in a great deal of work over the past several years on the repetitive flood loss issue, culminating in the

Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004. This Act expanded the use of mitigation grants and requires homeowners to participate in flood mitigation programs. Unfortunately, we are now faced with a situation where affected homeowners face the loss of benefits such as subsidized school lunches, Federal education grants and Medicaid. That is just not right.

H.R. 804 removes this concern and will allow flood mitigation grants to work as intended. I urge my colleagues to help protect homeowners throughout our Nation by supporting final passage of H.R. 804.

Mr. BAKER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FOLEY). The question is on the motion offered by the gentleman from Louisiana (Mr. BAKER) that the House suspend the rules and pass the bill, H.R. 804, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

NASA AND JPL 50TH ANNIVERSARY COMMEMORATIVE COIN ACT

Mr. BAKER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 68) to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration and the Jet Propulsion Laboratory, as amended.

The Clerk read as follows:

H.R. 68

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 "NASA and JPL 50th Anniversary Commemorative Coin Act".

SEC. 2. COIN SPECIFICATIONS.

(a) DENOMINATIONS.—In commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration and the Jet Propulsion Laboratory, the Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall mint and issue the following coins:

(1) \$50 GOLD COINS.—Not more than 50,000 \$50 gold coins which shall—

(A) weigh 33.931 grams;

(B) have a diameter of 32.7 millimeters; and

(C) contain 1 troy ounce of fine gold.

(2) \$1 SILVER COINS.—Not more than 400,000 \$1 coins of each of the 9 designs specified in section 3(a)(3)(B), which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of section 5134 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 3. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the 50 years of exemplary and unparalleled achievements of the National Aeronautics and Space Administration and the Jet Propulsion Laboratory.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year "2008"; and

(C) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum", and such other inscriptions as the Secretary may determine to be appropriate for the designs of the coins.

(3) COIN IMAGES.—

(A) \$50 COINS.—

(i) OBLVERSE.—The obverse of the \$50 coins issued under this Act shall bear an image of the sun.

(ii) REVERSE.—The reverse of the \$50 coins issued under this Act shall bear a design emblematic of the sacrifice of the United States astronauts who lost their lives in the line of duty over the course of the space program.

(iii) EDGE.—The edge of the \$50 coins issued under this Act shall bear the names and dates of the spacecraft missions on which United States astronauts lost their lives over the course of the space program.

(iv) HIGH RELIEF.—The design and inscriptions on the obverse and reverse of the \$50 coins issued under this Act shall be in high relief.

(B) \$1 COINS.—

(i) OBLVERSE.—The obverse of the \$1 coins issued under this Act shall bear 9 different designs each of which shall consist of an image of 1 of the 9 planets of the solar system, including Earth.

(ii) REVERSE.—The reverse of the \$1 coins issued under this Act shall bear different designs each of which shall be emblematic of discoveries and missions of the Jet Propulsion Laboratory to the planet depicted on the obverse of the coin, subject to the following requirements:

(I) EARTH COIN.—The reverse of the \$1 coins issued under this Act which bear an image of the Earth on the obverse shall bear images emblematic of, and honoring, the discoveries and missions of the National Aeronautics and Space Administration, the Mercury, Gemini and Space Shuttle missions and other manned Earth-orbiting missions, and the Apollo missions to the Moon.

(II) JUPITER COIN.—The reverse of the \$1 coins issued under this Act which bear an image of the planet Jupiter on the obverse shall include a scientifically accurate depiction of the Galilean moon Europa and depict both a past and future mission to Europa.

(III) SATURN COIN.—The reverse of the \$1 coins issued under this Act which bear an image of the planet Saturn on the obverse shall include a scientifically accurate depiction of the moon Titan and depict both a past and a future mission to Titan.

(IV) PLUTO COIN.—The reverse of the \$1 coins issued under this Act which bear an image of the planet Pluto on the obverse shall include a design that is emblematic of telescopic exploration of deep space by the National Aeronautics and Space Administration and the ongoing search for Earth-like planets orbiting other stars.

(iii) EDGE.—It is the sense of the Congress that, to the extent practicable, the edge of each \$1 coin should bear the names and dates or range of dates of missions or mission types to the planet depicted on the obverse.

(4) REALISTIC AND SCIENTIFICALLY ACCURATE DEPICTIONS.—The images for the designs of coins issued under this Act shall be selected

on the basis of the realism and scientific accuracy of the images and on the extent to which the images are reminiscent of the dramatic and beautiful artwork on coins of the so-called "Golden Age of Coinage" in the United States, at the beginning of the Twentieth Century, with the participation of such noted sculptors and medallist artists as James Earle Fraser, Augustus Saint-Gaudens, Victor David Brenner, Adolph A. Weinman, Charles E. Barber, and George T. Morgan.

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with the Administrator of the National Aeronautics and Space Administration, the Director of the Jet Propulsion Laboratory, and the Commission of Fine Arts; and

(2) reviewed by the Citizens Coin Advisory Committee.

SEC. 4. SYMBOLIC INCLUSION OF METALS THAT HAVE FLOWN IN SPACE.

(a) COLLECTION.—Each Federal agency and instrumentality of the United States, including the Department of Defense, the Smithsonian Institution, the National Aeronautics and Space Administration, and the Jet Propulsion Laboratory, that has in its possession any craft, or any part of a craft, that flew in space shall—

(1) retrieve such gold, silver, copper, and other metals that the Director of the United States Mint determines are appropriate for use in the production of any coins under this Act, from such craft or part, that can be retrieved without harming any such craft or part that may be of continuing use for its original purpose or for research, or whose preservation is appropriate for historical purposes; and

(2) deposit such metals so retrieved with the Director of the United States Mint.

(b) USE OF METALS IN PRODUCTION OF COINS.—Any metals deposited with the Director of the United States Mint under subsection (a) shall be used in the production of the coins struck under this Act by blending such metals with other metal necessary for the production of such coins so that all of the coins produced under this Act will contain some proportion of the bullion obtained from craft or parts of crafts that flew in space in an amount appropriate for the types and denominations of the coins and the amount of metals so deposited.

(c) RECORDKEEPING.—It is the sense of the Congress that each Federal agency and instrumentality of the United States which retrieves any metals in accordance with subsection (a) should maintain accurate and complete records of the retrieval and deposit of any such metals sufficient to allow the Director of the United States Mint—

(1) to provide certificates of authenticity with coins issued under this Act that some proportion of the contents of such coins were obtained from craft or parts of crafts that flew in space; and

(2) to package with each issued coin a list of the missions in which such craft flew in space.

(d) PRIVATE SPACECRAFT.—

(1) IN GENERAL.—Each Federal agency and instrumentality of the United States that has or continues to conduct space-related missions shall, in addition to the efforts described in subsection (a), make efforts to secure and retrieve from privately-held craft that has flown in space such gold, silver, copper and other metals that the Director of the United States Mint determines are appropriate for use in the production of any coins under this Act.

(2) RECORDKEEPING.—It is the sense of the Congress that each Federal agency and instrumentality of the United States which retrieves any metals pursuant to paragraph (1)

from privately-held craft that has flown in space should comply with the recordkeeping procedures described in subsection (c) with respect to such metal.

SEC. 5. ISSUANCE OF COINS.

(a) **QUALITY OF COINS.**—Coins minted under this Act shall be issued in proof quality only.

(b) **MINT FACILITY.**—Only 1 facility of the United States Mint may be used to strike any particular combination of denomination and quality of the coins minted under this Act.

(c) **COMMENCEMENT OF ISSUANCE.**—The Secretary may issue coins minted under this Act beginning January 1, 2008.

(d) **TERMINATION OF MINTING AUTHORITY.**—No coins may be minted under this Act after December 31, 2008.

SEC. 6. SALE OF COINS.

(a) **SALE PRICE.**—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

- (1) the face value of the coins;
- (2) the surcharge provided in section 7(a) with respect to such coins; and
- (3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) **PREPAID ORDERS.**—

(1) **IN GENERAL.**—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) **DISCOUNT.**—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

(c) **PRESENTATION.**—In addition to the issuance of coins under this Act in such other methods of presentation as the Secretary of the Treasury determines to be appropriate, the Secretary shall provide, as a sale option, a presentation case which displays the \$50 gold coin in the center surrounded by the \$1 silver coins in an elliptical orbit.

SEC. 7. SURCHARGES.

(a) **IN GENERAL.**—All sales of coins minted under this Act shall include a surcharge as follows:

- (1) A surcharge of \$50 per coin for the \$50 coin.
- (2) A surcharge of \$10 per coin for the \$1 coin.

(b) **DISTRIBUTION.**—Subject to section 5134(f) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly distributed as follows:

(1) The first \$1,000,000 available for distribution under this section, to the NASA Family Assistance Fund for the purposes of providing need-based financial assistance to the families of NASA personnel who die as a result of injuries suffered in the performance of their official duties.

(2) Of amounts available for distribution after the payment under paragraph (1), ½ to the Secretary of the Smithsonian Institution for the preservation, maintenance, and display of space artifacts at the National Air and Space Museum (including the Steven F. Udvar-Hazy Center).

(3) Of amounts available for distribution after the payment under paragraph (1), ½ to the Secretary of the Smithsonian Institution for the express purpose of providing funding for the establishment of a new stand-alone National Museum of Money.

(c) **AUDITS.**—The NASA Family Assistance Fund and the Secretary of the Smithsonian Institution shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code, with regard to the amounts received under subsection (b).

(d) **LIMITATION.**—Notwithstanding subsection (a), no surcharge may be included

with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual 2 commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of the enactment of this Act). The Secretary of the Treasury may issue guidance to carry out this subsection.

SEC. 8. BRONZE DUPLICATES.

The Secretary may strike and sell bronze duplicates of the \$50 gold coins authorized under this Act, at a price the Secretary determines to be appropriate.

The **SPEAKER pro tempore**. Pursuant to the rule, the gentleman from Louisiana (Mr. **BAKER**) and the gentleman from New York (Mrs. **MALONEY**) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. **BAKER**).

GENERAL LEAVE

Mr. **BAKER**. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 68 and to insert extraneous material thereon.

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

There was no objection.

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

Mr. Speaker, I wish to commend the gentleman from Texas (Mr. **CULBERSON**) and the Members of the Texas delegation for their efforts in recognizing the achievements of NASA with the introduction of H.R. 68.

It is highly appropriate at the time we are soon to expect the space shuttle program to reenter demand exploration effort this week that we observe and appreciate the heroism, genius and sacrifices that the program has given us to this point in time.

I think it is also appropriate that with NASA's Deep Impact Project of just a few days ago, impacting the surface of Comet Temple, as well as the very slow rolling wheels of *Spirit* and *Opportunity* cross and traverse the face of Mars, it seems stunningly impossible that these programs began only 50 years ago. That is why, Mr. Speaker, I think this legislation is important for the House to favorably consider as it seeks to commemorate the anniversary by issuing in 2008 into silver dollar coins and a single \$50 coin representing the nine planets and the gold coin representing the sun.

Fittingly, the first million dollars of surcharges resulting from this effort will go to a needs-based fund benefiting the next of kin of those heroes who died in the exploration of space. Further, the remainder of funds will go to the Smithsonian for help in preservation of important spacecraft and half of the fund to create a stand-alone Smithsonian museum here in the District dedicated specifically to coins, currency and other monetary forms of transaction.

Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. **CULBERSON**) who has led the charge to see this goal through to its final conclusion.

Mr. **CULBERSON**. Mr. Speaker, I thank the gentleman for yielding me time and for bringing this bill to the floor in an expeditious fashion. I want to thank the committee members. I want to thank my 291 co-sponsors. I especially want to thank an extraordinarily able member of the gentleman's staff, Joe Pinder, who has done a superb job in helping prepare this bill for this floor.

It is indeed appropriate that the Congress recognize the 50th anniversary of the creation of the National Aeronautics and Space Administration and the Jet Propulsion Laboratory with this commemorative coin set for the year 2008 here about 24 hours away from America's return to space with our launch tomorrow afternoon of the Space Shuttle *Discovery*, which will go from zero to Mach 25 in 8 minutes and 30 seconds into Earth's orbit tomorrow and just a short week after the Jet Propulsion Laboratory again showed the world the technological prowess of America's space program by hitting a comet for the very first time and exposing its inner workings to the eyes of scientists.

It was, in fact, on January 31 of 1958 that the American space program began with the launch of the first U.S. satellite, Explorer 1, which was built and controlled by the Jet Propulsion Laboratory, under the guidance of the United States Army in response to the Soviet Union's launching of Sputnik. The United States responded very quickly, and before the year was out, the Congress had created the National Aeronautics and Space Administration on December 3, 1958. JPL was then transferred over to the control of NASA. And since that time, JPL and NASA and the United States have gone on to explore our entire solar system with the help of the Hubble Space Telescope, the Spitzer Space Telescope.

We now have telescopes in orbit around the Earth that have identified up to 160 planets around other solar systems. NASA has discovered, as the chairman just mentioned, with the Mars Rovers that liquid water not only once existed on the surface of Mars, it appears that there are large frozen lakes on Mars. We have landed on the surface of the moon Titan. We not only landed men on the moon with the very successful Apollo program, but we are, under President Bush's vision for space exploration and the leadership of our new NASA administrator, Mike Griffin, rapidly moving towards the day very soon when men and women will return to the surface of the moon.

The accomplishments of NASA and the Jet Propulsion Laboratory are absolutely extraordinary, but this exploration has not come without risk or loss. As with all exploration that is new in pressing the frontiers, it is dangerous. Tragically, on January 27, 1967,

the three *Apollo* astronauts were killed in a fire on the launch pad of *Apollo 1*. On January 28, 1996 the Space Shuttle *Challenger* was lost with its entire crew. And on February 1, 2003, the Space Shuttle *Columbia* and its seven-member crew were lost during reentry.

Therefore, in designing this set of coins, I have proposed in this bill that the centerpiece will be a \$50 gold piece in high relief and proof honoring the lives of astronauts who have lost their lives in their exploration of space. On that \$50 gold piece will be an image of the sun. Then arranged around it will be nine silver proof dollars, each one representing a different planet in the solar system and each one commemorating missions to that planet. And of course the silver dollar for the planet Earth on the reverse side will have a design emblematic to the Apollo missions as well as Earth orbital missions.

This commemorative coin set is just one small piece of ongoing work that Congress is doing in support of NASA. It is difficult to even measure the value of the work that NASA does in exploring outer space. Measuring the value of NASA's work today is a lot like the question facing Americans 200 years ago when the Lewis and Clark expedition was launched to explore the west. How could Americans then measure the value of all the minerals and animal species that the Lewis and Clark expedition would find? How can we today measure the value of the exploration and discoveries that will be made by NASA in the Jet Propulsion Laboratory?

Americans today are enjoying the value of the miniaturization of computers, medical technology, heart pumps, valves, power generators, image processing, cell phone technology, CAT scanners, MRI machines, pacemakers. All of these extraordinary technological innovations are the result of work on our space program.

Mr. Speaker, I am very proud to be the author of this legislation.

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

Mr. Speaker, I rise in strong support of H.R. 68, the NASA and JPL 50th Anniversary Commemorative Coin Act. Since it was first introduced by the gentleman from Texas (Mr. CULBERSON) at the beginning of this Congress, it has gathered almost 300 bipartisan co-sponsors, and I am very proud to have worked with him in this effort.

It is not surprising that it has such strong support. NASA is a national institution that has always had strong support in this body. Its quest for scientific knowledge and new frontiers of exploration has often pulled this Nation together.

In the half century since its founding, NASA has so often given us something to be proud of and patriotic about. When President Kennedy first told the world that the United States would be the first to put a man on the moon; when Neil Armstrong fulfilled that promise with one small step seen

around the world, and I do not think any of us who had the honor of seeing that will ever forget it; when the Hubble telescope sent back those first amazing photos of far away galaxies 15 years ago; when the Mars Rovers, Spirit and Opportunity found evidence of a former sea deep beneath the surface of the red planet, these are just a few of the very proud moments that this coin remembers.

This coin also honors those brave men and women who have given their lives in their pursuit of knowledge. The crew of the *Challenger*, the crew of the *Columbia*, the *Apollo 1* crew. These are true heroes, and it is imminently fitting that the proceeds of this coin will go to the families of NASA personnel who have died in the line of duty.

It is particularly appropriate that we consider this bill today just hours before the important launch of the Space Shuttle *Discovery* tomorrow. That launch begins the mission stage of the Return to Flight program NASA undertook after the *Columbia* tragedy. That review included new safety procedures, new analysis and reporting procedures, and new cost efficiencies. Let us hope that it is the successful beginning of a new and exciting era of this agency.

Commander Eileen Collins, the first woman to command a space shuttle mission, and her crew of 7 will once again take the shuttle to the International Space Station testing new safety procedures and delivering supplies. Although there have been several well-known women astronauts before, Commander Collins is still a new first, and I for one am particularly excited about this mission. We, the world, will be watching as *Discovery* lifts off tomorrow.

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I urge my colleagues to support H.R. 68, which commemorates the proud history of our National Aeronautics and Space Administration, and I would like to join my colleagues in thanking Joe Pinder, a member of the committee, for his very, very hard work in bringing the bill before us today.

Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. AL GREEN) a member of the committee whose district is very close to where the shuttle will take off tomorrow and who is also a member of the Committee on Financial Services.

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

Mr. AL GREEN of Texas. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I rise to support this bipartisan effort to honor NASA with a 50th anniversary commemorative coin. Mr. Speaker, this is a great occasion, and I wish to thank those who have made this great occasion possible.

I thank the gentleman from Louisiana (Mr. BAKER), chairman of the Committee on Financial Services; the gentleman from Texas (Mr.

CULBERSON); the majority leader, the gentleman from Texas (Mr. DELAY); the gentleman from Texas (Mr. GENE GREEN); the gentlewoman from New York (Mrs. MALONEY); and the gentleman from California (Mr. SCHIFF) for their singular effort to bring this bipartisan bill to the floor.

I also wish to thank the many who work at NASA, Mr. Speaker, from the top administrator to the janitors who sweep the floor. They all play a role in making space flight possible. And of course, Mr. Speaker, I thank God for those brave astronauts who leave loved ones behind to traverse the heavens.

Mr. Speaker, while we commemorate NASA's 50 years of existence, we must acknowledge that it could not have been done without the hand of God. And if it is God's will, Mr. Speaker, it is safe to say that we have only just begun.

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

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

Mr. CULBERSON. Mr. Speaker, will the gentleman from Louisiana yield for the purpose of entering into a colloquy?

Mr. BAKER. I yield to the gentleman from Texas for the purpose of a colloquy.

Mr. CULBERSON. Mr. Speaker, I would ask the chairman of the subcommittee, is it his understanding that a major purpose of commemorative coin legislation is to produce coins that commemorate particular institutions, individuals, or places, allowing both collectors and other citizens who are fans of the person or thing being commemorated to buy coins at a reasonable cost?

Mr. BAKER. That is my understanding.

Mr. CULBERSON. Is it further the gentleman's understanding that the Congress has received complaints from citizens who want to buy such commemorative coins claiming that, particularly for the more sought-after coins, that professional coin dealers buy up large numbers of those coins and sets, and then turn around and resell them to the public at a marked-up price?

Mr. BAKER. That is unfortunately the case.

Mr. CULBERSON. Would the gentleman also agree that it is the intent of Congress, through this legislation, that as many people as possible have an equal opportunity to buy these commemorative coin sets or individual coins once the Mint initially issues them?

Mr. BAKER. That is correct.

Mr. CULBERSON. Then I am sure the gentleman would also agree with me that the Mint should be very careful, take as much care as possible with all high-demand commemorative coin issues, but particularly with coin sets produced under this act, to sell no more than 10 complete sets of any issue to any individual, whether the purchase is made by that individual or through straw buyers.

Mr. BAKER. The gentleman agrees and stipulates the Mint should make every effort not to sell more than 10 sets of coins produced under the act to any buyer, be they bought by that individual or through buyers acting on behalf of that individual.

Mr. CULBERSON. I thank the gentleman, and would the gentleman yield further?

Mr. BAKER. The gentleman continues to yield.

Mr. CULBERSON. As the gentleman knows, the legislation under consideration by the House today would devote a portion of the surcharge income produced by the sale of these coins to provide not only funds for the NASA Family Assistance Fund, but also the initial funding for a stand-alone museum of money in Washington, DC, as a part of the Smithsonian Institution.

And as the gentleman also knows, the National Numismatic Collection of the Smithsonian is not currently on display, except for a few coins or currency in various exhibits related to the coins or currency or to the images displayed on them. Would the gentleman agree with me that the numismatic collection, one of the largest and best of its sort in the world, should be displayed in its own building here in Washington, in such a way that helps people understand not only the history of commerce and coins and currency in the United States but also the history of this country's development?

Mr. BAKER. I do agree.

Mr. CULBERSON. Would the gentleman further agree that the numismatic collection would best be displayed in a separate museum here in Washington, not as a subset or subsidiary of any existing Smithsonian museum, but that such a museum could also display examples of other forms of exchange of value, from barter and wampum to coins and currency of other countries, to electronic transfers of value, along with demonstrations of how coins and currencies are produced in its own stand-alone museum here in Washington, D.C.?

Mr. BAKER. I do agree.

Mr. CULBERSON. Does the gentleman agree that such a museum's exhibits could be kept vital by constant development of traveling exhibits to museums around the country, including those of the American Numismatic Association, the American Numismatic Society, and perhaps, if it is constructed, a museum in the old Mint in San Francisco?

Mr. BAKER. The gentleman agrees and believes that such a plan would be an excellent way to keep a new national museum of money exciting so that visitors would be interested in returning many times.

Mr. CULBERSON. Mr. Speaker, I thank the gentleman for this colloquy.

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

Mrs. MALONEY. Mr. Speaker, I yield 4½ 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. Speaker, as a member of the House Committee on Science, this is an important day and an important week. I am delighted we have an opportunity to debate the assets of NASA today in the commemoration of their beginning their human space flight again. This legislation, the NASA and JPL 50th Anniversary Commemorative Coin Act, is one that I think speaks loudly to the celebration that we hold tomorrow.

Mr. Speaker, I congratulate my colleague, the gentleman from Texas (Mr. CULBERSON), and I was a proud original cosponsor in his effort to promote and celebrate the excitement of the work of NASA and the Jet Propulsion Lab. I also thank the gentleman from Louisiana (Mr. BAKER) and the gentlewoman from New York (Mrs. MALONEY) as well for their efforts in moving this legislation forward.

This legislation is unique in its promotion of NASA and the Jet Propulsion Lab, and it speaks to the best of what NASA represents. I believe, of course, that human space flight is crucial to the knowledge of men and women and the improvement and enhancement of Americans and people around the world. At the same time, the Jet Propulsion Lab also offers its own assets: new technology and understanding of flight and new sciences regarding these issues.

The good news of this particular legislation is it responds to a concern that I have, and that is to recognize the families that have seen their loved ones lost in the exploration of space. We know that space exploration is a good thing, so the idea that the \$50 coin and the \$10 coin, or the two coins that will be offered, the surcharge that will be on those two coins will be utilized for the NASA Family Assistance Funds, which proposes financial assistance to the families of NASA personnel who die as a result of injuries suffered in the performance of their official duties.

As a neighbor to the Johnson Space Center, I knew the families of *Challenger* and *Columbia*, and my heart, as well as the hearts of all Americans, poured out in response to the enormous impact and loss of life to those families and to America, brave astronauts willing to risk their lives so that others might live well or better.

Tomorrow, at 3:51, the Space Shuttle *Discovery* is scheduled to launch from the Kennedy Space Center in Florida with a woman commander. What better statement to support that effort than by passing this legislation today. Even as they go forward, they will have the opportunity to test the muster and fortitude of the space station by delivering goods and services there. They will first demonstrate repair techniques on the shuttle's protective tiles, known as the thermal protection system. During the second space walk,

they will replace a failed control moment gyroscope, which helps keep the station oriented properly. And, finally, they will install the external storage platform, a sort of space shelf for holding spare parts during station construction.

This bill also provides for a free-standing museum and also a traveling exhibit to promote and celebrate the various metals that have been found in space. I think that is an excellent idea.

Mr. Speaker, I rise to support this legislation and I make one comment. It is important as we support the human space shuttle as it goes off tomorrow, that we continue our oversight with the NASA authorization bill and that we recognize the importance of safety and that we promote in large dollars the needs of NASA as it looks to the sophistication of new safety standards.

Then of course I hope that my colleagues will join me in honoring those who lost their lives aboard *Columbia* by rendering a gold medal, where I sought 300-plus signatures on legislation that I offered to promote that and to acknowledge their loss through a gold medal. I think that will bring us full circle to acknowledging going forward but also acknowledging the sacrifices that were being made.

Let me conclude my remarks by saying that in 1962, John F. Kennedy was at Rice University and he said these words: "We set sail on this new sea because there is new knowledge to be gained and new rights to be won, and they must be won and used for the progress of all people, for science technology has no conscience of its own."

Today, we honor them by this legislation. I congratulate my colleague for H.R. 68, and I urge my colleagues to enthusiastically support it, for it recognizes NASA and JPL for their 50th anniversary.

I rise today as a proud cosponsor of H.R. 68, the NASA and JPL 50th Anniversary Commemorative Coin Act. Let me first thank the sponsor of this legislation my colleague from Texas, Mr. CULBERSON and the work of Ms. MALONEY in bringing this legislation to the floor. This bill would require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration and the Jet Propulsion Laboratory.

I am heartened to see that the NASA and JPL 50th Anniversary Commemorative Coin Act stipulates that any funds generated by the sale of these coins shall be paid by the Secretary to the NASA Family Assistance Fund for the purposes of providing financial assistance to the families of NASA personnel who die as a result of injuries suffered in the performance of their official duties. This Act also states that each coin shall include a portion of metal that has flown in space so that these coins are truly symbolic of our Nation's journey through space.

Being from the City of Houston, which is home to the Johnson Space Center I take great pride in the accomplishments of NASA. Tomorrow at 3:51 p.m. the Space Shuttle *Discovery* is scheduled to launch from the Kennedy Space Center in Florida. I am proud to

say that I will be among the Congressional Delegation that will be in attendance at this historic launch. The launch of the Space Shuttle *Discovery* will come more than 2 years after the tragic *Columbia* shuttle accident. The crew of the *Discovery* will include astronauts Steve Robinson, Jim Kelly, Andy Thomas, Wendy Lawrence, Charlie Camarda, Eileen Collins and Soichi Noguchi. With implementation of the *Columbia* Accident Investigation Board recommendations completed, this crew of seven astronauts will fly aboard Space Shuttle *Discovery* on mission STS-114 to test new safety techniques and deliver needed supplies to the International Space Station. Two crewmembers, Steve Robinson and Soichi Noguchi, will venture outside the Shuttle three times on spacewalks. The first will demonstrate repair techniques on the Shuttle's protective tiles, known as the Thermal Protection System. During the second spacewalk, they'll replace a failed Control Moment Gyroscope, which helps keep the station oriented properly. Finally, they'll install the External Stowage Platform, a sort of space shelf for holding spare parts during Station construction. STS-114 will also be the third trip of the Multi Purpose Logistics Module, MPLM, named Raffaello to the Station. It's essentially a "moving van" that transports supplies to the orbital outpost.

I have consistently stated that since the *Columbia* shuttle accident, that safety must be our number one priority. There is no doubt that the Space Shuttle *Discovery* is the safest ever flown by NASA, but when it comes to safety there is always more work to be done, both in regards to the shuttle as well as to the International Space Station. All Americans can look proudly upon the achievements of our space exploration tomorrow when we witness the launch of *Discovery*.

Truly, we as a nation have come a long way in the area of space exploration since President John F. Kennedy set the course for our Nation when he stated in a speech at Rice University in 1962: "We set sail on this new sea because there is new knowledge to be gained, and new rights to be won, and they must be won and used for the progress of all people. For space science, like nuclear science and technology, has no conscience of its own. Whether it will become a force for good or ill depends on man, and only if the United States occupies a position of preeminence can we help decide whether this new ocean will be a sea of peace or a new terrifying theater of war—The great British explorer George Mallory, who was to die on Mount Everest, was asked why did he want to climb it. He said because it is there. Well space is there, and we're going to climb it. And the moon and the planets are there. And new hopes for knowledge and peace are there. And therefore, as we set sail, we ask God's blessing, on the most hazardous, and dangerous, and greatest adventure, on which man has ever embarked." Tomorrow afternoon we embark on yet another journey of exploration and we write another chapter in the history of space. Our Nation has seen great tragedy and yet we continue to move forward because that is the only path that knowledge will accept, truly it is appropriate that tomorrow's shuttle will be called *Discovery*.

Mrs. MALONEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. GENE

GREEN), who has the honor of representing many NASA employees.

Mr. GENE GREEN of Texas. Mr. Speaker, I thank both my House colleagues but also my Rayburn Hall colleague, and also we both came to Congress in 1993 together. I rise to offer my strong support for H.R. 68 as an original cosponsor. The National Aeronautics and Space Administration and the Jet Propulsion Laboratory have made significant contributions to all aspects of science advancement over the last half century and deserve the commemoration by having a coin minted celebrating this anniversary.

Since its inception in October of 1958, NASA has pushed the boundaries of exploration from Earth to the Moon, to the outer reaches of the solar system and to the edge of the universe through scientific and technological feats in air and space. NASA remains a leading force in scientific research and stimulating public interest in aerospace exploration, as well as science and technology in general.

Since 1997, I have had the privilege of having NASA astronauts visit middle schools in the congressional district I represent. It is good to have them as neighbors, literally in the district of the gentleman from Texas (Mr. DELAY), but they actually come to our district to visit. The interaction between these middle school students with the astronauts and the questions they ask about space and NASA demonstrate the benefits of our space program and the impact on getting our students today who are in middle school excited about math and science.

It is really great when an astronaut who has a great story to tell can get the attention of these 6th, 7th and 8th graders. Because, again, that is the future not only of NASA but of our Nation. When looking back over its history, we remember such revolutionary achievements as the Echo Project, which led to advancements towards the satellite systems we take for granted today, the creation of the manned spacecraft center and mission control in my hometown of Houston, which later was renamed the Johnson Space Center, on through Neil Armstrong's first steps on the Moon and the lift-off of the shuttle program and the construction of the International Space Station.

The achievements of NASA have not come without cost, however, and having a coin minted to celebrate NASA's accomplishments will also honor the sacrifices made by crew members of *Apollo I*, *Challenger* and *Colombia* who gave their lives advancing our space program.

As NASA takes one more significant step in history tomorrow by returning to flight after more than 2 years, we have the opportunity today to express our support by authorizing the production of a coin emblematic of the 50 years of exemplary and unparalleled achievements of NASA and the JPL. Our prayers and support are with our

astronauts tomorrow, and I strongly urge my colleagues to support this legislation.

Mrs. MALONEY. Mr. Speaker, I yield myself such time as I may consume and advise that that concludes the speakers on this side. As revealed by the eloquent statements from my colleagues, the gentlewoman from Texas (Ms. JACKSON-LEE), a 10-year member of the Committee on Science; and the gentlemen from Texas (Mr. AL GREEN) and (Mr. GENE GREEN), both of whom represent NASA employees, I would say there is great enthusiasm on both sides of the aisle, with over 300 cosponsors.

This is important legislation. It honors not only NASA on its 50th anniversary but the commitment of this country and body to science and scientific advancement. I thank very much the chairman of the committee, the gentleman from Louisiana (Mr. BAKER), and the gentleman from Texas (Mr. CULBERSON), who has really been the fight behind moving this to the floor, along with the fine help of Joe Pinder.

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

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

Mr. Speaker, I just wish to point out that the astronauts are the bravest of the brave and assume the most dire risk in these missions as they approach to reach the outer limits of mankind's understandings. But within the organization known as NASA and JPL, there are literally thousands of individuals who work collaboratively for years to get these launches to the place where they can proceed at the highest level of safety and responsibility.

So I look at this act and this step the Congress is now authorizing today as one which recognizes not only those life-risking astronauts as being the pinnacle of our recognition, but certainly every member of the NASA JPL teams who literally work lifetimes to make these steps of exploration by humankind possible.

Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. CULBERSON).

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Mr. CULBERSON. Mr. Speaker, it is a collaborative effort. There are thousands of scientists and engineers at NASA and the Jet Propulsion Laboratory and across the country and scientists around the world who participate in these missions.

I also want to point out that this set of coins will contain metal that was recovered from spacecraft that actually flew in space. So some portion of each coin will contain metal that flew in space. There will be a certificate to that effect. The money will go to the support of the families, and it will also go to the support of the Air and Space Museum and for the creation of a money museum. The coins are expected to generate quite a bit of revenue, and, therefore, it will be a benefit to the families who have lost loved ones.

But above all, Congress has expressed its strong support for NASA. I am proud to serve on the Committee on Appropriations, Subcommittee on Science. The gentleman from Virginia (Chairman WOLF) is a strong supporter. This House has supported increased funding for NASA in a vote on this floor just weeks ago.

So in addition to this coin, Congress has expressed our tangible support for NASA and their mission with increased funding.

As this coin is brought into production in 2008, we do not know what the future holds, but I am confident it holds immense promise. Just as the Lewis and Clark expedition brought unknown and immense benefits to the Nation, the American space program will continue to bring incredible growth in our economy as a result of technological spinoffs. The unparalleled growth we have seen in worker productivity in America is a direct result of improvements in high technology and communications and scientific and medical research.

Thomas Jefferson, my hero, always said freedom is the firstborn child of science, and there is no better way for America to express our pride and our confidence in our Nation's space program than by commemorating their 50th anniversary with this coin set in the year 2008.

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

Mr. Speaker, I include for the RECORD an exchange of correspondence between the Committee on Financial Services and the Committee on Ways and Means.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, July 11, 2005.

Hon. MICHAEL G. OXLEY,
Chairman, Committee on Financial Services,
Rayburn House Office Building, Wash-
ington, DC.

DEAR CHAIRMAN OXLEY: Thank you for your letter regarding H.R. 68, the "NASA and JPL 50th Anniversary Commemorative Coin Act," which was reported to the House by the Committee on Financial Services on June 17, 2005.

As you noted, the Committee on Ways and Means maintains jurisdiction over matters that concern raising revenue. H.R. 68 contains a provision that establishes a surcharge for the sale of commemorative coins that are minted under the bill, and thus falls within the jurisdiction of the Committee on Ways and Means. However, in order to expedite this bill for floor consideration, the Committee will forgo action. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this bill or similar legislation.

I appreciate and agree to your offer to include this exchange of letters on this matter in the Congressional Record during floor consideration.

Best regards,

BILL THOMAS,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, June 24, 2005.

Hon. WILLIAM M. THOMAS,
Chairman, Committee on Ways and Means,
House of Representatives, Longworth House
Office Building, Washington, DC.

DEAR CHAIRMAN THOMAS: I am writing concerning H.R. 68, the "NASA and JPL 50th Anniversary Commemorative Coin Act," which will be scheduled for floor consideration in the near future.

I acknowledge your committee's jurisdictional interest in this bill and request your cooperation in moving the bill to the House floor expeditiously. I agree that your decision to forego further action on this bill will not prejudice the Committee on Ways and Means with respect to its jurisdictional prerogatives on this or similar legislation. I would support your request for conferees on those provisions within your jurisdiction should this bill be the subject of a House-Senate conference.

I will include a copy of this letter and your response in the Congressional Record when this bill is considered by the House. Thank you again for your assistance.

Yours truly,

MICHAEL G. OXLEY,
Chairman.

Mr. OXLEY. Mr. Speaker, two and a half years ago we all watched in horror as the space shuttle *Columbia* fell apart during re-entry over the Southwest. Nearly two decades ago, we all watched in horror as the *Challenger* blew up on launch. And before that, we remember other space tragedies. But, Mr. Speaker, despite all the sense of sorrow and loss that those events brought, we also remember the successes of NASA and the Jet Propulsion Laboratories—spacewalks and moon walks, moon rocks and rocket jocks.

The history of NASA and the JPL are a glorious celebration of all that is American, the right stuff, the elation and the tragedy, the bravery and the genius. And so today I rise in strong support of the proposal by the gentleman from Texas to honor the 50th anniversary of NASA and the JPL with commemorative coins to be issued in 3 years.

Mr. Speaker, just like the space exploration program, this program is big and reaches for the stars. The coins will have symbolic, though trace, amounts of metal that has actually flown in space. Though the coins will be available individually, the prize no doubt will be sets representing the solar system that will become prized collector items for space fans and coin collectors alike who will be glad to fork over the \$1,200 or \$1,500 that will be necessary to buy nine silver dollars and one gold \$50 coin.

Fittingly, surcharges on the sale of the coins will go to help the survivors of those heroes killed in space exploration accidents, and to help preserve and display spacecraft at the Smithsonian Air and Space Museum, said to be the most popular tourist destination in the District of Columbia. Also fittingly some of the surcharge money will be used to seed creation of a Smithsonian Museum of Money here in DC. I know the gentleman from Texas, besides being an energetic Member of this body, is a coin collector himself, and I think it is fitting that a coin program and a coin collector will be the start of such an overdue money museum effort.

And so, Mr. Speaker, as we all look at television this week and see the re-start of the space shuttle program, let us think a little about heroes, and about guts and glory, and

about genius, and how all of these things are the essence of America. And today, let us support this legislation overwhelmingly.

Mr. DREIER. Mr. Speaker, I rise today in strong support of H.R. 68, legislation authorizing the U.S. Mint to produce commemorative coins for the 50th anniversary of the National Aeronautics and Space Administration (NASA) and the La Canada-Flintridge-based Jet Propulsion Laboratory (JPL), which I am privileged to represent.

NASA and JPL's decades of space and planetary exploration are worthy of this recognition. For more than fifty years, JPL has reached the outer limits of our solar system and made incredible technological breakthroughs. These achievements are all thanks to the outstanding people who have worked there over the years. Having just recently visited JPL for Deep Impact, I am confident they have another exciting fifty years ahead.

Several colleagues joined me at JPL on July 4th to watch Deep Impact, a mission that will expand our understanding of the universe and answer many questions about the origins of our solar system. As many of you read in the news, Deep Impact mission scientists at JPL accomplished the amazing feat of flying an 820-pound probe into the heart of a comet 268 million miles from Earth. To complicate matters, the comet was speeding through space at 23,000 miles per hour.

I want to thank my good friends Mr. CALVERT, who chairs the House Science Subcommittee on Space and Aeronautics, and Mr. SCHIFF, who used to represent JPL and now has Caltech in his district, for joining me at JPL to celebrate our nation's independence. I am sure they will agree that the fireworks we saw from JPL's Mission Control room on July 4th rivaled those that were launched here at our Nation's capital.

Deep Impact is just the latest in a long series of incredible accomplishments of JPL and NASA, dating back to the very beginning of United States space exploration. On January 31, 1958, the American space age began with the launch of Explorer I, the first U.S. satellite. At a time of national disappointment following the Soviet Union's successful launch of *Sputnik*, Explorer I turned the tide in international space exploration, displayed America's pioneering spirit and scientific excellence, and spurred our space efforts. The organization behind the development, launch, and control of Explorer I was JPL.

JPL will continue to push the boundaries of space and science with upcoming missions, such as SIM PlanetQuest and the Terrestrial Planet Finder. These missions will bring us closer to discovering whether there may be other planets like our own. This quest is an important one, which is why the search for Earth-like planets is a central part of the President's vision for space exploration.

I have no doubt these very exciting missions will expand our horizons, answer many questions and capture our imagination, just as previous missions have. For example, it was one year ago that the *Cassini-Huygens* Spacecraft successfully entered orbit around Saturn. Since that time we have seen some incredible images and learned a great deal about Saturn and its rings.

A little over two years ago, the first of the two Mars Exploration Rovers, Spirit, was launched. In January 2004, the second rover,

Opportunity, landed on Mars. Both have proven to be work horses on the planet's unfor-giving surface, and both have made fascinat-ing discoveries. Spirit found evidence that early Martian history was wet and violently ex-plosive, and Opportunity found evidence of a shallow ancient sea.

There are also tangible scientific and tech-nological results from JPL and NASA's suc-cesses. For example, the work of scientists and engineers at JPL has resulted in medical imaging technology used in brain surgery, the detection of breast cancer and detection of skin cancer, and in computer chips that have been used to reduce engine emissions in automobiles. These and other breakthroughs play a critical role in ensuring America keeps its technological and scientific edge.

I congratulate JPL and NASA on their many decades of exploration and discovery.

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

The SPEAKER pro tempore (Mr. SHAW). The question is on the motion offered by the gentleman from Lou-isiaiana (Mr. BAKER) that the House sus-pend the rules and pass the bill, H.R. 68, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

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PROVIDING THAT THE HOUSE OF REPRESENTATIVES WILL FOCUS ON REMOVING BARRIERS TO COMPETITIVENESS OF THE UNITED STATES ECONOMY

Mr. BOUSTANY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 352) providing that the House of Representatives will focus on removing barriers to competitive-ness of the United States economy.

The Clerk read as follows:

H. RES. 352

Whereas the economy of the United States is part of a global economy in which domes-tic industries face ever stronger competition from foreign industries;

Whereas growth in exports accounts for one-sixth of all growth in the United States economy;

Whereas approximately 1 in 5 factory jobs in the United States depends directly on international trade;

Whereas American farmers export 1 in 3 acres of their crops, and exports generate nearly 25 percent of farmers' gross sales;

Whereas the estimated total regulatory burden on United States business is more than \$850 billion per year;

Whereas, according to a study sponsored by the Office of Advocacy of the Small Busi-ness Administration, government regula-tions cost firms with fewer than 20 employ-ees 60 percent more per employee than the cost to firms with more than 500 employees;

Whereas the Office of Management and Budget recently found that for every dollar of direct budget expenditure devoted to regu-latory activity, the private sector spends \$45 to comply with regulations;

Whereas high-technology industries are driving economic growth around the world, as shown by the fact that the global market for high-technology goods is growing at a faster rate than the rate for other manufac-tured goods;

Whereas more than 1 million American jobs are dependant upon research and devel-opment spending in the United States;

Whereas the cost of medical care in the United States regularly outpaces general in-flation;

Whereas 90 percent of Americans who are under age 65 and covered by health insurance currently obtain that insurance through em-ployers;

Whereas 85 percent of jobs in the United States today are classified as skilled jobs and in 1950, only 20 percent of jobs were so classified;

Whereas 80 percent of the 50 fastest grow-ing occupations require education beyond high school;

Whereas, despite spending \$60 billion per year on training, 60 percent of United States companies are prevented from upgrading technologically by the low educational and technical skill levels of their workforce;

Whereas, in 2003, American taxpayers spent an estimated \$203.5 billion to comply with the Federal income tax code, enough to buy more than 5 million new luxury 4-door sed-ans at retail price and by 2007, annual com-pliance costs are projected to rise to \$244 bil-lion;

Whereas the tax compliance burden is twice as much for businesses with fewer than 20 employees as it is for businesses with more than 500 employees;

Whereas the cost of frivolous litigation in the United States exceeds \$230 billion per year, an amount equal to more than \$2,000 per American household;

Whereas the cost of liability defense is ap-proximately \$150,000 per year for each small business, money that could be spent to hire additional employees, expand operations, or improve health care coverage;

Whereas, in 2002, trial lawyers received ap-proximately \$40 billion from litigation, more than the annual revenues of Microsoft and Intel, and twice the revenue of Coca-Cola;

Whereas total energy consumption in the United States is expected to increase more rapidly than domestic energy supply through at least 2025;

Whereas the Energy Information Adminis-tration projects that net imports will con-stitute 36 percent of total United States en-ergy consumption in 2025, as compared with only 26 percent in 2002; and

Whereas, according to a study sponsored by the National Association of Manufactur-ers and American Council for Capital Forma-tion, consumers will face a 61 percent in-crease in gasoline prices unless the United States implements a policy to increase the supply of affordable energy: Now, therefore, be it

Resolved,

SECTION 1. RECOGNITION OF EXISTING BAR-RIERS TO KEEPING AND CREATING JOBS.

The House of Representatives recognizes that there are existing barriers to keeping and creating jobs in the United States, par-ticularly in the following areas:

- (1) Trade restrictions and inequality.
- (2) Bureaucratic red tape.
- (3) Innovation and investment.
- (4) Health care security.
- (5) Lifelong learning.
- (6) Tax burden and complexity.
- (7) Lawsuit abuse and litigation manage-ment.
- (8) Energy self-sufficiency and security.

SEC. 2. NEED FOR CONGRESSIONAL ACTION.

The House of Representatives recognizes that improving the competitiveness of the United States economy depends on congres-sional action to remove barriers in the areas referred to in section 1.

SEC. 3. FEDERAL AGENCY REVIEW OF RULES AND POLICIES.

The House of Representatives expresses the sense that every Federal agency should re-view its rules and policies regarding the competitiveness of the United States econ-omy.

The SPEAKER pro tempore. Pursu-ant to the rule, the gentleman from Louisiana (Mr. BOUSTANY) and the gen-tleman from New York (Mr. OWENS) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. BOUSTANY).

GENERAL LEAVE

Mr. BOUSTANY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their re-marks and include extraneous material on H. Res. 352.

The SPEAKER pro tempore. Is there objection to the request of the gen-tleman from Louisiana?

There was no objection.

Mr. BOUSTANY. Mr. Speaker, I yield 4 minutes to the gentleman from Kan-sas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Speaker, the United States has the number one economy in the world. For almost two centuries, we have been the envy of the world: a dynamic economy; a hard-working, motivated workforce; truly the land of opportunity where innova-tion has thrived. The status is chang-ing, though. We are running a \$670 bil-lion annual trade deficit which is con-tributing to our Federal budget deficit and slowed economy over the past few years.

This development is not a temporary blip on the radar screen. It is the cul-mination of a generation of increased regulation, unsound tax policies, lan-guishing emphasis on math and science education, unchecked health care costs, rampant lawsuit abuse, unfocused research and development funds and a weak trade policy enforce-ment. In short, our government has made it difficult and undesirable to do business in the United States. We have put roadblocks to keeping and creating jobs in America, and we have done this to ourselves.

If these current trends continue, our economy will continue to lag and we will no longer remain the most dy-namic economy in the world. Mean-while, China, India and other nations are preparing for the future. They are educating their students in math, science and technology, and pumping out record numbers of engineers. They are reducing tax rates and other eco-nomic barriers to entice investments in their nations. They are pursuing ag-gressive trade policies to reduce Amer-ica's dominance in world trade.

Without attention to these matters, the United States is headed towards a third-rate economy; 5, 10, 20 years down the road, we will no longer be the world's leader or even second place. We will become a third-rate economy. That is why we need to take this issue seriously.

Last year, we began the competitiveness legislative agenda on the floor, and over a period of 8 weeks, we discussed and voted on issues related to keeping and creating keeping jobs in America. Later this summer, the Jobs Action Team will again bring legislation to the floor to combat this problem. We need to take a longer-term vision.

For this reason, I am initiating the House Economic Competitiveness Caucus. The caucus will carefully examine the issues facing our ability to compete economically over the coming years. We will work to focus congressional efforts to removing the barriers to American economic competitiveness and develop economic goals for the future and find paths to get there.

I encourage my colleagues to join me in finding ways to guarantee a vibrant, internationally competitive American economy now, 5, 10, 15 and 20 years down the road. Our goal is to ensure high-quality and high-paying jobs for all Americans today and in the future.

Mr. OWENS. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, none of us could be against removing barriers. However, the definition of barriers allows room for a lot of disagreement. It is very interesting that the thrust of this resolution is that regulations in the United States are barriers to competitiveness, and yet our economy is linked to a nation which has the maximum number of barriers in terms of regulatory procedures, the economy of China.

China is still a communist government. China is still an economy ruled by a communist government, which means they can set up regulations as they see fit and change the rules as they see fit, and yet we are linking our economic fate to China. Our industries have moved on a wholesale basis to China. Obviously, regulation is not ruining the situation in the Chinese economy, and our propensity for dealing with this communist/capitalist country, this mongrel, whatever economy we want to call it, our greedy manufacturing industry has gone there. Retail and wholesale industries are bringing back the consumer goods. We just love China. Wall Street loves China, and China is a very tightly regulated economy. The greatest barrier one can imagine is there, and yet they thrive.

I want to run through a few of the whereases in this very interesting resolution which covers a lot of territory. One cannot disagree with some of the whereases: Whereas our technology is driving economic growth around the world, as shown by the fact that the global market for high-technology goods is growing at a faster rate than the rate for other manufactured goods. I agree with that wherease.

Whereas more than 1 million American jobs are dependent upon research and development; whereas the cost of medical care in the United States regularly outpaces general inflation. How can I disagree with that? That is a fact.

Whereas 90 percent of Americans who are under age 65 and covered by health insurance currently obtain that insurance through employers. Maybe that is a barrier we want to remove by having a national health care plan which takes some of the burden off employers. I would be in favor of that, certainly.

Whereas 85 percent of the jobs are classified as skilled jobs, and in 1950, only 20 percent were so classified. That is a fact.

Whereas 80 percent of the 50 fastest-growing occupations require education beyond high school. Let us pause there. Is that fact going to lead to a recommendation that we expend more money to improve our education system, that we catch up with some of the nations in the world? Do Members know that the richest nation in Europe now is Ireland? Ireland. Ireland is the richest nation in Europe. In terms of per capita income, Ireland has the highest per capita income. Why, because the Irish decided a couple of decades ago to invest wholeheartedly into a state-of-the-art public school system. Now they have moved beyond that, and they are providing free higher education. So an Irish youngster can develop in the free system right up to the end of his higher education.

So that is a barrier that we would like to remove. So we agree that this is significant, that 80 percent of the 50 fastest-growing occupations require higher education beyond high school, and yet we are shortchanging our education. No Child Left Behind has been shortchanged by \$20-some billion over the last few years.

Whereas, despite spending \$60 billion per year on training, 60 percent of the United States companies are prevented from upgrading technologically by the low education and technical skills level of their workforce. That is a fact. We can agree with that. Our public school system ought to be doing a better job.

Whereas, in 2002, trial lawyers received approximately \$40 billion from litigation, more than the annual revenues of Microsoft and Intel, and twice the revenue of Coca-Cola. What does that have to do with anything? Why did they take a swipe at the trial lawyers in the midst of the whereases? The money received by the trial lawyers was money used to defend ordinary Americans. How about the corporate lawyers? You do not have a wherease about the corporate lawyers, or a wherease about the tremendous amount of corruption in corporate America that the Republican Party refuses to even hold hearings about. Enron, WorldCom, a whole series of criminal activities that have been unveiled by the attorney general of New York State, nobody wants to deal with that corruption. That is a barrier to our success and our competitiveness.

I hope that you will address some of these whereases that I have just mentioned in terms of some answers as to why we do not pursue the obvious, commonsense solutions.

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

Mr. Speaker, I would like to respond to the gentleman with regard to Ireland. Surely they have improved their public education system. And, furthermore, they have lowered their regulatory burden and cut taxes. I think those two areas are largely responsible for their growing economy and the increased opportunity in Ireland.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Speaker, in America, the road to opportunity is a fast-moving highway. Any American with creativity and simply a desire to work hard can achieve their dreams. Anyone can succeed. Anyone can start a business. Our road to opportunity has been an open road.

But unfortunately, our government, sometimes with very noble intentions, is putting up red lights, stoplights and dead ends on the road to opportunity. The heavy burden of needless governmental regulation is slowing down hard-driving Americans, Americans whose diligence and hard work is needed to secure our Nation's economic future.

Let us consider a few numbers for a moment. The regulatory burden on United States businesses is more than \$850 billion each and every year. The Small Business Administration says that complying with all of the government's rules and regulations costs small businesses a staggering \$7,000 per employee. American taxpayers spend an estimated \$250 billion a year every year just trying to comply with the American Federal income tax code. This crippling over-regulation can destroy the entrepreneurial spirit. It is a hidden tax on our businesses and on our citizens.

Simply put, the cost of doing business in America is quickly rising. And make no mistake, our foreign competitors are capitalizing on it. Our trade deficit is now an unbelievable \$670 billion and growing. It is time for America to reopen the road to opportunity, and it is imperative that this Congress and this Nation enact a competitiveness agenda.

It is unacceptable that the cost of frivolous litigation now exceeds \$230 billion a year. That interpolates to \$2,000 for every American household. Our citizens, business owners and entrepreneurs face enough hurdles as it is. Our government does not need to raise new ones. We need to focus on eliminating some of the ones we have.

We must and will make America more competitive in the global marketplace. I know by working together we can do the right thing for the American people, for American business and for America's future.

□ 1130

Let us remove the red lights, remove the stop signs and the dead ends and reopen the road to opportunity.

I urge my colleagues to support this resolution.

Mr. OWENS. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman very much for yielding me this time.

And I must say that never have I seen a resolution that demonstrates so completely the lack of understanding by the other side of what is necessary to maintain and improve America's competitiveness in the world economy.

They go through all of their whereases, but when they get to the therefores, this resolution does nothing, does nothing. They ignore what those people who are on the cutting edge of trying to improve America's competitiveness, those companies that are on the cutting edge of competing in a world economy, their recommendations, one of the first of which is to fully fund No Child Left Behind. They are \$40 billion behind the curve. But that is what the American Electronics Association says should be done first and foremost in education.

Improve math and science teaching, you do nothing to improve math and science teaching.

They go on to say support research and development. The permanent, the permanent R&D tax credit, not the year-to-year funding that you provide, but the permanent, so companies can count on this, can make their economic decisions, can make their financial decisions. Improve the business climate, the stock options, which your side failed to provide for. Stop having the raids on the patent and trademark offices of the United States Government to fund the general fund.

The fact of the matter is that this provides nothing, provides nothing that the industries that are on the cutting edge identify as their most important objectives, their most important priorities, and that is to provide for a dramatic and sustained improved investment in education; a dramatic and sustained improvement in the R&D of this country, nondefense related, basic R&D on a permanent basis, something you have not done in 6 years.

And also they recommend, after doubling the National Science Foundation, a sustained effort at doubling the National Science Foundation. You thought it was a one-time target, and now you are cutting. You thought sequencing the human genome was a one-time event. That is the beginning, not the end of the story. That is the beginning, is the doubling of the National Science Foundation, then maintaining it. What we are talking about and what the companies have constantly recommended to us is a sustained effort and investment in education, in innovation, in health care. Universal access to health care, universal access to affordable health care, something not discussed in this resolution, something not done in the 6 years. More people are without health care now than in

the 5 years that this administration has been in office.

This resolution so completely misses the mark that we wonder why we would spend an hour of our time on the floor dealing with this when there are such important items. The problem is that the other side of the aisle already voted for a budget that does not make the R&D tax credit permanent, voted for a budget that cuts higher education, voted for a budget that cuts elementary secondary education. A budget that does not even get close to funding No Child Left Behind, as, again, the companies who are out there competing, not the political rhetoric on the floor, but what they have made after years of discussion.

It does not even get close to an immigration policy that allows our universities to continue to attract the highly skilled students that we were before 9/11. That is not working. Those young people now are going to India. They are going to China. They are going to France. They are going to Germany. They are going to England, and they are not coming to the United States because this administration failed to take that action.

Finally, the protection of our intellectual properties. The protection of our intellectual properties is so terribly important. We continue to see them hijacked on a daily basis from the automotive industry, to the film industry, to the music industry, to the computer industry, and the effort has not yet been made.

That is the report on what has happened over the last 4 or 5 years in this country. That is the report of what this Republican-led Congress has done. And what does the Republican-led Congress do? They give us a resolution with a lot of "whereases," a lot of "whereases." No action, just "whereases."

Mr. BOUSTANY. Mr. Speaker, I yield 2½ minutes to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Speaker, I thank the gentleman from Louisiana for yielding me this time.

I welcome the comments from the gentleman from California (Mr. GEORGE MILLER). He talks about a lot of issues that are more important to making America more competitive. We may disagree on the track, but I think it is important that we do move forward with an R&D tax credit that is permanent. I think it is important that we do move forward to protect intellectual property rights. But he does make an additional point, and that it is always easy to be against something instead of for something. If we are going to make progress, we need to work together; so I would welcome him to join the Economic Competitive Caucus because I think together we could find ways to fund technology grants and technology schools. And I would like to point out that we have doubled the funding for the National Science Foundation, and we continue the strong funding of that.

The gentleman from New York (Mr. OWENS) also mentioned a couple of things that I think are important to be addressed in this debate. One is the effect that China is having on our economy, and I think the point was made by the gentleman from New York that regulation is not holding them back. But let me tell the Members what is happening in China. They have focused on technology. They graduated 350,000 engineers last year. They graduated more English-speaking electrical engineers than America did, and they have done that because they want to target certain areas. In Kansas they have targeted several industries: the hand truck industry, the auto lift industry. They are trying to run American businesses out of business so that they can have a corner on the market, and that is why we need to have enforceable trade policy, which is part of this resolution.

The gentleman from California (Mr. GEORGE MILLER) addressed education. That is why education and lifelong learning is part of this resolution.

But let me just tell the Members what China is doing that I think is important to the debate and why I think they should understand why we need to address these issues today instead of putting them off. The regulation barriers that we have are keeping us from doing wonderful things that could help create and start jobs. In China they are trying to create a Silicon Valley. They have set up a top-notch university. They have given venture capital to the area. They have office space available. They have property management for anybody who has a good idea. They have legal advice, patent advice. They even allow professors and students to start businesses on their own.

The way to address that is by changing our system and removing the barriers. The gentleman from New York (Mr. OWENS) mentions the trial lawyers, the \$40 billion that came out of our economy for trial lawyers. Just think, if we apply some commonsense reforms, we can make jobs in America. One example is in 1995 when the Statute of Repose was passed, which put commonsense limits on the manufacture of airplanes, and the following year 4,000 jobs were created in Kansas alone, plus additional jobs all across the United States.

All we are saying in this resolution is let us step back from what we are doing today and say if we were going to start this system tomorrow, would we do the same thing? Will it impact jobs? Can we work together to create and keep jobs in America instead of seeing them slide off to other countries?

So I think this is a good resolution, and I would welcome the suggestions from the other side, and I think together we can help bring jobs back to America.

Mr. OWENS. Mr. Speaker, I yield 4 minutes to the gentlewoman from California (Ms. ZOE LOFGREN).

Ms. ZOE LOFGREN of California. Mr. Speaker, when I looked at today's floor

schedule, I was pleasantly surprised to see an item addressing the issue of declining United States competitiveness in the world.

The fact is the issue of competitiveness has not been a priority for Republican leaders in this Congress or in any preceding one in the last 10 years, and I thought perhaps finally the Republicans had woken up. Unfortunately, I was very disappointed when I read the text of the proposal because this plan is nonbinding; it has really nothing that will make the United States more competitive. That is what I have come to expect in this Congress, this Republican-led Congress: more talk and no action. And once again this resolution has failed to propose specific policies that would actually boost technological innovation or our commitment to education.

As many know, I represent Silicon Valley, along with the gentlewoman from California (Ms. ESHOO) and the gentleman from California (Mr. HONDA), the most creative and innovative place on Earth; and if I were to bring your resolution back to the leaders of the Silicon Valley, the engineers, the techies, Ph.D.s, venture capitalists, educators, CEOs, I think I would be laughed all the way back to D.C. I suspect that you did not consult with any of the people in the tech industry because, if you did, we would have had something with a little meat on it that meant something.

We need a sustained commitment to Federal funding of R&D. The 2006 budget proposed by President Bush continues to cut R&D. It underfunds the National Science Foundation by billions of dollars; and the fact is if we do not count weapons research, this administration has sharply reduced federally funded scientific research, and this nonbinding resolution will not do a darn thing to change it.

We need to dramatically improve our math and science education in our country. We know that we are falling short, and meanwhile we are continuing to fail in our funding promises to No Child Left Behind. We need to reform our immigration policies so that the best and brightest students can come and study in the United States and not be poached by universities who are benefiting in Australia and England and elsewhere through our shortsighted and bureaucratic policies; and we need a sustained commitment to science research and education. We cannot afford to sit back and pass nonbinding resolutions that do nothing. We could at least enact the gentlewoman from California's (Ms. ESHOO) bill for stock options.

With an exploding deficit, reduced support for education of Americans, a door shutting on Nobel-level scientists from abroad, no energy policy that will lead to energy independence, this proposal is worse than nothing because the right wing will not take action on competitiveness and will probably say they did something if this stupid and

meaningless resolution is permitted to pass.

Republicans are like the guy in court who killed his parents and now pleads for mercy as an orphan. They have controlled the House of Representatives for 10 years. Their policies for the last 10 years have shorted education. They have shorted science. They have eliminated protection for tech innovation. These words do not change those failed policies, and I hope that we turn down this resolution and tell the truth that our policies are threatening the competitiveness of our United States, and this mere meaningless resolution will do nothing, nothing, to solve that.

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

First I want to respond to a few comments made by the opposition here. There is a lot of talk about a nonbinding resolution, but this House today is going to take up four bills to reform OSHA that will help small businesses and their enterprises be more competitive and their employees be more competitive in the global economy. Health care, the gentleman from California (Mr. GEORGE MILLER) brought up health care, and he very well knows that the Committee on Education and the Workforce that he sits on as the ranking member is addressing health care. We recognize that health care is a problem. We recognize that the plight of the uninsured is a problem. And yet I will say as a physician, as someone who has dealt with health care on a daily basis, universal government-run health care is not the answer.

We need to continue to address this problem and support solutions like association health plans, something that we have already taken up in committee and will be coming to the floor soon. This will help get people who are uninsured back on to the rolls of being insured. This will help small businesses provide insurance for those who lack insurance today.

We need to continue to expand health savings accounts. These have already begun to help many Americans, but we need to continue to work on this. This is the future of health care. This is how we are going to create a competitive health care environment that will bring down the cost and make it affordable for all Americans.

And we need medical liability reform. We need medical liability reform. No question about it. And this Congress will address these issues.

So to say this is a nonbinding resolution, surely it makes a statement about some of the needs that we need to work on, but at the same time this Congress is addressing all of those issues; and we ask our colleagues across the aisle to join us to pass these bills so that we can help those Americans in need and we can increase our competitiveness on the global market.

I support this resolution, and I want to thank the gentleman from Texas (Mr. DELAY) and the gentleman from

Kansas (Mr. TIAHRT) for their tireless work to remove barriers on U.S. companies, to ensure that America can be competitive in the global economy.

American businessmen and -women are second to none in resourcefulness, entrepreneurial spirit, business ingenuity; and the government should foster, not stifle, these qualities.

I mentioned, as a member of the Committee on Education and the Workforce, that we are going to work on OSHA reform and AHPs. These are commonsense good measures that will improve our competitiveness.

Frivolous lawsuits, costly health insurance, an overly complicated Tax Code, skyrocketing energy costs, compliance with innumerable Federal and State regulations result in small businesses spending more time just trying to comply with government and government laws and regulations than growing their businesses, creating jobs, and generating revenue. Yet because of the entrepreneurial spirit of these Americans and many small businesses that we have out there, they do survive and even thrive despite all these adversities.

□ 1145

Let me talk about my district in southwest Louisiana for a moment, which has been known for its entrepreneurial spirit. Today, it is a spirit that continues to grow our agricultural influence, despite many adversities, and build small businesses that are grabbing the eye of the global market. We have a port, the 11th largest port in the country, the Port of Lake Charles. Once known as a regional provider, it has grown into an economic engine for our State and our Nation. And as it continues to increase in size, it is moving larger numbers of products into the United States and out into the world.

Our economic developers are finding ways to attract businesses that have never before known the advantages of doing business in Louisiana. Let me give an example. Lafayette Economic Development Authority is a prime example of showcasing the educational and technological benefits of Louisiana's Seventh Congressional District to attract companies to our area. Gregg Gothreaux heads up this organization and has strived to capitalize on an outstanding workforce to make Lafayette a competitive force in the business world. In fact, in the year 2004, Inc. Magazine named Lafayette, Louisiana, one of the best places to do business. And 3 months ago, Entrepreneur Magazine named Lafayette one of the top technology centers in the South, based on its appeal and ability to attract high-tech companies.

Another great example from my district is a small business with 15 employees headed up by Rick Broussard, and he has been able to attract the United States Marine Corps with a service by building these drone airplanes. And he is hoping to build his business, employing hopefully in the

near future 100 employees, so that he can improve his competitiveness and raise his revenue and contribute to the competitiveness of our country and our defense initiatives.

He is not an isolated example. There are many examples in Louisiana and around this country that are competing, despite the regulatory burden, the tax burden and other added costs of doing business.

Mr. Speaker, it is our job, it is our job as elected officials to ensure that our businesses have the necessary tools to compete in this global economy, and this Congress will address these issues.

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

Mr. OWENS. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I thank the gentleman from New York for his leadership in defense of our economy, workers' rights, and our desire to build on an American economy that can provide opportunity for all.

Mr. Speaker, if the Congress were to take up legislation for the purpose of removing barriers to the competitiveness of the U.S. economy, I do not believe, respectfully, it would read like H. Res. 352.

But, it might read something like this: Whereas, U.S. trade with foreign countries is so imbalanced that the U.S. has a trade deficit with every continent in the world except Australia and with nearly every country in the world;

Whereas, before NAFTA, the U.S. exported about an equivalent amount to Mexico as it imported to Mexico. But, after NAFTA, imports from Mexico increased 195 percent, more than double the increase in exports. NAFTA caused a balanced trade scenario with Mexico to become unbalanced, to the disadvantage of the U.S.;

Whereas, exports create jobs; imports destroy jobs. And when imports outpace exports, more jobs are destroyed than created. So while increased exports after NAFTA may have created almost 800,000 jobs, according to the Economic Policy Institute in 2003, increased imports due to NAFTA destroyed almost 1.7 million jobs. Every State in the Nation lost jobs due to NAFTA;

Whereas, Congress will soon be compounding the damage with consideration of CAFTA, which is modeled on NAFTA;

Whereas, China's seemingly endless supply of dollars to acquire IBM, Maytag, and now UNOCAL is supplied by America's huge trade deficit with China. In fact, since Congress agreed to admit China to the WTO, granting it permanent Most Favored Nation status, the U.S. trade deficit with China grew by 50 percent in only 2 years.

Now, if Congress was to take up legislation for the purpose of removing barriers to the competitiveness of the U.S. economy, it might read like this: Whereas, America needs a new trade

policy based on the principle that what the U.S. buys from a country should roughly match what it sells to that country;

Whereas, the cost of private, for-profit health care is a serious impediment to competitiveness;

Whereas, the U.S. paid \$5,270 per capita for health care in 2002, and two countries with the closest level of spending were Germany at \$2,820 and Canada \$2,930, both of which provided universal health care;

Whereas, the CEOs of Ford Motor Company of Canada, GM Canada, DaimlerChrysler Canada wrote in a 2002 letter that "publicly-funded health care thus accounts for a significant portion of Canada's overall labor cost advantage in auto assembly versus the U.S. which in turn has been a significant factor in maintaining and attracting new auto investment to Canada."

The resolution that we need to hear would say: Whereas, H.R. 676, the U.S. National Health Insurance Act, which has 50 cosponsors, would provide less expensive, high-quality, single-payer health care systems like many U.S. competitors;

Whereas, the current course of U.S. economic and health policy is unsustainable, and a day of reckoning could involve the bursting of the housing price bubble, rise of interest rates, budget austerity and the shredding of the social safety net, mass unemployment, and a loss of economic sovereignty.

Therefore, be it resolved, Congress has once again lost the opportunity to change the course, correct the trade imbalance, lift up living standards in the U.S. and the world, and set the country on a more sustainable economic course. The coming readjustment will be painful indeed while this administration and Congress drive the U.S. economy over a cliff.

Vote "no" on H. Res. 352.

Mr. BOUSTANY. Mr. Speaker, I am pleased to yield 1 minute to the distinguished Majority Leader, the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, the resolution before us represents a promise, a promise by the House of Representatives to the American people that not only are we aware of the hindrances to prosperity now existing in the national economy but that we are committed to removing them as soon as possible.

We are aware that compliance with Federal regulation costs American companies \$850 billion a year. We are aware those costs are passed along from American businesses to American consumers in higher prices to the tune of \$8,000 per family per year.

We are aware that exports account for one-sixth of our economic growth, and that one in five American factory jobs and one in three American crop acres depend on customers in foreign markets and that many markets are still closed to our goods.

We are aware that 1 million American jobs rely on research and development conducted by private businesses and through our world-class university system.

We are aware that 60 percent of American businesses are impeded in their growth by the lack of advanced training in the workplace. We are also aware that health care is too expensive, coverage too limited, and that small businesses are at a disadvantage in covering their employees.

We are aware that our tax system is unfair and inefficient, and that it costs families and businesses billions of dollars and hours every year.

We are aware that our economy is dangerously dependent on foreign sources of oil, and that it is overrun with frivolous lawsuits that abuse our legal system.

And, starting this week, Mr. Speaker, the House is going to do something about it. We are going to take up major legislation addressing these eight sources of economic friction and tear down these eight walls now surrounding the American dream.

The debate about these eight issues: trade freedom and fairness; bureaucratic red tape; innovation and investment; health care security; lifelong learning; tax relief and simplification; lawsuit abuse reform; and energy independence are over. We all know these impediments to prosperity need reform, and we know what we have to do to reform them.

With this resolution, Mr. Speaker, the House will take a first step toward enacting these needed economic reforms to help small businesses create not just jobs but long-term, rewarding careers for the American people.

Mr. OWENS. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. SMITH).

Mr. SMITH of Washington. Mr. Speaker, there is really nothing terribly, terribly wrong with this resolution. Talking about a need to invest in greater innovation, research and education, certainly makes sense. The vexing thing for me is this Republican Congress and White House has systematically unfunded almost all of those items. We heard the numbers from my colleagues, and I will not go back over them, except to remind folks of the recent debate we had over the appropriations bills.

Repeatedly, throughout the debate, as Democrats talked about spending more money on a variety of different items, the Republican appropriators said, You know, this is the money we have, this is the best we can do with what we have.

Well, let us look at the decisions that left us in the position where "this is what we have." One of the consequences of those decisions is we do not have enough money to fund the research, education and innovation that is necessary. All of the items that are ticked off, the National Science Foundation, the National Institutes of

Health, No Child Left Behind, we all know what they are. We know how important in the global economy innovation, research, education and skills training is. Yet the programs that fund those vital needs, vital needs particularly for blue-collar, middle-class and lower-class workers, are consistently cut, reduced, not funded like they should be because of the budget decisions of this Congress.

Part of it certainly is the tax cut. That has been the decision of this Congress; supply-side tax cuts for people making a lot of money at the expense of all of these programs we are talking about today. It is incredibly vexing to hear the Republican majority stand up and talk about how much they care about these programs.

At a minimum, I wish they would make a choice, they would say: Supply-side tax cuts for people making a lot of money, that is what we support; that is what we are going to do. That being done, we cannot afford to do these other things, and that is okay. But to stand up today and say that you care about them when you have created a budget environment where they cannot be funded is disingenuous, to say the least. If these are priorities, then let us change the budget. And it is not just tax cuts. We can look at the spending decisions of the last 6 years that have seen massive increases in overall Federal spending while, at the same time, underfunding these critical items.

The budget priorities of the Republican Congress are responsible, and an empty "Sense of Congress" resolution is not going to fix that.

Mr. BOUSTANY. Mr. Speaker, I yield myself 30 seconds to respond.

I would remind the gentleman that these tax cuts have led to an economic growth of 3.8 percent and significant job growth, so I would remind him that these are pro-economic growth policies.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Speaker, I thank the gentleman from Louisiana for yielding me this time.

The gentleman from Washington (Mr. SMITH) did talk about some issues that I think are very important, especially when he talked about education. I think education is very important for the future of this economy. If we look at education spending over the last 5 years, we have had dramatic increases in education, as far as the spending is concerned.

What we need to do now is focus on math, science, engineering and technology. We know this is the direction the future economy is going. The world is getting more technically complex, not less technically complex. Yet we have fewer people going into engineering. We have fewer young women going into science. We have fewer people going into the technologies, the maths and the sciences. It should be concerning to us, and we need to take

steps today. I would welcome their support as to how we do that.

National Science Foundation money, the NSF has come up several times here. We increased the NSF again this year, again. Over \$5.6 billion will go into NSF this fiscal year and we have plans to increase that funding in the future, too.

Innovative research is very important. We need help from the other side of the aisle to get research and development tax relief permanent, and I think we can do that. I just want to mention the supply-side tax cut did stimulate the economy. We have more people working today than ever before in the history of our Nation. The average wage is higher than it has ever been in the history of this Nation. We have more people owning their own homes today than ever before in the history of this Nation, and we have done it because we cut taxes. More money got into the economy, and jobs started increasing. But does that mean we should be satisfied? No. We have barriers that need to be removed so that we can increase the number of jobs and the number of opportunities in America in the future.

□ 1200

I think it is important that we work together. I look forward to working with the gentleman from New York (Mr. OWENS) on issues like we addressed with Sarbanes-Oxley, corporate corruption, we had hearings. We had hearings; we had legislation on the floor. We made progress. We passed Sarbanes-Oxley. And now there are white collar criminals in jail today.

Corporate corruption was addressed and needs to be addressed in the future. But certainly we made some movement. But I welcome them. I know we can agree on creating more jobs. I think it is important that we work together to do that.

Mr. OWENS. Mr. Speaker, I yield myself such time as I may consume. I certainly look forward to working with the gentleman also.

Mr. Speaker, in closing, I would like to just cite a few examples of how Republican policies have shortchanged the initiatives which they talked about today. Instead of having an aggressive policy on math and science education, the Bush administration has underinvested in proven math and science instruction.

Today, China graduates four times as many engineers as the United States. And South Korea, which has one-sixth of the population of the United States, graduates the same number of engineers as the United States. Instead of keeping the Republican promise on education, President Bush has already underfunded No Child Left Behind, his own legislation, his own innovation, he has underfunded by more than \$40 billion.

Instead of investing in research and development to keep the U.S. on the cutting edge of technological advance-

ment, Republicans have cut \$877 million in Federal science and technology funding. Instead of having a national broadband policy, the Bush administration has allowed access to broadband to lag.

Instead of passing the 21st century bill to increase energy independence through advances in cutting-edge technology, the Republicans have failed to enact any energy bill at all. This resolution before us is a mulligan stew that has been allowed to spoil; it is a spoiled mulligan stew. It is not serious. We have 40 minutes to discuss items which would require really 40 days.

If we were serious, we would have a long discussion of these items before we move on and prepare some real legislation to deal with the shortcomings.

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

Mr. BOUSTANY. Mr. Speaker, I yield the balance of my time to the gentleman from Kansas (Mr. TIAHRT), who has worked so hard to ensure the competitiveness of this country.

Mr. TIAHRT. Mr. Speaker, I thank the gentleman from Louisiana (Mr. BOUSTANY) for his leadership on the floor today and his help in these very important issues of making America more competitive tomorrow.

Mr. Speaker, you know, when I listened to the debate today, I find that there are areas both Republicans and Democrats can agree on. And there are ways that we can work together to make a more solid economy in the future so that we can retain our number one status in the future instead of falling into a second or third-rate economy.

The danger is out there. We heard talk from the gentleman from Ohio (Mr. KUCINICH) that it is all because of NAFTA. That we have lost all jobs to NAFTA. Yet we have more jobs than ever before in the history of our Nation. We have heard that we do not spend enough money on R&D, that the tax credits are not permanent.

We need your help in making them permanent. We need to make these tax credits permanent. There are eight issues that we have confined the problems that we are facing tomorrow in, and these eight issues are health care, security, bureaucratic red tape termination, lifelong learning, energy self-sufficiency and security, spurring innovation, trade fairness and opportunity, tax relief and simplification, and ending lawsuit abuse.

Today we are going to take a giant step forward in dealing with regulation. The gentleman from Georgia (Mr. NORWOOD) is going to lead the effort to reform OSHA.

And let me just tell you a little bit about why it is important that we take on these agencies and try to change the environment. In the past we have had this adversarial relationship between the government and the private sector. There are fines, there are citations, there are unannounced intrusions into companies.

Employers are unable to deal with this without high expenses, without high cost, without hiring individuals to take care and track what the increasing regulation burden is.

Today we are going to start with OSHA, and we are going to deal with that today. We are going to try to create an environment where we work together. You know, we could work together. In fact this happened in Wichita, Kansas, where OSHA targeted Sedgwick County, and said we are going to go to the homebuilders and we are going to make it a safe place. They stood off. They took pictures. They fined, they created citations, and the housing industry shut down.

We got the Wichita Builders Association together with OSHA and we said, why do we not work together? Why do you not come in on an announced basis, make a list of the violations, let the company have time to make the safe environment at the work area, and then come back and see how they are doing? Well, they did that. The housing industry went back to work. And they created a safe work environment by working together, working together instead of against each other in an adversarial relationship.

That is what we are talking about in changing the environment in America so that we can create and keep jobs in the future, working together and not against each other. Now, this environment here on the floor of the House is an adversarial environment. But yet we can work together. That is what we are advocating here, the government working with private sector to make more jobs in the future.

Ms. ESHOO. Mr. Speaker, the issue of competition is one that is lived out and dealt with daily in my congressional district, Silicon Valley.

As this resolution states, high-tech industries drive economic growth around the world. Every day my constituents tell me that the United States is falling behind our competitors in Europe and Asia.

This resolution identifies some of the challenges for U.S. competitiveness. But this is not enough. The resolution is not binding. It does not set into motion any legislative action to address the key issues relative to competition.

One of the top issues in Silicon Valley today is stock options. Broad-based employee stock options plans drive innovation and competitiveness.

The House overwhelmingly passed legislation I authored with Rep. BAKER to protect employee stock options almost a year ago, but the Administration has refused to lift a finger to get this bill through the Senate and to the President's desk.

For many, many years the high-tech industry has begged Congress to make the R&D tax credit permanent. It hasn't happened. What has happened is a decline in investment and a diminishment of innovation.

The President has said that the U.S. should have universal broadband access by 2007. We've yet to see the Administration's plan for achieving this. Today the United States has fallen to 16th in broadband penetration, down from 4th in 2001.

This resolution correctly points to education as a critical issue of competitiveness, but once again this Administration and the congressional majority have underfunded critical education programs. No Child Left Behind is funded \$39 billion below its promised level. Pell grants will be eliminated for 90,000 college students, and an additional 1.3 million students will have their scholarships reduced this year. These figures do not meet the standards of a great nation serious about her technological and competitive future.

The resolution states that energy is a major problem, yet the Department of Energy's independent analysts have said that the provisions in the House energy bill will have a "negligible" impact on prices, production, consumption, and imports of energy.

The Administration continues to underfund critical Federal research programs, flat-funding civilian research and development and reducing total Federal research by \$400 million. This underfunds our collective future.

What is missing in the Congress is the commitment to reshape the critical policies which will renew our Nation's competitiveness in the 21st Century.

Mr. UDALL of Colorado. Mr. Speaker, I am not voting for this resolution, because I think it does not make a constructive contribution to the problems facing our country and the national economy.

The resolution says that trade restrictions and inequality are barriers to keeping and creating jobs in the United States—but it does nothing about them, just as it does nothing to make it easier for Americans looking for work to find good jobs.

The resolution says that bureaucratic red tape is a barrier to economic progress, but it does nothing to reduce that barrier or to require the Bush Administration to exercise leadership in reducing red tape.

The resolution says there is need for more innovation and investment, but it offers nothing substantive to promote innovation or to encourage more productive investment.

The resolution correctly says there is a need to overcome barriers to health care security, but it does nothing to help the millions of Americans who lack health insurance or to make good health care more affordable.

The resolution says we need to promote lifelong learning, but is silent as to how to go about achieving that desirable result.

The resolution mentions taxes and the complexity of the tax laws, but provides no useful suggestions as to how to reduce that complexity or to promote tax fairness.

The resolution complains about "lawsuit abuse" and seems to support "litigation management," but says nothing about the extent to which the courts can protect individual rights and the essential role of law in our society.

And while the resolution correctly says there is a need for greater energy self-sufficiency and security, it does nothing about it. While that actually is an improvement over the energy-policy bill the House passed earlier this year, with its many wrong-headed provisions, it falls far short of what is needed.

In short, this resolution is not serious. It deserves neither the time consumed in debating it nor approval by the House. I will not vote for it.

Mr. MARSHALL. Mr. Speaker, I voted for H. Res. 352 because I agree that there are bar-

riers to keeping and creating jobs within the United States and that Federal agencies ought to review their rules and policies to improve the competitiveness of our economy. But I do not associate myself with the sense of the "Whereas" clauses that America must adopt foreign values and standards in order to compete economically. I also note that the "Whereas" clauses include partisan distortions and falsehoods that are an ill-considered disservice to the cause of American competitiveness.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Louisiana (Mr. BOUSTANY) that the House suspend the rules and agree to the resolution, House Resolution 352.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

PROVIDING FOR CONSIDERATION OF H.R. 739, OCCUPATIONAL SAFETY AND HEALTH SMALL BUSINESS DAY IN COURT ACT OF 2005; H.R. 740, OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION EFFICIENCY ACT OF 2005; H.R. 741, OCCUPATIONAL SAFETY AND HEALTH INDEPENDENT REVIEW OF OSHA CITATIONS ACT OF 2005; H.R. 742, OCCUPATIONAL SAFETY AND HEALTH SMALL EMPLOYER ACCESS TO JUSTICE ACT OF 2005

Mr. BISHOP of Utah. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 351 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 351

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 739) to amend the Occupational Safety and Health Act of 1970 to provide for adjudicative flexibility with regard to the filing of a notice of contest by an employer following the issuance of a citation or proposed assessment of a penalty by the Occupational Safety and Health Administration. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce; and (2) one motion to recommit.

SEC. 2. Upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 740) to amend the Occupational Safety and Health Act of 1970 to provide for greater efficiency at the Occupational Safety and Health Review Commission. The bill

shall be considered as read. The amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce; and (2) one motion to recommit with or without instructions.

SEC. 3. Upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 741) to amend the Occupational Safety and Health Act of 1970 to provide for judicial deference to conclusions of law determined by the Occupational Safety and Health Review Commission with respect to an order issued by the Commission. The bill shall be considered as read. The amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce; and (2) one motion to recommit with or without instructions.

SEC. 4. Upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 742) to amend the Occupational Safety and Health Act of 1970 to provide for the award of attorney's fees and costs to small employers when such employers prevail in litigation prompted by the issuance of a citation by the Occupational Safety and Health Administration. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce; and (2) one motion to recommit.

SEC. 5. (a) In the engrossment of H.R. 739, the Clerk shall—

(1) await the disposition of all the bills contemplated in sections 2-4;

(2) add the respective texts of all the bills contemplated in sections 2-4, as passed by the House, as new matter at the end of H.R. 739;

(3) conform the title of H.R. 739 to reflect the addition to the engrossment of the text of all the bills contemplated in sections 2-4 that have passed the House;

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

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

(b) Upon the addition of the text of the bills contemplated in sections 2-4 that have passed the House to the engrossment of H.R. 739, such bills shall be laid on the table.

(c) If H.R. 739 is disposed of without reaching the stage of engrossment as contemplated in subsection (a), the bill contemplated in sections 2-4 that first passes the House shall be treated in the manner specified for H.R. 739 in subsections (a) and (b), and all other bills contemplated in sections 2-4 that have passed the House shall be laid on the table.

The SPEAKER pro tempore. The gentleman from Utah (Mr. BISHOP) is recognized for 1 hour.

Mr. BISHOP of Utah. Mr. Speaker, for the purpose of debate only, I yield

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

The resolution before us is the rule for the consideration of a package of four bills, H.R. 739, 740, 741, and 742. They are pieces of legislation which passed with a significant bipartisan majority in the 108th Congress and are once again being brought to the floor today to help reduce the impact of unduly burdensome regulations for American small businesses and thereby enhancing American competitiveness, and to restore fairness in applying workplace safety regulations to small business.

The rule before us, House Resolution 351, provides for the separate consideration of each of these four bills. Under the rule, each bill will have its own debate time and the opportunity to be thoroughly debated and voted on by this body.

Finally, the rule also provides that at the close of consideration of these measures, the Clerk of the House will be directed to combine the text of each of these bills that do pass the House under this rule as one engrossed bill, and send that bill to our friends on the other side of this Capitol, where they will have a better opportunity this time to be both deliberative and, hopefully, active at the same time.

While this may seem to be a complicated rule, the effect is quite simple. The bills brought up for consideration under this rule will allow small businesses to focus more of their energy on competing in the marketplace, providing their customers with better goods and better services and creating new jobs across America, rather than spending their time paying questionable fines, wrangling with regulators, worrying about the uncertainties created by an inadequate dispute process, created by staffing shortages, or having to pay for lawyers' fees to help fight a just cause with occasionally insensitive, but most often distant, Federal bureaucracy in Washington, D.C.

The gentleman from Ohio (Chairman BOEHNER) and the subcommittee chairman, the gentleman from Georgia (Mr. NORWOOD), as well as the hard work by both Republican and Democratic Members of this committee, are to be commended in bringing a well-balanced small business fairness package to the floor today.

The first of these four bills, 739, which is the Occupational Safety and Health for Small Businesses Day in Court Act, tries to provide flexibility to employers filing responses to OSHA citations.

We currently have a hard and very arbitrary standard of 15 days to respond to an OSHA citation, even though in the 1980s, the Federal Rules of Civil Procedure granted employer relief to file a late notice if there was a mistake, inadvertence, a surprise, or excusable neglect.

This bill simply codifies this commonsense practice. Hard and fast deadlines in instances sometimes work an injustice, but in any case they provide only a safe standard for the bureaucrats, but lack the common sense to help small businesses which were clearly recognized in the Federal Rules on Civil Procedure.

□ 1215

There is no good reason why we should not codify for all what is occasionally given to some and allow for some discretion in granting relief to innocent employers for, as the law says, mistake, inadvertence, surprise or excusable neglect. There should be no controversy over this commonsense bill.

The second bill, H.R. 740, the Occupational Safety and Health Review Commission Efficiency Act of 2005, provides for the addition of two additional members to the review commission, and the additional human resources will allow it to complete its work in a timely fashion for the benefit of both employers and employees. For two-thirds of the life span of the review commission's existence, the commission has frequently been paralyzed by vacancies that have resulted in several critical and well-documented inefficiencies and rendered the entire regulatory scheme devised by Congress to resolve OSHA disputes as unworkable. The byproduct of this breakdown delays final adjudication. It harms real business. It hinders real job creation. There is a simple and easy way to resolve this particular problem.

The third bill, H.R. 741, the independent review of OSHA citations, by legislative history and practice, OSHA was designed to be responsible for rule-making, enforcement and adjudication. But Congress also established a review commission. Its intention was to give an independent review of OSHA functions as a check on prosecutorial excesses by OSHA.

A 1984 court decision extended the concept of administrative deference to the agency and subsequent court decision which have been conflicting, have compounded the problem, and conflicted the process of checks and balances Congress intended. This bill simply restores responsible checks and balances to the current system by making it clear that it is the commission's legal interpretation that should be given proper judicial deference.

Finally, Mr. Speaker, the fourth bill, H.R. 742, deals with small employers' access to justice. This simply provides for a small employer to have payment of attorney fees when that small employer prevails in litigation that was prompted by the issuance of a citation by OSHA. The legislation is simple in its rationale: Small business people should not be intimidated into blindly following mandates because they do not think they can afford to fight a case in court in which they would otherwise prevail. This levels the playing

field so that small businessmen and businesswomen have an equal chance with powerful government bureaucracies that have virtually unlimited legal resources of the Federal Government behind them. This bill helps the mom-and-pop businesses to be able to have the courage to speak up for themselves when they are right.

Small businesses still provide a majority of the jobs in this country, and they feel the economic pressure brought by government regulations and taxes every day. It is only fair that through these four bills in these very specific areas that we take care to remove any economic incentives for the fostering of an insensitive Federal regulatory bureaucracy.

Mr. Speaker, these are four common-sense good bills which, once again, enjoyed a bipartisan majority of Members' support in the 108th Congress.

Our country has had 35 years of experience with OSHA. As documented in testimony before the House Committee on Education and the Workforce, modest improvements are needed to restore balance to the regulatory scheme through these bills as they relate to small business. Last year, the Office of Management and Budget reported to the Congress the annual cost of major Federal regulations for the decade from 1992 to 2002 was somewhere between \$38 and \$44 billion which means that, for every dollar we spend for regulation, we also as a government spend \$1.50 for compliance costs and the private sector spends \$45 in compliance costs.

The over-regulation of business puts us at a competitive disadvantage with the rest of the world, places unlimited, unnecessary limits on our economy and harms the consumer.

I am proud the congressional leadership is continuing to look at ways to pare back the overwhelming growth in regulation and bureaucracy, and I urge my colleagues to support the rule for these four bills to keep American businesses competitive in a global marketplace, to keep jobs here in America. I urge my colleagues to support this rule and the underlying bills.

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

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

Mr. Speaker, I thank the gentleman from Utah (Mr. BISHOP) for the time.

Mr. Speaker, I rise today in strong opposition to this closed rule and all four of the underlying pieces of legislation that it encompasses. For those who did not hear me the first time, I said four pieces of legislation under one closed rule.

This is a quadruple coupon day in the House of Representatives, Mr. Speaker. Four opportunities to shut off democracy for the price of one. What is perhaps most offensive about the rule is the fact that not one amendment was made in order for any of the four bills. Let me repeat that: Not one amend-

ment was made in order for any of the four underlying bills.

Closed rules are an affront to our democracy. We should stop it now. My outrage and the outrage of all on this side of the aisle is as much about process as it is about policy. Pure partisan politics never produces sound public policy. And patronizing corporate interests to pad one's campaign coffers has no place in the people's House. Yet, that is all the majority seems interested in doing.

The political score Republicans are seeking to settle with their barrage of anti-working-class legislation is not going to be fulfilled by stifling debate and blocking Democrats out of the process. Republicans are calling this the OSHA fairness package. Fair for who? There are only losers with these bills, Mr. Speaker, and the biggest victim is the American worker. All four of the underlying pieces of legislation represent a buffet of rollbacks in our laws governing working conditions.

Mr. Speaker, do we have an overwhelming epidemic in this country of ridiculous and overzealous workplace lawsuits that I do not know about? The judicial process for violations and workplace health and safety standards has been in place for nearly 30 years. It is fair, and most importantly, it protects the rights of workers. Yet, two of the underlying bills affecting OSHA standards are coming as a direct result of recent court rulings that Republicans and their corporate friends do not agree with. The other two are aimed at stacking the OSHA commission with anti-worker commissioners and creating a system where only those who can afford legal representation will be permitted to file a complaint with the Workplace Safety and Health Board.

Mr. Speaker, I do not like the new policy of this Congress which can best be described as "when the courts rule against you, legislate against the courts."

Why are we stifling Members from offering thoughtful amendments? Just one example, if I may. The ranking Democrat on the Committee on Education and the Workforce, my good friend, the gentleman from California (Mr. GEORGE MILLER), a man who served in this body for 30 years and is known throughout the country as a champion for working-class Americans, Republicans denied him the opportunity to offer a substitute to one of the underlying bills that came out of his committee.

Had the majority made the Miller substitute in order, the House could have done something today that would have actually benefited working-class Americans. We could have had a real debate about increasing the minimum wage to a meager \$7.25 an hour.

Realize, this is an amount that while above the current level of \$5.15 is significantly below the much needed living wage that is needed to pull someone making the minimum wage 40

hours a week above the poverty line. In blocking the gentleman from California (Mr. GEORGE MILLER) from offering his amendment, Republicans are again proving that they are anything but the people's party. Perhaps the majority is blocking what it knows it cannot defeat, or better yet, perhaps the majority is just protecting its members from taking a vote that will show their true colors. Shame on them and shame on this body if it allows this assault on American workers to continue. None of us in this body would want to live on \$5.15 an hour. None of us would want to work three jobs just to make ends meet. None of us would want to work three jobs and still have no health care. Yet, that is what we are asking, no, requiring millions of our fellow citizens to do.

When the opportunity to increase the minimum wage presents itself, Republicans blocked House Members from voting on it. At least in the other body, while the leadership opposed an increase in the minimum wage, they at least permitted a vote. Protecting the rights of those most in need is the cornerstone of our great democracy. I refuse to remain silent while those on the other side of the aisle seek to dismiss this cardinal American value.

I urge my colleagues to reject the closed rule and oppose the underlying pieces of legislation.

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

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am appreciative of being able to talk about the four bills dealing with regulatory reform, all of which have had full debate in the committee this year, as well as full debate in the committee last year. And the Committee on Rules did approve every amendment that was germane. Unfortunately, of the three amendments that were present, none of them were germane to the topic of regulatory reform.

Mr. Speaker, I yield 7 minutes to the gentleman from Georgia (Mr. NORWOOD), the subcommittee chairman, to address this rule.

Mr. NORWOOD. Mr. Speaker, I cannot help but add or repeat so our Members know, the amendments that were not accepted from the Democrats had nothing to do with these bills. They were simply not germane, and I know that upsets them, but those are the rules of House.

Mr. Speaker, I rise in support of this rule which provides the House an opportunity today to address four very important bills. These measures in my view are very modest reforms. They have been narrowly drafted to make needed changes in our law, actually for about 34 years, while avoiding the possibility of any reduction in the current levels of workplace protections.

Now, I believe that our committee, at least most of our committee, believes that. As such, a structured rule providing for consideration of these four

measures on their merits in my view is entirely appropriate.

As I will detail later in the debate on these bills, we need to implement these changes because small employers ought to be devoting more of their time and attention to creating new jobs and less on dealing with government lawyers intent on manipulating legal technicalities. And that, in fact, is going on. With that, I will briefly summarize each of these bills for my colleagues.

The first measure for consideration under this rule is H.R. 739, the Occupational Safety and Health Small Business Day in Court. In almost every other court in this Nation, a party that acts in good faith but nonetheless misses a lead deadline that results in a legal default can ask the court to have the case heard on its merits. Currently, there is doubt over whether the Occupational Safety and Health Review Commission, the agency specifically and importantly created by Congress to hear each legal dispute between an employer and OSHA, has the statutory flexibility to grant this type of relief.

All H.R. 739 does is to provide flexibility that almost every other court in the Nation exercises. We use identical terminology to that used in the Federal Rules of Civil Procedure, Rule 60(b), a rule used by nearly every other court in the Nation.

The second bill provided for under the rule is H.R. 740, the Occupational Safety and Health Review Commission Efficiency Act of 2004. Under current law, two members of a three-member panel are needed to constitute a quorum. For 20 percent of its existence, this agency has lacked even a quorum of two. OSHRC has had a full complement of members seated and active for only about one-third of its history. That does not work. That does not work for anybody.

Even now, the commission can be paralyzed only with two members if there is not complete agreement as to all points. To remedy the situation, H.R. 740 proposes, increases the membership of OSHRC from three members to five. This change is modeled on other government agencies and, in particular, the Federal Mine Safety and Health Review Commission.

H.R. 740 also incorporates a new provision that permits the President to invite an incumbent member of OSHRC whose term has expired to hold over until a replacement can be confirmed by the Senate.

□ 1230

Now, this just makes sense if you want OSHRC to work, and I do. There are some cases that have been over there for 8 years, for pity's sake.

Now, my friends on the other side may say, oh, all they are trying to do is to pack the commission because there is a Republican President. Well, these commissioners do not serve for life. You will have an opportunity sometime in the future maybe to put your own commissioner on there, but

we need to get these things resolved. This will solve that.

The next measure to be considered under the rule is H.R. 741, the Occupational Safety and Health Independent Review of OSHA Citations Act of 2005. This one is important, in my view. H.R. 741 simply reinstates congressional intent, and we will say that over and over in the next 4 hours, because an activist judge changed the law of 1971.

The legislative history of the OSH Act clearly indicates that back in 1970 Congress realized that in granting extraordinary and unprecedented authority to OSHA, the agency would need some mechanism to make sure that the authority was not abused. If you study the history on this a little bit, Senator Javits noted the future of the OSH Act depended on this compromise that created an independent review at the time it was passed, with a Democratic House and a Democratic Senate and a Republican President.

This bill never would have passed had not this review been put in there. H.R. 741 simply restores congressional intent by ensuring that this review is, in fact, an independent one and not dictated by OSHA.

The last measure considered under the rule is H.R. 742, the Occupational Safety and Health Small Employer Access to Justice Act. This measure simply levels the playing field for small employers by encouraging OSHA to better assess the merits of the case before bringing the full force and power of government litigation against small businesses.

To empower small business employers to seek their day in court, H.R. 742 simply provides that if OSH loses, very small employers can recover their attorneys' fees and costs. This remedial measure is important because it has become crystal clear that failings in current law prevent almost any recovery of attorneys' fees in the OSHA environment. I think there has been one and a half a year for the last 24 years.

Mr. Speaker, the rule under consideration provides for ample debate on each of these measures. I urge my colleagues on both sides of the aisle to support both this rule and each of the bills we will consider under it.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 3½ minutes to the gentleman from California (Mr. GEORGE MILLER), a champion of worker rights.

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman for yielding me this time, for his leadership on the Committee on Rules, and for being such a stalwart on behalf of worker protections.

Mr. Speaker, I urge Members to defeat the previous question on the rule and allow this body to have an up-or-down vote on an increase in the minimum wage. By refusing to take up this bill over the past 9 years, the leadership of the House must take responsibility for what effectively is a repeal of the national minimum wage.

American workers are long overdue a raise. Real wages are declining for the first time in more than a decade, while prices of health care, gasoline, and other necessities are rising, making it even more urgent that we raise the minimum wage now. The minimum wage has been stuck at \$5.15 an hour since 1997. That is \$5.15 an hour since 1997, and that is what this Congress has done to the American worker.

Every American deserves a decent wage for the work they do, and most Americans agree that we should raise the minimum wage. They see it as a matter of fairness for their fellow workers. Unfortunately, the Republican Congress disagrees, and the Republican Congress disrespects workers and violates the will of the people when it refuses to increase the minimum wage. We ought to respect workers by guaranteeing them a fair wage. Work should be the path out of poverty, but millions of Americans work full time every day all year long and still live at poverty because they work at the Federal minimum wage.

The failure of Congress has pushed millions of America's most vulnerable workers into poverty or near poverty. The Fair Minimum Wage Act of 2005 we present today as an alternative to these bills which roll back health and safety protections would in fact raise the minimum wage to \$7.25 an hour in three steps, \$5.85, 60 days after enactment of the bill; \$6.55 one year later; and \$7.25 one year after that.

This would reverse the trend we now see where the number of Americans in poverty has increased by 4.3 million since President Bush took office. Nearly 36 million people live in poverty, including 1 million children.

A recent report by the Center of Economic Policy Research shows that most minimum wage workers make a significant contribution to total family income. Half of them are between the ages of 25 and 54. Many workers find themselves trapped in minimum wage jobs; more than one-third of 25-to-50-year-old workers in minimum wage jobs are still earning a minimum wage after 3 years.

Another report from the Children's Defense Fund finds that the annual income of a single parent working full time at minimum wage covers only 40 percent of the estimated cost of raising two children; 7½ million workers will directly benefit from minimum wage increases. More than 84 percent of those workers are 20 years old or older, 45 percent are married or have children, 60 percent work full time, 59 percent are white, 13 percent are black, and 23 percent are Hispanic, with 57 percent women and 94 percent, of course, not protected by union representation.

In the past 8 years, Members of Congress have had a COLA seven times. In those same 8 years, minimum wage workers have not gotten a single raise. They continue to earn \$10,700 a year for working all year, all day long.

Mr. Speaker, we should vote against the previous question so that we will have an opportunity to offer this up-or-down vote on the minimum wage, one that is sorely overdue and one that has been kept from the American public, despite its overwhelming support by the Republican leadership of this Congress.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume to note that, though I appreciate the very articulate remarks of the gentleman from California about the issue at hand, which is a significant issue we should somehow debate, I remind him that we are talking here about reform of a regulatory process of OSHA. The gentleman's comments are not germane to this particular bill. There will be a point in time for that discussion, but we should not cloud what this bill is actually doing.

Mr. Speaker, I yield 6 minutes to the gentleman from Kentucky (Mr. DAVIS) to hopefully clarify this.

Mr. DAVIS of Kentucky. Mr. Speaker, I rise today in strong support of this rule and the underlying legislation. I want to take this opportunity to thank my colleague, the gentleman from Georgia (Mr. NORWOOD), for 10 years of leadership in this body on a very critical and important issue.

The opposition today just simply neglects the reality that these bills do not affect safety at all. Rather, they will improve the climate of business, and they will improve the opportunity for safety because all small business owners know that good safety makes good business, and safety is not what this is about.

OSHA was founded to establish a common guideline to improve safety and, hence, to improve competitiveness nationally. But it has mutated into an organization that is seen in the business community, frankly, with fear, as one that comes with retribution, of uncertainty and subjectivity in enforcement. Each piece of legislation being considered today makes commonsense and practical reforms to the Occupational Safety and Health Administration and to the Occupational Safety and Health Review Commission to restore original intent of the act from 34 years ago. Moreover, it will restore the context and the spirit of the original intent of the law.

Mr. Speaker, I have spent most of my professional life in manufacturing, working with small manufacturers who were competing in the global economy and dealing with compliance issues. I have seen this lost original intent firsthand. What was intended to provide that commonsense standard is now a confusing mass of regulations that create cost, that cost us jobs, and that damage competitiveness without affecting one aspect of safety. Indeed, 50 percent of the regulations that OSHA can shut down a business with have nothing to do with safety, but paperwork compliance.

I have watched subjectivity and enforcement where one of my clients,

who had never had a lost day for a safety violation, was violated repeatedly because this perfect facility had railings that were 34" instead of 36" tall all around their machining center, costing them tens of thousands of dollars in legal fees.

Another client, who had over 100 identified safety violations that I personally noted in my report to their corporate parent, was never violated because of personal relationships and subjectivity in that particular locale. This is a travesty and misses the entire point because the workers in the one location were adversely affected by a lack of context and enforcement.

Ironically, the fiercest opponents of this small business-friendly agenda have never created a job, have never met a payroll, and have never sacrificed personally to ensure their employees have had their benefits and had their salaries. I have done that, the gentleman from Georgia (Mr. NORWOOD) has done that, and those who are supporting this legislation in many cases have themselves.

OSHA serves an important function, but I remember one thing one of my supporters, Riley, said, who started a business from scratch and has the great loyalty of hundreds of his employees in his small business: he believes that nobody should run a Federal regulatory agency or even serve in Federal elected office unless they have created one job, because it changes your world view and your outlook regardless of party.

OSHA was created to protect the safety of the workforce and not to strangle small business. This legislation represents four commonsense solutions for fine-tuning OSHA to improve protection for our workers, while reducing unnecessary burdens on small business.

H.R. 739 allows the review commission to waive the hard 15-day rule appeals deadline for cause. As my colleague previously mentioned, it removes ambiguities in the current law and brings context to specific situations so that there can be a climate of dialogue and compliance. Most small businesses cannot afford to maintain in-house compliance professionals, and an OSHA citation can be intimidating and confusing, regularly causing small businesses to miss that 15-day window inadvertently. This resolution simply permits a waiver for demonstrated causes or mistake.

H.R. 740 increases the number of commissioners on the review commission, not to stack the deck, but to allow the backlog of cases to be able to be removed so these businesses can get back to creating jobs, generating growth in our economy, and ultimately providing a future for the generation following behind us.

Currently, there are citations on appeal that have been unresolved for 8 years. We cannot compete in a climate like this. Stalemate serves no one.

H.R. 741 clarifies the original congressional intent by affirmatively de-

claring that a review court must defer to the review commission. This brings it back into original statutory compliance and original intent. The review commission was designed to be the independent arbiter or judge. OSHA, on the other hand, serves as the prosecutor. Deference by a reviewing court should be given to the independent arbiter, not to the prosecutor.

Finally, H.R. 742 allows a small business to recover its legal costs if it wins. Under current law, a small business is often faced with simply paying the penalty because it is cheaper than fighting. Too often our small businesses suffer devastating financial losses just to prove they are innocent.

In the case I mentioned previously that had no safety violations, or no loss time for safety violations but was violated on silly paperwork compliance, there were jobs lost, or actually not created, more correctly, because of those tens of thousands of dollars spent paying attorneys instead of paying working families.

As a former small business owner, I know the important impact of this legislation, what it will have on our small businesses, on the safety of their employees, and on the generating of additional hopeful jobs for working families.

I urge all my colleagues, Mr. Speaker, to vote in favor of this rule and to support this critical underlying legislation.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. OWENS).

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

Mr. OWENS. Mr. Speaker, as an original cosponsor of the Fair Minimum Wage Act of 2005, I urge the Members to defeat the previous question on the rule and to allow a vote on raising the minimum wage.

Raising the minimum wage is a very important matter for working families in America. The four bills we will have before us today are packaged and they are designed to try to trivialize one aspect of the government's relationship with working families: their safety. We want to trivialize workers it seems, and working families in every way possible. In fact, the gentleman just before said unless you have created a job, you do not deserve the right to speak on policy. Only those who have created jobs. Well, one might take the attitude that unless you have fought in combat on the front lines in America, you do not deserve to make policy.

Working families provide the soldiers who defend this Nation. In all the wars, 90 percent of the people who die are from working families. In Iraq, the people on the front lines are from working families. Working families deserve the protection of their government on the job through OSHA and any other device we can use.

□ 1245

They also deserve an increase in the minimum wage. Let us take a look at

the scandal of the minimum wage. Let us stop for a moment and consider the fact that Members of Congress have had several increases in their wages in the past 8 years. Members of Congress will have raised their own pay seven times by \$28,500. Let me repeat, in the past 8 years, Members of Congress have raised their own pay seven times by \$28,500. In those same 8 years, minimum-wage workers have not increased their wage by a single penny. They continue to earn \$10,700 a year, \$5.15 an hour.

All we are saying is, please, Members of Congress who have gotten a \$28,500 raise in the last 8 years, let us all together sponsor a very moderate, conservative bill, it is far too conservative for me, but where we would raise minimum wage to \$7.25 an hour in three steps. Our bill only proposes that we raise it to \$5.85 an hour 60 days after the enactment of the legislation. We raise it to \$6.05, 1 year later, and 1 year after that, we raise it to \$7.25. That is what we are proposing. Who can disagree with that?

Today, the real value of minimum wage is more than \$3 below what it was in 1968. To have the purchasing power it had in 1968, the minimum wage would need to be more than \$8.50 today. I strongly urge that we consider this amendment. Working families in America deserve some of the fruits of the Nation's prosperity. They deserve to have their government not only call upon them to defend the country in times of war and to die, they deserve to have their government look out for their interests all of the time. Giving them a way to earn a living is a good beginning.

The neglect that we have experienced on the battlefield of Iraq with combat soldiers not being properly outfitted is a reflection of the way we feel about working families. Working families deserve our attention. I urge Members to defeat the previous question.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, once again, I have enjoyed the articulate and emotional discussion that has gone forward on this rule so far. Eventually, we may actually have a bill that meets the debate.

I would remind my colleagues that these four packages are how we help small business negotiate through the stream of Federal regulation.

Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Chairman BOEHNER) to once again reemphasize that point.

Mr. BOEHNER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, we are here today to discuss four important bills that make modest reforms to the Occupational Safety and Health Act. These bills will help enhance business competitiveness, encourage further job creation, but most importantly, they will help improve worker safety by promoting a co-

operative climate between employers and OSHA that focuses on results.

Last week, the Department of Labor reported that more than 3.7 million new jobs have been created since May of 2003, marking the 25th consecutive month of sustained job creation. But we want to make sure that onerous government regulations do not hamstring small businesses' ability to hire new workers and compete in our economy. That is why these bills are important, and that is why they are on the floor today.

OSHA regulations are amongst the most complex and difficult legal requirements imposed on employers today. For many employers, especially smaller employers, compliance with OSHA regulations is a challenge even with help from experts. Many smaller work sites could make significant progress in reducing injuries and illnesses if OSHA would just lend them a helping hand through cooperative partnerships. These voluntary partnerships take nothing away from strong enforcement. They supplement traditional enforcement programs to help achieve the best results.

These four bills remove the arbitrary and unintentional legal traps in current OSHA law that help hamstring better trust and voluntary cooperation between the agency and employers. While fairly modest in substance, these reforms are important to small business owners who struggle every day to comply with complex OSHA laws and provide a safe working environment for their workers while facing an increasingly competitive worldwide economy.

Employers who make good-faith efforts to comply with OSHA standards deserve to be treated fairly and have their day in court. These commonsense bills will help ensure they receive that opportunity. These commonsense bills passed the House last year with bipartisan support, and they deserve every Members' support today. The rule before us is a fair rule, and I urge my colleagues to support it.

Mr. HASTINGS of Florida. Mr. Speaker, I kind of question whether a closed rule is fair, but I hear the chairman.

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

Ms. WOOLSEY. Mr. Speaker, 38 years ago, I was a single working mother with three small children. They were 1, 3 and 5 years old. I was receiving no child support, earning minimum wage. Even though I was employed, I was earning so little I needed welfare to provide my children with the child care, the health care, and the food that was necessary to keep us going. Even though I was educated, I had good job skills, I still was not earning enough to fully support my family. My story bears repeating because too many families today are in the absolute same predicament I was 38 years ago.

If this Congress is truly serious about reducing dependence on welfare, let us

increase the minimum wage, let us pay working parents enough to support their families and take care of themselves. Otherwise, taxpayers who pay for welfare are subsidizing employers who do not pay a livable wage.

The minimum wage has not kept up with the increase in the cost of living. Workers these days can put in a full day, 40 hours a week at minimum wage and still live below the poverty level. The majority leadership in this Congress want to kick single moms and their families off welfare, and they want to cut \$10 billion out of Medicaid to reduce health benefits for low-income families.

A minimum wage increase is also a matter of basic fairness for millions of working Americans. It is not as if businesses are not doing well. Private business productivity has and is increasing. Profits are up, but wages are stagnant. What is wrong with this picture? Is it not time to let American workers share in the fruits of their labor?

President Bush and his allies say they support traditional American family values. Well, let us return to the traditional family value of paying an honest wage for an honest day's work by raising the minimum wage. If they, the Republicans, believe their own rhetoric, they would have allowed this discussion as part of this bill.

Vote "no" so we can discuss minimum wage and an opportunity for everybody in the House to say their piece. Vote "no" for the four bills included under this rule.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. GENE GREEN).

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

Mr. GENE GREEN of Texas. Mr. Speaker, I thank the gentleman for yielding me this time opposing this rule.

I would like to express my disappointment that the Committee on Rules refused to allow a vote on an amendment that has bipartisan support, an amendment that would require to list contract workers on their injury site log.

This was not a major expense or an inconvenience for employers, yet the Committee on Rules defeated it on a party-line vote.

The bills that are up today are not major legislation. They may correct individual problems, and each of them need to be debated, and they should be. But not to allow other needed OSHA reforms is a travesty of this House because of the situation I am getting ready to talk about. Our amendment was defeated on a party-line vote, even though we have bipartisan support on the original legislation that was introduced in March of this year.

Mr. Speaker, 15 people lost their lives during an explosion and fire at a refinery in Texas City. This is a picture of the site, and I include for the RECORD a copy of the Baytown Sun article on the

deadly accident. This picture shows the site in Texas City.

The bills that are allowed under this rule will do nothing to help the 15 people killed in this accident. Nothing. That is what the travesty is on this floor today.

A series of news articles quickly discovered that it is extremely difficult to assess the safety of such facilities due to the way employers are required to keep their site logs of injuries on the work site. While all deaths and injuries are reported to OSHA, only those involving direct employees of the site-controlling company are required to be maintained on the site incident log. This means that the incidents involving contract workers or part-time workers do not show up on the injury log employers are required to keep by law. Unfortunately, because current law does not require them to do so, the site log will look just the same as it did the day before March 23. It will show no lives were lost.

Those 15 workers who died on this site were contract workers, and they should be reported. Residents and communities surrounding these facilities have a right to know if they live near a place that could endanger them if something were to go wrong. If we had full disclosure of these incidents, the free market system may be able to work. Workers are less willing to work in hazardous environments, so facilities would have incentives to improve safety. Right now, it is nearly impossible to determine exactly how many accidents have occurred at a particular site without cross-referencing contracts between employers and contractors.

OSHA has known these reporting requirements were a problem for 14 years, and yet here we are today dealing with three pieces of legislation that deal with nothing to do with contract workers.

In 1989, one of the most serious plant explosions in our country occurred at a plant in Pasadena, Texas, and I am honored to represent that area. This accident killed 23 workers and injured 232 others. As a result, OSHA called for a study regarding the use of contract labor in the petrochemical industry. This study was conducted while the first George Bush was President, and this study found there was a lack of adequate injury and incident data. It states that current data reporting procedures do not capture the full range of injury or illnesses experienced in the industry because the injury statistics do not include the experience of contract workers.

This amendment does not require an industry to do anything more than record injuries and accidents on their site log regardless of whether they are their employee or someone working on their site. I am not here to bash employers or OSHA. The bottom line is that neighbors and employees have the right to know. These bills that we are considering today may very well weak-

en job safety, but I do not think they are that major. We should be working on a bipartisan basis to solve problems and prevent deaths and injuries like what happened on March 23, 2005, in Texas City, Texas. That is why these three bills are woefully inadequate to deal with the problems that we have with on-site job injuries right now.

[From the Baytown Sun, June 29, 2005]

ALARMS, INSTRUMENTATION FAILED IN BP
REFINERY BLAST
(By Pam Easton)

NASSAU BAY.—Key pieces of instrumentation and alarms at BP's Texas City refinery weren't working properly in March when explosions rocked the plant, killing 15 and injuring more than 170, federal investigators said Tuesday.

Don Holmstrom, lead investigator with U.S. Chemical Safety and Hazard Investigation Board, said an alarm within the isomerization unit—where the explosion occurred—didn't work properly until after the explosions had begun.

Holmstrom also said a sensor in a section of the raffinate splitter, which separates chemicals for gasoline production, indicated the liquid level in the tower was decreasing when it was instead flooding. Another alarm that should have sounded when the liquid exceeded 10 feet high didn't activate, "even as the liquid flooded more than 12 times that height," Holmstrom said.

Among the 15 people killed in the March 23 explosion, seven were from Baytown or surrounding communities.

They were: Jimmy Hunnings, 58, of Baytown; Morris Raymond "Monk" King, 57 of Baytown; Susan Duhan Taylor, 33, of Baytown; Ralph Herrera Jr. 27, of Baytown; Larry Linsenhardt, 58 of Mont Belvieu; Ryan Rodriguez, 28, of Dayton; and Lorena "Lori" Cruz, 32 of La Porte.

BP spokesman Ronnie Chappell said the federal safety board's findings are similar to the company's own investigation completed in May.

The company blamed staff errors for the March 23 explosion and fire. Among the procedural lapses company executives cited were a lack of supervision and a six-minute window in which unit supervisors could have sounded an alarm to evacuate the area, but didn't.

"If personnel responsible for the safe start-up of the isom unit had followed procedures, the fire and explosion would not have occurred," Chappell said Tuesday.

An alarm notified operators of a liquid level that was too high in the raffinate splitter at 3:05 a.m. on March 23, company records show. An operator silenced the alarm, but an illuminated warning remained on screens and the alarm remained in effect until 1:20 p.m., the time of the blast, Holmstrom said.

Meanwhile, liquid-level indicators drifted down from 100 percent to 79 percent beginning at 7:30 a.m., and "erroneously indicated to operators that the liquid level in the tower was below 10 feet and was falling back toward a normal value."

However, the 164-foot tower was instead flooded with liquid that reached 120 feet or more, Holmstrom said. A normal level is below 10 feet.

When the excess liquid and vapor was discharged, it overwhelmed one of the unit's systems, causing the vapor and liquid to be released and ignited by a still-unknown source.

Holmstrom said federal investigators will spend the next four to six weeks testing at least 30 instruments and other equipment in the isomerization unit, which boosts the octane level in gasoline. Federal investigators

have also asked BP for equipment maintenance records. Chappell said BP was cooperating.

Holmstrom said it is "unprecedented" for his investigators to spend so much time looking into equipment, instrumentation and their possible failures.

"Our objective is to understand why this tragedy occurred, and, we hope, to prevent similar occurrences in the future," he said.

The board will hold a public meeting to discuss complete findings of the federal probe this fall, Holmstrom added.

Chappell said BP and federal investigators have the same goal.

"We want to ascertain exactly what occurred and take action to prevent something like this from ever happening again," he said.

The blast was the plant's third accident in a year, following a March 2004 explosion that caused an evacuation.

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

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2½ minutes to the gentleman from Washington (Mr. McDERMOTT).

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

Mr. McDERMOTT. Mr. Speaker, I join my colleagues in rising in the defense of America's working poor. Instead of weakening workplace safety and not doing this today as the majority intends to do, we ought to be strengthening the American family by raising the minimum wage.

Mr. Speaker, I include for the RECORD a report by the nonpartisan Congressional Research Service which shows that minimum wage will be at the lowest value as a percentage of poverty in nearly half a century.

Mr. Speaker, it has been 8 years since Congress has increased the minimum wage. In those 8 years, Members of Congress have raised their own pay seven times by \$28,500.

□ 1300

In those same 8 years, minimum wage workers have not gotten a single raise. They continue to earn \$10,700. We have given raises to Federal employees. We have given tax cuts to the extremely wealthy. We have given tax breaks to oil and a host of other big industries. But we have ignored the needs and the plight of America's working poor. This study proves it, and it is time to change it. The current minimum wage fails to provide enough income to enable minimum workers to afford adequate housing in any area of this country. It is inexcusable that today in America nearly one-fifth of children go to bed hungry at night while their parents work full time at minimum wage. Whether one is a Democrat or a Republican, ending child poverty should be central to our domestic agenda. Nearly 3½ million children have parents who would get an immediate raise if Congress increased the minimum wage.

Hard work is an American value. We teach our children the importance of work and encourage them to do well in

school to achieve a job that rewards it. Despite this, 36 million working Americans live in poverty. Poverty and wage volatility have doubled for full-time, full-year workers since the 1970s. Since President Bush took office, the cost of housing has gone up 33 percent, college tuition has gone up 35 percent, and health insurance has gone up 59 percent. But the working poor have not seen one thin dime.

Leave No Child Behind is a cruel joke. America's future depends on strong families, and if Members believe in values of families, as some say they do, then they would vote this rule down. Every day we prolong raising the minimum wage, we ask families and children to do more with less. It is a bankrupt policy. Instead of rolling back workplace protections or fooling around the edges with that, we should be increasing the minimum wage.

I urge my colleagues to vote against this misguided rule and move on something more important, which is reinvesting in America's people.

JULY 5, 2005.

Hon. JIM MCDERMOTT,
House of Representatives,
Washington, DC.

MEMORANDUM: HISTORICAL RELATIONSHIP BETWEEN THE MINIMUM WAGE AND POVERTY, 1959 TO 2005

This memorandum is in response to your request about the historical relationship between the federal minimum wage and poverty from 1959 to 2005. In particular, you were interested in the annual income a full-time, full-year worker earning the minimum wage would earn relative to the poverty level for a family of three.

Table 1 shows the effective annual minimum wage from 1959 through 2005 for a full-time full-year worker, relative to the poverty level for a three-person family. The table shows when statutory changes to the federal minimum wage became effective. Average effective minimum wage rates for the year were calculated based on the pro-rated average of effective wage rates over the course of the year. For example, in 1997, the minimum wage was \$4.75 per hour for the first eight months of the year (January through August), and \$5.15 per hour for the last four months of the year (September through December). The average effective minimum wage for the year is thus: $((\$4.75 \times 8) + (\$5.15 \times 4))/12$, or \$4.8833 per hour. Here, full-time full-year work is assumed to amount to 2,080 hours of work per year (40 hours per week \times 52 weeks).

The poverty income level used here is the U.S. Census Bureau's average weighted poverty thresholds for a family of three. The earliest year for which official Census Bureau poverty income thresholds are available is 1959. Census Bureau poverty thresholds vary by family size and composition (e.g., the poverty threshold for a family differs by the number of children in the family). The average weighted thresholds reflect the average of the individual thresholds for a given family size by the observed distribution of families of varying composition in the population, as measured by the Census Bureau's Current Population Survey (CPS). Each year the Census Bureau updates the individual poverty thresholds to reflect changes in prices, and the average weighted thresholds, to reflect changes in the composition of the population for families of each size. The estimate for 2004 is based on the Census Bureau's preliminary average weighted poverty thresholds, which reflect price changes for 2004, but reflect the population weighting from 2003, as opposed to 2004. The final average weighted poverty thresholds for 2004,

scheduled for release this fall, may differ by a few dollars from those shown here. The projected poverty thresholds for 2005 are based on the 2004 preliminary weighted poverty thresholds adjusted for average price inflation from January 2005 to May 2005, compared to the same period in 2004, which amounted to a 3.1 percent increase in the projected 2005 poverty thresholds, compared to the 2004 preliminary poverty thresholds. The Census Bureau will issue preliminary poverty thresholds for 2005 in January 2006, when price changes for the 2005 calendar year will be available. Final weighted poverty thresholds for 2005 won't be available until the fall of 2006.

Figure 1 depicts the basic trends shown in the table. Table 1 and Figure 1 show that the federal minimum wage was highest relative to poverty in 1968, when it amounted to 118.7 percent of poverty for a full-time full-year worker supporting three people. Since 1980, the minimum wage has been below the poverty line for a full-time full-year worker supporting a family of three. The most recent increase to the federal minimum wage to \$5.15 per hour in September 1997 (from \$4.75 per hour) brought full-time full-year minimum wage earnings for a family of three up to 82.4 percent of poverty. Since then, the nominal minimum wage of \$5.15 per hour has eroded relative to the poverty level, which is adjusted each year for changes in prices. In 2005, full-time full-year earnings for a minimum wage worker amounts to \$10,712, or 68.9 percent of the estimated projected poverty level for a family of three (\$15,536). Based on the assumptions used, it is projected that the level of the minimum wage relative to poverty in 2005 will be at the lowest level seen at any time over the past 47 years.

TOM GABE,
Specialist in Social Legislation,
Domestic Social Policy Division.

CRS-3

Table 1. Relationship Between the Minimum Wage and Poverty for a Family of Three with One Full-Time Full-Year Worker Earning the Minimum Wage, 1959 to 2005

Year	Statutory federal minimum wage ^a	Average effective minimum wage for the year ^b	Annual earnings: 1 full-time full-year worker earning the effective minimum wage	Weighted average Census Bureau poverty threshold for a 3-person family ^c	Annual earnings as a percent of poverty for a 3-person family
1959	\$1.00/hr., effective Mar. 1956	\$1.00	\$2,080	\$2,324	89.5%
1960	↓	\$1.00	\$2,080	\$2,359	88.2%
1961	\$1.15/hr., effective Sept. 1961	\$1.05	\$2,184	\$2,383	91.6%
1962	↓	\$1.15	\$2,392	\$2,412	99.2%
1963	\$1.25/hr., effective Sept. 1963	\$1.18	\$2,401	\$2,442	100.8%
1964	↓	\$1.25	\$2,600	\$2,473	105.1%
1965	↓	\$1.25	\$2,600	\$2,514	103.4%
1966	↓	\$1.25	\$2,600	\$2,588	100.5%
1967	\$1.40/hr., effective Feb. 1967	\$1.39	\$2,888	\$2,661	108.5%
1968	\$1.60/hr., effective Feb. 1968	\$1.58	\$3,293	\$2,774	118.7%
1969	↓	\$1.60	\$3,328	\$2,824	113.8%
1970	↓	\$1.60	\$3,328	\$3,099	107.4%
1971	↓	\$1.60	\$3,328	\$3,229	103.1%
1972	↓	\$1.60	\$3,328	\$3,339	99.7%
1973	↓	\$1.60	\$3,328	\$3,549	93.8%
1974	\$2.00/hr., effective May 1974	\$1.87	\$3,893	\$3,936	98.8%
1975	\$2.10/hr., effective Jan. 1975	\$2.10	\$4,368	\$4,293	101.7%
1976	\$2.30/hr., effective Jan. 1976	\$2.30	\$4,784	\$4,540	105.4%
1977	↓	\$2.30	\$4,784	\$4,833	99.0%
1978	\$2.65/hr., effective Jan. 1978	\$2.65	\$6,512	\$6,201	106.0%
1979	\$2.90/hr., effective Jan. 1979	\$2.90	\$6,032	\$6,784	104.3%
1980	\$3.10/hr., effective Jan. 1980	\$3.10	\$6,448	\$6,565	98.2%
1981	\$3.35/hr., effective Jan. 1981	\$3.35	\$6,968	\$7,250	96.1%
1982	↓	\$3.35	\$6,968	\$7,693	90.6%
1983	↓	\$3.35	\$6,968	\$7,938	87.8%
1984	↓	\$3.35	\$6,968	\$8,722	79.9%
1985	↓	\$3.35	\$6,968	\$8,573	81.3%
1986	↓	\$3.35	\$6,968	\$8,737	79.6%
1987	↓	\$3.35	\$6,968	\$9,056	76.9%
1988	↓	\$3.35	\$6,968	\$9,435	73.9%
1989	↓	\$3.35	\$6,968	\$9,895	70.5%
1990	\$3.80/hr., effective Apr. 1990	\$3.89	\$7,870	\$10,419	73.6%
1991	\$4.25/hr., effective Apr. 1991	\$4.14	\$8,606	\$10,860	79.2%
1992	↓	\$4.25	\$8,840	\$11,186	79.0%
1993	↓	\$4.25	\$8,840	\$11,522	76.7%
1994	↓	\$4.25	\$8,840	\$11,821	74.8%
1995	↓	\$4.25	\$8,840	\$12,158	72.7%
1996	\$4.75/hr., effective Oct. 1996	\$4.38	\$9,100	\$12,518	72.7%
1997	\$5.15/hr., effective Sept. 1997	\$4.88	\$10,157	\$12,802	79.3%
1998	↓	\$5.15	\$10,712	\$13,003	82.4%
1999	↓	\$5.15	\$10,712	\$13,290	80.6%
2000	↓	\$5.15	\$10,712	\$13,738	78.0%
2001	↓	\$5.15	\$10,712	\$14,128	75.8%
2002	↓	\$5.15	\$10,712	\$14,348	74.7%
2003	↓	\$5.15	\$10,712	\$14,880	73.0%
2004 ^d	↓	\$5.15	\$10,712	\$15,071	71.1%
2005 ^e	↓	\$5.15	\$10,712	\$15,538	68.9%

Source: Table prepared by the Congressional Research Service (CRS).

^a See CRS Report RS20040, *Inflation and the Real Minimum Wage: Fact Sheet*, by Brian W. Cashell, Jan. 24, 2005.

^b Effective wage, prorated for the year. For example, in 1997, the minimum wage was \$4.75 per hour for the first eight months of the year (January through August), and \$5.15 per hour for the last four months of the year (September through December). The average effective minimum wage for the year is thus: $((\$4.75 \times 8) + (\$5.15 \times 4))/12$, or \$4.8833 per hour.

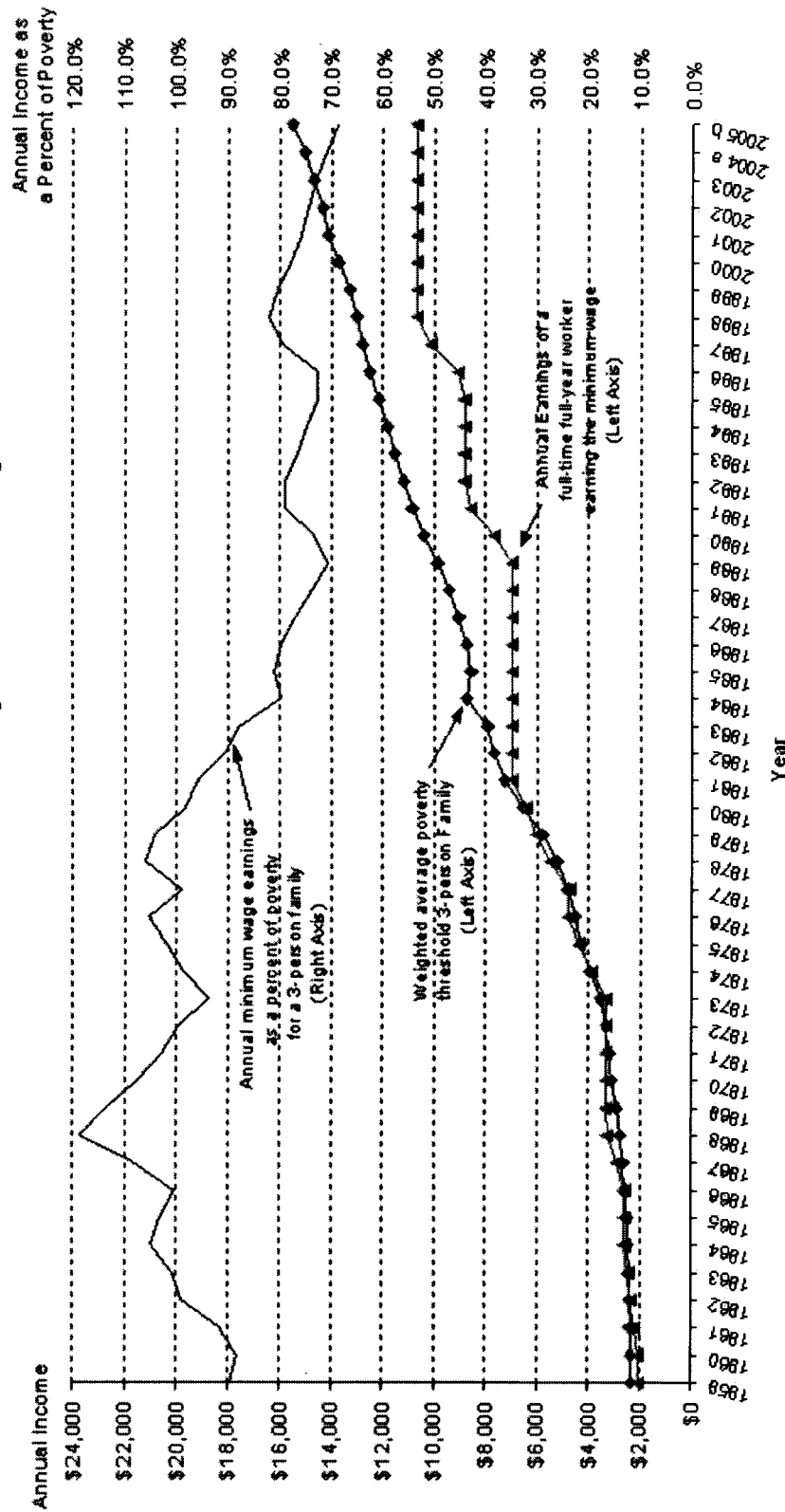
^c U.S. Census Bureau weighted average poverty thresholds for a family of three. Historical tables at: <http://www.census.gov/hhes/www/poverty/histpov/hstpov1.html>.

^d Weighted annual average poverty threshold for a family of three is a preliminary estimate from U.S. Census Bureau: [<http://www.census.gov/hhes/www/poverty/threshld/04prelim.html>] accessed on June 29, 2005. Final published weighted average poverty thresholds may differ by a few dollars, when published in the fall of 2005.

^e Projected 2005 poverty threshold based on 2004 preliminary estimated poverty threshold inflated to 2005 by the average increase in the CPI-U from January to May 2005, compared to January to May 2004.

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Figure 1. Relationship Between the Minimum Wage and Poverty for a Family of Three with One Full-Time Full-Year Worker Earning the Minimum Wage, 1959 to 2005



a Preliminary 2004 poverty threshold issued by the U.S. Census Bureau.
 b Projected 2005 poverty threshold based on preliminary 2004 threshold projected to 2005 by the change in average CPI-U from January through May 2005, compared to January through May 2004.
 Source: Figure prepared by the Congressional Research Service (CRS).

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

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2½ minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, today the minimum wage is at a level so low that it represents only one-third of the average hourly wage for American workers as a whole. This represents the lowest level for a minimum wage since 1949. This is not a "living wage"; it is not even a "minimum wage." It is actually a "sub-minimum wage." Today, American families need a minimum wage increase because there is no maximum on gas prices at the pump. American families need a minimum wage increase because there is no maximum on the cost of prescription drugs and a doctor's visit. American families need a minimum wage increase because there is no maximum on the cost of getting a college education.

While the Bush administration sits on its hands as gas prices, tuition expenses, housing, and health care costs go through the roof, it nails the lid shut on most hard-working Americans as to how much they can earn.

Administration friends, like Halliburton, get no-bid, billion-dollar, open-ended contracts; but the administration cannot spare an extra eight quarters and a dime for those Americans that are doing some of the hardest and dirtiest work in our society.

Republicans call debate on this issue today "out of order." I think it is really our economy that is out of order, when nurses who care for all of us cannot afford child care; when teachers' aids cannot put their own children through college; and when first responders, our police, fire fighters and EMT, cannot afford to live in the neighborhoods that they help protect.

Republicans have helped to make the richest richer than ever with one tax break after another and one special interest piece of legislation after another going through this House. Corporate executives have seen their compensation skyrocket, and the latest economic studies show that the gap between rich and poor in this country approaches Third World standards.

It is long past time for this Congress today, right now, to raise the minimum wage for those workers who are striving to climb up that economic ladder and share in the American Dream like the rest of us. Let us vote in favor of giving American workers and American families the minimum wage they deserve and do it today.

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

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

Ms. SOLIS. Mr. Speaker, I also rise to ask my colleagues to vote "no" on the previous question so we can begin a discussion about the minimum wage and the need to provide for the Fair Minimum Wage Act, which would raise the minimum wage to \$7.25. In 60 days

after enactment, it would go to \$5.85. In 1 year it would go to \$6.55. And in 1 year after that, it would go to \$7.25.

In the State of California that I represent, currently the minimum wage is at \$6.75, and I can tell the Members that sometime back our legislature at one point did not want to enact reform in terms of providing minimum wage increases; so we went directly to the voters. We passed an initiative back in 1996 and were able to get support both from Republicans and from different religious denominations, labor groups, and just about everybody.

They saw that it was reasonable to provide a minimum wage increase to those that deserve it the most; and we are talking particularly about women, women who are in many cases the sole earner, bread winner for their families, families ranging anywhere from two to three children, trying to survive on a minimum wage.

Republicans joined us at that time, and I know that many would believe that this is not a burden on them and it is something that should be provided for all individuals. I can tell the Members that right now there are millions, 4.3 million, since President Bush took office, that are currently living in poverty. Nearly 36 million people, 13 million children.

Among the full-time year-round workers, poverty has doubled since the 1970s from about 1.3 million then to more than 2.6 million. This is an unacceptably low minimum wage that we are currently faced with right now in our country, \$5.15. Other States in the Union have provided for more equitable, reasonable increases in the minimum wage. Why can the Federal Government not do the same thing? Let us move on. Let us make this agenda one that empowers our working families and not just those college students that are looking for jobs; but we are talking about retirees that are also trying to supplement their income as well.

I urge my colleagues to support an increase in the minimum wage.

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

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished member of the Committee on Rules for yielding me this time and also for his leadership.

Mr. Speaker, let me just say that I wish we were on the floor today actually passing a minimum wage bill. The reason why I say that is I do not believe there is one Member of Congress in their district, no matter whether they are representing Beverly Hills or representing Palm Springs or maybe they are representing the Gold Coast in one of our great cities or maybe one of the higher-priced areas in the city of Houston, does not have some person in that district that is suffering from a

lack of a reasonable income and no health insurance.

We know there are 44 million uninsured individuals in America, but we also know there are individuals who cannot afford to make ends meet because of a lack of a minimum wage. We come to the floor today to do something that I think is unfortunate: one, to not pay attention to the need for an increase in the minimum wage. But we also dumbed down the safety requirements of America. Can one imagine an accident, a tragedy occurs in their plant and their employer now does not have the responsibility of notifying OSHA or the Department of Labor? What an outrage, Mr. Speaker, because we in America believe that the Federal Government is there to provide the necessary umbrella of safety, the umbrella of security for Americans.

And yet we have legislation on the floor that would extend or eliminate the 15-day time frame in which they are supposed to respond. It also takes away the responsibility of the Department of Labor from overseeing OSHA and overseeing safety, overturning a Supreme Court decision. I cannot imagine, Mr. Speaker, that we would be here today after celebrating July 4, home with our friends and family, pledging our allegiance to the flag of the United States and the values of America that we come back one day, one day after that recess where we were suggesting the need for providing for America and do this kind of legislation.

I close on this: we have on the front lines of Iraq young men and women who have offered their lives. They will come back here to take minimum wage jobs. What an outrage that these young men and women, Reservists and National Guard, are on the front line and now they cannot get an increase in the minimum wage because today we take away safety, but we do not provide for an increase in the minimum wage.

I ask my colleagues to vote "no" on the previous question and also I ask them to vote "no" on the underlying legislation.

Mr. Speaker, I rise in opposition to the rule, H. Res. 351, to provide for consideration of the four very contentious and overreaching bills that amend the Occupational Safety and Health Act (OSHA)—H.R. 739, H.R. 740, H.R. 741, and H.R. 742. I am utterly disappointed by the fact that the Committee on Rules has issued a closed rule on the debate over all three bills. Furthermore, it is no mistake that the rule fails to make in order the amendment offered by Reps. GEORGE MILLER and MAJOR OWENS to increase the minimum wage. This amendment is identical to the Minimum Wage bill that was introduced by Mr. MILLER that would increase the minimum wage from \$5.15 per hour to \$5.85 per hour 60 days after enactment, up to \$6.55 per hour one year after the first increase, and \$7.25 an hour one year from the second increase.

I oppose the underlying bills partly because the relief granted have nothing to do with "small businesses" as their titles purport. Among other, they address a single situation

by overturning a case out of the Second Circuit, *Chao v. Russell P. Le Frois Builder, Inc.* (Second Circuit, May 10, 2002) to allow the employer to contest an OSHA citation with a ridiculous amount of latitude.

In Houston, OSHA proposed fines of \$258,000 against the Pasadena Tank Corporation for an August 23, 2001 accident that killed a worker at a construction site. The company had 15 days in which to contest or pay the fines. The Houston-based firm received a citation of six willful and serious safety violations for failing to protect workers by providing an inadequate fall protection system. The employee repairing a rooftop of a storage tank fell 56 feet to the ground when the rooftop collapsed. An OSHA employee said of the situation, "The employer knew about the unsafe working conditions, but continued to place workers at risk . . . A similar incident happened two years ago when two employees fell to their deaths from a storage tank. This company's continued failure to protect its workers from falls is simply unacceptable." This failure to act when there is sufficient knowledge to mitigate an unsafe condition is what these bills will sanction and permit.

Our innocent employers should not be punished from a piece of legislation that attacks from the "back door" by weakening a procedural standard that has been set in place to protect them. We should follow the motto, "if it isn't broken, don't fix it."

Mr. Chairman, I oppose the rule and the underlying bills, and I strongly urge my colleagues to do the same.

Mr. BISHOP of Utah. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. NORWOOD), subcommittee chairman.

Mr. NORWOOD. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I think we all want to make sure that the record is clear. Every court in this country allows for some leeway other than 15 days, and that is simply all this bill actually is doing. We are trying to give these small business owners the same right as litigants in every Federal court in the country. It is not very hard to figure out, and it is not very hard to understand why sometimes some people might lose the letter they get from OSHA. There are good reasons. And to say to them, Oh, gosh, you did not make 15 days? You do not get any justice. You do not get any day in court.

And I just want to put that in the record immediately following the previous speaker so if anybody ever reads it, they might get all the facts.

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

First, I heard several times that the matter of the minimum wage is not germane to the four measures included in this one rule. The simple fact of the matter is that an amendment was offered at the Committee on Rules last night and that amendment was voted down on a party-line vote. So at least a discussion during the period of the rule allows the germaneness of the question having to do with the minimum wage, not so much of the substance of the base bill.

I will be asking Members to vote "no" on the previous question, Mr. Speaker, so I can amend the rule and allow the House to vote on the Miller-Owens bill to increase the Federal minimum wage. This amendment was offered in the Committee on Rules, as I just said, last night, but was defeated on a straight party-line vote.

My amendment to the rule would provide that immediately after the House adopts this rule, it will bring H.R. 2429 to the House floor for an up-or-down vote. This bill will gradually increase the minimum wage for Americans from the current level of \$5.15 an hour to \$7.25 an hour after about 2 years.

Mr. Speaker, it is time we in the House started helping American workers instead of taking away their rights as the four underlying bills in this rule do. I think one of the best things we can do to help working families is to increase the minimum wage. It has been nearly 10 years since this Congress has voted to increase the minimum wage, an increase that was signed into law by President Clinton in August of 1996. Since that time, the value of that increase has eroded by 20 percent. A full-time minimum wage earner is working 40 hours a week, makes about \$10,700 annually, an amount that is \$5,000 below the poverty line for a family of three.

Clearly we are way overdue for another increase. Somehow we have had time to implement numerous tax breaks for the wealthiest Americans, but we have turned our backs on those who work the hardest and are paid the least, those who struggle to make ends meet every day.

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I think it is time this Congress developed a conscience and started helping those who need help the most.

Mr. Speaker, I urge all Members of this body to vote "no" on the previous question so we can help these 7.5 million American workers who directly benefit from an increase in the minimum wage.

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

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

There was no objection.

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

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, last term, when I was a freshman here, having had some State legislative experience, I remember sitting back there by the rail talking to some other freshmen saying one of the things we need to do desperately in this body is have the rule that there should be one bill and one issue. If we did that, it would create better trans-

parency and actually better legislation that people would understand.

I think our discussions today illustrate that point. I have a great deal of empathy for the gentleman from Texas who spoke a few moments ago, a good friend, a good legislator, and he said, the bills we have before us would not solve the problem that he introduced. He was totally accurate, because the topic of his amendment is not the same as the topic of the bills we have before us today, which is why they were ruled nongermane and not put in on the rule itself.

I think we have had some fascinating words that I have enjoyed. I am going to call it fascinating rhetoric today, not really debate, because like ships passing in the night that never touch, so has our discussion from both sides of the aisle gone forward, but never really discussed the same topic at the same particular time.

The four bills we have before us are very narrow in their approach, and they are very good bills, because they help small businessmen and small business women to try and negotiate the rule process with OSHA. They deserve our support, as they deserve the support they got last year when they were discussed in committee; last year when we passed them with bipartisan support on the floor; this year, once again, as they were discussed in committee, because the goal of those bills is to eliminate the conflict between the Federal Government and small business and, instead, to enhance cooperation. And that enhanced cooperation will make a better atmosphere for the business community in America and make a better country for all of us. That is the point of these four very good, very narrow and very specific bills.

I urge the Members to support this rule. It is a fair rule. I urge the Members to support the four underlying bills. They are good bills.

Mr. LEVIN. Mr. Speaker, I rise in strong opposition to the four bills the House is considering today.

There is a real disconnect between the issues the American people say they want Congress to address, and the legislative agenda of the Majority Party that runs the House of Representatives. Three months ago, NBC News and the Wall Street Journal commissioned a poll that asked Americans about the issues they felt were important for Congress to be engaged on. The response was clear. The number-one ranked issue that Americans want Congress to deal is workplace health and safety. A full eighty-four percent of those surveyed said they wanted Congress to spend more time addressing this issue.

Americans are right to be concerned. Almost 6,000 workers a year die due to accidents in the workplace. Tens of thousands more die every year due to occupational illnesses.

So what is the response of the Congressional leaders? Today they have brought four bills to the House Floor that weaken enforcement of workplace health and safety. Instead of addressing the need to improve health and safety conditions on the job, these four bills

would undermine worker protections under the Occupational Safety and Health Act.

Are the American people wrong in demanding that Congress strengthen workplace health and safety? It seems to me that the Congressional leaders and the Majority Party are out of touch with working Americans that they continue to advance legislation that would take us in exactly the opposite direction.

I urge my colleagues to join me in opposing these workplace safety rollbacks.

Mr. STARK. Mr. Speaker, I rise today in strong opposition to the Republican attack on workplace health and safety represented by the four bills offered today amending the Occupational Safety and Health Act. Once again in this Republican Congress, the lobbying power of big business takes precedence over the well being of hard working Americans.

Every year almost 6,000 workers in this country die due to workplace accidents. That number will surely rise if the Republicans are successful in passing these four bills. I could understand if Congress wanted to attack supposedly overbearing OSHA regulations, but this legislative package makes it harder for OSHA to enforce even the most non-controversial workplace safety regulations. Republicans have no interest in actually reforming OSHA, they merely want another notch on the bedpost to attract more campaign contributions from big business.

In post 9/11 America, strong enforcement of OSHA regulations can save lives. In the unfortunate event of another terrorist attack, it is OSHA who ensures clear ingress and egress from buildings, and proper size and placement of stairwells and exits to facilitate emergency evacuations. The bills before us undermine OSHA's ability to effectively enforce these vital safety standards. Once again, the misguided priorities of the Republicans and the Bush Administration seem more concerned about corporate profits than the safety of our workers.

Even more shameful, is the message these bills send about the true Republican agenda for labor rights. For over a year, Republicans in Congress have been talking about how the Central America Free Trade Agreement (CAFTA) improves working conditions in other countries. Not only is that contention blatantly false, it is clear from this legislation that Republicans don't care about working conditions in this country, let alone in Central America.

We should not undermine worker health and safety for the benefit of big business. I urge my colleagues to look past the rhetoric of "OSHA reform" and vote against these destructive bills that erode worker protections.

Mr. BACA. Mr. Speaker, I rise in opposition to the previous question on the rule. We need to allow for Democratic amendments, namely one to increase the federal minimum wage.

While Republicans demand up or down votes on controversial appointees, why are American families denied an up or down vote on the Miller-Owens bill to raise the minimum wage. The Miller-Owens bill would gradually raise the minimum wage by \$2.10—from \$5.15 to \$7.25 an hour.

The minimum wage has been frozen at \$5.15 since 1997. The inflation-adjusted minimum wage is 26 percent lower today than it was in 1979. If the minimum wage had just kept pace with inflation since 1968 when it was \$1.60 an hour, the minimum wage would now be \$8.88 an hour.

The number of Americans in poverty has increased by 4.3 million since President Bush

took office—and the minimum wage is part of the problem. Nearly 36 million Americans live in poverty, including 13 million children. This is a travesty that must end.

Increasing the minimum wage would help lift a half million workers rise out of poverty and would not have any impact on jobs, employment or inflation. In the four years after the last minimum wage increase passed, the economy experienced its strongest growth in over three decades. Nearly 11 million new jobs were added, at a pace of 232,000 per month. There were ten million new service industry jobs, including more than one and a half million retail jobs.

Mr. Speaker, a fair increase in the minimum wage is long overdue, and I urge my colleagues to defeat the previous question so we can vote on the Miller-Owens minimum wage bill.

Mr. HONDA. Mr. Speaker, I rise today to oppose efforts to pass legislation that will harm the American worker. Republicans are again bringing forward bills that would rollback worker safety regulations under the jurisdiction of the Occupational Safety and Health Administration (OSHA). All four of the bills being voted on today passed the House in the 108th Congress, but the Senate very reasonably did not even hold mark-ups on these bills.

The four bills are coming up notwithstanding the fact that we are at a point in time when workplace safety remains a critical national problem. Almost 6,000 workers a year die due to workplace accidents and another estimated 50,000 to 60,000 die every year due to occupational illnesses. Sadly, the bills on floor today will endanger the lives of even more workers by: making it easier for employers to challenge OSHA citations, unnecessarily expanding the OSHA Review Commission, undermining the enforcement authority of the Secretary of Labor, and punishing OSHA for substantially justified enforcement actions if the agency does not completely prevail.

More specifically, H.R. 739 rolls back OSHA's ability to enforce the law. One of the principle purposes of the Occupational Safety and Health Act is "to assure so far as possible every working man and woman in the nation, safe and healthful working conditions." This bill would have the effect of delaying the timely abatement of unsafe working conditions, by encouraging employers to litigate citations rather than correct health and safety hazards.

H.R. 740 is an attempt to stack the Occupational Safety and Health Review Commission with Republican nominees by expanding it from three to five members (with the newest members to be appointed by the Bush Administration). The Commission has functioned with three members since its establishment in 1970 and there has never been a demonstrated need for additional commissioners.

H.R. 741 reduces the authority of the Secretary of Labor to issue citations. This bill overturns a unanimous 1991 Supreme Court decision in *Martin v. OSHRC*, which held that the Labor Department should be given deference in interpreting worker safety laws.

Finally, H.R. 742 would require OSHA to pay attorneys' fees and costs for certain employers in any case in which OSHA did not prevail, regardless of the reason why the agency did not prevail. OSHA would be required to pay even if the agency was substantially justified in bringing the complaint which will have the effect of dissuading OSHA from pursuing many legitimate claims.

Mr. Speaker, since taking office in January 2001, the Bush Administration has turned its back on workers and workplace safety. The Administration started its assault on worker safety soon after taking office by repealing OSHA's ergonomics standard. I view this week's attempt to rollback worker safety regulations as another example of the Administration's misguided priorities.

Mr. MORAN of Virginia. Mr. Speaker, I rise in strong opposition to the four bills relating to the Occupational Safety and Health Act that the House of Representatives is scheduled to consider today. While these measures purport to protect the safety and health protections of millions of American workers, in reality, they will do nothing of the kind, and will instead undermine existing workplace health and safety laws.

The statistics on workplace safety is frightening. It is estimated that nearly 4.7 million workers are injured and almost 6,000 workers die due to workplace accidents each year. Thanks to the Occupational Safety and Health Act, workplace safety and health conditions have improved, though there are still great strides to be made, and this is the time for OSHA regulations and requirements to be strengthened, not weakened. On an average day, 152 workers lose their lives as a result of workplace injuries and diseases, and another 12,877 are injured.

These measures do not address the fact that workers are still losing their lives due to unsafe working conditions. Instead these bills punish the very workers the authors of these measures claim they are trying to protect. By allowing employers to challenge OSHA citations, they will undermine the Occupational Safety and Health Act's enforcement policies by penalizing the agency when it attempts to enforce the OSHA law and does so unsuccessfully.

H.R. 742 would require OSHA to pay attorneys' fees and costs for employers with 100 or less employees and a net worth of \$7 million or less in any administrative or judicial proceeding in which OSHA does not prevail. While OSHA is already required by law to pay attorneys' fees and costs in any proceeding in which the agency's charge is not substantially justified, H.R. 742 goes beyond that, because now OSHA will be hesitant to cite employees for violations of the OSHA unless there is absolute certainty that they will prevail in a court of law. If OSHA, the federal agency that is tasked with enforcing the law, is hesitant to raise awareness to a meritorious workplace safety issue because they might not win, the true losers in this case are the American workers. Employees have no private right of action under OSHA and depend on the Occupational Safety and Health Administration to address their concerns and remedy violations of the law.

H.R. 742 also purports to help "small businesses" recover the cost of attorney's fees, but in fact, this bill would apply to the majority of private sector workplaces. It is widely known that across all industries, businesses with fewer than 100 employees have a higher rate of fatal occupational injuries than do businesses with 100 or more workers, which typically have better workplace safety standards in place. It is troubling that this Congress is attempting to rollback the few safety and health workplace regulations that are currently in

place, instead of strengthening OSHA standards in order to save the lives of American workers.

I urge all my colleagues to vote against these measures and protect the rights of American workers and their families who deserve a decent, safe and healthy workplace.

Mr. EVANS. Mr. Speaker, I rise to oppose the rule and to discuss my concerns with the current efforts to reform the Occupational Health and Safety Act through the four bills before us today.

As my colleagues know, the Occupational Safety and Health Act of 1970 created OSHA to protect American workers while they are at their workplaces. Since then, workplace fatalities have been cut in half and occupational injury and illness rates have declined 40 percent. This record of protection is commendable, but nearly 6,000 workers a year die due to workplace accidents. We need to continue to work to prevent the needless loss of life. Reforming OSHA oversight and procedures to the disadvantage of workers will not do that.

I am deeply concerned that H.R. 739, 740, 741, and 742 will do nothing to protect workers who are dependent on OSHA to ensure their safety. Instead, these bills will open up OSHA to increased challenges to citations, subject the OSHA Review Commission to political tampering, undermine the enforcement authority of the Secretary of Labor, and punish OSHA for justified enforcement actions if the agency does not completely prevail. None of these measures will improve the safety of the workplace.

American workers deserve to know that when they go to the workplace they will be protected from work-related harm. I believe that OSHA is essential to maintaining the high level of safety and productivity that America's workers currently enjoy and these measures will prevent improvements to the system. I urge my colleagues to vote against these blatantly anti-worker pieces of legislation and against the rule.

Ms. MATSUI. Mr. Speaker, I rise today to urge my colleagues to vote down H.R. 739, 740, 741 and 742 in order to ensure the continued health and safety of America's workers.

We are here today to talk about improving the lives of America's workers, but the quartet of bills before us would only serve to further endanger them. Together these bills represent a one-sided rollback of the workplace health and safety standards established by the Occupational Safety and Health Administration (OSHA) and would lead to increases in workplace injury, illness and quite possibly death.

For our nation's workers, this is a matter of life and death—by the end of today, 15 workers will have died and 12,000 will have sustained an injury or illness because of workplace incidents. Congress should be making law to improve workplace safety. And while this seems to be the view of the vast majority of the country, my colleagues on the other side of the aisle have put forth legislation today that does exactly the opposite.

This legislation will undercut the ability of OSHA to enforce its own rules and actually creates a legal loophole, which will allow businesses to stall and avoid addressing a safety violation. Adding insult to injury, the legislation allows President Bush to stack the Occupational Safety and Health Review Commission, the body responsible for OSHA appeals, with Republican appointees subservient to busi-

ness interests. Inexplicably, one measure actually punishes OSHA for attempting to enforce its own workplace safety standards.

While the Congressional Budget Office estimates the cost of the bill, it is unable to estimate the cost to America's workers . . . the lives lost or the injuries sustained as a result of this misguided legislation. Republicans argue that this legislation will help all businesses. The small businesses that I know would benefit far more from having safe and healthy workers than from having a law that encourages more dangerous work environments. In fact, Liberty Mutual, the largest workers' compensation insurance company, estimates that the direct cost of occupational injuries and illnesses is \$1 billion a week. Considering these massive costs, we should be strengthening workplace safety standards, not undercutting them.

But Congress has a choice today. We actually have the opportunity to do something that would benefit workers. My distinguished colleague, GEORGE MILLER, the Ranking Member of the Education and Workforce Committee, has offered a bill that rather than attacking OSHA, would instead raise the minimum wage from \$5.15 to \$7.25 an hour. This would allow workers to better meet the basic challenges they face everyday like paying rent, putting food on the table and getting access to health care.

It is truly a statement of this nation's priorities that an individual who is working at a minimum wage job, lives below the poverty line. Barbara Ehrenreich, a New York Times reporter, tried to do so—moving from Florida to Maine to Minnesota, she worked as a waitress, a hotel maid, a cleaning woman, a nursing home aide, and a Wal-Mart sales clerk. What she learned and shared in her book, appropriately titled, "Nickel and Dimed: On (Not) Getting by in America," was that one job is not enough, especially if you want to live inside.

This is the real challenge that Americans are facing and Congress should be seeking to address, but the bills we are considering merely serve to undercut the government's ability to enforce workplace safety guidelines. It is shameful that in the same breath the Republican leadership advocates reducing worker safety and refuses to even permit a vote on raising the minimum wage.

We truly have a choice today—an opportunity to actually improve the lives of America's workers, those who propel our economy forward—we should not overlook this. I urge my colleagues to vote no on the previous question to support real help for America's workers.

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

PREVIOUS QUESTION ON H. RES. 351, THE RULE PROVIDING FOR CONSIDERATION OF FOUR OSHA BILLS H.R. 739, H.R. 740, H.R. 741, H.R. 742

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

"SEC. ____ . Immediately upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 2429) to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening mo-

tion except: (1) 60 minutes of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce; and (2) one motion to recommit with or without instructions."

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

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

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

Mr. HASTINGS of Florida. Mr. Speaker, I object to the vote on the grounds that a quorum is not present and make the point of order that a quorum is not present.

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

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question on House Resolution 351 will be followed by 5-minute votes on House Resolution 351, if ordered; a motion to suspend the rules on House Resolution 352, by the yeas and nays; and a motion to suspend the rules on House Resolution 343, by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 223, nays 191, not voting 19, as follows:

[Roll No. 365]

YEAS—223

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

Moran (KS) Regula Souder Gonzalez Miller (FL) Pombo Knollenberg Osborne Shimkus
 Murphy Rehberg Stearns Hinojosa Myrick Shadegg Kolbe Otter Shuster
 Musgrave Reichert Sullivan Jinojosa Myrick Shadegg Kuhl (NY) Oxley Simmons
 Neugebauer Renzi Sweeney Hinojosa Myrick Shadegg LaHood Paul Simpson
 Ney Reynolds Tancredo Marchant Ortiz Latham Pearce Smith (NJ)
 Northup Rogers (AL) Taylor (NC) LaTourette Pence Smith (TX)
 Norwood Rogers (KY) Terry Leach Peterson (PA) Sodrel
 Nunes Rogers (MI) Thomas Lewis (CA) Petri Souder
 Nussle Rohrabacher Thornberry Lewis (KY) Pickering Stearns
 Osborne Ros-Lehtinen Tiahrt Linder Pitts Sullivan
 Otter Rothman Tiberi LoBiondo Platts Sweetney
 Oxley Royce Turner Lungren, Daniel Porter
 Paul Ryan (WI) Upton Pryce (OH) Tancredo
 Pearce Ryan (KS) Walden (OR) E. Putnam Taylor (NC)
 Pence Saxton Walsh Mack Radanovich Terry
 Peterson (PA) Schwarz (MI) Wamp Ramstad Thomas
 Petri Sensenbrenner Weldon (FL) Regula Thornberry
 Pickering Sessions Weldon (PA) Rehberg Tiahrt
 Pitts Shaw Weller Reichert Tiberi
 Platts Sherwood Westmoreland Turner
 Poe Shimkus Whitfield Upton
 Porter Shuster Wicker Walden (OR)
 Price (GA) Simmons Wilson (NM) Walsh
 Pryce (OH) Simpson Wilson (SC) Wamp
 Putnam Smith (NJ) Wolf Weldon (FL)
 Radanovich Smith (TX) Young (AK) Weldon (PA)
 Ramstad Sodrel Young (FL) Weller

NAYS—191

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

NOT VOTING—19

Abercrombie Carson Delahunt
 Berman Clay DeLay
 Brown, Corrine Conyers Ehlers

Gonzalez Miller (FL) Pombo Knollenberg
 Hinojosa Myrick Shadegg Kolbe
 Jinojosa Myrick Shadegg Kuhl (NY)
 Marchant Ortiz LaHood
 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 (MI)
 Miller, Gary
 Moran (KS)
 Murphy
 Musgrave
 Neugebauer
 Ney
 Northup
 Norwood
 Nunes
 Nussle

□ 1339

Mr. SCOTT of Georgia, Mrs. NAPOLITANO and Mrs. LOWEY changed their vote from “yea” to “nay.”

So the previous question was ordered. The result of the vote was announced as above recorded.

Stated for: Mr. EHLERS. Mr. Speaker, on rollcall No. 365 I was on the floor and voted, but for some reason the vote was not recorded by the electronic system.

Had the vote been recorded, I would have voted “yea.”

Stated against: Mr. ROTHMAN. Mr. Speaker, on rollcall No. 365, I inadvertently voted “yea,” when I intended to vote “nay.”

Ms. CARSON. Mr. Speaker, due to a previously scheduled speaking engagement, I was unavoidably delayed during rollcall vote No. 365. Had I been present I would have voted “nay.”

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

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

RECORDED VOTE

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

A recorded vote was ordered. The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 224, noes 189, not voting 20, as follows:

[Roll No. 366]
 AYES—224

Aderholt Cole (OK) Gingrey
 Akin Conaway Gohmert
 Alexander Cox Goode
 Bachus Crenshaw Goodlatte
 Baker Cubin Granger
 Barrett (SC) Culberson Graves
 Bartlett (MD) Cunningham Green (WI)
 Barton (TX) Davis (KY) Gutknecht
 Bass Davis, Jo Ann Hall
 Beauprez Davis, Tom Harris
 Biggert Deal (GA) Hart
 Bilirakis DeLay Hastings (WA)
 Bishop (UT) Dent Hayes
 Blackburn Diaz-Balart, L. Hayworth
 Blunt Diaz-Balart, M. Hefley
 Boehlert Doolittle Hensarling
 Boehner Drake Heger
 Bonilla Dreier Hobson
 Bonner Duncan Hoekstra
 Bono Ehlers Hostettler
 Boozman Emerson Hulshof
 Boustany English (PA) Hunter
 Bradley (NH) Everett Hyde
 Brady (TX) Feeney Inglis (SC)
 Brown (SC) Ferguson Issa
 Brown-Waite, Fitzpatrick (PA) Istook
 Ginny Flake Jenkins
 Burgess Foley Jindal
 Burton (IN) Forbes Johnson (CT)
 Buyer Portenberry Johnson (IL)
 Calvert Fossella Johnson, Sam
 Camp Foxx Jones (NC)
 Cannon Franks (AZ) Keller
 Cantor Frelinghuysen Kelly
 Capito Gallegly Kennedy (MN)
 Carter King (IA) King (IA)
 Castle Gerlach King (NY)
 Chabot Gibbons Kingston
 Choccola Gilchrest Kirk
 Coble Gillmor Kline

Knollenberg Osborne Shimkus
 Kolbe Otter Shuster
 Kuhl (NY) Oxley Simmons
 LaHood Paul Simpson
 Latham Pearce Smith (NJ)
 LaTourette Pence Smith (TX)
 Leach Peterson (PA) Sodrel
 Lewis (CA) Petri Souder
 Lewis (KY) Pickering Stearns
 Linder Pitts Sullivan
 LoBiondo Platts Sweetney
 Lucas Porter
 Lungren, Daniel Pryce (OH) Tancredo
 E. Putnam Taylor (NC)
 Mack Radanovich Terry
 Manzullo Ramstad Thomas
 Marchant Regula Thornberry
 McCaul (TX) Rehberg Tiahrt
 McCotter Reichert Tiberi
 McCrery Renzi Turner
 McHenry Reynolds Upton
 McHugh Rogers (AL) Walden (OR)
 McKeon Rogers (KY) Walsh
 McMorris Rogers (MI) Wamp
 Mica Rohrabacher Weldon (FL)
 Miller (MI) Ros-Lehtinen Weldon (PA)
 Miller, Gary Royce Weller
 Moran (KS) Ryan (WI) Westmoreland
 Murphy Ryun (KS) Whitfield
 Musgrave Saxton Wicker
 Neugebauer Schwarz (MI) Wilson (NM)
 Ney Sensenbrenner Wilson (SC)
 Northup Sessions Wolf
 Norwood Shaw Young (AK)
 Nunes Shays Young (FL)
 Nussle Sherwood

NOES—189

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

Wasserman Waxman Wu
Schultz Weiner Wynn
Waters Wexler
Watson Woolsey

Inglis (SC) Miller (MI) Sensenbrenner Solis Tierney Watson
Issa Miller, Gary Sessions Spratt Towns Watt
Istook Moran (KS) Shaw Stark Udall (CO) Waxman
Jenkins Murphy Shays Strickland Udall (NM) Weiner
Jindal Musgrave Sherwood Stupak Van Hollen Wexler
Johnson (CT) Neugebauer Shimkus Tauscher Velázquez Woolsey
Johnson, Sam Ney Shuster Thompson (CA) Thompson (MS) Waters Wynn

Tierney Watson
Towns Watt
Udall (CO) Waxman
Udall (NM) Weiner
Van Hollen Wexler
Velázquez Woolsey
Waters Wynn

NOT VOTING—20

Abercrombie Gonzales Ortiz
Berman Hinojosa Poe
Brown, Corrine Jones (OH) Pombo
Clay Kennedy (RI) Price (GA)
Conyers Miller (FL) Shadegg
Delahunt Myrick Watt
Frank (MA) Obey

NOT VOTING—14

Abercrombie Hinojosa Obey
Brown, Corrine Johnson (IL) Ortiz
Clay Jones (OH) Pombo
Conyers Miller (FL) Shadegg
Gonzalez Myrick

□ 1347

So the resolution was agreed to.
The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. KENNEDY of Rhode Island. Mr. Speaker, on the evening of July 12, I missed one rollcall vote. It was my intention to vote "no" on rollcall 366 for H. Res. 351, Rule providing for consideration of H.R. 739, H.R. 740, H.R. 741, and H.R. 742.

□ 1356

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. JOHNSON of Illinois. Mr. Speaker, on rollcall No. 367 I was unavoidably detained. Had I been present, I would have voted "yea."

PROVIDING THAT THE HOUSE OF REPRESENTATIVES WILL FOCUS ON REMOVING BARRIERS TO COMPETITIVENESS OF THE UNITED STATES ECONOMY

The SPEAKER pro tempore (Mr. FORBES). The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 352.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. BOUSTANY) that the House suspend the rules and agree to the resolution, H. Res. 352, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 242, nays 177, not voting 14, as follows:

[Roll No. 367]

YEAS—242

Aderholt Capito Foley
Akin Carter Forbes
Alexander Case Fortenberry
Bachus Castle Fossella
Baker Chabot Fox
Barrett (SC) Chandler Franks (AZ)
Barrow Chocola Frelinghuysen
Bartlett (MD) Coble Gallegly
Barton (TX) Cole (OK) Garrett (NJ)
Bass Conaway Gerlach
Bean Cox Gibbons
Beauprez Cramer Gilchrist
Biggart Crenshaw Gillmor
Billirakis Cubin Gingrey
Bishop (UT) Cuellar Gohmert
Blackburn Culberson Goode
Blunt Cunningham Goodlatte
Boehlert Davis (KY) Granger
Boehner Davis, Jo Ann Graves
Bonilla Davis, Tom Green (WI)
Bonner Deal (GA) Gutknecht
Bono DeLay Hall
Boozman Dent Harris
Boren Diaz-Balart, L. Hart
Boustany Diaz-Balart, M. Hastings (WA)
Bradley (NH) Doollittle Hayes
Brady (TX) Drake Hayworth
Brown (SC) Dreier Hefley
Brown-Waite, Duncan Hensarling
Ginny Ehlers Hergert
Burgess Emerson Hobson
Burton (IN) English (PA) Hoekstra
Buyer Everett Holdren
Calvert Feeney Hostettler
Camp Ferguson Hulshof
Cannon Fitzpatrick (PA) Hunter
Cantor Flake Hyde

Ackerman Fattah Meehan
Allen Filner Meek (FL)
Andrews Ford Meeks (NY)
Baca Frank (MA) Menendez
Baird Gordon Michael
Baldwin Green, Al Millender-
Becerra Green, Gene McDonald
Berkley Grijalva Miller (NC)
Berman Gutierrez Miller, George
Berry Harman Mollohan
Bishop (GA) Hastings (FL) Moore (KS)
Bishop (NY) Herseht Moore (WI)
Blumenauer Higgins Moran (VA)
Boswell Hinchey Murtha
Boucher Holt Nadler
Boyd Honda Napolitano
Brady (PA) Hooley Neal (MA)
Brown (OH) Hoyer Oberstar
Butterfield Inslee Oliver
Capps Israel Owens
Capuano Jackson (IL) Pallone
Cardin Jackson-Lee Pascarell
Cardoza (TX) Pastor
Caroan Jefferson Payne
Carnahan Garrett (NJ) Johnson, E. B.
Carson Johnson, E. B. Kanjorski
Clever Cleaver Peterson (MN)
Clyburn Kaptur Pomeroy
Cooper Kennedy (RI) Price (NC)
Costa Kildee Rahall
Costello Kilpatrick (MI) Rangel
Crowley Kind Reyes
Cummings Kucinich Ross
Davis (AL) Langevin Rothman
Davis (CA) Lantos Roybal-Allard
Davis (FL) Larsen (WA) Ruppertsberger
Davis (IL) Larson (CT) Rush
Davis (TN) Lee Ryan (OH)
DeFazio Levin Sabo
Lewis (GA) Lewis (GA) Salazar
Lofgren, Zoe Lofgren, Zoe Sánchez, Linda
Lowe Lowey T.
Lynch Sanders
Maloney Schakowsky
Markey Schiff
Doyle Matsui Schwartz (PA)
Edwards McCarthy Scott (GA)
Emanuel McColium (MN) Scott (VA)
Engel McDermott Serrano
McGovern McGovern Sherman
McIntyre McIntyre Slaughter
McKinney McKinney Smith (WA)
McNulty McNulty Snyder

NAYS—177

Meehan Moore (KS)
Meek (FL) Moore (WI)
Meeks (NY) Moran (VA)
Menendez Murtha
Michael Nadler
Millender- Napolitano
McDonald Neal (MA)
Miller (NC) Oberstar
Miller, George Oliver
Mollohan Owens
Moore (KS) Pallone
Moore (WI) Pascarell
Moran (VA) Pastor
Murtha Payne
Nadler Peterson (MN)
Napolitano Pomeroy
Neal (MA) Price (NC)
Oberstar Rahall
Oliver Rangel
Owens Reyes
Pallone Ross
Pascarell Rothman
Pastor Roybal-Allard
Payne Ruppertsberger
Pelosi Rush
Peterson (MN) Ryan (OH)
Pomeroy Sabo
Price (NC) Salazar
Rahall Sánchez, Linda
Rangel T.
Reyes Sanders
Ross Schakowsky
Rothman Schiff
Roybal-Allard Schwartz (PA)
Ruppertsberger Scott (GA)
Rush Scott (VA)
Ryan (OH) Serrano
Sabo Sherman
Salazar Slaughter
Sánchez, Linda Smith (WA)
T. Snyder
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Slaughter
Smith (WA)
Snyder

PERSONAL EXPLANATION

Mr. HINOJOSA. Mr. Speaker, I was delayed in my district attending a very important Base Realignment and Closure Commission hearing of critical importance to my constituents. Had I been here, I would have voted "yes" on rollcalls 363, 364, 368 and "no" on rollcalls 365, 366 and 367.

COMMENDING THE STATE OF KENTUCKY FOR GRANTING WOMEN CERTAIN IMPORTANT POLITICAL RIGHTS

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 343.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 343, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 420, nays 0, not voting 13, as follows:

[Roll No. 368]

YEAS—420

Ackerman Bishop (GA) Burgess
Aderholt Bishop (NY) Burton (IN)
Akin Bishop (UT) Butterfield
Alexander Blackburn Buyer
Allen Blumenauer Calvert
Andrews Blunt Camp
Baca Boehlert Cannon
Bachus Boehner Cantor
Baird Bonilla Capito
Baker Bonner Capps
Baldwin Bono Capuano
Barrett (SC) Boozman Cardin
Barrow Boren Cardoza
Bartlett (MD) Boswell Carnahan
Barton (TX) Boucher Carson
Bass Boustany Carter
Bean Boyd Case
Beauprez Bradley (NH) Castle
Becerra Brady (PA) Chabot
Berkley Brady (TX) Chandler
Berman Brown (OH) Chocola
Berry Brown (SC) Cleaver
Biggart Brown-Waite, Clyburn
Bilirakis Ginny Coble

Cole (OK) Hoekstra
 Conaway Holden
 Cooper Holt
 Costa Honda
 Costello Hooley
 Cox Hostettler
 Cramer Hoyer
 Crenshaw Hulshof
 Crowley Hunter
 Cubin Hyde
 Cuellar Inglis (SC)
 Culberson Insee
 Cummings Israel
 Cunningham Issa
 Davis (AL) Istook
 Davis (CA) Jackson (IL)
 Davis (FL) Jackson-Lee
 Davis (IL) (TX)
 Davis (KY) Jefferson
 Davis (TN) Jenkins
 Davis, Jo Ann Jindal
 Davis, Tom Johnson (CT)
 Deal (GA) Johnson (IL)
 DeFazio Johnson, E. B.
 DeGette Johnson, Sam
 Delahunt Jones (NC)
 DeLauro Kanjorski
 DeLay Kaptur
 Dent Keller
 Diaz-Balart, L. Kelly
 Diaz-Balart, M. Kennedy (MN)
 Dicks Kennedy (RI)
 Dingell Kildee
 Doggett Kilpatrick (MI)
 Doolittle Kind
 Doyle King (IA)
 Drake King (NY)
 Dreier Kingston
 Duncan Kirk
 Edwards Kline
 Ehlers Knollenberg
 Emanuel Kolbe
 Emerson Kucinich
 Engel Kuhl (NY)
 English (PA) LaHood
 Eshoo Langevin
 Etheridge Lantos
 Evans Larsen (WA)
 Everett Larson (CT)
 Farr Latham
 Fattah LaTourette
 Feeney Leach
 Ferguson Lee
 Filner Levin
 Fitzpatrick (PA) Lewis (CA)
 Flake Lewis (GA)
 Foley Lewis (KY)
 Forbes Linder
 Ford Lipinski
 Fortenberry LoBiondo
 Fossella Lofgren, Zoe
 Foxx Lowey
 Frank (MA) Lucas
 Franks (AZ) Lungren, Daniel
 Frelinghuysen E.
 Gallegly Lynch
 Garrett (NJ) Mack
 Gerlach Maloney
 Gibbons Manzullo
 Gilchrest Marchant
 Gillmor Markey
 Gingrey Marshall
 Gohmert Matheson
 Goode Matsui
 Goodlatte McCarthy
 Gordon McCaul (TX)
 Granger McCollum (MN)
 Graves McCotter
 Green (WI) McCrery
 Green, Al McDermostt
 Green, Gene McGovern
 Grijalva McHenry
 Gutierrez McHugh
 Gutknecht McIntyre
 Hall McKeon
 Harman McKinney
 Harris McMorris
 Hart McNulty
 Hastings (FL) Meehan
 Hastings (WA) Meek (FL)
 Hayes Meeks (NY)
 Hayworth Melancon
 Hefley Menendez
 Hensarling Mica
 Herger Michaud
 Herseth Millender
 Higgins McDonald
 Hinchey Miller (MI)
 Hobson Miller (NC)

Miller, Gary
 Miller, George
 Mollohan
 Moore (KS)
 Moore (WI)
 Moran (KS)
 Moran (VA)
 Murphy
 Murtha
 Musgrave
 Nadler
 Napolitano
 Neal (MA)
 Neugebauer
 Ney
 Northup
 Norwood
 Nunes
 Nussle
 Oberstar
 Olver
 Osborne
 Otter
 Owens
 Oxley
 Pallone
 Pascrell
 Pastor
 Paul
 Payne
 Pearce
 Pelosi
 Pence
 Peterson (MN)
 Peterson (PA)
 Petri
 Pickering
 Pitts
 Platts
 Poe
 Pomeroy
 Porter
 Price (GA)
 Price (NC)
 Pryce (OH)
 Putnam
 Radanovich
 Rahall
 Ramstad
 Rangel
 Regula
 Rehberg
 Reichert
 Renzi
 Reyes
 Reynolds
 Rogers (AL)
 Rogers (KY)
 Rogers (MI)
 Rohrabacher
 Ros-Lehtinen
 Ross
 Rothman
 Roybal-Allard
 Royce
 Ruppersberger
 Rush
 Ryan (OH)
 Ryan (WI)
 Ryun (KS)
 Sabo
 Salazar
 Sanchez, Linda
 T.
 Sanchez, Loretta
 Sanders
 Saxton
 Schakowsky
 Schiff
 Schwartz (PA)
 Schwarz (MI)
 Scott (GA)
 Scott (VA)
 Sensenbrenner
 Serrano
 Sessions
 Shaw
 Shays
 Sherman
 Sherwood
 Shimkus
 Shuster
 Simmons
 Simpson
 Skelton
 Slaughter
 Smith (NJ)
 Smith (TX)
 Smith (WA)

Snyder
 Sodrel
 Solis
 Souder
 Spratt
 Stark
 Stearns
 Strickland
 Stupak
 Sullivan
 Sweeney
 Tancredo
 Tanner
 Tauscher
 Taylor (MS)
 Taylor (NC)
 Terry
 Thomas
 Thompson (CA)
 Thompson (MS)
 Thornberry
 Tiahrt
 Tiberi
 Tierney
 Towns
 Turner
 Udall (CO)
 Udall (NM)
 Upton
 Van Hollen
 Velázquez
 Visclosky
 Walden (OR)
 Walsh
 Wamp
 Wasserman
 Schultz
 Waters
 Watson
 Watt
 Waxman
 Weiner
 Weldon (FL)
 Weldon (PA)
 Weller
 Westmoreland
 Wexler
 Whitfield
 Wicker
 Wilson (NM)
 Wilson (SC)
 Wolf
 Woolsey
 Wu
 Wynn
 Young (AK)
 Young (FL)

SEC. 2. CONTESTING CITATIONS UNDER THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970.

Section 10 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 659) is amended—

(1) in the second sentence of subsection (a), by inserting after “assessment of penalty” the following: “(unless such failure results from mistake, inadvertence, surprise, or excusable neglect)”; and

(2) in the second sentence of subsection (b), by inserting after “assessment of penalty” the following: “(unless such failure results from mistake, inadvertence, surprise, or excusable neglect)”.

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall apply to a citation or proposed assessment of penalty issued by the Occupational Safety and Health Administration that is issued on or after the date of the enactment of this Act.

The SPEAKER pro tempore (Mrs. WILSON of New Mexico). Pursuant to House Resolution 351, the gentleman from Ohio (Mr. BOEHNER) and the gentleman from New York (Mr. OWENS) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BOEHNER).

GENERAL LEAVE

Mr. BOEHNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 739, the bill now under consideration.

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

There was no objection.

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

Madam Speaker, today we will debate four important bills that make modest reforms to the Occupational Safety and Health Act. These measures ensure that small business owners who make good faith efforts to comply with health and safety laws are dealt with fairly and equitably by the Occupational Safety and Health Administration.

Nearly every employer recognizes that improving workplace safety is good for business, and it is good for workers. Employers are subject to fierce competition both at home and abroad and must compete in the face of high taxes, skyrocketing health costs, escalating litigation, and burdensome government regulations. These OSHA reform bills are designed to improve worker safety and enhance the competitiveness of small businesses that are the real engine of job growth in our country.

The U.S. economy continues to grow, and more and more employers are continuing to hire workers each month. Last week, the Labor Department reported that more than 3.7 million new jobs have been created since May of 2003, marking 25 consecutive months of sustained job creation. But we need to make sure that onerous government regulations do not hamstring small businesses' ability to continue to hire

NOT VOTING—13

Abercrombie Hinojosa Ortiz
 Brown, Corrine Jones (OH) Pombo
 Clay Miller (FL) Shadegg
 Conyers Myrick
 Gonzalez Obey

□ 1403

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution 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. GONZALEZ. Mr. Speaker, on rollcall Nos. 363, 364, 365, 366, 367, and 368, had I been present, I would have voted “yes” on 363, 364, and 368, and “no” on 365, 366 and 367.

PERSONAL EXPLANATION

Mr. ORTIZ. Mr. Speaker, due to important business in my district, I was unable to vote during the following rollcall votes. Had I been present, I would have voted as indicated:

Rollcall vote No. 363—“yes”; rollcall vote No. 364—“yes”; rollcall vote No. 365—“no”; rollcall vote No. 366—“no”; rollcall vote No. 367—“no”, and rollcall vote No. 368—“yes.”

OCCUPATIONAL SAFETY AND HEALTH SMALL BUSINESS DAY IN COURT ACT OF 2005

Mr. BOEHNER. Madam Speaker, pursuant to House Resolution 351, I call up the bill (H.R. 739) to amend the Occupational Safety and Health Act of 1970 to provide for adjudicative flexibility with regard to the filing of a notice of contest by an employer following the issuance of a citation or proposed assessment of a penalty by the Occupational Safety and Health Administration, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The text of H.R. 739 is as follows:

H. R. 739

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 “Occupational Safety and Health Small Business Day in Court Act of 2005”.

new workers and compete in our economy. That is why these bills are so important.

Madam Speaker, since Republicans assumed leadership of Congress 10 years ago, we have undertaken considerable efforts to make bureaucracy more responsive and more accountable to workers and taxpayers. Let me give just a few examples:

We stopped unwarranted and invasive OSHA regulations proposed by the Clinton administration that would have held employers liable for the safety of their employees who work from home. We stopped one of the most overreaching attempts at regulation in our Nation's history by repealing an irresponsible and unworkable ergonomics regulation that would have cost employers billions of dollars and killed millions of jobs. We have dealt with the problem of costly unfunded mandates by ensuring that Congress does not pass expensive legislation and then place it onto the backs of State and local governments.

This decade of progress on regulatory reform should give every American confidence that Congress is making positive steps every year to improve government accountability. And today we want to take one more step, one more positive step to help improve workplace safety, I think a goal we all share.

OSHA, under the Bush administration, has made significant efforts to supplement traditional enforcement programs with cooperative partnerships between the agency and employers. I am pleased to report these voluntary programs have proven successful in reducing workplace injuries and illnesses. In fact, if we look at this chart, workplace injuries and fatalities have declined significantly during the Bush administration. And as this chart shows, workplace injuries and illnesses have declined significantly under the Bush administration to their lowest point in history, to a rate of just five injuries or illnesses per 100 workers.

Moreover, workplace fatalities have made similar declines. There has been a 5.8 percent reduction in workplace fatalities since the Bush administration took office, and that is significant progress.

Why has such progress been made? Because under this administration, OSHA and employers have started to work together more cooperatively and more proactively to solve workplace safety problems before injuries and fatalities occur. A GAO report released last year said voluntary partnerships between OSHA and employers "have considerably reduced the rates of injury and illness" and have fostered "better working relationships with OSHA, improved productivity, and decreased workers' compensation costs."

We strongly support OSHA targeting the bad actors that defy the law and compromise the safety of their workers, but we also need to recognize that most employers are good actors who

work hard to address job safety concerns. No employer wants to deal with unnecessary OSHA-related litigation and escalating attorneys' fees that would result from that enforcement. Most employers want to comply with the law, and the offer of assistance from OSHA is enough to provide the incentive they need to make this investment. Employers will use these resources because safety pays.

The reform measures we will consider today are proposals that, while fairly modest in substance, are important to small business owners who struggle every day to comply with the complex OSHA laws and provide a safe working environment for their workers while facing an increasingly competitive worldwide economy. Employers who make good faith efforts to comply with OSHA standards deserve to be treated fairly and have their day in court, and these commonsense bills will help ensure that they receive that opportunity.

The first bill on tap today, the Occupational Safety and Health Small Business Day in Court Act gives the Occupational Safety and Health Review Commission additional flexibility to make exceptions to the arbitrary 15-day deadline for employers to file responses to OSHA citations when a small business misses the deadline by a mistake or for good reason.

This bill essentially codifies administrative action taken by the Labor Department last year and ensures appropriate disputes are resolved based on merit rather than legal technicalities. It passed the House with strong bipartisan support last year, and it deserves every Member's support.

Madam Speaker, I reserve the balance of my time.

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

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

Mr. OWENS. Madam Speaker, we are here again. We went through this marathon a year ago. We have had several sets of hearings and markups on these four bills, and one would think they are very important. They are important, but in the reverse way. They are not important to protect the health and safety of working families in America. They are important because they are trying to trivialize the whole safety component of the Department of Labor and the whole safety responsibility of the government. They want to trivialize it and make it seem insignificant and unimportant.

I understand each of the four bills amending the Occupational Safety and Health Act now on the floor will be considered individually, and I would therefore save my comments on the specifics of the other three bills until the appropriate time. When you consider these four bills as an entire package, however, it becomes very clear that they will seriously erode the enforcement of U.S. safety standards,

they will undermine the ability of the Occupational Safety and Health Administration to enforce on-the-job safety standards, and will only add to more worker deaths and more serious injuries.

□ 1415

It will not only lead to the Department of Labor becoming more and more the department against laborers, the department against working people; by bringing these bills to the House floor, the Republican leadership shows yet again just how out of step it is with the American people. In this case, the House Republican leadership is backing four bills to weaken OSHA at the very time that the American public is demanding the exact opposite be done.

According to a recent poll sponsored by the Wall Street Journal, eight out of every ten Americans believe Congress should be passing legislation to ensure greater health and safety in the workplace. Let me repeat that: The Wall Street Journal, which is hardly a liberal publication, they sponsored a poll in April 2005 revealing that 84 percent of those surveyed want lawmakers to pass bills ensuring safer workplaces in America. That is 84 percent.

Parade Magazine, another mainstream publication, tells us the same story. An article published in the April 10 issue of Parade Magazine assessed our national priorities based on 2005 dollar allocations for government programs. The article juxtaposed business versus safety, pointing out that this year's funding for the Securities and Exchange Commission is \$888 million and the Small Business Administration, which is \$580 million, far exceeds that for OSHA, which is \$464 million, and the Consumer Product Safety Commission which is \$63 million. The amount dedicated to business, Parade Magazine concludes, is close to \$1 billion more than that dedicated to safety in this simple comparison.

The OSHA bills being voted on today will only serve to exacerbate this huge divide between Federal investments in business versus safety. One of the bills, H.R. 742, will even require OSHA to spend part of its meager budget rewarding certain employers who are repeat safety violators. This bill would reimburse firms that are repeat safety offenders for attorneys' fees whenever OSHA citations are downgraded on a technicality during administrative or court proceedings.

The American people are serious about seeing tougher laws enacted to improve safety on the job, and their concerns are well founded. In a hearing last month, the U.S. Chemical Safety Board underscored the fact that chemical dust explosions represent a serious industrial hazard in this country. Since 1980, 200-plus explosions and dust fires in U.S. plants caused the deaths of 100 workers and significant injuries to 600 others. Even though the Chemical Safety Board chair stresses that these

industrial explosions are clearly preventable, no comprehensive Federal effort has yet been established to address these clearly preventable explosions.

As recent headlines about worker deaths in Texas, New York and Ohio have revealed, American workers are far too often killed or severely injured as a result of safety violations by employers who have lengthy histories of similar offenses.

In March 2005, 15 workers were killed and more than a hundred injured in a massive British Petroleum refinery blast. A preliminary Chemical Safety Board investigation indicates that faulty equipment was a key factor in this terrible explosion which also destroyed buildings and cars. Yet OSHA had already fined the same British Petroleum plant \$100,000 in September 2004 for safety violations that at that time had killed two workers. In fact, OSHA had previously cited and issued a fine of \$63,000 in March 2004 to that British Petroleum plant for 14 safety violations.

Even though the Texas City British Petroleum Plant is clearly a repeat safety offender, OSHA routinely reduces penalties and downgrades violation findings as a means of encouraging correction of the problem. I suppose that is what is alluded to by this voluntary compliance. They are going to voluntarily comply one day, but in the meantime, many more workers will be killed.

A newly released analysis of 2,500 inspections of New York construction sites reveal similar patterns of serious and frequent violations of OSHA safety standards. Nearly two-thirds of all violations in 2003 involved faulty scaffoldings and/or the failure to provide fall protection equipment. Scaffolding collapses and falls are the most common cause of construction worker hospitalizations and deaths of three or more workers. Sponsored by the New York Committee on Safety and Health, this report recommended more vigorous OSHA enforcement and the hiring of more OSHA inspection officers, among other remedies. Under its current staffing, it would take OSHA 108 years to inspect all of the workplaces in the United States.

Yet this administration has proposed that we hire 41 new auditors to audit organized labor records. If we have the money for 41 new auditors to audit the petty cash records of labor unions, surely we ought to be able to find the money to hire more inspectors and have those inspectors be inspectors not on a voluntary compliance basis but on a serious basis to save lives and injuries.

OSHA also lacks adequate safety standards to cope with globalization. Four ironworkers killed last year by a massive crane collapse near Toledo, Ohio, were working for a contractor with a history of repeated safety violations.

Moreover, OSHA has yet to release a standard an advisory committee draft-

ed a year ago to govern inspection of cranes manufactured in Europe, as the crane in the Ohio fatalities had been.

In closing, the American people are watching us. By an overwhelming majority, the public wants to pass bills to strengthen OSHA, not to weaken OSHA. They want safer workplaces in America. The bills before us now do just the opposite. I urge my colleagues to join me in voting "no" on these bills.

Madam Speaker, I include for the RECORD letters from the AFL-CIO, the Teamsters, the UAW, AFSCME, as well the United Steelworkers in opposition to these bills.

AMERICAN FEDERATION OF LABOR
AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,

Washington, DC, July 11, 2005.

DEAR REPRESENTATIVE: I am writing to express the strong opposition of the AFL-CIO to H.R. 739, H.R. 740, H.R. 741 and H.R. 742, four bills that would erode worker protections under the Occupational Safety and Health Act. These bills, which are scheduled for a floor vote the week of July 11, 2005, would change established law and procedures to benefit employers and stifle OSHA enforcement. They would do nothing to enhance workers' safety and health protection, while weakening the OSHAct. We are particularly concerned about H.R. 742 and H.R. 741, because these two bills would significantly undermine OSHA's ability to carry out its core mission.

H.R. 742, Occupational Safety and Health Small Employer Access to Justice Act—This bill requires taxpayers to pay the legal costs of small employers who prevail in any administrative or enforcement case brought by OSHA regardless of whether the action was substantially justified.

The language expands provisions of the current Equal Access to Justice Act, which already permits small businesses to recover litigation costs where the government position was not substantially justified. H.R. 742 will have a chilling effect on both OSHA enforcement and OSHA standard setting. OSHA will be hesitant to cite employers for violations of the OSHAct unless there is absolute certainty that the enforcement action will not be challenged, will be upheld or there will be no modification in the terms of action. Similarly, unless OSHA is certain that a standard will not be challenged (which they are routinely for any number of reasons), it would not dare begin the rule-making process on any hazard no matter how grave the threat of the hazard to workers. No rational public policy would be furthered by discouraging OSHA from issuing citations that are substantially justified, but as to which the government ultimately is unable to carry its burden of proof. Rather, the inevitable result of such a rule, which would penalize the government every time it loses, would be to chill the issuance of meritorious citations in close cases on behalf of employees exposed to unsafe working conditions. This bill would further weaken OSHA enforcement efforts and standard setting to the detriment of American workers.

Across all industries, establishments with fewer than 100 employees (which in 2000 made up 97.7 percent of all private sector establishments) have a higher rate of fatal occupational injury than do establishments with 100 or more workers. Effectively hampering OSHA's enforcement ability in these establishments would be devastating to workers, resulting in even higher rates of worker fatalities, injury and illness.

The number of OSHA enforcement actions that involve contested adjudications is fairly

small, the penalties are generally modest, and the substantive and procedural standards already accommodate the interests of small-business litigants. To be clear, there is no evidence that this legislation is necessary. The result of H.R. 742 will be a skewed set of enforcement priorities and a risk of injury, illness and even death to workers.

H.R. 741, Occupational Safety and Health Independent Review of OSHA Citations Act—This bill would change the Act to give deference to the Commission regarding the interpretation of OSHA standards. The bill seeks to overturn a 1991 decision by the Supreme Court that found that deference should be given to the Secretary of Labor as the official responsible for enforcing the OSHAct.

The Secretary of Labor has much greater experience and expertise regarding the interpretation of safety and health standards and regulations than the Commission. The Secretary develops the rules and is responsible for their broad application. In contrast, the Commission only reviews the application of standards in those few cases that are contested and come before the Commission. Giving deference to the Commission would create an incentive for challenges to the Secretary's rules and interpretations, undermining the Secretary's policymaking and enforcement functions.

H.R. 740, Occupational Safety and Health Review Commission Efficiency Act—The bill requires that the number of members on the Commission be increased from three to five and that all members must be attorneys. It also seeks to allow members whose terms have expired to continue serving on the Commission for an additional 365 days in cases where no successor has been confirmed by the Senate.

The Review Commission has operated with three Commissioners since it was first formed in 1970. Increasing the size of the Commission from three to five members is not necessary and would enable the Bush Administration to stack the review commission with business-friendly appointees. The requirement that the Commissioners be lawyers would exclude a large pool of talented persons from service. Allowing members whose terms have expired to continue serving on the Commission for an additional 365 days unless a new appointee is confirmed by the Senate may mean a sitting member could have a de facto seven year term, depending on the political makeup of the Senate and White House. The current requirement that a member step down at the expiration of his or her term is appropriate and maintains pressure on all parties to work together to select a qualified person for the Commission. Under this legislation, rather than having two members for a working quorum, three will be needed. However due to the way the language is crafted a minority of the Commission and fewer than a quorum could take action. This makes no sense and opens the door to abuses of power. Moreover, there is not enough enforcement activity at OSHA to warrant five commissioners.

H.R. 739, Occupational Safety and Health Small Business Day in Court Act—This bill seeks to excuse employers who miss the fifteen-day timeframe to contest citations and failure to abate notices. Its practical effect would be to make numerous excuses into legal reasons for missing the fifteen-day timeframe in which employers currently must respond to OSHA citations. This action will only encourage more litigation. The idea of the fifteen-day requirement is to give all parties a reasonable timeframe in which to take action, and to ensure that the case is moved along as quickly as possible so the

hazards cited will be addressed in as timely a manner as is possible. The Commission should be able to review any missed deadlines on a case-by-case basis, as is currently the practice. The one case being held up to demonstrate an insurmountable obstacle for employers is just that—one case. No legitimate reason has been presented as to the need for this bill.

As demonstrated above, these bills undermine the intent of the Congress when it enacted the OSHA Act more than 30 years ago. Generally speaking, these policies and procedures have been serving workers well for over 30 years. American workers deserve a safe and healthy workplace and the full protection the OSHA Act can offer. These bills would surely diminish the protections provided to workers by the OSHA Act. For these reasons, the AFL-CIO opposes these four bills, and we strongly urge you to vote against each of them.

Sincerely,

WILLIAM SAMUEL,
Director, Department of Legislation.

INTERNATIONAL BROTHERHOOD OF
TEAMSTERS, AFL-CIO,
Washington, DC, July 11, 2005.

DEAR REPRESENTATIVE: On behalf of the more than 1.4 million members of the International Brotherhood of Teamsters, I am writing to express our strong opposition to four bills that would amend the Occupational Safety and Health Act: H.R. 739, H.R. 740, H.R. 741, and H.R. 742. These bills, which the House of Representatives will consider this week, do nothing to enhance safety and health protections for workers. Rather they would change established law and procedures to benefit employers (at the expense of workers), and they would make OSHA enforcement more difficult. Instead of weakening the intent of the OSH Act, Congress should take steps to strengthen safety and health protections for workers, and improve enforcement.

The Teamsters Union opposes H.R. 742, the Occupational Safety and Health Small Employer Access to Justice Act, which would require that OSHA (i.e. the taxpayer) pay the legal costs when it loses a case against a small business that prevails in administrative or judicial proceedings, regardless of whether the governments position was substantially justified. We view this as another effort to impede OSHA's and the Department's efforts to enforce the law and provide an avenue for workers to seek redress.

We see no justification for such an arbitrary departure from the current practice of each party paying for its own litigation costs for only one class of public prosecutions. We know of no other agency, charged by statute to enforce the law, which is impeded from fulfilling its responsibility with respect to a meritorious complaint because it cannot guarantee the outcome. In effect, H.R. 742 says that unless the agency is absolutely certain that it can prevail—that it is absolutely certain that its enforcement action will not be challenged, will be upheld, or no modification will occur in terms of action—it will be penalized (budgetarily) for fulfilling its statutory obligation to protect the safety and health of all workers (union and non-union) and to provide an avenue for redress.

Furthermore, H.R. 742 would effectively gut OSHA's statutory authority to promulgate safety and health standards. Unless certain that a standard will not be challenged (and many routinely are for a number of reasons), OSHA would not dare (or be extremely reluctant, at best) to begin a rulemaking on any hazard no matter how serious. We believe that H.R. 742 is tantamount to a stealth repeal of OSHA's statutory authority to issue workplace safety and health standards.

H.R. 739, the Occupational Safety and Health Small Business Day in Court Act, seeks to excuse employers who miss the current fifteen-day time frame to contest citations and failure to abate notices. We believe this proposal does nothing more than create "artificial" legal reason for failing to respond in a timely fashion. It is an "about face" from ensuring that an OSHA case is moved along as expeditiously as possible to ensure that workplace hazards are addressed in as timely a manner as possible, thus improving worker safety and health. The current practice of a case-by-case review is the most appropriate way to ensure that hazards are addressed as quickly as possible, and to reinforce the importance of workplace safety.

H.R. 740, the Occupational Safety and Health Review Commission Efficiency Act, would require that the number of commission members be increased from three to five, that all members be attorneys, and that members be able to serve until a successor is confirmed. We see no justification, or need, for these changes—unless one wishes to tilt the "playing field" against workers. First, the level of enforcement does not warrant five commissioners. And, there is no reason to limit the pool of talented people for consideration. Further, the current system helps ensure that all parties work together to select qualified people to serve, and to do so in a timely manner.

H.R. 741, the Occupational Safety and Health Independent Review of OSHA Citations Act, would, we believe, turn the OSH Act on its ear, by giving deference to the commission. Presently, the Secretary of Labor is given deference as the official responsible for enforcing the OSH Act. The bill would take away the authority held by the Secretary in bringing cases to the Court of Appeals and the Supreme Court, an important avenue of redress to protect workers from dangerous and unhealthy workplaces.

Each of these bills will undermine, subtly in some instances and egregiously in the case of H.R. 742, workplace protections and the protection that the OSH Act was designed to provide workers. The Teamsters Union urges you to reject each of these bills.

Sincerely,

MICHAEL E. MATHIS,
Director, Government Affairs Department.

INTERNATIONAL UNION, UNITED
AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS
OF AMERICA—UAW,

Washington, DC, July 11, 2005.

DEAR REPRESENTATIVE: This week the House is scheduled to take up four bills to amend the Occupational Safety and Health Act of 1970—H.R. 739, H.R. 741 and H.R. 742. The UAW opposes each of these anti-worker bills and urges you to vote against them.

H.R. 742, the "Occupational Safety and Health Small Employer Access to Justice Act," would require taxpayers to pay the legal costs of employers with 100 or fewer employees and worth up to 7 million who win administrative or enforcement cases brought by OSHA or any challenge to an OSHA standard, regardless of whether OSHA's actions were substantially justified." The UAW is deeply concerned that this legislation would have a tremendous chilling effect on the ability of OSHA to enforce workplace health and safety protections. In addition, this bill would reverse the time-honored rule of American jurisprudence that requires litigants to bear their own cost and fees. There is no need for such legislation because the Equal Access to Justice Act already protects parties from administrative overreaching by compensating them in cases where the government is not "substantially justified" in

bringing a law enforcement action, or under other "special circumstances."

The other three bills, H.R. 739, H.R. 740 and H.R. 741, all relate to the Occupational Safety and Health Review Commission (Commission or OSHRC). In considering these bills, the UAW urges the House to bear in mind that OSHRC functions as an intermediate appeal for employers, between decisions of the Occupational Safety and Health Administration (OSHA) and the U.S. Courts of Appeal. During the time a case is on appeal to OSHRC, employers do not have to pay any assessed penalties, nor do they have to abate the violations for which they were cited. Thus, procedural delays at OSHRC serve only to postpone justice and to delay the correction of workplace safety and health violations.

H.R. 739, despite being mislabeled the "Occupational Safety and Health Small Business Day in Court Act," is not limited to small businesses. Instead, it would effectively eliminate the statutory time period within which all employees—not just small employers—must contest an OSHA citation or assessment before it becomes a final order of the Commission. This bill would excuse employers from the fifteen-day deadline for contesting OSHA citations and lead to more litigation.

The purpose of the fifteen-day requirement is to give all parties a reasonable amount of time to take action and to move cases along as quickly as possible so that hazards can be abated in a timely manner. The bill excuses employers from missing their fifteen-day deadline but does not extend the same provisions to an employee who challenges the period for abatement in a citation. This provision is one-sided and unfair to employees. Under the statute, an employer contests by simply mailing a letter to the OSHA office. Therefore, contestation is not burdensome, and the statutory time period should be retained.

The federal courts already provide relief, pursuant to Rule 60(b) of the Federal Rules of Civil Procedure, for employers who can show that their failure to meet filing deadlines was due to mistake, inadvertence, surprise, excusable neglect, fraud, misrepresentation or misconduct by an adverse party, so long as the employer can show the existence of a meritorious defense. There is a body of established case law pursuant to Rule 60(b) that would be subject to wasteful re-litigation if H.R. 739 were enacted.

H.R. 740, the "Occupational Safety and Health Review Commission Efficiency Act," would expand the number of OSHRC commissioners to five from three and authorize subpanels of three members to exercise all of the powers of the Commission. It would also authorize commissioners to hold their position at the expiration of their six-year term, until a successor has been nominated by the President and confirmed by the Senate. Finally, it would add a new requirement that Commissioners must have legal training.

The UAW submits that the only good to come from adding two commissioners to OSHRC would be the creation of two more jobs to an economy that has already lost millions of industrial jobs. Otherwise, it is wasteful and unnecessary to expand OSHRC, which has been composed of three members since it was established in 1970. Indeed, the UAW believes that Congress should give consideration to abolishing all of the OSHRC commissioners' positions, allowing appeals to go directly from the decision of the Commission's Administrative Law Judges to the Courts of Appeals, as is done with Social Security Administration appeals. The UAW also objects to the legal training requirement because it would work against persons with workplace health and safety expertise.

Furthermore, we object to the provision allowing commissioners to retain their position after the expiration of their term because it deprives the Senate of its Constitutional advice and consent role.

H.R. 741, the "Occupational Safety and Health Independent Review of OSHA Citations Act," would overturn a 1991 Supreme Court decision holding that OSHRC's interpretation of a health or safety standard may not be substituted for the interpretation of the Secretary of Labor. The bill explicitly provides, "The conclusions of the Commission with respect to all questions of law shall be given deference if reasonable." Because it is for all practical purposes only employers who appeal cases to OSHRC, there is never an instance when the Commission would be expanding workers' rights by substituting its interpretation for the Secretary's. In other words, H.R. 741 would give unprecedented and unwarranted authority to the OSHRC to take away workers' workplace health and safety protections.

For all of the reasons set forth above, the UAW strongly opposes H.R. 739, H.R. 740, H.R. 741 and H.R. 742. We urge you to vote against these anti-worker bills that would undermine workplace health and safety.

Sincerely,

ALAN REUTHER,
Legislative Director.

AMERICAN FEDERATION OF STATE,
COUNTY AND MUNICIPAL EMPLOYEES,
AFL-CIO,

Washington, DC, July 11, 2005.

DEAR REPRESENTATIVE: On behalf of the 1.4 million members of the American Federation of State, County and Municipal Employees (AFSCME), I am writing to urge you to reject H.R. 739, H.R. 740, H.R. 741 and H.R. 742. These bills would weaken important worker safety and health protections that are guaranteed under the Occupational Safety and Health Act (OSHA).

Collectively, these bills would erode important OSHA policies that have served to protect the health and safety of workers all across this country. H.R. 739 would allow employers to avoid current law's fifteen-day deadline to contest OSHA citations. Such a change would result in a delay in correcting dangerous work place hazards in a timely manner. H.R. 740 is simply an unnecessary move to stack the Occupational Safety and Health Review Commission with new members while requiring that they have legal training. H.R. 741 would remove policymaking and the interpretation of OSHA's policies from the Secretary of Labor and give that responsibility to the OSHA Review Commission. Such a move would be an extreme departure from the original intent of the OSHA Act and make it difficult for the Secretary of Labor to enforce and implement the Act. Finally, H.R. 742 would require OSHA to pay attorneys' fees for small employers when they prevail in administrative or enforcement proceedings, placing yet another financial burden on an already underfunded agency.

We urge you to reject all four of the measures. These bills will erode a law that has served American workers well.

Sincerely,

CHARLES M. LOVELESS,
Director of Legislation.

UNITED STEELWORKERS,
July 11, 2005.

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: The United Steelworkers (USW), a union which represents industrial workers in virtually every sector of the economy, strongly opposes the four bills amending the Occupational Safety and

Health Act (OSHA) which the House is scheduled to take up tomorrow. HR 741, HR 740 and HR 739 all relate to the Occupational Safety and Health Review Commission (OSHRC) while HR 742 adds new rules under which small employers can receive compensation for attorney's fees.

Proponents of these bills paint them as simply eliminating bureaucratic "red tape" with a "common-sense fix," but workers' safety and the protections established under the 1970 OSH Act and the rights of claimants to a timely response to OSHA citations cannot be equated to red tape.

Perhaps most onerous is HR 742, the "Occupational Safety and Health Small Employer Access to Justice Act," which requires taxpayers to cover the legal costs of small employers who prevail—or partially prevail—in any administrative or enforcement case by OSHA, or in any challenge to an OSHA standard, regardless of whether the action was "substantially justified". In other words, this bill will go beyond the protection already provided to litigating parties in the Equal Access to Justice Act which currently protects a party in cases where the government is not "substantially justified" in bringing about a law enforcement action.

HR 742 will effectively act as a deterrent to OSHA enforcement and standard setting. Statistics show that small employers (those with fewer than 100 employees) have a higher rate of fatal occupational injuries than those with more than 100 workers. Since small employers account for over 97% of all private sector employers, USW vigorously opposes any bill that could further weaken OSHA enforcement efforts and standard setting for this proportionally large group of private sector small employers.

HR 741 the "Occupational Safety and Health Independent Review of OSHA Citations Act" overturns a 1991 Supreme Court decision and undercuts the Secretary of Labor's authority to interpret and enforce the law. HR 741 would order judges in cases appealed to the courts to give deference to the OSHRC, giving the Commission unprecedented authority to interpret OSHA standards. The USW strongly urges you to vote against HR 741 and keep policymaking and the interpretation of OSHA policy with the Secretary of Labor.

HR 740 the "Occupational Safety and Health Review Commission Efficiency Act" proposes to expand the number of commissioners from three to five, require commissioners to have a legal training and allow commissioners to hold their position after their six year term expires until their successor has been appointed by the President and confirmed by the Senate. Since 1970 the OSHRC has been composed of three members and there is no need to expand the Commission while excluding from the Commission persons with workplace health and safety expertise, but no law degree. The USW also urges you to vote against this bill.

Finally, HR 739 or the "Occupational Safety and Health Small Business Day in Court Act" would excuse all employers—not just small employers—that miss the fifteen-day deadline for contesting OSHA citations. In other words, this bill will effectively eliminate the 15-day deadline, further delaying the timeframe for moving a case through the process and further delaying actions to correct the possible hazard. The USW opposes this bill as redundant, since employers already have recourse for missed deadlines in the federal courts under Rule 60(b) of the Federal Rules of Civil Procedure if the failure to contest meets certain requirements.

Sincerely,

WILLIAM J. KLINEFELTER,
Assistant to the President, Legislative and Political Director.

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

Mr. BOEHNER. Madam Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. NORWOOD), the chairman of the Subcommittee on Workforce Protections.

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

Mr. NORWOOD. Madam Speaker, I thank the gentleman for yielding me this time.

Madam Speaker, I cannot help but think that all has been said that needs to be said about all four of these bills during the rules debate; the problem is just not everybody has said it.

If we can perhaps confine our thinking and remarks to the bills before us, we could probably get through this pretty nicely. And those who want to talk about things that are not germane to these bills have a great opportunity to do so during special orders. Maybe for once we could simply talk about the four bills that we have.

We are starting out with H.R. 739, the Occupational Safety and Health Small Business Day in Court Act of 2005. At the outset, I would like to stress that this legislation in no way diminishes the worker safety protections of the Occupational Safety and Health Act. I believe that. I think most members of our committee believe that. It is not our intention and I do not believe it will be the outcome of any of these bills that we consider today, most especially the one we are discussing now, H.R. 739.

The Occupational Safety and Health Small Business Day in Court Act amends the OSH Act to resolve a conflict between section 10 of the act and the Federal rule of civil procedure 60(b). The bill is designed to make sure that an employer who fails to respond to an OSHA citation in a timely fashion is allowed to do so and have his or her day in court, and how reasonable of us to allow that, if the reason for missing the deadline was excusable neglect, a mistake or inadvertence. That is what rule 60(b) allows, and that is frankly all this bill does.

Until recently, if an employer filed a late notice of contest to an OSHA citation, OSHA had limited flexibility in accepting the notice because of a conflict in the law that was written 34 years ago. OSHA would not accept late notices of contest even if the employer could prove an excusable neglect. The Occupational Safety and Health Review Commission, however, would allow a late notice of contest to be filed under rule 60(b). This makes no sense.

On December 13, 2004, the Solicitor of Labor issued a memorandum to regional solicitors announcing a change in the Department's legal interpretation. This change will allow the Department's attorneys to excuse late notices of citation if it can be determined

that the lateness was due to an inadvertence or excusable neglect. The solicitor cites case law, OSHRC's long-time interpretation, and rule 60(b) as the reasons for this change. This is the right policy in my view, and I include for the RECORD the aforementioned memorandum.

DEPARTMENT OF LABOR,
Washington, DC, December 13, 2004.
MEMORANDUM

To: Regional Solicitors, Joseph M. Woodward, Associate Solicitor for Occupational Safety and Health.

From: Howard M. Radzely, Solicitor of Labor.

Subject: Late Notices of Contest to OSHA Citations.

This memorandum announces a change in the Department's legal interpretation of Section 10(a) of the Occupational Safety and Health Act of 1970, 29 U.S.C. §659(a). The Department previously interpreted that provision to preclude the Occupational Safety and Health Review Commission from considering an employer's contest of an OSHA citation that is filed after expiration of the statutory fifteen working-day contest period, except in the unusual situation in which the limitations period has been equitably tolled. The Commission's position has long been that it can consider late contests if the employer establishes that its failure to meet the deadline was due to "excusable neglect" as that phrase is used in Fed. R. Civ. P. 60(b), which provides criteria for granting relief from final judgments or orders.

Despite our best efforts, our legal argument has met with only limited success. Although the Second Circuit agreed with our view in *Chao v. Russell P. LeFrois Builder, Inc.*, 291 F.3d 219 (2d Cir. 2002), the Commission has repeatedly rejected it, and this past June the Third Circuit ruled against us in two cases. *George Harms Constr. Co. v. Chao*, 371 F.3d 156, 160-65 (3d Cir. 2004); *Avon Contractors*, 372 F.3d 171, 174-75 (3d Cir. 2004).

After studying the statute and relevant case law, the Department has concluded that late filed notices of contest may be considered under the conditions specified in Rule 60(b). This change is not only consistent with the Commission's interpretation, but it is also consistent with MSHA's and the Federal Mine Safety and Health Review Commission's interpretation of identical language in the Mine Act. 30 U.S.C. §815(a). Moreover, the previous interpretation had a disproportionate impact on small businesses in that these entities are more likely than larger companies to file untimely notices of contest. Our new position avoids further needless and often futile litigation on an issue that is collateral to OSHA's primary safety and health mission.

Accordingly, I am directing that all Regions implement this new interpretation by no longer making the argument that the Commission lacks authority to consider late notices of contest under Rule 60(b). However, the Regions should continue to argue aggressively, as they have previously and usually successfully done in the alternative, that Rule 60(b) relief can only be granted to employers that establish all elements of the excusable neglect standard. In this way, we can focus our limited resources on protecting worker safety and health rather than on litigating a collateral procedural issue. Specific implementation guidance follows. If there are additional questions, please contact Daniel Mick, Counsel for Regional Trial Litigation, in the OSH Division.

GUIDANCE

1. No attorney in the Office of the Solicitor shall argue on behalf of the Secretary that

the Commission lacks the authority to apply Rule 60(b)'s excusable neglect standard to consider late notices of contest. Instead, SOL shall implement OSHA's current view that the Commission has such authority. Attorneys handling OSHA cases arising in New York, Connecticut, or Vermont, or when otherwise appropriate, shall note that the Second Circuit Court of Appeals has held to the contrary, but point out that the *Le Frois* decision made clear that the Secretary's reasonable interpretations of the OSH Act are entitled to judicial deference, and was rendered before OSHA adopted its current view.

2. Where appropriate, SOL attorneys shall protect the Department's interests by opposing late notices of contests on the grounds that the employer has not established "excusable neglect" for the late filing. Consistent with existing law, SOL attorneys shall argue that, in addition to the employer establishing that the neglect was excusable, relief cannot be granted unless the employer also asserts a meritorious defense to the citation. See *Teamsters, Chauffeurs, Warehousemen & Helpers Union, Local No. 59 v. Superline Transp. Co.*, 953 F.2d 17, 20 (1st Cir. 1992) (citing cases). In addition, because Rule 60(b) relief is only available "upon such terms as are just," in appropriate cases, such as where the employer contests only the penalty or the characterization of the violation, or its knowledge of a violative condition, SOL may ask that the employer be required to establish that employees are no longer exposed to the cited hazard as a condition of going forward with a hearing on the merits.

Madam Speaker, all H.R. 739 would do is simply codify the solicitors' new directive, permanently cementing this change in the OSH Act and ending the conflict between the OSH Act and rule 60(b).

Last year, the House approved this measure with bipartisan support of 251-177, and I again urge my colleagues to vote "yes" on this measure.

I know many of my Democrat friends think that the labor bosses are against this, and they are right. The labor bosses are against something this simple, which is simply an indication to me they may not like small businesses. They may not want anything to occur that helps small businesses.

The gentleman from New York (Mr. OWENS) says this bill is not important. I tell Members what, if you are a mom and pop in this country running a small business with three or four employees, I promise this is important to them. The 12 percent of the labor union members in this country, I guarantee it is important to many of them because many of them are also in small businesses. Many of them who have spouses are in small businesses. This is just a decent thing to do, allow a little flexibility. Why beat up on small businesses? If you have a small business in your district, you certainly should vote "yes" for this one bill.

Mr. OWENS. Madam Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Madam Speaker, I rise in opposition to H.R. 739 because it appears to be just another way for this administration to distract from the real priorities of our Nation's workers: fair wages, open labor negotiations, se-

cure pensions, U.S. jobs over the outsourcing of our jobs and, of course, a safe working environment that protects workers from harm and allows their families peace of mind. Yet with this legislation, we put the company's bottom line above the safety of American workers.

With the narrowing definition of willful violations, we make it easier for employers to avoid responsibility after disregarding a safety standard requirement. This bill would allow a company to receive a filing extension no matter why the paperwork was lost, whether they lost track of it in the first place or if they even put it aside because of their very own negligence.

□ 1430

Why should any worker be forced to suffer in unhealthy or unsafe working conditions or, worse, lose their life or be maimed for their life because of inefficiencies within a company's system? That is why I support real workforce reform that strengthens worker protections and insists that employers face real consequences when their poor safety standards cause a wrongful death, no excuses, no added waivers, no way to help an employer miss their deadlines and then get away with it.

You cannot put a price tag on life, Madam Speaker, and you cannot put a price tag on serious injury. We can all agree that every worker's life is more precious than a profit. That is why I encourage my colleagues to join me and join the gentleman from New York (Mr. OWENS) in opposing H.R. 739.

Mr. BOEHNER. Madam Speaker, I am pleased to yield 3 minutes to the gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. Madam Speaker, I want to thank the gentleman from Ohio (Mr. BOEHNER) for his leadership in the Committee on Education and the Workforce and the fact that he has been able to pass reasonable legislation that not only helps the employee but the employer and gives us a better business atmosphere in this country. I would also like to thank my friend and fellow Georgian (Mr. NORWOOD) for his leadership in fine-tuning our occupational safety and health laws. The gentleman from Georgia has waged a years-long effort to improve the relationship between small businesses and the Federal Government's regulatory agencies, and for that I thank him.

Madam Speaker, I am a small businessman. I started my own construction business 25 years ago, and that is how I supported my family until my recent election this year to Congress. OSHA regulations are not just an interesting debate topic for Washington dinner parties. For me and the millions of other small business owners, they are tough rules with real consequences. No one wants to regress to the days when workers had few rights and worked in ridiculously dangerous situations with little or no regard for their safety.

In the end, good precautions are good for workers, good for businesses, and good for the economy as a whole. We are not keeping OSHA from enforcing Federal safety regulations with this legislation. We are just ensuring that regulators are fair and reasonable when enforcing regulations.

In the construction business, I worked closely with subcontractors who were small business owners themselves. One of them, a good friend of mine, ran into trouble with OSHA over this very rule that we are debating today in the Small Business Day in Court Act. He and an employee were digging a hole for a septic tank. They made a mistake during the process, and it was a mistake with horrible consequences. The walls of the hole caved in, killing the employee. While my friend was recuperating from and dealing with all the painful consequences that come with the death of an employee when you are a three-or four-man business, OSHA gave him a summons. I think everyone would agree that during those 15 days after the accident, responding to an OSHA summons should not and could not be at the top of his priority list. He missed the deadline; and, of course, under OSHA rules he was not given another chance to defend himself.

This legislation will help small business owners such as this, who run small shops but who employ the vast majority of American workers. They cannot employ full-time OSHA compliance officers and most owners are not going to be experts on the fine print of Federal regulations. When it comes to our Nation's job producers, we should not be tying their hands. We should be giving them a hand up.

I urge my colleagues to support this legislation, H.R. 739.

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

H.R. 739 specifically creates a legal loophole for bypassing the obligation on an employer's part to meet a 15-day deadline for contesting OSHA citations. As such, the bill promotes increased litigation. Given that the OSHA commission already has the authority to review any missed deadlines on a case-by-case basis, such litigation is completely unnecessary. That bears repeating. At present, the OSHA commission relies on its longstanding practice of reviewing, on a case-by-case basis, any missed deadlines. So what is the rationale for this bill?

H.R. 739 is not only superfluous and offers nothing productive that is positive and new; it also negatively serves to delay the timely correction of workplace safety violations and hazards. The 15-business-day timeline for an employer's response was set to encourage speedy removal of work site hazards as well as the expeditious handling of cases. It establishes a reasonable time frame for protecting all the parties. It protects the employers as well as the workers. By contrast, H.R. 739 will needlessly place some workers at

greater risk of on-the-job injuries or fatalities.

Let me give you a few concrete examples to illustrate the risk. In March 2003, OSHA began an inspection of Strack, Incorporated, a pipeline company in Atlanta, Georgia. OSHA inspectors had seen Strack employees working in a trench that was up to 12 feet deep. Yet a trench box, designed to protect workers, had been left on higher ground and more than 100 feet away from the site. In May 2003, OSHA issued Strack, Inc. a willful citation with a proposed fine of \$44,000 for failure to use a trench box. Fortunately in this case, the hazards were corrected before anyone was killed. As an OSHA inspector put it, cave-ins occur quickly and without warning; and then it is too late to protect workers.

When it comes to trenching, failure to correct hazards in the 15-day required period can have fatal consequences. As Jeffrey Walters of Cincinnati, Ohio, testified before me last year, his only son Patrick died in a cave-in on June 14, 2002, only weeks after OSHA cited the firm Patrick worked for, which is Moeves Plumbing, for willful trenching violations. In fact, Moeves Plumbing had been inspected by OSHA 13 times before Patrick's death. Moreover, another worker had died while digging trenches for the same plumbing company several years before Patrick died in the same way.

All of this is to say that speedy correction of work site hazards cited by OSHA can often mean the difference between life and death. Thus, when OSHA finds a safety violation, it clearly merits immediate attention. I urge my colleagues to vote "no" on this bill again.

Madam Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Madam Speaker, I rise in opposition to this bill. What sounds like a very small change in the rules could have very large and unwelcome consequences. The way the law works now, if an OSHA inspector noticed the trench that the gentleman from New York just made reference to and gave that employer a notice that the trench needed to be properly put together so it would not cave in, under present law the employer has more than 2 weeks, 15 days, to decide whether to contest that citation. And if the employer fails to contest the citation, the law presumes that the violation ought to stand and there is corrective action taken to try to protect the worker.

Now, sometimes employers do have surprises or accidents or situations beyond their control and they mean to object to the citation, but they fail to do so. They fail to file the paper on time, or they have some other surprise or circumstance. The law, as the gentleman from New York said, already

provides for that circumstance. On a case-by-case basis, OSHA is able to say there are special circumstances which justify missing the 15-day deadline. In the law, he or she who has the burden of proof loses.

What this bill does is to shift the burden of proof to OSHA to prove that the 15-day deadline was somehow unreasonable, instead of properly vesting the burden on the employer to show that there was an accident or a surprise that made them fail to hit the 15-day deadline. There is a reason that this deadline is so short. It is because the circumstances that give rise to the violations put people's lives and health at risk. We should not shift this burden. We should not approve this bill. I would urge a "no" vote.

Mr. BOEHNER. Madam Speaker, I am pleased to yield 4 minutes to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. Madam Speaker, I am proud to support and cosponsor all four of these important pieces of legislation on OSHA reform. Each is an integral step to come to the aid of our small businesses. Not only are our small businesses increasingly faced with greater competition from the bigger competitors in the U.S. but also are they faced with greater competition from across the globe. The last thing they need are unnecessary and burdensome regulations from their own government.

According to a study discussed in the Office of Management and Budget's "Draft Report to Congress on the Costs and Benefits of Federal Regulations for 2005," it is estimated that the, quote, total cost of Federal regulation, environmental, workplace, economic and tax compliance regulation, was 60 percent greater per employee for firms with under 20 employees compared to firms with over 500 employees.

In another recent study, these costs translate to approximately \$7,000 in regulatory costs per employee per year. We need to aid our small businesses in being more competitive, not help force them out of business. Certainly the goals of the Occupational Safety and Health Agency to ensure workplace safety and health are laudable and protecting our workers is and must remain paramount. But oftentimes good intentions do not result in the best practices. Our small businesses and our workers deserve better.

H.R. 739, the first of four bills that we are considering today, promotes fairness for small businesses while improving competition and worker safety. It allows the Occupational Safety and Health Review Commission more flexibility to make exceptions to the 15-day deadline when employers must file appeals to OSHA citations. Many of our small businesses unintentionally and innocently miss this arbitrary deadline and can be denied their day in court as a result. While many of our small businesses are struggling to provide their employees with the safest work environments and access to the best health

care and other benefits, they must comply with inflexible regulations such as these. Many small businesses that have unintentionally missed this deadline are simply not able to navigate the complex regulations in order to appeal the OSHA citation.

In January of this year, even the Department of Labor agreed that this deadline is too burdensome and decided it would allow the Occupational Safety and Health Review Commission to have discretion over the 15-day deadline for filing appeals. This was welcome news for small businesses. Now, all we need to do is codify this provision. We are certainly not advocating that every small business be given a pass on this deadline to respond to a citation, but let us be reasonable here and give them the benefit of the doubt by instilling just a little bit more flexibility into these regulations.

Let me also mention these three other bills, H.R. 740, H.R. 741 and H.R. 742, that we are debating this afternoon. Expanding the review board for appeals cases to OSHA from three to five commissioners would speed up the appeals process so small businesses will have their cases reviewed in a timely manner.

H.R. 741 will restore the original practice and congressional intent to ensure that the Occupational Safety and Health Review Commission, or the court, will be the party to interpret OSHA regulations, not OSHA itself. And finally, H.R. 742 will allow small businesses to recover the costly attorney fees incurred if they successfully challenge an OSHA citation. Each of these will help alleviate overbearing regulations that thwart the creativity and entrepreneurial spirit of small businesses.

In past years, each of these four bills has passed the House by good margins. Let us send these provisions once again to the other side of the Capitol and encourage them to act this year to help our small businesses. Jobs are at stake and a vital economy lies in the balance. We must keep our small businesses vital, healthy, and competitive.

Mr. OWENS. Madam Speaker, I yield 3 minutes to the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. Madam Speaker, I rise to oppose this bill which would give a pass to employers who do not meet workplace safety conditions. We could have taken this opportunity to help hardworking Americans feel a little safer in the workplace, or we could have made today's priority giving some relief to middle-class families who are struggling to keep up with record-breaking gas prices, tuition increases, and health care costs.

Instead, this administration has once again chosen in favor of the corporate sector and the special interests. Their reward in this bill comes at the expense of hardworking employees who depend on OSHA to keep an eye on their working conditions. But when former executives win appointments to

regulate the same industries in which they used to work, sound science and smart public policy usually tack a back seat to political favoritism and ideology. This bill creates a new loophole around the 15-day deadline for contesting OSHA citations. It is yet one more corporate handout that could have been better spent on job training, reversing the tide of outsourcing, or raising the minimum wage.

□ 1445

Meanwhile, hard-working Americans are increasingly faced with workplace conditions in which critically important safeguards are watered down, emerging problems are ignored, and enforcement is scaled back.

If OSHA already has the authority to review missed deadlines on a case-by-case basis, why would we need a bill that changes this process in a one-sided way that could further disadvantage workers, encourage litigation, and undermine health and safety protections?

Madam Speaker, I believe the Senate got it right last year when it declined to consider this or any of the other three proposed rollbacks of OSHA's responsibility to hard-working Americans.

I encourage my colleagues to vote against all four of these bills.

Mr. BOEHNER. Madam Speaker, I yield 4 minutes to the gentleman from Georgia (Mr. PRICE), a member of our committee.

Mr. PRICE of Georgia. Madam Speaker, I appreciate the opportunity to talk on this bill. I want to commend the chairman for his work in this area and commend the gentleman from Georgia (Mr. NORWOOD), who has labored long and hard on these issues.

Let me make a few points initially before I talk about the merits of the bill. I think it is important for people to appreciate that no one, no one, is interested in trivializing the issue of safety in the workplace. We are interested in improving workplace safety and in holding businesses accountable when they are at fault, not just because. No one is interested in trivializing this issue.

No one is putting a price tag on life. That has been mentioned. No one is putting a price tag on life here, and no one is interested in giving employers a pass.

They also talked about a legal loophole. This is not a legal loophole. What this does is simply put faith in small business, and it shifts the burden of proof to the accuser, where it should be. There was some analogy drawn to a court of law. What this does is shift the burden of proof to the accuser, that is, OSHA, where it should be.

The bill will not weaken OSHA either. It will simply allow small business a fair opportunity for a fair hearing when it is cited, and that is it.

I rise in support of H.R. 739. The magnitude of this bill is huge: 99.7 percent of all businesses are small businesses, 99.7 percent. Seventy-five percent of all

new jobs come from small business, three out of every four jobs.

In talking about this before and in researching this, I went back and looked at the original OSHA Act. The original OSHA Act in 1970 said that it was to assure safe and healthful working conditions for working men and women by authorizing enforcement of the standards developed under the act. The mission today as described by OSHA on their Web site is to ensure the safety and health of America's workers by setting and enforcing standards. Do the Members notice the difference? We have shifted who is setting the standards from Congress to a nonelected body. I think this is a lot of power. A lot of power.

The OSHA budget is \$468 million, 1,100 inspectors out of 2,200 employees. A lot of power.

As has been mentioned, currently if a citation is given, the employer is given 15 days to respond. This is an arbitrary time frame. Nobody can argue that. There really is no rationale for those 15 days. Why not 5? Why not 35? Why not make it fair to small business? This is a simple commonsense amendment. Eleven words is all the amendment is, 11 words. It would add that "unless such failure results from mistake, inadvertence, surprise, or excusable neglect," 11 little words. A commonsense amendment, which I am sorry to say is oftentimes all too uncommon around here. It does not mean that any citation is null and void. It does not mean that at all. It simply means that small business has an opportunity to get its fair day in court.

So in closing, Madam Speaker, I want to commend once again the gentleman from Georgia (Mr. NORWOOD) for the hard work he has done and the gentleman from Ohio (Chairman BOEHNER) for bringing this issue to the floor.

I urge all of my colleagues to support H.R. 739 and do it for small business and for the employees and jobs in our Nation.

Mr. OWENS. Madam Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. HOLT).

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

Mr. HOLT. Madam Speaker, I rise in opposition to H.R. 739. It is part of a package of bills that we have before us today that serve no purpose that I can see but to gut the occupational health legislation record before this Congress.

Current law requires that employers challenge a citation or notice of a failure to abate a hazard within a 15-day time period. There is a reason that this is a short time period. It is because these are serious matters. The short deadline was enacted to encourage expeditious handling of cases and to ensure that the workplace hazards are corrected in a timely manner. The commission already has the ability to review specific cases of missed deadlines in a manner that protects the

rights of employers. In fact, my colleagues defending this legislation said what about unintentional missed deadlines or deadlines that are missed innocently. The commission can deal with that. What we are concerned about are the ones that are missed disingenuously: oh, I forgot; oh, I did not quite get around to taking care of that.

It is clear that H.R. 739 is designed to ease the burden on employers at the expense of the health and safety of workers. This is the dramatic change in policy. My colleague from Georgia said the dramatic change in policy is somehow OSHA has gained regulatory authority. No, OSHA has always had regulatory authority for the last 35 years. The real change is this dramatic change in policy that would delay the employers' responsiveness to the health hazards and increase the time that workers have to work in unsafe conditions.

These measures would make it more difficult for employees to seek redress and would impede the enforcement of worksite safety and health provisions.

Again, this is one of a set of bills that would serve to gut OSHA. It puts aside, really, the seriousness of the matter here. We do not want OSHA to become just an annoyance or a minor delay or an inconvenience or just the cost of doing business. No, OSHA should have teeth.

There are hundreds of thousands, if not millions, of Americans, I do not know who they are, they do not know who they are, who today have their arms, their eyes, their health, even their lives because of OSHA; and they do not know who they are. But they can thank people like Senator Pete Williams from New Jersey and others, who 35 years ago realized that it is the appropriate role of the Federal Government to be involved.

I know there are those who think that it would be better if the Federal Government had never gotten involved in this. I suppose they would say, well, the employee could sit down with the employer and the employee could point out the unsafe working conditions and the employer will surely take care of it because no employer wants his employees harmed. It just does not work that way. It did not work that way for the century before OSHA was passed.

Let me repeat: there are hundreds of thousands of Americans who have their eyesight, who have their arms, who have their health, who have their lives because OSHA has teeth, because OSHA requires prompt remedy to unsafe conditions.

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

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

Madam Speaker, I would like to just say that when we say the Republican majority is trying to trivialize the role of OSHA and the role of safety in the workplace, there is good foundation for this. When this administration took power, the present administration in

the White House, one of the first acts that they perpetrated was the repeal of ergonomic standards at the urging of, of course, Republican Members of Congress. They repealed the ergonomic standards that had been in process with a lot of bipartisan development and support over a long period of years.

When the Secretary of Labor was Elizabeth Dole, great steps were made; and slowly we reached a point where we had ergonomic standards to pass. The current Bush Administration's first act was to repeal ergonomic standards, to toss them aside and to send a message that workers in the workplace are not that important, working families are really not important, working conditions in America are not important. The history of OSHA is that step by step they have saved thousands and thousands of lives.

One of the worst industries for safety before OSHA came into existence was the construction industry. The construction industry is still one of the most unsafe industries, but it has made tremendous strides in terms of saving lives as a result of being forced to follow certain kinds of standards by OSHA.

I think we need more light thrown on this subject, and for that reason we have prepared some information for each member of the committee by district, and they can get familiar with the problem in their district with this information that we have compiled.

For example, according to the Bureau of Labor Statistics in 2003, there were 200 worker deaths in the State of Illinois. But in the 13th Congressional District of Illinois, 69.5 percent of all the state's deaths took place. I think the Member of Congress from the 13th district ought to know that and take a look at what has happened in that district.

This packet that we want to prepare for each Member includes a chart detailing the statistics. The chart also lists the worker deaths according to the industry the person worked in and also the type of incident that was responsible for their death: was it a fall, contact with equipment, et cetera. The information is also broken down between government workers and those working in the private industry. This packet also includes a census report for each one of the districts showing how it relates to the surrounding areas, et cetera.

We will prepare this for each Member to just let them know how serious a matter this is in terms of their own immediate districts. We think working families in America should not be treated as if they lived in a Third World country, and a lot of Third World countries mores are being attempted by certain U.S. industries.

Particularly the construction industry, the construction industry looks for the most vulnerable people, immigrants. Illegal immigrants are employed in large numbers in the construction industry. And I come from a

city where 40 percent of all male blacks are unemployed, according to two studies, two studies that confirm that 40 percent of all male blacks are unemployed. Yet there is a tremendous amount of construction going on, and if we go around the construction sites, we will find that the workers doing the manual labor, unskilled labor, are immigrants; and in many cases there are tremendous accidents, and these people are shuffled off and frightened and intimidated to the point where they never even report it. They do not have any workman's compensation, let alone feel that they have the right to be protected under the OSHA laws.

A review of more than 2,500 OSHA construction site inspection records in New York State from the year 2003 found that nearly one third of all OSHA construction violations in the State were of scaffolding or fall protection requirement violations, more than any other standard. The organizations involved in the analysis also said the results of this study as well as a separate review reveal troubling data about the plight of immigrant workers in the construction industry.

Their analysis, titled "Lives in the Balance—Immigrants and Workers at Elevated Heights at Greatest Risk in Construction," was prepared by the New York State Trial Lawyers Association and issued by the New York Committee for Occupational Safety and Health and the Association of Community Organizations for Reform Now, called ACORN. Two other organizations Make the Road by Walking, and the New York Immigration Coalition, also sponsored the study.

□ 1500

The study reviewed all construction site OSHA inspections conducted in the State during 2003. Now, personally, I know and I have related on this floor, the total accidents that have taken place since then in New York City. Five immigrant workers lost their lives in a trench that was being constructed without proper safeguards.

I want to repeat that there is a class problem developing in America. There is a class problem. Those in power are insensitive to the needs of those who are out there working on the front lines, whether it is in domestic service or in dangerous jobs like construction, trucking and a number of chemical plants. These are dangerous jobs, but they have to be done. Our industries cannot survive without people who work in those dangerous jobs. They deserve all the protection we can give them. Just as the soldiers on the front lines in Iraq, Afghanistan or anywhere else always deserve the best that we can give them. Every soldier is automatically a hero when he goes out to fight for his country, because for every one who goes out to fight, there are a few hundred thousand left behind who will never be called. We should recognize and honor those who go out to fight. Therefore, the best armor protection, the best bullet-proof vests, all of

the things that are available to protect an individual's life should be available to those who go out to fight.

What we have found in this present war in Iraq is that people on the top, with their class-conscious sentiments at work, did not provide at first the kind of protection that should have been provided to the soldiers on the front lines out there. The soldiers come from the same working families. I cannot stress enough the need for all Americans to recognize that we are all in this together.

We have a governor of New York State now whose son was in the National Guard in a program that required that, once he came out, he had certain duties and obligations. This governor's son now is asking for a waiver. He does not want to go to Iraq; he wants a waiver. What kind of a message is that sending to all of the mothers and fathers of young men and women who have gone off to fight in Iraq in terms of our society? The person with the power does not want to make a sacrifice of his son.

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

Madam Speaker, let me remind my colleagues what this small, innocuous bill does. It says to the Secretary of Labor and to OSHA that the arbitrary, 15-day deadline that is in the statute for complying with an OSHA citation or to respond to OSHA can, in fact, be waived under special circumstances, if OSHA believes that the employer missed it by accident or had other extenuating circumstances, they have the option of extending the 15-day deadline. That is all this bill does.

Now, some of my colleagues on the other side have suggested, well, no, they already have this authority. But the fact is, they do not. The ability of the commission to waive a deadline on a case-by-case basis when circumstances warrant it have been drawn into increased legal uncertainty by the recent decision of the U.S. Circuit Court of Appeals for the Second Circuit in *Chao v. LeFrois Builder, Incorporated*, and indeed, as recently as 2003, OSHA has argued that OSHRC does not have the authority to apply this rule.

So we think that voluntary cooperation between OSHA and the employer community will, in fact, lead to a safer workplace. And as the chart showed that I displayed earlier, workplace injuries and fatalities have continued to decrease in each year of the Bush administration.

Let us make this commonsense change to help employers and their workers achieve a safer workplace.

Mr. GENE GREEN of Texas. Madam Speaker, I rise today in opposition to these measures. This legislation moves in the wrong direction for worker safety.

We are spending valuable time changing small portions of OSHA to overturn court decisions and tweak the law to benefit industry.

I'm not sure we should be spending time addressing all these small issues when we

know that reporting requirements are a problem and we could be doing something about it.

It doesn't matter in which facility these accidents occurred. The fact is people should know if an accident has occurred and the company managing the site should report it whether contract workers were involved or not.

If someone is seriously injured at my home, regardless if I'm at fault, there will be a report by the paramedics or the police and it will list my residence.

In March, fifteen people were killed in a refinery accident in Texas City. None of them will be on the injury site log because the law doesn't require them to list contract workers.

Since 1991 we've known reporting requirements should be changed to include contract workers. The report recommending this was sanctioned by OSHA under the first George Bush's administration.

There is no reason the Republican leadership couldn't allow at least some discussion on the reporting issue today. People have the right to know if they are applying for a job at a facility that has a poor safety record.

We should be talking about real issues instead of making things just a little better for industry. We've known about this problem for 14 years. That's too long to avoid making a simple change to the law to require site-based reporting of injuries.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today to speak in opposition to H.R. 739, a bill to amend the Occupational Safety and Health Act of 1970 to provide for adjudication flexibility with regard to the filing of a notice of contest by an employer following the issuance of a citation or proposed assessment of a penalty by the Occupational Safety and Health Administration. In essence, this bill would amend current law to authorize the Occupational Safety and Health Review Commission (OSHRC) to make exceptions to the 15-day deadline for employers to challenge OSHA citations if the employer's failure to meet this deadline is due to a "mistake, inadvertence, surprise, or excusable neglect."

This would weaken the ability of the Occupational Safety and Health Review Commission to enforce the current deadline and would encourage increased litigation and disrupt OSHA's ability to address workplace hazards in a timely manner. OSHA is already "astonishingly ineffectual" in protecting workers' lives. In the past 20 years OSHA has failed to seek criminal prosecutions in 93 percent of the cases where employers' willful and flagrant safety violations ended up killing workers. (New York Times/December 2003). Furthermore, according to a recent GAO report, since 1996, OSHA has cut resources dedicated to enforcement by 6 percent.

The U.S. lags behind other western nations in protecting workers' lives. A U.S. construction worker is 4 times more likely to be killed on the job than one in Denmark. (Center for Worker Rights 2004). As a New York State Supreme Court Judge observed: "Why Congress has adopted such a spineless response to industrial malfeasance is best left to voters to assess." (Newsday, 1/15/04).

As responsible Members of congress, we cannot afford to vote for this bill. I urge my colleagues to oppose H.R. 739.

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

The SPEAKER pro tempore (Mrs. WILSON of New Mexico). All time for debate has expired.

Pursuant to House Resolution 351, the bill is considered read for amendment and the previous question is ordered.

The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

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

The yeas and nays were ordered.

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

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION EFFICIENCY ACT OF 2005

Mr. BOEHNER. Mr. Speaker, pursuant to House Resolution 351, I call up the bill (H.R. 740) to amend the Occupational Safety and Health Act of 1970 to provide for greater efficiency at the Occupational Safety and Health Review Commission, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. TERRY). Pursuant to House Resolution 351, the bill is considered read for amendment.

The text of H.R. 740 is as follows:

H.R. 740

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 "Occupational Safety and Health Review Commission Efficiency Act of 2005".

SEC. 2. OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

(a) INCREASE IN NUMBER OF MEMBERS AND REQUIREMENT FOR MEMBERSHIP.—Section 12 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 661) is amended—

(1) in the second sentence of subsection (a)—

(A) by striking "three members" and inserting "five members"; and

(B) by inserting "legal" before "training";

(2) in the first sentence of subsection (b), by striking "except that" and all that follows through the period and inserting the following: "except that the President may extend the term of a member for no more than 365 consecutive days to allow a continuation in service at the pleasure of the President after the expiration of the term of that member until a successor nominated by the President has been confirmed to serve. Any vacancy caused by the death, resignation, or removal of a member before the expiration of a term for which a member was appointed shall be filled only for the remainder of such term."; and

(3) in subsection (f), by striking "two members" each place it appears and inserting "three members".

(b) NEW POSITIONS.—Of the two vacancies for membership on the Occupational Safety and Health Review Commission created by subsection (a)(1)(A), one shall be appointed by the President for a term expiring on April

27, 2008, and the other shall be appointed by the President for a term expiring on April 27, 2010.

(c) **EFFECTIVE DATE FOR LEGAL TRAINING REQUIREMENT.**—The amendment made by subsection (a)(1)(B), requiring a member of the Commission to possess a background in legal training, shall apply beginning with the two vacancies referred to in subsection (b) and all subsequent appointments to the Commission.

The SPEAKER pro tempore. Pursuant to House Resolution 351, the amendment in the nature of a substitute printed in the bill is adopted.

The text of the amendment in the nature of a substitute is as follows:

H.R. 740

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 "Occupational Safety and Health Review Commission Efficiency Act of 2005".

SEC. 2. OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

(a) **INCREASE IN NUMBER OF MEMBERS AND CRITERIA FOR MEMBERSHIP.**—Section 12 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 661) is amended—

(1) in the second sentence of subsection (a)—

(A) by striking "three members" and inserting "five members"; and

(B) by inserting "legal" before "training";

(2) in the first sentence of subsection (b), by striking "except that" and all that follows through the period and inserting the following: "except that the President may extend the term of a member for no more than 365 consecutive days to allow a continuation in service at the pleasure of the President after the expiration of the term of that member until a successor nominated by the President has been confirmed to serve. Any vacancy caused by the death, resignation, or removal of a member before the expiration of a term for which a member was appointed shall be filled only for the remainder of such term."; and

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(b) **NEW POSITIONS.**—Of the two vacancies for membership on the Occupational Safety and Health Review Commission created by subsection (a)(1)(A), one shall be appointed by the President for a term expiring on April 27, 2008, and the other shall be appointed by the President for a term expiring on April 27, 2010.

(c) **EFFECTIVE DATE.**—The amendment made by subsection (a)(1)(B) shall apply beginning with the 2 vacancies referred to in subsection (b) and all subsequent appointments to the Commission.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. BOEHNER) and the gentleman from New York (Mr. OWENS) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BOEHNER).

GENERAL LEAVE

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 740.

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

There was no objection.

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

Mr. Speaker, the second bill we will debate is another narrowly-crafted bill

that addresses a specific problem we found in the OSHA law.

For nearly two-thirds of its 30-plus years of existence, the Occupational Safety and Health Review Commission has been undermanned and unable to function properly. Now, because a quorum of two out of the three total commissioners is needed for timely decision-making, the Commission has in the past been unable to act simply because a quorum was not present.

There are a number of reasons for this. The appointment process is sometimes controversial, leading to vacancies, and sometimes commissioners must recuse themselves from considering cases, meaning even if there is only one seat open, there is often no working quorum. For too much of its history, the Commission has been unable to gain a working quorum and, as a result, is simply unable to function, despite being otherwise fully staffed. The Occupational Safety and Health Review Commission Efficiency Act increases the membership of the Commission from three to five members to ensure that cases are reviewed in a timely fashion.

Increasing membership to five commissioners will help ensure that cases are reviewed in a more timely fashion, improving the current system of judicial inactivity that only results in government waste. In short, it will allow the Commission to complete its job by reducing the case backlogs that are as much as 8 years old. Now, the Commission's sister agency, the Federal Mine Safety and Health Review Commission, has 5 panelists, and we have found has worked well in reviewing cases more efficiently. Lastly, the bill permits incumbent members whose terms have expired to stay on until a replacement can be confirmed by the Senate, and most vacancies occur during these turnovers.

The U.S. economy is improving more and more, and employers are hiring new workers each and every month. Last week, the Labor Department reported that 3.7 million new jobs have been created since May of 2003. We want small businesses hiring more workers and contributing to our economy, not facing years of OSHA-related litigation if they cannot resolve it simply because the Commission has an endless backlog of cases. This bill simply ensures that OSHA cases are resolved in a timely and efficient manner, a goal that we all should support. Employers who make good-faith efforts to comply with OSHA standards deserve to be treated fairly and have their day in court, and this measure will help ensure that they receive that opportunity.

Mr. Speaker, I ask my colleagues to support the bill.

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

Mr. OWENS. Mr. Speaker, I yield such time as he may consume to the ranking member of the committee, the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman for yielding me this time, and I thank him so much for his service to this committee and for his constant support of workers' rights, workers' health and safety, and the protection of their families if they are injured on the job.

The Occupational Safety and Health Act has substantially improved the safety of the American workplace to the benefit of the American worker. Far fewer workers are killed or injured today than was the case before the law was enacted. Despite this progress, too many Americans continue to be sick or injured or killed in workplace accidents that could or should have been avoided.

Every day, 15 workers are killed on the job. Another estimated 50,000 to 60,000 die every year due to occupational illnesses. Hundreds of thousands of workers face serious injuries on the job every year. Liberty Mutual, the largest workers' compensation insurance company, estimates that the direct cost of occupational injuries and illnesses is \$1 billion a week.

Two major workplace tragedies, one in Texas this year and the other in Ohio last year, underscore the need to strengthen, not weaken, the health and safety laws of this country.

On March 23 of this year, a huge explosion at the BP Amoco Texas City refinery killed 15 workers and injured 170 others. Although BP initially blamed contract workers for the explosion, it now appears that faulty equipment played a major role in this catastrophic blast. As it turns out, the BP Amoco refinery in Texas City has been a repeat safety violator.

Repeat safety violations also played a key role in the deaths of four iron workers when a massive bridge crane collapsed near Toledo, Ohio, in 2004. The contractor Fru-Con failed to address urgent issues with anchoring the crane properly raised by the crane's European manufacturers. OSHA fined Fru-Con \$280,000 and cited the contractor for willful safety violations.

Rather than taking decisive action on behalf of hardworking employees, like increasing the minimum wage, stopping runaway pension terminations or expanding access to health care, these bills do nothing more than jeopardize the health and safety protections of employees on the job.

H.R. 742 significantly diminishes the protections of Occupational Safety and Health by discouraging OSHA from even enforcing the Occupational Health and Safety Act and punishing taxpayers unless the agency, like Perry Mason, can win every case. That simply is not going to happen, and this bill weakens workers' protections.

H.R. 740 unnecessarily expands the size of the Occupational Health and Safety Review Commission, and H.R. 741 weakens the fundamental responsibilities of the Secretary of Labor. It contorts the law and confuses enforcement responsibilities of both the Secretary and the review commission.

Finally, H.R. 739 creates a legal loophole for employers' obligations to meet the 15-day deadline for contesting an OSHA citation or notice of a failure to abate a hazard. The deadline for an employer's response was set at the 15-day mark to encourage both a timely correction of cited workplace hazards and expediting the handling of cases. The commission already has the authority to review any missed deadlines on a case-by-case basis in a manner that protects both employers and workers.

We have an obligation to help hard-working Americans and their families to have a safe and healthy workplace. These bills do the opposite. Taken together, these bills will significantly weaken OSHA enforcement laws, and I urge my colleagues to oppose H.R. 742, 741, 740 and 739.

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

Mr. Speaker, I appreciate the previous speaker. I know he is really busy today and had to go "no" on all four bills, but maybe I can refocus us just a little bit and explain that we are on one bill right now, and it is a very simple bill. It is H.R. 740, the Occupational Safety and Health Review Commission Efficiency Act of 2005. Maybe we can concentrate just on this bill now for this hour and understand that this is a badly-needed change in OSHA unless you do not believe OSHA ought to work, unless you do not believe that the OSHA Commission should be in place.

This legislation is especially timely. In April, the Occupational Safety and Health Review Commission's term expired, placing the Commission in the same position it has been in for almost two-thirds of its existence; now, listen to me: almost two-thirds of its existence for the last 34 years undermanned and unable to function properly. Well, why is that important? It is not. It is only important to someone who has a citation hanging over their business, hanging over their head, and you cannot get the review commission to operate. It is clearly, after 34 years: No, we understand it does not work. Half of the time they cannot do business.

H.R. 740, the Occupational Safety and Health Review Commission Efficiency Act, increases the size of the Occupational Safety and Health Review Commission from three members to five. My goodness. We really need to spend a lot of time debating this.

□ 1515

We are actually going to change this commission, like most commissions in the Federal Government, and change it to five members so it finally can do the job that the Congress in 1970 wrote into the law they wanted it to do. What an extreme bill this is.

The bill changes the quorum requirements from two members to three members, and allows the President to consider legal training, in addition to education and experience, as criteria in selecting an individual to serve on the board.

Finally, H.R. 740 allows a confirmed member of the commission to continue to serve for up to 365 days to prevent the breaks in service that occur when a Senate confirmation is not concluded in a timely manner. Does that mean every time somebody retires this commission goes out of business, because we cannot get the Senate to do its job? That does not matter to anybody except the small business who has a citation hanging over their head that the government will not deal with.

The committee heard testimony in the 108th Congress that because of the vacancies, the commission has been nonfunctioning for two-thirds of 30-plus years of its existence. Now, listen to that, for pity sakes. The commission that you are trying to protect has been nonfunctioning for two-thirds of the 30 years of its existence. Why in the world would you want to protect the present-day system?

Given that the creation of the commission was the catalyst for the passage of the OSH Act in 1970, there never would have been an OSHA had not this particular provision been in this review commission. And now you do not want it to work. We are trying to change that.

I believe it is important to prevent the commission from being stalled and unable to rule on cases when there is a gap in appointees. That does not serve employees or small employers well at all.

Let me make one final point. My colleagues on the other side have been very critical of the inclusion of legal training as a qualification for commissioners, criticism that I cannot understand.

Mr. Speaker, OSHRC is an adjudicative body. Legal training is therefore important because the commission writes opinions that will be reviewed by the courts if a finding is challenged. I would certainly think our Democratic lawyers would agree and understand that. But I would note that legal training is but one of three criteria the President could review before appointing a commissioner, that would mean a Democratic President or a Republican President.

Nothing in this bill suggests or requires that every member of the commission be a lawyer. The simple fact of the matter is this: when the commission is unable to rule on cases, resolution does not occur in a timely manner. That is unfair and that is wrong.

This is unfair to all parties and drastically undermined congressional intent from 1970. In the 108th Congress this bill passed the full House with bipartisan support by 228 to 199.

I urge passage again this year. And I will say, if you live in a district where there are no small businesses in that district, then I would vote "no" on this. But if I had any small businesses in my district, I would give it some serious consideration.

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

Mr. OWENS. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I rise in opposition to H.R. 740 because workers deserve to know that their interests will be heard without biased judgment by the Occupational Safety and Health Review Commission.

Grieving families across America depend on OSHA to stand up for them and for their deceased and injured loved ones. But this legislation will threaten one of the only hopes that families have for justice when a loved one is harmed at work.

By increasing the membership of the commission from three to five, the administration could actually play politics with the commission, filling it with antiworker safety appointees, making it more difficult to reach a quorum than now. The very idea that it is simpler to get a three-member quorum than a two-member quorum makes no sense. If you cannot fill a quorum when you only have three, how are you going to fill it when you have five?

Since President Bush took office, it has been really clear that he intends to use OSHA to protect employers rather than employees when addressing worker safety. Why then would we believe that he would appoint members to the commission that would steer the commission toward helping the employee rather than the employer?

Employees need to know that business interests are not the primary basis of the OSHA Review Commission. The size of the OSHA Review Commission has no meaning in the face of employee health and safety, in the face of death and injury. What does it matter to the worker the size of the business or how many members sit on a commission? Death is death. Injury is injury. That is what we should be talking about, protecting our workers.

Mr. Speaker, this legislation is not what workers need or want. Their grievances must be taken more seriously than these little fixes here and there in the OSHA review. If you cannot sit three members, why could you sit five? Think about it. That is why I urge my colleagues to oppose H.R. 740.

Mr. NORWOOD. Mr. Speaker, I yield myself 1 minute. I would just like to mention to the gentlewoman from California (Ms. WOOLSEY) that this bill is not about death. It is simply about making OSHA work, making the commission work. It is as simple as that.

If you want to be against making OSHA actually work, and the review commission doing the job that the Democratic Congress wrote in the bill in 1970, then vote "no."

Mr. Speaker, I yield 3 minutes to my good friend, the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Mr. Speaker, I once again want to commend the gentleman from Georgia (Mr. NORWOOD) for his wonderful and excellent work in the area of worker safety and his real

concern for making certain that the rules under which we ask businesses and employees to work are workable.

We are all interested in workplace safety. We have got to get that on the table as often as possible. We are all interested in workplace safety.

Now, the gentleman from California (Mr. GEORGE MILLER) made some very moving and interesting points. The problem is, they do not have a thing to do with this bill, not a thing to do with this bill. We have just heard that grievances should be heard. That is a concern of somebody opposed to this bill, that grievances should be heard.

Well, we agree. The grievances should be heard. But as you heard from the gentleman from Georgia (Mr. NORWOOD), two-thirds of the time the commission has been unable to sit for a variety of reasons, not the least of which they have been unable to seat a quorum.

And then the question is raised: If you cannot sit three, how can you sit five? No, the question is, if you cannot sit two, how could you sit three? Well if you add two people to the commission, to the review commission, then it makes all of the sense in the world that you have made it easier to reach a quorum.

Mr. Speaker, I think it is also important that we keep in mind the magnitude of the discussion that we are talking about and why these things need to be fixed: 99.7 percent of all business is small business, 99.7 percent. And 75 percent of all new jobs in this Nation have been created in small businesses.

Small business owners, they work hard and they drive our economy. In this instance, regarding 740, I rise in support of H.R. 740 because if those small business owners are not working, they are not producing. If they are not producing, then jobs are not being created.

Once cited by OSHA, an employer deserves his or her expeditious day in court. And with the current membership of the review commission, it is often, we have heard extremely often, difficult to end that process. There are some cases that are before the commission right now that have been there for over 10 years, over 10 years. That is not fair to employers; that is not fair to employees.

So I rise and say that increasing the review commission will help small businesses, and it will increase the safety of workers; and I urge my colleagues to support H.R. 740.

Mr. OWENS. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Speaker, I thank my friend from New York (Mr. OWENS) for yielding me this time.

Mr. Speaker, I would be remiss if I did not tribute my friend from New

York (Mr. OWENS) for his years of advocacy for working people generally and in worker safety specifically.

Year after year, month after month, the gentleman from New York (Mr. OWENS) has come to this floor and raised these issues with great clarity and passion, and we very much appreciate his contribution in this area.

Mr. Speaker, I also appreciate the efforts of my friend from Georgia (Mr. NORWOOD) who is the author of the bill. I never thought I would see the day, I must say, Mr. Speaker, to the author where he would propose a bill that could create two jobs for lawyers.

On behalf of our profession, I guess we have to express our appreciation. I do want to note my three bases of objections to the bill. The first is it does provide the opportunity for what we might call court packing. It does provide the opportunity by expanding the commission from three members to five, that we would find a fishing expedition for two members that would be more attuned to the ideological predilection of the administration.

I do not think either a liberal or conservative administration should have the right to pack the commission. I think expanding to five members runs that risk.

Secondly, I am concerned about the undue reliance upon legal training. The language of the bill does not expressly require the appointment of lawyers, but it does indicate that the principal consideration for appointment is legal training or the lack thereof.

There are many positions in the Federal administrative service that are very complex that are adjudicatory in nature that do not require formal legal training, and I do not believe that these positions should either.

I would note for the record that none of the nonlawyers appointed to this commission in its history have been appointed by Democratic administrations. All of the nonlawyers appointed, to my knowledge, have been appointed by Republican administrations. So my objection is not partisan or ideological. I think that the door should be wide open for people of all backgrounds and ability to serve on the commission provided they are qualified.

My third objection has to do with what appears to be a minor provision, but could be a major provision. It appears that the language would permit two members of the commission, now it is expanded to five, only two members of the commission to transact business on behalf of the commission.

I do not know of really any other decisionmaking body in the Federal structure where a minority of the members can make an affirmative decision. I know of institutions where a minority can veto a decision, but I am not familiar with a situation where two members out of five could in fact act on behalf of the commission. I have a concern about that as well.

So for these reasons I would urge opposition to the bill.

Mr. NORWOOD. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, the gentleman from New Jersey (Mr. ANDREWS), my good friend, and believe me he is, I want him to be well aware that I am not certainly trying to hire two lawyers. You can be certain of that.

But we do think some legalese is advisable on the commission. But being a lawyer is only one of three criteria. I know that you know that. The other part that I just want to mention to you is that when we changed this commission to have five members so it actually will work, if you have got a better idea how to make a commission work that is totally useless right now, with three members, of course I have always been open to hear that, but we think five may well do it; but it will take three members to form a quorum, not two.

That is for sure. I appreciate you bringing that up so I can clarify that.

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

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

Mr. Speaker, I want to sum up and repeat, because I think it deserves repeating. First and most importantly, no one has really shown a need to increase the size of the commission from three to five members. We find it very unusual that the majority party with great emphasis on saving dollars on education and a number of much needed programs, wants to waste a little money on two additional members, create a little bit more of a bureaucracy by having two more members to make a decision. Instead of five people, three people can make this decision.

They have been functioning with three members since the creation in 1970. Why should it be any different now?

□ 1530

Given the enormous deficit spending promoted by this Republican majority, there is no real purpose in adding members and swelling the ranks.

Last but not least, I find it quite ironic also that my colleagues on the other side of the aisle want to tack on the requirement that the commission members have legal training. I think you have heard the expression that our colleague, the gentleman from Georgia (Mr. NORWOOD), often makes about the government being over burdened with lawyers. So I am surprised to hear that the leaning of this bill as we read it would certainly require more appointment of lawyers or somebody similar to lawyers. There is no demonstrated need for such a requirement. There is no demonstrated need for this particular addition to the bill.

The capacity of OSHA to produce cases is steadily shrinking as a result of the steady chip-away strategy of the Republican majority. They have chipped away at the budget every year. OSHA is far smaller and far less effective than it was when the Republican

majority took power in the House. Certainly that was accelerated when the Republicans took control of the White House as well as the House.

So OSHA is under attack in a way which produces less work for such a commission. Why should we increase the size of the commission when there is less work for it? It is part of the pattern to chip away in every little way and trivialize what OSHA is all about. At the same time, the only parts of the Department of Labor that are being increased are those parts that are aimed at attacking organized labor, the organizations that represent working families. We happen to know there is a great push on to drive the unions into the ground with trivial audits, financial audits mostly, of petty cash, the receipts for cab fare and receipts for lunch. Various efforts are underway at this point to force labor unions to defend themselves from bookkeeping errors.

The same kind of zeal needs to be expressed in the way that OSHA is staffed and manned to provide the basic necessities to keep our workplace safe for our workers.

Let us just discuss for a moment the 2,578 OSHA violations in Georgia in 2002. The Occupational Safety and Health Administration in 2002 issued an average of seven citations a day to Georgia businesses that year. OSHA found 2,578 violations of its rules during 1,481 inspections of companies operating in Georgia and documented more than 50 workplace deaths in that year.

In 2001, OSHA issued 2,962 citations, more than eight a day, and 1,596 inspections in Georgia. So 2002 had improved a bit from 2001. But I think it would be good if Members got in touch with what is happening in their States and in their districts.

The Atlanta Business Chronicle documented this information in an article published March 23, 2003. At that time, the Atlanta Business Chronicle had documented safety concerns in three of Georgia's largest companies, the Home Depot Incorporated, the Georgia Pacific Corporation, and United Parcel Service Incorporated. But as OSHA records show, safety is a widespread concern among many Georgia companies.

On February 24, OSHA issued a list of 14,200 U.S. facilities that had accident and illness rates at twice the national average. The national average is about three illnesses or injuries for every 100 workers that are serious enough to cause employees to lose time from work. Included in OSHA's list were 563 workplaces in Georgia, and more than 200 of them were in the Atlanta metropolitan area. Wal-Mart stores, the Nation's largest retailer, had the largest single number of Georgia facilities on the list, 11. Of the companies based in Georgia, United Parcel Service had the most facilities on the list with 174 nationwide.

Out of all the Georgia companies during 2003, Durango-Georgia Paper Com-

pany in St. Mary's was fined the most by OSHA. OSHA assessed Durango-Georgia \$258,000 after an August 19 boiler explosion that killed two workers and injured one. OSHA found 48 violations during an investigation of that accident. In addition to the safety violations that contributed to that explosion, OSHA cited the company for allowing employees to work at heights of up to 50 feet without fall protection and for requiring employees to stand on a conveyor belt to remove jammed logs without adequate protection against being caught in a machine.

It was not the first large fine against that paper manufacturer. OSHA fined the company \$157,000 after an accident had resulted in the double amputation of a worker. In 2000, the company had paid \$220,250 for 12 citations. The pattern goes on and on.

The American workplace is not a safe place. It becomes more complicated all the time. The new chemicals, new machines, and new challenges, the building of houses, buildings and facilities at higher heights, for example all lead to complications. We talk about small businesses, and it is true that a large number of construction businesses are small businesses. That does not make the work that their workers do any less dangerous. The fact that they are a small business does not remove the fact that their workers must use scaffolding. Small business workers have trenches that they dig. They are doing work that is very dirty and very dangerous. The workers in small construction firms deserve protection.

Small contractors are also the ones who are most likely to disobey immigration laws and have large numbers of people who are illegal immigrants working in their facilities. And therefore, I have noted before we have a noticeable large number of deaths of immigrants in the construction industry. And this is not confined to Georgia or any one State. This spreads right across the country.

The employers of construction companies know that they can save money by disobeying the law and using illegal immigrants. So it has become a major problem. Again, the working families of America deserve better.

We have come to the point where our economy is compared to other economies in our global partnerships around the world. We compare ourselves and say, Oh, it is awful that we cannot compete better with China. Well, China was organized as a country which has dictatorship of the proletariat. Dictatorship of the proletariat meant workers were going to be in charge. All of the unions in China are collapsing to the government. China produces a large part of its consumer goods in prisons. They produce a large part of their consumer goods in factories where workers are paid less than a dollar a day.

It is not useful for us to invoke the third world countries, the developing countries and China—I do not know what China would be categorized as—

with exploiting companies and decide that we ought to be more like that so we can be more competitive. Some allege that one way we can be more competitive is to make the workplace less safe, by providing employers with a situation where they do not have to worry about workers' safety. China—as a dictatorship—can do what they want to with their workers. They can continue, as I pointed out, pay workers the lowest possible wages, and they can also not spend any money on guaranteeing worker safety.

So given the fact that we are on the floor for the second time in 2 years with these four bills, it is an opportunity for us to educate our colleagues as to the seriousness of the current situation in the American workplace today. We must be more sensitive to the fact that our working families are out there suffering. Our health care situation does not get any better. We need to come to the rescue of private enterprise in terms of their pension funds collapsing. And their health care systems are so expensive that they are now calling for help from the government.

All of this is part of a threatening and more intimidating atmosphere that mushrooms all the time against the interests of working families. And the attack on OSHA, which is consistent, the harassment of OSHA, the downgrading of OSHA, the chip-away erosive effect of OSHA is all part of that pattern.

A Department of Labor which declares it has no money to really have an OSHA that functions appropriately is the Department of Labor which has managed to spend a great deal of money on the faith-based initiative. We noticed that large amounts of money from the Department of Labor have gone to faith-based initiatives over the last few years, and that is a great mystery as to how that money was doled out, under what criteria was it given to certain faith-based organizations. I think one got more than \$1 million. It was on the front page of the New York Times. The Department of Labor had given a grant to one faith-based group for more than \$1 million, and we do not know what it is the DOL is doing here. This all happened right before the November 2004 election. So the Department of Labor is being used for some good purpose for some group or some persons, but it is certainly not being used as the advocate for working families. And today's exercise is just one more example of how the drum beat goes on. The effort continues to minimize and trivialize that which is most important for working families in this country.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. BACA).

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

Mr. BACA. Mr. Speaker, I rise in opposition to H.R. 740 and the three other OSHA bills under consideration today.

Republicans are suggesting that our laws are hurting American jobs and productivity. How can that be so when we continue even now to push for CAFE that would outsource additional jobs outside of this area, not to mention many of the other jobs that we have lost? It is untrue. It is bad enough that millions of Americans are being shipped overseas. We cannot afford to lose any more jobs. We have got to keep them here in the United States.

Now the Republicans want to weaken the protection that exists for our Nation's workers, our Nation's workers, working families and others who deserve the right.

Last year, Republicans passed FCC and ETI, a bill that gave tax breaks to companies that moved to China and India, and I state that, moved to China and India. Half the time the consumers do not know who they are talking to when they pick up the phone because they are from some other company.

Republicans need to stop confusing people on the reason why jobs are leaving the mainstream and are being sent to mainland China. We should put the blame for losses in California and across the country where it belongs, and I state where it belongs. They failed, the policies of this administration, the President's so called compassionate conservatism has cost us 3 million jobs, and I state, 3 million jobs. That is American jobs that we could put on working families. Please end this compassion.

Remember that it was the President Bush's top economic advisors who claimed that sending American jobs overseas is a good thing. Well, we know it is not a good thing to American workers here and what it does to them.

Weakening American labor standards and allowing American workers to be exploited as they are in third world countries is not the solution. That type of thinking would put boys and girls out of the classroom and into the coal mines? These four bills are anti-worker, and I state, anti-worker, anti-safety, and they weaken the health and safety laws. And they hurt the American workers and working families.

H.R. 739 weakens enforcement of the health and safety legislation by dragging out the debate for imposing penalties.

H.R. 740 weakens worker protection by packing commissions with partisan appointees who agree with the President's anti-workers agenda, and I state, partisan appointees who agree with the President's anti-workers agenda.

H.R. 741 encouraged frivolous challenges to labor law rules and interpretation. H.R. 742 requires OSHA to pay attorneys fees for employers that win cases against OSHA.

□ 1545

However, these companies do not pay OSHA when they lose. Therefore, employers have nothing to lose by challenging those violations in court.

The real losers under this legislation are the American taxpayers, American workers, American families in this country, American people who work to make our country great.

As you can see, all four bills are antiworker laws, and the only way to justify them is to trump up charges that worker protection laws are costing American jobs and hurting American productivity. That is not true, because it is American families, American workers who have made this country great. We need to keep them here, and we need to protect them here in the United States.

Mr. Speaker, I urge my colleagues to oppose all four of these anti-OSHA bills.

Mr. Speaker, I rise in opposition to H.R. 740 and the other three OSHA bills under consideration today.

Republicans are suggesting that our laws are hurting American jobs and productivity.

This is untrue. It's bad enough that millions of American jobs are being shipped overseas.

Now Republicans want to weaken the few protections that exist for our Nation's workers.

Last year, Republicans passed the FSC/ETI bill that gave tax breaks to companies that move to China or India. Republicans need to stop confusing people on the reasons why jobs are leaving Main Street and being sent to mainland China.

We should put the blame for job losses in California and across the country where it belongs: the failed policies of this administration. The President's so-called compassionate conservatism has cost us 3 million jobs. Please end the compassion!

Remember that it was President Bush's top economic advisor who claimed that sending American jobs overseas is a good thing.

Weakening America's labor standards and allowing workers here to be exploited as they are in third world countries is not the solution. That type of thinking would take boys and girls out of the classroom and into the coal mine.

These four bills are anti-worker and anti-safety. They weaken health and safety laws and hurt American workers.

H.R. 739 weakens enforcement of health and safety regulations by dragging out the date for imposing penalties.

H.R. 740 weakens worker protections by packing the commission with partisan appointees who agree with the President's anti-worker agenda.

H.R. 741 will encourage frivolous challenges to Labor Department rules and interpretations.

And, H.R. 742 requires OSHA to pay attorney fees for employers that win cases against OSHA. However, those companies do not pay OSHA when they lose. Therefore, employers have nothing to lose by challenging most violations in court.

The real losers under this legislation are American taxpayers and American workers.

As you can see, all four bills are anti-worker laws. The only way to justify them is to trump up charges that worker protection laws that are costing American jobs and hurting American productivity.

Mr. Speaker, I urge my colleagues to oppose all four of the anti-OSHA bills.

Mr. NORWOOD. Mr. Speaker, how much time do we have left on each side?

The SPEAKER pro tempore (Mr. TERRY). The gentleman from Georgia (Mr. NORWOOD) has 17½ minutes remaining, and the gentleman from New York (Mr. OWENS) has 4½ minutes remaining.

Mr. NORWOOD. Mr. Speaker, I yield 3 minutes to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Speaker, I thank the gentleman from Georgia for yielding me this time and for his leadership.

Mr. Speaker, we just heard about how antiworker this legislation is, as well as the other three bills; but I would like to clarify a few things. This is not an antiworker agenda. What this does is simplify the rules that govern OSHA.

Now, there seems to be some thought that this legislation is going to make it more dangerous for workers or that it is antiworker, and that is really not the case. What we are trying to do is smoothly process the help that OSHA should be giving to employers for a safe workplace. There is no economic benefit for employers or those who keep and create jobs in America to want injured workers.

Quite the contrary. If a worker gets injured on the job, their insurance rates go up, there is loss of productivity, and quite often, small employers especially, hire family members. The last thing they would want to do is to go to the next family reunion and explain why their brother-in-law or their sister or some member of their family was injured on the job.

What we would like to see is a cooperative effort between the OSHA folks and people who keep and create jobs in America, working together for a safe work environment. One of the ways you do that is you have the timely processing of cases so that you do not have a backlog. This particular bill would simply help that backlog be alleviated.

This is a pro-worker piece of legislation. It does more to keep and create jobs in America than anything I have heard from the opposition both today and for the balance of this year. So I am very pleased to be supporting this piece of legislation.

I want to make the point that it is a pro-worker agenda that we are moving forward here because it will help us keep and create jobs in America.

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

The two speakers prior to me have raised the question of outsourcing, and other people have challenged the relevancy of that topic to this particular set of bills. Every statement I read from industry complaining about the competitive edge that other nations have mentioned the fact that our environmental laws and our safety laws and our minimum wage, that combination, puts them at a disadvantage. So it is logical to conclude that part of the exercise today is to take away one of those disadvantages, to the degree it can be accomplished. And if you have

to chip away at it with bills like this and remove worker safety as an expense that has to be undertaken. This civilized nation was built by workers and the workers deserve to have a fair break. But those that want to reduce us to the level of Third World nations or want to imitate China are going to pursue the kinds of bills that we have before us today.

So I want to just conclude with another section from the report of the AFL-CIO, their annual report on worker safety. I just want to read a few excerpts, which I think are excerpts that are important to educate our Members.

More than 306,706 workers can now say their lives have been saved since the passage of the OSHA Act in 1970. Unfortunately, too many workers remain at risk. On average, 15 workers were fatally injured and more than 12,000 workers were injured or made ill each day of 2003. These statistics do not include deaths from occupational diseases, which claim the lives of an estimated 50,000 to 60,000 workers each year.

According to the Bureau of Labor Statistics, there were 5,559 workplace deaths due to traumatic injuries in 2003, which was a slight increase from the number of deaths in 2002, when 5,534 workplace deaths were reported. Wyoming, of all places, led the country with the highest fatality rate, 13.9 people per 100,000. The lowest State for the fatality rate was 1.5 per 100,000, which was reported in Delaware.

The construction sector had the largest, as I said before, the construction sector had the largest number of fatal work injuries, 1,126 in 2003; followed by transportation and warehousing, which had 805 injuries; and agriculture, forestry, fishing and hunting, which had 707 injuries. Industry sectors with the highest fatality rates were agriculture, forestry, fishing, and hunting, 31.2 per 100,000 in hunting. Mining had 26.9 per 100,000. And transportation and warehousing, 17.5 per 100,000.

So you can see we are not here just to talk in support of the blue States, the urban States, the Rust Belt States; but the rural areas are suffering quite a bit also. The workers there—the rural areas—suffer in terms of the large number of fatalities in the workplace.

Transportation and material-moving occupations had the highest number of fatalities, 1,388, followed by construction and extraction occupations, with 1,033 fatal injuries. The occupations of greatest risk of work-related fatalities based on the number of fatalities per 100,000 employed were logging workers. Their occupation had 131.6 fatalities per 100,000; fishers and related fishing occupations had 115 deaths per 100,000; and aircraft pilots and flight engineers, 97.4 deaths per 100,000 employed.

Very interesting that simple guys out there, fishers and logging workers, are in the same category as aircraft test pilots and flight engineers in terms of deaths and injuries. So our

concern is universal, and the mission of OSHA is important and should not be denigrated or trivialized by this kind of legislation.

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

I do wish my friend, the gentleman from New York (Mr. OWENS), would get the AFL-CIO to send him talking points just on this bill. That is what we have this hour for, to discuss this one bill, where we actually are trying to make OSHA work.

Now, I will go over it again. This is about an agency called OSHA that has a review commission made up of three people. This review commission was written into the law in 1970, written into the law by a Democrat House and Senate that simply said OSHA did not get to be the judge and jury. They do have the right to set the standards. They can write the regulations and enforce the regulations, but they are not to be the final judge and jury. OSHRC is. The review commission is.

Now, what we find is the commission is not working. It does seem to me that some people do not want it to work. I am not sure I know why, but to stay with a bill that is 34 years old and just like it is, thinking it is perfect, when we absolutely know that it is not. For more than two-thirds of its existence, this commission has been paralyzed by frequent vacancies and often been unable to act. Two-thirds of the time in 34 years this commission has been unable to act. For more than half of its existence, it has had two or fewer members. For 20 percent of that time it lacked even a quorum of two.

Now, why does the AFL-CIO or the labor bosses not want this to change? I do not know, but you misread it if you say working families do not want this kind of change. Because most working families in this country are in small business. And tell you the truth, many labor union members also have small businesses with their wives and sometimes themselves as a second job.

You take it on yourself to tell us what the majority party wants. Well, this is simple what we want in this bill: We want a review commission at OSHA that works. It is just that simple. We do not want any more or any less. That is all this bill is about. We believe having five commissioners will help aid that process.

Mr. Speaker, I urge all our Members to just simply come to the floor and remember what this is about. This is a small tweak in a 34-year-old bill that is not working, and it does not help anybody. It does not help workers, and it does not help employers to not pass this little thing to help this agency work.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to speak in opposition to H.R. 740, a bill to amend the Occupational Safety and Health Act of 1970 by expanding the size of the commission that hears OSHA appeals from three to five members. Supporters of the measure argue that the panel has had difficulty meeting a quorum because of recusals

and vacancies. However, I would argue that the change would allow the current Administration to stack the board with pro-business members.

Many responsible employers are tired of continually being underbid by unscrupulous and reckless operators that refuse to spend anything on protecting workers' lives or promoting public safety. Voting in favor of H.R. 740, could potentially erode a basic respect for human life. We must remember that workers killed on the job are someone's son or daughter, husband or wife, and/or father or mother. Unlike other victims of crime, their lives are often seen as expendable. As a Mexican Consular officer said: "Too many employers don't see these people as human beings." Bereaved family members suffer further upon discovery that federal law denies them justice. If H.R. 740 is allowed to pass, we would be allowing the current Administration to stack the board with pro-business members. I urge my colleagues to oppose the passage of H.R. 740.

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

The SPEAKER pro tempore. All time for debate has expired. Pursuant to House Resolution 351, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

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

The yeas and nays were ordered.

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

OCCUPATIONAL SAFETY AND HEALTH INDEPENDENT REVIEW OF OSHA CITATIONS ACT OF 2005

Mr. BOEHNER. Mr. Speaker, pursuant to House Resolution 351, I call up the bill (H.R. 741) to amend the Occupational Safety and Health Act of 1970 to provide for judicial deference to conclusions of law determined by the Occupational Safety and Health Review Commission with respect to an order issued by the commission, and ask for its immediate consideration in the House.

The Clerk read title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 351, the bill is considered as having been read for amendment.

The text of H.R. 741 is as follows:

H.R. 741

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 "Occupational Safety and Health Independent Review of OSHA Citations Act of 2005".

SEC. 2. JUDICIAL DEFERENCE.

Section 11(a) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 660(a)) is amended in the sixth sentence by inserting before the period the following: “, and with respect to such record, the conclusions of the Commission with respect to questions of law that are subject to agency deference under governing court precedent shall be given deference if reasonable”.

The SPEAKER. The amendment in the nature of a substitute printed in the bill is adopted.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 741

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 “Occupational Safety and Health Independent Review of OSHA Citations Act of 2005”.

SEC. 2. INDEPENDENT REVIEW.

Section 11(a) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 660) is amended by adding at the end the following: “The conclusions of the Commission with respect to all questions of law that are subject to agency deference under governing court precedent shall be given deference if reasonable.”.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. BOEHNER) and the gentleman from New York (Mr. OWENS) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BOEHNER).

GENERAL LEAVE

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 741, the bill now under consideration.

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

There was no objection.

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

Mr. Speaker, the third bill we will debate today is another narrowly crafted bill that addresses a specific problem we found in the OSHA law.

In 1970, when it created OSHA, Congress also created the Occupational Safety and Health Review Commission to independently review all OSHA citations. The commission was intended to hold OSHA in check and ensure that it did not abuse its authority. Congress passed the OSHA law only after being assured that judicial review would be conducted by “an autonomous independent commission which, without regard to the Secretary, can find for or against the employer on the basis of individual complaints.”

Congress even separated the commission from the Department of Labor. It was truly meant to be independent. The bill before us, the Occupational Safety and Health Independent Review of OSHA Citations Act, restores the original system of checks and balances intended by Congress when it enacted the OSHA law, and ensures that the commission and not OSHA would be

the party who interprets the law and provides an independent review of OSHA citations.

Now, let me try to put this in simpler terms. If you are stopped by a police officer and issued a citation for speeding, would you want the same police officer to be your judge and jury and decide whether you are guilty? Of course you would not. And unfortunately for small businesses today, the law is ambiguous and it is vague. Since 1970, the separation of power between OSHA and the review commission has become increasingly clouded because of legal interpretations, mostly argued by OSHA in efforts to expand its own authority.

□ 1600

Congress intended there to be a truly independent review of disputes between OSHA and employers, and when a dispute centers on OSHA’s interpretation of its authority, Congress intended the independent review commission, not the prosecuting agency, OSHA, to be the final arbiter. H.R. 741 restores this commonsense system of checks and balances.

Small businesses are the real engine of job growth in this country, and we should be helping them, not hindering their progress. Last week, the Department of Labor reported that more than 3.7 million new jobs have been created since May 2003. We want to make sure that onerous government regulations do not hamstring small businesses’ ability to continue to hire workers and compete in our economy. That is another reason why all of these OSHA reform bills are important.

The measure before us is a narrowly crafted, commonsense bill that address a specific problem in the OSHA law. It passed the House last year and deserves the support of all of our Members.

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

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

I want to make my comments on this bill very briefly. Essentially, H.R. 741 weakens the fundamental policy of the Secretary of Labor while enhancing the powers of the OSHA commission. Such action would create two divided regulators and a great deal of confusion. The Secretary of Labor is best able to regulate and enforce safety standards, and as such, the authority should remain with her. This is just plain common sense. I urge my colleagues to vote “no” on H.R. 741.

We do not need more confusion. More confusion is only a way to trivialize and make OSHA less effective.

Mr. Speaker, I would like to turn my attention to an issue that should be of great concern to all Members of this body in relation to this particular subject, and that is worker deaths and serious injuries. Between 5,000 and 6,000 American workers are killed on the job every year by willful and negligent safety violations on the part of errant employers. I have talked about that already. The surviving family members

killed by corporate wrongdoing deserve much more than just our sympathy, however. They deserve immediate congressional attention and action.

Instead of considering these bills to weaken OSHA, we should be strengthening provisions of the Occupational Safety and Health Act. We should be considering a bill like H.R. 2004, the Protecting America’s Workers Act, which I introduced on April 28 to coincide with Workers’ Memorial Day, a day set aside every year to honor workers killed on the job by safety violations. Joining me as cosponsors of H.R. 2004 are the gentleman from California (Mr. GEORGE MILLER), the gentleman from New Jersey (Mr. ANDREWS), the gentleman from Massachusetts (Mr. LYNCH), the gentlewoman from Connecticut (Ms. DELAURO), the gentleman from Maine (Mr. MICHAUD), the gentlewoman from California (Ms. WOOLSEY), the gentleman from Texas (Mr. GENE GREEN) and the gentlewoman from Ohio (Ms. KAPTUR). The bill will hold those who commit corporate manslaughter accountable at the same time it reinforces critical health and safety protections for workers nationwide.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Ohio (Ms. KAPTUR) to give us an example of the seriousness of the situation.

Ms. KAPTUR. Mr. Speaker, I thank the gentleman for yielding me this opportunity and take great privilege in coming to the floor today to place into the public realm a concern that is deep-seated in the city of Toledo and the State of Ohio which I am so honored to represent.

It in fact deals with corporate manslaughter. I stand today to oppose any weakening of OSHA statutes, and support the Owens bill to strengthen worker safety and protection. For, in fact, if those protections had been in place, the men I am going to tell Members about today would not be dead. Our community would not be in mourning. Their families would not be in mourning.

We have all observed with awe the marvelous photos of construction workers sitting on I-beams swinging above some of our Nation’s major cities. High above New York City is one photo that comes to mind, as we admire the skill and the daring of these Americans who put their lives on the line every single day. These tradespeople indeed build America. I cannot think of a citizen in our country that does not respect their prowess and their skill.

Well, the worst construction accident in the history of the State of Ohio occurred in our city on February 16 of last year. It occurred on a Federal project, a Federal project that I had authorized and that has been being built now for several years. I was so proud when we passed that legislation. I said this is going to be a Federal

project which is going to be built without one death, and we worked for almost 2½ years to sign a safety agreement with each of the trades involved in this project and with the major company and the State of Ohio. It was difficult to bring them all to the table. I said I did not want this to be another Mackinaw. I did not want dead men at the base of another river. Instead, I hoped we would build this project and demonstrate respect for those doing the work.

Well, on February 16, 2004, these four men lost their lives. Several others were seriously injured on this job. Crushed to death on this job were ironworkers Mike Phillips, age 42; Arden Clark, age 47; Mike Moreau, age 30; and Robert Lipinski, Jr., age 44.

I cannot tell Members what it was like to go to the funeral of each of these men. How poignant, how unforgettable to be with those families following an accident I know could have been prevented. But, yes, there were people in this city, people in our capital of Columbus, people in that company who did not care, who simply did not care.

One of the men who lost his life, his nickname was Bubba. Bubba Lipinski, he was such a magnificent man. He weighed about 320 pounds. He was not heavy-set; he was just strong. He was about 6 feet 6. When I walked into the funeral home, his casket was the size of a child's casket, a mountain of a man, crushed to death.

Joe Blaze, the President of the Local Ironworkers observed, "What happened will affect our community for generations." The local paper, The Toledo Blade, reported, "Workers told investigators the crane's rear legs," this is, the crane that fell, "were held up with 14 inches of shims and no anchors in the footers while each front leg had shims in only one of only two anchors." The workers were literally crushed when this million-ton crane moved, and it just could not hold itself. And it fell, crushing them to death in the process.

The question really is, why did it fall? Incredibly, its feet were not tied down. And people knew that. People in the company knew that. There are internal memos that show that they knew that.

But though the accident occurred over a year ago, the State of Ohio, that I view as an accomplice in this willful manslaughter, will not release inspection records. OSHA will not permit its inspector general at the Department of Labor to give us the pre-accident inspection reports. So, who was on site? Who was not on site? Who should have inspected? Who did not?

Moreover, there seems to be an issue of whether the Federal Government had responsibility to inspect a "launching Gantry crane", which is a specialized type of crane, that is, whether OSHA really had responsibility for inspecting launching Gantry cranes as opposed to other types of cranes.

Another major wrinkle, is that this particular crane, and there were two of them, was made in Italy, not the United States. The crane was imported. The men were a little uncomfortable with that. They generally build their own cranes and then build bridges using those cranes. Yet the State of Ohio assured the workers that it was of equal measure to any crane built in the United States. But there seems to be a little stickler in the OSHA regulations that OSHA may not equally regulate foreign imported cranes to the same standards expected of U.S. made cranes. They are not held to the same standard. Hmmm, why would that be?

I tried last month during the markup of the Labor, Health and Human Services appropriations bill to include simple report language in that bill, which is never denied to a member of this House, merely asking the Department of Labor's Occupational Safety and Health Administration to gather all records relating to the inspections that should have been done on the job, or lack thereof, prior to the accident and to provide them to the public record as well as to provide any communications that have occurred with the U.S. Department of Justice related to this accident. This was denied to me as an elected representative of the people of my district. It was denied to me by the Republican majority of this House, by the Republican majority of my committee, and by the Republican leader of the committee that is on the floor today.

I am angry. I am very angry. They do not want any oversight. They want the weaker OSHA regulations. They do not care about these men. They do not care about their families.

I have asked the majority to hold oversight hearings regarding OSHA's action or inaction in this I-280 Federal interstate highway accident. No word yet. No word yet on their willingness to agree for a request for a hearing. Surely the Congress has an oversight responsibility in a matter as serious as this one.

OSHA's Midwest office has ruled there was willful negligence on the job. And for reasons not completely understood, although they ruled willful negligence, they had to change the ruling. The ruling has now been changed. We do not know who changed the ruling. We want to know that. Now it has been termed "unclassified". It has gone from willful negligence, or corporate manslaughter, to unclassified. What does that mean?

It probably means that as the individual court cases move forth locally, somehow civil litigation is going to be affected by a careful dance of words. How absolutely cruel. Cruel. We talk about being pro-life. You are looking at a pro-life Member, and every one of those lives means everything to us. They went to work faithfully. They worked hard. They did magnificent work. I was up on that bridge last winter. It was blasted cold up there and

windy. I represent the Saudi Arabia of wind up there on Lake Erie. They went to work in 32 degrees below zero. It was so cold with that wind factor.

Now guess how much OSHA is able to fine the company, and this is a \$300 million to \$400 million project, how much is OSHA able to fine the company and others responsible for this serious loss, a total of \$70,000 for each lost life. \$70,000 for each lost life? That is travesty. For 4 lost lives, OSHA will impose a fine totalling \$280,000 on a \$300 million-plus project. That equals a fine of .0009% . . . almost embarrassing were it not so wrong. And, the money goes to the U.S. Treasury; it does not even go to the victims' families. What kind of country is this? What kind of shop are we running here?

Well, in my opinion, in cases of such gross negligence and criminal manslaughter, there should be more than civil damages and OSHA fines.

Our chief of police who is a very measured man said these men were murdered. There is criminal wrongdoing here. You know the amazing thing about our law, though this is a \$300-plus million transportation project, I cannot even dedicate a few percentage points to give money to our local county prosecutor to investigate the nature of the negligence get to the bottom of this. The Department of Labor does not allow it. The Department of Transportation does not allow it. How do we find out what happened?

My questions are, where was OSHA? Who was investigating and who was inspecting on site? Where was the State of Ohio Department of Transportation? Where was their inspection? Why did they sign an acceleration agreement with the company—to make work on the project move even faster when the workers were a year and a half ahead of schedule? Who knew those footers were not tied down, both at the front and back ends of the launching Gantry crane? Did OSHA purposely not inspect what is termed a launching Gantry crane? Did OSHA not inspect nor require equal standards on a foreign made crane similar to one that is made in the United States of America?

□ 1615

Why did I have to jump start the negotiation of a safety agreement before construction started? Why did OSHA not do that? Why did the U.S. Department of Transportation not do that? Why did the State of Ohio not do that? The State of Ohio has got their head in the sand. Those in charge are hiding in Columbus somewhere under the sidewalk. You cannot even find them. Here we have the largest transportation project in Ohio history with criminal manslaughter, and they are all taking the duck.

Why is this Congress undermining what little authority OSHA ever had? What are we doing here? And who are we doing it for? Fru-Con, the major contractor? They have been responsible for five deaths in the last year at two

different project sites. That is quite a record.

We have now been told OSHA has not developed a standard or promulgated a rule stating that foreign-manufactured cranes, like this one, must equal or exceed U.S. safety standards. Who is responsible? On whose hands does the blood of these men lie in this House? On whose hands does it lie? I have a pretty good idea. Recommendations for such a standard were made nearly a year ago but not acted upon. Why not? Why not? Why has this Congress not demanded and implemented as soon as possible these regulations? Or made meeting U.S. standards a condition of eligibility for Federal funding? There is a serious abdication of responsibility here. We were always taught in school, there are sins of commission and there are sins of omission. Both sides of the ledger you are accountable for. Here there is a serious abdication of responsibility by the U.S.—an omission, a purposeful omission. The inept Department of Labor caused the deaths of these men, as well as those in this Congress that would seek to weaken OSHA and gave no value to their lives.

These men died, in my view, because of the apparent willful negligence of our U.S. Department of Labor and the office of safety and health within it that was supposed to be set up to protect their lives as well as their allies here in the Congress who are completely undermining worker safety laws. They have abdicated their responsibility not just as lawmakers but as human beings to their fellow men and women to conduct aggressive oversight. The State of Ohio, as the contractual agent for the federal government, fell asleep on its oversight. The fact there are 4 dead men, and a half dozen injured is grim testament to that.

I have appealed already to our Committee on Education and the Workforce to hold hearings into this tragedy in Ohio. The hearings ought to be held in Ohio. It is my hope that, in spite of the actions being taken today, there might be some accountability, some conscience out there that asks—no, that demands—that this Congress act on behalf of the mothers and the fathers and the wives and the children and every single person in our community that goes under that bridge every day or looks at that construction project, all the people that still lay wreaths at the site, they are numerous, all the prayers, all the offerings, all the memories that are there forever.

I want to say to my colleague from New York, Mr. OWENS you have my strongest support on your bill. I am so sorry that I have to come here to the floor today and speak these words that I know, for the families back home, is so very hard to listen to. But I feel it is my responsibility as the only voice they have got here. I want to say to the ironworkers union, if I can hold my composure, you deserve a lot better than this. You serve us with great dis-

tingtion. We value the lives of your members and the faith that they put in us to protect them. Some of us take this obligation as a sacred obligation. We salute them.

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

My colleague from Toledo clearly laid out what was a tragedy in her community with regard to the four gentlemen who lost their lives in this accident. This accident continues to be under review by OSHA. We hope that OSHA will get to the bottom of what did happen, and, more importantly, who was responsible. I do not think it serves those families, the community or any of us to point fingers and to lay blame without facts. To my knowledge at this point, this particular case is still under investigation. There are still lots of details to be gleaned. And when this picture becomes clearer, we can then take a course of action that in fact may be appropriate. But I am waiting for this review and this investigation to continue.

But the point here is that the bill that we are debating would actually, I think, assist in making the determination about who is guilty, because by making it clear that the review commission should hear these cases and can adjudicate these cases, you can make a determination about who was right and who was wrong by an independent commission, not by OSHA itself.

Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Speaker, I would like to start by saying that neither this bill nor the other three weaken OSHA. We designed these bills to help OSHA. Part of the problem is that this 34-year-old bill has been changed by activist judges, it has not been reviewed or looked at in 34 years in any sense, and these simply bring fairness back into the equation. As you can imagine, 34 years ago, we had an OSHA bill that was drawn up by a Democratic House and a Democratic Senate that was very fair, just a little tilted in one direction, and we are trying to undo that tilt just a little bit so finally, finally, maybe we can get OSHA to work with the small business community to benefit the workers.

The Occupational Safety and Health Independent Review of OSHA Citations Act restores congressional intent where the operation of the Occupational Safety and Health Review Commission is concerned. It just puts it back like it was 34 years ago. It got knocked out of whack with activist judges. When the Occupational Safety and Health Act was passed, the only reason it passed was a last-minute compromise to create an independent review commission. If you do not believe me, you do not have to. Go read the testimony. It is exactly what happened in the seventies.

It is clear in the legislative language of the OSH Act that Congress empow-

ered the commission to interpret ambiguities under the act. This, however, has been undermined by legal interpretations that did not consider congressional action at the time. I would think all of us would want them to consider what we in Congress did.

Mr. Speaker, the OSH Act empowers OSHA to inspect and propose citations for violations of safety and health standards. The commission's responsibility is to review contested citations and render judgment. OSHA's responsibility is to make up the rules and enforce the rules. But they should not sit in judgment of their own rules. That can never be fair to anybody. The Congress in 1970 understood that, and we are going to fix that in OSHA sometime very soon. Congress did not intend for OSHA to create the regulations, enforce them, and then turn around and interpret them. I would compare OSHA's role to a prosecutor, and the commission's role to a court. Congress never intended that OSHA should also be the judge and jury. This is the commission's role.

Unfortunately, that position has been undermined by other court cases, cases that did not directly deal with safety and health law, for pity's sake, which suggested that deference should be given to OSHA instead. In my view, this must be corrected, and as long as I am in this town and in this body, I am going to try to correct it.

H.R. 741 simply states that deference shall be given to the reasonable findings of the commission in accordance with the governing court precedents as Congress originally intended. In the 108th Congress, most of us understood this was important: 224 voted for it; 204 against. I know that the union bosses are against anything we do, anything that might possibly help the majority of citizens in this country who are in small business. Lord, they are always against it. But those of you who care about union members, think about them on these votes. Don't worry about the union bosses. They are going to contribute to you, anyway. Think about the workers. They are the folks who would appreciate this kind of legislation.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. I thank the gentleman from Ohio for yielding me this time, and I appreciate the leadership that he has presented to this Congress on making America more competitive in the world economy.

Mr. Speaker, this week, Congress embarks on an important agenda to make America more competitive in the global marketplace. Over the next several weeks, the House will pass significant legislation as part of the Republican Congress' competitiveness agenda. Globalization is not something we can ignore, nor is it something we can stop. As Thomas Friedman says in his book, *The World is Flat*, globalization is a reality of our world today. How Congress

deals with this reality will determine whether America remains the dominant economic superpower or whether we are relegated to a second-class economy.

America's businesses and workers have the skills and talent to compete and succeed in the global economy when given the opportunity to succeed. Unfortunately, over the past 40 years, Congress has constructed barriers to competitiveness. This institution now has a responsibility to break down these barriers and allow workers and businesses to prosper. This week of the competitiveness agenda is dedicated to eliminating bureaucratic red tape. Over the years, regulation after regulation has been levied upon our businesses, hindering their growth and development. Some of these regulations have proved helpful, but far too often these policies work simply to constrain our businesses from effectively competing and thereby keeping our workers from earning the best wages and benefits. OSHA is an excellent example of a good idea poorly executed that now hinders our businesses and workers.

The gentleman from Georgia (Mr. NORWOOD) has been a leader in the fight to keep American businesses competitive without sacrificing workplace safety and health protections. The four bills that we are considering today will establish basic principles of fairness, reduce regulatory burdens and expedite administrative reviews that will increase business productivity among America's small businesses. I want to thank the gentleman from Georgia for his vision and hard work on all these issues.

In 1971, OSHA was created to ensure a safe and healthy workplace for workers throughout the Nation. However, the bureaucracy has led OSHA to develop an adversarial relationship with our small businesses, defying common sense, good government principles and congressional intent. In order to successfully create a safe work environment, OSHA must be cooperative, not confrontational or punitive. People who own and operate businesses do not want dangerous workplaces or injured workers. They want to do the right thing, and OSHA should be there as a guide and resource, cooperatively working for a safer work environment. Unfortunately, this is simply not what is happening with OSHA.

This is particularly true in the residential construction industry where OSHA seemed to unfairly target small homebuilders in Sedgwick County, Kansas. In June of 2003, I was contacted by a group of homebuilders in Wichita who were frightened by the prospect of having to stop working in order to avoid fines from OSHA. These constituents told me OSHA was planning to fine builders for plastic cups on stairs and for workers' failure to wear earplugs while operating a wet vac. While seemingly minor issues to most of us, these fines, which some in the

community claimed could be as high as \$50,000, would effectively put small businesses out of business.

While OSHA claimed these reports were exaggerated, there is no way I can exaggerate the impact OSHA's hostility and excessive regulation can have on the still-recovering Wichita economy. In the case of these small construction companies, OSHA chose surprise visits, ill-conceived compliance guidelines and an adversarial demeanor to achieve everyone's goal of a safer, more secure workplace. The results were that many small contractors in my area of the country were forced to stop working in order to avoid unfair fines which could have been as high as \$7,000 per infraction, no matter how insignificant. Under this approach, OSHA was doing more to hurt employees than to help them, threatening the ability of the men and women of the residential construction to make a living. That is why I am a strong supporter of the gentleman from Georgia's OSHA reform legislation, including H.R. 741. This is important piece of legislation would establish an independent review of OSHA citations.

The American political structure is based on a system of checks and balances, Federal and State, the executive, legislative and judicial branches. However, OSHA currently acts both as the prosecutor and the judge for the disposition of OSHA citations. Not only is this inherently unfair and inconsistent with our political system, the structure of the Occupational Safety and Health Review Commission does not live up to congressional intent.

As the gentleman from Georgia has eloquently explained, when Congress established the OSHRC, it was designed to be an independent judicial entity to provide proper and nonbiased review and adjudication of OSHA citations.

□ 1630

This independent citation is critically important to the integrity and fairness of OSHA. Restoring this independence will help OSHA and the workers it serves.

I support the competitiveness agenda for America, and I support eliminating bureaucratic red tape, and I support the gentleman from Georgia's (Mr. NORWOOD) OSHA reform legislation.

Mr. BOEHNER. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. PRICE), a member our committee.

Mr. PRICE of Georgia. Mr. Speaker, once again I want to commend the chairman of the committee for his wonderful work in this area and commend the gentleman from Georgia (Mr. NORWOOD) for keeping this issue alive as he has tried to enact these appropriate reforms.

Once again from the opposition we have heard some very interesting stories. But the problem is they do not have anything to do with the bill. I am reminded of the newspaper correction column, that column that is on page 5

or 6 or 10 or 12. We need a correction column right here. The misstatements and the untruths by the opponents would be amusing if this were not so doggone important.

We are not interested in dismantling OSHA. We are interested in improving workers' safety. I rise to support H.R. 741, and I want to once again bring us back to the magnitude of the issues we are talking about. Small business, 99.7 percent of all business is small business; and 75 percent of all new jobs are hired in the small business sector.

Have my colleagues ever been up against Big Brother? Ever been up against Big Brother? OSHA's budget is \$468 million; 2,200 employees; 1,100 inspectors. OSHA is Big Brother. And the analogy has been used here, but what if Big Brother were the prosecutor and the judge and the jury? Unfair? Unfair? You bet. That is the current system. That is the current system under which we are working. OSHA is the prosecutor, it is the judge, and it is the jury. And that was not the intent. That was not the intent. That was not the intent.

H.R. 741 restores the original intent and the original system of checks and balances that was intended by Congress. Read the bill. What does it say? All it says is: "The conclusions of the Commission with respect to all questions of law that are subject to agency deference under governing court precedent shall be given deference if reasonable." That is it. That is all it says. What does it mean? It means that the review committee will be the independent committee and the commission that Congress intended originally. Very simple common sense.

I urge my colleagues to adopt H.R. 741.

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

Mr. Speaker, the critical question is what more important things should we be doing? This commission bill which creates confusion, to our knowledge, is still not sanctioned by the administration or the Secretary of Labor. Why are we putting such great amounts of time and energy into proposing new powers for this commission when there are other more important things that we ought to be addressing?

And the statement by the gentleman from Ohio (Ms. KAPTUR) was all related to what other important things should we be doing. Why can we not have hearings when there is a major accident with four men being killed under the circumstances they were killed in Ohio? Why can we not call in OSHA and demand that there be an expedited investigation? Why are citations allowed to be unclassified? This committee, the Committee on Education and the Workforce, has oversight over the work of the Department of Labor and OSHA. Why can we not get better answers? Why can we not consider my bill, H.R. 2004, the Protecting America's Workers Act, which will call for penalties for corporations who are guilty of the kind of neglect

that led to the deaths of the four workers in Ohio?

Even by conservative estimates, 15 workers in this country will be killed on the job today, July 12. They will be killed due to serious safety lapses on the part of their employers. Why are we wasting our time playing around with the adjustment of a commission when these workers deaths are still going on in America?

I spoke earlier about the fiery explosion some 3 months ago at the BP plant in Texas City that killed 15 workers and injured more than 100 others. This happened three months ago. It is not ancient history. Why has this committee with jurisdiction not examined that explosion more closely here in Washington? I had also previously mentioned the bridge collapse in Toledo, which the gentlewoman from Ohio (Ms. KAPTUR) discussed in greater detail.

Many other cases of worker deaths, equally as tragic and preventable, only make local headlines. They only know about them locally. And they go on in different parts of the country because we are not aware of the seriousness of the situation. The fact is that much of what happens in one area can be prevented from happening in another area if we would just address those serious issues.

Every year in New York City, for example, a number of unprotected construction workers are killed by free-falls from buildings and collapses of faulty scaffolds and concrete walls. Almost 8 months ago in Walnut Creek, California, a gas pipeline explosion killed five workers, and badly injured four others. The list goes on and on.

We welcome this opportunity to get on the record from both the Members of Congress and the American people the fact that these things are continuing—this steady rate of somewhere between 5,700 and 6,000 workers dying each year—and it has been going on too long. Why not address the fact that this is something that can be stopped? We can change the death rate by having a more effective OSHA instead of playing around the edges, as these four bills are doing.

In the words of a New York State Supreme Court justice, these worker deaths in New York were not simply “random accidents” but rather, and I am quoting the judge here, “tragic certainties.” “Tragic certainties.” The workers died as the direct result of some employer’s willful safety violations or serious negligence. What is even more reprehensible is that too often, and in the specific worker death cases I just referred to, the employers responsible for these fatalities are repeat safety offenders.

In a forum I held last year entitled, “Jobs to Die For: Inadequate Enforcement of U.S. Safety Standards,” I heard from the grieving parents of 22-year-old Patrick Walters. Patrick was buried alive on June 14, 2002, working on a sewer pipe in a 10-foot trench. Pat-

rick had spoken before about his fear of being suffocating because he was repeatedly sent down into the trenches without any protective equipment and without a metal trench box. We have a picture of Patrick here. He is the young man at the top tier of the poster to my right.

I mentioned Patrick’s employer before, Moeves Plumbing, with respect to H.R. 739. I did this because Moeves Plumbing is a repeat safety offender. The firm has been the subject of 13 OSHA inspections since 1989. Patrick died only weeks after OSHA had cited Moeves Plumbing for willful trenching violations. When OSHA settled the case of Patrick Walters’ death with Moeves Plumbing, however, they changed the willful violation to an “unclassified” one. Have we heard that before today? Unclassified, just as they did in the case of Ohio. It was not a willful violation, but an unclassified violation. A weak OSHA, a corrupt OSHA changed it to “unclassified.” Without a willful violation, the Solicitor of Labor would not recommend criminal prosecution of Moeves Plumbing. As Patrick’s parents told me last year: “We need to get some stiffer penalties and some muscle behind it, or Moeves’ company is going to kill another child again. They will. It’s only a matter of time.”

Patrick’s parents, who still live in the Cincinnati area, continue to see Moeves employees working inside trenches without any cave-in protections. As Patrick’s father told a reporter in March of 2005, March of this year, about the owner of Moeves Plumbing: “She’s killed two people now, and she’ll probably kill two people again. It’s obvious she’s not listening to what OSHA is telling her.”

Under the current OSHA Act, the maximum penalty any employer can receive for causing the death of a worker, considered a misdemeanor, is 6 months in prison and a \$10,000 fine. Six months in prison and a \$10,000 fine. Unlike surviving relatives of other crime victims, family members of workers killed on the job are left without any victim services or assistance under current law. They even lack a voice in any OSHA investigations of their loved ones’ deaths. They also lack any voice in OSHA’s subsequent negotiations with culpable employees over the downgrading of initial citations and fines tied to the worker fatalities.

By stiffening criminal penalties for those found guilty of blatant safety violations that result in worker deaths, the Protecting America’s Workers Act will make other employers think twice about ignoring basic health and safety rules that risk workers’ lives. H.R. 2004 incorporates in its entirety the provisions of a bill I introduced last year, and that was called the Workplace Wrongful Death Accountability Act. Both bills would make it a felony offense to kill a worker and provide for a term of no more than 10 years in prison. A felony offense to kill a worker, and there will be a term of no more

than 10 years in prison. For a second offense, the maximum term for a culpable employer would be 20 years in prison. Fines would be set in accordance with title 18 of the U.S. Code, which is standard practice for all other criminal matters.

In other legislative matters, everyone agrees that holding people accountable by such means as stiffened penalties serves a critically important deterrent purpose. We are often on this floor talking about the need to not be soft on crime, to come with the hardest possible punishment as a deterrent. Yet I know that there are many on the other side of the aisle who are absolutely allergic to what I am proposing here, the prospect of holding accountable any employer whose willful or grossly negligent safety offenses kill workers. They don’t want to hold accountable any employer whose willful or grossly negligent safety offenses kill workers. The opposition to holding such bad actors accountable does not even waver in instances where a number of workers are killed by the same safety violations over a 5- or 10-year period. The opposition also does not waver no matter how many workers are killed by an employer’s egregious safety offenses.

I am heartened, however, by the fact that yesterday’s “Inside OSHA” reports that Senator ENZI from Wyoming, who chairs the Health, Education, Labor and Pensions Committee, supports stiffening criminal penalties for health and safety violations that kill workers. As I understand it, Senator ENZI and I might differ on the maximum penalty for corporate manslaughter, but we agree on the need to make this a felony offense.

I believe Senator ENZI would prefer to see a maximum prison sentence for a first offense set at 18 months, whereas my bill would set the maximum at 10 years, in accordance with standard criminal law. Senators KENNEDY, CORZINE, and others introduced the Protecting America’s Workers Act on the Senate side; and they agree with setting the maximum penalty for corporate manslaughter at the 10-year mark.

Mr. Speaker, the Protecting America’s Workers Act would also extend OSHA coverage to millions of workers who currently lack the protection of workplace safety and health laws. Among others, these include public employees in a number of States and localities, certain transportation workers such as flight attendants, and a number of Federal workers, as well as those in public/private entities such as the Nuclear Regulatory Commission. Moreover, this act provides stronger protections for any worker who reports safety and health violations of an errant employer.

□ 1645

This bill requires OSHA to investigate any workplace incident that results in the death of a worker or the

hospitalization of two or more workers. At the same time, it gives surviving family members of workers who are killed greater participation rights in OSHA's workplace investigation and penalty negotiation process with the respective employers responsible for these fatalities. Moreover, it prohibits OSHA from downgrading willful citations in worker fatalities, downgrading them to this "unclassified" category. They should not be categorized as "unclassified" ever again.

Last, but not least, this bill that I propose strengthens workplace prevention efforts by requiring employers to cover the costs of personal protective equipment for their employees.

Mr. Speaker, I want to commend the New York Committee on the Safety and Health, NYCOSH, joined by COSH committees in other States, for launching a national campaign against corporate killing. This grassroots campaign will alert workers and the wider public about the importance of ensuring employers do not place profits above basic safety measures at the expense of workers' very health and lives. This is a serious business that this committee ought to be about. This is a serious business that ought to be on the floor today. This grassroots campaign says what Congress should also be saying, that it is important to ensure that employers, that bosses do not place profits above basic safety measures at the expense of workers' health and lives.

Mr. Speaker, the time for the Protecting America's Workers Act is now. Although we have been making progress and making the American workplace safer in prior administrations, that progress has stalled, and we need to act immediately in a serious manner and stop the kinds of adjustments that are taking place in the bills that are on the floor today.

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

Mr. BOEHNER. Mr. Speaker, I yield myself the balance of our time.

Mr. Speaker, having been an employer, I realized early on that the greatest asset in my business were the people who work for me. And having worked every job known to man growing up, I know that the people I worked for realized that the greatest asset they had in their business were their workers. When it comes to the protection of workers, I believe that all employers are interested in trying to protect their employees.

Congress, in 1970, passed the OSHA Act, putting in statute a set of laws, rules and regulations about the protection of American workers. And over the last, really the last 7 or 8 years, we have made great progress in reducing workplace accidents, illnesses and deaths, because OSHA, at the prodding of many of us, began to work more cooperatively with employers around the country. I have been to many work sites in my own district where voluntary protection programs have been

instituted and have been signed off by OSHA that allow employers and their employees to work cooperatively in order to have a safer workplace. And the results, the results are pretty clear. If you look at, over the last 5 years, the rate of illness, workplace injuries, and deaths has continued to decline precipitously. We are making real progress. So I would continue to urge OSHA to work with employers and their employees to help create the safer workplace that all of us want.

Now, the bill before us simply says that there ought to be this independent review of the decisions that OSHA makes, that OSHA as the policeman, as the prosecutor, as the judge and the jury, is not fair to American workers or their employers. And we believe that when Congress created OSHA in 1970, they believed, and it is clear in the legislative language and in their intent, that they believed that there would be an independent review commission making these decisions. All we do in this bill is to make clear that it is Congress's intent and that OSHA will, in fact, abide by the law as it was written.

So I would urge my colleagues to support the underlying bill today.

Ms. WOOLSEY. Mr. Speaker, I rise in opposition to H.R. 741. Instead of working to strengthen OSHA standards, my Republican colleagues have presented yet another piece of legislation aimed to weaken it by undermining the clout of the Secretary of Labor.

The Secretary of Labor should be the final authority on how OSHA law is interpreted, and this bill undermines the Secretary's authority . . . giving the Commission too much latitude.

The Secretary of Labor needs an unbiased group of peers during the appeals process. If the Commission's authority on the interpretation of OSHA law trumps the Secretary of Labor, what legal basis would the Secretary have to appeal a decision with which he/she disagrees?

The Commission's role is to fact-find and review while the Secretary of Labor is the enforcer. If the Commission becomes both the fact-finder and the enforcer, the employee cannot be ensured protection from bias. This legislation undermines the entire appeals process. It is unnecessary and not in the best interests of the employer or the employee.

If the administration was really interested in helping workers, it wouldn't be focusing on these unnecessary semantics in the law. But instead, it would be granting workers something they really need, like increased minimum wage or stricter penalties for employers that ignore safety regulations. I urge my colleagues to join me in supporting real worker reforms, not legislation promoting the erosion of worker protections.

Mr. Speaker, the administration's priorities are wrong, and I urge my colleagues to join me in opposing H.R. 741.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today speak in opposition to H.R. 741, a bill to amend the Occupational Safety and Health Act of 1970 by requiring judges in OSHA appeals cases to give more weight to the commission's decisions than to Labor Department regulators. Supporters argue the legislation would codify the intent of the 1970 Oc-

cupational Safety and Health Act (PL 91-596). However, I would argue that the measure would violate a 1991 Supreme Court ruling that gave the Labor Department priority in interpreting OSHA regulations.

Nearly every working man and woman in the Nation comes under OSHA's jurisdiction (with some exceptions such as miners, transportation workers, many public employees, and the self-employed). Users and recipients of OSHA services include: occupational safety and health professionals, the academic community, lawyers, journalists, and personnel of other government entities. To ensure that these individuals are safe and protected on the job, OSHA and its State partners have approximately 2,100 inspectors, including complaint discrimination investigators, engineers, physicians, educators, standards writers, and other technical and support personnel spread over more than 200 offices throughout the country. This staff establishes protective standards, enforces those standards, and reaches out to employers and employees through technical assistance and consultation programs. OSHA has proven that it is committed to doing its job and the Labor Department should continue to have the authority to interpret OSHA regulations.

I urge my colleagues to oppose H.R. 741.

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

The SPEAKER pro tempore (Mr. REHBERG). All time for debate having expired, pursuant to House Resolution 351, the previous question is ordered on the bill, as amended.

The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

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

The yeas and nays were ordered.

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

OCCUPATIONAL SAFETY AND HEALTH SMALL EMPLOYER ACCESS TO JUSTICE ACT OF 2005

Mr. BOEHNER. Mr. Speaker, pursuant to House Resolution 351, I call up the bill (H.R. 742) to amend the Occupational Safety and Health Act of 1970 to provide for the award of attorneys' fees and costs to small employers when such employers prevail in litigation prompted by the issuance of a citation by the Occupational Safety and Health Administration, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The text of H.R. 742 is as follows:

H.R. 742

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 "Occupational Safety and Health Small Employer Access to Justice Act of 2005".

SEC. 2. AWARD OF ATTORNEYS' FEES AND COSTS.

The Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) is amended by redesignating sections 32, 33, and 34 as sections 33, 34, and 35, respectively, and by inserting after section 31 the following new section:

“AWARD OF ATTORNEYS' FEES AND COSTS

“SEC. 32. (a) ADMINISTRATIVE PROCEEDINGS.—An employer who—

“(1) is the prevailing party in any adversary adjudication instituted under this Act, and

“(2) had not more than 100 employees and a net worth of not more than \$7,000,000 at the time the adversary adjudication was initiated,

shall be awarded fees and other expenses as a prevailing party under section 504 of title 5, United States Code, in accordance with the provisions of that section, but without regard to whether the position of the Secretary was substantially justified or special circumstances make an award unjust. For purposes of this section the term ‘adversary adjudication’ has the meaning given that term in section 504(b)(1)(C) of title 5, United States Code.

“(b) PROCEEDINGS.—An employer who—

“(1) is the prevailing party in any proceeding for judicial review of any action instituted under this Act, and

“(2) had not more than 100 employees and a net worth of not more than \$7,000,000 at the time the action addressed under subsection (1) was filed,

shall be awarded fees and other expenses as a prevailing party under section 2412(d) of title 28, United States Code, in accordance with the provisions of that section, but without regard to whether the position of the United States was substantially justified or special circumstances make an award unjust. Any appeal of a determination of fees pursuant to subsection (a) of this subsection shall be determined without regard to whether the position of the United States was substantially justified or special circumstances make an award unjust.

“(c) APPLICABILITY.—

“(1) COMMISSION PROCEEDINGS.—Subsection (a) shall apply to proceedings commenced on or after the date of enactment of this section.

“(2) COURT PROCEEDINGS.—Subsection (b) shall apply to proceedings for judicial review commenced on or after the date of enactment of this section.”

The SPEAKER pro tempore. Pursuant to House Resolution 351, the gentleman from Ohio (Mr. BOEHNER) and the gentleman from New York (Mr. OWENS) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BOEHNER).

GENERAL LEAVE

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 742.

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

There was no objection.

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

Mr. Speaker, the fourth bill we will debate today is another narrowly crafted bill that addresses a specific OSHA problem. In short, we strongly believe that small businesses that face meritless OSHA enforcement actions should not be prevented from defending

themselves simply because they cannot afford it.

The Occupational Safety and Health Small Employer Access to Justice Act levels the playing field for small businesses and encourages OSHA to better assess the merits of a case before it brings unnecessary enforcement actions to court against small businesses. Under current law, the Equal Access to Justice Act allows small business owners to recover attorneys' fees if the owner successfully challenges a citation. However, if OSHA can establish that its enforcement action was “substantially justified” or the result of “special circumstances,” small businesses can be refused attorneys' fees even if OSHA loses the case in court. Historically, the law's “substantially justified” and “special circumstances” standards have made it easy for OSHA to prevent recovery under this broad standard, so attempts by small business owners to recover costs often exacerbate the financial harm caused by OSHA's dubious enforcement actions.

Let us look at some of the facts. In 2004, OSHA cited 86,708 violations based on its nearly 40,000 workplace inspections. Yet, how many applications were filed for attorneys' fees against OSHA in 2004? That number is four. Yes, exactly four. How many were granted? Three. Three. Moreover, for the last 25 years, only 1 year has seen more than ten applications filed for attorneys' fees against OSHA. Now, when you compare that number to the more than 80,000 OSHA violations cited every year, you start to wonder. We heard testimony in our committee on this issue, and what we found is that the law's “substantially justified” and “special circumstances” standards have made it easy for OSHA to deny small businesses the ability to recover attorneys' fees.

What these numbers tell us is that small businesses can already see the writing on the wall. They know that OSHA has the upper hand, and if the prospect of recovering attorneys' fees is as bleak as it appears, then why fight the citation at all? Small employers should not be forced to knuckle under to OSHA citations and settle up front when they know and believe that they are innocent. This measure simply forces OSHA to carefully evaluate the merits of its cases against small employers before they bring the case. If OSHA's case is weak, and they bring the case anyway, then the agency will have to pay attorneys' fees, and rightly so.

Employers face relentless competition every day in the face of high taxes, rising health care costs and burdensome government regulations. The last thing they need is a meritless OSHA-related litigation that could take years to resolve. Last week, the Labor Department reported that more than 3.7 million new jobs have been created since May of 2003. We want to make sure that onerous government regulations do not hamstring small

businesses' ability to continue to hire new workers and compete in our economy. Frivolous litigation kills jobs, and this measure will help ensure that OSHA carefully considers the merits of its case before they bring an enforcement action.

The measure before us is, again, narrowly crafted and a commonsense bill that addresses a specific problem in the OSHA law. It passed the House last year and deserves the support of all of our Members.

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

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

Mr. Speaker, this is the worst of all of the OSHA bills before us today. It would treat OSHA differently than any other Federal agency. Under the Equal Access to Justice Act, if any agency's position is not “substantially justified,” the government must pay the opposing party's attorneys' fees. This bill says OSHA must pay attorneys' fees to a prevailing employer, even if OSHA's actions were reasonable. Under this bill, OSHA will find itself paying the attorneys' fees of repeated safety violators whose penalties were reduced on a technicality.

The real-life example of an employer by the name of Eric Ho in Houston illustrates the problem here. Eric Ho hired undocumented workers and exposed them to high levels of asbestos, and this represents the kind of case that could not be tolerated by OSHA. Even after a city worker issued a stop-work order, Eric Ho secretly had the workers stay on the job. Eric Ho's workers ate at the site. They worked throughout the night, and some even slept at the site. Ho then directed the workers to tap into what would prove to be a gas line, and there was an explosion which resulted in one contractor and two workers being seriously injured. In the end, OSHA cited Eric Ho for ten serious violations and 29 willful violations. In turn, Eric Ho challenged OSHA and a divided OSHA review commission eventually downgraded Eric Ho's citations. Although Eric Ho was sentenced to prison in a prosecution led by the Environmental Protection Agency, because they had jurisdiction also. Eric Ho violated the Clean Air Act and H.R. 742 would require that this man, who had been convicted by one Federal agency, be awarded attorneys' fees because of OSHA's actions. OSHA would have to award attorneys' fees to Eric Ho. In this instance, H.R. 742 would use taxpayer funds to reimburse a convicted felon on OSHA technicalities.

Under the Equal Access to Justice Act, when a Federal agency is not substantially justified and cites an employer and the employer prevails in judicial proceedings, the employer is reimbursed for his attorneys' fees and expenses by the U.S. Treasury funds. Under this bill, H.R. 742, OSHA would be required to reimburse from its own budget an employer who prevails in judicial or administrative proceedings,

even when OSHA was “substantially justified” in issuing its initial citations. Now, they say, still, they are not trying to chip away at the effectiveness of OSHA, destroying OSHA bit by bit. OSHA would have to pay out of its own budget. Whereas, under the other circumstances that are similar, U.S. Treasury funds are used. Thus, any time an OSHA staffer conducts an inspection and discovers serious safety violations, that inspector would have to second-guess himself or herself.

□ 1700

OSHA’s inspectors will be forced to perform many mental gymnastics, trying to predict whether a citation, no matter how justified, might have the slightest chance of being adjusted or overturned on a technicality in review proceedings.

Mr. Speaker, Members of both sides of the aisle agree that under its current budget and staffing configuration, it would take OSHA 108 years, 108 years to inspect all of the workplaces in America.

Now, H.R. 742 would have the effect of tying the hands of OSHA inspectors behind their own backs, causing them to analyze each and every citation in the most serious minute detail.

In a sense this bill calls for OSHA inspectors and supervisory staff to become forecasters. They will be required to predict any and all possible scenarios in which a specific citation might be reversed on a technicality. In the meantime, the founding purpose of OSHA, to assure, quote, “every working man and woman in the United States safe and healthful working conditions,” that would be more or lose forgotten.

Mr. Speaker, there are Members on the other side of the aisle who would have us believe that every OSHA inspector is like police inspector Javert in Victor Hugo’s famous novel “*Les Misérables*.”

These Members compare every business owner to Hugo’s noble character Jean Valjean, hounded by OSHA’s Javertian inspector for having innocently slipped up on one point, one miniscule point of an obscure and archaic OSHA safety rule.

In turn, those Members refuse to acknowledge the relevance of another great novelist, Charles Dickens, who captured bleak scenarios in which greed led the owners of blacking factories to subject child workers to inhumane and life-threatening conditions. In reality, we do not have to turn to 19th century novels to enlighten us on workplace safety conditions in this country. We need merely turn to the last year’s astounding New York Times investigative series on worker deaths by David Barstow.

Reporter Barstow reminded us all that someone harassing a wild burro on Federal lands in 2004 would get a stiffer penalty, that is up to a year in prison, than an unscrupulous employer whose willful safety violations resulted in the death of a worker.

As I have repeated several times during today’s debate, that employer’s malfeasance could result in a sentence of no more than 6 months in jail. However, if Mr. Barstow were to write his series this year, he would have to alter the comparison slightly. It is not, I am afraid, that we are doing a better job of holding errant employers accountable for serious safety offenses. Rather, it is because a provision in the Omnibus Appropriations Act enacted at the end of the 108th Congress repealed the protection of wild burros and horses on Federal lands.

So it is a different scenario; but still workers are no better off, I assure you.

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

Mr. NORWOOD. Mr. Speaker, I yield 2 minutes to my friend, the gentleman from Puerto Rico (Mr. FORTUÑO).

Mr. FORTUÑO. Mr. Speaker, I am quite pleased to have the opportunity today to address my colleagues and argue all to support the four OSHA bills that are being discussed today. At this point I would like to particularly address the importance of H.R. 742.

This bill narrows the target to a very specific goal, fairness. By permitting small employers to defend themselves against OSHA’s superior litigation position when they believe that they are right, we are both creating consciousness about the values and needs of occupational security and health among employers and simultaneously promoting responsibility to our regulatory agency at the moment of acting.

Reality is that many small businesses simply do not have the resources to compete against OSHA’s team of legal experts and are forced to “surrender” just because of the economic burden that litigating a case will have on their company.

It is not a matter of having a strange or poor case. It all comes down to the amount of time and money that litigating represents for them. We cannot allow our regulatory agencies such as OSHA to take advantage of their superior position and by doing so affect an important part of our national economy.

I personally have been informed by the Puerto Rico Chamber of Commerce that the main frustration among small employers is the unfair advantage that OSHA has when pursuing litigation against a small company even when the case is without merit or on shaky legal ground.

But, in fact, it is not news. Congress clearly recognized this problem when it passed the Equal Access to Justice Act. Still, this act just does not work when it comes to OSHA law.

In 2003, OSHA collected over \$82 million in penalties; but in 12 of the last 20 years, OSHA’s total EAJA awards have been less than \$10,000. This simply does not make sense in light of all of the complaints that we hear from our small business constituents. We have to promote a level playing field for all. That should be our motive.

The message that we have to make clear to the small businesses is, if you need to, you can fight OSHA and win, and your victory will involve no burden.

Mr. Speaker, no one wants OSHA to be using taxpayer money to pay attorneys’ fees instead of enforcing the law. That is not the purpose of this bill. But we do care to ensure that OSHA will think twice before pursuing expensive and time-consuming litigation in cases with no merit.

Mr. OWENS. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Speaker, I rise in opposition to this bill. If the principle in this bill were applied to U.S. attorneys across the country, we would have a crime wave like you would not believe. If prosecutors had to be sure they were going to win every time they brought a case, they would bring very few cases. And that is the flaw in this bill.

There are four kinds of results when OSHA brings an action. The first is the result when OSHA is right, when they win on every question. And this bill does not affect that situation.

The second is the mixed result where OSHA wins some and loses some, where some of the charges that they make are downgraded, others are dismissed, and others are upheld in their entirety. As I read this legislation, Mr. Speaker, in that case, it is indeed possible, perhaps likely, that OSHA would be held responsible for paying the attorneys’ fees of the defendant or accused party in that case.

The third kind of case OSHA brings is one where OSHA loses on all counts, but the claim was not unreasonable, where they made a judgment call and they thought they were right, but the adjudicator, the court, the decision-maker made a different decision.

Well, in that case, it is obvious under this bill that OSHA would be responsible for the counsel fees of the accused party.

The fourth kind of case is the case where OSHA brings a case that is unreasonable, that is arbitrary and capricious. Under present law, under such circumstances, OSHA is responsible for the counsel fees and attorneys’ fees of the accused party.

Now, our friends on the other side say, well, this has been rarely invoked. I believe they said there are three cases in recent years, in a long time, where this has been invoked. And they draw from that the conclusion, Mr. Speaker, that there must be many, many cases where OSHA has done something arbitrary or unreasonable, but not been called on it, not been caught at it.

One could draw a very different set of conclusions from that record. It could draw the conclusion that in the vast majority of the cases, even when they

lose, their claims are reasonable; and the adjudicator and finder of fact in law has found that although OSHA is wrong, they were not acting in a vindictive or unreasonable way. This is a consistent principle across the board in Federal law.

If a Federal agency brings a case that is vindictive or unreasonable or patently unfair, then they are in fact responsible to pay the attorneys' fees of the accused party. But if they bring a case that is just wrong, but not unreasonable, where reasonable people could disagree before the case was brought as to whether it was right or wrong, then they do not have to pay the attorneys' fees, and it is for a very good reason.

It is because there are judgment calls that prosecutors have to make, there are judgment calls that enforcing agencies have to make, and we do not want to chill that judgment by saying, we will bring the case if you are sure that you are going to win. I am glad that the Securities and Exchange Commission is not going to be held to this standard, because if every time someone on Wall Street were accused of stock fraud, the SEC had to say, well, are we sure we are going to win before we bring this case, the cases of stock fraud that we have seen would be far more rampant than we have seen in recent years.

I am glad that other agencies, the mine safety agency is not held to this standard. You know, the basic question here is whether we want to so chill and corrode the enforcement powers of the agency that we want to wipe them out all together. I just do not think that makes any sense.

I think a far more sensible course would be to examine the existing legal provisions as to whether they go far enough, whether they are properly administered; but to make this wholesale change is to say to OSHA, unless you are sure you are going to win, do not bring the case.

You know, every lawyer is asked by every client at some phase of the litigation, am I going to win? Clients want to know this. And competent, honest lawyers usually give an answer that says, I am not sure. I can give you the probabilities. I can give you the circumstances under which I think we can win, and the circumstances under which I think we would not win. And a sensible client decides whether to go forward or not.

OSHA should have the same degree of discretion. If it abuses that discretion, it should be punished. If it does so on a consistent basis, we should change the law. But I believe there is no record that would demonstrate that conclusion, and I think that this proposal would seriously corrode the ability of this much needed agency to protect the working people of the country. I would urge both sides to cast a "no" vote on this bill.

Mr. NORWOOD. Mr. Speaker I yield myself such time as I may consume.

Mr. Speaker, I always enjoy following my friend, the gentleman from

New Jersey (Mr. ANDREWS). I love to hear his debate, and I respect it. But I just think he is wrong about this.

We are not chilling anybody. What we are telling OSHA is you be darn careful before you drag people into court or force them to pay the citation because they simply cannot go to court.

They can take anybody to court anytime they want to under this bill. But they better be right more often than they are wrong, and that is not necessarily the case. So many of the cases we never hear about because the poor small business owner simply has to pay the citation because he knows that the attorneys' fees are going to be 10 times more than the citation.

In hearings before my subcommittee in the last Congress, we heard testimony from several witnesses about settling citations with OSHA rather than contesting citations, even though the employer felt the citation was dead wrong.

Why is this a continuing theme? I do not even have to be in Congress to hear this. I know about this kind of thing going on in my area all of the time. I would argue that since it is too hard to challenge OSHA and its attorneys, and the fact that you are challenging the entire taxpayers of the country and the use of their dollars, an employer simply cannot afford to go to court to prove that they are right because of the cost.

Does this remind any of you that have been in business about hearing from any of your friends with the IRS? They do the same thing. They just beat you to death and make you pay whatever they want you to pay and you cannot go to court to defend yourself.

The Occupational Safety and Health Small Employer Access to Justice Act, would award attorneys' fees to small businesses that successfully challenge an OSHA citation. They need to know what they are doing before they drag people into court. They need to be right.

They will not be every time. It may cost them sometimes. But that is better than not ever allowing a small businessman to be able to defend himself in court. The legislation defines a small business as one with 100 employees or less and with a net worth of not more than \$7 million.

This is a very limited definition. This very limited definition will award attorneys' fees to the very small employer who is often pressured into settling with OSHA despite the fact that the company believes it has done nothing wrong.

□ 1715

This legislation is needed because the Equal Access to Justice Act has not been effective in redressing unfair citations for small business owners. Some people think that is not true. We think it is true. The numbers of cases filed under EAJA are few and far between. Why? Because OSHA can easily claim

that the citations were justified. Under EAJA this is all they need to do.

In fiscal year 2004, small businesses were awarded only \$11,585 by OSHRC. Witnesses before the Committee on Education and the Workforce have described the economic calculus small businesses make where settling OSHA cases is concerned. What was the common theme? It is cheaper to settle with OSHA than it is to fight, win and file for attorneys fees. That is wrong. Occasionally, some businessmen cannot stand it. They just cannot stand what OSHA is doing to them, and they are willing to pay a lot of money to go to court, a lot more money than the citation to prove that they were not wrong. But not everybody can do that.

Mr. Speaker, my bill is simply not a new concept. I would like to point out that in 180 other areas Congress has provided fee-shifting statutory arrangements for attorneys fees. This includes the Fair Labor Standards Act, the Americans with Disabilities Act, and numerous other laws. H.R. 742 simply levels the playing field for small employers by encouraging OSHA to better assess the merits of the case before bringing the full force and power of the United States government in their litigation against a small business. If you think that is not scary, you ought to try it some time.

This measure passed the House, thank goodness, last year in the Congress with bipartisan support, 223 to 194. I urge my colleagues, in particular my Democratic friends who have small businesses in their district, I urge them to vote for all four of these bills. I know it has been hard to tell what we have been talking about today because there has been so much superfluous conversation going on not concerning these four bills. But these are four simple, commonsense, fair bills that small business in this country need.

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

Mr. Chairman, how much time remains?

The SPEAKER pro tempore (Mr. WALDEN of Oregon). The gentleman from Georgia (Mr. NORWOOD) has 19 minutes remaining. The gentleman from New York (Mr. OWENS) has 18 minutes remaining.

Mr. OWENS. Mr. Speaker, I yield 6 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I thank the gentleman from New York (Mr. OWENS) for his defense of workers rights.

I rise in strong opposition to H.R. 742 and to any bill that seeks to weaken OSHA at a time when we should be strengthening it. I further want to say that I think the passage of this bill sets a dangerous precedent because what we would be doing effectively is undermining OSHA, not only discouraging it from performing its statutory mission of making sure that the workplace is safe, but also setting the stage for depriving OSHA of any revenues

that it would need to be able to enforce the law.

It also occurs to me that there is a question of the constitutional rights of workers here, that since OSHA is given rather exclusive jurisdiction to protect the rights of workers and to enforce workplace safety standards, that working people would in effect be deprived of due process of law and equal protection of the law. So it seems to me there are constitutional issues here at stake as well.

The core mission of OSHA is to protect workers by enforcing safety standards. This bill will undermine that mission. It will alter OSHA's ability to enforce, and it will leave workers in danger. The latest numbers from the Bureau of Labor Statistics show a rise in deaths of American workers on the job. In 2002, 5,524 workers were killed due to injuries on the job. By 2003, that number had risen to 5,575. In 2003, 4.4 million, 4.4 million non-fatal workplace injuries were also reported.

Let us remember what OSHA is: OSHA is the Federal cop on the workplace safety beat. H.R. 742 will discourage OSHA from enforcing the laws against dangerous workplaces. Instead, OSHA will spend its time weighing the odds of winning against the costs to its budget if it loses.

H.R. 742 would require OSHA to pay attorneys fees in any case which it does not prevail. This would discourage settlements which save both time and money and in effect leave businesses with little or no reason to not contest charges.

Imagine if Congress were to consider a bill to require police departments to pay attorneys fees of a criminal defendant charged with reckless endangerment merely because they were acquitted or found guilty of a lesser charge. Would this House support that? The question answers itself.

Why support H.R. 742 which, in effect, does this same thing? The Nation's workplaces will be more dangerous and more lawless if the changes made by this bill are passed. This bill was designed to weaken enforcement of workplace safety laws and to in effect steal from exploited Americans the protection from injury and the justice they deserve. This legislation will severely handicap OSHA, the Federal workplace safety force, by discouraging it from citing employers unless the agency is completely certain it will win.

This legislation will endanger Americans, the vast majority of whom work for others to make a living. They work in factories, in shops, in hospitals. They work in nursing homes and in schools. They are not the bosses who decide if and how businesses will obey the law. Instead, they face the consequences of those decisions, and they live and die by those decisions. They need strong workplace safety laws and vigorous enforcement. They need to have H.R. 742 to feed it.

Current law already permits small businesses to recover litigation costs

when the government position was not substantially justified. In the year 2000, 97.7 percent of all private establishments had less than seven employees and such establishments have a higher rate of occupational fatalities than establishments of more than 100 workers.

The fundamental question that faces this House here is, do workers have rights to fair compensation when they are hurt on the job? Because this is not just about workers; it is about the American family. Does a breadwinner have the right to be protected in the workplace? Do we have an obligation as a Congress to ensure a safe workplace? That is really the question that we are deciding here today. We are acting as though the interest of business and the interest of workers is somehow divided. The interest should be the same.

Workplace safety should be the highest criteria. We should not give up on workplace safety because of some odd notion that OSHA should pay if it brings a proceeding that is not upheld in a higher jurisdiction. We as Members of this House will pay a price if we fail to uphold workers' rights, if we fail to uphold the rights of a safe workplace, if we fail to uphold the right to fair compensation if someone is injured on the job, if we fail in our moral obligation to assure that corporations have a responsibility to their workers.

This should not be a matter of Democrat or Republican. It should not be a matter of labor management. This should be an American commitment to safe workplaces. And because of that I urge my colleagues to vote to defeat H.R. 742 and to work in a bipartisan way to assure that the American workplace is going to be safe for all those who toil for a living.

Mr. NORWOOD. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. KLINE).

Mr. KLINE. Mr. Speaker, I thank the gentleman for yielding me time and for his tremendous leadership on this issue. He has been working it for a long time.

Mr. Speaker, I rise today in support of the Occupational Safety and Health Small Employer Access to Justice Act. And I read it that way in the quotes for a purpose. The gentleman from Georgia (Mr. NORWOOD) mentioned earlier that we have heard language today that ranged on a wide variety of subjects, and I am not sure at all that they were talking about the issue before us today.

This legislation that is before us now is one of four bills under consideration today which reflects the commitment of the gentleman from Georgia (Mr. NORWOOD) and me and my colleagues to improve the effectiveness of OSHA regulations and changes the environment that has hindered U.S. employers from creating and keeping more jobs.

I have listened to language today earlier this afternoon on these four bills that talked about us losing millions of jobs to China and elsewhere.

The purpose of the legislation that we are talking about today is to, in fact, help create and keep jobs here in America. I will repeat what my friend from Georgia said earlier today, that the OSHA Small Employer Access to Justice Act levels the playing field for small business owners and encourages OSHA to better assess the merits of a case before it brings unnecessary enforcement actions to court against small business.

Loopholes in the current law make it possible for small businesses to be denied attorneys fees, and as my friends said, therefore, not even take the case to court because they simply cannot afford to defend themselves against a case brought against them by OSHA. This exacerbates the financial harm called by OSHA's sometimes dubious enforcement actions and discourages small business owners from seeking the restitution which rightly belongs to them. By closing this loophole, we ensure it is in everyone's best interest.

Mr. NORWOOD. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Speaker, I thank the chairman and I appreciate all he does.

Mr. Speaker, I rise today in support of all four of the OSHA reforms bills on the floor. These bills contain reforms that will encourage a more collaborative environment in which small business owners and the Occupational Safety and Health Administration can work together and, in doing so, improve workplace safety.

In particular I rise to support H.R. 742, the Small Employer Access to Justice Act. It would amend the OSHA Act of 1970 to reimburse small employers for attorneys' fees and costs when they are successful in challenging an OSHA citation.

Now it is true that the Equal Access to Justice Act already allows small business owners to recover attorneys' fees when a ruling is in the employers favor. However, reimbursement for attorney fees is refused if OSHA can establish that the citation was substantially justified or that special circumstances led to the issuance of citations. This loophole means that small businesses are saddled with costly attorneys fees regardless of their innocence.

Small business owners who believe that they have not violated any law are faced with a difficult question. Should I simply pay the fine or risk possibly incurring greater costs and attorneys fees by challenging this citation?

No small business owner should face such a choice, especially if he or she is wrongly accused. Small business that have violated health or safety laws should be fined. It is important that workers should be protect. But small business owners that have not broken any laws should not be drained by large attorneys fees that they have accrued in order to contest the citation.

I ask Members to support the OSHA reform and in particular H.R. 742 so that a fair legal environment can be created for small businesses owners.

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

Mr. NORWOOD. Mr. Speaker, I yield 2 minutes the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Mr. Speaker, I have come down on these four bills and I have come for a variety of reasons, but one main reason is to make those corrections that are so necessary with the arguments on the other side.

We have heard, why can we not have investigations? Why can we not consider another bill? Why can we not do this or that?

Well, these are all interesting questions but they have nothing to do with this bill. The hyperbole from the opposition has been remarkable.

□ 1730

The contention, they would say, is that unless you are going to win, do not bring the case. That is not what this bill says. This bill simply provides that if the small business owner wins, then OSHA should be responsible for the attorneys' fees. We seek to improve OSHA and make it responsive to the intent of Congress. This bill is designed to strengthen small business and to save jobs.

Again, the magnitude of this issue, 99.7 percent of all businesses are small businesses, 75 percent of all new jobs are in the area of small business. OSHA has a budget of \$468 million, with 2,200 employees and 1,100 inspectors. The deck is stacked. Yes, it is stacked; it is stacked against those most beneficial to our economy, small business owners and their employees.

H.R. 742 would allow a small businessman or -woman to recover attorneys' fees if they contest and they win, they win, an allegation in a citation by OSHA. Remember OSHA's budget, \$468 million? You win, OSHA was wrong. Right? OSHA was wrong, but you spent thousands of dollars to defend your business and your workers' jobs. Remember, you win against a \$468 million budget. So OSHA should reimburse your attorneys' fees. Right? Just like current law. Right? Wrong.

You cannot win. Even if you win your case, you may be out the amount of money it cost to defend yourself. Less money in your business means fewer jobs. Remember, reimbursement only occurs if you win. If you lose, you are responsible, and that is as it should be.

So let us stop punishing the backbone of our economy. Let us stop punishing small businesses and employees and workers. I urge support for H.R. 742, one of four commonsense worker-friendly, job-friendly, small business-friendly bills before us today.

Mr. NORWOOD. Mr. Speaker, it is a pleasure to yield 2½ minutes to the gentleman from Texas (Mr. SAM JOHNSON), another of our subcommittee chairmen.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I want to express my support for the legislation introduced today by my colleague from Georgia. I am a co-sponsor of all four of these bills on the floor today, and I believe they will improve the workplace safety level, the playing field for small business, and ensure that employers and employees are treated fairly.

H.R. 742 encourages OSHA to really look at the merits of the case before it brings unnecessary enforcement actions to court against small businesses. Current law already does allow small business owners to recover attorneys' fees if they successfully challenge a citation; but in the real world of OSHA, it simply does not work for small businesses.

Case in point: in the last 24 years, small business owners have been able to recover costs from OSHA only 38 times. In 2004, only three employers were awarded attorneys' fees, despite more than 86,000 citations issued by OSHA. H.R. 742 also limits its scope to small businesses with less than 100 employees or less than \$7 million in net worth. This assures targeted and meaningful relief to those businesses that are least able to cope with these hefty and ongoing litigation costs.

This reform is necessary for the vitality of America's small businesses and the job security of America's workforce. As chairman of the Subcommittee on Employer-Employee Relations, I have seen these bills through the committee and the full House in the past, and I look forward to their passing again today.

Again, I applaud my colleague from Georgia for his hard work on behalf of American small business owners and their employees.

Mr. NORWOOD. Mr. Speaker, how much time remains?

The SPEAKER pro tempore (Mr. WALDEN of Oregon). The gentleman from Georgia has 11 minutes remaining.

Mr. NORWOOD. Mr. Speaker, it gives me absolute pleasure to yield 2 minutes to the gentleman from South Carolina (Mr. WILSON), my friend and neighbor, who lives right up the road from me in Columbia.

Mr. WILSON of South Carolina. Mr. Speaker, my legal career of 25 years was to represent small business owners. And since coming to Congress 3 years ago, I have worked consistently to make it easier for small businesses to grow and succeed in our country. I appreciate the leadership of the chairman, the gentleman from Ohio (Mr. BOEHNER), and my next-door neighbor, the gentleman from Georgia (Mr. NORWOOD), for their promotion of small businesses.

However, OSHA regulations placed upon our small businesses continue to be among the most complex and difficult legal mandates imposed on employers. The Occupational Safety and Health Small Employer Access to Justice Act is a vital piece of legislation

that significantly reduces burdensome government regulations. H.R. 742 levels the playing field for small businesses and encourages OSHA to better assess the merits of a case before bringing unnecessary enforcement actions to court against small businesses.

By passing this vital legislation, Congress will enhance fairness for employers, especially small businesses; and give them new tools to defend themselves against OSHA citations they believe are unjustified. Small businesses provide, in the district I represent, 99 percent of businesses, creating 85 percent of jobs for working people; and Congress should act now to help them succeed.

As a member of the Committee on Education and the Workforce, and co-sponsor of the four bills today, I have been honored to work with Chairman BOEHNER and the gentleman from Georgia (Mr. NORWOOD). I applaud their efforts to provide commonsense legislation that will reduce the burden placed upon America's small business owners.

I urge my colleagues to support OSHA reform, H.R. 742.

Mr. NORWOOD. Mr. Speaker, it is a great pleasure to yield 2 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I thank my colleague from Georgia for yielding me this time, and I am here in support not only of H.R. 742 but of all four of these OSHA reform bills. What we are talking about here, my colleagues, is leveling the playing field, that is all, reforming a 34-year-old act that is long overdue for reform.

During the 2004 elections, what we heard constantly from the other side was the concern about outsourcing of jobs, of losing jobs in this country. Well, there is no way we can compete with other countries with these burdensome rules and regulations like OSHA puts on our small businessmen and -women in this country who create most of the jobs. We just need a level playing field, and I am proud to stand in support of these four bills, and I am proud of my colleague from Georgia (Mr. NORWOOD). Nobody is more concerned about workers and workers' health. He has been a leader all these years in regard to issues like the Patients' Bill of Rights. He has shown great compassion, and I commend him for bringing these bills, and for the gentleman from Ohio (Mr. BOEHNER), the chairman, and the committee for working through this process.

So as my colleagues have said before me, it is time to make these reforms and level the playing field. Yes, protect our workers, but also protect our small employers so they can continue to create these jobs and compete in the world market. Then, and only then, will we end the outsourcing of jobs.

Mr. OWENS. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman has 12 minutes remaining.

Mr. OWENS. Mr. Speaker, I yield myself the balance of my time and would

like to point out that despite the rhetoric of my colleagues on the other side of the aisle, and we did hear again the last speaker mention the fact that one of the reasons we are attacking OSHA is because employers feel they cannot compete with these regulations. They cannot compete with American workers being treated the way they are being treated.

The humane treatment of American workers stands in the way of profits and competition with the people who are in the developing countries and China. They do not have to treat workers this way. They do not have to spend the money, as I said before.

But I want to point out that this bill is hardly limited to small businesses. The appearance or the notion that small businesses are being persecuted by OSHA, by the government, is an incorrect one. According to the Bureau of Labor Statistics, in 1998 there were more than 6.5 million private sector firms with 99 or fewer employees. H.R. 742 applies to all firms with 100 or fewer employees with a net worth of \$7 million or less. These companies, those with a hundred or fewer employees and \$7 million or less, comprise about 97 percent of all American businesses.

Let me repeat that. H.R. 742 applies to all but 2 or 3 percent of American businesses. This is the broadest definition of small business that anyone could ever come up with or dream up. It is similar to categorizing elephants as small mammals. It does not tell the story as it should be told.

Mr. Speaker, when it comes to employment-related laws, Congress traditionally defines a small business as one with 20 or fewer employees, 20 or fewer employees. As a matter of fact, that is the definition used on annual congressional appropriation riders, which exempt firms of 20 or fewer workers from scheduled OSHA inspections, 20 or fewer workers, not 100, as this bill treats.

Mr. Speaker, I would also point out that OSHA also has a long-standing practice of reducing penalties for small employers. For businesses with 25 or fewer workers, any OSHA penalty is routinely reduced by 60 percent. Routinely reduced by 60 percent. Likewise, for businesses with between 26 and 100 workers, any OSHA penalty is reduced by 40 percent. Again, OSHA inspectors, in reality, are hardly like the draconian police inspector Javert from the famous novel, "Les Miserable."

It is important, Mr. Speaker, to realize that there is a need for both parties to come together and for the Republican majority to yield on its strategy to destroy labor unions. There is a strategy that has been pursued relentlessly to destroy labor unions; and in the process, working families of course get hurt because working families are represented by labor unions. In the effort to destroy labor unions, everything related to them, it gives them some kind of power, has to be destroyed, among them including OSHA.

Members of unions are likely to complain. They are likely to insist on their rights. They are likely to report violations. OSHA is less likely to run over the interests of the workers if there is an accident or some problem. So the relentless pursuit of labor unions is part of the problem with this legislation. It has been brought back because it is a part of a master plan, and that master plan is to sort of distract our attention from the real issues related to safety in the workplace, distract our attention from the fact that it is really an employer protection act that we are concerned with. Employer protection at all cost.

The constituency of the Republican majority party demands it all: destroy the kind of environment and atmosphere that working families have been used to for years in this Nation. Let us change all that because it is not competitive. It is not competitive. It costs too much. We cannot compete with our overseas competitors. We are, in the process, drawn into the trap of class warfare. We hate to hear the term class warfare anywhere in America. Nobody wants to be accused of class warfare, but that is what it amounts to: working families against people who never get enough.

We have bloated capitalism. Aristotle said there are extremes of everything. There are extremes to capitalism. At one end of the spectrum, in terms of economic systems, you have communism; at the other end you have reckless capitalism. Capitalism out of control. Capitalism so greedy it never gets enough. I think democratic capitalism is the hope of the world, and we have enough experience now to know that democratic capitalism is the only system that really works. But if you allow capitalism to go to extremes, it tramples on the rights of workers. It tramples on the rights of consumers.

You know, workers are consumers. There is a madness at work here. As we destroy the buying power of workers, we are destroying that which makes our economy go.

□ 1745

We all agree, there is no debate about the fact that the economy of America is driven by consumer spending. Henry Ford understood that very early when he said, I am going to make cars and pay my workers enough money to buy them. That was a simple, commonsense idea that is at the heart of capitalism today. Two-thirds of our economy is dependent on what people buy. We are going to destroy the consumers by destroying the conditions in the workplace which allow our workers to work productively and get paid appropriately.

The minimum wage of today, Henry Ford would see right away, is not going to allow our consumers to keep buying products. We are lucky; there is a sort of credit card fantasy, an oasis of credit card credit that is driving our economy right now. But slowly, as we less-

en the amount of money that flows into the hands of workers, as we move more jobs overseas and encourage outsourcing, as we give more and more of our dollars to China, because we are not giving all of our dollars to China, we are giving the dollars that they use for manufacturing, for production, but the trade with China benefits the wholesalers and retailers.

People are making big profits off China in this country. We would not be dealing with China if somebody was not making big profits in this country, but it is skewed. It is out of balance because in order to make big profits at the upper levels by producing products in a low-cost economy and getting the low-cost product, bringing them back into another economy with a different standard of living and selling those products at that standard, we are having consumers in America pay high prices for the lowest-priced goods that come from China. And the people who sell those goods and buy them from China, they walk off with the profits, along with the Chinese who produce those goods through the deals that have been made. There is more Wal-Mart in China than there is in the U.S., and more all of the time.

They find it so profitable to take the product, the production, the manufacturing to China, and bring back the products to capitalize on the sales here. It is not going to work eventually. We are catering to those who benefit at the top, but it is not going to continue to work because we are destroying our own consumer market. We are going to wake up and find that the economy is going to come to a standstill because nobody is able to buy the products that we want to sell.

Our own class war that we do not recognize and will not recognize will destroy us. Other evidence of a class war is the fact that we continue to give huge tax credits to the people at the very top who need it the least, yet we do not use the power of the Federal Government to increase the minimum wage.

We started this discussion about minimum wage, and we are going to end it on minimum wage. The minimum wage is one way that we guarantee all Americans have a part of American prosperity. We should be paying something like \$8 an hour in order to keep minimum wage competitive with when minimum wage was first instituted. We should be paying about \$8 an hour to enable those workers to buy the products that we want to sell and keep our economy going.

So minimum wage, we refuse to even consider. Congress has gotten huge increases in their own salaries, and refuse to consider a minimum wage increase for the workers at the very bottom. Is that not an element of class warfare? That is class contempt. That is class hatred, to stamp on those at the very bottom and refuse to use the authority invested in us by the American people.

We have the authority to raise wages, but the same people who are being protected by these bills as far as OSHA is concerned by minimizing their expenses and minimizing any trouble they have to encounter in making the workplace safe, they are being protected by refusing to raise the minimum wage. What is the ultimate danger here? The ultimate danger here is that, one day, working families are going to wake up and say, you have it all wrong. The country belongs to all of us, not you. If you do not want to admit that, it belongs only to us.

Working families are the people who go out and defend the existence of this country in times of war. They will determine whether we defeat terrorism or not. Working families are going to determine that we do not have domestic terrorism spreading in America because working families are going to save America by rising up to throw out people who insist on stamping on them and have contempt for them.

Mr. Speaker, in closing, I urge a "no" vote on all four of these bills today.

Mr. NORWOOD. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. HENSARLING), and just say we still are on H.R. 742.

Mr. HENSARLING. Mr. Speaker, as a former small businessman, I rise today in support of H.R. 742 and Republican efforts to reduce the regulatory burden on small businesses, the job engine in this country.

The Federal regulatory burden is strangling small business in America. The estimated total regulatory burden in America is now approaching \$1 trillion a year. If we could only save 1 percent of that amount, if that could be returned to the marketplace, that would be enough money to provide capital for 400,000 new small businesses. Or it could pay the annual salaries for over a quarter million of our American workers.

Furthermore, according to the SBA, small businesses that employ fewer than 20 workers pay almost \$7,000 each year in regulatory cost for every employee. Instead of using these funds to create new jobs or pay higher salaries or fund expanded health care benefits, small business owners are increasingly being forced to spend much of it complying with mind-numbing, inflexible, expensive, draconian and all too often just plain dumb Federal regulations.

H.R. 742 will make a difference in a small way in helping level the playing field for small businesses. It would require OSHA to better assess the merits of a case before it brings unnecessary enforcement actions to court against small businesses. This act will simply help small business owners to recover attorneys' fees if the owner successfully challenges a dubious OSHA citation. And there have been a number. Let us remember, OSHA does not always get it right. These are the folks who alleged that some workers face death or serious physical harm from lifting the top of a sandwich cookie

from one assembly line and putting it on the bottom of the cookie on another. Give me a break.

Mr. Speaker, this is a matter of fairness. It is a matter of common sense and American jobs. I urge all of my colleagues to support small business owners and the millions of Americans they employ by voting in favor of H.R. 742.

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

It has been a long 4 hours on four bills. We stayed on the subject for about 2 hours. These four bills are very important, I believe, for the small business community in the country. I realize that the labor union kingpins do not like these four bills, but I promise labor union workers who are out there in small businesses will like these bills.

There have been some outlandish statements that need to be corrected for the record.

Number one, there is nobody on our committee, including myself, any of us who made these bills, that believe for one minute any of these bills are going to harm the workplace safety or health factor. It is simply not going to do that. Somebody said, oh, gosh, if we pass these bills, workers will have more injuries. Members can have that opinion; it does not make it right. That is simply not true.

Somebody said, if you pass these four bills, you are going to weaken OSHA. That is not true either. We are going to help make OSHA work a little better.

Lastly, I want to mention to my friend who said OSHA is a Federal cop. That is the problem. If you believe they are a bunch of police over there, we never will get anywhere with OSHA because until we get this Federal agency working with people in small businesses who want to have a safer workplace rather than a bunch of cops who come around and beat people up, this is never going to work. I had this happen just yesterday in my own district where this female came in, and her badge was bigger than her brain. It was just ridiculous. Until we get a different attitude and not feeling that OSHA is a Federal cop, it is not going to get better.

Mr. Speaker, I yield the balance of my time to the gentleman from Ohio (Mr. BOEHNER), chairman of the Committee on Education and the Workforce.

Mr. BOEHNER. Mr. Speaker, I congratulate the gentleman from Georgia (Mr. NORWOOD) who has spent a lot of years trying to make OSHA work better for those in the workplace and those who employ them in the workplace. He has done a great job in bringing these four bills out of the subcommittee and to the floor today.

Mr. Speaker, we are here today to help promote a climate of cooperation between OSHA and employers. The focus is on improving workplace safety. In so doing, we have the opportunity to enhance business competitiveness and further job creation.

Now these bills are important and here is why. No small business should

be penalized for missing a deadline because of an honest mistake. No small business should have to wait 8 years to have their case reviewed by the Occupational Safety and Health Review Commission simply because it cannot get a quorum.

Thirdly, no small business wants to go up against an OSHA that is the prosecutor, judge and jury all in one.

Lastly, no small business should be required to spend years and significant money trying to recover attorneys' fees after defending itself against a meritless enforcement action by OSHA. These OSHA reform bills can make a real difference in the lives of small businesses that face fierce competition at home and abroad. We truly do believe that these bills will help the effectiveness of OSHA and help improve the workplace safety for millions of American workers. I encourage all of my colleagues to support all four bills.

Ms. WOOLSEY. Mr. Speaker, I rise in opposition to H.R. 742 because workers deserve to know their interests will be represented fairly by OSHA, not weighed by how much money it will cost to bring the claim forward.

We all have small businesses in our districts, and we all know that it saves money to provide for a safe workplace in the first place and preventing accidents.

Workers and their families suffer due to poor safety at some workplaces. They have enough angst because they can't count on their employers to provide protection. Experiencing further betrayal by their Government when they seek justice is the last thing they need.

But, this bill threatens the lives of thousands of workers employed by small businesses because it forces OSHA to consider the costs of attorneys' fees when deciding to take action. Putting this unique burden on OSHA may take away the only recourse employees have to stand up for their safety.

Since Bush took office, it has been clear that he intends to use OSHA to protect big business rather than worker safety. First, he signed legislation overturning workplace safety rules to prevent ergonomic standards.

Then he advocated budget cuts for job safety agencies, such as OSHA and NIOSH. He went even further by suspending twenty-three important job safety regulations. The list goes on and on. This legislation is one more way to weaken OSHA. If this passes it will be that much easier for businesses to avoid OSHA regulations.

If my colleagues on the other side of the aisle really wanted to help workers, they would increase penalties for employers that ignore safety regulations. They would protect companys from dumping their pensions on to the taxpayers and raise minimum wage. These actions would let our workers know that someone is worrying about the costs in their lives as well.

Mr. Speaker, I urge my colleagues to join me in opposing H.R. 742, which is an unnecessary attack on worker protections.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to speak in opposition to H.R. 742, a bill to amend the Occupational Safety and Health Act of 1970 by making it easier for small businesses to recover attorneys' fees from OSHA if the agency brought unjustified

enforcement action. Small businesses under the bill are defined as those with no more than 100 employees and a maximum \$7 million in net worth.

More than any of the other bills, H.R. 742 poses the greatest threat to worker safety and health. OSHA, as is almost every other Federal agency, is already required by law to pay attorneys' fees and costs in any proceeding in which the agency's charge is not substantially justified. H.R. 742 singles out OSHA, alone among all Federal agencies, to require it to pay attorneys' fees and costs in any proceeding in which it does not win, regardless of why it lost and notwithstanding the fact that the position of the agency was substantially justified. In effect, unless the agency can guarantee that it will win every case it brings, H.R. 742 punishes the OSHA for trying to enforce the law. The OSH Act does not afford workers a private right of action. If OSHA fails to enforce the law workers have no other means of doing so.

In summary, this bill, as would all the other OSHA bills considered today, would impede the enforcement of worksite safety and health provisions at the very time when more and more Americans have identified safety as one of their foremost concerns. According to a poll conducted in April by NBC and the Wall Street Journal, 84 percent of Americans want Congress to pass legislation that ensures greater workplace safety and health. Supporting this bill would take us in exactly the opposite direction.

Mr. CONYERS. Mr. Speaker, today, I express strong opposition to H.R. 742, the Occupational Safety Health Small Employer Access to Justice Act.

This fee shifting legislation before us is really a wolf in sheep's clothing. It is dangerous to our workers, overbroad, and unnecessary.

The bill is dangerous because it creates an incentive for employers to litigate with OSHA rather than to correct any safety flaws in the workplace. Since OSHA was created in 1970, its mission has been clear: "to assure so far as possible every working man and woman in the nation safe and healthful working conditions." Unfortunately, H.R. 742 will undermine that goal and penalize OSHA for any instance in which it attempts to safeguard worker safety and loses the case even for technical reasons.

The bill is overbroad because it applies to any company with less than 100 employees, regardless of their revenues or their safety record. Currently, over 6.5 million private sector establishments fall into this category, more than 97 percent of all employers. These companies employ more than 55 million workers. Many of these businesses have millions if not billions of dollars in annual revenues, and have no business being covered by a "small business" bill.

The bill is unnecessary because this Committee has not received a shred of evidence that OSHA has pursued unwarranted litigation or abused its prosecutorial discretion. To the contrary, more than sixty percent of OSHA citations resulted in settlements, and OSHA wins nearly four out of five cases that make it to the Federal appellate level.

Moreover, employers are already entitled to the recovery of legal fees under the Equal Access to Justice Act. That law specifies that the government must pay the prevailing party's fees and costs in any situation in which the government's position was not "substantially

justified." This offers more than sufficient incentive to prevent OSHA from overstepping its authority.

So we have before us an unnecessary and unwarranted bill, that, punishes an effective agency, and places our workers in danger. I urge Members to reject this measure.

Mr. BLUMENSUER. Mr. Speaker, this Congress has repeatedly undermined protections for the American workforce, shifting emphasis from employees to employers. Just like the identical bills introduced last year, the four bills brought to the House floor today are further examples that hinder the efficacy of the Occupational Safety and Health Administration (OSHA), taking away protections from the workers that need them most, and shielding businesses from government oversight.

As of late, Congress' hostility towards workers' rights has been widespread. Recently, I decided to oppose the Central American Free Trade Agreement (CAFTA) because it does not do enough to ensure adequate and fair labor laws for workers in foreign countries. Now today, Congress is trying to roll back significant worker protections that were put in place for our workers here at home.

Rather than "reform," the fact of the matter is that these four pieces of legislation weaken OSHA and undermine Congress's original intent when OSHA was enacted in 1970. Americans deserve a safe and healthy workplace. Limiting OSHA, the agency created to ensure workers receive these basic rights, will do nothing to advance the cause.

The SPEAKER pro tempore (Mr. WALDEN of Oregon). All time for debate has expired.

Pursuant to House Resolution 351, the bill is considered read for amendment, and the previous question is ordered.

The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

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

The yeas and nays were ordered.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put each question on which further proceedings were postponed earlier today in the following order:

H.R. 739, by the yeas and nays;

H.R. 740, by the yeas and nays;

H.R. 741, by the yeas and nays; and

H.R. 742, by the yeas and nays.

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

OCCUPATIONAL SAFETY AND HEALTH SMALL BUSINESS DAY IN COURT ACT OF 2005

The SPEAKER pro tempore. The pending business is the question of the passage of the bill, H.R. 739, on which further proceedings were postponed earlier.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 256, nays 164, not voting 13, as follows:

[Roll No. 369]

YEAS—256

Aderholt	Ferguson	Mack
Akin	Fitzpatrick (PA)	Manzullo
Alexander	Flake	Marchant
Bachus	Foley	Marshall
Baird	Forbes	Matheson
Baker	Ford	McCaul (TX)
Barrett (SC)	Fortenberry	McCotter
Bartlett (MD)	Fossella	McCreery
Barton (TX)	Foxx	McHenry
Bass	Franks (AZ)	McHugh
Bean	Frelinghuysen	McIntyre
Beauprez	Galleghy	McKeon
Biggert	Garrett (NJ)	McMorris
Bilirakis	Gerlach	Mica
Bishop (GA)	Gibbons	Miller (MI)
Bishop (UT)	Gilchrest	Miller, Gary
Blackburn	Gillmor	Mollohan
Blunt	Gingrey	Moran (KS)
Boehler	Gohmert	Murphy
Boehner	Gonzalez	Musgrave
Bonilla	Goode	Neugebauer
Bonner	Goodlatte	Ney
Bono	Gordon	Northup
Boozman	Granger	Norwood
Boren	Graves	Nunes
Boustany	Green (WI)	Nussle
Boyd	Gutknecht	Osborne
Bradley (NH)	Hall	Otter
Brady (TX)	Harman	Oxley
Brown (SC)	Harris	Paul
Brown-Waite,	Hart	Pearce
Ginny	Hastings (WA)	Pence
Burgess	Hayes	Peterson (PA)
Burton (IN)	Hayworth	Petri
Buyer	Hefley	Pickering
Calvert	Hensarling	Pitts
Camp	Herger	Platts
Cannon	Herseth	Poe
Cantor	Hobson	Porter
Capito	Hoekstra	Price (GA)
Carter	Hostettler	Pryce (OH)
Case	Hulshof	Putnam
Castle	Hunter	Radanovich
Chabot	Hyde	Rahall
Chocola	Inglis (SC)	Ramstad
Coble	Issa	Regula
Cole (OK)	Istook	Reberg
Conaway	Jenkins	Reichert
Cooper	Jindal	Renzi
Costa	Johnson (CT)	Reynolds
Cramer	Johnson (IL)	Rogers (AL)
Crenshaw	Johnson, Sam	Rogers (KY)
Cubin	Jones (NC)	Rogers (MI)
Cuellar	Keller	Rohrabacher
Culberson	Kelly	Ros-Lehtinen
Cunningham	Kennedy (MN)	Royce
Davis (FL)	King (IA)	Ryan (WI)
Davis (KY)	King (NY)	Ryun (KS)
Davis (TN)	Kingston	Salazar
Davis, Jo Ann	Kirk	Saxton
Davis, Tom	Kline	Schwarz (MI)
Deal (GA)	Knollenberg	Sensenbrenner
DeLay	Kolbe	Sessions
Dent	Kuhl (NY)	Shaw
Diaz-Balart, L.	LaHood	Shays
Diaz-Balart, M.	Latham	Sherwood
Doolittle	LaTourette	Shimkus
Drake	Leach	Shuster
Dreier	Lewis (CA)	Simmons
Duncan	Lewis (KY)	Simpson
Edwards	Linder	Skelton
Ehlers	Lipinski	Smith (NJ)
Emerson	LoBiondo	Smith (TX)
English (PA)	Lucas	Soderl
Everett	Lungren, Daniel	Souder
Feeney	E.	Stearns

Sullivan Tiberi Weller
 Sweeney Turner Westmoreland
 Tancredo Udall (CO) Whitfield
 Tanner Upton Wicker
 Taylor (MS) Velázquez Wilson (NM)
 Taylor (NC) Walden (OR) Wilson (SC)
 Terry Walsh Wolf
 Thomas Wamp Wynn
 Thornberry Weldon (FL) Young (AK)
 Tiahrt Weldon (PA) Young (FL)

NAYS—164

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

NOT VOTING—13

Abercrombie Hinojosa Pombo
 Brown, Corrine Jones (OH) Shadegg
 Cardin Miller (FL) Towns
 Conyers Myrick
 Cox Obey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WALDEN of Oregon) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1821

Messrs. GEORGE MILLER of California, BERMAN, and ORTIZ changed their vote from “yea” to “nay.”

Mr. MOLLOHAN changed his vote from “nay” to “yea.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. HINOJOSA. Mr. Speaker, on rollcall No. 369, had I been present, I would have voted “no.”

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION EFFICIENCY ACT OF 2005

The SPEAKER pro tempore. The pending business is the question of the passage of the bill, H.R. 740, on which further proceedings were postponed earlier today.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 234, nays 185, not voting 14, as follows:

[Roll No. 370]

YEAS—234

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

Sodrel Thornberry
 Souder Tiahrt
 Stearns Tiberi
 Sullivan Turner
 Sweeney Upton
 Tancredo Walden (OR)
 Taylor (MS) Walsh
 Taylor (NC) Wamp
 Terry Weldon (FL)
 Thomas Weldon (PA)

NAYS—185

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

NOT VOTING—14

Abercrombie Jones (OH) Rangel
 Brown, Corrine Miller (FL) Shadegg
 Cardin Myrick Towns
 Conyers Obey Watt
 Gutierrez Pombo

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1828

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

OCCUPATIONAL SAFETY AND HEALTH INDEPENDENT REVIEW OF OSHA CITATIONS ACT OF 2005

The SPEAKER pro tempore. The pending business is the question of the passage of the bill, H.R. 741, on which further proceedings were postponed earlier today.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 226, nays 197, not voting 10, as follows:

[Roll No. 371]

YEAS—226

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

Wicker
Wilson (NM)

Wilson (SC)
Wolf

Young (AK)
Young (FL)

NAYS—197

Ackerman	Higgins
Allen	Hinche
Andrews	Hinojosa
Baca	Holden
Baird	Holt
Baldwin	Honda
Barrow	Hooley
Bean	Hoyer
Becerra	Inslee
Berkley	Israel
Berman	Jackson (IL)
Berry	Jackson-Lee
Bishop (GA)	(TX)
Bishop (NY)	Jefferson
Blumenauer	Johnson, E. B.
Boswell	Kanjorski
Boucher	Kaptur
Brady (PA)	Kennedy (RI)
Brown (OH)	Kildee
Butterfield	Kilpatrick (MI)
Capps	Kind
Capuano	King (NY)
Cardoza	Kucinich
Carmahan	Langevin
Carson	Lantos
Chandler	Larsen (WA)
Clay	Larson (CT)
Cleaver	Lee
Clyburn	Levin
Cooper	Lewis (GA)
Costa	Lipinski
Costello	Scott (VA)
Crowley	Serrano
Cummings	Sherman
Davis (AL)	Simmons
Davis (CA)	Skelton
Davis (FL)	Slaughter
Davis (IL)	Smith (NJ)
DeFazio	Smith (WA)
DeGette	Snyder
DeLauro	Soils
Dicks	Spratt
Dingell	Stark
Doggett	Strickland
Doyle	Stupak
Edwards	Sweeney
Emanuel	Tanner
Engel	Tauscher
Eshoo	Thompson (CA)
Etheridge	Thompson (MS)
Evans	Tierney
Farr	Towns
Fattah	Udall (CO)
Filner	Udall (NM)
Fitzpatrick (PA)	Van Hollen
Ford	Velázquez
Frank (MA)	Visclosky
Gonzalez	Wasserman
Gordon	Schultz
Green, Al	Moore (WI)
Green, Gene	Moore (VA)
Grijalva	Murtha
Gutierrez	Nader
Harman	Napolitano
Hastings (FL)	Neal (MA)
Herseth	Oberstar
	Olver
	Ortiz

NOT VOTING—10

Abercrombie
Brown, Corrine
Cardin
Conyers

Jones (OH)
Miller (FL)
Myrick
Obey

Pombo
Shadegg

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1835

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

OCCUPATIONAL SAFETY AND HEALTH SMALL EMPLOYER ACCESS TO JUSTICE ACT OF 2005

The SPEAKER pro tempore. The pending business is the question of the passage of the bill, H.R. 742, on which further proceedings were postponed earlier today.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 235, nays 187, not voting 11, as follows:

[Roll No. 372]

YEAS—235

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

Wamp	Whitfield	Wolf
Weldon (FL)	Wicker	Wynn
Weller	Wilson (NM)	Young (AK)
Westmoreland	Wilson (SC)	Young (FL)

NAYS—187

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

NOT VOTING—11

Abercrombie	Jones (OH)	Obey
Brown, Corrine	Menendez	Pombo
Cardin	Miller (FL)	Shadegg
Conyers	Myrick	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
 The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1843

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. MENENDEZ. Mr. Speaker, I was unavoidably detained on this last roll call vote. Had I been here to vote, I would have voted "no."

The SPEAKER pro tempore. Pursuant to section 5 of House Resolution

351, the text of H.R. 740, H.R. 741, and H.R. 742 as passed by the House, will be appended to the engrossment of H.R. 739 and H.R. 740, H.R. 741 and H.R. 742 shall be laid on the table.

PERSONAL EXPLANATION

Mr. POMBO. Mr. Speaker, on July 12, 2005, I missed four recorded votes. Had I been present, I would have voted "yea" on H.R. 739, the Occupational Safety and Health Small Business Day in Court Act of 2005 (rollcall No. 369); "yea" on H.R. 740, the Occupational Safety and Health Review Commission Efficiency Act of 2005 (rollcall No. 370); "yea" on H.R. 741, the Occupational Safety and Health Independent Review of OSHA Citations Act of 2005 (rollcall No. 371); and "yea" on H.R. 742, the Occupational Safety and Health Small Employer Access to Justice Act of 2005 (rollcall No. 372).

PERSONAL EXPLANATION

Mr. CONYERS. Mr. Speaker, I rise today to enter into the RECORD that on July 12 of this year, due to unavoidable circumstances, I was unable to be present. If I had not been detained today, July 12, 2005, I would have voted as follows:

On Previous Question on OSHA rollbacks, I would have voted "nay" to defeat the previous question on the Rule. If defeated we would have allowed the House to consider the Miller-Owens bill to raise the minimum wage. The minimum wage would be raised to \$7.25 an hour from \$5.15 an hour. The minimum wage has been frozen since 1997.

On H. Res. 351—rule providing consideration for 4 OSHA rollback bills—I would have voted "aye."

On H. Res. 352—providing that the House of Representatives will focus on removing barriers to competitiveness of the United States economy—I would have voted "nay." I would not have supported the legislation because it would not improve U.S. competitiveness. Instead this resolution attempts to blame trial lawyers and "regulation" for the challenges facing the U.S. economy.

On H. Res. 343—commending the State of Kuwait for granting women certain important political rights—I would have voted "yea."

On H.R. 804—to exclude from consideration as income certain payments under the national flood insurance program—I would have voted "yea."

On H.R. 68—NASA and JPL 50th Anniversary Commemorative Coin Act—I would have voted "yea."

On H.R. 739—OSHA rollback on employer citations—I would have voted "nay." I would not have supported the legislation because it undermines the timely abatement of unsafe working conditions, encouraging employers to challenge OSHA citations. One of the principal purposes of the Occupational Safety and Health Act is "to assure so far as possible every working man and woman in the nation safe and healthful working conditions." However, this bill effectively delays the timely abatement of unsafe working conditions, by encouraging employers to litigate citations rather than correcting health and safety hazards.

On H.R. 740—OSHA rollback to stack the Occupational Safety and Health Review Com-

mission—I would have voted "nay." I would not have supported the legislation because it unjustifiably ensures that only lawyers are appointed to the Commission.

On H.R. 741—OSHA rollback of the Secretary of Labor's authority to issue citations—I would have voted "nay." I would not have supported the legislation because it provides that the OSHA Review Commission shall have deference to override the Secretary of Labor's reasonable interpretations of the Secretary's own workplace safety standards—thereby increasing the incentives for challenges to Labor Department's rules and regulations.

On H.R. 742—OSHA rollback to require OSHA to pay attorneys' fees—I would have voted "nay." I would not have supported the legislation because it requires OSHA to pay attorneys' fees and costs for employers with 100 or less employees and a net worth of \$7 million or less in an administrative or judicial proceeding in which OSHA does not prevail. It is a blatant attempt to chill OSHA's exercise of statutory responsibility to enforce the Occupational Safety and Health (OCS) Act, by penalizing the agency for every instance in which it attempts to do so unsuccessfully, and therefore, undermined the enforcement of workplace health and safety laws.

PERSONAL EXPLANATION

Mr. KUCINICH. Mr. Speaker, I was testifying before the BRAC Commission on June 27 for the purpose of protecting 1,075 jobs in Cleveland, Ohio, from removal by the BRAC process. Had I been here, I would have cast the following votes: roll call 322, aye; roll call 323, aye.

□ 1845

ECONOMIC AND JOB GROWTH

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

Mrs. BLACKBURN. Mr. Speaker, you know last night I came down and had a little bit to say about the jobs, 146,000 new jobs that this economy, this private sector has grown in June, and near historic lows in unemployment at 5 percent.

And with the economic growth, the tax reductions, our deficit will be \$100 billion lower than original projections. And we are going to continue to build on all of this.

Today, Mr. Speaker, I want to call attention to another article, this one on spending regulation keeps growing. And I think that is one of the things that we continue to look at and one of the reasons that we are addressing some of the bills and legislation that we are this week.

It is also the reason that we continue to address waste, fraud and abuse in this Congress, finding ways to reduce the cost of government so that this economy will continue to move forward and continue to grow.

HONORING THE LIFE AND CONTRIBUTION OF LIEUTENANT MICHAEL MURPHY

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

Mr. BISHOP of New York. Mr. Speaker, I rise today to recognize a fallen hero from my district who gave his life for our Nation. Lieutenant Michael P. Murphy, a U.S. Navy SEAL, age 29, was killed in action last week when he and three other SEALs were ambushed by terrorists during a reconnaissance mission in Afghanistan.

Lieutenant Murphy was from Patchogue, a town on Long Island which will never forget the ultimate sacrifice of one of its favorite sons. A common thread ran through Lieutenant Murphy's life, his selfless and steadfast dedication to others.

Growing up as a life guard, he watched out for local residents in the town of Brookhaven. After he graduated from Penn State, he chose his country first. He turned down acceptance to two law schools to pursue his dream of defending this country as a highly trained member of the special forces.

But Lieutenant Murphy's dedication would not have stopped there. He planned on joining the FBI's counterterrorist unit after he left the Navy. Lieutenant Murphy died doing what he loved, as he once described military service to his father.

It is fitting that he be awarded the Silver Star posthumously for his valor and sacrifice. Mr. Speaker, our thoughts and prayers remain with Lieutenant Murphy's family and his fiancée. We owe him a debt of gratitude that can never be repaid.

LACK OF SUPPORT FOR CAFTA

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

Mr. BROWN of Ohio. Mr. Speaker, the Central American Free Trade Agreement will likely be brought up for a vote this month. The opposition to CAFTA is broad and deep. Dozens of Republicans and Democrats in this body oppose the Central American Free Trade Agreement.

Small manufacturers and organized labor oppose the Central American Free Trade Agreement. Family farmers and small ranchers and environmentalists oppose the Central American Free Trade Agreement.

Catholic bishops in Central America, in fact the cardinal from Central America is visiting this Chamber, this House this week, and Lutheran and Presbyterian and Jewish leaders in the United States are opposing the Central American Free Trade Agreement.

The reason there is this broad and deep opposition is because the Central American Free Trade Agreement was negotiated by a select few for a select few. We do not oppose trade; we sup-

port fair trade. Renegotiate the Central American Free Trade Agreement. Defeat this CAFTA. Bring forward a CAFTA that can get the broad support of farmers and ranchers and businesses and labor.

FREEDOM OF WORSHIP

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

Ms. FOXX. Mr. Speaker, it was my great pleasure to attend services earlier this month at Arlington First Baptist Church in Jonesville, North Carolina, at the invitation of Pastor Jerry Fugate and my dear friends Ray and Betty Shore.

Area elected officials were invited to worship that day and to celebrate our country's independence. On the front of the bulletin was Romans 13:4: "For government is God's servant for good."

On the back of the bulletin was this message: "The first part of the First Amendment to the U.S. Constitution says, 'Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.' Yet today we see a constant barrage of individuals and organizations who prattle on and on about the separation of church and State, a concept nowhere to be found in the Constitution or its amendments."

I thank Pastor Fugate for the focus on the first amendment of the Constitution. I urge other churches to do all they can to help our citizens know what our Constitution says so they can be protected by it and help preserve it.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2567

Ms. SCHAKOWSKY. Mr. Speaker, I ask unanimous consent that my name be removed as cosponsor of H.R. 2567.

The SPEAKER pro tempore (Mr. WALDEN of Oregon.) Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE COST OF ILLEGAL IMMIGRATION ON THE PEOPLE OF THE UNITED STATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, I rise today to bring attention to the issue of illegal immigration that is perhaps the most important concern to my Texas constituents.

I want to address just one matter, the cost. Government and academic es-

timates indicate there are 9 to 11 million illegal people living in the United States. Immigration officials estimate that the illegal population grows by as many as 500,000 a year; some say 4,000 a day cross into Texas from their southern border.

Someone pays for this illegal activity, and that somebody is the American public, not the illegal immigrants. There is a tremendous strain on local and State communities because of unrestricted illegal immigration throughout Texas and the entire United States.

While it is the Federal Government's responsibility to control immigration, it is the people of the States and local communities that pay the cost. They are the victims of illegal immigration. Those Americans spend millions of tax dollars on education, health care, and criminal justice for those that are here illegally.

Donald Huddle, a Rice University economics professor, has done a study that estimated the cost that we pay for illegals in this country. This chart here shows that the American public pays approximately \$32 billion a year for the cost of illegal immigrants, such as public education. It is about \$5 billion Americans pay.

Social security, \$3 billion. Medicaid, \$3 billion. Total cost to American taxpayers, about \$32 billion a year we pay the cost of illegal immigration. When this study was done, the population of illegals in the United States was about 5 million. Now the population has doubled, and the costs have more than doubled.

Besides these stunning costs, Americans have to pay for their own health care and their own education of their own kids. Many Americans cannot afford these costs for their own families, but they are made to pay the same costs for illegals.

Mr. Speaker, education, public safety and basic health care are the roles provided primarily by our States and local communities. U.S. taxpayer dollars on the local level are used to pay for these services. Yet these communities are continuing to absorb more and more demand for these services while the resources to provide them cannot keep up.

I would like to specifically point out some of the costs that citizens must provide: one, health care. Emergency rooms, the most expensive health care system, are used by illegal immigrants because of the compassion of Americans. We do not turn people down at these hospitals. If the immigrants do not pay, Americans pay.

Some trauma centers in urban areas have closed because they cannot absorb the costs to pay. People are in the system who do not contribute to it financially.

In Michigan, 23 criminal cases were filed alleging that pregnant women from Syria, Lebanon and Yemen flew into the United States, falsified information on Medicaid forms to cover those costs of delivering their babies,

and then returned to their native countries within a few months. Americans paid for all of this criminal activity. Also, the quality of health care will diminish because those in the system are not paying their way.

Second, education. The Supreme Court ruled in 1982 that all kids in the United States would be provided a free education. This cost continues to rise due to the fact that Americans are paying for and educating kids illegally in the United States.

Local property taxes continue to rise. And the quality of education will suffer. Why? Because there are people receiving from the education system, but are not contributing to it financially. Those are people that are here illegally.

Just last year, California spent over \$7 billion a year educating illegal immigrant children. Once again, our compassion for others is to the detriment of our own kids.

In the criminal justice system, where I was a judge in Harris County, over 20 percent of the people in jail were illegally in the United States. Americans provided those individuals a defense attorney, a court system, a trial, and they paid for the incarceration if those individuals were convicted.

Who pays for this? Americans. Americans always pay. Mr. Speaker, everybody wants to live in the United States, but not everybody can live here. We need rules that are fair, and people must respect our rule of law and our borders.

American taxpayers cannot afford to pay for those here illegally who use our health care facilities, our education systems, and go through the criminal justice system.

The failure of this Congress to act on correcting our broken immigration system trickles down to the communities which we all represent, especially those of us who represent border States. The American taxpayer is funding illegals, and we must put a stop to the problem sooner rather than later.

□ 1900

If we continue to offer free education, health care services and provide a criminal justice system, are we not encouraging more illegals to come to the United States?

This just ought not to be.

1996 COSTS TABLE FROM THE HUDDLE STUDY PROGRAMS

Public Education K-12	\$5,850,000,000
Public Higher Education	710,000,000
ESL and Bilingual Education	1,220,000,000
Food Stamps	850,000,000
AFDC	500,000,000
Housing	610,000,000
Social Security	3,610,000,000
Earned Income Tax Credit	680,000,000
Medicaid	3,120,000,000
Medicare A and B	58,000,000
Criminal Justice and Corrections	76,000,000
Local Government	5,000,000,000
Other Programs	9,250,000,000
Total Costs	\$32,740,000,000

HONORING JUDGE MEYER M. CARDIN

The SPEAKER pro tempore (Mr. CONAWAY). Under a previous order of the House, the gentleman from Maryland (Mr. HOYER) is recognized for 5 minutes.

Mr. HOYER. Mr. Speaker, 2 days from today, July 14 of this year, Meyer M. Cardin would have turned 98 years of age. Meyer M. Cardin was a beloved member of the Maryland community. Meyer M. Cardin was the father of our colleague, the gentleman from Maryland (Mr. CARDIN).

Judge Meyer Cardin was not only a wonderful human being, Mr. Speaker, but also a respected jurist, a committed public servant and a patriotic American. He was born in Baltimore on July 7, 1907, and then educated in the public schools of Baltimore City. He also attended the Army and Navy Prep School.

He received his law degree from the University of Maryland Law School and was admitted to practice law in 1929, 10 years before I was born. Six years later in 1935 at the age of 27, Judge Cardin was elected to the Maryland House of Delegates and served in that body for 2 terms, 8 years. At the time of his death, Mr. Speaker, he was the oldest surviving former member of the Maryland General Assembly.

In 1955, Meyer Cardin became Chief Police Magistrate for Baltimore City and served in that post for 2 years. He then served as the Chief Judge of the traffic court in Baltimore City before becoming the Chairman of the Workmans Compensation Commission in 1958. Judge Cardin was then appointed as an Associate Judge of the Baltimore City Circuit Court by former Governor J. Millard Tawes in 1961 and served in that capacity until his retirement on his birthday July 14, 1977.

Mr. Speaker, the true measure of a successful man or woman is not simply the personal accomplishments that I have articulated or something that they have achieved in terms of honors throughout the course of their life or in their professional career.

No, Mr. Speaker, the true measure of a successful person is also whether they have made their community, their State, their church, in this case their synagogue, their Nation a better place and whether they have done their best to ensure that their children and the members of their family are contributing, productive members of our society. By this measure, Mr. Speaker, there can be no doubt that Meyer M. Cardin was an enormously successful human being.

For some eight decades, the Cardin name has been synonymous with public service and civic-mindedness. That is due in large measure to the work of Meyer; his brother, Maurice, who practiced law at the family law firm and also served in the House of Delegates; his son, the gentleman from Maryland (Mr. CARDIN) who is well known to us here for his intellect and commitment

to public service; his son, Howard, who is a successful lawyer; and now, Mr. Speaker, his grandson, of whom he was extraordinarily proud, as he was proud of all of his grandchildren, John, who now serves in the House of Delegates.

Mr. Speaker, tonight, I want to offer my condolences and the condolences of all my colleagues to my friend, the gentleman from Maryland (Mr. CARDIN); to his brother, Howard; and to all of their family, to all of the friends of Judge Cardin.

Meyer Cardin lived a long prosperous and productive life, but more importantly, he has set a strong example and created a legacy that will long endure.

Mr. Speaker, I yield to the gentlewoman from California (Ms. PELOSI), the distinguished Democratic leader, a daughter of Baltimore, whose father was a very close friend of Meyer Cardin.

Ms. PELOSI. Mr. Speaker, I know the time is short so I wish to associate myself with the gentleman's magnificent and eloquent remarks about Meyer Cardin.

I knew him when I was a little girl growing up in Baltimore. He was a friend of my father's, as the gentleman has said. What was wonderful about Meyer Cardin was not only the magnificent contribution he made to the community, to the civic life of Baltimore but the joy that he did take in his family. I will never, I will absolutely never forget his coming over here for the gentleman from Maryland's (Mr. CARDIN) swearing in time and again, and the pride he took and the youthfulness up into his nineties that he always had.

My condolences as well to the gentleman from Maryland (Mr. CARDIN) and Myrna and also to Howard. And the pride they take in John running for office, this is not an easy task, although the Cardin name is a legendary one in Maryland. It is with great pride that we look to the service of the gentleman from Maryland (Mr. CARDIN) in the House of Representatives, because when I was born, my father served in that same seat. It was configured differently all those many years ago, but nonetheless, the gentleman from Maryland (Mr. CARDIN) still represents that part of Baltimore City and beyond.

Again, the Cardin name is legendary, as the gentleman said, for eight decades. A gentle man, a lovely person, a sense of humor, a sense of history, a sense of community, a devoted family person. I hope that it is a comfort to the entire family that so many people mourn their loss and are praying for them at this sad time. But what a triumph to live such a respected life, such a fulfilled life well into his nineties.

I think that God has rewarded him with what we all pray for, a long and happy life.

Mr. HOYER. Mr. Speaker, I thank the gentlewoman for her comments.

Mr. Speaker, I know you are being kind on the timing.

In closing, let me say this, Meyer M. Cardin was a good and decent human

being. He was beloved by his family, beloved by his friends and his community and by his State. Meyer Cardin was a great American, a great human being, a great dad, a great grandfather, and he will be missed sorely. But the gentlewoman from California (Ms. PELOSI) is absolutely correct. His life was a joy and a triumph.

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.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Indiana (Mr. BURTON).

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

There was no objection.

RENEGOTIATE CAFTA

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. Mr. Speaker, I am here on the floor again tonight to talk about my opposition to CAFTA, the Central American Free Trade Agreement.

I want to start my comments by quoting Ross Perot who was a candidate for the presidency in October 1992. I quote Mr. Perot, "You implement that NAFTA, the Mexican trade agreement, where they pay people a dollar an hour, have no health care, no retirement, no pollution control, and you are going to hear a giant sucking sound of jobs being pulled out of this country right at a time when we need the tax base to pay the debt."

That is what Mr. Perot said in 1992.

Mr. Speaker, since NAFTA became the law of the land, let me tell you what happened in my State of North Carolina. North Carolina has lost over 200,000 manufacturing jobs. The United States has lost over 2.5 million manufacturing jobs. CAFTA will continue these trends; 85 percent of the language in CAFTA is identical to the language in NAFTA.

Mr. Speaker, let me talk about Trade Promotion Authority, which I did not support. Since Trade Promotion Authority of August of 1992, North Carolina has lost over 52,000 manufacturing jobs; the United States has lost over 600,000 million manufacturing jobs.

Mr. Speaker, CAFTA will do nothing else but to help eliminate jobs in this great Nation. I do not think we as a Nation can afford to continue to see jobs go overseas, whether they be to

Central America, China or other countries.

Mr. Speaker, this past weekend, I found an advertisement in a magazine, and it starts out, Are we blind? Can't we see what is happening to us? This is an ad by the Economy in Crisis. It is creating an awareness about our true economic conditions.

Let me take just two aspects of this ad, Losing ownership and control of our country: We are losing ownership and control of our country through unsustainable balances of trade deficits. In the last 10 years, we have lost \$3 trillion through these trade deficits. \$1.3 trillion has been returned and used by foreign companies to buy our best companies like Chrysler, Amoco, Atlantic Richfield Oil, and 8,600 other great companies. For example, key chokepoints, industries like cement is 81 percent foreign owned. The movie industry is over 70 percent foreign owned.

Mr. Speaker, additionally in this ad it says, How well and how long can we live like this? I read just one sentence, How secure can we be if we must live on imports and sell off or dismantle our factories?

Mr. Speaker, that is what this is all about. CAFTA is not good for this country. You will see to my left and to my right, one is a newspaper article that says VF Jeanswear Closes Plant, 445 Jobs Gone By Next Summer. Mr. Speaker, those jobs went down to Honduras.

Mr. Speaker, those jobs went down to Honduras. And just 2 years ago, in North Carolina, it says Pillowtex Goes Bust, Erasing 6,450 Jobs and the subtitle says, Five North Carolina Plants Closing in Largest Single Job Loss in State's History. That was just 2 years ago, Mr. Speaker, in 2003.

I do not know how we as a Congress can pass the CAFTA legislation as it is drawn. I agree with my friends on the other side of the aisle, Democrats and also Republicans who are opposed to CAFTA as it is drawn today. We need to rewrite, redraw this treaty with the Central American countries so that it can work for them as well as it works for the United States.

Mr. Speaker, in closing, I would like to show the those in attendance on the floor a candy. It says: Candy decorated fruit snack. And this was made in China.

Mr. Speaker, again, in closing, I hope that we on the House floor will do what is right, and that is to help protect jobs in America and help protect the American people who are working so hard to pay their taxes and meet their obligations.

Mr. Speaker, I ask God to please bless our men and women in uniform and please bless America.

SMART SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, back in my district this past weekend, I had an extraordinary meeting with a group of veterans, many of them from Alpha Company 579th Engineering Battalion who have recently returned from a tour in Iraq.

During their deployment, this National Guard unit of 88 mostly California soldiers lost 3 comrades; 23 were wounded in action. And they also received 26 Purple Hearts, eight Bronze Stars and one Meritorious Service Medal.

Saturday's town meeting was not about my position on the war or anybody else's. We were there to provide information about the services and benefits available to returning soldiers. We had the VA regional director as well as a local vice chairman from a group called Employment Support for the Guard and Reserve. One of our speakers was the National Managing Director of Helmet to Hardhats, an organization that helps place veterans in construction jobs. The administrator from the largest veterans home in the country in Yountville, California, was there. And we heard from a man who started a nonprofit called Welcome Home Heroes devoted simply to treating an Iraq or Afghanistan veteran to a night out with his or her family at a nice restaurant.

For so many soldiers, the return from the battlefield is just the beginning of their ordeal. There are those who have been wounded or mentally traumatized or both and must learn to cope with a life-altering condition. But even if you come home unscathed, the transition back to civilian life can be rough going. There are jobs to find, educations to complete and loans to pay off. There are cases in which service to the Nation has cost veterans their homes or their small businesses. Some may need family counseling to readjust to domestic life.

We cannot let them down. I was profoundly disappointed a few weeks ago when we learned that the Department of Veterans Affairs found itself a billion dollars short of what was necessary to cover veterans health expenses for the year 2005. But this body did the right thing by quickly passing a supplemental to help fill the gap before we left for the Fourth of July holiday, although the appropriations I believe could have been more generous.

How could we go home to celebrate the birth of American freedom if we were not doing our part to support our troops in the field today?

Every Member of the House who voted that day voted aye, voted for the bill which just goes to show, Mr. Speaker, that there is and there should be little partisanship when it comes to support for our veterans.

□ 1915

I do not know anyone on either side of the aisle in this Chamber who does not feel the utmost pride in the brave men and women who are on the front

line in Iraq. I do not know anyone who is not filled with gratitude for their sacrifice. Where I part with many of my colleagues is in my belief that the best way to support the troops is to bring them home as soon as possible, a position shared by a majority of the American people, by the way.

Helping war veterans is a top priority for me. But ironically, one that in an ideal world would hardly be necessary if the United States adopted what I call a SMART Security plan. War would be an absolute last resort, something we turn to reluctantly, only after every diplomatic channel has been pursued. The smart in SMART Security stands for Sensible Multilateral American Response to Terrorism.

As the tragedy in London demonstrates, our belligerence has not made America or the world safer; and it is time, I believe, that we had a new approach, one that relies on multilateral alliances and improved intelligence to track and detain terrorists, one that renews our commitment to nuclear nonproliferation, one that invests aggressively in international development to attack the poverty and hopelessness that breed terrorism in the first place.

SMART is tough, pragmatic, and patriotic. It protects America by relying on the very best of American values: our commitment to freedom, our compassion for the people of the world, and our capacity for global leadership.

Criticism of our Iraq policy must never be misinterpreted as criticism of those on the ground carrying it out. We must stand with our veterans, the fearless Americans literally wearing the scars of a war that they did not choose. Just because a policy may be flawed, and I believe it is, does not detract from the remarkable job they do. We must show the same selflessness toward them that they have showed toward our Nation.

COMPREHENSIVE IMMIGRATION REFORM

The SPEAKER pro tempore (Mr. CONAWAY). Under a previous order of the House, the gentleman from Arizona (Mr. FLAKE) is recognized for 5 minutes.

Mr. FLAKE. Mr. Speaker, I rise today to issue a challenge to my colleagues, those who have criticized the comprehensive immigration reform that has been offered as legislation. In the last Congress, the gentleman from Arizona (Mr. KOLBE) and myself and Senator MCCAIN in the Senate offered comprehensive immigration reform. We have offered a similar bill this year. There have been a lot of critics who have taken the floor and have said that we should not do this; what we need to do rather than have comprehensive immigration reform is to simply secure the border and enforce the law, enforce the current law.

Let me just run down what that actually entails. If we were to enforce the

current immigration laws that we have, it would mean that we would literally round up between 10 million and 15 million illegal aliens who are here presently, uproot them from their jobs, often from their families, and ship them home to their home country where they would be subject to a 10-year bar from reentry. After that 10 years, then they would get in line to go through the legal orderly process, which would probably take another 20 years.

Now, when I explain that to those who are critics of our immigration bill, they often say, well, we do not mean to enforce the current law as it is. Let us selectively enforce it. Let us go after the criminals, not after those who are legally law-abiding here. Well, that is called selective enforcement, and some will actually use that term. We need to selectively enforce the law. I ask the critics of comprehensive immigration reform, how is that any less of an amnesty than what has been proposed?

Under our legislation, anyone here illegally, who has broken no other law than crossing the border illegally, would be required to register, pay a fine, and wait as many as, at least 6 years until the current backlog of those going through the legal orderly process in their home country is complete. Then they would be forced to pay another \$1,000 fine. How is that an amnesty, when simply selectively enforcing the current law is not?

Please explain. For those who are criticizing comprehensive immigration reform, how are you going to secure the border and enforce the law without a temporary worker program? Our legislation realizes that there are many here, probably around 8 million, that are in the workforce currently. Unless we are willing to uproot them and send them all home, then we have to have a temporary worker program or a guest worker program before we can enforce the law. That is why we have to have comprehensive immigration reform that says we need the rule of law.

In order to have the rule of law, we must have a law we can enforce. That is what this is all about, and that is the challenge I issue to those criticizing the comprehensive immigration reform that has been offered, the McCain-Kennedy-Kolbe-Flake-Gutierrez bill. Please come up with your own. Explain how we are going to enforce the current law unless we have a temporary worker program.

People say, let us secure the border first, enforce the current law, and then see if we need a guest worker program. I have already explained what it means to enforce the current law. If you believe that is what we need to do, please proffer a bill. Write legislation. If that is what we need to do, then, please, stand here and suggest it. Otherwise, join us. Join us in our quest to actually have a law that we can enforce. Let us have the rule of law. That is what this country was built on. That is what we need to return to.

It is not a healthy situation to have 10 million to 15 million people here illegally who are below the law, who work in the shadows. That is not healthy for national security. It is not good for our economy, and it is not humanitarian either. We simply need to change the law.

So I invite my colleagues, please, submit legislation. Join this great debate that we have, but do not criticize unless you are willing to offer legislation yourself.

CAFTA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, the Central American Free Trade Agreement, according to Republican leadership, will come to a vote sometime this month. The Central American Free Trade Agreement was signed 13 months ago by President Bush. Every other trade agreement voted on in this Congress has been voted on within 2 months of the President's signature. That is, those trade agreements with Morocco and Chile, Singapore and Australia, all passed the Congress comfortably by wide margins within 60 days of the President affixing his signatures to them.

This trade agreement, CAFTA, was signed by President Bush in May of 2004, and it has not been brought to this Congress for a vote for one simple reason. One simple mathematical reason: the votes simply are not there to pass this agreement. The votes are not there because of the opposition from dozens of Republicans and Democrats, the opposition from small manufacturers and labor unions, and the deep and broad opposition from small farmers and from family farmers and ranchers and environmentalists. The opposition to CAFTA comes from Catholic bishops in Central America and Lutheran and Presbyterian and Jewish leaders in our country.

It is clear this agreement would not pass the House of Representatives today because Americans, in larger and larger numbers, including Members of Congress, representatives of the American people, understand our trade policy simply is not working.

Look at this chart. In 1992, the year I was first elected to Congress, we had a trade deficit. That means we exported less than we imported. We had a trade deficit of \$28 billion. Last year, our trade deficit was \$618 billion. From \$38 billion to \$618 billion trade deficit in only a dozen years. It is clear our trade policy is not working when we have these kinds of trade deficits, coupled with the budget deficits we have seen the last 5 years.

Now, these might just be numbers to economists, these numbers about the trade deficit, but here is what they really translate into. The States in red are States which have lost 20 percent of

their manufacturing jobs in the last 6½ years. The States in blue have lost 15 to 20 percent of their manufacturing jobs. Now, again, those are numbers, but think about this. My State, and the State of my colleague, the gentlewoman from Ohio (Ms. KAPTUR), has lost 217,000; and the gentleman from Ohio (Mr. STRICKLAND), who has joined us, has lost 217,000. The State of our colleague, the gentleman from Oregon (Mr. DEFAZIO), has lost 28,000. The State of the gentleman from Illinois (Mr. EMANUEL) has lost 224,000. My colleague over here, the gentleman from Iowa (Mr. KING), has lost 32,000. Pennsylvania has lost 200,000; New York, 222,000; Michigan, 200,000; Texas, 200,000 jobs; and California, 353,000.

These are families who have lost their principal source of income. These are people living in school districts which have seen plants close and funding for education plummet. These are people who live in communities that have inadequate police and fire protection because the tax base in these school districts and in these cities and communities have been eroded when plants close. So it is clear that our trade policy simply is not working.

Now, the supporters of the Central American Free Trade Agreement love to say three things: they say that CAFTA will increase jobs in the United States; they say CAFTA will mean more production, more manufacturing in exports to other countries; and they say that CAFTA will increase, enhance, bring up the standard of living in each of these developing countries in Central America and the Dominican Republic. Well, Benjamin Franklin said the definition of insanity is doing the same thing over and over and over and expecting a different result. Presidents always, President Clinton and now President Bush, always promise the same things, more jobs, more manufacturing exports, a higher standard of living in the developing world. It does not work.

They tell us that these CAFTA countries will buy more American goods; that we will manufacture more goods and export them to these six countries. But, Mr. Speaker, if you look at this chart that says "show me the money," look at the income levels. The United States income of the average person is \$38,000; in Costa Rica it is 9,000; the Dominican Republic, 6,000; El Salvador, 4,000; Guatemala, 4,000; Honduras, 2,600; Nicaragua, 2,300.

Guatemalans making \$4,100 a year are not going to buy cars made in Toledo, Ohio, the district of my colleague. Hondurans making \$2,600 a year are not going to buy software from the State of my colleague, the gentleman from Oregon (Mr. DEFAZIO). Nicaraguans making \$2,300 a year are not going to buy a prime cut of beef from Illinois or from Nebraska. El Salvadorans making \$4,800 a year are not going to be able to buy textiles and apparel from North Carolina and South Carolina and Georgia.

Mr. Speaker, this trade agreement does not work. Defeat this CAFTA and renegotiate a better trade agreement for all Americans and all of Central America.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. NORWOOD) is recognized for 5 minutes.

(Mr. NORWOOD addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

PUBLIC HEALTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, I rise this evening to talk on a subject which is not often addressed on the floor of the House, which is public health, particularly public health as relates to threats of bioterrorism or naturally occurring events.

Today, and I am a member of the Committee on Homeland Security, we had some rather disturbing revelations of the lack of progress with Operation BioShield, which seems to have done more to enhance the profits of the pharmaceutical industry, to engage in some exotic forms of research, to ignore some off-the-shelf remedies which could deal with very real and horrible threats, such as the potential for a nuclear device that could deal with the radiological aftermath and things of that nature.

Now, the Committee on Homeland Security will continue to investigate those areas and deliberate in those areas, and that is good, because we need to improve how we target those funds, how they are spent, and how we assess the threats to the people of the United States. More than \$12 billion was spent on smallpox and anthrax, the anthrax attack apparently perpetuated by somebody who perhaps stole that from Ft. Detrick, Maryland; and smallpox, of course, is not yet known to be a threat.

The administration, however, has ignored a very real threat to the American people. Many of us experienced the fact that last year there was not enough flu vaccine, because we have left it to the private sector, free markets, and competition to provide flu vaccine; and it is not working real well. This is not the first shortage in recent years, not the first series of price gouging for vulnerable people. It has become recurrent year after year.

Last year, I did not get a flu shot, as many other Americans did not, in order to give up our doses for those who might be more at risk.

□ 1930

The system is broken. We can only hope that the Bush administration will begin to take more definitive action and introduce legislation along those lines.

But even more threatening than the annual flu occurrence is the prospect of H5N1, the avian flu virus, mutating and becoming the next pandemic attacking people around the world. It is estimated that 30 to 70 million people could die, many here in the United States, similar to the 1917, I believe, epidemic.

The Bush administration has been charged, granted we have known about H5N1 for quite some time, and the Clinton administration did very little in this area, so there is blame to go around. But it has become more persistently reported. It has reached more epidemic proportions. There have been more human infections, more reports of possible human infections being concealed by the Chinese communist government, as they often do in these matters. And the Bush administration in the last year spent a total of \$110.3 million, \$70.5 million for vaccines, and \$15.6 million for antiviral drugs. Despite the fact that the World Health Organization tells us we should be stockpiling these drugs, the Bush administration is not stockpiling these drugs.

Mr. Speaker, \$15.6 million for antiviral drugs. That is less than half of what they spent on adolescent family life prevention projects. They spent nearly twice as much money on abstinence-only education money in America as on all flu vaccine spending.

A looming pandemic, and the Bush administration and Health and Human Services are off worried about abstinence-only education, as opposed to an extraordinary threat to millions of Americans.

This could become an incredible problem as early as this year, but this administration seems determined to just bumble along until the time when the pandemic begins, and then it will be too late. There is only one producer overseas. Other nations have lined up to buy their production. The United States of America has not. The pharmacies will run out quickly. We do not have adequate hospital surge capacity. We are vulnerable in so many ways, but the Bush administration thinks it is more important to spend money on abstinence-only education than preserving the health of the American people in the face of these deadly threats.

Hopefully they will begin to do better, and, if they cannot, perhaps the Republican leadership in Congress will allow us to move legislation that will force them to do better in the future to protect the American people.

OUTSOURCING MILITARY TO SOLDIERS OF FORTUNE

The SPEAKER pro tempore (Mr. CONAWAY). Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, this evening, I would like to talk about a

cultural change occurring in the U.S. military that is very troubling to me. For those people who have served our country and continue to serve our country in the military service, the words honor, duty, God, and country mean everything. These timeless words have motivated hundreds of thousands of our patriotic citizens to enlist and serve in the United States military over the decades, and they inspire a calling to rise above one's own self-interest for the betterment of our Nation and her highest principles: Liberty, equality and justice.

Those high principles are in stark contrast to what the World Book Dictionary defines as a soldier of fortune, "a man serving or ready to serve as a soldier under any government for money, for adventure or for pleasure."

I could not help but think about this and read and reread that definition as I examine how pay and benefits provided to these private military personnel engaged in the Iraqi war dwarf what we provide our all-volunteer military. Guards for private security firms on average are earning \$400 to \$600 a day or \$144,000 to \$216,000 in a single year, and they are earning it tax free. That is right. These salaries and tax-free dollars are provided so long as the men remain in-country for more than a year.

The slain guards for Blackwater were earning nearly a thousand dollars a day for an astronomical salary of \$365,000 a year. Let us compare that to what we provide the men and women who have served in our military for 6 years, not even the 1 or 2 years that most personnel in Iraq are at. A military commissioned officer can expect to earn between \$100 and \$270 a day, for a paltry total of \$36,000 to \$96,000 a year. Enlisted soldiers, those who carry out the toughest assignments and are in the most danger and need the most support, earn \$36,000 in a good year. That is outrageous.

General Omar Bradley, the GI general himself said, "Leadership in the democratic Army means firmness, not harshness; understanding, not weakness; justice, not license; humaneness, not intolerance; generosity, not selfishness; pride, not egotism."

I thought a lot about those words as I am increasingly saddened as I watch what seems to be transpiring in the Iraqi war. As each day passes, a nonsensical strategy is unraveling in Iraq that threatens to transform many of our most important ideals into crash commercialism. The utter mismanagement of the war troubles me as I witness what I perceive to be the undermining of the honor code and the diminishment of the meaning of the words "service" and "duty" that have served as hallmarks of our military tradition from its inception.

Let me be clear. For those soldiers, both enlisted personnel and officers serving under the time-tested rules of engagement, I have no quarrel. They serve bravely. Their integrity is indis-

putable, their will resolute. No, my apprehension lies with the architects of war. Where I am growing increasingly uncomfortable and downright concerned is with the actions of the President and his role as commander in chief, his Vice President, and their Secretary of Defense, Donald Rumsfeld. Together, they are authorizing a strategy for the outsourcing of military functions that is unparalleled in scope and size in the history of this Nation. Never before have so many private contractors, an estimated 20,000 private military personnel and 100,000 civilian contractors, been utilized in such a function to perform critical security and military needs in theater, duties that heretofore had been under the direct purview of the regular military and its established chain of command beginning with the commander in chief and his joint chiefs of staff.

Mr. Speaker, no one in Congress has any idea of the exact number of private security contractors working and operating in Iraq. Last year, in response to a detailed request levied by myself and dozens of our colleagues, the Coalition Provisional Authority compiled a list of 60 different firms employing a total of 20,000 personnel back then, including U.S. citizens, Iraqis and third country nationals. No additional information, no specifics on the contracts awarded, just a list.

And so we watch the news, and we try to figure out what is actually happening over there. According to an excellent journalistic expose' on Frontline, and I quote, "Beforehand handing over power to the newly elected Iraqi government in January 2005, the CPA established Memorandum 17, a notice that called for all private security companies operating in Iraq to register by June 1 and established an oversight committee led by Iraq's Ministry of the Interior. According to Lawrence Peter, a former CPA official and the director of the Private Security Association of Iraq, as of June 21, 2005, 37 security contractors have registered with the Iraqi Ministry of the Interior. One is awaiting approval, and 18 additional security companies are in the process of registering."

Mr. Speaker, what on earth is going on in Iraq? How do we distinguish between soldiers of fortune and those of our own military who are committed to honor, duty, God, and country? Why can this Congress not get straight answers from the administration on this and a bevy of other issues? Why are we relying on thousands of contractors, including some from third countries, to provide backup and support to our regular military? Why is it perfectly acceptable to outsource war, and this under a veil of secrecy? I have hundreds of questions, and Members can rest assured I will refuse to stop asking them until the American people get real and substantive answers to those responsible.

What really bothered me was when I saw that Paul Bremer at the beginning

had guards around him that did not have military-issued uniforms nor U.S. Department of Defense weapons. I began to ask questions. I will continue to raise them, and I include for the RECORD some additional materials.

Honor, duty, God, country. These timeless words have motivated hundreds of thousands of patriotic citizens to enlist and serve in the United States Military over the decades. These words inspire a calling to rise above ones own self for the betterment of our nation and her highest principals—liberty, equality, justice.

General Omar Bradley (the GI General himself) said that "Leadership in the democratic army means firmness, not harshness; understanding, not weakness; justice, not license; humaneness, not intolerance; generosity, not selfishness; pride, not egotism." / General George Marshall, the architect of the Marshall Plan and one of the foremost General officers of his day is oft quoted as saying, "Morale is the state of mind. It is steadfastness and courage and hope. It is confidence and zeal and loyalty. It is élan, esprit de corps and determination." If only we were to heed the words of these two incredible men as we continue to engage in a costly and unpredictable war in Iraq.

Instead, I am increasingly saddened as I watch what seems to be transpiring in the Iraqi war. As each day passes, a nonsensical strategy is unraveling in Iraq that threatens to transform many of our most important ideals into crass commercialism. The utter mismanagement of the war troubles me as I witness what I perceive to be the undermining of the honor code—and the diminishment of the meaning of words "service" and "duty" that have served as hallmarks of our military tradition from its inception.

Let me be clear. For those soldiers (both enlisted personnel and officers) serving under the time tested rules of engagement, I have no quarrel. They serve bravely. Their integrity is indisputable. Their will resolute.

No, my apprehension lies with the architects of the War. Where I am growing increasingly uncomfortable and downright concerned, is with the actions of this President in his role as Commander and Chief, his Vice President, and their Secretary of Defense, Donald Rumsfeld.

Together they are authorizing a strategy for the outsourcing of military functions that is unparalleled in scope and size. Never before have so many private contractors (an estimated 20,000 private military personnel and 100,000 civilian contractors) been utilized in such a fashion—to perform critical security and military needs in theatre. Duties that had heretofore been under the direct purview of the regular military and its established chain of command—beginning with the Commander in Chief and Joint Chiefs of Staff.

Mr. Speaker, no one in this Congress has any idea of the exact number of private security contractors working and operating in Iraq. Last year, in response to a detailed request levied by myself and dozens of colleagues, the Coalition Provisional Authority (CPA) compiled a list of 60 different firms employing a total of 20,000 personnel (including U.S. citizens, Iraqis and third-country nationals). No additional information. No specifics on the contracts that were awarded. Just a list.

My colleagues and I are forced to rely on the tabulation of news articles and press releases to keep on top of what companies are operating in theater, what duties they may or may not be performing and just how much money the United States government is paying them.

According to an excellent journalistic expose on the PBS program Frontline, "before handing over power to the newly elected Iraqi government in January 2005, the CPA established "Memorandum 17" a notice that called for all private security companies operating in Iraq to register by June 1 and established an oversight committee led by Iraq's Ministry of the Interior. According to Lawrence Peter, a former CPA official and the director of the Private Security Company Association of Iraq, as of June 21, 2005, 37 security contractors have registered with the Iraqi Ministry of the Interior. One is awaiting approval, and at least 18 additional security companies are in the process of registering."

Mr. Speaker—What on earth is going on in Iraq? Why can't this Congress get straight answers from the administration on this and a bevy of other issues? Why are we relying on thousands of contractors to provide backup and support to our regular military? Why is it perfectly acceptable to outsource war—and this under a veil of secrecy? I have hundreds of questions Mr. Speaker, and you can be assured that I refuse to stop asking them until the American people get real and substantive answers from those responsible.

Perhaps the problem is the constant replacement of theater commanders during an already tumultuous occupation. After the ground victory, the U.S. watched the architect of the rapid sprint to Baghdad—General Tommy Franks—retire early. When his photo appeared like a 12 inch high pin up on the cover of Cigar Aficionado Magazine in December of 2003, just months into the occupation, I wondered what Generals Joe Stillwell and Omar Bradley would think. In that interview, General Franks discussed the over-reliance on Reserve troops, and the types of jobs that U.S. military personnel were asked to handle. He said "We need to get people out of those jobs, get civilians in them, and get our military into the jobs that are the highest payoff in terms of the military skills." I thought to myself: "This is coming from a general who has left nearly 150,000 of his troops in theater, while at the same time feels that we are not allocating our resources in the best way possible." I couldn't think of a single precedent for such an action—to leave before relative calm was restored. Before the peace was won.

General Franks had it half right. We are getting civilians into thousands of jobs in Iraq with ease, but we're doing it in exactly the wrong way. We are filling critical slots with civilians who are paid far more money than regular U.S. troops, who have a much more cavalier attitude toward duty, justice and honor and who are simply wrong for the job.

My concerns grew exponentially during the first year of the occupation. It was quite a shock to see Ambassador Paul Bremmer on the front page of the New York Times guarded not by U.S. soldiers (in regular military uniform and carrying military issue weapons), but by private contractors in civilian clothing looking like something out of the NYPD undercover squad. To then learn their salaries were 5 to 10 times as high as our soldiers—who by the

way still can't get adequate body or vehicle armor—riveted my attention.

Then, on March 31, 2004, four Blackwater USA guards (again, private military/security forces) were ambushed by Iraqi insurgents while on escort-duty west of Fallujah. As recounted, "The guards were killed; a mob of Iraqis set their cars on fire and hung two of the bodies from a bridge. The families of the guards are suing Blackwater for wrongful death: They claim the company did not meet its contractual obligation to supply two SUVs with three guards per vehicle."

Those men went into Fallujah without notifying or seeking the approval of the U.S. Marine Corps, then responsible for the security of that sector. Tragically those men lost their lives and it is a miracle that our own military servicemen—who were ordered in to recover their remains—escaped uninjured. More importantly, the regional Marine commander was forced to alter his strategy for quelling the insurgency to not only recover the remains of the men, but deal with the heightened tensions caused by the incident.

Mr. Speaker, the World Book Dictionary defines a soldier of fortune as: "a man serving or ready to serve as a soldier under any government for money, adventure, or pleasure."

I cannot help but read and re-read that definition as I examine how pay and benefits provided to these private military personnel dwarf what we provide our all-volunteer military.

Guards for private security firms on average, earn \$400 to \$600 per day—or \$144,000 to \$216,000 in a single year. Tax-free. That's right Mr. Speaker, these salaries are tax-free providing that these men remain in-country for more than one year. The slain guards for Blackwater were earning nearly \$1000 a day for an astronomical \$365,000 yearly salary.

Let's compare that to what we provide the men and women who have served in our military for six years (not even the one or two years that most personnel are in Iraq). A military commissioned officer can expect to earn between \$100 and \$270 a day—for a paltry total of \$36,000 to \$96,000 each year. Enlisted soldiers, those who carry out the toughest assignments, are in the most danger and need the most support might earn \$36,000 in a good year. That is outrageous, Mr. Speaker.

In my hand I hold a solicitation sent to a police officer in my Congressional District in Toledo, Ohio. It is from DynCorp International LLC and promises an annual compensation of over \$120,000 to perform an "armed, plainclothes mission" to "help the Iraqi judicial system organize effective civilian law enforcement agencies."

This is what we are dealing with on a daily basis Mr. Speaker. As the U.S. attempts to secure the peace in Iraq, thousands of individuals are flooding into the country to perform armed, dangerous and complex tasks, often with little to no formal or military training.

A constituent of mine reports that her husband of more than 20 years, who moved to Kuwait last year to take a very high-paying job ferrying security personnel into (and out of) Iraq, is earning a huge salary and may not return to the U.S. He has decided to divorce her for a much younger Asian woman who has moved to Kuwait. Both intend to remain in the Middle East.

Mr. Speaker, this is not honor. It is not duty. It is not God. And it certainly is not country. It is money. It is adventure. It is pleasure.

Mr. Speaker, we need to ask ourselves a fundamental question: what is a soldier and what is a mercenary? Why are we short-changing, under-supplying and selling out our own U.S. troops to pay private military companies hundreds of millions of dollars so that their professional warriors can earn exorbitant salaries?

I will be in the well of this House (every day if I must) asking these questions until they are answered in a satisfactory manner.

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Up to 1,000 civilian police advisors will be deployed to help the Iraqi judicial system organize effective civilian law enforcement agencies.

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Contract length is one year. This is an armed, plainclothes mission.

All lodging, meals, and transportation, logistical, technical and administrative support is provided at no cost to the officer.

REQUIREMENTS TO QUALIFY

United States Citizenship.

Minimum 5 years full time sworn law enforcement experience.

Actively serving law enforcement officers, or recently separated (within 3 years).

Unblemished background.

Excellent health.

Valid U.S. driver's license.

Valid U.S. Passport.

Ability to communicate in English.

Minimum age of 26.

Ability to qualify with a 9MM semi-automatic weapon.

Annual pay package is \$120,632.00.

Resumes should detail specific experience, certifications, specialties, ranks, and assignments.

Apply today!

[From FOXNews.com, July 6, 2005]

HOW DO YOU LIKE YOUR CONTRACTOR MONEY?

(By Liza Porteus)

NEW YORK.—For three days, a group of 16 American contractors in Iraq feared they had stumbled into a different world—one where the U.S. military viewed them, and not Islamic extremists, as the enemy.

The ordeal began May 28 when a group of Marines suspected the contractors for Zapata Engineering (search) of shooting at them and Iraqi civilians in Fallujah. The Marines allegedly bound and roughed up the contractors, who were given orange jumpsuits to wear. They also received a prayer rug and a copy of the Koran (search) and were placed in a cell next to Iraqi insurgent suspects.

The contractors, eight of whom are former military men, wondered how the Marines supposedly could throw the idea of "Semper Fi" out the window and treat fellow Americans so poorly.

"If we were terrorists, they would have extradited us so they could have charged us . . . once they cleared us, they should have let us go," Pete Ginter, one of the Zapata contractors, told FOXNews.com in a recent interview. "I think it's some personal vendetta they had against us."

Several of the contractors told FOXNews.com the gripe appeared to be financial, stemming from jealousy over the belief that contractors make more money.

"How do you like your contractor money now?" one Marine barked, according to those contractors interviewed.

On June 9, a statement from a Marine spokesman said that while detained "in accordance with standard operation procedures, the Americans were segregated from the rest of the detainee population and, like all security detainees, were treated humanely and respectfully."

The statement said the investigation will look into "all aspects of the incident, as well as the accusations made by the contractors."

Manuel Zapata, president of Zapata Engineering, released a statement soon after the incident saying he was "disturbed" by the allegations but acknowledged the root cause likely was a "misunderstanding by people who are living and working in an intense and stressful situation."

He added: "At the same time, we are also disturbed over reported accounts by our personnel of their treatment while in Marine detention."

'BLUE-ON-WHITE' ANTAGONISM

The Zapata crew was part of a community of about 120,000 private foreign contractors in Iraq, many working side by side with U.S. military personnel to rebuild a country virtually destroyed by 30 years of neglect and war.

These contractors say they wholeheartedly stand behind President Bush and the U.S. military in the mission to put Iraq on the road toward democracy. But they say a few bad apples aren't helping in those efforts.

"It seems there's a lot more American-on-American [conflict] right now—we call it 'blue on white'—but then again there's a lot of military people who are our closest friends . . . so it's a catch-22," said Robert Shaver, another detained Zapata contractor.

Among the contractors are about 20,000 who work for private security companies, some of whom have come under criticism for bad behavior. Witnesses have been quoted telling stories about caravans of intimidating contractors driving fast through Iraqi streets in their SUVs with guns hanging out the window.

Marine Col. John Toolan, who was the military commander of the area that included Fallujah when four private security contractors employed by Blackwater (search) were ambushed and murdered last year, told PBS' "Frontline" that the part of the problem is that the military and contractors have different motivations in a dangerous environment.

"We have a tendency to want to be a little bit more sure about operating in an environment," he said. "Whereas I think some of the contractors are motivated by the financial remuneration and the fact that they probably want to get someplace from point A to point B quickly, their tendency [is] to have a little more risk. So yes, we're at odds. But we can work it out."

Contractors who were once in the armed forces themselves, like Zapata's Ginter and Matt Raiche, say they went over to Iraq as private citizens to help pay the bills back home.

"I didn't want a dead-end job, I didn't want to live paycheck to paycheck" and live off loans, Ginter told FOXNews.com about why he became a contractor.

A CASE OF THEY SAID, THEY SAID

The Zapata contractors were detained in Fallujah (search) after the Marines said the contractors sprayed gunfire at them and a group of Iraqi civilians from an armored convoy twice earlier that day. The crew was in Iraq destroying enemy ammunition and explosives.

The contractors say they have proof that they weren't near the position where the Ma-

rines claim they were shot at earlier in the day and were actually dropping off ordnances at Camp Victory at the time. Several told FOXNews.com in interviews that sign-in logs can corroborate their story and they said they have receipts from a restaurant and other places they stopped at during the time in question. Plus, the contractors say the Marines' description of the convoy doesn't match the vehicles they were driving.

Ginter and Raiche say the problems began with a flat tire. Their group was changing a tire that blew out after their driver didn't make a turn wide enough to avoid a spike strip when a group of Marines came out and said they wanted to go back to their compound and talk.

The Marines said two rounds of ammunition had hit near where they were stationed. When the Zapata crew asked to see exactly where the rounds hit, they said they couldn't get a straight answer.

The contractors said they fired warning shots into the ground—standard procedure—to prevent a suspicious vehicle from approaching their convoy but that they never aimed at Marines or civilians.

The Marines eventually brought the Zapata contractors to a compound where they were put in 6-by-6 foot concrete cells. When they asked for an attorney, they were told to "shut up," the contractors claim. They were detained there for three days.

"I know for a fact with our situation, the first 36 hours we were detained, there was a lot of tension in the air and a lot of animosity toward us contractors for the money we make," Shaver, who is now back in the United States and living in upstate New York, told FOXNews.com.

Ginter claims that on his way back from being escorted from the bathroom, one of the Marines "physically forces me on the ground, banged my knees on the ground . . . he kicked my ankle into the cross position," and took off his cross necklace. He also claims the Marine squeezed his testicles "so hard I almost puked" and threatened to unleash a dog on him if he moved.

"Seriously, I thought someone had died, I thought some way they had connected a death to us and I thought . . . maybe it was a joke, maybe it was training and we didn't know about it," Ginter added.

Raiche said he had his wedding ring and jewelry removed and was also threatened with the dog. He also said he heard one Marine heckle, "how does it feel to make that contractors' money now?" A female Marine was taking pictures of the proceedings, they said. The contractors had blacked-out goggles placed over their heads when they were put on a bus from the original detention site to another one near Fallujah, where Iraqi insurgent suspects are also kept. Ginter said there was a small slit in the goggles that he could see out of.

"I watched as my fellow brothers were thrown to the ground, physically abused . . . knees, necks, tossed to the ground with the female taking pictures," Ginter said. "It was like going into the Twilight Zone."

Ginter and Raiche said only five or six members of their group were interviewed when investigators from agencies like the FBI showed up. They said they asked for a lawyer, to make a phone call, to contact the Red Cross, Amnesty International and others but were denied such requests. They claim about four Marines, however, were in "total awe—they could not believe what was happening," Ginter said.

INVESTIGATING THE INVESTIGATIONS

Neither Ginter nor Raiche have been questioned by military investigators since they returned from Iraq. Mark Schopper, the Nevada-based lawyer for some of the contrac-

tors in question, said he doesn't believe anyone in the group has been. The Justice Department also reportedly is looking into the incident.

Gail Rosenberg, a public relations consultant for Zapata, told FOXNews.com on Thursday that the internal investigation from Zapata Engineering is still ongoing. Rosenberg added that "there has been no direct contact" between Zapata and the government on the investigation since the original Zapata statement was released after the incident.

The military has had little to say about the incident since it first happened. Lt. Col. David Lapan, a Marine spokesman, issued a statement saying the Naval Criminal Investigative Service would handle the investigation.

Lapan suggested that the Marines were following procedure in how they handled the contractors. And while Lapan said all charges would be investigated, he added "thus far we have seen nothing to substantiate the claims."

When contacted by FOX News for an update on the investigation last week, Lapan said in an e-mail exchange: "No new developments on the military side. The investigation continues."

So far, even though some of the Zapata contractors say they haven't been contacted by the NCIS, investigators have spoken to personnel with the U.S. Army Corp of Engineers.

"As far we know, it's still ongoing, we don't have anything new" on the investigation, said Kim Gillespie, a spokeswoman for the U.S. Army Engineering and Support Center in Huntsville, Ala., which specializes in ordnance and explosives and administered the Zapata contract. "They didn't give us any indication as to when they're going to wrap this up . . . I will assume we will be made aware when this investigation is complete."

Coincidentally, Gillespie said Zapata's contract for the explosives work it was doing in Iraq expired Thursday; that contract date was predetermined a year ago, however, and has nothing to do with the alleged incident involving the Marines.

GETTING ON WITH LIFE

After the Fallujah incident, the military gave each of the 16 contractors a letter barring them from further operations in Al Anbar province in western Iraq.

"The contractors clearly, without doubt, experienced physical and psychological abuse and have suffered serious monetary damages," Schopper said. "They lost their jobs, some of them their careers. . . . There are serious, serious civil rights violations."

Schopper said that since he went public with information regarding credit card receipts and time logs that show his clients weren't in the area of the first shootings at the time in question, the Marines have changed their story as to who they think shot at them.

He has not yet filed any formal complaints with the military because, "until we get a better feel of what's going on, it doesn't behoove us to show any of our cards."

"We're hoping in fact that this is cleared up without any legal action and hopefully the investigation, if they are in fact doing one, is in fact legitimate and will clear our guys," Schopper added.

Until then, several of the contractors said their lives have been at a virtual standstill.

"There's not much we can do" so far as work is concerned, Ginter said, noting that many government jobs he's qualified for involve high-level security clearances, which involve background checks. "Right now, with this blot on my background, it ruins everything, even if I was to work for the post

office . . . unless I want to work at McDonald's in a job."

Raiche, a former firefighter before heading to Iraq, said he couldn't even get that job back, nor a job in law enforcement, until his name is cleared.

"I have guys in the military right now who were personal friends of mine," Ginter said. "I have no resentment toward the military. I want this off my record."

URGING LOBBYING REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Mr. Speaker, today in the Washington Post, we found out that a key adviser to President Bush on the Intelligence Advisory Committee has been instrumental in helping China and the Chinese oil company put together their bid to purchase Unocal.

The other day, the Center For Public Integrity disclosed that big drug companies spent \$800 million in the last 7 years to influence the Congress, the Senate, and the legislation and the policies we have here; and then just last year we passed a pharmaceutical prescription drug bill that ended up producing or will produce \$132 billion in additional profit for the pharmaceutical industry.

The tobacco industry donated over the last few years \$40 million to the Republican Party, and then they get a sweetheart deal by the Department of Justice for just pennies on the dollar when it came to settling a lawsuit. They settled for 8 percent of what they had originally gone in for, \$10 million versus \$130 million. USA Today points out that corporate donors have given more than \$120 million to Republicans during the last election, and now they are receiving their reward. For some businesses, invest a little now and get a larger return later. That has been the motto.

Just take energy prices. Big oil and big energy companies has been a major contributor to the majority party, the Republican Party. Oil is at \$60 a barrel, approximately, and yet we talk about giving a \$8 billion taxpayer give-away so big oil can do what? Drill for oil. I thought that was their business plan. So what we are asking the American taxpayer to do is pay once at the pump and again on April 15. Why? Because big oil is a more influential player here in Washington.

Special interests have attached themselves to Congress, and this parasitic relationship is having a corrosive effect on our Nation of and for the people. When the Speaker's gavel comes down, it is intended to open the People's House, not the auction house. And lately when we look at the tobacco industry, the energy industry, the pharmaceutical industry, those who lobby on behalf of major interests like Chinese oil companies, we can see something that is happening as it relates to the People's House.

The relationship between lobbyists and lawmakers has become far too cozy and close. Professional lobbyists and the lobbyist profession have become a back office for Congress, serving as travel agents, employment agencies, and authors of legislation. In fact, in the past 6 years, lobbying expenditures have more than doubled to \$3 billion annually. Yet while the number of professional lobbyists and their fees have increased, only one in five lobbyists actually register as required. Of the 250 top lobbying firms, 210 failed to file one or more of the necessary documents.

The special interests have benefited from the weak reporting, nonexistent oversight and toothless penalties while the credibility of the United States Congress suffers. We have had a debate about campaign finance reform here in this Congress, a debate that ultimately put some distance between donors and candidates. Now we need a similar debate as it relates to lobbyists and Members of Congress.

□ 1945

We tell, in this institution, corporate America how to clean up their act. We tell professional sports teams how to clean up their act. Yet when it comes to our business, how we clean up our house, we are not very good at that. We think business as usual is just fine.

It is time we updated our laws to reflect the explosive growth and increasing influence of the professional lobbyist community. It has been 10 years since we have done anything. The gentleman from Massachusetts (Mr. MEEHAN) and I have introduced the Lobbying and Ethics Reform Act. Our bill creates a code of official conduct for Congress. In the coming days, we will have a Senate bill, itself, introduced by a colleague of ours. This code of conduct would close the revolving door by requiring former Members and staff to wait a minimum of 2 years after they leave Congress before becoming lobbyists to work back here influencing legislation and trading on their knowledge. The bill would end the practice of lobbyists serving as congressional travel agents by arranging lavish junkets for Members of Congress. We also require lobbyists to disclose their past connections, previous Hill employment and financial activities on a public database.

The Meehan-Emanuel bill increases the penalties for failing to comply with the Lobbying Disclosure Act. It also creates a bipartisan House task force to recommend ways to reinvigorate ethics oversight and enforcement. And it would require the Government Accountability Office to report twice a year on the state of oversight and enforcement.

Mr. Speaker, the gavel should mark the opening of the People's House, not the auction house, and that is what the American people now see this Congress doing. Unless we reform the relationship between the lobbying community and Members of Congress, we cannot

restore the public's faith in the People's House. We are suffering from a systematic problem requiring an institutional solution. We need more sunlight, more transparency, better oversight and stiffer penalties. The Meehan-Emanuel bill provides that transparency. And let me add that this is not a partisan issue. I hope that Members of both parties will join us in working together to pass these important reforms.

Mr. Speaker, we have a duty to ensure that the voices of the American people are not drowned out by the professional lobbyists working the halls of Congress. Only through lobbying reform can we return the People's House to the American people.

The SPEAKER pro tempore (Mr. CONAWAY). Under a previous order of the House, the gentleman from Massachusetts (Mr. MEEHAN) is recognized for 5 minutes.

(Mr. MEEHAN 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 Washington (Mr. INSLEE) is recognized for 5 minutes.

(Mr. INSLEE 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 the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 5 minutes.

(Mr. BLUMENAUER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

IN MEMORY OF CONGRESSMAN JAKE PICKLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. EDWARDS) is recognized for 5 minutes.

Mr. EDWARDS. Mr. Speaker, I did not just like Jake Pickle; I loved Jake Pickle. Congressman Pickle was one of the finest public servants to have ever served in this House, and he was a true Texas treasure. He was a kind, decent, caring human being who spent his entire life making life better for others. Whether it was helping a veteran receive health care, bringing research dollars, and he brought many of them, to his beloved University of Texas or saving the Social Security system in 1983, Jake was always dedicated to helping others.

Jake Pickle's faith was shown time and time again as he lived the commandment to love thy neighbor. Jake Pickle lived every day with another biblical verse, "This is the day the Lord hath made. Let us rejoice and be glad in it." Jake lived every day joyfully. He lit up a room when he walked into it because of his joyful, positive approach to life. His positive approach has enlightened the lives of all of us blessed to have known him.

Jake Pickle exemplified courage when he voted as a freshman Congressman from Texas to pass the Civil Rights Act which brought to reality the promise of equal opportunity to millions of African-Americans. He did it because it was the right thing to do, even though it could have ended his political career.

I want to tell one story about my friend Jake Pickle. In June of 1994, he and I were part of a U.S. congressional delegation at the 50th anniversary of D-Day. After the ceremony on June 4 of 1994, our bus was about to leave to go back to a hotel an hour to 2 hours away. I noticed Jake getting off the bus by himself. I stopped, walked up to him and said, Jake, what are you doing? And he said, Why don't you come with me, Chet?

So I followed Jake Pickle off that bus. We walked several hundred yards. We went to Point du Hoc, that monument to American GI courage on D-Day when Colonel Earl Rudder led Rudder's Army Rangers up that stiff cliff against murderous fire by the Germans above them. It turned out that Jake Pickle and Earl Rudder, then the land commissioner of Texas, roomed together after the death of Jake's first wife when then General Rudder was serving as land commissioner in Austin, Texas.

So that June day in 1994, Jake Pickle got off the bus, not knowing how he would get back to his hotel in France, to go pay his respects to his personal friend and fellow Texan and American, Earl Rudder, the hero along with America's Rangers at Point du Hoc. That was the character of Jake Pickle. Our Nation will miss Jake Pickle, but the world is a better place today because of his life of dedicated public service.

Mr. Speaker, Winston Churchill once said that we make a living by what we get, we make a life by what we give. By that high standard, Jake Pickle led a rich life, a life that enriched every one of us blessed to have known him.

Goodbye, my friend, until we meet another day. Thank you for the memories. Thank you for your friendship. Thank you for making America and the world a better place.

GENERAL LEAVE

Mr. EDWARDS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the sub-

ject of my special order today of J.J. "Jake" Pickle's death.

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

There was no objection.

SMALL BUSINESS AND HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Georgia (Mr. PRICE) is recognized for 60 minutes as the designee of the majority leader.

Mr. PRICE of Georgia. Mr. Speaker, what an honor it is to come before my colleagues tonight to talk about some of the most important aspects of all of our lives, and that is our jobs and our health and how they are tied together.

I think it is helpful to begin this by answering the question, how did we get to this point? Why do most Americans receive their health insurance from their employer? Did you ever think about that? Whether it is good or bad. You think about other kinds of insurance. Car insurance does not come from your employer necessarily. Certainly, health insurance does, and that is so incredibly important. Your home insurance does not come from your employer. Why health? Like most things, it has a long and a curious and sometimes a colorful history.

By way of introduction, and I will be brief, but I think it is important to review kind of how we got to where we are right now. Actually it begins during World War II when employers were short on employees, and they were attempting to attract employees, and so they offered a health benefit to try to encourage some folks to come and work at their place of business. The government at that time had to decide whether it was going to treat that health benefit as a taxable benefit or whether it was going to be a nontaxable benefit. Were they going to tax the employee for getting that benefit or not? What the government at that time elected to do is to treat it as a nontaxable benefit. And so began this incentive that we now have and have lived with for the past 60 years or so for employer-based health care.

During the 1950s, there was a period of significant collective bargaining in our Nation, and many individuals got their health insurance with what is called first dollar coverage, meaning that every single dollar of their health care was paid for by somebody else. In the 1960s, the government got involved with Medicare and Medicaid and instituted Medicare as a program that was a cost-plus program, meaning that those individuals that were providing the care were paid for the cost for providing it plus some. And so what you had over a period of the next 10 or 12 years or so was a significant increase in the cost of health care. Businesses said, Hey, wait a minute, what's going on here? We've got to have some help.

And so instead of looking at that situation then and moving toward a system that allowed individuals greater choice and greater opportunity for their selection in health care, what happened was an increasing regulation of both the insurance industry and the beginning of HMOs and the managed care as we know it. All of this began basically with the tax favorability for employers to purchase health insurance. And so that system flourished.

Now, tying health care to jobs has had many unintended consequences and many that have adversely affected those who can get insurance. As a legislature, as a Congress, as leaders and decisionmakers, we need to make it easier for businesses to provide health insurance. One person who knows firsthand about that and about how to make that happen is the gentlewoman from Tennessee (Mrs. BLACKBURN). The gentlewoman from Tennessee is a small business owner herself and represents a district that is heavily dependent on small businesses and the jobs that they generate. She understands this issue as few do and has been a great leader in our Congress in an effort to pass both the health savings accounts and associated health plans. I am proud to yield to my colleague as she discusses the issue of small business and health care for a few moments.

Mrs. BLACKBURN. Mr. Speaker, I thank the gentleman from Georgia for his leadership on this issue. He certainly brings a wonderful perspective to our body as he leads in the discussion of small businesses and health. I think most people know that small town physicians, that is a small business, and working with small business employers, he understands so readily how employers truly desire to provide great benefits for their employees. Mr. Speaker, I think most small business employers feel like their employees are family. They want to be certain that they have got the best of everything, the best of opportunity, the best of health care, the best work environment, because they treasure having those individuals work with them. Most small business owners understand, too, that it is important that employees be happy and content in their work environment, that they stay with you, because one of the greatest expenses is having to train a new employee, having to help them learn the ropes, learn the skills, come up to speed to fill that role. They also know that good health care is important because of time lost from work. That is very expensive. That means an employer, if he has an employee who is sick, who has not had access to good preventative health care, then what happens? He has to go hire a temporary employee to fill that job. So small business employers understand the importance of creating a good comprehensive work environment and the importance of appropriate health care and health coverage for employees.

I cannot go any further talking about a small business without first having a couple of things to say about this economic engine and what a lot of these small business employers are able to do. We are averaging 146,000 new jobs a month. Unemployment is at near historic lows. We are just above 5 percent on unemployment. What that tells us is that the small business sector is working, that with new ideas and new innovations and lower taxes and with the focus on lessening regulation like we have done this very week, this very day right here in this House as we have looked at OSHA regulations and found ways, we passed four bills, finding a way to help make OSHA and the rules and the regulations less burdensome to small businesses. So it is wonderful that during this small business week, we have our legislative attention focused on what we do, not to create jobs, what we do not to strap down business, but what we do to create the type environment in this Nation that small business and free enterprise can do what they do best, that is, create jobs, be the economic engine for this great Nation.

I commend our leadership here in the House for continuing to work on these issues and put this focus on small businesses, whether it is through an energy bill or through the death tax repeal or class action fairness or bankruptcy or jobs training improvement. All of that affects small business, much the same way as health care affects small business and its employees.

There are just a couple of other quick points that I would like to add. Looking at health care and the viability of health care for small business is not new. This is not something that is on the plate for the first time in the 109th Congress. This is an issue that our leadership has been focused on for many years.

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One provision that was on the table for quite a while and finally was passed in the 108th Congress is health savings accounts; and for small businesses that are seeking to find an affordable way to continue or to give health choices for their employees, the health savings accounts are a wonderful alternative.

And, Mr. Speaker, one of the things that has come to mind that we have seen with the past year, with the advent of health savings accounts, more than 1 million Americans have chosen this as an option because it is a way for them to save, to set aside, and a way for them to begin looking to expanding their health care dollar, being certain that they have that health care dollar where they are getting basically the most bang for their buck. And I certainly think that it is to our credit that this option was made available to the American people last year, and I commend our leadership for that.

Another bill that this House has passed, and we certainly are looking forward to the same type of success

with, is association health plans. These are basically small business health plans that we talk about in my district, because it will allow businesses to group together in their associations, of different types, whether they are small business manufacturers or maybe marketing companies or some of the high-tech companies, but group together and pool their buying power so that they can have group policies for their employees and will be able to do it more affordably.

So association health plans will be another great addition, putting a little bit more of that private sector expertise back in there to get the cost of health care down so that it is more affordable for our small business employers.

I want to thank the gentleman from Georgia again for allowing me to come in and participate as we talk about small businesses, keeping them healthy, keeping them vibrant, and also having health care affordable and available for their employees. I thank him for the leadership.

Mr. PRICE of Georgia. Mr. Speaker, reclaiming my time, I thank the gentlewoman so much for her comments. I appreciate her leadership in this issue and so many other issues in our Congress, and I thank her for her perspective as a small business owner and somebody who has been a real advocate for increasing choices for patients and opportunities to purchase health insurance.

I mentioned briefly before the tax treatment of health insurance and why we seem to be in a situation now where there is this remarkable incentive for employers to purchase health insurance, and that again is because of the tax treatment. And nobody understands that better than the next individual whom I have asked to join me today. Because of this tax incentive, solutions to our current situation must address the taxes and how they affect decisions about the purchase of health care.

And one person who understands this as well as anybody and is a good friend and legislator is the gentleman from Iowa (Mr. KING). The gentleman from Iowa (Mr. KING) is working to fight burdensome government regulation and red tape. He truly understands the challenges of starting and operating a business first hand as a successful agribusinessman. He brings 28 years of business know-how with him to Congress, and he has introduced a very exciting piece of legislation that talks about the tax treatment of the purchase of health insurance.

I yield to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from Georgia (Mr. PRICE) for yielding to me. I appreciate the opportunity to speak here tonight, and I appreciate his organizing this Special Order so that we can further take a look into some of the things that we can do to improve the

health care circumstances within this country.

Mr. Speaker, health care costs are escalating. And there are few options for small business owners to choose from when selecting insurance coverage for their employees. In order to keep and attract talented workers, sourcing affordable, quality health insurance is a top concern. As an owner/operator of a small construction business for over 28 years, I am well aware that the largest challenges here are access and cost.

But even though small business is the backbone of our American economy, over 60 percent of the estimated 43 million people without health care are small business owners, both employers and their dependents. Additionally, small businesses, which create two out of every three jobs in this country, continue to struggle with the high cost of offering health insurance to their employees. The structure of the current health care industry does not allow many small business owners and their employees access to affordable health insurance. As a result, uninsured figures continue to rise as the cost of insurance continues to skyrocket, pricing many small businesses out of the marketplace.

Many factors contribute to the overall cost of health care. Lack of competition in the small group market, litigation, and mandates are just some of the many culprits driving up costs. The problems facing small business owners, their employees and families must be addressed as part of the overall health care debate.

I support health savings accounts, HSAs, recently enacted under the Medicare Modernization Act, coupled with hide-deductible health care plans. They are a way for small businesses and individuals to lower their health care premiums. Along with HSAs, individuals should be allowed to deduct 100 percent of their high-deductible health plan premiums if they are not subsidized by an employer plan already. High-deductible health care premiums are defined as a minimum of \$1,000 and up to \$5,100 deductible for individuals and a minimum of \$2,000 and up to \$10,200 deductible for families. I have introduced a bill titled the Health Insurance Affordability Act, H.R. 37, which would allow for this type of deductibility for health insurance premiums.

Currently, large businesses are allowed to deduct employee health insurance premium payments, as are small businesses, for their employees as a business expense. Unfortunately, employees of small businesses that cannot afford to provide health insurance coverage are not able to deduct the cost of health insurance. This group of people includes waitresses in diners, workers in dry cleaners shops, temporary workers; and that is just a few. With the rising cost of health care coverage, many of the Nation's small employers are dropping coverage, which increases the number of uninsured Americans.

In the 2004 State of the Union Address, President Bush proposed that individuals who buy catastrophic health care coverage as part of our new health savings accounts be allowed to deduct 100 percent of their premiums from their taxes. President Bush's fiscal year 2006 budget request stating the following: "Above-the-Line Deduction for Certain Health Insurance Premiums, under this proposal all individuals who purchase a high-deductible health plan in conjunction with a health savings account would be allowed to deduct the amount of the health plan's premium from their taxable income even if they do not itemize their deductions." That is the President's proposal. It mirrors my proposal on H.R. 37, the Health Insurance Affordability Act, which I drafted and dropped last year as well as this year. This new deduction would make high-deductible health plans more affordable.

We should follow the President's lead and continue to promote personal health care ownership and control of health care policies. H.R. 37 provides an above-the-line tax deduction of the health insurance premiums for those who buy their own HSA plan. Several HSA providers report that a high number of previously uninsured individuals are buying HSAs in the individual market. By allowing consumers to deduct the premiums, we are building on the benefits of HSAs and will make health insurance affordable for America's uninsured population.

Health savings accounts will also help reduce the number of uninsured Americans by allowing small businesses more choice in the current small group market. Additionally, individuals who have catastrophic health care coverage with a health savings account should be allowed to deduct 100 percent of their premiums from their taxes. HSAs, along with 100 percent deductibility, will provide small businesses with more accessible, affordable options in the health insurance market.

A government-run health care system is not the solution to the health care problems facing small businesses. A government-run health care system or mandates and minimum benefit packages forced upon small employers will deter or even destroy entrepreneurship and the growth of small businesses.

Mr. Speaker, the small businesses in this country lead in new jobs. They lead in employment. They are at a disadvantage today because the structure of health insurance premiums is wrong, and it is wrong because it lacks full deductibility for the people who utilize it. And this goes back in history to World War II when we had wage and price controls and when that order came out, employers were looking for a way to compete in a shrinking labor market because much of the labor put on a uniform and went overseas to fight World War II.

So in keeping with the freezing of wages and prices, instead they gave

health care benefits to their employees; and it was not really circumventing a raise, but it was keeping with the freeze, but it was benefits to compete for that shrinking labor supply that was there.

That tradition now has been in place over 60 years, and in this 60-plus years, we have watched it get more and more distorted every year. So if a large corporation or a government employer can offer a health insurance benefit that is fully deductible and especially to large corporations and there sits a ma-and-pa operation, a family farm, a gas station, a convenience store, a company that is hiring part-time labor, these people that are disadvantaged from the current structure, when they are disallowed from full deduction of their health insurance premiums, should be allowed that deduction. That is what the Health Insurance Affordability Act does, H.R. 37. It is one piece of the whole puzzle that we need to do.

The gentleman from Georgia (Mr. PRICE) is bringing forth a more comprehensive discussion here tonight. I have targeted on H.R. 37 because I think it is the one thing that we can do to bring deductibility to the employees who are not able to deduct their health insurance premiums. But I believe that if a Fortune 500 company can deduct a full coverage insurance plan and every dime that they put into that full coverage insurance plan is an above-the-line deduction, a Schedule C deduction, on their income tax, then that also should be available for every citizen whatsoever in the United States of America.

H.R. 37 takes us down that path. It gets us closer. It does not get us all the way. We will not get this done overnight. It has been over 60 years to get in the condition that we are in.

I thank the gentleman from Georgia for organizing this Special Order tonight and for bringing his professionalism in the health care industry and his experience as a doctor that actually sees how this works in the lives and minds of patients to the floor here tonight and to everything he does here in this Congress. I thank the gentleman from Georgia (Mr. PRICE) and appreciate his yielding to me.

Mr. PRICE of Georgia. Mr. Speaker, reclaiming my time, I thank the gentleman from Iowa (Mr. KING) so very much for his comments.

When I first started looking into this issue of health insurance and why it seemed that employers had this remarkable incentive and I looked back and looked back and tried to figure out where it began and I got to the discussion about World War II and I talked to some of my friends about it and they would say it could not have started back then, I appreciate his perspective on it and his knowledge and expertise in appreciating that the tax treatment of the purchase of health insurance is so important, so incredibly important, as we try to solve the challenges of the increased cost of health insurance and

health care. I thank him so much for joining me tonight. He was very kind to participate and bring focus to those issues.

I touched a little earlier on that association between jobs and health care and how jobs are so important to health care because of the tax treatment. And so it is important that we talk about jobs and small businesses; and this Congress has worked incredibly hard, incredibly hard, to create jobs, especially in the area of small business; and it is important. We keep talking about small business because that is the engine, that is the engine that drives our economy.

Ninety-nine percent of all businesses in this Nation are small businesses, and 75 percent of all new jobs that have been created have been jobs that are added in the area of small business. And this Congress has been incredibly diligent in making certain that we have the right incentives to create jobs. And they have been mentioned earlier, but I would like to touch on a couple of them.

The Energy Policy Act that we passed will create nearly ½ million new jobs in the manufacturing and construction and agriculture and technology sectors, ½ million jobs. The Death Tax Repeal Permanency Act, that is not only an unfair tax, but it is also taking money out of the pockets of individuals, especially small business individuals, that they could use to instead grow their businesses. The Class Action Fairness Act that we passed, some legal reform. It is estimated that \$88 billion a year, \$88 billion a year, is spent on lawsuits; and if that money is not needed on inappropriate lawsuits, then where can that money go? To small business and to jobs, create jobs, hire more workers. So this was an important bill that was passed and signed into law by the President.

The highway bill, the Transportation Reauthorization bill, not only will it increase the quality of our transportation infrastructure across this Nation, but it is estimated that for every \$1 billion that is spent to improve our highways, 40,000 jobs are created, 40,000 jobs: \$1 billion, 40,000 jobs.

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Do we know what that means for a bill that has a price tag of about \$280 billion? That is 15 million jobs. You talk about a Congress that is serious about putting people to work, this is that Congress. And the Job Training Improvement Act that we passed breaks down the barriers for millions, millions of job-seekers.

So this Congress has actively worked to expand small business which, again, is the engine, the engine of our economy, and it is working. We see the results already. Mr. Speaker, 146,000 jobs were created in the month of June with the unemployment rate dropping to 5 percent, the lowest unemployment rate since September of 2001. Steady growth

has taken place each of the last 25 months with more Americans working than ever before.

This chart shows the declining unemployment rate and the number of jobs that have been created, and we see each month for the past, on this chart, 13 months, but it has been 25 months in a row, each month we have created jobs in this Nation, across the Nation. The economic indicators show strong and sustained growth with real gross domestic product and real income revised up for the first quarter, and inflation down. Listen to this: profits as a share of gross domestic product are up to their highest level since 1967, profits up to their highest levels since 1967. What does that do? It allows businesses to re-invest and create more jobs.

Mr. Speaker, durable goods orders are on the rise with new orders for durable goods increased by 5.5 percent in May. That is the largest increase in 14 months. U.S. manufacturing continues to expand. Again, for the 25th consecutive month, manufacturing expanded again in June. And we see it in the private sector as well, with consumer confidence rising nearly 3 points in June to its highest level in 3 years.

Mr. Speaker, I am telling my colleagues, the improving economy that we have talked about and the jobs that have been created, it is not empty rhetoric, it is not just words. The policies of this Congress and this administration, they are pro-growth, and they are leading the charge, and they are indeed succeeding in the challenges that we have before us in creating jobs.

But when I go home, when I talk to folks at home who are small business owners, who create the jobs in this Nation, and when I talk to them and I ask them, what is the biggest challenge that you have? I do not care what kind of small business it is, whether it is a restaurant owner or gas station folks or a small business owner or lawn care people, real estate, shoe repair, I do not care what it is, their biggest challenge, they will tell you that their biggest challenge is the health care, providing health care for their employees, and many, many simply stop. They are unable to provide health care any longer for their employees, whether it is that extra dollar that the health insurance costs or whether it is the undue burden of the regulation that pushes them over the top. And they say, as much as I would like to, I am just unable to do so from a financial standpoint.

So it is imperative; remember, most employees, most people get their health insurance through their employer, again, because of the things we were talking about before, but it is imperative that we work on those constraints that make it so that it is difficult for employers to purchase that health insurance.

The unemployment rate is coming down with all of the work that we have done, now down to, as the gentlewoman from Tennessee (Mrs. BLACKBURN) mentioned, 5 percent, a remarkable, re-

markable improvement in our economy.

I want to talk about small business and health care facts. I want to talk about the problem as it relates to the rising cost of health care and how it affects jobs and the provision of that health care. As health care premiums continue to increase or as they increase, employers are forced to pass that expense on to their workers in the form of higher copayments or deductibles, and oftentimes, they have to reduce coverage. They are not able to provide the same kind of coverage that they have in the past. It is not because they want to; it is because they are being constrained from a financial standpoint. Employers this year will pay an estimated 12 percent more for employee health care than benefits in 2003, 12 percent more, marking the fifth consecutive year of double-digit increases and a doubling of employer health care costs since 1999.

This graph is so incredibly poignant, and it just shows the continuing increase of the cost of health care. The cost for employers is the lower bar. The middle bar is the cost for employees. And then the upper bar is the out-of-pocket costs for employees, and we see those continue to rise over the years. Decreasing these costs to American businesses is imperative, because what it will allow them to do is to spend more money on expanding their operations and hiring workers, more jobs.

It has been shown that each percentage point increase, this is a phenomenal statistic, each percentage point increase in health insurance costs increases the number of uninsured by 300,000 people. Think about that. Each single percent of increase in health insurance costs increases the number of uninsured by 300,000 people. This is an issue that is imperative, imperative for us to tackle as a Congress.

Then we have heard about the need for legal reform, what kind of challenges we have in the area of liability insurance that physicians and hospitals and others have. Those premiums for medical liability insurance have increased 500 percent, 500 percent since 1976, and what that has done is driven many doctors out of the profession, many of them closing their practices or decreasing the high-risk procedures that they do. I had one fellow physician tell me that they had to stop one of their high-risk procedures, and I said, what was that? And they said, delivering babies. An obstetrician, they could no longer deliver babies because that is defined as a high-risk procedure. In fact, in our State, over a third of the obstetricians have stopped delivering babies because it is a high-risk procedure because of the cost of liability insurance. The average jury award in a medical malpractice case is now up to \$3.5 million, up more than 70 percent since 1995. This cost of insuring doctors against oftentimes petty and frivolous lawsuits is reducing the qual-

ity and access of Americans to top-rate health care.

Now, there are a number of solutions that have been put on the table, and I want to talk about three of them in kind of a larger principled way. The first is about pooling resources. The second is about the tax treatment that we have talked about, and the third is about liability reform.

Associated health plans, which the gentlewoman from Tennessee (Mrs. BLACKBURN) mentioned, are incredibly important, and they work because what they allow people to do is to pool larger numbers to purchase health insurance. Remember that 60 percent, 60 percent of the 44 million uninsured Americans are employed by small businesses or are dependents of someone who is employed by a small business. Some people estimate that that number is as high as 85 percent, meaning that 85 percent of the folks that are either employed or live in the home of somebody who is employed by a small business do not have health insurance, of the 44 million who are uninsured. Phenomenal when you think about it.

What do associated health plans allow you to do? They allow you to buy in bulk. They allow one small business, a group of employees, say three or five folks to join with three or five folks from some other businesses to pool with eight or ten somewhere else, and before you know it, you have hundreds and thousands and sometimes millions of individuals who then use that purchasing power to purchase health insurance. It allows them to get health insurance at the cost that some of the larger employers do. Associated health plans would be required to offer fully-insured or self-insured benefits that are certified by the United States Department of Labor. There has been some discussion about whether or not people could provide cut-rate health insurance. Well, that is not the case. It encourages broad participation in coverage by prohibiting discrimination of any kind against certain high-risk individuals. Again, if you pool numbers of folks together, if you allow them to join together and use their power to purchase insurance, then they will be able to do so in a very competitive way. It increases the bargaining power.

So the first area is allowing folks to get together as groups, large groups, thousands, hundreds of thousands, millions of people to have the benefit of purchasing insurance.

The second issue I want to bring to the fore that would allow for a real solution has to do with the tax treatment and flexible spending accounts. Now, the gentleman from Iowa (Mr. KING) talked about his idea for health savings accounts and the equal tax treatment for individuals to purchase health savings accounts. Great idea. Works splendidly to move some of those incentives so that people who are employed by a small business or are self-employed or are unable to get their insurance in another way will have an incentive to

purchase health insurance. And what flexible spending accounts do is that they allow workers to direct their employers to deduct money from their paychecks to be placed in this flexible spending account, tax-free—tax-free. That is the key. That is the incentive: to pay for health care expenses that they may incur during the course of the year. It is a tax benefit to employees. Workers could save on their taxes for the purchase of health insurance.

It also provides for long-term coverage advantages, because 37 million employees right now in America have access to these accounts, but few of them take advantage of it because there is a use-it-or-lose-it rule. Now, what is the use-it-or-lose-it rule? Well, currently, if you do not use the money by the end of the year that you have put into a flexible savings spending account for health care, then that money is forfeited. It goes away. It goes back to the employer.

This rule is a huge disincentive for participating in a flexible spending account, and it probably drives up health care costs itself because it encourages individuals to spend money on health care at the end of the year that may not necessarily be needed, but you have three weeks left, and you have this money in your account, so you might as well go do that. So it has that adverse incentive for the purchase of appropriate health insurance.

So flexible spending accounts, allowing you to have equal tax protection, tax-free purchase of health insurance or health care, in addition to the pooling that we talked about. Those are the first two. And the final one is medical liability reform. As the gentleman from Iowa (Mr. KING) mentioned, I am a physician, an orthopedic surgeon; spent nearly 20 years in private practice of health care and saw during that period of time an incredible explosion in the cost of liability insurance, for somebody that was never sued, never had a suit. And whether or not you do, the real cost of the current crisis that we have as it relates to medical liability reform is not the cost of the purchase of the insurance for the doctor; that is not the real cost. Those costs are going up, certainly, but that is not the real cost. But those are millions and millions of dollars.

The real cost, the real reason that we need liability reform in the area of health care is because of the practice of defensive medicine. You may have heard about this. What is defensive medicine? Well, when you go to your doctor and you tell your doctor what your symptoms are, what you think is wrong, your doctor, he or she, will run through in their mind or look through their resources to be able to determine what kind of tests or studies ought to be done to make an appropriate diagnosis.

Now, the practice of defensive medicine says to the doctor that we ought to do virtually everything that we can do to make that diagnosis as rapidly

and as accurately as possible, even though those tests may not be absolutely imperative to do to make that diagnosis. The example that I like to use is, if you have back pain and you came into my office, 90 percent of back pain, 90 percent of back pain is what is called functional back pain. It means that you hurt your back, and you strained it, and it will go away, given a little rest and therapy and exercise and sometimes some medication, 90 percent. But I promise you that everybody that comes into the doctor's office with back pain, what do they get? They get an x-ray. Now, they do not get an x-ray because you can diagnose functional back pain on an x-ray; they get an x-ray because if something is not picked up immediately on that x-ray, then they are liable. They are liable to be sued for not picking it up in 1 week when they may have picked it up in 3 weeks if the back pain did not get any better. That is the kind of thing that goes into the practice of defensive medicine. It has to do with blood tests. It has to do with heart tracings. It has to do with extremely expensive tests and studies that we have available to us that are wonderful. They allow us to have the kind of quality health care that we have as a Nation. But what happens is that they drive up the cost of health care to an incredible degree and frankly do not increase the quality of care that is being provided.

How much money is that? The estimates vary because you cannot get a firm figure on that. No doctor orders a test and says, this test is unnecessary. So the cost is likely to be somewhere in the range of \$250 billion to \$500 billion, that is with a B, \$250 billion to \$500 billion in the cost of health care each year in our Nation.

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That is why, that is why it is imperative that we have medical liability reform. So the cost of the insurance itself is significant. But that is not the real reason.

Now, there are a number of ways that you can institute appropriate health care reform. I believe that we must give States as much flexibility as possible. I think that there are a number of good solutions on the table. I believe that we have got to adopt one of those solutions that will have true and real and honest effect on the medical liability crisis that we face.

So lots of solutions. Three that I have put out on the table tonight: one is to allow individuals to pool together, to be able to use the power of many people for the purchase of health insurance; second it is imperative to allow individuals to have that equal tax treatment for the purchase of health insurance that the employer has. We need to make it so that all individuals have an incentive to be able to purchase and have health insurance; and then the third issue is the one that I touched on at the end there, that is,

the extreme importance of reforming our crisis in lawsuit abuse. It is imperative that that happen. If we do not do that, we do all of the other things, it is not likely that we will be able to get our handle on the increase of health care costs.

So, finally, what three things drive up the cost of business for any business, be it large or small? There is a common denominator to those things that drive up costs. They are taxation, they are litigation, and they are regulation.

The problem with the area of health care is that all of those costs for the provision of health care for our entire Nation are passed on to somebody else. They are passed on in this instance to the employer, by and large, who provides again the majority of health insurance.

When they are passed on to the employer, what is the employer bound to do? They must pass them on to the employee, to the worker. So the worker is hit twice. It is a double jeopardy as it relates to the ability to obtain health insurance.

So hopefully what we have been able to do tonight is to bring some clarity and some focus to how jobs and how health insurance are related, why it is important to concentrate on the cost drivers for health care, taxation litigation, regulation, and why it is important to provide options and opportunities for both individuals and businesses to purchase health insurance and to provide health insurance for their employees.

So with that, Mr. Speaker, I am honored to have had the opportunity to address the House tonight; and once again I want to thank my colleagues, the gentlewoman from Tennessee (Mrs. BLACKBURN) and the gentleman from Iowa (Mr. KING) who were so very helpful in bringing clarity to those issues.

And I look forward to garnering the support of my friends on both sides of the aisle, because this is not a Republican issue, it is not a Democrat issue. It is an American issue. It is an issue that is important for all of our constituents across this Nation.

I look forward to working with all Members of this House to solve the challenges that we have.

IN REMEMBRANCE OF J. J. JAKE PICKLE

The SPEAKER pro tempore (Mr. REICHERT). Under the Speaker's announced policy of January 4, 2005, the gentleman from Texas (Mr. DOGGETT) is recognized for 60 minutes as the designee of the minority leader.

GENERAL LEAVE

Mr. DOGGETT. 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 this subject.

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

There was no objection.

Mr. DOGGETT. Mr. Speaker, I rise on the joyous occasion of celebrating the life and the public service of a great Texan and a great American, J.J. Jake Pickle of Austin, Texas. Congressman Pickle led a long life, 91 years. He led a long period of public service in this Congress, some 31 years.

And tonight provides an opportunity to draw attention to that public service and that life and give Members of this House an opportunity to incorporate their remarks into the RECORD in honor of Congressman Pickle's service.

Mr. Speaker, with the announcement just before we began tonight that there would be no votes tomorrow, and with our running now approaching 8:30 here in Washington, a number of Members have asked to have their remarks incorporated into the CONGRESSIONAL RECORD already.

I have those of the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) extolling particularly her long service with Congressman Pickle, and his important vote for the 1964 Civil Rights Act, and the statement of the gentleman from Texas (Mr. SMITH) who, following redistricting, now has a portion of Travis County that he represents for us in Congress.

The gentleman from Texas (Mr. SMITH), the gentleman from Texas (Mr. MCCAUL), the gentlewoman from Texas (Ms. JACKSON-LEE), and I, along with the gentleman from Texas (Mr. THOMAS), the gentleman from New York (Mr. RANGEL), and the gentleman from Texas (Mr. BARTON), were among those who traveled to Austin, Texas, a couple of weeks ago now, for the memorial service at the First United Methodist Church.

And while all of our hearts were heavy with the loss of Congressman Pickle, I cannot say that I have ever been to a happier memorial service. Because, in addition to being a father, a grandfather, a great-grandfather and a public servant, Jake Pickle was quite a story teller and there were plenty of stories told in the course of that beautiful memorial service, which will be made a part of our RECORD, here as a part of the CONGRESSIONAL RECORD in this tribute.

And there were many stories told outside of that memorial service that added even more to the meaning of friends sharing the tremendous service that Jake Pickle represents.

I am reminded of it, of course, each time that I travel back to my hometown, because when you land at the Austin airport, you land on the Pickle Runway or the Lyndon B. Johnson Runway. And when you travel into the City of Austin, of course you see the University of Texas tower, very closely identified with J.J. Jake Pickle, the research center there at the University of Texas, north of the main campus named for Congressman Pickle, not far from the J.J. Pickle Elementary School, a unique concept of a commu-

nity center and health center and elementary school all in one.

I noted among the tributes to Congressman Pickle, the words of the first principal of that school, Claudia Kramer Santamaria, who said, I was honored to open the J.J. Pickle Elementary School and have Jake celebrate time after time with our school community. He brightened our day with his visits, told unforgettable stories to our students, and gave endless support to our school.

The Pickle School family will continue to cherish and live out his example of genuine kindness and giving never-ending pride to our children. Jake set an example for me, not just the school community. He will remain in our hearts.

And with the new school year coming up, another generation of young students will benefit from his work in public education and the work that goes on in the St. Johns neighborhood in the Pickle Elementary School and the community health center that is located there.

You know, there are these physical monuments, and of course when I travel into my office, along with other Federal officials there in Austin, that is also the J.J. Pickle Federal Office Building. There are those many physical tributes to Congressman Pickle. But I think those tributes that are most meaningful are the ones that are reflected in the stories of his service.

Normally, when someone appears here in the House, they do so without lapel pins or labels. I chose tonight to wear my Jake green pickle button. And there were lots of those that were at the memorial service. There were many of them that were passed out through the years, along with the squeaky green pickle that was Jake's symbol that he would pass along to kind of warm up, establish a tie to someone that he was meeting for the first time.

He continued passing out those pickles even after he announced his retirement in 1994 at a gathering that I was at, as if he had an endless supply of pickles and an endless supply of energy and interest in working with people.

He really did set the standard for public service. Naturally, the Congressman could not have accomplished this without the support of a loving and supportive family. First and foremost his wife throughout this service, Beryl, there was a great photograph of her and Jake boarding a Braniff airplane for Washington, just after he was elected in 1963, coming up, I suppose, to celebrate Christmas here in Washington after he was elected in a special election there.

I knew him first as Peggy's dad, because Peggy Pickle and I were in Austin High School the same year that he was elected to Congress. Peggy gave a wonderful tribute to her father at this memorial service. And of course the even broader tribute that exists from her, in working with Jake and the

many stories that are incorporated in a book that they wrote and presented together called "Jake" in 1997.

Peggy; her husband, Don; Dick McCarroll and his wife, Missy; Graham McCarroll and his wife, Marsha. Jake's brother. There was something I remember going to, I believe it was an 80th birthday party at the University of Texas Alumni Center a decade ago. And there were all of those people in their 80s from the Big Spring and the Roscoe area. There was something good in those big springs in that Howard County area, because many people with long lives, great stories and great service in their own way, and one of those who remains with us, our friend, the brother of Jake Pickle, Joe, his sister Judith Pickle Lancaster, and her husband Jonathan, six grandchildren, including my former neighbor Bergan Casey, four great granddaughters, including her son, Peyton Casey, the McCarrolls, the Caseys, the other expanded family of the Pickle family, sharing a special place in their hearts for all that this man contributed to the public, but for the family man that he was, and recognizing the sacrifices that they made so that he could continue to be in there day in day out working so hard for people throughout central Texas.

He was also blessed with a tremendous staff. I can remember coming here to Washington for the first time as a University of Texas student myself and the warm feeling that one got in going into Jake's office over in the Cannon Building, an office that when he first came to Washington, with Jake Pickle, he served in a more humble way, I believe as a night watchman, probably at hours like this, a job he told me he was never very good at; but he was sure good at what was happening working night and day, first for Congressman Lyndon Johnson, and later in his own right on behalf of the thousands of people across Texas that he represented.

In the Washington office, Molly Kellogg was always there at the front desk greeting people so warmly and giving them that Texas hospitality that we all relished when we came to see Jake in Washington.

In the Austin office, a similar role was played for many years by Dorothy Elliott. Here in the Austin office, Paul Hilgers headed up the team as they passed the torch to me there in Austin. And there are so many others: Sandy Dochen, Joyce Arnold, my long-time friend from the University of Texas, Cliff Drummond, Judge Bill Schroeder and Kay Schroeder from down in Lockhart, Fleetwood Richards, who was at this memorial service who served Jake early in his career in the Congress.

Kathy Morris, Michael Keeling, Minnie Lopez who was there working on behalf of veterans as Jake worked to the last day in 1994 in his office there in Austin.

Missy Mandell, George Phoenix, Reg Todd who served admirably as a district director there in the office, Ateja

Dukes who was there assisting Paul in the office, Joe Grant. So many others that have continued to serve in different ways here in Washington.

People like Janice McCullough and Barbara Pate who served here with Rob Portman on the Ways and Means Committee. One person after another who was inspired by Jake's own level of activity to be active participants in the process, not only working with Jake Pickle, but working after they completed their official tour with Jake Pickle, as indicated by the large number of Pickle staffers, both at this memorial service and at a great celebration of Jake's birthday here about a year ago. Once on this Pickle team, always a part of it.

□ 2045

It really is an humbling experience to try to capture just a little of the essence of this great American because while his focus was on his home folks, the folks of central Texas that he represented, he was also a great American leader. He played a pivotal role in the eighties in what was a very bitter and divisive debate over the future of Social Security. And by making some changes in the Social Security system then, he was able to bring it that additional solvency from which we continue to benefit today.

He was a person who knew a time in America when there was no Social Security system. He recognized how really important it is to provide that basic safety net for all of our seniors. His work for Social Security, for Medicare on the House Committee on Ways and Means, was extremely important to preserving that for another generation of Americans.

There is a great deal for us to learn from the work that he did at that time to try to bring people together to address Social Security problems, but to do it in a constructive way so that Social Security, the same Social Security Franklin Roosevelt signed into law could be there for generations of Americans to come. His work in oversight on the Committee on Ways and Means, investigating organized crime and its involvement with the pension fund, seeking to assure that nonprofits were complying with the law and not abusing the public trust and the public treasury are the kind of things that fill the footnotes but are extremely important to the operation of our government.

As I talk, though, with people on the Committee on Ways and Means, almost all of whom will have remarks to be inserted in the RECORD, they are mainly telling me the stories of Jake Pickle and how he could take a moment of divisiveness, perhaps of acrimony, and turn it around into a moment of humor. That is why a delegation of both Republicans and Democrats join together to bring honor to him at this memorial service and will be joining together as a part of this special order to reflect on their experiences with Jake Pickle.

One of Jake's longtime friends, Eric Stumberg, summarized him as a man with a heart for children and the underdog, a vision for possibilities, a great storyteller, and a wit and simple wisdom to humble the arrogant. And he always left a smile and an ideal to ponder along with that plastic Pickle.

Jake was a man of ideas and he was far ahead of his times. In addition to some of the other areas that he worked in over 20 years ago, he was named the Solar Power Congressman of the Year. He seemed to have energy from many sources, but he recognized the importance to our energy future of alternative energy sources. His attention to the need for research and development was unflinching as he doggedly pursued one funding project after another for the University of Texas.

I think that it is noteworthy that when Jake was elected to Congress, his district stretched from the Johnson ranch out in Blanco County all the way to the Harris County line. He went from the hill country to the Texas Gulf. He went through dozens of small rural Texas communities, farming and ranching communities. And when he left office some 31 years later, he represented basically the City of Austin, Travis County, because it had grown to such a significant town. A city which would soon have, in 1 year, two \$1 billion semi-conductor fabricators going up. And this man's ability to adapt over that period of time to those changing conditions and to be a force for change in helping get the research dollars, the government support, realizing that government certainly has to be restrained at times but that it can be a force for positive good in the lives of communities and in the lives of individuals. He recognized that.

He transformed, played a transforming role in our community in helping Austin become a really world class center for technology. And I think at the same time was able to preserve those values and those relationships which served him well from the first day that he got to Austin, Texas, from out in Big Spring. Indeed, I think everyone who was with us recently at the First Methodist Church there in Austin took note of the fact that Lady Bird Johnson, First Lady of America, and her daughters, Luci and Linda, were there at the service as they have been at every Pickle public event that I believe I have ever been to, as a tribute of the close relationship between the Johnson family and the Pickle family that served them well in politics but also served them well as individuals who respected each other, learned from each other and contributed to make a better central Texas and a better America and I believe a better world.

I am pleased to be joined by one of our colleagues who I see has Jake's book, as we all do, the book that Jake and Peggy put together here a few years ago. The gentleman from Texas (Mr. GENE GREEN) served with Jake. He represents the Houston area. And the

gentleman may want to add a few stories. I have not really gotten into the storytelling part. I have just talked about the storyteller himself. I really appreciate the gentleman coming out, as I know the family and staff of the Congressman do, to add words at a time here when we are officially in recess and with so many of our colleagues heading off to the shuttle launching tomorrow.

Mr. Speaker, I yield to the gentleman.

Mr. GENE GREEN of Texas. Mr. Speaker, I thank my colleague who served many years in the State Senate and in the Supreme Court of Texas and now in Congress.

Since it is replacing Jake Pickle, although nobody can replace Jake Pickle, I served only one term with Jake, but knowing him and when I served in the legislature with him for 20 years in Austin before I was elected to Congress, Jake for my whole career was the definition of Texas gentleman. He loved Texas and loved Austin and the hill country.

I guess my first experience knowing Jake was in 1974. I just completed my first term as a young 25-year-old member of State legislature. And another member that served one term, Larry Bails, Larry decided that Jake might be vulnerable in 1974. So Larry Bails, who had a good one term in the legislature and was the owner at that time of the landmark in Austin, the Schultz Beer Hall, where a lot of legislature folks decided to go after the session, Larry decided to run against Jake and ran a fairly aggressive campaign. But Larry was one of the many who made that wrong decision.

Larry was a good member of the State legislature but decided he would move up too quick. I watched Jake campaign, because we were at the Constitutional Convention during that primary of that year. I was in Austin at that time and still going home on weekends like we do now, and watched that campaign unfold and how Jake literally, he being a long-term member, at that time a little over 10 years, literally took this young fellow apart so to speak.

Jake was such a great person. We have so many good stories. The reason I brought his book over is that, in 1997, Jake gave me this book and wrote an inscription that I was so proud to come from someone of Jake Pickle's stature: To my distinguished colleague GENE GREEN, experienced, effective and trusted, and I know this GENE GREEN was for the people. And having that statement from Jake Pickle was more than anyone could ever expect.

I would just suggest that if someone wants to have some great stories of how government works and how, in our process, if you do not have a sense of humor, you will surely go crazy; Jake did this in his book and I assume it is still in print, the University of Texas print. For my colleagues, I know the Library of Congress has them. My colleagues will love to read it. You will

stay up all night because I did that. When I first got the book, I stayed up and read all the great stories about LBJ when Jake was a staff member for President Johnson.

I served with a lot of great people in my time and great Texans, and Jake was one of them. I compare Jake to Lieutenant Governor Bob Bullock in one way; they both loved Texas and loved the job they did.

I have to admit, Bullock would wake up in the morning and give everybody a good cussing and, thank goodness, forget about it in the afternoon. You did not have to worry about that with Jake Pickle because he was a gentleman. But he also had a sense of humor I do not think any of us can express too much.

In the introduction to his book, I believe his daughter wrote the introduction, and briefly some of Jake's rules are: In a parade, do not get behind the horses but do ride in a convertible with your name on the sides. Always be available to constituents. Do not assume they will not find out about it because they will.

These are some good tests for all elected officials whether you are in Congress or not.

If it does not pass the smell test, do not do it. A politician who expects financial privacy is in the wrong line of work. Do not arrive at events too early because they do not know what to do with you. Listen for the bell.

Those of us in Congress understand that. We have to listen for the bell so we can go vote.

Answer every constituent's letter within 3 days of its receipt. We have that goal in our office still, 3 business days anyway.

If you do not know where the money came from, give it back. Holding a drink gets in the way of shaking hands.

That is a good saying for elected officials also.

In your home district, you cannot say no. Jake understood that.

In a restaurant, face the door so people can see and talk to you. Always carry a pen and paper. Introduce yourself first. At barbecues, which is something we do a lot of in Texas, stand at the head of the food line. Everybody has to pass by and you get to shake their hand. Never take it all for granted.

Those are some of Jake's sayings that I think any elected official can live by. Jake will be missed.

I will close by telling a personal experience. When my daughter went to the University of Texas, she had a project one time, and this was after Jake had left Congress. And she went down to his office, and Jake literally opened up for an hour or more helping her do her project at the University of Texas. Of course, this is a young lady who grew up in politics and was actually born while I was in the legislature.

After she met Jake Pickle, and she did not call me to say she had to go do it; she did call me and say, Dad, I just

met one of the greatest folks I ever talked to. Jake Pickle, Congressman Pickle was so good to talk to me. He was so down to Earth, so easy to understand.

I think that is Jake's legacy. I guess the last thing I would say is his legacy goes on because, at the University of Texas, the J.J. Pickle Fellowship Program supports internships within the executive, legislative, and judicial branches of the Federal government. It is fitting that, after passing, J.J. Pickle will be helping the future public servants just like he has helped so many of us in the past.

Jake will be missed. I know his family will miss him, but we will also miss the feeling of his love for Texas, his love for Austin, the communities of central Texas, but also our country.

I thank the gentleman from Texas (Mr. DOGGETT) for allowing for this special order this evening.

Former Congressman J.J. Pickle was a standout in the great tradition of Texas legislators. He was deeply loved and respected throughout Central Texas and the entire state.

My sincere condolences go out to his family and friends throughout Texas and the Nation for their loss of this great man.

From Big Spring, Texas J.J. Pickle went on to win Former President Lyndon Baines Johnson's 10th District Congressional seat and became a senior member of the powerful House Ways and Means Committee.

His accomplishments here were numerous. One example when he chaired the Social Security subcommittee was the bipartisan, consensus changes to save Social Security back in 1983.

I served with him in this House from 1993 to 1995, and he was an inspiration to all of us.

He was a dedicated public servant, whose legacy shows he did what was best for his constituents, not politics. As proof of his dedication to public service, the J.J. Pickle Fellowship program at the University of Texas supports internships within the executive, legislative, or judicial branches of the Federal government.

It is fitting that even after his passing, J.J. Pickle will be helping future public servants, just like he helped so many in the past.

His passing should give us all an opportunity to reflect on his ideals of constituent service and hard, honest work.

Politics sometimes distracts us from why we got into this public service in the first place—which is the honest reward you feel when you help the community.

Mr. Speaker, I rise in deep regret at the passing of a great Texas leader, J.J. Pickle. May God bless him and his family during this difficult time.

Mr. DOGGETT. Mr. Speaker, I thank the gentleman for being here and for participating and sharing those thoughts.

Our colleague, the gentleman from Texas (Mr. EDWARDS) already spoke earlier this evening before we formally began this special order, but his remarks, the various written remarks of our colleagues of both parties will be made a part of this RECORD.

We talked about the stories of Jake Pickle and what a storyteller he was. I

liked the one, in the aftermath of his passing away, that came from a local Austinite and admirer of Jake Pickle, John Kelso, in the Austin American Statesman. He said, "Jake Pickle was like your barber. You knew his name, and you knew what he did."

But the story amongst several that John tells that I think really captures the essence of what Jake was all about was, could you pick your representative from Washington out of a line up? Maybe not, but you could not say that about Jake Pickle. You could have had seven Jake Pickle clones in an eight-man line up with Jake Pickle and you could tell which one was Pickle. He would be the one shaking the other seven guys hands and telling funny stories. And there was one after another out of the Pickle barrel that he would tell around here and to our colleagues.

□ 2100

He also could be very eloquent in discussing the needs of the people of central Texas and of our country. During one very lengthy debate here in 1983 here over Social Security, he pointed to Daniel Webster's quotation at the Speaker's podium and read the words: "Let us go forth to build up and protect our national resources that we too in our time may do something worthy to be remembered."

Certainly, from his first major vote on the Civil Rights Act to his hard-fought preservation of Social Security, there is no doubt among those who know of his deeds, his constituents, his colleagues and friends, that his contribution will be remembered long after in the very words that Webster spoke.

I believe that of all the votes that Jake cast here and the speeches he gave at this very spot that the one that he talked about the most, that was the most significant, was among his first votes on the 1964 Civil Rights Act. That vote took place in the aftermath of the assassination of President Kennedy at a time of great strife in our country over civil rights and our future. It was a critical vote to the rebirth of our country and to trying to cope with some of the wrongs, many wrongs of the past.

Congressman Pickle, representing a southern State, was a new Member, faced a difficult decision, and he describes that at some length in the book that we have referred to and will incorporate portions of as a part of this RECORD. But I have heard him personally tell, as so many have here, about casting that vote and about calling the White House to talk to the President, it being so late, and then getting the opportunity to hear from the President of how very proud he was of the fact that Congressman Pickle cast one of the only votes from the southern States in support of this very critical piece of legislation.

From there he went on to add a road here, a project there, assist a constituent with a veterans health care

problem here, and someone who had a Social Security problem there. For each of those people that he assisted directly, and for those that he encouraged by the example of public service that he provided, his hard work, his integrity, his commitment, his gentle nature, I think he will long be remembered in our community.

I was just noting another of the comments that I saw in the aftermath of his passing away where one of our neighbors there in central Texas, who identified herself as a Republican, Marcia Manor, said, "When I would take my mom to vote, she always said, 'I only care about voting for Jake.' She would of course vote for some other candidates, but Jake Pickle was the important vote. And when I asked her why, she said, 'Because he always kisses me when he sees me.'" Well, Jake kissed and hugged a lot of folks across central Texas because he had that genuine warmth, that genuine Texas hospitality for which our community is known.

I think that it was that individual touch and contact with people more than the detail of a piece of legislation that had the most meaning to people in our community. We will, through this Special Order, have an opportunity to add more extended remarks honoring Jake. I have been contacted by a number of our colleagues who will, over the course of the next several days, want to add their remarks to the RECORD and make it a part of the history of this body, reflecting on 31 years of faithful service here in this House.

I would just say that, Jake, I feel we owe you a tremendous debt in setting such a high standard for what it really means to be a public servant; for someone who worked the hardest for those who had the least; for someone whose sense of duty kept him and his loyal staff working long hours; and for making it all look so very easy. Thank you for reminding us how much one person can accomplish; what a difference one person can make in his or her community, world, country, State; and reminding us how much one person can accomplish when you devote your life to the service of others.

Texas and a grateful Nation salute you and say, "J.J. Jake Pickle, a job well done for America."

Mr. HINOJOSA. Mr. Speaker, on June 18, this nation lost a true patriot when James Jarrell "Jake" Pickle passed away. Congressman Jake Pickle was truly dedicated to his country, the state of Texas he loved so much, and to the constituents he served so dutifully. In 1942, young Jake Pickle began his public service by enlisting in the U.S. Navy and serving as a gunnery officer in World War II. After surviving three torpedo attacks he returned to Texas and with some fellow veterans established radio station KVET in Austin, Texas. As a protégé of President Johnson, he came to the U.S. House of Representatives in the early 1960s looking to make a difference. He got his chance almost immediately.

Bucking the trend of the times, and breaking with many from the Southern delegation, Con-

gressman Pickle voted for the Civil Rights Act of 1964, and continued to remain a staunch advocate for civil rights and protections for minorities. He always said that this vote was the proudest moment of his career. In the early 1980s, as chairman of the Ways and Means Subcommittee on Social Security, he worked to protect and strengthen Social Security from financial ruin. Recognizing the need to maintain America's technological edge and always mindful of the need to increase job opportunities for his constituents, he helped bring high-tech industries to Austin and worked to make the University of Texas, my alma mater and his, a cutting edge research institution.

As I have traveled throughout my newly reconfigured district, I have heard numerous stories about Jake and the plastic pickles he used to hand out on the campaign trail. He loved the people of Texas, and was happiest when he was sitting at a local diner telling stories and listening to his constituents. I was very honored to represent my colleagues as part of the official Congressional delegation that was sent to Congressman Pickle's funeral. It is my hope that as the Representative for some of the communities Congressman Pickle proudly represented for 31 years I can continue advocating for the issues he cared for the most, and represent the people of the 15th Congressional District with the same honor, grace and dedication. I extend my sincere sympathy to Congressman Pickle's wife Beryl, his children, grandchildren, family and friends on their loss, but know that his memory will live on in the halls of Congress and in the communities of Texas.

Mr. THOMAS. Mr. Speaker, I rise today in honor of our former colleague and friend, the late Representative J.J. "Jake" Pickle.

As many of you know, Jake and I served together on the Committee on Ways and Means for eight years. In fact, when I first began to serve on the Committee in 1983, I was assigned to the Subcommittee on Social Security, which he chaired. Jake's hard work and skill helped develop the legislation enacted in 1983 to enhance Social Security. Jake is also well-remembered for his courageous vote in support of the Civil Rights Act of 1964 and the superior service he provided to his constituents.

I admired Jake's ability and work ethic and appreciated his friendship. I will miss him and extend my deepest condolences to his wife Beryl and the rest of his family.

Mr. HALL. Mr. Speaker, I join my colleagues today in paying tribute to a truly great former Member of the House, the late Jake Pickle of Austin. Jake served his district and the people of Austin for more than 30 years and was one of the most effective and formidable Representatives this body has ever known.

Jake was my colleague in the House for about half of his tenure. He loved this institution and was one of its leading Members throughout his service. Time and again, Jake convinced a majority of us to support appropriations and programs that benefited the citizens of his district around Austin—and at the same time he managed to convince us that it was somehow good for our districts, too.

Jake had the intellect, personality, and drive to accomplish countless legislative victories for his district and our country. As a senior Democrat on the House Ways and Means Committee, he was instrumental in passing major Social Security reform legislation in 1983. This

legislation helped ensure the viability of this great program for senior citizens for the past two decades.

Jake managed to be both respected and beloved. He will be long remembered not only for his accomplishments but also for his engaging and flamboyant personality. His influence will be felt for generations to come, and he will forever be remembered in Austin as one of the great statesmen of the State of Texas.

May God bless his family, and may he rest in peace.

Mr. SMITH of Texas. Mr. Speaker, many great Americans have served in this House; men and women of conviction who represented their constituents with integrity, energy and devotion to assuring the American dream becomes a reality for all.

Few Members of Congress have served with such unbridled enthusiasm, such untiring good humor and such true pleasure in the task as did my late colleague from Texas, Jake Pickle.

Jake's passing last month at the age of 91 was, in many ways, the end of an era in Texas history. A longtime confidant of President Lyndon Johnson, Jake represented the 10th District of Texas for 31 years. During that long tenure, he set an enviable record for constituent service and responsiveness. No constituent concern or problem was too small for Jake's attention.

Jake loved this House and took seriously his responsibility to uphold the integrity of the institution and the responsibilities of representative government.

Sometimes his enthusiasm was expressed in his tireless work for legislation. At other times, it was expressed in his support for his beloved University of Texas Longhorns. And at other times, it was expressed in a quiet talk with a troubled constituent he encountered on Congress Avenue in downtown Austin.

It is most fitting that Jake's funeral service was conducted in his church that stands in the shadow of the dome of the Texas State Capitol. And it is fitting that he rests now in the Texas State Cemetery with other leaders of the Lone Star State.

It was both a tremendous honor and a great learning experience to have served in this House with Jake Pickle.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I would like to join my distinguished colleagues and pay tribute to my good friend, J.J. Pickle. Those of us who have the tremendous honor of serving in this great institution sometimes fail to see the giants that serve among us. Certainly J.J. Pickle was one of those giants.

He was a man who gave his heart, literally, to this country. He poured hours after hours into trying to grapple with the important issues we faced as a Nation, and he did it because he loved this country. He was truly a public servant who cared about the people in the State of Texas, and cared about the people in this great country.

It is rare that we see people in this institution who worked as hard as J.J. Pickle. However, in doing so, he was always able to retain his touch of the common man. As much as he accomplished academically and through the higher ranks of government in this country, he never lost the ability to relate to people on a day-to-day level. To me he will always be Jake, the fellow who would put his arm around

you, smile and joke, and ask how things were going. He was a man who cared about you as an individual and I cared about people.

He loved high-powered debates with intellectuals, but he never put on airs. He was one of only seven southern representatives to vote for the 1964 Civil Rights Act legislation. He believed that his most significant accomplishment as a lawmaker was the 1983 Social Security reform bill, which he helped pass as chairman of the Social Security subcommittee. That legislation eased Social Security's financial problems by raising the age for full benefits from 65 to 67 in the year 2000. He could talk to farmers and mechanics as easily as Presidents such as from his mentor, President Johnson and other leaders. It is no wonder the voters of Central Texas kept Jake in Congress for 31 years. They knew a good man when they saw him. They, and all Americans, have lost someone very special.

Thank you, Mr. Speaker, for allowing me to recognize J.J. Pickle, a man whose spirit and involvement has made a lasting mark on Texas and this Nation.

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

STEM CELL RESEARCH

The SPEAKER pro tempore (Miss MCMORRIS). Under the Speaker's announced policy of January 4, 2005, the gentleman from Maryland (Mr. BARTLETT) is recognized for 60 minutes.

Mr. BARTLETT of Maryland. Madam Speaker, there have been a number of articles in the recent press relative to stem cell research, with particular reference to embryonic stem cell research. I thought it might be well in starting this little discussion to take a look at what we mean by stem cells.

I have here a chart which shows in very abbreviated form the development of an early embryo. It starts out with the zygote, which is the fertilized egg; and then it skips a couple of stages of development, and it goes through the blastocyst, and then it goes to the gastrula. By the time the embryo gets to the gastrula stage, the cells have already differentiated to the place that we have three different kinds of somatic stem cells. This is the ectoderm, and the mesoderm, and the endoderm, and then those very specialized cells, which in the female will be the germ cells in the ovary, the ova, and in the male will be the millions and millions of sperm that are in the gonads of the male.

If we look back, Madam Speaker, at these stem cells that are present here in the gastrula, where we have these three, as we call germ layers, we see the ectoderm can further differentiate into skin and nervous system and some of the pigment cells in our body; and then the mesoderm, the middle layer, that differentiates into what is most of us by mass and weight, cardiac muscle, our big skeletal muscles, the bone, the smooth muscle, all of our blood, and the blood is an organ, it happens to be a liquid organ that is dispersed through the body; and then the endoderm. This is much more limited in volume and in

variety, but still very important. The pancreatic cells, the thyroid cells, the lining of the gut, the lining of the lung and so forth.

It might be worth just a moment, Madam Speaker, to take a look at our next chart, which kind of puts this in context. We started out with the zygote, which is the fertilized egg here, and we ended up with the inner cell mass with these three germ layers. What we show here are all the stages that were omitted in that first chart. This is one-half, as the little diagram here in the upper left shows, of the reproductive tract of a female. It shows the ovary on one side and the fallopian tube, with the funnel-like opening here called the infundibulum. Then it shows the fallopian tube on down to the uterus itself.

What it shows, Madam Speaker, is that fertilization takes place well up in the fallopian tube, and that begins day one. And then as the egg slowly moves down the tube, it splits first into two cells, then four cells, and then eight cells, and then the larger variety of cells, and finally where you have the inner cell mass and then to the gastrula.

There are two kinds of stem cells, adult stem cells, and those are derivatives of the cells that we showed in the previous chart. For instance, in the humans we have adult stem cells in our bone marrow. These are cells which are differentiated to the point that they will produce a limited variety of cells, but still undifferentiated to an extent because these stem cells in the bone marrow can produce red blood cells and polymorphonuclear leukocytes, part of the white blood cells, and the thrombocytes, those are the cells, the platelets as we call them, that are associated with clotting. And there are a number of adult stem cells similar to that that still retain some of the capability for producing more than just one kind of cell.

We have been working with adult stem cells medically now for more than 3 decades, and there have been a number of medical applications, treatment of humans that have been made with adult stem cells. But just because they are what they are, Madam Speaker, a great number of people believe that there should be more potential from the embryonic stem cells simply because they can produce any and all of the tissues of the body.

Since we have been working with embryonic stem cells for now just a little over 6 years, we have not had the opportunities for medical applications we have had in adult stem cells, but this does not dim the hopes of the scientific community and the medical community that ultimately there may be more and better applications of embryonic stem cells to treatment of diseases than adult stem cells, simply because of what they are, pluripotent cells retaining the ability to produce any and all of the tissues of the body.

It is possible, Madam Speaker, that this characteristic, which makes them

so potentially attractive and exciting, may be uncontrollable. They may be so bent on dividing that we cannot control their division. They may end up producing tumors and cancer-like growths in the organism in which you put them.

But if that can be controlled, the medical community and the researchers associated with it believe there is potential for enormous applications to medicine of embryonic stem cell research. We have now had 58 applications of adult stem cells in helping to treat some of the diseases.

What are the diseases that could be treated with stem cells? Ordinarily, one thinks that the greatest potential for the use of stem cells would result from use in diseases from tissue deficiency rather than diseases that result from some organism, although if there is an infection in the body and a tissue is damaged, there is the hope that it might be replaced with stem cell application. There are a number of diseases that the scientific community and the general public believe might be amenable to treatment with stem cells, particularly embryonic stem cells.

Diabetes is one of those. This is the most costly disease in our country. It costs more to treat the diabetics in our country than any other single disease. I have these come through my office. Particularly heartrending are the little children that come there, 5 and 6 years old some of them, such brittle juvenile diabetics that they have an implanted pump and they have to prick their finger or some part of their body a number of times a day to monitor the glucose level so that just the right amount of insulin can be injected to control this.

This insulin is produced by cells called island of Langerhan cells. Dr. Langerhan was the German scientist that described them. And they look like little eyelets because they are simply distributed through the tissue of the pancreas. The pancreas is a very large gland at the very beginning of the small intestine that secretes all of the different kinds of digestive enzymes so that fats, carbohydrates, and proteins all are digested using the enzymes secreted by the pancreas.

□ 2115

I have no idea why nature placed the islets of Langerhans in the pancreas. They could be placed anywhere. With these stem cell applications if we could create islet tissue, they could be placed in the person. It could be placed in the groin, under their arm, under the skin, anywhere. It does not have to be in the pancreas. This islet tissue could then make insulin which would cure diabetes. When you give insulin to the diabetic, it delays progression of the disease, but it does not cure it. A person with juvenile diabetes faces the prospect that they probably will have a shortened life, problems with their vision as the vascular bed in the back of the eye breaks down, and they may

have problems with circulation in their extremities, particularly in the feet where there is some difficulty getting blood back uphill to the heart.

As many people in this country know through relatives and friends, this results frequently in sores that do not heal and results in gangrene, so the toes or a foot may need to be taken off. Diabetes is one of the diseases that is very attractive as a potential for use of stem cells, because if we could just produce islet tissue, we could cure diabetes, the most expensive disease that we have.

Another disease is multiple sclerosis, and if impaired cells could be replaced through stem cell therapy, then the person could walk again.

Lou Gehrig's disease, I remember my grandmother was tripping and falling, and they did not know why. It took them quite awhile back, this was a number of years ago, to determine she had Lou Gehrig's disease. I remember as a teenager going to her bedside. She was maintained in the home. She slowly deteriorated, losing first one muscle function and then another. Finally, at the end, the only muscle function she had remaining was the ability to blink her eyes. It was once for yes and two for no, as I remember. She could not swallow and had indicated she did not want to be force fed and ultimately she died from starvation with this disease.

Well, anybody who has a friend or a relative that has gone through that kind of experience has to be enthusiastic about the potential for stem cell therapy. This was a number of years ago, but if it were tomorrow or the day after tomorrow figuratively, maybe there could be stem cell therapy for my grandmother, and she would not have to have died at the relatively young age she died at.

Alzheimer's disease is another one. President Reagan died from Alzheimer's disease. Victims do not even recognize their favorite loved ones, have no memory and may wander outside and wander off.

There is a whole category of autoimmune diseases. I have a paper which lists 63 of the autoimmune diseases. By that, I mean a disease where the body gets confused as to what is the body and what is not the body.

When we are developing as embryos in our mother's womb, there are certain cells in our circulatory system called T-cells located in the lymphatic tissue, and the T-cells are imprinted with who we are because once we get out of the mother's womb, we are going to be in a hostile environment, exposed to bacteria and viruses, and so it is important that the body knows what it is so the defense mechanisms in the body can be marshaled to eject the intruder.

These T-cells identify what is you and what is not you, and they alert some of the specialized cells in our white blood cell system so they are attracted to the site, and they eject, they may consume, they eject the intruder.

There are 63 distinct autoimmune diseases. For some reason, the body

gets confused and the autoimmune system gets confused and starts attacking your joints, for instance. We know that disease as arthritis.

I remember my first real introduction to this big list of autoimmune diseases was a secretary I had, a very vibrant young lady whose life was really, really changed because she had lupus. There are many Americans who have family or friends who have lupus, and lupus was one of the first autoimmune diseases that was discovered.

There is a controversy going on over the potential for embryonic stem cell medical applications and adult stem cell medical applications. We have been working for more than 3 decades with adult stem cells, and our very able medical scientific community has been able to develop a number of applications that can cure or at least lessen the severity of disease using adult stem cells.

Since we have been working with embryonic stem cells for only a brief period of time, we do not have any direct applications to medicine of embryonic stem cell therapy, but that does not dim the enthusiasm of the medical community because they believe that the potential there ought to be greater.

But the real problem here is that up until this time the only way that we can get embryonic stem cells is to destroy the embryo. The scientists go into the inner cell mass stage. That is this stage here, day five. Of course, what we are doing now in the laboratory is not done in the uterus. All of this is done in a petri dish. The *in vitro* is in glass. *In vivo* means life. The embryo is destroyed at the inner cell mass stage, and cells are taken to produce a stem cell line.

About 4 years ago, this produced a real dilemma for the President who, like all of us, has family and friends who have one or more of these diseases that could be potentially ameliorated or cured by embryonic stem cell application. Yet the President knew the only way we were presently getting embryonic stem cell lines was by destroying embryos. He, as I am, is a strong pro-life advocate and the President had a problem with taking one life because that embryo produced in the laboratory in surplus and *in vitro* fertilization had the potential when implanted in a receptive mother to become a baby and the President's problem was that he had a moral problem with taking one life with the hope of helping another.

While the President was wrestling with this problem and what to do about it, there was a briefing at the National Institutes of Health for Members of the Congress and for their staff. I went out there to that briefing.

As the next chart shows, when we were talking about the potential for embryonic stem cell lines, I remembered my training of more than 50 years ago when I got my doctorate at the University of Maryland and had a course in advanced embryology and

then went on to teach medical school for 4 years and postgraduate medicine doing basic research at the National Institutes of Health. I remembered what everybody knows, because they had the course in advanced embryology it was in my mind, that whenever we have identical twins what has really happened is that half of the cells have been taken from the early embryo. The half that is taken becomes a perfectly normal baby, and the half that is left becomes a perfectly normal baby.

Madam Speaker, one is a clone. When one thinks about cloning, remember that Mother Nature or God, to whom ever you want to subscribe it, has been cloning for a very long time. Now these early embryos can split either at the two-cell stage or at the inner cell mass stage or anywhere in between, presumably.

We know at least at those two extremes because we can tell by how they present at birth when they split. If they share an amnion, they split at the two cell stage. If they have separate amnions, they probably split at the inner cell mass stage.

So knowing that half of the cells could be taken away from an early embryo without harming the embryo, unless you think identical twins are somehow deficient, and I have talked with a number of identical twins, and I have not talked with any of them who thought they were less a person or deficient because half of the cells were taken away to produce the other identical twin.

It occurred to me that you ought to be able to take cells from an early embryo without hurting the embryo to develop a stem cell line from that early embryo. I mentioned this to the researchers at NIH, and they said, yes, that is theoretically possible to do that.

Just after that, I was at an event and the President was there and when I went through the line, I mentioned my visit at NIH and the response that they had given to my question. A few days later, I had a call from Carl Rove and the President had turned the pursuit of this suggestion over to Carl Rove. Carl told me that he talked to the people at NIH, and they tell me what you have suggested is not possible.

Carl, I said either they are funning you or they misunderstand you, because these are the same people that can take a single cell and take the nucleus out of that cell and put another nucleus in it. That is what they did with Dolly the sheep and the large number of clones that have been produced since then.

I said, of course, if they can take the nucleus out of a cell and put another nucleus in it, they can certainly take a cell or two out of what is a relatively big embryo. So he went back and asked them again and then called back and said they are still telling me they cannot do that. So a few days later, the President came out with his executive order.

Madam Speaker, you may remember this was kind of a decision like Solomon might have made. Obviously, from the potential efficacy of embryonic stem cell research and medical applications, it is very desirable that we do that.

On the other hand, if the only way to get embryonic stem cells is by destroying an embryo, then you are left with the quandary of, is it really acceptable to destroy one life with the hope that you are going to help another?

So the President came to a decision that I think represented great wisdom. He recognized that a number of embryos had already been killed, destroyed to establish stem cell lines, and since you cannot turn back the hands of time to change that, these embryos were gone, the stem cell lines were there, and so the President, recognizing the potential for embryonic stem cell research, and being concerned that you should not take one life with the hope of helping another, wisely I think, said we could spend Federal dollars on any exploration we chose with the existing stem cell lines, and he thought there were about 60. There have never been 60, but he was told there were something like 60 stem cell lines, and Federal dollars could be used for research on those lines, but no Federal dollars could be used for developing or destroying any additional embryos for stem cell lines.

□ 2130

This was about 4 years ago, and as we knew, the scientific community knew, as I knew because of my background, these stem cell lines would eventually run out. Stem cell lines, like people, age. For reasons that we may not understand, they do not last forever. Those stem cell lines, Madam Speaker, are running out. We now have, I think the accepted figure is 22 stem cell lines left, and all of these are contaminated with mouse feeder cells. This is the result of a technique which is used to facilitate the replication of these cells in the tissue culture, and they are now all contaminated with mouse feeder cells so that although they are perfectly good for research and a lot of research is being done, they are not good for medical application because you would not want to put the cells contaminated with mouse feeder cells in a human.

So what now? One of the potential solutions to this problem is included in H.R. 810, the Castle-DeGette bill; and the argument made in this bill is that there are about 400,000 surplus embryos out there from in vitro fertilization. You see, to make sure that the doctor is going to have a good embryo or two or three to implant in a mother, because they do not all take, he will produce more embryos than he will probably need. Then he will look at them under the microscope and pick the strongest looking of those embryos and may put two or three or so in the mother.

One of our Members, the Rohrbachers, are now the proud parents of

triplets from in vitro fertilization. All of them grew and so they are now the proud parents of these very happy and healthy little babies. Since there are 400,000 surplus embryos out there that are frozen, the argument is, and this is the argument of the bill, that since these embryos, at least many of these embryos, realistically most of these embryos will ultimately be discarded, they will not stay frozen for 49 years there, they will not last forever, and by and by they will be discarded, and so the argument is, why should medicine not benefit from cells, from embryos that are going to be discarded anyhow? That to many people is a compelling argument. It was a compelling argument to a majority of people in the House, and now they are considering this bill in the Senate.

But to those in the pro-life community, there is another way of looking at these embryos. I am at the microscope and there is an embryo under the microscope there. That embryo could become a snowflake baby. More than 100 times parents who do not have an ovum, cannot get pregnant any other way, have adopted these surplus embryos and we have more than 100 of what we call snowflake babies. The embryo that I am looking at under the microscope might be adopted and that could be any one of the 400,000 embryos, and it might be the next Albert Einstein. How could I destroy an embryo that might be adopted and might be the next Albert Einstein? So this is the argument on the other side, which is why the great debate over H.R. 810.

As a result of a series of discussions with the White House and with a number of the interested groups, we have developed a bill which is called H.R. 3144, the Respect for Life Pluripotent Stem Cell Act of 2005.

Madam Speaker, I will make this short bill a part of the RECORD.

H.R. 3144

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 "Respect for Life Pluripotent Stem Cell Act of 2005".

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) Stem cells may be derived from various sources, including adult tissue, umbilical cord blood, and living human embryos. The use of cells from embryos has drawn great interest in the scientific community but also raises very serious ethical concerns for many Americans, because as practiced today it requires the destruction of human embryos to obtain their cells.

(2) The President's Council on Bioethics in its May 2005 White Paper: "Alternative Sources of Pluripotent Stem Cells," describes several potential methods to derive stem cells like those now derived through the destruction of embryos, but which would not involve doing harm to embryos. Some methods propose to involve embryos in ways that do not harm them, while others propose to reprogram adult cells to produce cells with the capabilities of embryonic stem cells without producing or involving embryos at all.

(3) Such proposals should be thoroughly tested in animal models before being applied

to humans, to establish that they do not involve creating or harming human embryos.

(4) Several scientific reports also suggest that some subclasses of adult stem cells (derived from postnatal tissues, umbilical cord blood and placenta) show a flexibility comparable to that of stem cells now derived through the destruction of embryos.

(5) American scientists should be encouraged to pursue all ethical avenues of stem cell research and to explore morally uncontroversial alternatives to research requiring the destruction of human embryos.

SEC. 3. DERIVATION OF STEM CELLS WITHOUT HARMING EMBRYOS; RESEARCH THROUGH NATIONAL INSTITUTES OF HEALTH.

Part B of title IV of the Public Health Service Act (42 U.S.C 284) is amended by adding at the end the following:

"SEC. 409J. BASIC AND APPLIED RESEARCH ON DERIVATION AND USE OF PLURIPOTENT STEM CELLS WITHOUT HARMING EMBRYOS.

"(a) DEFINITIONS.—In this section, the following definitions apply:

"(1) HUMAN EMBRYO.—The term 'human embryo' includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of the Respect for Life Pluripotent Stem Cell Act of 2005, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

"(2) PLURIPOTENT STEM CELL.—The term 'pluripotent stem cell' means a cell that can in principle be differentiated to produce all or almost all the cell types of the human body, and therefore has the same functional capacity as an embryonic stem cell, regardless of whether it has the same origin.

"(b) IN GENERAL.—With respect to producing stem cell lines for important biomedical research, the Director of NIH shall, through the appropriate national research institutes, provide for the conduct and support of basic and applied research in isolating, deriving and using pluripotent stem cells without creating or harming human embryos. Such research may include—

"(1) research in animals to develop and test techniques for deriving cells from embryos without doing harm to those embryos;

"(2) research to develop and test techniques for producing human pluripotent stem cells without creating or making use of embryos; and

"(3) research to isolate, develop and test pluripotent stem cells from postnatal tissues, umbilical cord blood, and placenta.

"(c) PROHIBITIONS REGARDING HARM TO HUMAN EMBRYOS.—Research under subsection (b) may not include any research that—

"(1) involves the use of human embryos; or

"(2) involves the use of stem cells not otherwise eligible for funding by the National Institutes of Health; or

"(3) involves the use of any stem cell to create or to attempt to create a human embryo, or

"(4) poses a significant risk of creating a human embryo by any means.

"(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated \$15,000,000 in fiscal year 2006, and such sums as may be necessary for each of the fiscal years 2007 through 2010. Such authorization is in addition to other authorizations of appropriations that are available for such purpose."

Mr. BARTLETT. Madam Speaker, the gentleman from Georgia (Mr. GINGREY) has joined us. I would like to yield to him before I go through the history of how we got to this bill and the people we talked to

and exactly what is in the bill. I thank the gentleman for joining us.

Mr. GINGREY. I certainly thank the gentleman from Maryland for yielding. It is indeed a pleasure to again be with him tonight, Madam Speaker. Any opportunity that I have as an original co-sponsor of the gentleman from Maryland's legislation, H.R. 3144, is an opportunity that I gladly accept no matter what the hour. The importance of this issue really cannot be overstated.

I know the gentleman from Maryland as he started this Special Order hour discussed the fact that of the so-called throwaway embryos, throwaway babies as we see it in these in vitro fertilization clinics that exist across this country, I think somebody estimated there were 400,000 of them and that in some instances couples who had gone through in vitro fertilization and completed their families truly would have some extra embryos that they at least at a certain point in time had no intention of having reimplanted. So for the time being, maybe they were excess embryos.

But those of us who feel very strongly about the sanctity of life truly believe that there is no such thing as an excess human life at either extreme, the very youngest embryonic stage or the very oldest, many of whom I would be referring to, our octogenarians and older who might be in a nursing home suffering from Alzheimer's disease at the final stages of their lives, but all of these lives are extremely important; and as the gentleman from Maryland pointed out, there are actually 100 or close to 100 little babies, up to 6, 8 months old now who were referred to as the snowflake babies. They actually were donated to couples who were barren, infertile, from these couples who had completed their family and had these excess embryos frozen that they were not going to use.

We have seen them. I think the gentleman from Maryland (Mr. BARTLETT) had a lot to do with bringing, along with the gentleman from Pennsylvania (Mr. PITTS), these little children to the House, to the Congress, and indeed to the White House during the week that we were debating the bill brought to us by the gentleman from Delaware (Mr. CASTLE) and the gentlewoman from Colorado (Ms. DEGETTE).

As the gentleman from Maryland points out, there are a lot more of those little lives that are still on ice, if you will; and the gentleman from Maryland is so right in pointing out that, hey, maybe one of those would be an Einstein one of these days, the next Einstein. Some of my colleagues say, well, just 100 out of 400,000, that is not very many. Indeed, it is a fourth of this body, Madam Speaker, almost a fourth of 435 Members of the House of Representatives. There may be some real smart ones remaining on ice that possibly could end up being United States Senators. More importantly, of course, it could be the next Pope John II or Pope John III or Martin Luther King,

Jr. or Abraham Lincoln. Who is to say what we are talking about as a throwaway life? I am just so grateful for the gentleman from Maryland for bringing us a bill, H.R. 3144, which avoids this issue of destroying human life for the purpose of obtaining embryonic stem cells.

I do not think, Madam Speaker, that we will ever get to the point in this Chamber, as much as I, and I am sure the gentleman from Maryland is of the same mind-set, of wanting to do things in a bipartisan fashion with our colleagues on both sides of the aisle, this issue, this pro-life/pro-choice issue. The country is probably pretty evenly divided. This body is probably evenly divided.

But the point is we do not have to get into a knockdown, drag-out, hair-pulling, fingernail-scratching bloodbath over this issue. That is what the gentleman from Maryland is bringing to us, an opportunity to support a bill that does not lead us down that road where there seems like there will never be a meeting of the minds. This opportunity, basically, as he is pointing out with his posters in regard to the ability, with some research, to be able to obtain embryonic stem cells without destroying human life, without destroying the embryo, I have heard him refer to this almost like an embryonic biopsy.

As I understand the bill, it is an opportunity to encourage, with the President's blessing, increased funding through the NIH for research on nonhuman primates to make sure that this biopsy, actually it has already been done in genetic counseling studies on couples who have a really strong family history of inheritable diseases, something like hemophilia or Duchenne's muscular dystrophy where maybe if it is an adult child, it has a 50 percent chance of having one of these life-threatening, eventually fatal diseases. We are already doing testing on those embryos to make sure that it would be safe to put them back into the mother's womb to grow and develop and become a full-term fetus and there has been no harm in those instances.

This is not wild-eyed science, something that is Star Wars mentality. Not at all. We are talking about one of the brightest Members of this body, a Ph.D. physiologist, a doctor of physiology who has taught in medical school.

Madam Speaker, when I was in medical school, it was my instructor who taught me physiology, the functioning of the human body in a healthy situation, whether we are talking about the heart, the lungs, or any organ system of the body. That is the study of physiology. That is who we are talking about when we reference this Member, the gentleman from Maryland, who is bringing us this bill. He knows of what he speaks. He has taught not only physiology but also embryology.

I know my colleagues as they listen to his presentation tonight and they

look at the material, the visual aides that he has with him, it is clear that his understanding, his depth of knowledge is far beyond maybe what even the physician Members of this body have. So it is with a deep amount of respect for him that I have signed on to this bill. I am fully supportive of it. It gives us an opportunity to address this issue of trying to find a way with stem cells, whether they are adult or embryonic; and I tend to agree with the gentleman from Maryland that embryonic stem cells probably do have a little more potential, although we have had great success in adult stem cells and a lot of these diseases that our colleagues have talked about and we have seen public service advertisements, famous people, actors, former politicians, a former first lady, families of those suffering from diabetes, spinal cord injury, degenerative disease, Parkinsonism, Alzheimer's. These things really tear at your heartstrings.

There is no argument, I do not think, in this body, in a partisan way about wanting to help and wanting to use science to the best of our ability to look for a cure. There is not a guarantee. There is absolutely no guarantee. There are probably lots of complications, false starts, two steps back for one step forward. There will be lots of money, Federal dollars probably being spent on research. But the point is the President in August of 2001 was absolutely right, in my humble opinion, in regard to his decision to put a moratorium on the harvesting of stem cells, embryonic stem cells that would result in the destruction of human life. At that point, there were some 60 cell lines already in existence that our university research scientists at NIH and other places were using. The President said, that is perfectly okay to continue.

□ 2145

Those lives have already been destroyed in obtaining those stem cell lines. Good research was occurring. The President, this President, George W. Bush, is the very first President that, in fact, allowed Federal funding for research on embryonic stem cells. So those who criticize or suggest, Madam Speaker, that this President is insensitive and uncaring, I suggest to my colleagues that this President is the most caring that we have ever had in regard to this issue. He has done more than any other President. He does not deserve to be criticized, but rather applauded for his efforts in this regard.

And I think he is steadfast in his determination not to destroy human life because, as the gentleman from Maryland has pointed out and as I just said, we do not know those so-called extra embryos, those throwaway embryos. We do not know what those lives entail. We do know that they have a very unique, full complement of DNA that have all of their genetic material they are going to ever have. They are the

tinest of human life, little tiny babies. We call them embryos, but they are little tiny embryos whose lives are frozen and suspended. But they should have that opportunity.

And even the couples who think, Madam Speaker, that they would never use those embryos, we have witnessed tragedies every day in the news, this 24-hour cable news that we are subjected to, but we read about children that are kidnapped, abused, murdered, the situation in Aruba, the situation in Nebraska. We can just name so many where people think that their family is complete and they have got all they want out of their reproductive life, and all of a sudden, as the old country song goes, "some days are diamonds and some days are stones," all of a sudden we have a few days that are stones and there might be a tragic loss of a child or more than one child, and all of a sudden maybe those frozen embryos do not seem so expendable anymore.

So that is why this issue is so important and why I feel so very passionate, not just myself and the author of this bill, the gentleman from Maryland (Mr. BARTLETT), but a number of others who have signed on to this bill. The White House, I think, is very supportive of this. There is a companion piece of legislation, as I understand; it originating in the other body. We are on to something here.

And again it is a pleasure to join my colleague tonight and share these thoughts, try to maybe enlighten my colleagues on both sides of the aisle, Madam Speaker; and I do thank the gentleman for giving me an opportunity to be with him to discuss such an important issue. And I will be glad to stick around for a little while if we want to get into a colloquy later on, but I thank him for giving me this opportunity.

Mr. BARTLETT of Maryland. Madam Speaker, reclaiming my time, I want to thank my colleague very much for his comments. He is very generous. I did not come to the Congress, and that was 13 years ago, until I was 66 years old; and I am very fortunate to have some prior life experiences that have permitted me to understand some opportunities here in the Congress that might not have been so obvious to others who did not have this background.

After the President came down with his executive order, I continued to meet with the folks at NIH, and I subsequently learned, by the way, I need to come back to that problem with Karl Rove and his discussion with the NIH people, and this was a typical example of failed communications. And so often we think that we are carrying on a dialogue and we are really carrying on simultaneous monologues.

However it happened, what the NIH people were telling Karl Rove was that they were not sure that they could make a stem cell line from an embryo that early. That is true. That is why in our bill we advocate animal model research rather than beginning with hu-

mans. But there is no reason we should not be able to do that.

Now, as a matter of fact, a Russian scientist working in this country, Verlinsky, says he has, in fact, done that. I have met a number of times with people from NIH. On July 20 of last year, for instance, we had an extended meeting in my office with representatives from NIH, with representatives from Health and Human Services, and with representatives from the White House.

And then, Madam Speaker, a very interesting thing happened while we were having this series of meetings with the NIH and HHS and the White House and with the outside groups. There appeared in the literature a paper, a very interesting paper, on preimplantation genetic diagnosis. And what these medical people were doing, and this was in England, the first paper came from a clinic in England, what they were doing was going into the eight-cell stage and taking a cell or two out to do a preimplantation genetic diagnosis to see if the baby would have a genetic defect. And if there was no genetic defect, they implanted the remaining seven cells, sometimes six cells. And more than 600 times that went on to produce a perfectly normal baby. That is now being done in this country just outside Washington, in Virginia. A few weeks ago I spent probably a half hour or more on the phone with two of the medical scientists there who were involved in this research.

There is one potential ethical problem here, although the President's Council on Bioethics thinks it is not a problem. I would like to avoid, Madam Speaker, even the possibility of a problem. And that problem is that the cell that we take from that embryo might, under the right circumstances, become an embryo itself. The members of the President's, and I have the white paper here I am going to refer to in just a moment, Council on Bioethics think that that is not feasible. But, Madam Speaker, if we were to wait just a little later to take the cell to the inner cell mass, and I probably ought to put that chart of the uterus back up here so that I can point to what I am referring to here, in the laboratory they are going at the eight-cell stage and taking a cell or two out and doing a preimplantation genetic diagnosis.

If there is no genetic defect, they implant the remaining cells, and more than 1,000 times worldwide now, they have had a normal baby born. The argument is that that cell they take out under the right circumstances is pluripotent, totipotent at that stage probably, and could produce another embryo. To avoid that, if we just wait until the inner cell mass stage, which is the stage from which the embryonic stem cell lines are now developed when they destroy the embryo, there is no reason they cannot go into this inner cell mass and through the trophoblast and they could take out several cells then because there are a lot of cells there.

By that time we already have some differentiation. The cells in the inner cell mass are going to produce the baby. The three germ layers that we talked about at the very beginning and the cells in the trophoblast are going to produce the decidua. The decidua is the amnion and chorion, the tissues that support the baby, and we can see those starting to develop down here in day 8 and 9 when the embryo has attached itself to the wall of the uterus and the uterus grows and produces some tissues and there is a growth of this decidua here and we have the placenta, these big opposing vascular bags through which food and oxygen and CO₂ and hormones and so forth are exchanged between the baby and the mother.

By the way, Madam Speaker, this is a pretty hazardous journey; and we do not know the exact percentage, but maybe less than half of all of the ova here that get fertilized actually implant in the uterus. As a matter of fact, one of the techniques for preventing conception is an IUD. They simply place a foreign object here in the uterus, and the uterus reacts to the presence of that foreign by not permitting the fertilized egg, the embryo, to implant there.

Mr. GINGREY. Madam Speaker, will the gentleman yield?

Mr. BARTLETT of Maryland. I yield to the gentleman from Georgia.

Mr. GINGREY. Madam Speaker, I wanted to mention to the gentleman that as an OB/GYN physician, of course I have had some experience with some of the processes that can occur in reproductive endocrine laboratories and the technique dealing with infertile couples, and I have had a discussion with the gentleman from Maryland about this. But in a situation where the couple is infertile and it is because of male infertility, there is nothing wrong with the egg, but there is a very, very low sperm count in the male, and normally it takes probably 1,000 sperm to successfully fertilize an egg in the natural way.

In fact, the normal sperm count in a male is about 60 million. But even a sperm count as low as 1,000, pregnancy can occur in the normal, natural way. But when it gets much lower than that, it becomes less and less possible. But they have a technique. And there is an acronym, Madam Speaker. There is an acronym for everything, it seems, even though this is not in the military. That acronym is ICSI. It stands for intracytoplasmic sperm injection, ICSI. And these biologists working with reproductive endocrinologists, medical doctors who specialize in infertility, can literally take a single sperm and with a needle inject that sperm into the egg and create a life, and that has been done many times, and not just at the NIH, but in a lot of these infertility clinics across this great country, in my State of Georgia. It is something that is done routinely.

So what the gentleman from Maryland (Mr. BARTLETT) is talking about

in this poster presentation in regard to waiting to just the right point for these scientists to be able to develop a technique to obtain embryonic stem cells without destroying that embryo and beyond the point where that single cell itself would be an embryo, he knows of what he speaks. And I wanted to have an opportunity to share that, Madam Speaker, with our colleagues and make sure they understand that here again we are not talking about Star Wars technology here. We are talking about things that are being done today.

Mr. BARTLETT of Maryland. Madam Speaker, reclaiming my time, I thank the gentleman very much for that contribution.

While we are carrying on these discussions with the White House and NIH and HHS and with the outside groups, the President's Council on Bioethics submits a white paper; and in this white paper they go over four potential techniques that might produce pluripotent stem cells, which is another way of saying the equivalent of embryonic stem cells, without destroying or harming an embryo. And what our bill does, Madam Speaker, is simply ask NIH to please explore these potentials, first of all, in animal models; and the bill gives them \$15 million to begin this exploration.

I just wanted to spend just a moment talking about the four things that are in here because it may be of interest to a number of people. The first is called pluripotent stem cells derived from organismically dead embryos. Well, this says that all these embryos I had mentioned earlier, all these embryos will not live. And when an embryo is moribund, it is not going to divide anymore, then it is the equivalent of a brain dead person and there should be no problem taking cells from it like they would take organs from a brain dead person.

One might have a little question about the vitality of the cell they take from that embryo, but at least ethically if the embryo is dead or moribund, the equivalent of a brain dead person, they could take an embryo from it. The second procedure, and the next chart shows a little clip from that, is one in which, down at the bottom here, it says "a similar idea was proposed by Representative ROSCOE BARTLETT." This was my recommendation in 2001. And this simply says they go into an early embryo, as I have mentioned, and take out a cell without hurting the embryo because mother nature or God, whoever people think makes identical twins, has been doing this for a very long time.

Our bill simply asks the NIH to do this in animal models to make sure that it is safe and efficacious.

A third technique is called pluripotent stem cells derived from biological artifacts. This is an interesting one. And what the proposal there is that they take an ovum and they take the nucleus out of the ovum

and then they take an altered nucleus out of a somatic cell.

□ 2200

You alter the nucleus so that you have turned off some of the genes, and then you put that nucleus inside the egg. Now, why would you do that? Because in the cytoplasm of the egg outside the nucleus of the egg, there are some factors which turn on and turn off genes and kind of control what happens inside the nucleus. So now they have turned off some genes so this thing will divide; that will never be a baby because they have kind of messed up the genetics. Well, if they can never be a baby, then maybe ethically you can take stem cells from it, and this is something that really needs to be explored.

These several techniques are all open for investigation. Oh, the fourth one of these is pluripotent stem cells by differentiation. I mentioned the differentiation of cells. That is when they decide that they are going to be just this or that, and all the cells they produce after that are just that kind of cell. Now, sometimes, you can take a cell and kind of put it in an environment where you have confused it, you have shocked it, you have done something to it, so it forgets what it was supposed to be, and it starts making cells, tissues that it would not ordinarily make in that stage of differentiation. So what our bill does is to permit the research, particularly on two of these, the nucleus transfer and the taking of cells from the early blastomere.

Our bill has received input from the White House, from the Conference of Catholic Bishops, from Right the Life communities, so there is a broad spectrum of individuals and organizations out there that are supportive of what we are doing.

In the few moments left, Madam Speaker, I would like to note that there have been a plethora of articles very recently about this, and I would like to submit these for the RECORD. They are not very long, and I will insert them into the RECORD. Here is National Geographic, July 2005. Stem cells, a big article, very good article on stem cells there. Here is a letter of May of this year from Dr. Battey who is the chief spokesman for stem cell research at the National Institutes of Health who is quite supportive of our bill and what we propose to do, and here is a very interesting op-ed piece written by Richard Doerflinger who represents the Catholic Bishops.

By the way, I need to give credit where credit is due. It was Richard Doerflinger who made the great suggestion that the first thing you do with that cell you take from the early embryo is to create a repair kit so that all during the life of that person, they will have frozen the ability to produce a new liver if they need it, islets of Langerhans, spinal cord cells, whatever they need. There is a great op-ed piece by Richard Doerflinger who explains

his support for our bill. He says, Representative BARTLETT and his colleagues are helping to demonstrate what has always been true: science and ethics were meant to be allies, not enemies, and this is certainly true.

Tuesday, July 12, Associated Press, Lawmakers Wary of Backup Stem Cell Bill. For those who would like to see just the Castle-DeGette bill passed, our bill, and the President, by the way, says that if that other bill gets to his desk, he will veto it. For those of us who believe that we really ought to research stem cells, we really look forward to a bill which the President can support.

Stem Cell Legislation is At Risk, July 9, Washington Post. GOP Probes Nondestructive Cell Research, Washington AP, June 29. And then just today, in Congressional Quarterly, Congress Considers Numerous Stem Cell Bills. It mentions our bill in the House, and that BILL FRIST is expected to draft a related bill in the Senate.

I am very pleased, Madam Speaker, that my background has permitted me to understand some of the potential here, my experience with my grandmother, with these little diabetic kids, my profound pro-life commitment. I am very pleased that I was able to propose a potential solution that I think meets the morals and the demands of both sides of this issue.

Madam Speaker, I ask unanimous consent to insert the following articles:

DEPARTMENT OF HEALTH
AND HUMAN SERVICES,

Bethesda, Maryland, May 23, 2005.

Hon. ROSCOE G. BARTLETT,
House of Representatives,
Washington, DC.

DEAR MR. BARTLETT: I am pleased that Drs. Allen Spiegel and Story Landis were able to meet with you, Mr. Otis and Mr. Aitken during your visit to the National Institutes of Health (NIH) last month to discuss ways to derive human embryonic stem cells (hESCs). Drs. Spiegel and Landis were serving as Acting Co-Chairs of the NIH Stem Cell Task Force during my leave of absence from this position. Earlier this month, I returned to chair the Task Force. NIH shares your enthusiasm on the therapeutic potentials of hESC research and thank you for your continued support of this field.

Drs. Spiegel and Landis briefed me about your April 26th meeting. I am also aware that you have had previous meetings with NIH officials, including myself, Lana Skirboll and Richard Tasca, on this topic. You propose the possibility of using a cell (or two) removed from the 8-cell stage human embryo undergoing preimplantation genetic diagnosis (PGD) to: (1) create a "personal repair kit" made up of cells removed from the embryo and stored for future use; and (2) for deriving human embryonic stem cell lines.

You suggested that creating hESC lines in this manner would avoid ethical questions surrounding the fate of a human embryo. Live births resulting from embryos which undergo PGD and are subsequently implanted seem to suggest that this procedure does not harm the embryo, however, there are some reports that a percentage of embryos do not survive this procedure. In addition, long-term studies would be needed to determine whether this procedure produces subtle or later-developing injury to children

born following PGD. Also, it is not known if the single cell removed from the 8-cell stage human embryo has the capacity to become an embryo if cultured in the appropriate environment.

NIH is not aware of any published scientific data that has confirmed the establishment of hESC lines from a single cell removed from an 8-cell stage embryo. We are aware of the published research of Dr. Yuri Verlinsky in the Reproductive Genetics Institute in Chicago that showed that a hESC line can be derived by culturing a human morula-staged embryo (Reproductive Bio-Medicine Online, 2004 Vol. 9, No. 6, 623-629, Verlinsky, Strelchenko, et al). It is also worth noting, however, that in these experiments, the entire morula was plated and used to derive the hESC lines. The human morula is generally composed of 10-30 cells and is the stage that immediately precedes the formation of the blastocyst.

At the April 26th meeting, NIH agreed that such experiments might be pursued in animals, including non-human primates. That is, animal experiments could be conducted to determine whether it is possible to derive hESCs from a single cell of the 8-cell or morula stage embryo. To date, to the best of our knowledge no such derivations have been successful. NIH also does not know whether these experiments have been tried and failed in animals and/or humans and, therefore, have not been reported in the literature. NIH agreed to explore whether there have been any attempts to use single cells from the 8-cell or morula stage of an animal embryo to start embryonic stem cell lines by consulting with scientists that are currently conducting embryo research. From these discussions, these scientists believe it is worth attempting experiments using a single cell from an early stage embryo or cells from a morula of a non-human primate to establish an embryonic stem cell line.

Of note, a recent 2003 paper from Canada shows that when single human blastomeres are cultured from early cleavage stage embryos, before the morula stage, that there is an increased incidence of chromosomal abnormalities. Even with hESCs derived from the inner cell mass of the human blastocyst, the odds of starting a hESC line from a single cell are long, perhaps one in 20 tries. Thus, the odds of being able to start with a single cell from an 8-celled or morula staged embryo are equally challenging. This would make it difficult to accomplish the goal of establishing "repair kits" and hESC lines from any single PGD embryo. (Fertil Steril, 2003 June, 79(6):1304-11, Bielanska, et al). It is possible, however, that improvements in technologies for deriving and culturing hESCs may improve these odds.

NIH concludes that the possibility of establishing a stem cell line from an 8-cell or morula stage embryo can only be determined with additional research. NIH would welcome receiving an investigator-initiated grant application on this topic using animal embryos. The Human Embryo Research Ban would preclude the use of funds appropriated under the Labor/HHS Appropriations Act for pursuing this research with human embryos. As with all grant applications, the proposal must be deemed meritorious for funding by peer review and then will be awarded research funds if sufficient funds are available. It also bears keeping in mind that it may take years to determine the answer.

At the April 26th meeting, you had mentioned that twins can develop when the inner cell mass splits in the blastocyst and forms two embryos enclosed in a common trophoblast. You asked if cells from the inner cell mass could be safely removed without harming the embryo. In animal studies, it has been shown that the blasto-

cyst can be pierced to remove cells of the inner cell mass and the embryo appears to retain its original form but it is not known whether the embryo will result in the birth of a healthy baby. Since this experiment in human embryos at either the morula or the blastocyst stage would require evaluations of not only normal birth but also unknown long term risks to the person even into adulthood, it would have to be considered a very high risk and ethically questionable endeavor. Because of the risk of harm, this research would also be ineligible for Federal funding.

You had also asked NIH about the latest stage in development that an embryo can be artificially implanted into the womb. We know that infertility clinics transfer embryos at the blastocyst stage (approximately Day 5 in human embryo development) as well as at earlier stages.

Finally, I am providing an additional resource that was discussed at the April meeting. I have enclosed a copy of a recently released white paper developed by the President's Council on Bioethics (PCB) on Alternative Sources of Human Pluripotent Stem Cells. In this white paper, the PCB raised many ethical, scientific and practical concerns about alternate sources for deriving human pluripotent stem cells without harming the embryo. Your proposal is specifically discussed in this report.

I hope this information is helpful.

Sincerely,

JAMES F. BATTEY, Jr.,
M.D., Ph.D.,
*Chairman, NIH Stem
Cell Task Force and
Director, National
Institute on Deaf-
ness and Other Com-
munication Dis-
orders.*

[From the News Observer, June 29, 2005]

GOP PROBES NON-DESTRUCTIVE CELL
RESEARCH

(By Laurie Kellman)

WASHINGTON (AP).—Embryonic stem cell research that doesn't destroy budding human life? Right now, it's possible only in theory, or on animals. But those alternatives to the most promising stem cell science are enough to win the attention of anti-abortion Republicans and President Bush.

Senate Majority Leader Bill Frist and other GOP lawmakers are considering legislation drawn from a report in May by Bush's Council on Bioethics, which studied research that might carry medical promise but is in its infancy.

In some cases, the research is ethically objectionable, the panel wrote. Nonetheless, it said four types of studies "deserve the nation's careful and serious consideration."

Bush was receptive to funding the theoretical approaches rather than medically more promising research that destroys embryo, three lawmakers who have discussed the subject with him told The Associated Press.

"There was a sense around the table that if we could discover a way to extract the stem cells without destroying the embryo, that that was something that nearly everyone could support," said Representative David Dreier, R-Calif., who discussed the option with Bush at a White House meeting earlier this month. "The president was very enthusiastic about that. He clearly supported it."

Another possible compromise, being drafted by Representative Roscoe Bartlett, R-MD., a biological engineer, would send \$15 million to the National Institutes of Health for stem cell research on animal embryos, according to a draft obtained by the AP.

"Congressman Bartlett sought and received technical assistance from the admin-

istration to ensure that the bill that he is working on would be consistent with the president's principles and goals," said Lisa Wright, Bartlett's spokeswoman.

Bush has repeatedly said he would veto a bill the House passed last month backing standard embryonic stem cell research and any similar version by the Senate, which is expected to turn to the issue in July.

"We'll probably consider a number of bills," Frist told the AP.

Senator Rick Santorum, R-Pa., who also attended the meeting with Bush, said he may try to amend one of Congress' must-pass spending bills to provide federal money for specific studies outlined in the bioethics council's report.

Senator Gordon Smith, R-Ore., said that in his own talk with Bush, he found the president "looking for a way to stay within his ethical boundaries."

Almost two-thirds of Americans say they support embryonic stem cell research and a majority of people say they would like to see fewer restrictions on taxpayer funding for those studies, according to recent polling.

The proposal may free senators from a tight spot between Bush's veto threat and public pressure for embryonic stem cell research, which has shown promise in the search for cures for Parkinson's, Alzheimer's and other diseases.

But it also would spend millions of dollars on studies whose value is speculative. Some of the techniques have not even been attempted in animals.

Frist, who is a heart and lung transplant surgeon, told the AP at least three of the processes on the bioethics council's list met his criteria for funding embryonic stem cell research.

"All of the research you have there stops short of the creation of an embryo for experimental purposes, and short of destruction of an embryo for experimental purposes," he said. "That is the direction I think we should explore."

Those are the same boundaries set out by Bush, who in a 2001 executive order prohibited federal funding of any research using human embryonic stem cells harvested after Aug. 9 of that year.

Senator Tom Harkin, D-Iowa, a chief supporter of traditional embryonic stem cell research, shrugged at the notion of an alternative.

"Most of these ideas are nothing but theories. They haven't been tested," he said Wednesday.

The processes studied by the council could theoretically develop embryonic stem cell lines—which can develop into any cell in the body—without harming the embryo. They would:

—Derive stem cells from technically dead embryos. When embryos frozen during in-vitro fertilization are thawed, some never resume dividing and thus are discarded. No one knows whether scientists could find healthy stem cells inside an embryo already so damaged that it wouldn't grow, or coax them to live when transferred out of that embryo.

—Extract stem cells from two-day-old embryos using a non-lethal biopsy technique. Until now, most stem cells have been culled from embryos that contain 100 or so cells. However, in vitro fertilization clinics frequently extract one cell, called a blastomere, from a younger, eight-celled embryo to perform genetic testing—to tell, for instance, whether some embryos will have a disease like cystic fibrosis. This testing doesn't destroy the embryo, so women can choose to have only healthy ones implanted. According to one report, more than 1,000 healthy children have been born after blastomere testing. The questions are whether enough stem

cells could be culled from a single blastomere to be worthwhile, and which embryos would be used.

—Develop stem cells derived from specially engineered tissue. One such technique is called “altered nuclear transfer,” essentially cloning in a way that grows only tissue, not an actual embryo. This process hasn’t been attempted yet.

—Turning back the clock on older cells so they again become “pluripotent,” the scientific term for the ability to turn into any tissue. Scientists already are trying to do this to some degree through “adult stem cell” research, such as turning blood-making cells into cells that produce liver or muscle tissues. It’s not clear whether older cells can be returned to an embryonic state.

[From the Guardian, July 12, 2005]

LAWMAKERS WARY OF BACKUP STEM CELL BILL

(By Laurie Kellman)

WASHINGTON (AP).—President Bush and his conservative Senate allies are trying to peel votes from a stem cell bill by offering alternative legislation that would instead fund promising but unproven studies, several senators said Tuesday.

“I’m all for these alternative sources, (but) not as a substitute, not as some way of stopping what we’re about to do,” said Tom Harkin, D-Iowa, Senate sponsor of a bill already passed by the House that would end Bush’s 2001 ban on federal funding for new human embryonic stem cell studies.

Several scientists testifying Tuesday before the Labor, Health and Human Services Appropriations subcommittee agreed that Harkin’s bill, cosponsored by panel Chairman Arlen Specter, R-Pa., should be passed before even their own research receives federal funding.

“It’s a no-brainer,” said Robert Lanza, one of the scientists working on a process by which embryonic stem cells are derived without destroying life. “I do not think we should keep the scientific community or the patient community waiting.”

Another scientist at the table, William B. Hurlbut of Stanford University, said vital science that could someday lead to cures of diseases like Alzheimer’s and Parkinson’s must have the engine of public consensus behind it.

A member of the President’s Council on Bioethics, Hurlbut noted that large sections of the public believe human embryonic stem cell research is immoral because it destroys the embryo, which many, including Bush and some congressional conservatives, consider a budding human life. Government, he said, should set “a coherent moral platform to guide our science.”

But staring down a self-imposed Aug. 1 deadline for voting on the legislation, Senate negotiators were no closer Tuesday to agreeing on a list of bills to debate on the Senate floor. Still swirling were talks over a six-bill package of legislation, including the Harkin-Specter measure, and others that would fund alternative methods or ban certain stem cell and cloning techniques altogether.

Specter, a cancer patient also helming the fight over Supreme Court nominations, said he was growing impatient with the delay and made clear that his bill is the first priority.

“If we can pass the House bill, Specter-Harkin, that is the most important bill to be enacted,” Specter said as he gavelled open the Labor, Health and Human Services subcommittee hearing.

Testifying were James Battey, chairman of the National Institutes of Health Stem Cell Task Force, and Lanza, who has done research into deriving stem cells from a single animal cell without destroying the embryo.

The House approved the Harkin-Specter bill, 238-194, on May 24. That is far less than the two-thirds support that would be needed to override a veto Bush has threatened, and it was unclear that either house of Congress had the two-thirds vote necessary to override a veto.

The bill numbers are H.R. 810 and S. 471.

[From the Life Issues Forum, June 30, 2005]

STEM CELLS WITHOUT EMBRYOS?

(By Richard M. Doerflinger)

The battle lines of the stem cell debate have become familiar.

In one corner we have embryonic stem cells, obtained by destroying one-week-old human embryos. The cells are “pluripotent,” capable of producing all the 210 cell types in the human body. In the other corner are stem cells obtained harmlessly from adult tissues, umbilical cord blood and placentas. These pose no ethical problem, but supposedly are more limited.

Herein lies the alleged tension between science and ethics. We can cure devastating diseases, or respect embryonic human life, but not both.

That dichotomy has always been misleading. Embryonic stem cells are far from curing any disease, while adult and umbilical cord blood stem cells have helped many thousands of patients. Yet scientists still claim that cells obtained by destroying early human life have special advantages that cannot be duplicated.

This claim is about to be tested.

Just before Congress’s July 4 recess, Representative Roscoe Bartlett (R-MD) introduced the “Respect for Life Pluripotent Stem Cell Act.” It instructs the National Institutes of Health to fund research in obtaining “pluripotent” stem cells without creating or harming human embryos.

Mr. Bartlett knows whereof he speaks. He holds a Ph.D. in physiology, and bases his proposal on a report by the President’s Council on Bioethics and the latest research findings.

His bill outlines two ways to get pluripotent stem cells without harming embryos. One is to remove the cells from embryos without harming or destroying them. The bill would fund such efforts in animal embryos, to see if this can be safe enough to consider doing in humans.

The other approach would produce embryonic-like stem cells without creating embryos at all. A dozen studies now indicate that umbilical cord blood and adult tissues contain stem cells that may be as versatile as embryonic stem cells. In addition, cutting-edge research suggests that adult cells can be “reprogrammed” in several ways into pluripotent stem cells.

One avenue is dubbed “ANT-OAR”—altered nuclear transfer by oocyte assisted reprogramming.

“Nuclear transfer” is the cloning method that made Dolly the sheep. The nucleus of a body cell is combined with an egg deprived of its own nucleus. Signals in the egg activate a much wider range of genes in that nucleus, so it no longer directs one specialized type of cell but begins the development of a whole new organism. What if the egg and the body cell were altered in advance so that, from the beginning, the result is not a one-celled embryo, but a pluripotent stem cell like those now obtained by destroying embryos?

There are good scientific reasons to believe this can be done. And many Catholic scientists and ethicists have declared that it can and should be explored (see www.eppc.org/news/newsid.2375/news_detail.asp).

It would be good news indeed if modern science ends up resolving some moral dilem-

mas that an irresponsible use of science has created. Representative Bartlett and his colleagues are helping to demonstrate what has always been true: science and ethics were meant to be allies, not enemies.

[From the Washington Post, July 9, 2005]

STEM CELL LEGISLATION IS AT RISK

(By Ceci Connolly and Rick Weiss)

Promising but still unproven new approaches to creating human embryonic stem cells have suddenly jeopardized what once appeared to be certain Senate passage of a bill to loosen President Bush’s four-year-old restrictions on human embryo research.

The techniques are enticing to many conservative activists and scientists because they could yield medically valuable human embryonic stem cells without the creation or destruction embryos.

Embryonic stem cells are coveted because they have the capacity to become virtually every kind of body tissue and perhaps repair ailing organs, but they are controversial because days-old human embryos must be destroyed to retrieve them.

“The new science that may involve embryo research but not require destruction of an embryo is tremendously exciting,” Senate Majority Leader Bill Frist (R-Tenn.) said recently. “It would get you outside of the boundaries of the ethical constraints.”

But because the value of these new scientific methods remains speculative, they have complicated the political calculus in the highly partisan Senate, which could take up the issue as early as next week.

Proponents of embryonic stem cell research are divided over how strongly to promote the new work because of fears it will undermine efforts to expand federal funding of conventional embryo research, which they say has better odds of success.

But some opponents of embryo research are uncomfortable with the emerging alternatives, too. That is because they involve cells that closely resemble human embryos, raising novel questions about what, exactly, is a human life.

The science poses a strategic dilemma for both groups: Should they support newly circulating legislation that would fund the new methods or try to defeat what some decry as a Trojan horse?

“This is something that could be very valuable if it works, no doubt about it,” Stanford University stem cell researcher Irving Weissman said of the new work. “But don’t tell me we should stop doing [embryo] research until we find out, because people’s lives are at stake.”

In May, the House easily passed bipartisan legislation allowing federally funded scientists to study stem cells derived from some of the thousands of human embryos destined for disposal at fertility clinics—a significant expansion of the Bush policy. Until this week, Senators Arlen Specter (R-Pa.) and Orrin G. Hatch (R-Utah) expressed confidence that they had more than enough votes to pass the same bill in the Senate, despite threats of a presidential veto.

Last week, however, opponents began circulating a competing bill that shifts attention toward the more distant but ethically more palatable new procedures. The House version, sponsored by Representative Roscoe G. Bartlett (R-Md.), was written with assistance from the White House, a Bartlett spokeswoman said.

The administration is eager for Bush to sign legislation supportive of at least some types of stem cell research, according to several lobbyists close to the congressional negotiations. Signing such a bill could take some of the sting out of a veto that is sure to infuriate patient groups and could rile a

majority of Americans, who tell pollsters they back expanded funding of embryonic stem cell research.

During the Fourth of July recess, many Senate Republicans struggled with the question of whether the new legislation should be brought to the floor as a substitute for the House-passed bill or as a competing bill—and if both were to come up, then how to vote on each. At least a handful of senators have hinted in recent days that they may transfer their vote to the new bill, Hill sources said—among them Hatch, Johnny Isakson (R-Ga.) and Kay Bailey Hutchison (R-Tex.).

The issue will get its first formal airings at a Senate subcommittee hearing Tuesday and at a Hill media event on Wednesday at which pro-research celebrities Michael J. Fox and Dana Reeve, widow of “Superman” star Christopher Reeve, will call for an immediate loosening of Bush’s policy.

Some supporters of the research say they would be happy if both bills passed. But for some of the more ardent advocates of an immediate expansion of the Bush policy, Bartlett’s alternative legislation is a diversion.

“Don’t stop embryonic stem cell research now, hoping there will be some other way to do it in the future,” Senator Tom Harkin (D-Iowa) said in an interview. “These alternative methods of deriving stem cells—we don’t know whether they’ll work. The one thing we do know how to do is derive embryonic stem cells.”

The new techniques fall into two major categories. In one, a single cell is removed from a days-old embryo created for fertility purposes and coaxed to become a self-replicating colony of stem cells, leaving the remainder of the embryo to develop normally.

The technique shows great promise, according to researchers at Advanced Cell Technology Inc. in Worcester, Mass., who pioneered it. But critics have raised the possibility that individual cells removed from such young embryos may have the biological potential to become embryos themselves, which would mean their destruction or cultivation as colonies could still raise ethical issues.

Bush’s Council on Bioethics also expressed concerns recently that such a technique may subtly harm an embryo, even if it does not kill it.

“You may get a human being, but you may not get the same human being,” said William B. Hurlbut, a Stanford professor and a council member. “You might find that late in life, there are some strange differences between those people and others.”

Hurlbut is the leading proponent of a different approach, which he calls altered nuclear transfer, or ANT. It involves the creation of an embryo—or what Hurlbut says is something akin to an embryo—that lacks a gene necessary for the development of a placenta. Because a placenta is required for an embryo to implant in a woman’s womb, the altered embryo would be genetically incapable of becoming a fetus or a baby. For many, that would obviate ethical concerns about destroying it to get its stem cells.

Researchers have tried the technique in mice with some success, but its usefulness as a source of human stem cells remains hypothetical. Some, such as Weissman, think the difficulties inherent in making such a system work are being overlooked by Hurlbut, who is a physician but not a research scientist.

“I’ve been telling Bill, ‘Why don’t you go work in a lab this summer? Why not see how easy or hard it really is?’” said Weissman. He said he has no problem with the funding of such research as long as it does not interfere with increased funding for existing programs of embryo research.

Practical or not, ANT has gained a quickly widening circle of support. The Roman

Catholic archbishop of San Francisco, William J. Levada, has written a letter to Bush assuring the president of his support.

But other conservative leaders have mixed views on whether it makes sense to pursue the new alternative therapies or to focus single-mindedly on defeating any expansion of the current policy.

“I have significant concerns about all the alternatives,” said David Prentice, senior fellow for life sciences at the Family Research Council, which he said does not yet have a formal position on the science.

Jessica Echard, executive director of the Eagle Forum, the public policy organization founded by Phyllis Schlafly, said her group opposes “middle ground” legislation that pursues alternative methods for producing embryonic stem cells.

“Most scientists will say it’s never enough,” she said. “We will be giving ground to more and more unethical research.”

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ABERCROMBIE (at the request of Ms. PELOSI) for today on account of illness.

Mr. CARDIN (at the request of Ms. PELOSI) for today after 4 p.m. and the balance of the week on account of a family emergency.

Mrs. JONES of Ohio (at the request of Ms. PELOSI) for today and July 11 on account of constituent business in the district.

Mr. OBEY (at the request of Ms. PELOSI) for today on account of attending the funeral of the late Senator Gaylord Nelson.

Mr. EVERETT (at the request of Mr. DELAY) for July 11 on account of being unable to travel due to Hurricane Dennis.

Mr. BACHUS (at the request of Mr. DELAY) for today from 7 p.m. until July 13 at 6 p.m. on account of attending a funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. KAPTUR) to revise and extend their remarks and include extraneous material:)

Mr. HOYER, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. MEEHAN, for 5 minutes, today.

Mr. INSLEE, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Mr. EDWARDS, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. FLAKE, for 5 minutes, today.

Mr. NORWOOD, for 5 minutes, today and July 13 and 14.

Mr. SAM JOHNSON of Texas, for 5 minutes, July 13.

Mr. CUNNINGHAM, for 5 minutes, July 13.

Mr. HUNTER, for 5 minutes, July 13.

Mr. MCCAUL of Texas, for 5 minutes, July 13.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on July 1, 2005 he presented to the President of the United States, for his approval, the following bills.

H.R. 120. To designate the facility of the United States Postal Service located at 30777 Rancho California Road in Temecula, California, as the “Dalip Singh Saund Post Office Building”.

H.R. 289. To designate the facility of the United States Postal Service located at 8200 South Vermont Avenue in Los Angeles, California, as the Sergeant First Class John Marshall Post Office Building.

H.R. 324. To designate the facility of the United States Postal Service located at 321 Montgomery Road in Altamonte Springs, Florida, as the “Arthur Stacey Mastrapa Post Office Building”.

H.R. 504. To designate the facility of the United States Postal Service located at 4960 West Washington Boulevard in Los Angeles, California, as the “Ray Charles Post Office Building”.

H.R. 627. To designate the facility of the United States Postal Service located at 40 Putnam Avenue in Hamden, Connecticut, as the “Linda White-Epps Post Office”.

H.R. 1072. To designate the facility of the United States Postal Service located at 151 West End Street in Goliad, Texas, as the “Judge Emilio Vargas Post Office Building”.

H.R. 1082. To designate the facility of the United States Postal Service located at 120 East Illinois Avenue in Vinita, Oklahoma, as the “Francis C. Goodpaster Post Office Building”.

H.R. 1236. To designate the facility of the United States Postal Service located at 750 4th Street in Sparks, Nevada, as the “Mayor Tony Armstrong Memorial Post Office”.

H.R. 1460. To designate the facility of the United States Postal Service located at 6200 Rolling Road in Springfield, Virginia, as the “Captain Mark Stubenhofer Post Office Building”.

H.R. 1524. To designate the facility of the United States Postal Service located at 12433 Antioch Road in Overland Park, Kansas, as the “Ed Ellert Post Office Building”.

H.R. 1542. To designate the facility of the United States Postal Service located at 695 Pleasant Street in New Bedford, Massachusetts, as the “Honorable Judge George N. Leighton Post Office Building”.

H.R. 2326. To designate the facility of the United States Postal Service located at 614 West Old County Road in Belhaven, North Carolina, as the “Floyd Lupton Post Office”.

ADJOURNMENT

Mr. GINGREY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o’clock and 5 minutes p.m.), the House adjourned until tomorrow, Wednesday, July 13, 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:

2561. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of General John W. Handy, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

2562. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Admiral Vernon E. Clark, United States Navy, and his advancement to the grade of admiral on the retired list; to the Committee on Armed Services.

2563. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Captain Mark I. Fox, United States Navy, to wear the insignia of the grade of rear admiral (lower half) in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

2564. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Dennis M. McCarthy, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

2565. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting certified materials supplied to the Defense Base Closure and Realignment Commission, pursuant to Public Law 101-510, section 2903(c); to the Committee on Armed Services.

2566. A letter from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting a report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act, pursuant to 1 U.S.C. 112b(b); to the Committee on International Relations.

2567. A letter from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting a report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act, pursuant to 1 U.S.C. 112b(b); to the Committee on International Relations.

2568. A letter from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting a report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act, pursuant to 1 U.S.C. 112b(b); to the Committee on International Relations.

2569. A letter from the Executive Secretary/Chief of Staff, Bureau for Global Health, Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2570. A letter from the Executive Secretary and Chief of Staff, Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2571. A letter from the Assistant Director, Executive and Political Personnel, Department of the Air Force, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2572. A letter from the Assistant Director, Executive and Political Personnel, Department of the Army, transmitting a report

pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2573. A letter from the Assistant Director, Executive and Political Personnel, Department of the Army, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2574. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2575. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2576. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2577. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2578. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2579. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2580. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2581. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2582. 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.

2583. A letter from the Chief Human Capital Officer/Director, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2584. A letter from the Chief Human Capital Officer/Director, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2585. A letter from the Chief Human Capital Officer/Director, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2586. A letter from the Deputy General Counsel for Equal Opportunity and Administrative Law, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2587. A letter from the Deputy General Counsel for Equal Opportunity and Administrative Law, Department of Housing and Urban Development, transmitting a report

pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2588. A letter from the Deputy General Counsel for Equal Opportunity and Administrative Law, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2589. A letter from the Assistant Secretary for Administration and Management, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2590. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2591. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2592. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2593. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2594. A letter from the Assistant Administrator, OARM, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2595. A letter from the Assistant Administrator, OARM, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2596. A letter from the Assistant Administrator, OARM, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2597. A letter from the Assistant Administrator, OARM, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2598. A letter from the Assistant Administrator, OARM, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2599. A letter from the Assistant Administrator, OARM, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2600. A letter from the Deputy Assistant Administrator, OARM, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2601. A letter from the Assistant Administrator, OARM, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2602. A letter from the Assistant Administrator, OARM, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2603. A letter from the Counsel to the Inspector General, General Services Administration, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2604. A letter from the Chairman, National Labor Relations Board, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2605. A letter from the Secretary, Postal Rate Commission, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2606. A letter from the Administrator, Small Business Administration, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2607. A letter from the Assistant Secretary for Civil Works, Department of the Army, transmitting recommendations for modification of the flood damage reduction project at Centralia, Washington; to the Committee on Transportation and Infrastructure.

2608. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric (GE) CF6-80E1 Series Turbofan Engines [Docket No. FAA-2005-21238; Directorate Identifier 2005-NE-12-AD; Amendment 39-14093; AD 2005-10-16] (RIN: 2120-AA64) received May 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2609. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 Airplanes [Docket No. FAA-2004-19538; Directorate Identifier 2003-NM-99-AD; Amendment 39-14098; AD 2005-10-21] (RIN: 2120-AA64) received May 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2610. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, -100B, -100B SUD, -200B, -200C, -300, -400, and -400D Series Airplanes; and Model 747SR Series Airplanes [Docket No. FAA-2004-19796; Directorate Identifier 2004-NM-61-AD; Amendment 39-14095; AD 2005-10-18] (RIN: 2120-AA64) received May 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2611. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777-200 and -300 Series Airplanes [Docket No. 2003-NM-214-AD; Amendment 39-14094; AD 2005-10-17] (RIN: 2120-AA64) received May 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2612. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-200B, 747-300, 747-400, 747-400D, 747SR, and 747SP Series Airplanes [Docket No. FAA-2004-19532; Directorate Identifier 2004-NM-87-AD; Amendment 39-14096; AD 2005-10-19] (RIN: 2120-AA64) received May 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2613. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777-200 Series Airplanes [Docket No. FAA-2004-19998; Directorate Identifier 2004-NM-224-AD; Amendment 39-14097; AD 2005-10-20] (RIN: 2120-AA64) received May 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2614. A letter from the Program Analyst, FAA, Department of Transportation, trans-

mitting the Department's final rule — Airworthiness Directives; Rolls-Royce Corporation (formerly Allison Engine Company) 250-B17B, -B17C, -B17D, -B17E, -C20, -C20B, -C20F, -C20J, -C20S, and -C20W Turboprop and Turbo-shaft Engines [Docket No. FAA-2004-19648; Directorate Identifier 2004-NE-31-AD; Amendment 39-14090; AD 2005-10-13] (RIN: 2120-AA64) received May 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2615. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-300, -400, and -500 Series Airplanes [Docket No. FAA-2004-19531; Directorate Identifier 2004-NM-45-AD; Amendment 39-14088; AD 2005-10-11] (RIN: 2120-AA64) received May 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2616. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B4-600, B4-600R, and F4-600R Series Airplanes, and Model C4-605R Variant F Airplanes (Collectively Called A300-600 Series Airplanes); and Model A310 Series Airplanes [Docket No. FAA-2005-20625; Directorate Identifier 2003-NM-148-AD; Amendment 39-14092; AD 2005-10-15] (RIN: 2120-AA64) received May 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2617. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Schweizer Aircraft Corporation Model 269C, C-1, and D Helicopters [Docket No. FAA-2005-21217; Directorate Identifier 2005-SW-06-AD; Amendment 39-14089; AD 2005-10-12] (RIN: 2120-AA64) received May 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2618. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model AS355E, F, F1, F2, and N Helicopters [Docket No. FAA-2005-20293; Directorate Identifier 2004-SW-34-AD; Amendment 39-14091; AD 2005-10-14] (RIN: 2120-AA64) received May 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2619. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F.28 Series Airplanes [Docket No. FAA-2005-20594; Directorate Identifier 2004-NM-213-AD; Amendment 39-14084; AD 2005-10-07] (RIN: 2120-AA64) received May 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2620. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-102, -103, -106, -201, -202, -301, -311, and -315 Airplanes [Docket No. FAA-2005-20481; Directorate Identifier 2004-NM-183-AD; Amendment 39-14085; AD 2005-10-08] (RIN: 2120-AA64) received May 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2621. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab Model SAAB SF340A and SAAB 340B Series Airplanes [Docket No. FAA-2005-20596; Directorate Identifier 2004-NM-113-AD; Amendment 39-14086; AD 2005-10-09] (RIN: 2120-AA64) received May 24, 2005, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2622. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. FAA-2005-21204; Directorate Identifier 2005-NM-078-AD; Amendment 39-14087; AD 2005-10-10] (RIN: 2120-AA64) received May 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2623. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767-400ER, 777-200, and 777-300 Series Airplanes [Docket No. FAA-2005-20026; Directorate Identifier 2004-NM-150-AD; Amendment 39-14040; AD 2005-07-16] (RIN: 2120-AA64) received April 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2624. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Series Airplanes [Docket No. FAA-2004-19762; Directorate Identifier 2004-NM-168-AD; Amendment 39-14038; AD 2005-07-14] (RIN: 2120-AA64) received April 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2625. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-102, -103, -106, -201, -202, -301, -311, and -315 Airplanes [Docket No. FAA-2005-20222; Directorate Identifier 2004-NM-230-AD; Amendment 39-14041; AD 2005-07-17] (RIN: 2120-AA64) received April 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2626. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes [Docket No. FAA-2004-18997; Directorate Identifier 2004-NM-19-AD; Amendment 39-14036; AD 2005-07-12] (RIN: 2120-AA64) received April 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2627. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767-300 and -400ER Series Airplanes [Docket No. FAA-2004-19989; Directorate Identifier 2004-NM-151-AD; Amendment 39-14037; AD 2005-07-13] (RIN: 2120-AA64) received April 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2628. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-100, -200, -200C, -300, -400, -500 Series Airplanes [Docket No. FAA-2004-19003; Directorate Identifier 2003-NM-245-AD; Amendment 39-14044; AD 2005-07-19] (RIN: 2120-AA64) received April 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2629. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600, -700, -800, and -900 Series Airplanes [Docket No. FAA-2004-19986; Directorate Identifier 2004-NM-247-AD; Amendment 39-14045; AD 2005-07-20] (RIN: 2120-AA64) received April 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the

Committee on Transportation and Infrastructure.

2630. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. FAA-2004-19761; Directorate Identifier 2003-NM-167-AD; Amendment 39-14039; AD 2005-07-15] (RIN: 2120-AA64) received April 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2631. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 Series Airplanes [Docket No. FAA-2005-20883; Directorate Identifier 2005-NM-064-AD; Amendment 39-14047; AD 2005-07-22] (RIN: 2120-AA64) received April 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2632. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-9-15F Airplanes Modified in Accordance With Supplemental Type Certificate (STC) SA1993SO; and Model DC-9-10, DC-9-20, DC-9-30, DC-9-40, and DC-9-50 Series Airplanes in All-Cargo Configuration, Equipped With a Main-Deck Cargo Door [Docket No. FAA-2004-18561; Directorate Identifier 2004-NM-13-AD; Amendment 39-14042; AD 2005-07-18] (RIN: 2120-AA64) received April 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2633. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; the Cessna Aircraft Company Models 208 and 208B Airplanes [Docket No. FAA-2005-20514; Directorate Identifier 2005-CE-08-AD; Amendment 39-14025; AD 2005-07-01] (RIN: 2120-AA64) received April 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2634. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hartzell Propeller Inc. (formerly TRW Hartzell Propeller) Models HC-B3TN-2, HC-B3TN-3, HC-B3TN-5, HC-B4TN-3, HC-B4TN-5, HC-B4MN-5, and HC-B5MP-3 Turbopropellers [Docket No. 83-ANE-14-AD; Amendment 39-14043; AD 83-08-01R2] (RIN: 2120-AA64) received April 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2635. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF34-8E Series Turbofan Engines [Docket No. 2004-NE-06-AD; Amendment 39-14033; AD 2005-07-09] (RIN: 2120-AA64) received April 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2636. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's Annual Report On Child Welfare Outcomes 2002, pursuant to Public Law 105-89, section 203(a) (111 Stat. 2127); to the Committee on Ways and Means.

2637. A letter from the Chairman, Medicare Payment Advisory Commission, transmitting a copy of the Commission's "June 2005 Report to the Congress: Issues in a Modernized Medicare Program"; jointly to the Committees on Energy and Commerce and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 2385. A bill to make permanent the authority of the Secretary of Commerce to conduct the quarterly financial report program; with amendments (Rept. 109-164). Referred to the Committee of the Whole House on the State of the Union.

Mr. HYDE: Committee on International Relations. H.R. 3100. A bill to authorize measures to determine arms transfers by foreign countries to the People's Republic of China (Rept. 109-165). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SHADEGG (for himself and Mr. TOWNS):

H.R. 3204. A bill to amend title XXVII of the Public Health Service Act to extend Federal funding for the establishment and operation of State high risk health insurance pools; to the Committee on Energy and Commerce.

By Mr. BILIRAKIS (for himself, Mr. DEAL of Georgia, Mr. BROWN of Ohio, and Mr. WAXMAN):

H.R. 3205. 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, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MCHENRY (for himself, Mr. TOWNS, Mr. GILLMOR, Mr. KING of New York, and Mr. SAM JOHNSON of Texas):

H.R. 3206. A bill to amend the Federal Credit Union Act provisions relating to any conversion of a credit union charter to a mutual savings bank or savings association charter, and for other purposes; to the Committee on Financial Services.

By Mr. FITZPATRICK of Pennsylvania:

H.R. 3207. A bill to direct the Administrator of the Small Business Administration to establish a pilot program to make grants to eligible entities for the development of peer learning opportunities for second-stage small business concerns; to the Committee on Small Business.

By Mr. JINDAL (for himself, Mr. WEINER, and Mr. SOUDER):

H.R. 3208. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to clarify that the religious status of a private nonprofit facility does not preclude the facility from receiving assistance under the Act; to the Committee on Transportation and Infrastructure.

By Mr. BRADLEY of New Hampshire:

H.R. 3209. A bill to amend title 38, United States Code, to add nasopharyngeal cancer to the statutorily prescribed presumptive diseases associated with exposure to Agent Orange during military service in Vietnam; to the Committee on Veterans' Affairs.

By Mr. BUYER:

H.R. 3210. A bill to extend the temporary suspension of duty on 3-Amino-5-mercaptop-1,2,4-triazole; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3211. A bill to extend the temporary suspension of duty on g748-bromo-g748-

nitrostyrene; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3212. A bill to the temporary suspension of duty on asulam sodium salt; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3213. A bill to extend the temporary suspension of duty on diiodomethyl-p-tolylsulfone; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3214. A bill to extend the temporary suspension of duty on 2-Propenoic acid, polymer with diethenylbenzene; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3215. A bill to suspend temporarily the duty on ADTP; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3216. A bill to extend the temporary suspension of duty on Benfluralin; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3217. A bill to suspend temporarily the duty on DCBTF; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3218. A bill to suspend temporarily the duty on Noviflumuron; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3219. A bill to reduce temporarily the duty on Cyhalofop; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3220. A bill to suspend temporarily the duty on parachlorobenzotrifluoride; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3221. A bill to suspend temporarily the duty on mixtures of insecticide; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3222. A bill to extend the temporary suspension of duty on 2,6-Dichloro aniline; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3223. A bill to suspend temporarily the duty on a certain mixture of fungicide; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3224. A bill to suspend temporarily the duty on 1,2-Benzisothiazol-3(2H)-one (9CI); to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3225. A bill to extend the temporary suspension of duty on 3, 4-Dichlorobenzonitrile; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3226. A bill to suspend temporarily the duty on Styrene, ar-ethyl-, polymer with divinylbenzene and styrene (6CI) beads with low ash; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3227. A bill to suspend temporarily the duty on 1,2-Benzisothiazol-3(2H)-one (9CI); to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3228. A bill to extend the temporary suspension of duty on DEPCT; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3229. A bill to reduce temporarily the duty on trifluralin; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3230. A bill to extend the temporary suspension of duty on 1,2-Benzenedicarboxaldehyde; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3231. A bill to extend the temporary suspension of duty on DMDS; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3232. A bill to suspend temporarily the duty on mixtures of fungicide; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3233. A bill to extend the suspension of duty on trifluralin; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3234. A bill to extend the temporary suspension of duty on 1,3-Dimethyl-2-imidazolidinone; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3235. A bill to suspend temporarily the duty on 2-Methyl-4-chlorophenoxyacetic acid; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3236. A bill to reduce temporarily the duty on certain mixtures of florasulam; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3237. A bill to suspend temporarily the duty on 2-Methyl-4-chlorophenoxy-acetic acid, di-methylamine salt; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3238. A bill to extend the temporary suspension of duty on isoxaben; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3239. A bill to extend the temporary suspension of duty on halofenozide; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3240. A bill to extend the temporary suspension of duty on methoxyfenozide; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3241. A bill to reduce temporarily the duty on myclobutanil; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3242. A bill to extend the temporary suspension of duty on propanil; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3243. A bill to extend the temporary suspension of duty on propiconazole; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3244. A bill to extend the temporary suspension of duty on quinoline; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3245. A bill to reduce temporarily the duty on fluoroxypyr; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3246. A bill to extend the temporary suspension of duty on tebufenozide; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3247. A bill to extend the temporary suspension of duty on mixed isomers of 1,3-dichloropropene; to the Committee on Ways and Means.

By Mr. FERGUSON (for himself, Mr. LANGEVIN, Mr. TERRY, Mr. NORWOOD, Mrs. WILSON of New Mexico, and Mr. BROWN of Ohio):

H.R. 3248. A bill to amend the Public Health Service Act to establish a program to assist family caregivers in accessing affordable and high-quality respite care, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GOODE:

H.R. 3249. A bill to amend title II of the Social Security Act to eliminate reconsideration as an intervening step between initial benefit entitlement decisions and subsequent hearings on the record on such decisions; to the Committee on Ways and Means.

By Mr. GORDON (for himself, Mr. UDALL of Colorado, Mr. AL GREEN of Texas, Mr. MILLER of North Carolina, Mr. COSTELLO, Ms. EDDIE BERNICE

JOHNSON of Texas, Ms. HOOLEY, Mr. HONDA, Mr. DAVIS of Tennessee, Ms. JACKSON-LEE of Texas, Mr. BAIRD, Mr. MATHESON, Mr. COSTA, Mr. MOORE of Kansas, Mr. CARNAHAN, Mr. MELANCON, Mr. SHERMAN, Mr. WU, Mr. LIPINSKI, and Ms. WOOLSEY):

H.R. 3250. A bill to authorize appropriation for the National Aeronautics and Space Administration, and for other purposes; to the Committee on Science.

By Ms. HARRIS (for herself, Mr. MACK, Mr. MILLER of Florida, Mr. BILIRAKIS, Ms. GINNY BROWN-WAITE of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. FOLEY, Mr. KELLER, Ms. ROS-LEHTINEN, Mr. YOUNG of Florida, Mr. SHAW, Mr. PUTNAM, Mr. CRENSHAW, Mr. STEARNS, Mr. HASTINGS of Florida, Mr. FEENEY, Ms. WASSERMAN SCHULTZ, and Mr. MEEK of Florida):

H.R. 3251. A bill to permanently prohibit the conduct of offshore drilling on the outer Continental Shelf off the State of Florida, and for other purposes; to the Committee on Resources.

By Mr. JEFFERSON (for himself, Ms. GINNY BROWN-WAITE of Florida, Mr. SNYDER, and Mr. BOUSTANY):

H.R. 3252. A bill to amend the definition of independent student for purposes of the need analysis in the Higher Education Act of 1965 to include older adopted students; to the Committee on Education and the Workforce.

By Mr. MENENDEZ (for himself, Mr. OWENS, Mr. GRIJALVA, Mr. STARK, and Mr. LIPINSKI):

H.R. 3253. A bill to study and improve the air quality inside school buses, 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.

By Mr. MENENDEZ (for himself, Ms. ROS-LEHTINEN, Mr. BRADY of Pennsylvania, Ms. DELAURO, Mr. MCNULTY, Mr. BOUSTANY, Mr. RANGEL, Ms. WASSERMAN SCHULTZ, Mr. WEXLER, and Mr. OWENS):

H.R. 3254. A bill to provide funding and incentives for caregiver support and long-term care assistance; to the Committee on Ways and Means, 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.

By Mrs. MILLER of Michigan (for herself and Mr. SOUDER):

H.R. 3255. A bill to direct the Secretary of Labor to update an Occupational Safety and Health Administration fire protection safety standard to incorporate the current consensus standard for fire protection for styrene cross-linked composites manufacturing; to the Committee on Education and the Workforce.

By Mr. MURPHY:

H.R. 3256. A bill to designate the facility of the United States Postal Service located at 3038 West Liberty Avenue in Pittsburgh, Pennsylvania, as the "Congressman James Grove Fulton Memorial Post Office Building"; to the Committee on Government Reform.

By Mr. OLVER:

H.R. 3257. A bill to suspend temporarily the duty on biaxially oriented polypropylene dielectric film; to the Committee on Ways and Means.

By Mr. OLVER:

H.R. 3258. A bill to suspend temporarily the duty on biaxially oriented polyethylene

terephthalate dielectric film; to the Committee on Ways and Means.

By Mr. RYAN of Ohio:

H.R. 3259. A bill to amend the Higher Education Act of 1965 to establish a demonstration program to support college and university communities that wish to expand their book store services and savings for students through the creation of course material rental programs; to the Committee on Education and the Workforce.

By Mr. SABO:

H.R. 3260. A bill to amend the Internal Revenue Code of 1986 to deny employers a deduction for payments of excessive compensation; to the Committee on Ways and Means.

By Mr. SERRANO (for himself, Mr. DELAHUNT, Mr. GRIJALVA, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. LEE, and Mr. MCDERMOTT):

H. Con. Res. 206. Concurrent resolution expressing the sense of the Congress that the President should temporarily suspend restrictions on remittances, gift parcels, and family travel to Cuba to allow Cuban-Americans to assist their relatives in Cuba in the aftermath of Hurricane Dennis; to the Committee on International Relations.

By Ms. WOOLSEY (for herself, Ms. PELOSI, Mr. MCDERMOTT, Mr. LYNCH, Ms. JACKSON-LEE of Texas, Mrs. JONES of Ohio, Mr. LANTOS, Ms. ESHOO, Ms. SOLIS, Mr. GRIJALVA, Mr. FILNER, Mr. NEAL of Massachusetts, Mr. BISHOP of Georgia, and Mr. BRADY of Pennsylvania):

H. Con. Res. 207. Concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued depicting the Lone Sailor Memorial, located by the Golden Gate Bridge; to the Committee on Government Reform.

By Mr. HYDE (for himself and Mr. LANTOS):

H. Res. 356. A resolution condemning in the strongest terms the terrorist attacks in London, England, on July 7, 2005; to the Committee on International Relations.

By Ms. GINNY BROWN-WAITE of Florida (for herself and Ms. SOLIS):

H. Res. 357. A resolution honoring Justice Sandra Day O'Connor; to the Committee on the Judiciary.

By Mr. FOSSELLA (for himself, Mr. PASCRELL, Mr. KING of New York, and Mr. MCNULTY):

H. Res. 358. A resolution expressing thanks to the people of the city of Rome for welcoming several million people into Rome and Vatican City during the funeral observances of Pope John Paul II in April 2005; to the Committee on International Relations.

By Mr. PRICE of Georgia:

H. Res. 359. A resolution expressing the condolences of the House of Representatives to the victims, their families and friends, and the people of the United Kingdom for the loss suffered during the terrorist attacks in London on July 7, 2005; to the Committee on International Relations.

By Mr. STEARNS (for himself, Mr. DUNCAN, Mr. WILSON of South Carolina, Mr. BURTON of Indiana, Mr. FEENEY, and Mr. EVANS):

H. Res. 360. A resolution commemorating the 60th anniversary of V-J Day and the end of World War II in the Pacific; to the Committee on International Relations, and in addition to the Committee on 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.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. PASTOR introduced a bill (H.R. 3261) for the relief of Luis Nava, Yuliana Huicochea, Oscar Corona, and Jaime Damian; 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. 63: Mr. GEORGE MILLER of California.
 H.R. 147: Mr. BACHUS, Mr. BRADY of Pennsylvania, and Mr. McCAUL of Texas.
 H.R. 151: Mr. SALAZAR.
 H.R. 156: Mr. KILDEE, Mr. GREEN of Wisconsin, Mr. OSBORNE, Mr. HASTINGS of Florida, Mr. OBERSTAR, Mr. CLAY, Mr. RANGEL, Mr. WILSON of South Carolina, and Ms. HART.
 H.R. 164: Mr. WEXLER.
 H.R. 197: Mr. McCOTTER.
 H.R. 202: Mr. WAXMAN and Mr. HINCHEY.
 H.R. 215: Mr. PICKERING, Mr. MCGOVERN, Mr. SHIMKUS, and Mr. SHAW.
 H.R. 225: Mr. KENNEDY of Minnesota.
 H.R. 226: Mr. MOORE of Kansas.
 H.R. 269: Mr. JINDAL.
 H.R. 281: Mr. MARSHALL, Mr. WESTMORELAND, and Mr. KINGSTON.
 H.R. 282: Mr. ALLEN, Mr. TIAHRT, Mr. SCHWARZ of Michigan, Ms. PRYCE of Ohio, Ms. MOORE of Wisconsin, Mr. GIBBONS, and Mr. RUPPERSBERGER.
 H.R. 301: Mr. WESTMORELAND.
 H.R. 314: Mr. RADANOVICH.
 H.R. 335: Mr. FATTAH.
 H.R. 376: Mr. MELANCON, Mr. WYNN, Mr. DOGGETT, and Ms. SCHAKOWSKY.
 H.R. 414: Mr. MCGOVERN, Mr. CALVERT, Ms. JACKSON-LEE of Texas, Mr. FILNER, Mr. KENNEDY of Minnesota, Ms. ESHOO, and Mr. KIND.
 H.R. 415: Mr. HINOJOSA, Mr. TOM DAVIS of Virginia, Mr. PICKERING, Ms. ESHOO, and Mr. ENGLISH of Pennsylvania.
 H.R. 445: Mr. COBLE.
 H.R. 466: Mr. DENT.
 H.R. 478: Mr. ACKERMAN, Ms. WASSERMAN SCHULTZ, and Ms. LINDA T. SÁNCHEZ of California.
 H.R. 503: Mr. WOLF.
 H.R. 551: Ms. PELOSI, Mr. ROTHMAN, and Mr. HOLT.
 H.R. 562: Mr. TANCREDO, Ms. WATSON, and Mr. CROWLEY.
 H.R. 602: Mr. LINCOLN DIAZ-BALART of Florida.
 H.R. 670: Mr. SMITH of New Jersey.
 H.R. 676: Ms. SOLIS.
 H.R. 759: Mr. NEAL of Massachusetts, Ms. MILLENDER-MCDONALD, and Mr. CARNAHAN.
 H.R. 772: Mr. AL GREEN of Texas, Mr. ALEXANDER, and Mr. WOLF.
 H.R. 783: Mrs. JONES of Ohio, Mr. KANJORSKI, and Mr. STARK.
 H.R. 822: Ms. LINDA T. SÁNCHEZ of California.
 H.R. 827: Mr. SHAW.
 H.R. 857: Mr. PAYNE, Mr. KUCINICH, Mr. CROWLEY, and Ms. BERKLEY.
 H.R. 880: Ms. HERSETH.
 H.R. 910: Mr. GRIJALVA.
 H.R. 939: Mr. EVANS.
 H.R. 968: Mrs. JONES of Ohio, Mr. GIBBONS, Mr. ROTHMAN, Mr. PASTOR, Mr. ACKERMAN, and Mr. ALEXANDER.
 H.R. 997: Mr. WELDON of Pennsylvania.
 H.R. 1020: Mr. TIBERI.
 H.R. 1029: Mr. BERMAN, Mr. RUPPERSBERGER, Mrs. NAPOLITANO, and Mr. REYES.
 H.R. 1048: Mr. CARNAHAN.
 H.R. 1105: Mr. MOORE of Kansas.
 H.R. 1124: Mr. McNULTY.
 H.R. 1153: Mrs. MCCARTHY, Mr. ACKERMAN, and Mr. HINOJOSA.
 H.R. 1155: Mr. SHAYS and Mr. CARNAHAN.

H.R. 1182: Ms. DELAURO.
 H.R. 1184: Ms. DELAURO.
 H.R. 1194: Ms. BORDALLO.
 H.R. 1229: Mr. AKIN.
 H.R. 1241: Mr. DAVIS of Kentucky and Mr. CONYERS.
 H.R. 1246: Mrs. MALONEY, Mr. DICKS, Mr. BRADY of Texas, Mr. DOYLE, Mr. HONDA, Mr. BRADY of Pennsylvania, and Mr. FARR.
 H.R. 1259: Mr. AL GREEN of Texas, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. CLAY, Mr. RUSH, Mr. THOMPSON of Mississippi, Mr. DAVIS of Illinois, Ms. NORTON, Mr. JEFFERSON, Ms. WATSON, Ms. KILPATRICK of Michigan, Mr. WYNN, Ms. MOORE of Wisconsin, Ms. MCKINNEY, and Ms. WALTERS.
 H.R. 1273: Mr. FLAKE.
 H.R. 1288: Mr. WAMP, Mr. POMEROY, and Mr. COBLE.
 H.R. 1298: Mr. MARCHANT, Mr. COLE of Oklahoma, Mr. JINDAL, Mr. SHAW, Mr. CARDIN, Ms. LINDA T. SÁNCHEZ of California, and Mr. STRICKLAND.
 H.R. 1305: Mr. CARNAHAN.
 H.R. 1335: Mr. PAYNE, Ms. ROS-LEHTINEN, and Mr. NADLER.
 H.R. 1355: Mr. JENKINS.
 H.R. 1376: Mr. LARSEN of Washington.
 H.R. 1402: Mrs. NAPOLITANO, Mr. SULLIVAN, Mr. CARDIN, Mr. LANTOS, Mr. OWENS, Mrs. DAVIS of California, Mr. OLVER, Mr. CUMMINGS, and Mr. EMANUEL.
 H.R. 1409: Mr. GRIJALVA, Mr. ACKERMAN, Mr. JACKSON of Illinois, Ms. HOOLEY, and Mr. FARR.
 H.R. 1417: Mr. NUSSLE.
 H.R. 1426: Mr. POMEROY.
 H.R. 1431: Ms. MATSUI, Mr. LEVIN, Mr. BROWN of Ohio, and Mrs. TAUSCHER.
 H.R. 1445: Mr. McCOTTER.
 H.R. 1471: Mr. WEXLER, and Ms. WOOLSEY.
 H.R. 1498: Mr. DINGELL, Ms. GINNY BROWN-WAITE of Florida, and Mr. SHIMKUS.
 H.R. 1505: Ms. HART.
 H.R. 1508: Mr. BISHOP of New York.
 H.R. 1545: Mr. STRICKLAND.
 H.R. 1554: Ms. GINNY BROWN-WAITE of Florida, Mr. MOORE of Kansas, and Mr. GENE GREEN of Texas.
 H.R. 1582: Ms. GINNY BROWN-WAITE of Florida.
 H.R. 1588: Mrs. NAPOLITANO and Mr. DOGGETT.
 H.R. 1634: Mr. PRICE of North Carolina, Mr. LANTOS, and Mr. RYAN of Ohio.
 H.R. 1648: Mr. TOWNS.
 H.R. 1668: Mr. ABERCROMBIE.
 H.R. 1671: Mr. POMEROY.
 H.R. 1704: Mr. FITZPATRICK of Pennsylvania, Mr. SCOTT of Georgia, and Mr. JACKSON of Illinois.
 H.R. 1722: Mr. McCOTTER.
 H.R. 1736: Ms. CARSON, Ms. GRANGER, and Mr. WOLF.
 H.R. 1748: Mr. SESSIONS.
 H.R. 1814: Mr. HINCHEY.
 H.R. 1816: Mr. BILIRAKIS and Mr. CONAWAY.
 H.R. 1898: Mr. OTTER, Mr. HALL, Mr. INGLIS of South Carolina, and Mr. FLAKE.
 H.R. 1928: Mr. SESSIONS.
 H.R. 1986: Mr. INGLIS of South Carolina and Mr. McCAUL of Texas.
 H.R. 2061: Mr. RENZI, Ms. HARRIS, Mr. ROGERS of Alabama, and Mr. DAVIS of Tennessee.
 H.R. 2089: Mr. SHAYS.
 H.R. 2092: Ms. WATSON, Mr. DAVIS of Illinois, Mr. MEEKS of New York, Ms. MCKINNEY, Mr. TOWNS, Mr. RUSH, Mr. LEWIS of Georgia, Mr. HONDA, Ms. MILLENDER-MCDONALD, Mr. OWENS, Mr. HINCHEY, Mrs. CHRISTENSEN, Mr. FILNER, and Mr. CUMMINGS.
 H.R. 2231: Ms. ZOE LOFGREN of California, Mr. NUSSLE, Ms. BALDWIN, Mr. OLVER, Ms. LINDA T. SÁNCHEZ of California, Mr. SHAW, Mr. COSTELLO, and Mr. KING of New York.
 H.R. 2317: Mr. RENZI and Mr. KING of New York.
 H.R. 2338: Ms. HERSETH.
 H.R. 2339: Mr. SESSIONS and Mr. ROHR-ABACHER.
 H.R. 2355: Mr. SHAW.
 H.R. 2357: Mr. PENCE.
 H.R. 2389: Mr. POE and Mr. SHAW.
 H.R. 2456: Mr. KUCINICH and Mr. GEORGE MILLER of California.
 H.R. 2484: Mr. NUNES.
 H.R. 2498: Mr. HALL, Mr. SNYDER, and Mr. GORDON.
 H.R. 2500: Mr. GEORGE MILLER of California.
 H.R. 2513: Mr. PENCE, Mr. GREEN of Wisconsin, and Mr. SODREL.
 H.R. 2526: Mr. MCGOVERN.
 H.R. 2533: Mr. ROSS.
 H.R. 2564: Mr. HINOJOSA.
 H.R. 2567: Mrs. MCCARTHY, Mr. DOYLE, Mr. SHAYS, Mr. WOLF, Mr. MOORE of Kansas, and Mr. EVANS.
 H.R. 2588: Mr. BOUCHER and Mrs. DRAKE.
 H.R. 2639: Mr. WYNN and Mr. OWENS.
 H.R. 2662: Mr. WYNN and Ms. LINDA T. SÁNCHEZ of California.
 H.R. 2694: Mr. RUPPERSBERGER and Mr. CLAY.
 H.R. 2720: Mr. UDALL of New Mexico.
 H.R. 2723: Mr. STARK.
 H.R. 2730: Mr. FOSSELLA, Mr. ROGERS of Michigan, and Mr. DOYLE.
 H.R. 2737: Ms. SCHAKOWSKY.
 H.R. 2739: Mr. FATTAH.
 H.R. 2792: Mr. HINCHEY and Mr. SANDERS.
 H.R. 2793: Mr. SHUSTER, Mr. ROGERS of Michigan, Mr. MCGOVERN, Mr. FOSSELLA, and Mr. NEY.
 H.R. 2815: Mr. SALAZAR.
 H.R. 2830: Mr. CALVERT and Mr. WESTMORELAND.
 H.R. 2835: Mr. BOUCHER.
 H.R. 2859: Mr. SCHWARZ of Michigan.
 H.R. 2872: Ms. JACKSON-LEE of Texas, Mr. CLEAVER, Mr. ALLEN, Mr. SABO, Mr. McCOTTER, Mr. ENGLISH of Pennsylvania, Mr. RAHALL, Mr. KANJORSKI, Mr. MORAN of Virginia, Mr. WAXMAN, Mr. EVANS, Mr. HONDA, and Mrs. NAPOLITANO.
 H.R. 2874: Mr. CROWLEY and Mr. PAYNE.
 H.R. 2876: Mr. WILSON of South Carolina, Mr. AL GREEN of Texas, Mr. MORAN of Kansas, Mr. ANDREWS, Mr. ROTHMAN, Mr. LEVIN, Mr. HOLT, Mr. BRADLEY of New Hampshire, Mr. MOLLOHAN, Mr. KIND, and Mr. KIRK.
 H.R. 2877: Mr. MOORE of Kansas and Mr. STARK.
 H.R. 2892: Mr. GERLACH.
 H.R. 2926: Mr. CROWLEY.
 H.R. 2947: Mrs. EMERSON, Ms. LINDA T. SÁNCHEZ of California, Ms. JACKSON-LEE of Texas, Mrs. CHRISTENSEN, and Mr. CONYERS.
 H.R. 2962: Ms. BORDALLO and Mr. REYES.
 H.R. 2989: Mr. McCOTTER, Mr. GALLEGLY, Mr. ABERCROMBIE, Mr. SMITH of New Jersey, Mr. GORDON, Ms. ZOE LOFGREN of California, and Mr. MOORE of Kansas.
 H.R. 3037: Mr. FRANK of Massachusetts.
 H.R. 3050: Mr. MARSHALL.
 H.R. 3081: Mr. COSTELLO.
 H.R. 3095: Mr. TANCREDO, Mr. ROHR-ABACHER, and Mr. JONES of North Carolina.
 H.R. 3111: Mr. GOODE.
 H.R. 3135: Mr. TAYLOR of Mississippi, Mr. SHAYS, and Mr. HALL.
 H.R. 3143: Mr. PAUL.
 H.R. 3146: Mr. WALSH and Mr. JINDAL.
 H.R. 3147: Mr. MURPHY.
 H.R. 3157: Mr. McCOTTER and Mr. RYAN of Ohio.
 H.R. 3160: Mr. MURPHY and Ms. ROYBAL-AL-LARD.
 H.R. 3186: Mrs. MCCARTHY.
 H.R. 3196: Mrs. MCCARTHY.
 H.J. Res. 53: Mr. PAUL.
 H. Con. Res. 38: Mr. VAN HOLLEN and Mr. OWENS.
 H. Con. Res. 40: Mr. MOORE of Kansas.
 H. Con. Res. 55: Mrs. JONES of Ohio.
 H. Con. Res. 59: Mr. DINGELL, Mr. ENGEL, Ms. HERSETH, Ms. NORTON, Mr. PAYNE, Mr. SNYDER, and Mr. MOORE of Kansas.

H. Con. Res. 128: Ms. LORETTA SANCHEZ of California.

H. Con. Res. 137: Mr. McNULTY.

H. Con. Res. 138: Mr. HIGGINS.

H. Con. Res. 140: Mr. KENNEDY of Minnesota.

H. Con. Res. 157: Mrs. MALONEY, Mr. NEAL of Massachusetts, Mr. WYNN, Ms. SCHWARTZ of Pennsylvania, Mr. KUCINICH, Mr. UDALL of Colorado, Mr. BOSWELL, Mr. KIRK, Mr. LARSEN of Washington, Ms. KAPTUR, Mr. ALEXANDER, Mr. MENENDEZ, and Mrs. LOWEY.

H. Con. Res. 170: Mr. BUYER.

H. Con. Res. 172: Mr. HINOJOSA, Mr. PALLONE, and Mr. NEAL of Massachusetts.

H. Con. Res. 197: Mr. THOMPSON of Mississippi and Mr. PALLONE.

H. Con. Res. 201: Mr. SNYDER and Mr. WILSON of South Carolina.

H. Res. 76: Ms. WASSERMAN SCHULTZ.

H. Res. 116: Mr. HINCHEY.

H. Res. 189: Mr. KENNEDY of Minnesota.

H. Res. 288: Mr. COLE of Oklahoma and Ms. SCHAKOWSKY.

H. Res. 289, Mr. WAXMAN, Mr. BRADY of Pennsylvania, Mr. MCINTYRE, Mr. SMITH of Texas, Mr. KENNEDY of Rhode Island, Ms. SOLIS, and Mr. GENE GREEN of Texas.

H. Res. 325: Mrs. LOWEY.

H. Res. 332: Mr. ALLEN.

H. Res. 347: Mr. CAPUANO, Mr. SERRANO, Mr. SCOTT of Georgia, Mr. WATT, Mrs. MCCARTHY, Ms. MCCOLLUM of Minnesota, Mr. HASTINGS of Florida, and Mr. DAVIS of Alabama.

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. 2567: Ms. SCHAKOWSKY.



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WASHINGTON, TUESDAY, JULY 12, 2005

No. 93

Senate

The Senate met at 9:45 a.m. and was called to order by the Honorable DAVID VITTER, a Senator from the State of Louisiana.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, the giver and sustainer of life, we thank You that Your power extends beyond humanity's prowess and achievements. We thank You for the things that humble us before the mystery of life and keep us from the folly of worshipping the works of our hands.

Empower our Senators today to do Your will. As they labor for liberty, make them aware of Your willingness to be their divine ally. As they wrestle with issues, may they seek Your wisdom. Whisper Your words when they need them most. Let Your blessings be upon us all as we learn to experience the joy of friendship with You. We pray in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable DAVID VITTER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 12, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DAVID VITTER, a Sen-

ator from the State of Louisiana, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. VITTER thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, in a moment we will begin consideration of the Homeland Security appropriations bill. Yesterday, all first-degree amendments to the bill were required to be filed at the desk. There appear to be about 100 that were filed. Although I hope the Senators will not feel compelled to call up many of these amendments, we have 100. Hopefully we can narrow those down. The chairman and ranking member will do so over the course of the day.

We will finish the bill this week. Therefore, Members should contact the two managers to schedule consideration of their amendments. At the current time, we have three amendments pending, one dealing with veterans health funding and two relating to the homeland grant formula. We hope to shortly work out time agreements on these and vote with respect to at least a couple of these amendments. Therefore, there is a chance for a vote prior to our policy luncheons today. We will alert Members as we come to an agreement on the starting times. We will continue to vote throughout the day on amendments. Senators can expect a busy day.

Yesterday, we came in for a 3-week block. It will be a very busy 3 weeks before our August recess. We need to continue to address the appropriations measures. Prior to the July Fourth re-

cess, we finished some appropriations in a very positive way. We continue with Homeland Security, and we have a number of other legislative priorities. We need to make the most of this legislative period as we work together to complete all of the work that is ahead of us.

We are likely to have a nominee for the Supreme Court sometime in the near future, and much of September, I suspect, will be focused on that, which again establishes a sense of urgency for addressing the very important issues of the business that is before the Senate over the next 3 weeks. I will be talking to the Democrat leader over the course of the day in terms of working through the specifics of that schedule.

SUPREME COURT CONFIRMATION PROCESS

Mr. FRIST. Mr. President, I will take a moment now to speak briefly about the confirmation process, the upcoming confirmation process of the new Supreme Court Justice. This morning, the Democrat leader and I and the chairman and ranking member of the Judiciary Committee had a discussion with the President of the United States which continues the consulting process which I would say, at least as we get started, is being conducted in an unprecedented way.

Over the last few months, this Senate has made considerable progress with judicial nominations. We have confirmed six of the President's appellate court nominees and four district court nominees. I am very pleased with this progress. Indeed, this is real progress, especially when you consider each of the appeals court nominees were blocked. Those same people were blocked in the last Congress. That is real progress, working in a bipartisan way for the American people.

Now we will be able to continue that progress. To do so, we must place principle before partisan politics, and we

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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must place results before rhetoric. That is the challenge to the Senate. Above all, we need to fulfill our constitutional duty as Senators.

Since Justice O'Connor announced her retirement now 11 days ago, the Supreme Court nomination has garnered a lot of attention in Washington, in the press, among our colleagues, and indeed all across America. As the President considers her replacement, many Senators have been talking about the issue of consultation. This raises some important questions: Is the President obligated to consult with Senators about a particular nominee? And if so, to what extent?

Under the Constitution, the President is not obligated to consult with Senators before making a nomination. In fact, he is not obligated to consult with anyone. Indeed, the consultation is a courtesy, it is not a constitutional mandate. The Constitution plainly states in article II that the President shall nominate and the Senate shall provide advice and consent. That is it. Yet this White House has welcomed suggestions from Senators.

On the very same day we departed for our recess, on the same day Justice O'Connor announced her retirement, the President personally engaged in the consultation process. He called Senator REID and myself, the two leaders of the Senate. He called the chairman and ranking member of the Judiciary Committee, Senators SPECTER and LEAHY. Since then, the President and the White House have continued to consult in an unprecedented manner and a very inclusive manner. For example, while in Europe at the G-8 summit with the President, White House Chief of Staff Andy Card made time to call a number of Senators, including Senators DURBIN, SCHUMER, KENNEDY, and Senator BEN NELSON. In the last few weeks, White House counsel Harriet Miers met one-on-one with the Democrat leader, with myself, with Senator LEAHY, and with Senator SPECTER. She has called a number of other Senators to discuss the Supreme Court vacancy specifically.

All together, the White House has reached out to more than 60 Senators, including more than half of the Democratic caucus and every single member of the Judiciary Committee. This consultation process is well underway and, as I mentioned earlier, continued again bright and early this morning when the President invited the four of us to breakfast, the two leaders and the two leaders of the Judiciary Committee, the chairman and ranking member. That meeting was productive. We freely exchanged views on the nomination process and what to expect. We discussed the type of nominee the President may want to consider. It was in a good spirit, bipartisan, working together, everyone stressing the importance of, once the nomination is made, having a process that would play out and have that nominee in place by October 3.

I do commend the President for taking all of these steps. He is not obligated to consult before selecting a Supreme Court nominee, but he is choosing to consult. He is reaching out in this inclusive and bipartisan manner. It is a manner that is unprecedented.

I understand the White House will continue to consult after the nomination is made. Despite this effort by the President, I am concerned that no amount of consultation will be sufficient for a few of our colleagues in this Senate, and statements will continue to be made. I say that because conomination rather than consultation may be their ultimate goal. Some Senators may prefer to choose the nominee for the President, but that is not the way the system works. That is not the way the Constitution works.

The President has the power to nominate, and the Senate offers advice and consent. Again, consultation does not mean conomination; consultation is a courtesy of the President. It works two ways. If he extends it to us, as he has, we should extend it to him.

As we look ahead, most Senators face a relatively new challenge in a Supreme Court nomination. We talked about it this morning at breakfast. More than half of us in this Senate were not here 11 years ago when the Senate last confirmed a Supreme Court nominee. But I am confident we will rise to the occasion. We should work together to ensure that the nomination process is fair, dignified, and respectful, and we should make sure that a new Justice is confirmed before the Supreme Court begins its new term on October 3.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New York.

SUPREME COURT NOMINATIONS

Mr. SCHUMER. Mr. President, I was listening to our majority leader's words on consultation and the process thus far. I will make a couple of points.

The first is that we are off to a good start. I certainly agree with the majority leader. The phone calls that have been made and this morning's meeting with Senators FRIST, REID, SPECTER, and LEAHY are a good first start. That is how it should be. But simply phone calls or meetings, if they are devoid of substance, are not going to lead to real consultation.

I certainly agree with the majority leader's point. The Senate is not a conominee. It is the President who has to do the nominating. The way consultation has successfully worked in the past is for the President to quietly, privately, offer some of the names he is considering to those on both sides of the aisle and get opinions about those names: How would this one fare? How would that one fare? Would this one cause a fight? How about that one?

It is not that we would be conominators at all. Consultation is that. The President is the nominator, and a good

consultation means that nominator discusses who he is thinking of nominating, takes the temperature, if you will, of the Senate, particularly of the other party, to see if a consensus nominee could come about. Thus far, neither the President nor any of the people working for him—I had one call with Andrew Card, the Chief of Staff—has offered a single name. From what I understand this morning, the President did not offer a single name.

So we are off to a good first start. Make no mistake about it—it is a first start to begin the consultation process. But the consultation process, for it to work, is not going to be, Okay, who do you think is a good name, and that is that and we do not have a back and forth. In fact, for consultation to work—and we all want it to work—the President should suggest some names and get the opinion of those in the Senate.

This is how it worked with President Clinton. It was not simply that President Clinton called up ORRIN HATCH and said, Give me some names, and didn't have a discussion. President Clinton bounced off names. In ORRIN HATCH's book, he states that one of the names offered who President Clinton very much wanted to nominate was Bruce Babbitt, the former Interior Secretary and Governor of Arizona. While ORRIN HATCH did not state how he would vote—and I have talked to ORRIN a little about this—he said: I think Babbitt would cause a big fight. And wisely, President Clinton did not offer his name. So that is how the consultation process, to be successful, ought to go.

In my call with Andrew Card, I told him something I have said repeatedly. And I think I speak for just about every member of this caucus on this side of the aisle. We do not want a fight. We certainly do not relish a fight. We would much prefer a consensus nominee. Furthermore, we know that nominee is not going to be a liberal or even a moderate. It is likely to be a conservative. But our view is—again, this time I am speaking for myself, but I think a lot of my colleagues share this view—our view is very simple: that nominee, though conservative, will interpret law, not make it; will be thoughtful, will be pragmatic, will understand the other point of view. If that happens, I think we can have a process that works well.

So in summary, Mr. President, the consultation we have had is great. The number of phone calls may exceed any others that have been named. But so far, at least according to my phone call and the ones of many of my colleagues with whom I have talked, and from what I have been told about the meeting this morning, we have not gotten into the real nitty-gritty of consultation—not conomination, absolutely not. The President is the nominator. But the nitty-gritty means offering some names. The President offers some names and gets the opinion before he

makes his decision—and the decision, of course, by the Constitution is solely his—as to whether that nominee would get broad acceptance or whether that nominee is likely to cause quite a stir in the Senate.

Let us hope this is not the end of the consultation process but the beginning. Let us hope there will be that kind of dialog. I reiterate my call to the President to have a summit, to call a good number of Democrats and Republicans together for a day at Camp David or an evening or dinner at the White House and have a real back-and-forth where we roll up our sleeves and really get into a serious, detailed discussion of how we all feel. Who will benefit if that happens? Who will benefit if there is real consultation? Certainly the President, certainly the Senate, certainly the Supreme Court, but, most of all, certainly the American people.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2006

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2360, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2360) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

Pending:

Reid (for Murray) amendment No. 1129, to provide emergency supplemental funds for medical services provided by the Veterans Health Administration for the fiscal year ending September 30, 2005.

Collins amendment No. 1142, to provide for homeland security grant coordination and simplification.

Feinstein amendment No. 1215 (to amendment No. 1142), to improve the allocation of grants through the Department of Homeland Security.

The ACTING PRESIDENT pro tempore. The Senator from California is recognized.

AMENDMENT NO. 1215

Mrs. FEINSTEIN. Mr. President, I rise to call up amendment No. 1215.

The ACTING PRESIDENT pro tempore. That amendment is currently pending.

Mrs. FEINSTEIN. Thank you very much, Mr. President.

Mr. President, this amendment is offered on behalf of the Senator from Texas, Mr. CORNYN, and myself. It is identical to the Homeland Security FORWARD Funding Act of 2005. That is S. 1013.

I am very pleased to be joined not only by my colleague from Texas but, as well, by Senators BOXER, HUTCHISON, KERRY, MARTINEZ, SCHUMER, CLINTON,

CORZINE, KENNEDY, LAUTENBERG, and NELSON of Florida. And, Mr. President, I ask unanimous consent to add Senator MIKULSKI to the list of cosponsors.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, a great deal has been said about how homeland security dollars should be allocated. I think it is pretty clear that the American people, and certainly major opinionmakers such as major newspaper editorials, major mayors and major Governors, believe it is time our Nation adopt risk-based analysis to guide critical resource allocation of homeland security efforts.

This legislation will do exactly that. The Cornyn-Feinstein amendment is extremely simple in approach. Its key language, which appears at its beginning, is clear. Let me quote it:

The Secretary [of Homeland Security] shall ensure that homeland security grants are allocated based on an assessment of threat, vulnerability, and consequence to the maximum extent practicable.

This legislation will ensure that these priorities are set, and set according to analysis of risk and threat.

This bill accomplishes this through five basic mechanisms.

First, the law requires the Secretary of the Department of Homeland Security to allocate grants based on risk. The legislation will mandate that funding decisions be designed according to an assessment of risk. This is a key element of the law, which makes this in its very first section, entitled “Risk-Based Funding For Homeland Security,” which reads—and I want to repeat it—

The Secretary [of Homeland Security] shall ensure that covered grants are allocated based on an assessment of threat, vulnerability, and consequence to the maximum extent possible.

The bill defines “covered grants” as including the four major first responder grant programs administered by the Department of Homeland Security. That is: First, the State Homeland Security Grant Program; second, the Urban Area Security Initiative; third, the Law Enforcement Terrorism Prevention Program; and, fourth, the Citizens Corps Program.

In addition to these four core grant programs, the legislation also covers grants “provided by the Department for improving homeland security,” including grants for seaport and airport security.

The bottom line is that if Federal funds are going to be distributed to improve first responders’ ability to “prevent, prepare for, respond to, or mitigate threatened or actual terrorist attacks,” those funds should be distributed in accordance with a risk-based analysis. Al-Qaida and its allies do not attack based on a formula. This bill rejects the formula approach in favor of a framework that is flexible and risk focused.

Second, the legislation requires that covered grants be designed to meet “es-

sential capabilities.” “Essential capabilities” is a concept defined in this law. It is what we get for the money spent: The ability to meet the risk by reducing vulnerability to attack and diminishing the consequences by effective response.

Third, the bill requires States to quickly pass on Federal funds to where they are needed. States should not hold Federal funds back from where they are most needed. This bill will ensure that States quickly and effectively move the funds through to the location.

And, fourth, the bill addresses the small State minimum issue. The underlying bill requires each State to get .75 percent of the grant funding. Now, what does that mean? That means that 37.5 percent of the funds go on a formula basis to areas that might not have risk, threat, or vulnerability. For instance, under the current appropriations bill, of the \$1.918 billion appropriated, \$548 million is taken right off the top, allocated to States regardless of whether they are vulnerable, whether they have risk, or whether they have threat. Thus, that \$548 million is not available to meet risk.

This legislation will significantly reduce this large set-aside. It will reduce it from 37.5 percent to the .25 percent. Now, I must admit I am uncomfortable even with the .25 percent minimum and would prefer to eliminate any impediment to risk-based funding. I believe it is the right thing to do. I would believe this regardless of what State I came from. We set up a huge Department of Homeland Security and have given them the basis and the ability to do the analyses that are required and the intelligence that has moved in to determine what is vulnerable, where it is, where the threats are, and what the risks are. And these are going to be ever changing. But I understand the realities of the Senate, so we decided to track what the President requested in his budget.

In this post-Cold-War world of asymmetric threat, there are two fundamental understandings which apply to efforts to make our Nation more secure against a terrorist attack.

The first understanding is that predicting what terrorists will do requires risk analysis. It is an uncomfortable fact that even with the best intelligence we will never know exactly how, when, and where terrorists will strike. The best we can do is to adequately assess risks and threats and make predictions.

The second understanding is that our defense resources are not infinite. The sum total of money, time, and personnel that can be devoted to homeland security is limited.

Together these two understandings define the task for our Nation: We must accurately assess the risks of an array of possible terrorist attacks, measure the vulnerability of all of these possible targets, and then divide up resources based on that assessment,

not based on some arbitrary formula that will exist regardless of what kind of threat or vulnerability may emerge in the future.

The 9/11 Commission agrees with us, finding that “nothing has been harder for officials—executive or legislative—than to set priorities, making hard choices in allocating limited resources.” The Commission concluded:

Homeland security assistance should be based strictly on an assessment of risks and vulnerabilities.

The Cornyn-Feinstein amendment is the only amendment that clearly does what the 9/11 Commission has recommended.

The New York Times has agreed. In an editorial entitled “Real Security, or Politics as Usual?” the Times wrote:

Defending places where the terrorist threat is greatest is not parochialism; it is defending America.

We think that last week’s tragic events in London underscore the point. The effectiveness of the British first response to these terrible attacks illustrates that they put their resources where the risks were: In London, not in some remote community, but where they knew the terrorists were most likely to attack.

Despite all recommendations, we find again and again that scarce resources are allocated based on factors unrelated to real security. For instance, a small State minimum in the Collins amendment is designed to ensure that every State gets a substantial portion of scarce resources, regardless of the measure of risk or vulnerability. As a result, a State such as Wyoming gets \$27.80 per capita in funding, while New York and California get \$15.54 and \$8.05, respectively.

The problem is not just in Congress. For example, a recent Department of Homeland Security inspector general report found that in the critical area of port security, grants are “not well coordinated with the Information Analysis and Infrastructure Protection.” The result: “funding of projects with low [risk and vulnerability] scores.”

Now, this is the IG of Homeland Security who is saying projects with low risk and vulnerability scores are currently being funded. Frankly and candidly, that is just plain wrong. It is a waste of money, and I think, to an extent, it enables—well, it really is a kind of deception because unless you can put your money where the intelligence indicates and the assessments indicate there is threat and risk, you are not protecting America.

A recently issued joint report from the Center for Security Studies and the Heritage Foundation found that there is:

no funding formula that is based on risk analysis and divorces from politics . . . [w]ith only limited resources available to achieve the almost limitless goal of protecting the entire United States . . . it is critical that we set priorities.

That is what we are trying to do here. This amendment, and the bill

upon which it is based, builds on efforts last year by Representatives COX and TURNER, the chair and ranking member respectively of the other body’s Homeland Security Committee. That effort passed the House of Representatives as part of the intelligence reform bill but was dropped at conference. Our amendment is similar to this House bill.

I understand and appreciate the efforts made by Senators COLLINS and LIEBERMAN to craft the bill now before us. I applaud their leadership in this area. The Collins-Lieberman bill, while it purports to be risk based, is actually not. It incorporates complex formulae with a preordained list of factors which approximate what is believed to be the risk. Candidly, I don’t think that works for the following reasons.

First, the key to responding to al-Qaida and similar organizations is flexibility. It is not a frozen formula. Al-Qaida doesn’t make decisions based on formula. While today it may seem obvious that mass transit or ports are obvious targets, tomorrow they may not be. Hopefully our intelligence community will be increasingly able to ferret out our terrorist adversaries and our analysts will be better at understanding and predicting their behavior. What are today’s targets could change and change yet again. Building a formula mechanism based on our best guess about what al-Qaida will do is simply not good policy.

Secondly, we created the Department of Homeland Security primarily to do exactly what this legislation calls for. The first mission statement for the Department stated:

[The Department will] identify and understand threats, assess vulnerabilities, determine potential impacts, and disseminate timely information to our homeland security partners and the American public.

This is what the Department is supposed to do. It cannot be done by arbitrary formula. It can only be done listening to intelligence analysts, engaging in flexible interpretation, and being willing to move the money where the risks show up to be. That is important to do, and it should be important whether you are from a small State, a middle-sized State, or a large State. The money should go where the problems are.

This is exactly what President Bush said in announcing the creation of the Department. He stated:

This new department will bring together the best intelligence information about our vulnerabilities to terrorist attack so that we can act quickly to protect America.

He didn’t talk about an arbitrary formula. He said, the Department will bring together the best intelligence information so that flexibility becomes the watchword of the day, and money can go where it is truly needed.

Senator LIEBERMAN was a leader in this effort, and we all worked with him to create the Department of Homeland Security. In my view, the biggest selling point for this new Department was, as the President said, that for the first

time, we would have a place in the Government that would map threats against vulnerability and thus allocate our defenses in an effective, efficient way. The Department of Homeland Security can be seen as a department of risk analysis. That is what it should be doing. So it is ironic that having provided the authority and responsibility to do this, the Congress then handcuffs the Secretary by restricting these resources based on geography, politics, and parochial interests. Let’s let the Secretary do the job we gave him.

Third, in addition to creating the Department of Homeland Security, the Congress, again with the leadership of Senators COLLINS and LIEBERMAN, reorganized the intelligence community. The purpose of this task was to ensure that the most important ingredient in risk analysis—good intelligence—was enough to keep America safe. So there is an irony that having gone to such trouble to improve the intelligence community, we are prepared to pass legislation which for a large percentage of funds will make intelligence irrelevant. All they need is a map, a census, and a list of important places in each State. That makes no sense to me.

I mentioned the difference in funding levels and amounts subject to risk. Last week the Congressional Research Service issued an analysis of the underlying appropriations bill, the Collins amendment, and the Cornyn-Feinstein amendment. The results are startling. If we assume that the base amount of Homeland Security grant funding contained in the appropriations bill becomes law, that means the total amount available for these programs will be \$1.918 billion. The underlying bill would allocate a considerable amount under the existing small State minimum framework, \$579.2 million, leaving \$1.3 billion to be allocated through a risk assessment process.

If the Collins-Lieberman amendment is adopted, \$762 million will be allocated according to the formula—not based on risk, not based on threat, not based on risk analysis, not based on vulnerability, but simply on population and geographical distribution. That leaves even less to be allocated based on risk, only \$1.155 billion. In other words, the Collins-Lieberman amendment reduces the risk-based funding in the underlying bill by nearly \$150 million. If this amendment is adopted, only \$251.2 million will be allocated based on the .25 small State minimum, leaving \$1.66 billion for risk-based allocation.

Here is the bottom line: Put another way, under the underlying bill, only 70 percent of available funds are allocated based on risk. If the Collins-Lieberman approach is adopted, that drops to 60 percent; under the approach embodied in Cornyn-Feinstein, 87 percent of funding to risk. So between the two amendments, our amendment, 87 percent of funding to risk, Collins-

Lieberman, 60 percent, and the underlying bill, 70 percent. The choice is clear.

What is the bottom line? The bottom line is, our Nation faces danger. We have a limited amount of resources available to defend ourselves. Those resources must and should be targeted. They should be targeted to where they can do the most good and where the risk actually is. That is the simple question which faces us today. How can we best protect our country? I believe the best way to protect America is to let the Secretary of Homeland Security do the job we appointed him to do: match resources to risk, using the best available intelligence analysis. That is the only way to safety. That is the only way to reassure our people, should there be a catastrophic event, that we have put the money in the right places. Any arbitrary formula doesn't do this.

I ask unanimous consent to print in the RECORD a letter from the High Threat Joint Working Group on Homeland Security. This is a group of large cities that has banded together. The letter is in support of our amendment. It is the city of Anaheim in California; city of Baltimore in Maryland; city of Baton Rouge in Louisiana; city of Boston in Massachusetts; the city of Charlotte in North Carolina; the city of Chicago in Illinois; the city of Cleveland in Ohio; the city of Columbus in Ohio; the city of Dallas in Texas; Jacksonville in Florida; the city of Kansas City, MO; the city of Long Beach, CA; Los Angeles, CA; Miami, FL; New York in New York; Newark in New Jersey; Oakland in California; Philadelphia in Pennsylvania; city of San Diego in California; the city of San Francisco in California; the city of San Jose in California; and the city of Santa Ana.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HIGH-THREAT CITY JOINT WORKING
GROUP ON HOMELAND SECURITY,

July 11, 2005.

Hon. BILL FRIST,
Majority Leader, U.S. Senate, Hart Senate Office Building, Washington, DC.

Hon. HARRY REID,
Minority Leader, U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR MAJORITY LEADER AND MINORITY LEADER: As cities on the front line of the war on terrorism, we are writing to express our support for S. 1013, the "Homeland Security FORWARD Funding Act of 2005", introduced by Senators Feinstein and Cornyn, which targets first responder funds to areas of highest risk and highest threat throughout the nation and to support homeland security funding for state and local governments at least at last year's level. The recent events in London underline the importance of homeland funding for state and local governments.

The Feinstein-Cornyn legislation most closely tracks the recommendations of both the 9/11 Commission and the Administration in supporting the principle that homeland security funds should be allocated solely on the basis of risk of terrorism. According to the Congressional Research Service, S. 1013 would increase the amount of money distributed on threat to 87% of the funds, compared

to only 60% distributed based on threat under S. 21.

S. 1013 also maintains the critical partnership between the federal government, states and the nation's highest risk areas by maintaining the Urban Area Security Initiative (UASI) program. These UASI regions have for several years been aggressively working to implement comprehensive plans for terrorism prevention and preparedness approved by their States and DHS. Maintaining the UASI program will preserve and sustain the substantial planning, long-term projects, and regional decision-making processes underway.

The homeland security bill as reported by the Senate Appropriations Committee would cut homeland security funding to state and local governments by almost a half billion dollars, \$467 million less than FY 05. Please restore this funding.

We again commend you on your efforts to increase the amount of homeland security funds distributed based on threat, vulnerability, and consequences of a terrorist attack.

Sincerely,

City of Anaheim, California.
City of Baltimore, Maryland.
City of Baton Rouge, Louisiana.
City of Boston, Massachusetts.
City of Charlotte, North Carolina.
City of Chicago, Illinois.
City of Cleveland, Ohio.
City of Columbus, Ohio.
City of Dallas, Texas.
City of Jacksonville, Florida.
City of Kansas City, Missouri.
City of Long Beach, California.
City of Los Angeles, California.
City of Miami, Florida.
City of New York, New York.
City of Newark, New Jersey.
City of Oakland, California.
City of Philadelphia, Pennsylvania.
City of San Diego, California.
City of San Francisco, California.
City of San Jose, California.
City of Santa Ana, California.

Mrs. FEINSTEIN. I also ask unanimous consent to print in the RECORD a letter addressed to Senator CORNYN and me, signed by Governor Rick Perry of Texas and Governor Arnold Schwarzenegger of California. What they ask is that we follow the 9/11 Commission report recommendation to better allocate Federal resources based on vulnerability.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAY 12, 2005.

Hon. DIANNE FEINSTEIN,
U.S. Senator, Washington, DC.

Hon. JOHN CORNYN,
U.S. Senator, Washington, DC.

DEAR SENATOR FEINSTEIN AND SENATOR CORNYN: We are writing to thank you for your leadership in working to assure that Department of Homeland Security (DHS) counterterrorism grant programs recognize the homeland security needs of the United States. Any effective strategy to secure our nation must apply risk-based analyses to manage the threat from terrorism. We believe that the Homeland Security FORWARD Funding Act of 2005 will provide much needed changes to these programs by better recognizing the risks and vulnerabilities faced by larger states such as California and Texas.

We support the efforts of your bill to build a coordinated and comprehensive system to maximize the use of federal resources and to provide clear lines of authority and commu-

nication. Your bill will further the efforts of DHS, cities, counties and state agencies as they continue to work together to detect, deter and respond to terrorism. Specifically, we appreciate the following provisions of the bill:

Follows the 9/11 Commission Report recommendation to better allocate federal resources based on vulnerabilities;

Analyzes risks, threats, vulnerability, and consequences related to potential terrorist attacks; current programs do not give full consideration to our states' urban population centers, numerous critical infrastructure assets, hundreds of miles of coastland, maritime ports, and large international borders;

Reduces the "small state" minimum from 0.75% to 0.25%, providing each state a baseline award while allocating an increased level of funds based on risk; the current base + per capita method allocates a disproportionate share of funds to states with small populations;

Continues the Law Enforcement Terrorism Prevention Program and exempts the program from the base percentage, allocating all funds based on risk;

Continues the central role of states, building on existing systems that effectively coordinate planning efforts and insure accountability;

Allows for limited regional applications from existing UASI cities or other urban areas with at least a population of at least 500,000; and

Recognizes the importance of national standards for evaluating the "essential capabilities" needed by state and local governments to respond to threats.

Your continued support for improving the nation's ability to detect and deter and coordinate responses to terrorist events is appreciated.

Sincerely,

RICK PERRY,

Governor of Texas.

ARNOLD SCHWARZENEGGER,

Governor of California.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that a letter from the mayor of San Francisco, Gavin Newsom, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF THE MAYOR,

CITY & COUNTY OF SAN FRANCISCO,

San Francisco, CA, May 11, 2005.

Hon. DIANNE FEINSTEIN,
U.S. Senator, Hart Senate Office Building, Washington, DC.

DEAR SENATOR FEINSTEIN: I want to commend you for your continued leadership on homeland security and express the City's support for your "Homeland Security FORWARD Funding Act of 2005", which prioritizes threat and risk and improves the ability of local first responders to deter, prevent and respond to terrorism.

Your proposal goes the furthest in supporting both the 9/11 and Administration's principle that homeland security funds should be allocated on the basis of risk of terrorism. The bill corrects the major formula imbalance that exists in current law by reducing the current mandatory state minimums from 0.75 percent to 0.25 percent. The current inequity has resulted in, since 9/11, California receiving \$5 per capita compared to Wyoming collecting \$38 per capita.

Your bill also reaffirms the federal government's critical partnership with the nation's areas that are at highest risk of terrorist attack by grandfathering existing high-threat

regions under the Urban Area Security Initiative (UASI). The City and County of San Francisco has proudly, under its UASI grant, aggressively been leading the Bay Area in a ten county regional plan to help protect and strengthen the region against terrorist attacks.

I want to again express my deep appreciation for you and your staffs outreach to San Francisco and other stakeholders throughout California who are on the front lines of the war on terrorism. Thank you for your important efforts.

Sincerely,

GAVIN NEWSOM,
Mayor.

Mrs. FEINSTEIN. I ask unanimous consent that a letter from Mayor Richard Daley of Chicago be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF THE MAYOR,
CITY OF CHICAGO,
Chicago, IL, June 28, 2005.

Hon. JOHN CORNYN,
Hon. DIANE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR SENATORS CORNYN AND FEINSTEIN: I am writing to applaud your collective efforts to develop the Homeland Security FORWARD Funding Act of 2005. As a high threat urban area, and a UASI grantee, the Chicago region is on the front lines of our country's war on terrorism and I believe that this legislation begins to more appropriately target first responder funds to areas of highest risk and highest threat throughout the nation.

Your proposal most closely tracks the recommendations of the 9/11 Commission that call for funding to be distributed based on risk. By reducing the small state minimum from .75 percent in current law to .25 percent, your proposal more equitably distributes critical funds to states and localities that are truly at the highest risk of terrorism. Your legislation also recognizes the importance of the work that has been done at the state and local government level since September 11, 2001, by reaffirming the regional approach to terrorism preparedness and prevention and grandfathering existing UASIs. The City of Chicago has worked closely with our regional partners and the State of Illinois to develop a coordinated homeland security plan and we welcome the opportunity to build on that plan.

I again thank you for your bipartisan leadership in developing this important legislation and look forward to working with you in the future to move this bill forward.

Sincerely,

RICHARD M. DALEY,
Mayor.

Mrs. FEINSTEIN. I ask unanimous consent that a letter from the League of California Cities be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LEAGUE OF CALIFORNIA CITIES,
Sacramento, CA, May 4, 2005.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Senate Hart Office Building,
Washington, DC.

DEAR SENATOR FEINSTEIN: I am writing to express the League of California Cities' (League) support and appreciation for your leadership on homeland security legislation that would allocate homeland security grants on the basis of risk of terrorism. Your staff's work with our Washington staff is

very encouraging and we hope to continue this partnership.

California cities, together with the State and other stakeholders throughout California, have advocated in favor of bringing down the mandatory state minimums. Your draft bill significantly corrects the major formula imbalance that exists in current law by reducing the current state minimums from 0.75% to 0.25%. We would ask that you consider going the extra step and remove minimums altogether, but if there must be a State minimum, we urge that your bill keep it as small as possible. In addition, your bill clarifies the regional approach taken in both the pending Senate and House bills (S. 21 and H.R. 1544).

California cities are on the front lines of the war on terrorism and your legislation is very important to us. We look forward to continuing to work closely with you as you finalize your proposal, as well as providing support for your legislation upon introduction. Thank you for your important efforts.

Sincerely,

CHRISTOPHER MCKENZIE.

Mrs. FEINSTEIN. I ask unanimous consent that a letter from Laura Miller, the mayor of Dallas, TX, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CITY OF DALLAS,
Dallas, TX, May 5, 2005.

Senator JOHN CORNYN,
U.S. Senate,
Washington, DC.

DEAR SENATOR CORNYN: I would like to thank you for your work to improve Homeland Security programs. This legislation you are introducing addresses many of the City of Dallas' concerns with the Urban Area Security Initiative (UASI) and Homeland Security Grant programs. I am appreciative of your effort to include certain measures that will allow the city to receive an equitable share of Homeland Security funding and spend it as we see appropriate. Your legislation is the one which directs maximum funding to states and regions based on risk. This change is critical.

The Dallas UASI has received approximately \$35 million in the last three years from the UASI program. This funding has been used to enhance the metro area's first responder capabilities to protect our citizens and critical infrastructure. Unlike other proposed legislation, this new bill allows for cities that are currently receiving Homeland Security funds through the UASI program to be grandfathered for future UASI funding. There are no provisions in the legislation before the House or Senate to maintain current UASI planning and the city greatly appreciates your concern for our needs. The other bills could require a complete revision of the approaches and strategies we have adopted.

Your proposal gives local governments a degree certainty and ensures that we can make long-term plans. It also includes provisions to ensure that state money will be passed down to local governments quickly and efficiently. Your legislation is the only measure that ensures that federal funds reach first responders more expeditiously.

Thank you for your work this important legislation and for including these important provisions. It will help the City of Dallas and the nation as a whole to prepare.

Cordially,

LAURA MILLER,
Mayor.

Mrs. FEINSTEIN. I ask unanimous consent that a letter from the mayor of Long Beach, CA, Beverly O'Neill, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CITY OF LONG BEACH,
Long Beach, CA, June 28, 2005.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Hart Office Building, Washington,
DC.

DEAR SENATOR FEINSTEIN: On behalf of the City of Long Beach, I am pleased to support your Homeland Security FORWARD Funding Act of 2005 (S. 1013). This bill would target scarce Homeland Security dollars to areas of highest threat and need, rather than maintaining the current system that allocates dollars through a non-risk based minimum guarantee formula. This legislation will truly benefit urban areas, such as the City of Long Beach, that have a high terrorist risk by targeting federal funds to help mitigate potential threats.

The House has passed the Cox-Thompson Bill (H.R. 1544), which is similar to S. 1013. While the City of Long Beach supports the direction of H.R. 1544, we believe your legislation is superior because it addresses two critical local concerns.

First, under the Cox-Thompson definition of an eligible funding region, effective and proven governance structures such as the Long Beach Urban Area Security Initiative (UASI) would no longer be eligible for federal Homeland Security Funds. The member cities that comprise the Long Beach UASI are Long Beach, Bellflower, Carson, Compton, Hawaiian Gardens, Lakewood, Paramount, and Signal Hill, as well as the County of Los Angeles. Long Beach is regarded as a model because it has formed an effective partnership with its other UASI member cities to implement the Department of Homeland Security's regional approach to security needs. Under the Cox-Thompson definition, this proven governance structure would not be large enough to qualify for funding. Senate Bill 1013 would grandfather-in existing UASI structures, allowing our effective model to continue to qualify for Homeland Security funding.

Second, the Cox-Thompson bill would require a local match of 25 percent after the first two grant years. This would create a tremendous burden on cities across the nation that are already struggling with difficult financial circumstances. By directing cities to become more secure while only providing 75 percent of the resources, the Federal government would be creating an unfunded mandate that cities would not be able to meet without reducing core services to their communities. Long Beach already devotes more than 60 percent of its General Fund budget to public safety such as Police and Fire first response, which helps contribute to national Homeland Security goals. Senate Bill 1013 would ensure that Homeland Security funding remains 100 percent grants, and that cities would not have to sacrifice local service to their communities in order to fund national Homeland Security needs.

Finally, Long Beach is concerned with the dwindling Homeland Security resources dedicated to state and local governments. Funding for state and local agencies through the Office of State and Local Government Coordination and Preparedness (SLGCP) decreased this year for the second straight year by 10.5 percent or \$420 million. Over the past two years, there has been an overall decrease of 15 percent and \$627 million. Last year, the Long Beach UASI experienced a 40 percent decrease in UASI funding from \$12 million to \$7.3 million.

For the next fiscal year, both the Senate and House Appropriations Committees are contemplating reduced funding on the premise that state and local governments

have not spent prior year's funding. The Senate Appropriations Committee recommends reducing funding by 12.5 percent, while the House Appropriations Committee recommends reducing funding by 7.5 percent. Many of the delays in spending are not due to lack of need; rather they are due to the multi-level approval process, the time-consuming purchasing requirements, and the low-supply of sought-after equipment and other delays. For example, the Long Beach UASI received its UASI 05 allocation in December, yet as of the end of June, the authority to begin spending it has not yet been received.

In regards to funding, one of the City's biggest issues is providing Homeland Security resources for staff, particularly to support training requirements, exercise requirements, planning requirements, inventory management, as well as enhanced capabilities. To put this into perspective, the recent interagency security exercise, Operation Lead Shield, cost Long Beach approximately \$100,000 in non-UASI refundable staffing costs. Costs for ongoing maintenance will also become a growing concern as the contracts that were funded for the life of a particular grant are now coming to a close with the costs being born by the City's General Fund.

We applaud you and your colleagues for proposing bold new changes to how Homeland Security funds are distributed. Senate Bill 1013 provides a rational blueprint for the effective risk-based distribution of Homeland Security dollars, while remaining cognizant of the needs of cities that rely on this important grant program. We hope you are also able to protect the current level of funding for these important programs, and work on the funding issues mentioned above.

Cordially,

BEVERLY O'NEILL,
Mayor.

Mrs. FEINSTEIN. All these letters are in support of this amendment which earmarks money based on intelligence analysis of risk and threat.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, just to bring my colleagues up to speed as to what the hoped-for game plan is, there has now been agreement reached between the parties which will allow us at 11:30 to turn from the debate on the formula proposal, offered by Senators COLLINS and FEINSTEIN, to the issue of the veterans amendment offered by Senator REID on behalf of Senator MURRAY. We will debate that for half an hour equally divided. Then we will vote on that at 12:00. Then we will return to the debate on the Collins amendment and the Feinstein amendment, and that debate will continue, so that the entire debate will encompass approximately 3 hours which would mean it would wrap up somewhere around 3:30, 3:45. At that point, there will be a window because we can't have a vote then due to outside circumstances. So there will be a window of an hour, an hour and 45 minutes, during which Members can bring amendments forward or, if they wish, during the debate time maybe come and be recognized to set these amendments aside for purposes of offering amendments.

In any event, there will be hopefully two votes occurring somewhere around 5 o'clock. This evening there is a joint Senate event for families. That is where we stand. We haven't reached that agreement yet.

Mr. DURBIN. If the Senator will yield for a question, it is my understanding we are working on a unanimous consent request, and we hope to get it agreed to momentarily. To reiterate for my side of the aisle and yours, if you have a pending amendment on this bill, there is a window from about 3:30, 3:45 until 5 o'clock, if the UC is adopted, to come to the floor and speak to your amendment and have it pending or at least considered.

I think what I am hearing from the chairman is what we would give as advice to all, and that is waiting until tomorrow or the next day is not the wisest course. There are too many pending amendments, and there is a lot to be done on this bill. This bill is urgent and is a priority. I think that is good advice to both sides of the aisle.

Mr. GREGG. I think the assistant Democratic leader's counsel is very appropriate and hopefully will be listened to.

The debate we have is a large State/small State debate over a formula. This is authorizing language being put on an appropriations bill, which we in the Appropriations Committee try to avoid. As a practical matter, this bill allocates funds. I hope Members will take a look at the allocation we did in this bill because this program has not been authorized.

Our theory in this allocation process was to have a threat-based allocation. I feel very strongly that this whole bill has been redirected with the work of Senator BYRD—I note that this is his belief also—we reworked the bill to be a threat-based bill. We did it in the area of border security, weapons of mass destruction, and we did it in the area of this formula. We protected and grandfathered all the States so the States going through upgrades of trying to get their first responder house in order will not see a devastating cut in what they are receiving. Everything over the grandfathered amount essentially moves on the basis of threat. So the actual appropriation in the bill falls about halfway between the two theories being put forward here by the competing interests relative to how this formula should be designed on the authorizing side. I just note that for my colleagues' edification.

At this time, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. 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. GREGG. Mr. President, I ask unanimous consent that at 11:30 today

the Senate resume consideration of the Reid for Murray amendment regarding veterans health; provided further, that the time until 12 noon be equally divided in the usual form, and that at noon the Senate proceed to a vote in relationship to the Murray amendment, with no second degrees in order prior to the vote. I further ask that the pending Feinstein-Cornyn amendment be modified in order to become a first-degree amendment. I further ask that the time for Senator FEINSTEIN's statement until 11:30 be divided equally between Senator FEINSTEIN or her designee, and Senator COLLINS or her designee to debate the Collins and Feinstein amendments concurrently; provided further, that at 2:15, there be an additional 90 minutes divided as stated above; finally, I ask that at 5 p.m. today the Senate proceed to a vote in relation to the Collins amendment, to be followed by a vote in relation to the Feinstein amendment, with no amendments in order to either amendment prior to the votes.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DURBIN. Mr. President, reserving the right to object, and I don't object, I only make two points, and one perhaps the Senator from California can help us clarify. Again, that is reiterating what the chairman has said. We urge Members who have pending amendments to be here in the neighborhood of 3:30 or 3:45 to call up their amendment and make sure they are pending on the bill, so we can keep this moving along. This is a very important bill. It is all the more compelling because of the events of last week.

Second, relating to the Senator from New Jersey and how his time is going to be credited to this unanimous consent request, it is my understanding that the Senator from California has said that the time used by the Senator from New Jersey was to be taken from the time allocated to her amendment with Senator CORNYN; is that correct?

Mrs. FEINSTEIN. That is correct.

Mr. DURBIN. Otherwise, I have no objection to this unanimous consent request.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. GREGG. I thank the Senators.]

The ACTING PRESIDENT pro tempore. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I rise today to voice strong opposition to the amendment being offered by Senator COLLINS to this Homeland Security appropriations bill. It is the wrong approach at a critical time in the war on terror. Need any of us here be reminded that it wasn't Portsmouth, England, that was attacked last week? I will tell you that the odds are that it won't be Portsmouth, ME, that is going to be under terrorist threats or that it compares in any way to the most inviting targets in the country—one of which is in the State of New Jersey,

where 12 million people could be killed if there is a raid on the chemical plant that is very close to the New York border and within our State.

Mr. President, I am a member of the Homeland Security Committee. For the record, the Collins legislation didn't pass without dissent in the committee. I strongly opposed the Collins bill offered by the chairman in committee, and I strongly oppose it here as an amendment to this appropriations bill.

The Collins amendment flies in the face of the recommendations of the 9/11 Commission. Everybody says they worked hard. As a matter of fact, Senator COLLINS was a leader in getting the legislation done to reform the intelligence operation. I commend her for that. But they are very clear in the 9/11 Commission report that distribution should be made on the basis of risk. And it also, by the way, defies the wishes of President Bush and Secretary Chertoff.

The Commission stated in no uncertain terms that homeland security funding should be allocated on the basis of risk, not political pork.

Unlike the Collins amendment, the underlying appropriations bill and the Feinstein amendment move toward the goal of more risk-based funding.

I salute the senior Senator from New Hampshire, Senator GREGG, and the ranking member, Senator BYRD, for their efforts to move us toward more risk-based funding in this appropriations bill. Their bill greatly improves the confusing status quo by allocating 70 percent of homeland security funding based on risk and threat. Very frankly, we ought to be at 100 percent, if we were consistent with the report produced by the 9/11 Commission. I checked this again directly with former Governor Kean from New Jersey. He reaffirmed his belief that you ought to put the money where the risk is. But the Collins amendment before us today is a step backward, not forward. The Collins amendment would change the appropriations bill by reducing the amount of risk-based funding to just 60 percent.

This is an affront to the 9/11 Commission. What they said about how homeland security funds should be distributed is clearly stated here. Their recommendation No. 25 said this:

Homeland security assistance should be based strictly on an assessment of risks and vulnerabilities.

Federal homeland security assistance should not remain a program for general revenue sharing.

That is clear. They went on to make the point in very blunt language:

Congress should not use this money as pork barrel.

It is not just the 9/11 Commission that said that. Homeland Security Secretary Michael Chertoff has stated numerous times the need for homeland security funding should be based more on risks, threats, and vulnerabilities.

This past Sunday on "Meet the Press," Secretary Chertoff said:

We have to be risk-based in our funding.

He went on to define "risk-based" funding this way:

It means we look not at the question of political jurisdiction, we look at where the consequences would be catastrophic, where the vulnerabilities would be, where the threats are.

He is right. We need to protect our Nation where the risks and vulnerabilities are. If we want to peel off pork, then we have to go to some other bill to do it. I am not saying these are casual programs that are being funded by a reduction in risk-based grants, but it is the wrong thing at the wrong time, and everybody knows that. We are all in a semistate of shock as a result of the bombing in London.

Mr. President, 700 of my fellow New Jerseyans lost their lives on September 11, 2001. Families, in many cases, are ruined forever, with the lack of a daddy, a husband, a brother, a sister or a mother.

Throughout that tragic day, people in northern New Jersey could see the smoke rising from the Trade Center, where many of our friends, neighbors, and loved ones worked. It could be seen from my house. The New York-New Jersey region bore the brunt of the attacks on 9/11, and it continues to be the area of our Nation that is most at risk. But I don't plead for this on a parochial basis. I plead for it for the safety of our country as a whole.

In fact, the FBI determined that the 2-mile stretch in New Jersey, between the Port of Newark and Newark Airport, is the most at-risk area in the country for a terrorist attack.

The New York Times recently reported that an attack on just one particular chemical plant in this area could kill or harm millions of people.

I ask my colleagues to think about that. With the potential loss of life in the millions, this is no time for putting parochial interests before the security of the Nation.

The tragic attacks in London only reinforce the need to protect the high-threat areas. As I said earlier, it is not Portsmouth, England, or Portsmouth, ME, that was attacked. That is not where the principal focus of the terrorist is. We have to protect our entire country, but there ought to be a system of priority that says this is the most important area. We should not casually dismiss an area that is one of the largest population centers of our country or of the world, in fact.

Mr. President, I pose the question: How can we, in the wake of the London attacks, with all of the alerts that we have around the country, now move to take funding away from where the threats are? It makes no sense. We ought to have more funding, not less, and we ought to have it directly aimed at the area of highest risk.

Under the amendment proposed by the Senator from Maine, 40 percent of homeland security funds will be distributed not based on risk, but simply distributed to every State and terri-

tory, regardless of the risks they face. The Congressional Research Service has analyzed how the Collins legislation would change the amount of funding going out based on risk under this bill. They concluded that the Collins approach would reduce risk-based funding by over \$183 million—\$183.53 million—compared to the underlying appropriations bill.

It is absolutely critical that the Senate reject the Collins amendment. In the wake of the London attacks, we need to show the American people we are serious about protecting the country and not just interested in another back-home project.

In addition to opposing the amendment, I urge my colleagues to support the Feinstein-Cornyn-Lautenberg amendment. Our amendment moves us much closer to the goal of risk-based funding as called for by the 9/11 Commission and the President of the United States.

The issue before us is bigger than politics. We are talking about the best way to protect fellow Americans from another terrorist attack but also, in protecting our ability to function in the event of an attack, making sure we have the communications link and the transportation link. We ought to make certain that we pay attention to securing those areas that are most likely to be inviting targets for terrorism. This is not about regional rivalries. It is about protecting our most vulnerable communities.

With our votes on these two amendments, we are going to decide whether we are going to follow the guidance of the 9/11 Commission or simply ignore their recommendations. I do not know how we do that. It is fairly simple. I urge my colleagues to reject the Collins approach and support the Feinstein-Cornyn-Lautenberg amendment.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time? The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, it is my understanding that Senator CORNYN, who is the prime cosponsor of the amendment of the Senator from California, wishes to go next. If he is not going to go next, I will be happy to speak on my time. But it was my understanding he wanted to speak first.

Mrs. FEINSTEIN. Mr. President, if I may respond.

The ACTING PRESIDENT pro tempore. The Senator from California is recognized.

Mrs. FEINSTEIN. I thank the Senator for her courtesy. It is my understanding we have 45 minutes this afternoon at 2:15 and Senator CORNYN will lead off at 2:15. I thank the Senator.

Ms. COLLINS. Mr. President, I thank the Senator from California for that clarification.

Mr. President, the Collins-Lieberman amendment has picked up a number of cosponsors, so I want to bring my colleagues up to date by reading the full list of the cosponsors of the Collins-

Lieberman amendment. They are as follows: Senators VOINOVICH, DEWINE, COBURN, AKAKA, CARPER, SALAZAR, COLEMAN, BEN NELSON, PRYOR, SNOWE, and DAYTON. I ask unanimous consent that all of those cosponsors be added to the Collins-Lieberman amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, my friend from California, as well as the Senator from New Jersey, have both referred to a memo the Congressional Research Service put together for Senator LAUTENBERG. First, let me say I have not seen this memo despite my staff repeatedly requesting a copy from Senator LAUTENBERG's office. The memo appears to have been widely distributed to the press but, unfortunately, the Senator has chosen not to share it with the two sponsors of the amendment.

Why would that be? Perhaps it is because the last time my colleague from New Jersey asked CRS to put together a memo attacking S. 21, we quickly discovered it was based on fatally flawed assumptions.

The memo purported to show that S. 21 would lead to less risk-based funding than under current law, but that was just plain wrong. And CRS, once the analysts talked with my staff, agreed they had made a mistake. In fact, CRS issued the memo I hold in my hand correcting the flawed conclusions of the Lautenberg memo.

I ask unanimous consent that the CRS analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

To: Honorable Susan M. Collins, Attention: Michael Bopp
 From: David C. Huckabee, 7-7877, Specialist in American National Government Government and Finance Division
 Subject: Homeland Security Minimum Allocation Comparisons: Figures From FY 2005 Appropriation Act, and S. 21, As Reported

This memorandum responds to your request for a comparison of S. 21, as reported, and the FY 2005 Department of Homeland Security (DHS) appropriations act with regard to the allocation of funds in three homeland security assistance programs: the State Homeland Security Grant program (SHSG); the Law Enforcement Terrorism Prevention Program (LETPP); and the Urban Area Security Initiative (UASI) grant program.

You asked for comparisons of percentage change figures between funds that were guaranteed to be distributed to the 50 states, the District of Columbia, and specified U.S. possessions. For the purpose of this analysis I used the \$2.303 billion that DHS distributed in FY 2005 using the rules in place for that year, and procedures included in S. 21, as reported. Comparisons of funding to jurisdictions in FY 2005, and what would occur if S. 21 (as reported) were enacted, are complicated by several factors:

S. 21's guaranteed minimum funding to states (0.55% of the total) is computed on a larger base (\$2.303 billion, the entire aggregate appropriation for SHSG, LETPP, and UASI) as compared to the FY 2005 appropriation where states' 0.75% base is applied to \$1.448 billion (after excluding UASI funds), and;

The FY 2005 appropriation act required DHS to allocate all the funds remaining after the required minimum percentages were distributed among the states and territories (excluding VASI funds) in the same manner as in FY 2004, i.e., by population.

The addition of the population distribution requirement in FY 2005 increased state "guaranteed minimum" funds for that fiscal year. If the S. 21 distribution formula were to be adopted and appropriations remain at the FY 2005 level for the SHSG, LETPP, and UASI programs in FY 2006, "guaranteed" funding would decline by 39% (from \$1.488 billion to \$906 million), and risk-based funding would increase by 71% (from \$815 million to nearly \$1.4 billion).

TABLE 1. PERCENT CHANGE IN GUARANTEED, AND RISK-BASED FUNDING BETWEEN S. 21 AS REPORTED, AND FY 2005 APPROPRIATIONS ASSUMING A \$2.385 BILLION APPROPRIATION

[Figures are in millions of dollars]

Description	FY 2005 funding ¹	S. 21, as reported	Percent change
"Guaranteed" funding	\$1,488.40	\$906.36	-39.1
Risk-based funding: For FY 2005, figure included only UASI; S. 21 would include UASI and funds not allocated by "sliding scale" formula	814.80	1,396.84	71.4
Total	2,303.20	2,303.20	

¹ "Guaranteed" funding included all SHSG and LETPP funds in FY 2005 because the FY 2005 DHS appropriations act required population to be used to distribute funds not allocated by the PATRIOT act formula in 2005.

Congressional Quarterly's coverage of the Senate Homeland Security and Governmental Affairs mark-up of S. 21 cited information from the Congressional Research Service (CRS) indicating that risk-based funding "would fall by 19 percent" under the S. 21 formula. The earlier CRS analysis had compared funding levels required in authorizing legislation. Thus the FY 2005 appropriation language requiring DHS to do a population-based distribution of the remaining funds after each state received its 0.75% base amount was not included in the analysis.

The FY 2005 DHS appropriations act required all SHSG and LETPP funds to be distributed by a combination of a guaranteed base, with the remaining funds allocated by population. Thus, no SHSG or LETPP funds were available to be allocated by risk in FY 2005 (or any other method DHS could have chosen to use) because the PATRIOT act does not specify how remaining funds will be distributed.

If the funding formula is not changed for FY 2006, and the DHS appropriations act omits the requirement that "formula-based and law enforcement terrorism prevention grants . . . shall be allocated in the same manner as fiscal year 2004," funds guaranteed to states in 2006 would only include the PATRIOT Act minimums.

I trust that memorandum will meet your needs in this matter. Please feel free to call me if I can further assist you.

Ms. COLLINS. Mr. President, as I understand it, the latest CRS analysis—as I understand it from press accounts since, again, the Senator has not been willing to share it with my office—is once again flawed. It does not take into account the sliding scale minimum allocation that is included in the Collins-Lieberman amendment.

This sliding scale minimum distributes 10.7 percent of the funds in our bill based on population and population density. Those are two risk factors that are used by the Department of Homeland Security to distribute risk-based funds.

I note, because I want to give credit where credit is due, that the proposal for this sliding scale minimum came from our colleague, a senior member of the committee, Senator LEVIN of Michigan.

Let's look at the real numbers. The fact is there is a doubling in the amount of money that is based on risk under our amendment. The legislation before us emphasizes risk-based funding and doubles the amount of money compared to current law that would be allocated based on risk.

The Committee on Homeland Security has done a great deal of work on this formula. I think we see today the problems that occur when we try to write a formula not in committee, not based on careful hearings, input from all interested parties, two markups, 3 years of deliberations by the committee, but instead try to cobble together an amendment on the Senate floor.

I have heard again today the comparison that Wyoming gets more money on a per capita basis. The Senator from California, my friend and colleague, made that argument. Over and over again we hear the argument that homeland security dollars are unfairly allocated because less populous States generally get more per capita than more populous States. But the truth is, that argument does not hold water.

What is the point of that argument? That homeland security dollars should be distributed on a per capita basis rather than risk and a minimum free each State? The fact is, risk-based allocations lead to per capita disparities as well.

Let's take the District of Columbia as an example. I think every single Member of this distinguished body would agree that the District of Columbia, despite its relatively small population, is an extremely high-risk area. In fact, the District of Columbia gets by far the most on a per capita basis, nearly \$217 per resident, because it is a small population, high-risk area.

Taken to its logical conclusion, the argument of these advocates is fewer dollars to the national capital region. The fact is, distributing funds based on risk does not necessarily lessen the per capita disparities among recipients.

We took a look at the distribution of fiscal year 2005 urban area security initiative funds which are allocated based on risk. What we found were the same or even greater levels of per capita disparities compared to an analysis of the urban areas and State grant funds combined. For example, Boston received nearly \$48 per capita, where Houston, with over three times the population, received under \$10 per person. Los Angeles received about \$18 per capita; Pittsburgh, \$29.

The point is, moving from a formula to a risk-based distribution does not necessarily bridge those per capita divides.

Second, let's look at what this is really all about. Under S. 21, the

amount the small States would be guaranteed beyond their per capita shares amounts to less than 3 percent of the funds that are allocated—3 percent. Let's use the real example.

S. 21 would authorize \$2.9 billion for homeland security grants. The total that small States are guaranteed in excess of their per capita share is just \$85.4 million out of that \$2.9 billion. Here is the chart that demonstrates what this allocation is all about.

In contrast, the 19 most populous States receive some \$619 million in guaranteed funds under the bill, seven times more than the less populous States are guaranteed beyond their per capita share.

In short, we are not talking about a major redistribution of homeland security dollars.

The fact is also that the potential of terrorist attacks against rural targets is increasingly recognized as a national security threat. I quoted yesterday the Harvard study that talked about rural areas facing unique and profound homeland security challenges. Bioterrorism, an attack on our food supply, where would those most likely occur? The food supply is outside our urban areas. A great many power grids, water supplies, nuclear plants—all of those are outside of urban areas.

Likewise, a report from the RAND Corporation, prepared for the National Memorial Institute for the Prevention of Terrorism, assessed how prepared State and local law enforcement is. It noted that homeland security experts and first responders have cautioned against an overemphasis on improving the preparedness of large cities to the exclusion of small communities or rural areas.

The report recognized that much of our Nation's infrastructure and potential high-value targets is located in rural areas.

The Department of Homeland Security said that it is well known that terrorists choose to live and train in small and rural communities.

Communities that my friends from California and New Jersey would say are at no risk, they are low risk, they should not receive risk money. These small and rural communities are where the terrorists live, train, and hide.

That is why law enforcement has overwhelmingly endorsed the Collins-Lieberman amendment. We have letters from the National Troopers Coalition, the Grand Lodge Fraternal Order of Police, the National Association of Police Organizations, the International Union of Police Associations, the International Association of Chiefs of Police, the United Federation of Police Officers, the International Brotherhood of Police Officers, the National Organization of Black Law Enforcement Executives, the International Association of Fire Chiefs.

All of these groups representing law enforcement and representing our fire-

fighters are endorsing the approach taken in the Collins-Lieberman amendment. One reason they do is for the first time we are going to have standards, and we recognize that the first responders in each and every State deserve our support.

We need to bring every State up to a minimum level of preparedness, and we are not there now. That is why the National Governors Association and the National Emergency Management Association strongly endorse our approach.

Over and over again we hear from these organizations that the funding formula proposed in the Collins-Lieberman amendment "promotes a better level of preparedness and brings some predictability to States for planning purposes." That is from the National Troopers Coalition.

The Fraternal Order of Police says our legislation—this is the Collins-Lieberman legislation—recognizes the fact that the majority of Federal funds have been previously directed toward recovery response operations, too often at the expense of the efforts to prevent future attacks. Ensuring that all communities achieve and maintain the appropriate response-and-recover capacity for terrorist incidents is a critical component. However, it is the goal of law enforcement to ensure that we never have a terrorist incident to respond or recover from. We want to stop the attack before it even occurs.

Those are important advantages of the Collins-Lieberman approach. The accountability measures in our bill are absolutely critical and are missing from the Feinstein-Cornyn-Lautenberg approach.

We know there has been wasteful funding. We cannot tolerate inappropriate and wasteful spending of critical homeland security funds. That is why we have strong accountability measures in the Collins-Lieberman proposal, measures that are lacking completely from the alternative put before us today. These accountability measures will ensure that no longer will homeland security funds be spent to purchase air-conditioned garbage trucks in the State of New Jersey—that is the kind of wasteful spending that we want to guard against—or leather jackets for the District of Columbia. Instead, spending would be tied to achieving essential capabilities for our first responders to meet national preparedness goals.

This is a carefully thought out bill. It is a comprehensive bill. It reflects many hearings and input from the first responder community.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time?

Mrs. FEINSTEIN. I yield such time as he may consume to the Senator from New Jersey.

The PRESIDING OFFICER (Mr. SUNUNU). The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I will be very brief. We just heard a reference to an investment made by the city of Newark. Newark Airport and the Port of Newark have been identified as the two most dangerous miles for a terrorist attack in the United States, and they chose to use the money to make sure their access ways would be clear of debris. That was their choice. We are not going to talk about what any other State does with their money. That is not the argument. The argument is, what is the truth? The truth is, CRS, in a phone call just now, for the information of the Senator from Maine, confirmed exactly what they gave us as being correct. Under the Collins amendment, they come down with a conclusion that the percentage allotted for the risk would be 60 percent, and the percentage allotted for a guarantee, 40 percent. That is not what we are going into. Anything that we try to do to confuse the figures to say that oh, no, in fact we are getting more, well, New Jersey may get a couple more dollars under the Collins formula, but we have to look at where the bulk of the danger is to our country.

Sure, rural States are entitled to be protected, but that is not done at the expense of having the most inviting targets in the country not get more money to protect themselves.

The Senator from Maine asked for it. We are going to send over for her review the report from CRS, and we have clarified a couple of things. But at 60/40, we are far worse off than we were when we left the committee, and I do not understand why that is. Perhaps the Senator from Maine does not see threats in the country in the same way that the 9/11 Commission or the Secretary of Homeland Security does. Dismiss that and make sure that everybody gets a little bit of the pie, that is not where we are.

This is the second front in a war against terrorism, and we ought to make sure we put plenty of funding here. We spend over \$200 billion a year in maintaining our fighting force in Iraq, and I want to do it as well as anybody else, but we sure do not say we ought to distribute funds throughout the Army, whether they are based in Georgia or some other State. No, we want to take care of them in the area where the risk is greatest, and that is the same thing we ought to be doing, and not trifling with this and trying to defend the numbers as not really saying what they say.

They say what they say, and I ask unanimous consent that the report from CRS be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL RESEARCH SERVICE,
Washington, DC, July 8, 2005.
MEMORANDUM

To: Honorable Frank Lautenberg, Attention: David Garten.
From: Shawn Reese, Analyst in American National Government, Government and Finance Division.
Subject: "Guaranteed" Base Homeland Security Grant Amounts in S. 21 and Senate Reported H.R. 2360.

This memorandum responds to your request for information on homeland security grant base amounts that would be distributed in FY2006 to the states, U.S. possessions, and territories ("guaranteed amounts") in S. 21, as reported by the Senate Homeland Security and Governmental Affairs Committee on May 24, 2005, and H.R. 2360, as reported by the Senate Appropriations Committee on June 16, 2005. Specifically, you requested a chart (see Table 1) that depicts allocations to the states, U.S. possessions, and territories assuming an appropriation of \$1.918 billion, the amount recommended by the Senate Appropriations Committee in H.R. 2360, and you requested the percent of funds that S. 21 and H.R. 2360 would allocate for such base amounts, as well as the percent that would remain to be allocated through risk assessments conducted by the Department of Homeland Security Secretary. The first column of Table 1 depicts S. 21 base amount allocations, and the second column depicts H.R. 2360 allocations. Additionally, you requested a third column to the chart depicting a 0.25% guaranteed base.

H.R. 2360. Of the \$1.918 billion appropriated in H.R. 2360 (\$1.518 billion for state and local grants and \$400 million for law enforcement terrorism prevention grants), \$580 million would be distributed through the same distribution process applied in FY2005. From the total of \$580 million, each state, DC, and Puerto Rico would receive \$10.86 million, and each U.S. possession and territory \$3.62 million. After the distributions, roughly \$1.3 billion would be available to be distributed through the risk assessment process.

S. 21. The bill would allow states, U.S. possessions, and territories to select either of two options that yields the highest funding level. First, funds would be divided among the states, the District of Columbia (DC), and U.S. possessions and territories as follows: Puerto Rico and specified U.S. possessions and territories 0.055%; these total 28.62%. Second, states could alternatively choose to receive an amount based on a "sliding scale baseline allocation" calculated by multiplying 0.001 times (1) a state's population ratio and (2) a state's population density ratio. After the funds are distributed (\$763 million as shown in Table 1), the remainder is distributed through the risk assessment process, with a maximum of 50% to be distributed to high-threat urban areas, and the remainder to the states.

I trust that this memorandum meets your needs; please contact me if you need further information.

TABLE 1.—S. 21 AND SENATE REPORTED H.R. 2360
GUARANTEED BASE AMOUNTS—Continued

(All amounts in millions)

State	S. 21	Senate Reported H.R. 2360	0.25% Base
Georgia	15.29	10.86	4.80
Hawaii	10.55	10.86	4.80
Idaho	10.55	10.86	4.80
Illinois	22.12	10.86	4.80
Indiana	11.57	10.86	4.80
Iowa	10.55	10.86	4.80
Kansas	10.55	10.86	4.80
Kentucky	10.55	10.86	4.80
Louisiana	10.55	10.86	4.80
Maine	10.55	10.86	4.80
Maryland	15.15	10.86	4.80
Massachusetts	19.39	10.86	4.80
Michigan	17.55	10.86	4.80
Minnesota	10.55	10.86	4.80
Mississippi	10.55	10.86	4.80
Missouri	10.55	10.86	4.80
Montana	10.55	10.86	4.80
Nebraska	10.55	10.86	4.80
Nevada	10.55	10.86	4.80
New Hampshire	10.55	10.86	4.80
New Jersey	27.03	10.86	4.80
New Mexico	10.55	10.86	4.80
New York	34.17	10.86	4.80
North Carolina	15.11	10.86	4.80
North Dakota	10.55	10.86	4.80
Ohio	28.80	10.86	4.80
Oklahoma	10.55	10.86	4.80
Oregon	10.55	10.86	4.80
Pennsylvania	22.21	10.86	4.80
Rhode Island	13.75	10.86	4.80
South Carolina	10.55	10.86	4.80
South Dakota	10.55	10.86	4.80
Tennessee	10.70	10.86	4.80
Texas	35.40	10.86	4.80
Utah	10.55	10.86	4.80
Vermont	10.55	10.86	4.80
Virginia	13.61	10.86	4.80
Washington	10.58	10.86	4.80
West Virginia	10.55	10.86	4.80
Wisconsin	10.55	10.86	4.80
Wyoming	10.55	10.86	4.80
DC+NCR	10.55	10.86	4.80
Puerto Rico	6.71	10.86	4.80
U.S. Virgin Islands	1.05	3.62	1.60
Guam	1.05	3.62	1.60
American Samoa	1.05	3.62	1.60
Northern Marianas	1.05	3.62	1.60
Guaranteed Base Total ...	762.73	1,579.20	251.20
Remainder to Be Allocated Based on Risk	1,155.27	1,338.80	1,666.80
Total	1,918.00	1,918.00	1,918.00
Percentage Allocated for Guaranteed Base	40%	30%	13%
Percentage Allocated for Risk ..	60%	70%	87%

¹ Due to rounding in CRS calculations, this amount is \$800 thousand less than \$580 million.
Source: CRS calculations based on formulas in S. 21 and Senate reported H.R. 2360.

Mr. LAUTENBERG. We will see that the Senator from Maine gets a copy immediately.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, the Senator from New Jersey is mistaken in saying this bill provides less risk-based assistance than the legislation reported from the committee in April. It does not. The Senator is in error. It is exactly the same as the committee-reported bill, which was reported without dissent on a voice vote.

The fact is, the Collins-Lieberman amendment doubles the funds that would be distributed based on threat, risk, and consequences while maintaining a predictable and meaningful level of funding for each State.

For the Nation to be prepared, all States must achieve a baseline level of essential capabilities. The Federal Government is a partner with our State and local governments and with our 9 million first responders in this regard. Unfortunately, what we are seeing today is a regrettable and corrosive argument that is pitting urban centers against rural States. Our bill does not

do that. We have carefully crafted a compromise that ensures that every State receives a baseline level in order to recognize that every State has homeland security needs and vulnerabilities and that first responders throughout the country need to be properly equipped, trained, and supported.

We know the terrorists traveled through, trained in, and stayed in rural States. Two of them left from my home State of Portland, ME, to begin their journey of devastation and death on September 11. A predictable stream of funding is essential to achieving the goals, but the fact is, S. 21 doubles the amount of money for risk-based funding compared to the current law. If one looks at this chart, the Senator from New Jersey repeatedly ignores the 10.7-percent distribution, which was Senator LEVIN's proposal, which means that risk-based factors account for more than 70 percent of the funding. That is more than double what is involved in current law.

So we have doubled the amount of money that would be allocated based on risk factors while maintaining a steady, predictable base line funding so that all States can achieve a level of preparedness. Again, the Senator from New Jersey—

Mr. LAUTENBERG. Will the Senator yield?

Ms. COLLINS. I will be happy to yield once I conclude my explanation.

The Senator from New Jersey again ignores the amount of money in this bill that would go to the law enforcement terrorism prevention program, which would be authorized for the first time in this legislation. Prevention takes a back seat to responding to a terrorist attack, and that is why virtually every police association in this country has endorsed the Collins-Lieberman bill, virtually every one, because of our emphasis on prevention as well.

The National Association of Police Organizations wrote: Unlike other homeland security grant proposals, S. 21 ensures that the prevention of terrorist attacks, not just response efforts, receives a significant share of homeland security funds.

I would be happy to yield to the Senator from New Jersey on his time or on the time of Senator FEINSTEIN.

I yield the floor but reserve the remainder of my time.

Mr. LAUTENBERG. I thank the Senator from Maine.

Mr. KENNEDY. Mr. President, I strongly support the Feinstein amendment which is a sensible and vital reform of the way our homeland security dollars are distributed.

The 9/11 Commission wrote in its report that:

Homeland security assistance should be based strictly on an assessment of risks and vulnerabilities.

All communities, large and small, need to be prepared for the worst. However, with limited and, frankly, inadequate resources, we have to make

TABLE 1.—S. 21 AND SENATE REPORTED H.R. 2360
GUARANTEED BASE AMOUNTS

(All amounts in millions)

State	S. 21	Senate Reported H.R. 2360	0.25% Base
Alabama	\$10.55	\$10.86	\$4.80
Alaska	10.55	10.86	4.80
Arizona	10.55	10.86	4.80
Arkansas	10.55	10.86	4.80
California	57.59	10.86	4.80
Colorado	10.55	10.86	4.80
Connecticut	13.82	10.86	4.80
Delaware	10.55	10.86	4.80
Florida	30.38	10.86	4.80

choices about how to prioritize homeland security spending.

The 9/11 Commission stated in its report:

Federal homeland security assistance should not remain a program for general revenue sharing. It should supplement state and local resources based on the risks or vulnerabilities that merit additional support.

That is exactly what the Feinstein amendment does. It requires homeland security grants to be allocated based on an assessment of threat, vulnerability, and impact on the Nation.

According to the Congressional Research Service, under the Feinstein amendment, 87 percent of homeland security spending would be based on risk.

Today, by comparison, fully 37.5 percent of homeland security funds are allocated for distribution before any risk analysis is done.

A Washington Post editorial of May 17 asked the question:

What, exactly are Federal "first responder" grants supposed to do? Are they intended to give extra financial help to firefighters and police officers who work in places where the risk of a terrorist attack is highest? Or are they meant to spread Federal pork evenly around the country?

This is not an attempt, however, to deny any Federal homeland security funding to those areas that we know are the least likely to be targets.

Under the Feinstein amendment, \$251 million in Federal homeland security aid would still be spread evenly across the States.

However, the vast majority of funding—over \$1.6 billion—would be allocated based on actual risk.

In practical terms, the amendment will guarantee \$300 million more than the underlying bill for high-risk areas.

It means that cities like Boston, with its dense concentration of high-risk targets, will get the support it needs and deserves.

The city is a major financial hub with more than 130,000 people employed in the securities, banking and insurance sectors. Any interruption in the ability of these industries to function would undoubtedly reverberate far beyond the city, and be felt across the Nation.

The city was also a major part of the high-tech boom years of the 1990s. Today, it remains one of the Nation's most innovative high-tech corridors. It employs over 100,000 professionals whose inventiveness is not limited to the city, but is a major component of the Nation's economic recovery.

The \$7 billion tourism industry is also a major driver of economic growth. September 11 had an acute impact on Boston's ability to attract visitors. Undoubtedly, if another attack were to happen, a similar chilling affect would occur.

The danger is not theoretical. In 2001, an Algerian citizen, who later joined al-Qaida entered Boston as a stowaway on an Algerian gas tanker.

Security experts said that if the tanker's hull and cargo tanks had been

successfully breached, the result could have been a disastrous fire in the port of Boston.

Another key aspect of the Feinstein amendment is its preservation of the Urban Area Security Initiative, which has funded preparedness and prevention efforts in 56 of the most likely target regions that are home to more than 75 million people.

Yesterday, the mayors of 22 cities, including Boston, wrote the distinguished majority and minority leaders expressing their support for the Feinstein amendment. They wrote:

It maintains the critical partnership between the Federal government, States and the Nation's highest risk areas by maintaining the Urban Area Security Initiative program. These Urban Area Security Initiative regions have for several years been aggressively working to implement comprehensive plans for terrorism prevention and preparedness approved by their States and the Department of Homeland Security. Maintaining the Urban Area Security Initiative program will preserve and sustain the substantial planning, long-term projects, and regional decision-making processes underway.

Without the Feinstein amendment, we could see a funding cut in the Urban Area Security Initiative.

We all agree that every community in America deserves to receive its fair share of Federal homeland security assistance. No community should be left unprotected. But it makes no sense to use limited resources to provide maximum preparedness in the least at-risk communities, when we still have not yet achieved even the minimum level of preparedness in our most high-risk areas. The Feinstein amendment reflects that obvious priority for communities across the country, and I urge my colleagues to support it.

Mr. PRYOR. Mr. President, I rise in support of the Collins amendment to the Homeland Security appropriations bill before this body. I want to thank Homeland Security and Governmental Affairs Committee Chairwoman COLLINS and Ranking Member LIEBERMAN for the diligent and considerate effort they have made to bring this legislation forward.

Also, I would like to thank Jeffrey Highley, a civil engineering fellow in my office, for all of his hard work on this issue. He has been a valuable asset to my office.

I know there will always be more that we can do to prepare for and prevent against the threats to our security. Yet the Homeland Security appropriations bill before this body continues to reduce the level of State funding that began as a response to an attack on our Nation.

That is why this amendment is so necessary. It restores threat-based funding to the level States received in 2004 and increases the amount in the underlying bill by more than \$1 billion. Furthermore, it provides a smart and responsible approach to funding.

In order for our State and local emergency response teams to plan a long-term strategy of preparedness, they

need to have a level of predictable funding. States are required to submit plans to DHS 3 years in advance. This amendment will establish a fair and stable funding formula that States such as Arkansas can use to plan ahead.

Furthermore, this amendment will ensure that critical prevention efforts receive funding. The National Association of Police Organizations agrees, "[this amendment] ensures that the prevention of terrorist attacks—not just response efforts—receive a significant share of the homeland security funds."

I know there are some in Congress who believe that the funding formula for homeland security grants should solely reflect perceived threat and risk. While I understand these concerns, I respectfully disagree with my colleagues on the merits of their arguments.

Conventional wisdom might suggest that another terrorist attack will involve a target-rich environment—a big bustling city with skyscrapers and millions of people. Conventional wisdom suggests that terrorists might strike at a location or at a symbol that personifies America. I say, however, that to only rely on conventional wisdom sets ourselves up for unforeseen but certain tragedy down the road.

I ask my colleagues: Four years ago could we have fathomed 19 terrorists hijacking American airliners with box cutters no less? Could we have fathomed these hijackers using those airliners to conduct suicide missions? Could we have fathomed watching as two airplanes struck the World Trade Center and yet another crashing into the Pentagon?

And as you ponder those questions, I also ask: Just 1 month after that, as America was pulling itself out of the ashes, still recovering from the horrific acts of September 11, 2001, did anyone foresee an envelope being sent to Senator Tom Daschle's office that would cause the largest biological attack on American soil and effectively shut down the Senate Hart Building for several months?

We look back at these events now in hindsight and I think we have learned a lot about our enemy and what it will take for us to both win the war on terror and defend our homeland.

But let us remember: we must be prepared for the next terrorist attack, not the last. And that terrorist attack could come in many shapes and sizes.

I understand how some might think that big cities on the east and west coasts are those most vulnerable, most at risk for another horrific attempt. But I think it is obtuse to write off a large section of this country because of conventional wisdom.

I think it is naive to believe terrorists would never strike at our heartland, that they would not attempt to attack our food supply or our nuclear and chemical plants located in both large and small States.

I think it is shortsighted to think that the next attack will be similar to the first and to prepare with such narrow vision.

In order for America to be protected from terrorism, we need all parts of the country to be prepared.

Local and State entities and first responders across the Nation have worked doggedly to make our Nation safer, and they have. Our civilian authorities must be able to respond to whatever may confront them in the future. But how can they properly respond when they are not given adequate resources?

With the amendment offered by Senators COLLINS and LIEBERMAN, State homeland security will be based on the essential capabilities necessary to prepare for potential terrorist attacks, major disasters, and other emergencies—no matter where they might occur.

September 11 made us acutely aware that there are vulnerabilities in our homeland but it also made us acutely aware of the need of genuine partnerships that involve all segments of our communities and all levels of government—we all have a role in keeping our community safe.

So I submit that part of our job of the Federal Government must be to ensure that local governments are given the resources to protect their citizenry and that we all share the responsibilities for homeland security wisely and fairly.

This is why I urge my colleagues from States small and large to support the Collins amendment. It strikes a fair balance between the critical need to provide a baseline of protection and providing risk-based funding.

Mr. GRASSLEY. Mr. President, While I support the underlying amendment and hope my colleagues will support it, I rise to strongly object to a provision in this amendment which lies within the jurisdiction of the Senate Finance Committee. Section 1808 requires the Bureau of Customs and Border Patrol to conduct a study on the screening of municipal waste. The Bureau is then required to ban the importation of such waste 6 months after the report is submitted unless certain certifications are made.

I have been in consultation with the Office of the United States Trade Representative and believe that this provision raises serious international trade concerns. In fact, this provision could violate trade responsibilities under both the World Trade Organization and the North American Free Trade Agreement. If that is the case, our exporters are likely to face retaliation. I don't want that to happen. Furthermore, it could also provoke similar restrictive actions by our trading partners against U.S. waste exports. According to the Environmental Protection Agency, approximately 250 U.S. companies in over 30 States sent hazardous waste shipments to Canada in 2003 alone.

I am especially disappointed that this provision was reported out by the

Committee on Homeland Security. Last year we engaged in significant debate regarding appropriate jurisdictional responsibilities of each committee. The Senate determined that provisions relating to Customs and border protection and international trade clearly lie within the jurisdiction of the Finance Committee.

Just a cursory reading of the scope of the Finance Committee's jurisdiction under Rule 25 of the Standing Rules of the Senate provides that:

The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

Committee on Finance, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects: Customs, collection districts, and ports of entry and delivery; reciprocal trade agreements; revenue measures generally; and tariffs and import quotas, and matters related thereto.

An elaboration of the scope of the Finance Committee's jurisdiction can be found on our web site where it is clearly explained that:

The Senate Finance Committee's jurisdiction is defined by subject matter—not by agency or Department.

As a consequence of the committee's broad subject matter jurisdiction, the Finance Committee has sole or shared jurisdiction over the activities of numerous agencies and offices: the Office of the United States Trade Representative; the Department of Agriculture Foreign Agricultural Service on matters relating to foreign barriers to U.S. agriculture goods; numerous divisions within the Department of Commerce; and Broad Jurisdiction over the Department of Homeland Security.

This provision of this amendment clearly falls within the jurisdiction of the Finance Committee. And there is a reason for committee jurisdiction. We need to ensure that those committees with appropriate expertise have an opportunity to weigh the implications of these provisions before they become law. Otherwise, we end up exactly where we are today—exposing our exporters to unnecessary trade retaliation due to ill conceived and shortsighted provisions.

I urge the conferees to reject this provision during conference consideration.

Mr. CORZINE. Mr. President, I rise today to speak about the need for risk-based homeland security funding. This concept is as urgent as it is simple.

Homeland security grants related to terrorism prevention and terrorism preparedness should be allocated based strictly on an assessment of risk, threat, and vulnerabilities.

The best approach is to ensure that all homeland security funds are allocated to States based on the vulnerabilities of each State. Earlier this year, Senator LAUTENBERG and I introduced a bill to ensure that the distribution of Homeland Security funds would be 100-percent risk based. This is

the right way to ensure that our homeland is truly protected. It is not an issue of believing that larger, more populous States deserve more funding; it is simply a question of believing that the places with the greatest need deserve the most resources.

The Department of Homeland Security appropriations bill on the Senate floor includes a 70-percent risk-based formula that would ensure that \$1.3 billion in funding would be allocated based on risk. Senators FEINSTEIN and CORNYN have proposed an amendment to improve this and ensure that 87 percent of the funds—\$1.9 billion—would be allocated based on risk. While I would still prefer 100 percent, I support the Feinstein-Cornyn amendment.

New Jersey and the rest of the country will be much safer under the Feinstein-Cornyn proposal than under the Collins-Lieberman amendment, which would only allocate 60 percent of the funds based on risk. Under the Collins-Lieberman amendment, all of the homeland security grant money would be combined into one fund; of that, 40 percent would be allocated as guaranteed funding for the States and would be distributed either on the basis of .55 percent per State or on a sliding scale baseline allocation, which would be determined by a State's population and population density. Even given the enhanced funding allowance for densely populated States, New Jersey and other high-risk States would still fair worse under the Collins-Lieberman amendment. That is because the amendment combines all funding sources into one fund and allocates too much funding, 40 percent of the total allocation, as minimum, guaranteed grants to each State. Under a more risk-based formula, New Jersey would receive greater homeland security funds to handle the substantial risks that face my State.

Mr. President, those of us who live in high-risk areas are acutely aware of the threat of terrorism. But protecting our homeland is not something that can, or should, be looked at as an exclusively "local" issue. Experts throughout the Nation support a risk-based approach. Protecting America, in the places where we are most vulnerable, in places where we know that terrorist want to inflict the greatest harm, is in fact a national issue—which is why the 9/11 Commission recommended pure risk-based allocation.

To quote the Commission:

Homeland security assistance should be based strictly on an assessment of risks and vulnerabilities. . . . [F]ederal homeland security assistance should not remain a program for general revenue sharing. It should supplement state and local resources based on the risks or vulnerabilities that merit additional support. Congress should not use this money as a pork barrel.

Mr. President, one of the reasons this is such a national priority is because of the economic issues at stake. An attack on our Nation's economic assets, our capital markets, or our financial institutions would have a ripple effect

throughout the country and have a serious long-term effect on our Nation's economy.

Protecting these assets has to be part of our national strategic considerations. In my State, New Jersey, we have many such targets. We have areas like the Port Newark. Eighty percent of the cargo containers that come into the east coast arrive at that port.

Then there is the 2-mile stretch, from the port to Newark Airport, a stretch of terrain the FBI has called the "most dangerous 2 miles in America."

And Mr. President, Newark Airport is not only the busiest airport in the tri-state area, it is, depending on the time of year, the third or fourth busiest airport in America. A terrorist attack on Newark Airport, or on any of these other possible targets, would have a wide-ranging, long-term effect on our national economy. Protecting these critical national assets must be a national priority.

Regrettably, the current homeland security grant system results in funding allocations that fail to adequately consider the risk, vulnerability and threats posed to specific communities. And that is just plain wrong.

To understand why, we need to look at the practical realities of homeland security.

My home State of New Jersey is on the front lines of terrorism. We lost 700 people on September 11, 2001. Two of the 9/11 terrorists were based in New Jersey and the anthrax that hit this institution originated in New Jersey.

In addition to Port Newark and Newark Airport, the Ports of Philadelphia and Camden are critical vulnerabilities.

New Jersey is home to rail lines, bridges, and tunnels to New York City, as well as chemical plants and nuclear facilities.

Atlantic City has the second highest concentration of casinos in the country.

Wall Street and other financial services firms house important front and back office operations, including clearance and settlement services, and other operations essential to functioning of America's capital markets in Newark, Jersey City, and Hoboken.

To underscore those risks, in the summer of 2004 Newark was one of three locations—including New York City and Washington, DC—that was put on Orange Alert for a possible terrorist attack as intelligence suggested that the Prudential building in downtown Newark could be a target.

And Mr. President, the costs associated with protecting Newark during that period of heightened security alert were very real.

Last year wasn't the first time that New Jersey has incurred substantial costs because of its unique vulnerability.

The post office in Hamilton, NJ, where the anthrax was sent, has had to be cleaned up. The costs are expected to be \$72 million for decontamination

and \$27 million for the refurbishment of the facility.

Yet despite these growing threats to New Jersey—from anthrax to the Orange Alert, and the ever-expanding costs associated with protecting the most densely populated State in the country, remarkably homeland security grants to New Jersey were cut in 2005.

Funding was reduced from \$93 million in 2004 to \$61 million in 2005. Newark has seen a 17-percent reduction in funds, from \$14.9 million to \$12.4 million. And, incredibly, Jersey City's homeland security funds have dropped by 60 percent, from \$17 million in 2004 to \$6.7 million in 2005.

These cuts leave New Jersey—home of countless businesses and people that keep our economic engine moving; home of one of the most active and exposed ports in the country; home of one of the busiest airports in America; home of our Nation's new Homeland Security Secretary—36th in the Nation in per capita homeland security funding.

That, Mr. President, is a travesty.

We must allocate assistance to cities, municipalities and communities according to risk and vulnerability.

Mr. President, it is hard for the people of New Jersey to live through what they have and then see cuts in homeland security. This is an extremely important issue to them and they want and expect change.

I am not seeking to deprive other parts of the country of the homeland security funding they need. But I believe that we must leave it to the Department of Homeland Security to make the determination of what States should receive funding based on need, vulnerabilities, and threats.

The Department of Homeland Security was created to stop terrorism. It is responsible for analyzing intelligence on threats to our Nation and for protecting our people and our infrastructure.

Mr. President, directing our homeland security funding toward those areas that are most at risk is especially critical in times of shrinking budgets. And let me note that the President understands the need for risk-based funding and suggested an approach similar to the Feinstein-Cornyn amendment in his budget for 2006 when he proposed the allocation of \$251 million to each State and \$1.7 billion, or 87 percent of total funds, for higher risk areas based upon need.

By passing the Feinstein-Cornyn amendment, we will continue the critical work of post-9/11 reform that included the creation of the Department of Homeland Security itself, the establishment of the 9/11 Commission, and the passage of the intelligence reform bill.

Mr. President, we need to deal with homeland security as we do national security. That means directing our resources toward making us safer by targeting need, vulnerability, and threat

to address the Nation's homeland security funding needs.

The PRESIDING OFFICER. Who yields time?

Mrs. FEINSTEIN. Mr. President, how much do I have remaining this morning?

The PRESIDING OFFICER. The Senator from California has 4 minutes 10 seconds remaining. The Senator from Maine has 14 minutes remaining.

Mrs. FEINSTEIN. I yield, then, to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I had asked to be yielded to for a question, but if there is no yielding, if the time is charged to me, I do not need consent from anybody. If it is our time, we are going to use it.

I thank the Senator from Maine but would say no thank you, and I will take this brief minute because what we are looking at is what has passed through the committee and what is actually on the floor as an appropriations bill.

Under the appropriations bill—this is CRS—it very simply says \$1.338 billion for the underlying bill creates a shortage for the risk-based of \$183.53 million. We can turn the table, we can play with the numbers, but we are looking at an appropriations bill. And if we do not believe CRS, then I do not know to whom we ought to turn for advice and for understanding.

When the Senator from Maine suggests that my numbers are incorrect, do not take my numbers, please. Just take CRS and see what they say. It makes it all very clear. It is a 60/40 relationship, far different than that which we intended when the amendment passed the committee.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from California.

Mrs. FEINSTEIN. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from California has 2½ minutes remaining.

Mrs. FEINSTEIN. I will use the time, if I might, then. The distinguished chairman of Homeland Security and Governmental Affairs mentioned something which affected me a little bit, and I would like to respond to it respectfully, that our amendment was cobbled together on the Senate floor. I point out that our amendment was introduced as a bill on May 12. I also point out that prior to that we worked on this amendment for at least 6 months with high-risk areas, with cities, with States, and with law enforcement.

This amendment is born in the belief that just as terrorists in Great Britain did not go to Stratford-on-Avon, they went to London; just as 9/11 did not take place in Milpitas, CA, it took place in the financial center of America; and just as the bombers in Spain did not go to a rural Spanish community, they went to Madrid.

Now, I can only use my experience as a member of the Intelligence Committee to say whether it is advisable to have a fixed formula or advisable to give those people who have access to all of the intelligence—intelligence from CIA, intelligence from counterterrorism people, intelligence from the FBI, and all of those who do the risk analysis, whether they should have the flexibility to determine where the moneys go. From my perspective, that is the way to go. From my perspective, America is best protected if we give the people with the knowledge and the intelligence the maximum flexibility to allocate funds based on quality of grants to areas that are likely targets. Nothing can change my mind on this. If you review intelligence, you get an idea of what might be a target and what is not a target.

That is just today. It could change in 6 months. It could change in 2 years. There are many of us who believe we are in this war, this asymmetric, terrible, non-state-actor war, for a long period of time. For me, just as you would give the Joint Chiefs of Staff the ability to mount a battle plan, I think we should give Homeland Security the ability to mount the risk analysis that enables the distribution of grants in the most effective way.

We have tried to do this in our bill. The underlying bill has 70 percent of the funds based on risk; the Collins-Lieberman amendment, 60 percent on risk; and Feinstein-Cornyn, 87.5 percent on risk.

The choice is clear. People who believe differently will vote differently. There is always a question because we know the composition of this body, we know the number of small States, and we know the likelihood that people are going to vote their State. I say to them, whether they do the best thing, if something happens and people look back as to how the money was allocated, I would much prefer to be able to say that the best experts we have made the decisions on the allocation of funds, rather than that I would do it on any other basis, whether that basis is population, whether it is geography, whether it is based on whether you produce food or whether you produce high tech or anything else. The money must go where the threat and risk is, the money must go where the vulnerabilities in the eyes of the terrorists are, and no formula can know where those vulnerabilities are.

The PRESIDING OFFICER. The time of the Senator has expired.

Mrs. FEINSTEIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Maine has 14 minutes remaining.

Ms. COLLINS. Mr. President, before the Senator from California leaves the floor, let me say I admire the Senator from California, who is one of the most careful, thorough Members of this body.

The point that I was trying to make, and perhaps not as artfully as I should

have, is that the Homeland Security Committee has held extensive hearings on the Homeland Security Grant Program. I am not aware of other committees in the Senate having done that. We have held extensive hearings over 3 years. We drafted a bipartisan bill. We received input from a number of groups. We have had two different markups, and the bill was reported unanimously last year, with only Senator LAUTENBERG in dissent this year. So our bill has had a great deal of consideration. That was the only point I was trying to make.

As the Senator knows, I have a great deal of admiration for what a careful legislator she is.

Mrs. FEINSTEIN. If I might say, Mr. President, I have great admiration for the Senator from Maine in the way she has conducted herself and the leadership she has shown.

Ms. COLLINS. Mr. President, let me clear up a couple of misperceptions surrounding this debate. First of all, this debate is not about big States versus small States, although it certainly sounds that way.

Our amendment, for example, is cosponsored by both Senators from Ohio and, in fact, was heavily influenced by and contributed to by the Senator from Michigan, Mr. LEVIN. I ask unanimous consent he be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. One reason our amendment bridges the small State-big State divide is that unlike the alternative amendment, the underlying bill, or current law, our amendment breaks away from a one-size-fits-all approach by establishing this sliding scale minimum allocation. Does a more populous State require more funds to achieve adequate levels of preparedness and prevention? The answer is yes, which is why the 19 most populous and densely populated States would get a higher baseline allocation than the .55 percent that other States would achieve. That includes the State of New Jersey, I would note, which receives considerably more.

Second, the underlying bill is not a middle point between the amendment that Senator LIEBERMAN and I have offered and the Feinstein-Cornyn amendment. In fact, the underlying bill in our amendment includes substantially the same type of baseline allocation for most States. The difference is that under our amendment, the 19 most populous and densely populated States would receive a greater baseline allocation.

If you take into account the sliding scale minimum, which neither of my friends on the other side of the aisle have taken into account when they look at our bill, our amendment and the underlying bill allocates substantially the same amount of funds based on risk.

When we talk about the significance of preventing the next terrorist attack, it is important to note that terrorists

have been proven to use staging areas away from the most obvious targets. So while New York City, Los Angeles, and Washington, DC, are clearly targets, let us not forget that opportunities to catch terrorists, to stop them, exist in places such as Portland, ME; Norman, OK; and Norcross, GA.

As a recent publication of the International Association of Chiefs of Police notes:

Several of the terrorists involved in the September 11 attacks had routine encounters with State and local law enforcement officials in the weeks and months prior to the attack. If State, tribal and local law enforcement officers are adequately equipped and trained, they can be invaluable assets in efforts to identify and apprehend suspected terrorists before they strike.

Let's again look at some of the facts. As the 9/11 Commission report notes, terrorists trained and operated in different parts of the country to prepare for and carry out the September 11 attacks. For example, two of the terrorists were pilots and visited the flight school in Norman, OK. Norman is also where Moussaoui and another terrorist resided while attending school. Two of the terrorists stayed in Georgia, visiting such small communities as Norcross and Decatur before living in Stone Mountain, GA.

Although the 9/11 Commission found no explanation for these travels, the terrorists' mobility reveals an unpredictable pattern that shows that their presence was not confined to large cities. Over and over again, if you look at the list from the 9/11 Commission, you will see that the terrorists trained and lived in rural America, in small communities. As I have said earlier, this issue is very real to us from the Northeast, from the State of Maine in particular, because two of the terrorists started their day on 9/11 from the Portland, ME, airport.

Over and over again, we have seen, from law enforcement, warnings that we need to pay attention to prevention, and that is exactly what this bill does. Local police departments and sheriff's offices provide the bulk of law enforcement services to rural communities, and they are severely constrained by a lack of resources. That is why so many law enforcement groups have endorsed the Collins-Lieberman proposal.

There are other challenges; for example, to our food supply. But I see the Senator from Connecticut is now on the floor, so I yield to him the remaining time before we return to the Reid amendment.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my friend and colleague from Maine. I regret I had other commitments that did not allow me to join with her in defense of our very worthy amendment. I look forward to being back here at 2:15 when we return to it.

Yesterday, I explained why I believe that our amendment is the right thing to do. It is balanced. It increases the funding based on risk to those areas

that have been deemed to be highest risk. But it recognizes a reality that terrorists strike at vulnerable targets. Because they struck Washington and New York on September 11, 2001, doesn't mean that they are not going to strike smaller areas of our country, less populated, in the years ahead. In fact, one of the great fears people have had is of a coordinated series of terrorist attacks on public places outside of large urban areas.

The fact is, those places in America need to have some support from us as well for their first responders and to serve also as first preventers. That is exactly what our amendment does.

The amendment introduced by the Senators from California and Texas would all but eliminate the minimum amount of Homeland Security funding guaranteed to each State and would give the Secretary of Homeland Security almost unfettered discretion over more than 90 percent of Homeland Security grant funds. This amendment that Senator COLLINS and I have introduced dedicates significantly more funding to purely risk-based grants than has been the case in previous years. Under our amendment, it is fair to say that everybody gets more support to protect their citizens against the terrorist threat, including those areas that are deemed to be the highest risk, but at the same time we, in the Collins-Lieberman amendment, strike a judicious balance that would allow each State to achieve basic preparedness.

Further, substantial reductions in the minimum would make it more difficult for States to achieve those essential capabilities, as outlined in the National Preparedness Goals that the Department of Homeland Security has set out for our Nation.

I want to very briefly outline, in the minute or two left before we go to another matter, several reasons why I think we should stick with the balanced approach in S. 21, which is the Collins-Lieberman amendment that came out of the Homeland Security Committee with overwhelming bipartisan support—only one vote against it. While there is a need for more risk-based funding, risk-based methodology is an art, not a science. The bottom line is that while we think we know where terrorists wish to attack based on past experience, the fact is we don't know for sure. They strike hard targets, they strike soft targets.

Risk-based methodology is an art the Department of Homeland Security is still struggling to develop. So let's not talk about it as if it is science. It is prediction. It is a probability. If we focus all of our funding on where those probabilities lead, it will leave most of the country undefended.

Terrorists have demonstrated a willingness to attack a wide variety of targets in a wide variety of places. In 2001, a plot was uncovered by intelligence agencies to attack an American school in Singapore. In 2002, in Bali, terrorists

targeted a discotheque. In 2003, terrorists struck a residential compound in Riyadh. In 2004, terrorists targeted a school in Beslan, Russia. Most of these may not have been considered to be high-risk areas, but nonetheless they were targets of terrorists.

Our own distinguished FBI Director Bob Mueller has said America is awash in desirable targets for the terrorists throughout this country. Funding provided to States outside of the so-called high-risk areas could well be the key to preventing an attack in another State, which I will speak to later in the day.

The Collins-Lieberman amendment will assure that every State can achieve the level of preparedness the Department of Homeland Security has defined for the Nation. It will be a predictable, reliable stream of funding. The bottom line is more States have more to gain from our amendment in defense of our homeland security.

I thank the Chair. Noting the hour, I yield the floor.

AMENDMENT NO. 1129

The PRESIDING OFFICER. Under the previous order, the time until 12 o'clock will be equally divided in the usual form for debate on the Murray amendment.

The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, would you state the pending amendment?

The PRESIDING OFFICER. Under the previous order, there is 30 minutes of debate on the amendment offered by Senator REID on behalf of Senator MURRAY of Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent to add Senators CORZINE, DAYTON, CONRAD, BINGAMAN, and SALAZAR to my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, 2 weeks ago the Senate came together, not as Republicans and Democrats, but as Americans, to do what is right for our Nation's veterans. By a vote of 96-0, we all agreed to increase veterans funding by \$1.5 billion. We agreed to fill the appalling shortfall the VA faces this year by agreeing to that amendment for \$1.5 billion. It was a very clear message that we will be there for the people who have served our country. I was very proud of the Senate when we passed that amendment to do the right thing.

Shortly following that unanimous vote, the majority leader stood on the Senate floor and moved to have the Senate yield to the House of Representatives' lower figure of \$975 million. That would have gone against what this Senate had just agreed to. That proposal by the majority leader also went against what the Senate Appropriations Committee had agreed to earlier that very same day. On a bipartisan and unanimous basis, the Senate Appropriations Committee members reaffirmed that the Senate should approve the full \$1.5 billion in immediate funding for the VA. The Appropriations

Committee and the full Senate unanimously agreed that America's veterans deserve the full \$1.5 billion for this fiscal year. Then there was an attempt to accept a lower number.

We need to make sure in this Senate there is no backtracking and that veterans in this country who have served us honorably do not get shortchanged. To make it clear to our Nation's veterans and to the American public, I am here with my colleague Senator AKAKA and others in the Senate, offering an amendment that clears up this confusion. It clearly says the Senate stands firmly behind our unanimous vote of \$1.5 billion in emergency spending for veterans health care.

If we backtrack, if we walk away from the \$1.5 billion we promised this year for our veterans, our men and women who have served this country honorably will be hurt. If we yield to the House's \$975 million, the VA hiring freeze will remain in place. That means no new mental health specialists will be hired to help our veterans who are dealing with posttraumatic stress disorder.

If any of my colleagues went home as I did last week and talked to returning soldiers from Iraq and Afghanistan, they will know as I do that these mental health specialists are absolutely needed for our men and women who are serving America today.

If we yield to the House's \$975 million, the VA will not be able to build any of the new clinics our veterans have been promised. That means inconvenience and less access to care for the people who have sacrificed for our country. That is not what we promised our veterans. This is a critical priority.

We have a huge problem right now in this fiscal year 2005. Secretary Nicholson has made it very clear that the VA is at least \$1 billion short this year. My colleagues know I have been here since the beginning of the year warning that this problem goes much deeper. Go out to any of your VA facilities and talk to any veterans who are trying to get access and Members will know as I do that veterans are waiting today 3 years for surgery.

The Associated Press reported in the papers today that the Army National Guard is having trouble recruiting the soldiers it needs.

I ask unanimous consent to have that article printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Associated Press]

NATIONAL GUARD MISSES RECRUITING GOAL AGAIN

WASHINGTON (AP).—The Army National Guard, a cornerstone of the U.S. force in Iraq, missed its recruiting goal for at least the ninth straight month in June and is nearly 19,000 soldiers below its authorized strength, military officials said Monday.

The Army Guard was seeking 5,032 new soldiers in June but signed up only 4,337, a 14% shortfall, according to statistics released Monday by the Pentagon. It is more than 10,000 soldiers behind its year-to-date goal of

almost 45,000 recruits, and has missed its recruiting target during at least 17 of the last 18 months.

"The recruiting environment remains difficult in terms of economic conditions and alternatives," the Army said in a statement released Monday. "We are concerned about meeting the fiscal year 2005 recruiting missions, but we are confident that our recruiting initiatives will take hold and the American public will respond."

Jack Harrison, a spokesman for the National Guard Bureau, said that despite the shortfall, the service is still able to meet its commitments to the Pentagon as well as to state governors, who call on the Guard during disasters and other emergencies.

Some governors have complained about shortages of troops and equipment in their Guard units, prompting the Guard to set a goal of keeping half of each state's Guard forces at home at any given time.

The Pentagon has already significantly reduced its use of all Guard and reserve forces in the last two years. In April 2003, during the height of the Iraq invasion, some 224,000 of them across all the services were mobilized for all federal missions both at home and overseas; that figure now stands at 138,000, according to Pentagon statistics.

Harrison acknowledged the heavy use of the Guard in missions in Iraq and Afghanistan has affected recruiting efforts, but noted that the service is ahead of its goals in retaining soldiers who have the option to get out.

"We have folks that are coming back from long periods of time in Iraq and Afghanistan who are reenlisting," he said.

Guard troops make up more than one-third of the soldiers in Iraq, numbering six brigades plus a division headquarters. In the next rotation of troops, to take place over the next two years, the Guard's portion of the total force in Iraq is expected to drop substantially as newly reorganized active-duty Army units come online and take up more duties there, officials said.

In total, the Army Guard has about 331,000 soldiers, 94.5% of its authorized strength of 350,000, officials said.

Pentagon spokeswoman Lt. Col. Ellen Krenke said the Army Guard last made its monthly goal in September 2004, when it exceeded its target by 27 recruits. The last time it made its goal before that was December 2003.

Harrison, however, said the Army Guard had not met its monthly recruiting goal for 20 straight months, since October 2003. Officials could not immediately explain the discrepancy. The Army Guard also missed its annual recruiting goals for 2003 and 2004, Krenke said. The entire Army is suffering from recruiting problems, but the other components of the service—the active-duty force and the Reserve—made their goals for June. Both, however, remain well behind their annual goals, which they measure from October 2004 to September 2005.

The regular Army has recruited 47,121 soldiers, or 86% of its goal of 54,935 for this point in the year. It is trying to reach 80,000 by the end of September. Officials are becoming less hopeful they will make it, even though the summer is considered the high season for recruiting, as recent high school graduates look for jobs.

To deal with the problem, the Army has increased the number of recruiters in its ranks, and augmented incentives for those signing up.

"We think these adjustments will begin to take hold in the upcoming months," the Army statement said.

The Army Reserve has recruited 15,540 soldiers, or 79% of its goal of 19,753 at this point in the year.

All three components of the Army are ahead on their efforts to retain current soldiers. Officials credit that to a desire on the part of the troops to finish the mission of making Iraq a stable democracy.

The only other arm of the military that missed its June recruiting goal was the Navy Reserve, which fell 8% short and remains the same percentage behind its annual goal of 8,733 recruits. The active Navy, Air Force and Marines made their monthly goals, and are at or ahead of their year-to-date targets, the Pentagon said.

The Air National Guard, Air Force Reserve and Marine Corps Reserve made their June goals; of those, the Air Force Reserve and Marine Reserve are at or ahead of their year-to-date goals. The Air National Guard is 17% behind its year-to-date goal of 7,619 recruits.

The Air Force and Navy are seeing far less action in Iraq and Afghanistan than their counterparts in the ground combat forces of the Army and Marines, who have suffered most of the casualties.

Mrs. MURRAY. Mr. President, that article states:

The Army National Guard . . . missed its recruiting goal for at least the ninth straight month in June and is nearly 19,000 soldiers below its authorized strength, military officials said Monday.

Further, the Army Guard:

. . . is more than 10,000 soldiers behind its year-to-date goal of almost 45,000 recruits and has missed its recruiting target during at least 17 of the last 18 months.

Many factors, as we all know, affect recruiting, but how we care for our veterans is absolutely one of them. As George 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 George Washington back in 1789. It is still true today.

We need to show our veterans—today's veterans and those considering military service—we will be there for them. If the Senate retreats from what we agreed to 2 weeks ago, it will tell potential recruits the VA will have a hiring freeze and the VA will not have new clinics and we will not be there for them. That is the wrong message to send.

The Senate agreed our veterans need \$1.5 billion. We agreed on a bipartisan basis. I am offering this amendment today to make sure there is no backtracking and that our veterans get the help they need, they deserve, and they were promised. This is a basic American issue we can and must all support.

If Members vote for this amendment, we are giving the VA money to lift the hiring freeze to hire the medical staff it needs and to open new clinics. We are telling today's soldiers and tomorrow's recruits we will be there for them. But if members choose to vote against my amendment, they are simply voting to keep their local VA hospital overwhelmed and understaffed, telling veterans in your State that they will not get the new clinics they were promised. This vote will send a strong message to today's veterans and tomorrow's recruits.

This Senate needs to make sure we will show those who serve our country that we will be there for them just as they have been there for us.

My colleague from Hawaii is here. He has been a tremendous advocate for veterans. I thank him for all his work.

I yield 5 minutes to the Senator from Hawaii.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. AKAKA. I thank my colleague for her efforts today.

Mr. President, I rise today to once again address the tremendous funding crisis in the VA. I thank my colleague, the Democratic leader, Senator REID, for his determination at this time to ensure that \$1.5 billion is provided without delay. Again, I thank my colleague Senator MURRAY for her efforts as a member of the Committee on Veterans' Affairs.

While we have consensus in both bodies of Congress that VA is facing a tremendous funding shortfall this year, we are lacking consensus on how much should be provided this year. The Senate clearly believes that \$1.5 billion is needed.

The House, on the other hand, has taken the administration's view that only \$975 million is needed.

While I am delighted that the administration has admitted that there is a shortfall, I don't believe that we can now put our faith in their estimate of what VA needs.

As I said last night, judging by the supplemental sent forward by the President, VA officials are less than generous and, frankly, less than accurate.

The \$975 million now proposed by the administration—and carried forward by the House—falls way short of addressing all of VA's problems. Just examine one part of their estimate—their new costs associated with returning service members.

VA now believes that 103,000 more veterans will be treated this year. The cost of treating this kind of patient is \$5,437 a year—as documented by VA data.

Yet, the administration wants to now convince Congress that, in fact, the cost of treating a patient is less than half of this amount. Again, using VA data, the cost of caring for an additional 103,000 returning veterans is \$560 million and not the \$273 million suggested by the administration. And other key programs such as readjustment counseling and dental care were ignored by the House in the VA supplemental.

It is imperative that the Senate again send the House a message that we intend to provide adequate funds.

The Senate has already spoken in a clear and bipartisan manner on this issue.

Given the House's work to provide less than the full amount needed, it is clear that we have more work to do for this year. This amendment reiterates that point.

The battle for next year's funding will be upon us shortly, but we need to shore up hospital and clinic operations today.

I am hopeful that we all learned a clear lesson from this experience, that talking with health care providers in VA hospitals and with the veterans service organizations is invaluable. They told us what was really going on months ago. They are continuing their call for full funding for VA now.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Texas is recognized for the time in opposition.

Mrs. HUTCHISON. Is there a time limit?

The PRESIDING OFFICER. Each side controls 15 minutes. There is 2½ minutes remaining controlled by the Senator from Washington and 14 minutes remaining controlled by the majority leader.

Mrs. HUTCHISON. Mr. President, I commend Senator MURRAY, Senator AKAKA, and all Members who have worked together with Senator FEINSTEIN and myself on this veterans issue.

I spent last Thursday with Veterans' Administration Secretary Nicholson. I am very pleased Secretary Nicholson has done so much to address this issue once he determined from an audit of the agency that we were not going to get through 2005 for the Veterans' Administration without taking from maintenance funds and other funds to cover our operating expenditures. The Secretary could have tried to put this Band-Aid on, but he did not. Secretary Nicholson came right out and said we do not have enough for 2005. We have models that show us what the growth rate for service in the Veterans' Administration would be. The models show about 2.3 percent. That has been the norm throughout the last number of years. But in fact the growth rate is 5 percent. So Secretary Nicholson, Josh Bolton, at the Office of Management and Budget, and the President himself said we are not going to put a Band-Aid on the Veterans' Administration.

Senator MURRAY saw this coming early on. She did believe there were more veterans coming into the system from what she was hearing in the field, and the Veterans' Administration at that time did not see the model that was not working. But when they did, they stepped up to the plate. They have now come back with numbers that are higher than the \$975 million that has been put in an emergency appropriation on the House side just for 2005. Now, our \$1.5 billion that I intend to support is to be spent this year or going into next year if necessary. I am going to support this amendment and, in fact, Mr. President, I ask unanimous consent to be added as a cosponsor of the Murray amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. I do want to say we are continuing to push the ball, but this is not where I want it to end. What I hope we would be able to do, once we talk in a little more detail to the Veterans' Administration Secretary and to Mr. Bolton at the OMB, is to go ahead and pass the emergency supplemental for 2005 that will be more than \$975 million, probably more in the range of \$1.2 billion or \$1.27 billion for 2005, and then come in with another supplemental from OMB to the budget that we would put into our 2006 appropriation, because Senator FEINSTEIN and I are the chairman and ranking member of Veterans Appropriations. Senator MURRAY sits on that committee as well. And we want to do 2006 the right way. We already, through the cooperation of the chairman of the Appropriations Committee and the ranking member, Senator COCHRAN and Senator BYRD, added \$1.3 billion to what was in the President's original request. I believe the President will agree to come in with another add to that of \$1.6 billion or so. So I think if we can continue to work together as we have been, we will have a more definitive answer, but I do not think we ought to stop with what Senator MURRAY is trying to do until we do come to the agreement to solve this problem both for 2005 and for 2006 in the most responsible way.

So I am very happy to cosponsor the amendment knowing we hopefully will finish the emergency supplemental before this bill actually makes it to the President. That would be the goal of all of us, I believe—to have the emergency for 2005 passed this week or at the earliest possible moment and send it to the President so that money becomes available.

In the meantime, I know the Veterans' Administration is not turning anyone away. They are not stopping any dirt from flying for the clinics that are in the process of being built and the hospitals that are on the drawing boards. I know the sincerity of Secretary Nicholson, having traveled with him on Thursday and seeing how much he cares about our veterans getting the best care. This is a decorated Vietnam war veteran. He is a man who graduated from West Point and knows the veterans community very well.

So with that, Mr. President, I am very appreciative of Senator MURRAY bringing this matter to everyone's attention. With Senator AKAKA, we all serve on the Veterans' Affairs Committee as well as the Veterans Appropriations Committee. And speaking of that, Senator CRAIG, the chairman of the Veterans' Affairs Committee, has been a real leader here as well in trying to work this through. I think all of us intend to work on a bipartisan basis, Senator FEINSTEIN and myself on the appropriations side, Senator CRAIG and Senator AKAKA on the Veterans' Committee side, Senator MURRAY as the leader in bringing this to everyone's attention before it became a fact.

I think we have the nucleus here, working with the administration, to do

the right thing and to do it in the right way. I think Secretary Nicholson is to be commended for stepping up to the plate and working with Josh Bolton to do that right thing. There will be no dollar, no dime spared in treating our veterans. It is a part of our war on terror, to make sure those coming home do have the care and service they need. In this war we are seeing many more injuries. That is one of the reasons the tables were skewed, the models that have been used for the future. We have fewer deaths in this kind of conflict on a normal basis, but we have more injuries. And that means we are going to have to take care of these people because they have been taking care of us. We intend to do that and we need to do it on a bipartisan basis. I thank Senator MURRAY, Senator AKAKA, Senator CRAIG, and Senator FEINSTEIN for taking the lead on the Senate side, working with the administration, and I think the veterans can be assured the right thing will be done and this is one more step to make that happen.

I thank the Chair. I yield the floor.

Mrs. FEINSTEIN. Mr. President, I want to thank the Senator from Washington for raising this issue again. Before the Fourth of July recess, the Senate passed this amendment 96 to 0 showing this body's united commitment to our Nation's veterans.

We worked hard with our colleagues across the aisle to ensure that the Veterans' Administration's shortfall in Fiscal Year 2005 was addressed by passing a \$1.5 billion emergency supplemental.

I was disappointed that the House of Representatives did not follow our lead and instead passed a nonemergency \$975 million supplemental appropriations.

I understand that the administration will be submitting a Budget amendment, shortly to address the Fiscal Year 2006 needs of the Veterans' Administration and I look forward to working with Chairman HUTCHISON to ensure that adequate resources are available for veterans health care next year.

In the meantime, I would urge my colleagues to support the Murray amendment which addresses this year's shortfall and reaffirms our commitment to our veterans.

The PRESIDING OFFICER. Who yields time? The Senator from Washington.

Mrs. MURRAY. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Washington controls 2½ minutes.

Mrs. MURRAY. How much does the other side control?

The PRESIDING OFFICER. Five minutes.

Mrs. MURRAY. Mr. President, I would ask if the other side would mind, if they have no other speakers, yielding Senator DURBIN 2½ minutes of their time or if they want to continue.

Mrs. HUTCHISON. I would give some time away, but I would like to be

able to respond. I don't know, because I haven't been on the floor, what the Senator's comments are going to be. If I could reserve a couple of minutes also for rebuttal if I need to, the other side is welcome to go forward.

The PRESIDING OFFICER. Without objection, the Senator from Illinois is recognized for 2 minutes.

Mr. DURBIN. I say to the Senator from Texas, she will not have to rebut any of these remarks because we agree completely. The good thing is we are talking about money for the Veterans' Administration. This is not a hard call. We have veterans returning who need help. Millions of Americans have been promised they will have a helping hand once they serve our country and need assistance in the VA system, and so we try to guess how many dollars will be needed to meet that obligation. It is a very tough calculation, tougher still because we have soldiers coming back from Iraq and Afghanistan and other places who are seriously wounded, as the Senator from Texas has just mentioned, and they, of course, are our high priority.

Senator MURRAY came to the floor months ago and said the administration is not making an appropriate calculation of how much money this is going to cost. We are going to end up having more veterans needing assistance than money to take care of them. For a long time she was a lonely voice, offering amendments to appropriations bills that were being defeated. It turns out 2 or 3 weeks ago she was proven right and the Veterans' Administration came forward and said, We need more money; we don't have enough.

The most positive thing that occurred was immediately Senator LARRY CRAIG, the Republican chairman of the committee, and Senator MURRAY came together and said, Now let's deal with this on a bipartisan basis, and the Senate did, putting \$1.5 billion in emergency funding for the Veterans' Administration.

That is the good news. The bad news is the message did not get across the Rotunda to the House. They decided they were going to cut that amount to \$900 million, almost in half.

You think to yourself: What are they doing here? Aren't they hearing the same things we are hearing? The Veterans' Administration needs the money, the veterans need the money.

So our message is not just to the veterans that we stand behind you. Our message is to the House of Representatives: Stand behind us, join us in the battle for \$1.5 billion to make sure we keep our promise to veterans.

What we are doing, when we are not debating this, is the Homeland Security bill in light of terrorism and threats to the United States. As Senator STABENOW of Michigan has said, we need to be prepared and protected both at home and around the world. If we are going to be protected, we need the best military in the world with our support. This money for the Veterans'

Administration keeps that promise to our soldiers and to our veterans.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Washington.

Mrs. MURRAY. I thank my colleague from Illinois, and I also thank my colleague from Texas.

Mr. President, I saw the Washington Post article yesterday on "VA Hospital in Texas Fights to Stay Open."

I ask unanimous consent that the article be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 11, 2005]

VA HOSPITAL IN TEXAS FIGHTS TO STAY OPEN
(By Sylvia Moreno)

WACO, TX.—Building 7 on the campus of the Veterans Affairs Medical Center here is called Blind Rehab, a special unit for aging vets who have macular degeneration or diabetes-induced vision problems.

But this past year, Blind Rehab began to see a new type of patient: veterans barely past their 20th birthdays, blinded by gunshot wounds and bombs in Afghanistan and Iraq.

"These soldiers now have flak jackets and armor that protect their bodies and keep them alive, but we see traumatic limb injuries and traumatic head injuries," said Stan Poel, chief of Blind Rehabilitation Services at the Waco hospital. "Those are the things that are presenting a challenge to the VA."

These are also the kinds of patients the Department of Veterans Affairs now projects will flood an already overtaxed and underfunded health care system that treated more than 5 million veterans last year.

"Our number one priority is returning service members from the combat theater . . . and to provide world-class health care to veterans, as well as benefits," Veterans Affairs Secretary Jim Nicholson said after a tour late last week of the 127-acre Waco campus, whose neighbors to the west include the huge Army base of Fort Hood, with 41,000 soldiers, and President Bush's ranch in Crawford.

"The increase in demand for our services from what we projected is up 126 percent," he said. "We have to obviously be prepared to ramp up."

The-Waco hospital, with its well-kept pre-World War II red-brick, red-roof-tiled buildings, has provided health care for veterans in central Texas for 73 years. Now it is on the chopping block, scheduled along with 17 other VA hospitals to be closed or downsized as part of an agency plan to restructure the health care system. A 1999 government study found the VA was spending \$1 million a day on buildings it did not need, and in 2003 a government commission recommended closing older, underused hospitals, including the one in Waco. The Waco facility is part of the Central Texas Veterans Health Care System, which also includes a hospital in Temple and outpatient clinics in Austin and five other communities.

For the past two years, Waco officials, residents and veterans groups have been fighting back, emphasizing the importance of the facility's specialized blind rehabilitation, psychiatric and post-traumatic stress disorder units; the large and aging veteran population (Texas has the third-largest population of veterans in the country with 1.7 million, a third of whom received VA health care last year); and, now, the wave of veterans from the wars in Afghanistan and Iraq who will need its services.

"They guaranteed so many years ago that they will take care of [veterans], and I would say they're pretty much going back on their word," said Ron Peterson, 35, an engineer with the 91st Engineer Battalion, 1st Cavalry Division at Fort Hood. Peterson used a day off last week to provide a motorcycle escort for Nicholson's visit to Waco and to register his support for keeping the hospital there open.

Peterson was deployed to Iraq from January 2004 to this February. He was wounded twice, receiving the Bronze Star, two Purple Hearts and an Army Commendation Medal for valor in combat.

"They're not ready for everybody coming back," Peterson said. "They're trying to shut everything down and they're going to need PTSD units. The guys aren't seeing the things they saw in Vietnam, but they're seeing a lot of stuff."

This year, the post-traumatic stress disorder in-patient unit in Waco has seen more than 75 new cases of veterans from Operation Iraqi Freedom. The 15-bed blind rehab unit, which has helped 106 blind veterans this year learn skills such as how to use a walking cane, cook and negotiate e-mail, has a wait list of 73.

"This is the best PTSD facility in the union, and these [guys] are trying to close it down," said Bill Mahon, a Vietnam War veteran and the McLennan County veterans service officer. In the past two years, Mahon has organized several motorcycle rides to the gate of Bush's nearby ranch to protest the proposed closing. "This is not their hospital; it's our hospital."

Nationwide this fiscal year, 250,000 new patients—40 percent of them veterans from Afghanistan and Iraq and 60 percent of them veterans from other eras—have entered the VA health care system, Nicholson said.

As Congress works to eliminate an emergency funding shortfall this year of at least \$1 billion and a projected shortage in the VA health care budget of more than \$1 billion in the coming fiscal year, VA hospitals have felt the impact nationwide.

According to documents released at recent meetings of the House and Senate Veterans Affairs committees, the VA hospital in White River Junction, Vt., was forced to shut its operating rooms temporarily because of a lack of maintenance funds to repair a broken heating, ventilation and air conditioning system. Hospitals in Arkansas, Oklahoma, Mississippi, Louisiana and eastern Texas stopped scheduling appointments for many veterans. The VA medical center in San Diego, with a waiting list of 750 veterans, diverted \$3.5 million in maintenance funds to partially cover operating expenses and delayed filling 131 vacancies for three months to cover operating expenses. The Portland, Ore., hospital delayed non-emergency surgery for at least six months, and 7,000 veterans who use the VA facility in Bay Pines, Fla., are waiting longer than 30 days for a primary care appointment.

"I'm going to go to a civilian doctor rather than wait 70 to 90 days," Douglas McKee, 63, of Chilton, Tex., said as he left the Waco facility on Thursday afternoon. McKee, who said he was disabled by a mine explosion in Vietnam while serving with the 173rd Airborne Brigade, had just learned that his regular doctor was on duty in Iraq and that he could not get an appointment with a new physician until mid-October. He would also have to wait for some of his prescription refills, he said.

"We laid our life on the line and then got blown up and then you come here and you get turned away. That ain't fair," said McKee, who suffers from a variety of ailments and uses a walker to get around. "And then they got all the kids coming back from Iraq."

Nicholson assured hospital employees and veterans gathered for his visit that no decision had been made about the facility's fate and that he had "no predispositions about this at all."

Nicholson, who visited the facility at the request of Sen. Kay Bailey Hutchison (R-Tex.), said he was concerned about the 300,000 square feet of vacant space at the Waco VA. A local advisory group suggested filling the space with nonprofit organizations such as the Salvation Army, which could tailor their services to veterans' needs.

Nicholson will make his decision about the Waco VA early next year, including a proposal to transfer its psychiatric and post-traumatic stress disorder services to Austin and Temple. He warned those gathered that his visit should not be interpreted as "an interception of the process." And he complimented the hospital for its track record. "This is the way the American people want veterans to be taken care of," he said.

As for the hospital's fate, Nicholson said, "the binding question is what's going to be the best for our vets? . . . They did what was best for us and for our country."

Mrs. MURRAY. I know the Senator from Texas was there and was quite startled to hear about the blind rehab unit at the Veterans Affairs Medical Center in Texas and how they have been serving older veterans, but in fact this year they are beginning to see a new type of patient—veterans in their early 20s with macular degeneration or diabetes-induced vision problems. I think it goes to the point of exactly why we are seeing such a tremendous shortfall in the VA today—because of the types of injuries our returning soldiers are having.

I welcome my colleague's cosponsorship, and I agree we do need to look at 2006. We will work with her and the VA Secretary and all Senators on making up the shortfall. But we are here today with the Murray amendment because there has been some confusion in the Senate about how much aid we are going to send to the Veterans Department. We have heard a lot of numbers thrown around and a lot of discussion, but I think why I am here today and why it is so critical is because in the early morning hours just before our July 4 recess, some Senate leaders moved we lay down in deference to the House of Representatives' lower number.

I think in the Senate we need to say there is no confusion. On a unanimous vote we supported \$1.5 billion. The Appropriations Committee, hours after the House tried to limit funding for veterans, unanimously affirmed our support for \$1.5 billion and now the Senate has an opportunity before us to tell our veterans we will do all we can, all we promised, to support and care for them when they return home.

Make no mistake, this Department needs the money. Even before the dramatic, unconscionable shortfall at the Department was revealed, veterans around the country were facing long lines and crumbling facilities. We know the promised clinics are not there, and we know the soldiers returning with posttraumatic syndrome are not being served. The money is critical. I ask the

Senate this morning to say we are sticking with the \$1.5 billion shortfall.

Mr. President, I ask unanimous consent that Senator FEINSTEIN be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I would be happy to yield the remainder of our time to Senator MURRAY.

Mrs. MURRAY. How much time remains?

The PRESIDING OFFICER. There is a total of 2 minutes remaining.

The Senator from Washington is recognized.

Mrs. MURRAY. I thank my colleague from Texas.

I remind all of our colleagues we should not be nickling and diming the Department of Veterans Affairs today. For all of us who have been out on the ground visiting our VA clinics, talking to our soldiers who are returning, it is very clear this war has created a need and demand for us to be there. When we call up our soldiers, we promise them we will be there for health care. It is not right that we sit in hearings and community meetings as I did last week and hear veterans saying: I finally gave up; I went and paid for health care out of my own pocket. That is not what we promised them and that is not a way to get new soldiers which we obviously need to do today.

A train wreck is coming in 2006. I will work with all of my colleagues. I know the administration is looking at sending over a budget amendment and I agree we need to find the money. But for right now we need to pass an emergency supplemental. This Senate has gone on record in the full Appropriations Committee and in this full body and we should have no backtracking. That is why we are voting on this amendment today, once again, to reaffirm our commitment and tell all the men and women who have served us both in this war and in previous wars that we will be there for them.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER (Mr. BURR). The Senator from Texas has 30 seconds remaining.

Mrs. HUTCHISON. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not been ordered.

Mrs. HUTCHISON. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second. The yeas and nays are ordered.

All time having expired, the hour of 12 o'clock having arrived, the question is on agreeing to the Murray amendment. The yeas and nays have been ordered. The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Mississippi (Mr.

LOTT), the Senator from Alabama (Mr. SESSIONS), and the Senator from South Dakota (Mr. THUNE).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER), and the Senator from Alabama (Mr. SESSIONS) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Maryland (Ms. MIKULSKI) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 174 Leg.]

YEAS—95

Akaka	Dodd	Lugar
Allard	Dole	Martinez
Allen	Domenici	McCain
Baucus	Dorgan	McConnell
Bayh	Durbin	Murkowski
Bennett	Ensign	Murray
Biden	Enzi	Nelson (FL)
Bingaman	Feingold	Nelson (NE)
Bond	Feinstein	Obama
Boxer	Frist	Pryor
Brownback	Graham	Reed
Bunning	Grassley	Reid
Burns	Gregg	Roberts
Burr	Hagel	Rockefeller
Byrd	Harkin	Salazar
Cantwell	Hatch	Santorum
Carper	Hutchison	Sarbanes
Chafee	Inhofe	Schumer
Chambliss	Inouye	Shelby
Clinton	Isakson	Smith
Coburn	Jeffords	Snowe
Cochran	Johnson	Specter
Coleman	Kennedy	Stabenow
Collins	Kerry	Stevens
Conrad	Kohl	Sununu
Cornyn	Kyl	Talent
Corzine	Landrieu	Thomas
Craig	Lautenberg	Vitter
Crapo	Leahy	Voivovich
Dayton	Levin	Warner
DeMint	Lieberman	Wyden
DeWine	Lincoln	

NOT VOTING—5

Alexander	Mikulski	Thune
Lott	Sessions	

The amendment (No. 1129) was agreed to.

Mrs. MURRAY. I move to reconsider the vote.

Mr. DORGAN. 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 Massachusetts.

Mr. KENNEDY. Mr. President, I ask unanimous consent to speak as in morning business for 6 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Massachusetts is recognized for 6 minutes.

Mr. KENNEDY. I thank the Chair.

SELECTING A SUPREME COURT JUSTICE

Mr. KENNEDY. Mr. President, President Bush met this morning with the leaders of the Senate and the Judiciary Committee, and I am sure we all have the same questions. Was this really the first step in a serious consultation process that will be meaningful and will continue in the days and weeks ahead? Will the process result in an effort to select nominees who can bring

the Nation and the Senate together instead of further dividing us?

I sincerely hope the answer to those questions is “yes.” Consultation is more than a process, it’s about an outcome. I hope we are not just going through the motions. That will be up to the President. True consultation is not a one-sided conversation. The President must share his thoughts with all of us as well. I firmly believe the Nation wants and needs us to proceed in good faith and with open minds. The conditions are right for serious cooperation between the Senate and the executive, whom the Framers of the Constitution made “jointly” responsible for assuring the quality and independence of the Federal judiciary.

The President has won a second term and does not have to run again. He is freer to carry out his desire to be a uniter, not a divider, despite the pleas from the fringes of the party he leads.

Notwithstanding the constant clamor from the right, the public obviously does not support extreme right-wing positions on key court-related issues. Most Americans opposed the effort by some in Congress to order the courts to intrude into private medical decisions in the Schiavo case. Most Americans also rejected the idea that 200 years of Senate history should be reversed in order to give a narrow Senate majority the absolute power to approve extreme judges.

Our constituents wonder why we seem to spend so much time shouting angrily at one another. “Washington” has lost the respect of many Americans because of the atmosphere of confrontation and conflict that pervades Congress and the executive branch. They much prefer us to spend more time and thought on finding common ground. They know that their families, their local governments, their schools, and their own businesses, could not function if they operated in the kind of hostile, polarized environment that often seems to prevail on issues here.

Since the selection of judges is an area where the constitutional Framers placed the decision in the hands of the Senate and the President, we have a special obligation to make choices and take positions that facilitate cooperation and consensus, and avoid choices and positions that provoke confrontation and conflict.

History demonstrates that the Senate and the President can work together on judicial nominations, especially Supreme Court justices. Many of us have been here for the nominations of numerous new Justices—in my case 18 of them. On 13 of those, there was a consensus, with close to 90 percent more of the Senators voting for confirmation. On 5, there was a unanimous vote in the Senate.

It is not difficult to achieve that kind of consensus. We know what the Court needs and what the country expects. Nominees should be excellent lawyers who respect the Constitution, understand the law, and understand

and respect the vital role of the judiciary in our Government. Most of the public do not want judges whose goal is to advance a result-oriented agenda, or to take the law on detours of their own. They want judges who proceed from the basic principles that unite us, as reflected in the Constitution and in two centuries of our shared history.

Most Americans would agree with Chief Justice John Marshall that to keep the Constitution relevant and responsive, judges have to be willing to look at it not as an inflexible and technical “legal code,” but as a document that sets forth “great outlines” and important goals, with the details to be filled in later, by Congress and the Courts. Certainly, when the Framers wrote the copyright clause of the Constitution, they never contemplated computer downloading, but their objective in that clause is something on which laws and legal decisions can build.

Of course, in the minds of most Americans, what defines this country, and about which our courts must be deeply concerned about is our rights and liberties. That is what our ancestors fought for two centuries ago. That is why the Framers spent so much of their time and effort on a governmental structure and a bill of rights establishing and protecting our freedoms—both freedoms to and freedoms from. That is why we fought a civil war to expand freedom. That is why our ancestors came to these shores in the 1800’s 1900’s why people everywhere still want to come here. There is no freer place in the world, and we must find judges who agree that their first obligation is to keep it that way: to safeguard those freedoms.

Our judges must therefore be aware of freedom’s history, so that they know what happens when we are tempted to dilute bedrock rights and liberties by subordinating them to short-term political expediency. The notorious “Palmer raids” after World War I, the internment of Japanese Americans during World War II, and the McCarthy era during the cold war are obvious examples of past abuses of which Supreme Court nominees should be well aware.

Next only to protection of their freedoms, Americans expect and want fairness. That means the rights and freedoms we cherish must be applicable to all—rich and poor, popular and unpopular, powerful and powerless—especially the poor, the unpopular and the powerless who may have no other recourse. That is what makes America very special among all the nations of the world. Courts cannot cure all the ills of society, but a court system that purports to provide legal remedies for legal wrongs must make those remedies real. It cannot be credible if it erects impenetrable barriers of money, process, or theory that deprive a right of any meaningful reality.

The American people understand that our system of checks and balances

is a cornerstone of our basic rights and liberties. They want us to make sure that the judges we confirm will not permit unconstrained Executive power to usurp legislative power or judicial power. They certainly do not want the Congress or the President to control or interfere with the judiciary. They surely want an independent judiciary.

We can look deeper into each of these general principles on which there is a national consensus, and find areas of agreement and disagreement, but they are clearly a guide for choosing a Supreme Court nominee who can achieve a broad consensus in Congress and the country.

We cannot do so if we adopt an ideological standard promoted by a narrow group as the first principle of the process. It makes no sense to delegate the process to groups or their supporters within the government whose personal goal is to limit the range of nominees to those who will advance their own ideological agenda.

Clearly, the choice is the President’s. We can help him if he chooses the route of cooperation and consensus. Hopefully, he will not follow the advice of those who want to pick fights instead of picking judges.

I would like to see a wide open process that begins with a search for Republicans in all walks of legal life—not just judges—selected for the quality of their minds and their commitment to the law, rather than for their adherence to extreme ideologies. I am confident such a search would produce a wide range of eligible candidates who might be able to gain a consensus in the legal profession, among the American people and with the Senate.

President Bush has a unique opportunity to unite us, not divide us. He has an extraordinary chance to do so with this nomination and perhaps other Supreme Court nominations to come. If he does, American people and American history will thank him.

Mr. President, I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:38 p.m., recessed until 2:16 p.m. and reassembled when called to order by the Presiding Officer (Mr. CHAMBLISS).

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2006—Continued

The PRESIDING OFFICER. There will now be 90 minutes of debate equally divided on the Collins and Feinstein amendments.

Who seeks time?

The Senator from Texas.

Mr. CORNYN. I yield myself 20 minutes from the time allocated for the proponents of the Feinstein-Cornyn amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. I ask unanimous consent—I think Senator FEINSTEIN has agreed—that I be given 10 minutes immediately after the Senator from Texas.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CORNYN. Mr. President, in the debate on the competing amendments, the Collins-Lieberman amendment and the Cornyn-Feinstein amendment, before I get into the body of my remarks, I want to address some criticism that was lodged at the Cornyn-Feinstein amendment. I believe reference was made to the amendment as being “cobbled together.”

I point out to my colleagues that the amendment of Senator FEINSTEIN and myself was not a cobbled-together proposal. Our work was based on work already done in the House of Representatives and in this body as well. We have also worked with a number of cities and States. In fact, our language is precisely the same, or I should say based on Congressman Chris Cox’s legislation, H.R. 1544, which passed in the House 409 to 10, hardly indicative of an amendment that was cobbled together.

The question really is, Who should make the decision on how to allocate homeland security dollars? There has been a lot of discussion about how much money should be distributed as a minimum amount and how much should be distributed based on risk. I ask my colleagues to consider in this war on terror who should make the decisions on how best to allocate resources. Should Congress divvy up the pie and decide to distribute money based on how many pieces of pie ought to be cut up, or should those who have access to the intelligence, who know about risk and how best to allocate our resources to address that risk be the ones to make that distribution?

In our military and national defense, Congress provides for adequate training and equipment for the Department of Defense and then empowers the Department to allocate the resources where it believes they will be the most effective.

I suggest to my colleagues that in the war on terror, the rules should be no different. We should empower the Department of Homeland Security with the similar flexibility to respond and marshal resources as needed.

Finally, just by way of preliminary remarks, this morning Senator FEINSTEIN offered a letter for the RECORD from a number of high-threat cities that support the Cornyn-Feinstein amendment. There have been several additions to the list of cities, including Atlanta, Buffalo, Houston, San Antonio, Seattle, and Toledo. I ask that this updated letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JULY 11, 2005.

Re high-threat cities joint working group on homeland security.

Hon. BILL FRIST,
Majority Leader, U.S. Senate, Hart Senate Office Building, Washington, DC.

Hon. HARRY REID,
Minority Leader, U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR MAJORITY LEADER AND MINORITY LEADER: As cities on the front line of the war on terrorism, we are writing to express our support for the amendment offered by Senators Feinstein and Cornyn to incorporate S. 1013, the “Homeland Security FORWARD Funding Act of 2005, into the FY2006 Homeland Security Appropriations bill. The Feinstein-Cornyn approach best targets first responder funds to areas of highest risk and highest threat throughout the nation. We also write to support homeland security funding for state and local governments at least at last year’s levels. The recent events in London underline the importance of homeland funding for state and local governments.

The Statement of Administration Policy (SAP) issued today, in addressing State and Local Programs, urges Congress to take further steps to increase the share of State grants that can be targeted to where they are needed most, consistent with the President’s request. The Statement further notes, when referring to Potential Amendments, that the Administration “supports efforts to allocate a greater share of homeland security grants based on risk and would be opposed to any amendment that would . . . cap funding for high-threat cities while not providing flexibility to distribute over 90 percent of grant funds on the basis of risk, as proposed in the President’s Budget.” The Feinstein-Cornyn Amendment clearly meets these standards, and the alternative Collins Amendment incorporating S. 21 does not.

The Feinstein-Cornyn Amendment most closely tracks the recommendations of both the 9/11 Commission and the Administration in supporting the principle that homeland security funds should be allocated solely on the basis of risk of terrorism. According to the Congressional Research Service, the Feinstein-Cornyn Amendment would distribute 87 percent of state and local homeland security funds based on threat, compared to only 60 percent distributed based on threat under the Collins Amendment.

The Feinstein-Cornyn Amendment also preserves the critical partnership between the federal government, states and the nation’s highest risk areas by maintaining the Urban Area Security Initiative (UASI) program. These UASI regions have for several years been aggressively working to implement comprehensive plans for terrorism prevention and preparedness approved by their States and DHS. Maintaining the UASI program will preserve and sustain the substantial planning, longterm projects, and regional decision-making processes underway. The Collins Amendment would cap the amount of funds that can go to high-threat cities at 30 percent of the total amount of state and local homeland funding. This cap would restrict the high-threat program to a lesser amount than appropriated in previous years.

The homeland security bill as reported by the Senate Appropriations committee would cut homeland security funding to state and local governments by almost a half billion dollars, \$467 million less than FY2005. Please restore this funding.

We again commend you on your efforts to increase the amount of homeland security funds distributed based on threat, vulner-

ability, and consequences of a terrorist attack.

Sincerely,

City of Anaheim, California, City of Atlanta, Georgia, City of Baltimore, Maryland, City of Baton Rouge, Louisiana, City of Boston, Massachusetts, City of Buffalo, New York, City of Charlotte, North Carolina, City of Chicago, —Illinois, City of Cleveland, Ohio, City of Columbus, Ohio;

City of Dallas, Texas, City of Denver, Colorado, City of Jacksonville, Florida, City of Kansas City, Missouri, City of Long Beach, California, City of Los Angeles, California, City of Miami, Florida, City of New York, New York, City of Newark, New Jersey, City of Oakland, California;

City of Philadelphia, Pennsylvania, City of Sacramento, California, City of San Antonio, Texas, City of San Diego, California, City of San Francisco, California, City of San Jose, California, City of Santa Ana, California, City of Seattle, Washington, City of Toledo, Ohio.

Mr. CORNYN. Finally, by way of preliminary remarks, I have in my hand a letter written by the Secretary of the Department of Homeland Security, Michael Chertoff, dated July 12, 2005, where Secretary Chertoff writes to express his concern with regard to amendments that may be offered to change the first responder grant funding formula. Secretary Chertoff says that he welcomes the efforts by Congress to ensure that more homeland security dollars are distributed on the basis of risk, which is precisely what the amendment Senator FEINSTEIN and I have offered does.

I ask unanimous consent that this be printed in the RECORD at the close of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CORNYN. I rise to join the Senator from California, Mrs. FEINSTEIN, and other distinguished colleagues in urging support for the amendment that we have offered. I am compelled to bring this issue to the Senate’s attention because I think it is imperative that we effectively and efficiently protect our most vulnerable assets and population centers, as this amendment is calculated to do. I am grateful for the opportunity to have this debate, and I certainly want to acknowledge the outstanding work that Senator COLLINS and Senator LIEBERMAN have done on homeland security issues generally.

However, the amendment that Senator FEINSTEIN and I offer takes a different approach than the one they have taken. I submit their amendment, as embodied in S. 21, does not achieve the level of risk-based funding necessary to most effectively spend our homeland security dollars.

We have said it often on the Senate floor and elsewhere that 9/11 has changed everything. The attacks of that day were unprecedented in our history, and they brought home the need for similarly unprecedented security measures. In an effort to respond quickly to the devastation that day wrought in our country, the Federal

Government created a system that worked to raise overall national emergency preparedness to ensure that we would better guard against another such terrorist attack in the future.

So we embarked on shoring up our airline, transportation, border, and port security. We worked to protect our critical infrastructure, to protect our cyber security, our agriculture and food supply systems. But taxpayer dollars are not limitless. Nor do any one of us want to live in a lockdown that would be tantamount to a police state. Rather, in this free society in which we live, Congress must work to ensure that every penny allocated for our homeland security efforts must be directed where it will do the most good.

It is imperative that we guard the places across our Nation where terrorists may strike and where such strikes could do the most harm to our people, to our Government, and to our economy. I believe this is the most responsible way to prepare for any future terrorist attack.

In addition to the important efforts we are undertaking with regard to collecting and analyzing intelligence, we must take the fight on the offensive where the terrorists work, train, and recruit rather than on our homeland. We need to have a system that will protect our most vulnerable population centers and that recognizes the need to protect the critical infrastructure and vital components of our national economy.

I am reminded of a tour that I took recently of several Texas seaports. I visited with port directors, industry leaders, and emergency responders in and around the ports of Houston, Beaumont, and Corpus Christi. These kinds of facilities and the communities that surround them have enormous security needs, and the consequences of a successful terrorist attack on any of these facilities would be devastating, not just to these local communities but to the economic engine that runs this whole country.

The ripples of a successful attack to any one of these areas would reach well into the interior of our country. We should protect our population centers, but we must also realize that when it comes to protecting our economy and vulnerable critical infrastructure, it is necessary to protect the vital components of these systems and not just the population centers. We must take further steps to secure our agricultural and food production systems and protect the ports that ship products in and out of this country. I believe the amendment offered by Senator FEINSTEIN and myself maximizes this kind of flexibility and this kind of protection.

This amendment would require that the Federal Department of Homeland Security funds be allocated to States according to a risk-based assessment. It is vital that we better allocate our limited resources to the vulnerable places in the country that we most

need to protect and that these funds be distributed in an efficient and timely manner.

Senator FEINSTEIN and I have evaluated the 9/11 Commission's recommendations that call for allocation of money based on vulnerabilities. Our legislation provides for a distribution formula for homeland security grants based upon three main criteria: threat, vulnerability, and consequence. This requires States to quickly pass on Federal funds to where they are most needed. This proposal is inspired by the hard work and examination done on this issue by our colleagues in the House of Representatives and in the Senate.

We have also taken input from stakeholders in our respective States and from across the country. It is our hope and intention that by introducing this amendment we can contribute and enrich the public discourse on this critical issue and help move the Nation toward a more rational and effective distribution of our homeland security resources.

Key provisions of this amendment provide establishing a first responder grant board consisting of the Department of Homeland Security leadership that will rank and prioritize grant applications based on threat and vulnerability, enabling a region that encompasses more than one State to apply for funds. The money would still pass through the States but would go to the region to better enable coordination and planning.

This amendment would provide greater flexibility in using the funds, allowing the State to use them for other hazards consistent with federally established capability standards. And it allows States to retain authority to administer grant programs, but there are penalties for States that do not pass funds to local governments within 45 days. If a State fails to pass the funds through, local governments may petition the Department of Homeland Security directly to receive those funds.

In addition to trying to implement a system that was recommended by the 9/11 Commission, Senator FEINSTEIN and I have proposed an amendment that honors the requests of the administration as reflected in the fiscal year 2006 Presidential budget, which calls for awarding funds to meet national preparedness goals and priorities rather than on mandated formulas that bear little relation to need and risk.

It is my concern that our colleagues' alternative approach places too high a priority on providing steady streams of Federal assistance to each State to provide for possible terrorist attacks, with not enough regard to a risk-based consideration. With their proposal, States continue to receive a significant minimum amount, and other States with greater populations and population density get an additional amount. The result, though, is that just over half of the remaining funds are distributed based on risk.

Can the taxpayers afford to keep up that level of support for every State without regard to risk factors as being the predominant concern? Can we afford providing this level of support to every State at the expense of those communities that are most at risk, regardless of whether they happen to be resident in a large State or a small State?

I assert that continuing to spread homeland security funds throughout the Nation without regard to actual risk would be an inefficient approach and would ignore much of what I believe we have learned as part of our efforts to assess our vulnerabilities since the attacks of September 11.

As we have recently learned from the tragic events in London, terror still has the ability and the strength to strike. The effectiveness of our continued vigilance and preparedness relies heavily on the efficient spending of our limited homeland security dollars.

Let me say in closing, at least for this portion of my remarks, I believe Chairman GREGG, the chairman of the Homeland Security Appropriations Committee, and the entire subcommittee have done a very good job trying to address the concerns I have laid out and that Senator FEINSTEIN and I have addressed, our concerns that these funds be primarily allocated on the basis of risk. But I believe we can do better. I believe we can and should do better, and I believe the optimal formula which provides every State with access to homeland security grant funds but which optimizes the receipt and delivery of those funds based on risk, threat, and consequence is the preferable way to go. I urge my colleagues to support the Feinstein-Cornyn amendment.

EXHIBIT 1

U.S. DEPARTMENT OF
HOMELAND SECURITY,
Washington, DC, July 12, 2005.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: As the Senate prepares to debate the FY 2006 Homeland Security Appropriations Act (H.R. 2360), I write to express my concern regarding amendments that may be offered to change the first responder grant funding formula. The Department welcomes the efforts by Congress to ensure that more homeland security dollars are distributed based on risk. The Department of Homeland Security strongly supports authorizing legislation that would distribute Federal homeland security grant funds based on risk and need (the delta between the level of capabilities possessed by a particular jurisdiction and the level set by the National Preparedness Goal) according to the President's budget request, rather than on static and arbitrary minimums.

The Administration strongly believes that Federal homeland security funds should be distributed to our first responders based on risk and need. Since the tragic events of September 11, 2001, we have distributed billions of dollars to our Nation's first responders to prevent and respond to major events. For the Department's primary State assistance program—the State Homeland Security Grant Program—we have complied with Congressional direction to distribute grants according to a formula authorized in the USA PATRIOT Act, which divides nearly half the

funds evenly among all states. We have also complied with Congressional direction to allocate the remaining funds based on population. As we know through experience, however, the threat posed by terrorists and others that would do us harm is ever changing. We, therefore, must not continue to base the distribution of limited homeland security funds on such a static, inflexible formula.

Instead, the Administration strongly supports a methodology that distributes the greatest amount of funds based on risk and need. This is consistent with the President's budget request for Fiscal Years 2005 and 2006, which supported distributing nearly 90 percent of DHS' homeland security grant programs according to risk and need. We also believe it is important for the Administration and Congress to retain the ability to adjust the balance of state and regional grants each year. Such an approach would still provide a minimum funding level for each state, recognizing that each state has unmet homeland security capabilities. For these reasons, the Administration would oppose amendments that would add new bureaucratic requirements and cap funding for high-threat cities while not providing enough flexibility to distribute over 90 percent of grant funds on the basis of risk.

Further, with the development and implementation of the Interim National Preparedness Goal and the accompanying National Planning Guidance, we now have the requisite tools and resources to make more informed decisions on how to focus our finite resources. In coordination with other Federal agencies, DHS has identified the 36 capabilities that are critical to preventing another terrorist attack and, if an attack does occur, to respond and recover in a manner that minimizes loss of life and other damage. We must focus our state and local preparedness efforts on building those capabilities to the right level and in the right places. Funding our first responders based on risk and need gives us the flexibility to ensure our finite resources are allocated in a prioritized and objective manner.

The Department would appreciate your support of legislation consistent with these principles, and looks forward to working with you to ensure that communities across the country improve their preparedness to prevent, respond to, and recover from terrorism and other major incidents.

Sincerely,

MICHAEL CHERTOFF.

The PRESIDING OFFICER. Under the previous agreement, the Senator from New York is recognized for 10 minutes.

Mr. SCHUMER. Mr. President, I rise in strong support of the Feinstein-Cornyn amendment or the Cornyn-Feinstein amendment, whichever it may be, because it would distribute a greater percentage of first responder money to areas that need it the most.

First, I thank my colleagues, Senator COLLINS and Senator LIEBERMAN, for their leadership. They have been at the forefront of saying that we needed a new formula. I think all of us in this area agree. I know they are trying their best to balance the interests of smaller States and larger States, an issue in this Republic since it was founded in 1789. While I do not agree with the way they came out, I have a great deal of respect for their efforts to be fair. If I were from a smaller State, who knows, maybe I would be supporting that formula. I hope not, but that might be the case.

But the reason I feel so strongly about the Feinstein-Cornyn amendment is this: The war on terror is a war we probably faced before 9/11, but we probably only realized we were fighting a full-fledged war after 9/11. The war on terror is a serious one, and I have said time and time again we have to make this a two-front war—a good war on offense, which you fight overseas, and a good war on defense, which you fight here at home.

Unfortunately, because of technology, small groups of bad people can hit any place at any time. Technology allows them to do this. So every one of our citizens is on the front line.

I understand that a Senator from Wyoming or a Senator from Maine or a Senator from Connecticut believes, correctly—or a Senator from Georgia, a middle-size State—believes that their people are on the front line. But I have to tell you that you have to live in New York to understand the difference. It is theoretically possible, of course, that terrorists could hit us everywhere, as I said. But it is not everywhere that has been subject to two devastating terrorist attacks. It is not everywhere where 100 members of the police force are overseas, on their own, trying to figure out intelligence to thwart an attack on our dear city. It is not everywhere, where every bridge in New York, every major bridge, has two police officers at one end and two police officers at the other end, 24 hours a day, 7 days a week.

It is not that the other areas are any less careful; it is just the threat and danger is greatest to us. So it seems patently unfair to say that States that might have a threat but do not have as large, as tangible, as repeated a threat—week after week, month after month—should actually get more money on a per capita basis than States such as New York or California or Texas, which are much more on the front lines simply because they have large agglomerations of people. We all know that is where the terrorists want to hit. They want to try to hurt as many people as they can, and our larger cities and larger metropolitan areas have those concentrations.

You do not read in the newspapers and when we have our intelligence briefings up in 407, when you ask what names have been named, you don't hear the smaller cities. You only hear a handful of names, over and over again. They are not the smaller cities. They are not the smaller States. They are the New Yorks and the Los Angeleses and the Washingtons and the Miamis.

I hope my colleagues in this case would rise to the occasion. Again, I understand that every State has needs. As I said, how can I be sure that if I were from a small State I would not want to favor a formula that had more for the small States? But in New York City, we would like to get a lot of corn subsidies or oil subsidies, but we don't have much corn or oil. This provision

is aimed at threat. It is not something good to have, it is something bad to have, but it is only fair and it is only right that we make this as threat-based as possible.

The great irony is that at the very time when the administration, under Mr. Chertoff's leadership, has made pledges that their discretionary dollars, which is now 60 percent, would be threat-based, we in the Senate are making the formula less threat-based. The great irony is that, if we gave 100 percent of the money to the administration, the areas under the greatest threat would do better than under this proposal. That often doesn't happen when you are from New York City, but this is the case right now.

I hope we rise to the occasion. To have Wyoming get \$38.31 per capita while New York gets only \$5.47 per capita doesn't look like a formula based on threat but looks like a formula based on politics, to me. So we can change this around. The Cornyn-Feinstein bill does not go all the way to make it totally threat-based, but at least it restores some of the balance and makes it fair. I hope my colleagues will rise to the occasion and support a bill that we all know is ultimately the right thing to do. Support the Cornyn-Feinstein amendment which will give the areas under the greatest threat the greatest amount of dollars.

I yield the remaining time to my colleague from California, who generously ceded to me the 10 minutes I was granted.

Mrs. FEINSTEIN. Thank you. We reserve the remainder of that time.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. I yield 15 minutes to the Senator from Connecticut, who is the chief cosponsor of the Collins-Lieberman amendment.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 15 minutes.

Mr. LIEBERMAN. Mr. President, this is an important debate. I wish to give a little background to it because there is a sense in which what is said up here is a contest between the Collins-Lieberman amendment and the Feinstein-Cornyn amendment. Both of these amendments are amendments to the underlying bill. It is in that sense I urge my colleagues to consider the Collins-Lieberman amendment first.

There is some history to this amendment. It just didn't arise up in response to this Homeland Security appropriations bill, but from our committee; Senator COLLINS is the chair and I am the ranking Democrat on the Homeland Security and Governmental Affairs Committee. This is the committee from which the Department of Homeland Security emerged as an entity to be adopted by the Congress and signed and implemented by the President.

We have been concerned about these homeland security grants because, if I am correct, we had some testimony that there was not another grant program of this size, over \$1 billion—over

\$2 billion, actually, last year—that did not have an authorization, that just sort of was in the air.

We wanted to create an authorization for it. We also wanted to create some accountability. This is a lot of money. We, as Senator COLLINS has indicated, create a series of auditing and review processes to make sure the people's money is well spent so we do not find the kind of wastefulness of which Senator COLLINS has given examples. So that is the first thing. The bill, S. 21, that passed our committee overwhelmingly—as a matter of fact, I believe it passed on a unanimous voice vote, bipartisan obviously—becomes this amendment, so it creates an authorization.

Second, it creates a formula. Because the formula has been changing from year to year at the judgment of the Department of Homeland Security and the administration, it doesn't give a predictable flow of funds to the local communities that are trying to prepare themselves to protect us from a terrorist attack, which could occur anywhere in this country.

The second part of it is, how do you allocate the money in the formula? That is what now is at issue between the two amendments that are being debated, the Collins-Lieberman and the Cornyn-Feinstein amendment.

Senator COLLINS and I very strongly believe that our amendment, the committee proposal, is balanced. The choice seems to be, do you allocate based totally on risk assessments or do you allocate based on risk assessments and then give some minimum amount to every State in the country because we are not sure where the terrorists are going to strike next?

My friends who are supporting the other amendment sometimes have seemed to describe what is at issue here as a choice between a congressionally mandated, politically inspired—some dare use the word pork barrel formula—on the one hand and an intelligence-driven, pure risk-based approach determined by the Department of Homeland Security on the other hand. Not true. In fact, contrary to what my friend from New York, Senator SCHUMER, just said, it is not really a battle between big States and small States. It is a much more complicated but very crucial argument here as to how you assess risk in an age of terrorism, post-9/11, when our homeland was struck and 3,000 people were killed.

Sometimes my friends supporting the Cornyn-Feinstein amendment speak about risk assessment as if it were pure science, as if it were an exercise that was 100 percent predictable, as if one could say 2 plus 2 equals 4. That is right, you can say that: 2 plus 2 equals 4. You cannot make that same kind of certain conclusion about risk assessments regarding where terrorists will strike. The fact is, forgive me—maybe don't forgive me—terrorists are inherently irrational, insane, crazy, inhumane. So how could we predict where they are going to strike next?

We understand one of the factors they consider is the visibility of an attack. Presumably that is one of the reasons why they struck on September 11 in New York and in Washington. But that is not the only motivation they have. Their motivation is to create panic and fear in our society.

In fact, they have not always struck major population centers. Remember the disco attacks in Bali, a resort area. Why was that done? There are westerners gathered there, and it was done to terrify people in an area where they would not expect to be attacked. What about the school in Beslam, Russia? That was not a major population center. That was carried out in a community similar to thousands of communities across America for the psychological impact as well as the brutal effect on the children who were there.

When we talk about risk analysis, it is not a certainty. It is an educated guess about where the terrorists are going to strike next. The most likely guess, an educated guess about where they will strike in the United States.

But does that justify not continuing to fund the Homeland Security grants, the local law enforcement personnel all across America in other medium-sized cities and small cities? What about the risk everyone talks about of attacking our food supply or poisoning our water supply? That risk is not in the cities designated, according to the conventional risk analysis, as high risk.

The 9/11 Commission said our failure to be better prepared for September 11, our failure to do more to prevent it was what they described as a "failure of imagination." What did they mean? We could not imagine that people would do what the terrorists did on September 11. And they were right. Therefore, as we think about how best to protect America, we have to put ourselves in the perverse and hateful heads of terrorists. There is all too much of a plausibility that terrorists want to strike not just the major population centers but smaller towns, places where people congregate. Want to create real panic in the United States? Do something like that.

For us to assume, based on essentially an educated guess that is risk analysis, that all the communities around the country that need our help should not get some amount of help seems to me to be without foundation.

Senator COLLINS was very compelling yesterday when she said also that if we take the September 11 attacks and look at places around America where those 19 terrorists gained access to the United States—Portland, ME, for instance; they took off from Portland to head to New York; the small towns where they trained in flying planes, where they acquired equipment to carry out their deadly deeds—we need to provide the kind of support that the Collins-Lieberman amendment provides to law enforcement officers all across America, the 700,000, God bless them, out there risking their lives every day for us.

They are the first responders. But they are also the first preventers, the ones whose eyes and ears are all across America. They see that piece of evidence that makes them suspicious; that can be the thread that will unravel the next terrorist plot, even one targeted toward one of the areas that is higher risk according to these risk assessments.

Senator COLLINS and I tried to balance this. We have deferred to the current risk analysis. We give effectively 60 percent and as high as 70 percent when we follow our sliding scale of money under this grant program to higher risk analyzed places in America. But the rest deserve some support, too. The rest merit some protection, as well. Bob Mueller, the FBI Director, said America is awash in targets. America is awash in possible vulnerable targets for terrorists—and they are all over America. We want to respond in a positive way and work to protect all of America.

This chart is a map of the United States of America. It is a comparison of the impact of the Collins-Lieberman amendment compared to the Feinstein-Cornyn amendment. All the States in green would get more funds under the Collins-Lieberman amendment than under the Feinstein-Cornyn amendment. The big States would also do fine. They get that extra money because of risk analysis. And we defer to that, but we do not yield totally to it.

Incidentally, we have some big States that receive more money under our proposal than under the other, including Texas, Florida, Michigan, and Ohio. Senator LEVIN will explain why, coming from Michigan, he strongly supports this amendment. I hope Members will keep this chart in mind when voting.

The second point, I go back to what I said at the beginning. This is an amendment to the underlying Homeland Security appropriations bill. In addition to the argument about risk and the formula, there is a difference of opinion about money. We have all been talking about this with an intensity after the dreadful attacks in London last week. The current appropriations bill would cut funding in these grant categories from \$2.3 billion down to \$1.9 billion. Senator COLLINS and I and members of our committee believe that is not enough.

I say again what I have said before: We have the best military in the world for a lot of reasons, one of which is we have had the guts to invest in that military, to spend the money on it. We will only have the best homeland defense if we similarly invest. This amendment would raise the authorization level up to \$2.9 billion. That is the least we can do to support our local and State efforts, our first responders and first preventers.

I hope, as our colleagues come to vote on these two amendments at 5 o'clock, they will understand not only the differences in the approach on risk

formula, but the differences between our amendment and the underlying appropriations bill.

In the moment or two remaining, I will speak a little bit about how the Collins-Lieberman amendment improves on H.R. 2360, the underlying bill. We provide States with predictable funding over time. The appropriations bill adopts a different formula this year than last year and may adopt another formula next year. That does not help our local first responders, preventers, Homeland Security agencies in planning and protecting America.

Second, our amendment includes a sliding-scale baseline different from the Appropriations Committee proposal that provides additional guaranteed funds to the largest and most densely populated States.

Third, the amendment provides an overall framework for how Homeland Security funds are to be distributed.

Fourth, there are accountability measures designed to ensure that the grant money is spent properly and effectively. There are no accountability measures in the Appropriations Committee bill. Incidentally, there is no dollar number in the Cornyn-Feinstein amendment as compared to our \$2.9 billion and the Appropriations Committee's \$1.9 billion.

Finally, fifth, our amendment does improve the grants process itself compared to the underlying bill. The Collins-Lieberman amendment does not just establish a formula, it includes measures to streamline and improve the Homeland Security grants process. That includes provisions on applications, planning, and reporting measures to encourage regional coordination, so important in protecting our people from terrorism.

We establish a list of essential capabilities for all jurisdictions so that the Homeland Security Department and the localities understand what capabilities the experts feel they should develop in the local areas to be prepared to prevent, and God forbid, if an attack occurs, to respond to a terrorist attack. And it creates an interagency committee to find ways to eliminate redundant and duplicative requirements for the Homeland Security grants across the Federal Government.

In short, our amendment takes a far more comprehensive approach to the first responder grants than the underlying bill. On that basis alone, not to mention the fairness of our formula, I urge my colleagues to support the Collins-Lieberman amendment.

I yield the floor.

The PRESIDING OFFICER. Who seeks time?

Mrs. FEINSTEIN. Mr. President, I yield 10 minutes to the Senator from Florida, Mr. MARTINEZ.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from Florida is recognized for 10 minutes.

Mr. MARTINEZ. Mr. President, I rise today in support of the Feinstein-Cornyn amendment to the fiscal year 2006

Department of Homeland Security appropriations bill.

The concept of this amendment is simple—to direct homeland security dollars to the areas where the threat of attack is greatest.

It was no accident that when the terrorists attacked our Nation on that September morning they chose to strike at our two most powerful cities, our center for capitalism and commerce, New York, and our center of Government, Washington.

Since that fateful day, we have been fortifying our Nation in order to prevent another attack—and so far we have succeeded—but we must remain vigilant.

And just last week London was hit by a string of deadly terrorist bombings, another heinous and despicable act performed by outlaws too weak to show their face and too naïve to know that this recent attack will only strengthen our resolve to hunt and destroy terrorists and their sympathizers wherever they lie. My heart goes out to our allies and friends in Great Britain and I know all of my colleagues join me in expressing our sympathy and solidarity with the British people.

It was no accident that when the terrorists attacked our Nation on September 11, 2001, they picked powerful, high-profile, and heavily trafficked targets.

Terrorists target areas where they can inflict the most damage and get the most attention, and for those reasons they focus on urban centers, areas of national importance, areas that are highly populated.

But if you include the interests of a region—be they tourist attractions, amusement parks or resorts, at any one time there can be millions of visitors.

For instance, Orange County, FL, is one of the top vacation destinations in the world. In 2003 the region played host to over 45 million visitors.

On March 18, 2003, the Federal Aviation Administration imposed a no-fly zone over the Walt Disney World Resort area—because, according to an FAA spokesperson: “The Disney parks are a potential target of symbolic value . . .” Florida is also home to 14 deepwater ports, many of which are nationally significant and critically important parts of our country's shipping infrastructure.

For example, at the Port of Miami nearly 4 million cruise passengers passed through the Port and over 9 million tons of cargo transited through the seaport. This combination of cruise and cargo activities supported approximately 98,000 jobs, and has an economic impact in Miami-Dade County of over \$12 billion.

The Port of Tampa had over 800,000 cruise passengers and handles nearly 50 million tons per year, or half of the State's total seaborne cargo tonnage. The Port of Tampa is also the largest economic engine in west central Florida.

Again, these examples highlight the issues associated with regional influx.

The whole State of Florida, in fact, now plays host to 77 million tourists a year. That is on top of our 17 million person population.

We cannot overstate the importance of regional concepts and that models created by this amendment will encourage funding to be spent not only on our major cities, but also on those regional centers that require certain protections.

One more point. In a letter. In a letter dated today from Homeland Security Secretary Michael Chertoff, he writes:

Funding our first responders based on risk and need gives us the flexibility to ensure our finite resources are allocated in a prioritized and objective manner.

Secretary Chertoff adds:

The Department of Homeland Security strongly supports authorization language that would distribute Federal homeland security grant funds based on risk and need, rather than on static and arbitrary minimums.

This amendment, the Feinstein-Cornyn amendment, meets Secretary Chertoff's desire, and that is to require the Department of Homeland Security to allocate grants to States based primarily on threat assessment and vulnerability. I believe that kind of discretion to the Secretary of Homeland Security will only enhance his ability to keep our country safe and to respond to the areas of most critical and immediate need and concern.

As a Congress, we must be prudent in appropriating funds to meet our essential capabilities. The ability to meet the risk to our Nation by reducing our vulnerability to attack is essential to our success in defending America in this war on terror.

Mr. President, I ask my colleagues to join me in supporting this important amendment. It is currently a time in which we have been reminded by the events of last week of the importance that we must place on our homeland security, on the security of our Nation in order that we might be able to forestall any future terrorist designs upon our Nation.

I believe the people of Florida will be best served by an approach that bases the decision on the Department of Homeland Security of where the grants may go on the risk and the perceived assessment of that risk and not on some static formula.

Thank you, Mr. President. I yield the remainder of my time back to the Senator from California.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, at this time I would like to yield up to 10 minutes to the Senator from Michigan. I thank the Senator from Michigan for his many contributions to this bill.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I thank the Chair. Let me thank our chairman, Senator COLLINS, for all the work she has put in on

this bill. It is a vast improvement over the formula and over the proposal of the administration, which came to us and which was worked on very hard by Senator COLLINS, Senator LIEBERMAN, and others on the Homeland Security and Governmental Affairs Committee. What we will be voting on at 5 o'clock will be two amendments. The first amendment will be the Collins-Lieberman amendment, which is a significant improvement, it seems to me, from the vantage point of almost every State over the administration proposal. It is that amendment that I want to talk about and which I am proud to cosponsor.

For the past 3 years, the State homeland security grant program has distributed funds using a funding formula that arbitrarily sets aside a large portion of the funds to be divided equally among the States regardless of need. This formula disadvantages States with high populations. While other Federal grant programs provide a minimum State funding level to ensure funds reach all areas of the country, the State minimum formula which has been used to allocate State homeland security program funds in the underlying bill and which was in the administration's proposal—let me correct that—in the underlying bill, the underlying bill is unusually high. The underlying bill basically is a .75 percent minimum guarantee, which is similar to the one which has been in effect until now, and this is an unusually high minimum formula when compared to other formulas in other bills. The most common minimum formula in most programs is .5, one-half of 1 percent.

The .25 percent minimum is more common than the .75 percent minimum. Yet in the bill before us—and I misspoke before when I said the administration's proposal. In the appropriations bill before us it is effectively a .75 percent minimum guarantee, which is significantly higher than most of the kinds of guarantees which have existed in programs similar to this where .5, half of a percent, is the most common formula and, in fact, one-quarter of 1 percent, or .25, is more common than the .75, or three-quarters of 1 percent, which is effectively the minimum guarantee in the Appropriations Committee's report.

We have been working hard to come up with a more equitable formula. We worked very hard, as the Presiding Officer knows, in the committee on which both of us serve. It is a very difficult issue to reach a consensus, and yet we came to a very near consensus in committee. It wasn't unanimous, but it was close to unanimous in committee because of the hard work particularly of our chairman and our ranking member to come up with a formula which would try to treat all of our States equitably.

We did a number of things, but perhaps the most significant addition we made to what has been the practice is that we added a new option basically for high population or high population

density States so that they could choose in effect either between the minimum formula of .55 percent, which is in the Collins-Lieberman amendment, or select another formula which is based more on population and population density. Almost all of our States—not quite all but almost all of our States—as a result of that option that is built into the Collins-Lieberman amendment do better than they do under the bill which is pending before us.

The underlying appropriations bill that provides funding for homeland security grants provides that each State and territory shall receive the same dollar amount for the State minimum as was distributed in fiscal year 2005, and that is what essentially leads to the conclusion that that would be a .75 percent base State funding formula that arbitrarily sets aside a large portion of funds to be divided equally among the States regardless of need.

The authorizing committee—it is a key point here—the Homeland Security and Governmental Affairs Committee is the authorizing committee—after holding hearings and going through a markup passed this compromise formula language which is in the Collins-Lieberman amendment before us, which would allow States to choose either the .55 percent of the total amount appropriated for the threat-based homeland security grant program or—and this is the addition which is so critical to so many of our States—a minimum amount based on a State's relative population and population density. This option for States will provide additional guaranteed funds to the largest and most densely populated States. The remainder of the total funds, approximately 60 percent, would go to the States and regions based purely on risk and threat assessment by the Department of Homeland Security using factors set forth in the amendment—and that is another important point—that the factors for the Homeland Security Department to consider are set forth in the amendment. And then up to half of the remaining funds could be allocated in the discretion of the Department to metropolitan areas.

The amendment sets some guidance, in other words, on the factors to be considered in allocating risk-based funding.

Mr. President, this amendment that is before us represents a compromise. It is a compromise that has the support of small States and many of our largest States and our most populated States. Perhaps not all of them, although I believe by any measure, by any measure, the Collins-Lieberman amendment before us advantages even the most populated States compared to the bill that it seeks to amend.

There will be a later amendment that will be voted upon that from the perspective of a number of States would be an improvement over Collins-Lieberman, but that is not what people have

to vote on, as to whether they support Collins-Lieberman or the Feinstein amendment. People could vote for both amendments. It is not one amendment substituting for the other. This is not a decision as to which is better, vote only for one. From the perspective of some States both of the amendments would be an improvement over the underlying bill.

The reason I am cosponsoring the Collins-Lieberman amendment is I believe it is the result of a carefully crafted compromise which adds a number of critical factors that do not exist in the way funds have been distributed up to now. The addition of the option for the population density factor is a significant improvement over the underlying bill which basically reflects the way funds have been apportioned to now. And the fact that there are also factors which are laid out in the bill to be considered by the Department means that all of us can see when it comes to the discretionary decisions by the Department the factors that the Department is to take into account when apportioning those funds. These are significant improvements in the underlying bill, I believe, for almost every State here. I repeat, the fact that an amendment that we will be voting on subsequently may be better even from the perspective of a number of States should not cause people to vote no on the Collins-Lieberman amendment, which from the perspective, I believe, of almost every State is an improvement on the underlying bill which is before us.

So I commend the Senator from Maine and the Senator from Connecticut for working so hard to try to find a bipartisan approach, an approach which has great equity in it for all of our States greater than, surely, the present status quo, which needs to be changed but which I am afraid would be perpetuated if we simply adopt the Appropriations Committee proposal and if we defeat the Collins-Lieberman amendment. I hope that amendment will be greeted with strong support on the floor because it does represent an improvement from the perspective of almost all if not all States over the underlying status quo.

I thank the Chair. I yield the floor.

Mrs. FEINSTEIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. There is 17 minutes 26 seconds remaining.

Mrs. FEINSTEIN. I think this small chart describes both amendments. The underlying appropriations bill has \$1.39 billion. That is 70 percent of the money. Under the Collins-Lieberman amendment, \$1.155 billion is based on risk. That is 60 percent. And under the Feinstein-Cornyn amendment, \$1.667 billion is based on risk. That is 87 percent. The source is the Congressional Research Service. The Congressional Research Service was called again this morning. They stand by these figures.

Now, let me quickly bring to your attention the position of the administration. The position of the administration is set out in a letter of July 12 signed by Michael Chertoff to Members of the Senate. Let me just read a few parts.

The administration strongly believes that Federal homeland security funds should be distributed to our first responders based on risk and need.

The Administration would oppose amendments that would add new bureaucratic requirements and cap funding for high threat cities while not providing enough flexibility to distribute over 90 percent of grant funds on the basis of risk.

The administration's position is 90 percent of grant funds should be distributed on the basis of risk. The closest amendment to that is Feinstein-Cornyn at 87 percent of grant funds distributed on the basis of risk.

And here is the reason that DHS gives.

DHS is identifying 36 capabilities that are critical to preventing another terrorist attack and, if an attack does occur, to respond and recover in a manner that minimizes loss of life and other damages. We must focus our State and local preparedness efforts on building those capabilities to the right level and in the right places. Funding our first responders based on risk and need gives us the flexibility to ensure our finite resources are allocated in a prioritized and objective manner.

Mr. President, I could not agree with that more. That is why we feel so strongly about our amendment. You have to send the money where the need is.

You have to send the money where the anticipation is that there might be an attack, where the intelligence says—not this body; we don't know—this Nation is vulnerable. What Senator CORNYN and I have tried to do is see that there is enough flexibility to get enough of that money out there. The President has set the standard at 90 percent. Our bill comes to 87 percent.

Unlike the Collins-Lieberman amendment, the Cornyn-Feinstein amendment retains the high-threat cities' Urban Area Security Initiative Program. This program and these regions—some 50 cities—have for several years been aggressively working to implement comprehensive plans. They remain intact, unless the Secretary of Homeland Security decides to the contrary. I included in the RECORD previously the letter from them containing 30 of the cities.

It is actually true this body can vote yes on both amendments. But my view is this: We are spending billions and billions on intelligence. We are beefing up every aspect of intelligence, creating new entities, improving interfacing, giving this huge new Department of Homeland Security all kinds of analysis responsibility. But we are also giving them a formula by which they have to allocate the money. That makes no sense at all. Let them do it on the basis of risk. Let them do it on the basis of threat and vulnerability. Let them move money around as the need indicates.

I don't believe there is anyone in this body who is prescient enough to know where al-Qaida or Gama'a al-Islamiyya or any other group might attack the United States next. One thing we do know, there are terrorist cells in this country, and they are geographically spread across the country. There is no question about that. So why shouldn't the money be based on risk and threat?

This amendment does that: 87 percent of the funds, \$1.667 billion, based on risk. The administration's standard is 90 percent. Our amendment comes closest to that standard.

Mr. President, I yield 6 minutes to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I thank the Senator from California and the Chair.

I want to clear up some of the confusion that took place this morning in our debate over these amendments on homeland security funding. First, I want to make it absolutely clear that we have checked continuously with the CRS. Their report sent to me about the effects of the amendment proposed by Senators COLLINS and LIEBERMAN to this appropriations bill is absolutely accurate. They confirm that the ratio of funds directed to the high-risk areas is at 60 percent and the other distribution is 40 percent. So we take it away from the highest risk areas. The Senator from Maine earlier suggested that CRS has somehow disavowed their memo. That is not so. Again, we have talked to CRS recently and have been assured that the memo sent to me is valid and accurate.

The CRS memo sent to me summarizes how much money the Collins amendment would direct to risk and how much to State guarantees. In a nutshell, the report finds that the Collins-Lieberman amendment would only provide 60 percent of the funding based on risk. The CRS report goes on to explain that the underlying appropriations bill would provide 70 percent of the funding on a risk basis. CRS reports this is a difference of over \$183 million. That is over \$183 million that Secretary Chertoff wanted to send to the highest risk places.

We don't want to tie the Secretary's hands. The administration has been very clear about what they want. They want to put the money where the risk is. That is what makes the most sense.

I have said in the past we are the second theater of war to Iraq because we know that at any time our enemies could attack, and they are not telling us when or where. The fact is, we are all under the misgiving that what happened in London and what happened at the World Trade Center and what happened in Madrid could happen here. How dare we say: No, we have to distribute around to other places. Everybody wants to protect their constituents, small towns, large cities, whatever it is. I don't blame people for that. But when you have a plague in an area, you give the vaccine, if you have it, to

the people who live in that area. When you have an attack on the water, you send the ships to the area. Why in the world are we deciding here and now that we shouldn't give the money to the areas of highest risk?

In my State, a place called South Carney, NJ has a significant chemical manufacturing and distribution operation. If that was attacked and those chemicals were released into the air, we could see 12 million people die. We saw the terrible events in London. It has been said that a couple seconds either way could have created a much higher casualty figure.

Today you heard from the Senator from California that Secretary Chertoff wrote a letter to all Senators. I repeat:

The administration strongly believes that Federal Homeland Security funds should be distributed to our first responders based on risk and need.

You have heard again that Secretary Chertoff wants the flexibility to distribute up to 90 percent of the funds based on risk. Ninety percent is a lot different than a mere 60 percent.

We can't legislate risk. It is that simple. We need to leave this to the experts. Secretary Chertoff is developing analytical tools to target areas of risk and vulnerability. We confirmed him almost unanimously. Now we should let him do the job he has been selected to do.

The 9/11 Commission was adamant that we must distribute homeland security money based on risk. I have talked to former Governor Tom Kean, a distinguished public servant and head of the Commission, about this subject. He continues to demand that we move toward risk-based funding. I remind the Senate that Secretary Ridge, before Secretary Chertoff, supported full funding to go to the areas of highest risk.

There was an arduous effort put into the creation of an intelligence reform bill, led by Senators COLLINS and Senator LIEBERMAN. I say to them: Let's help the administration target real areas of risk and vulnerability. Let's make sure we understand that the authorization for the bill was at \$2.9 billion, around that, and the appropriations bill is at \$1.9 billion. So on the surface it does look like there is more coming to everybody. But it is not true. The fact is, we should not be taking money away from the highest risk areas and dividing it based simply on population.

I hope we will approve the Feinstein amendment and reject the Collins amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, would the Chair inform me how much time is left on the Collins-Lieberman amendment?

The PRESIDING OFFICER. There is 18 minutes 51 seconds.

Ms. COLLINS. Mr. President, I am pleased to yield 5 minutes to the Senator from Nebraska, who has played a

very important role in crafting this legislation.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NELSON of Nebraska. Mr. President, I thank my colleague from Maine for the opportunity to rise in support of the Collins amendment today. I am also a cosponsor of the bill she and Senator LIEBERMAN have introduced, S. 21, the Homeland Security Grant Enhancement Act of 2005. Each year since the attacks on the Pentagon and World Trade Center, many of us have come to the floor to remind our colleagues that terrorism is not only a threat faced by States with large urban populations but also States with large rural populations. Since September 11, States and communities of all sizes have made great strides in preparing for another possible terrorist attack.

Based on the National Strategy for Homeland Security's principle of shared responsibility, Federal, State, and local governments, together with the private sector and the American people, work in partnership to ensure our first responders are well equipped and well trained. States and local governments are responsible for preparing and implementing multiyear plans to ensure our Nation's first responders receive the equipment and training they require. This year we turn our attention to the fiscal year 2006 Homeland Security appropriations bill following the devastating terrorist attack on our closest ally in the global war on terrorism. The coordinated attacks in London last week remind us that Islamic totalitarianism is still a threat to our democratic values and ideals and not solely confined to the borders of Iraq or the Middle East. The bombings on the subway and bus lines in London underscore the fact that terrorists will attempt to attack us when they choose, how they choose, and where they choose. And because terror can strike us anywhere, it is vitally important that our first responders have the funding they need in order to prepare for most, if not every, imagined threat.

Each year we look for better ways to provide homeland security funding for States, be they large or small. The amendment offered by my colleague from Maine would achieve something that has not happened yet with respect to first responder funding. It would provide much needed predictability for our first responder planners. Because there has never been an authorization for this funding, each year, these programs are subject to great debate and amendments on the Senate floor, leaving our city and State officials without any sort of certainty in their preparedness planning. In the years since the attacks of September 11, 2001, the Federal Government has provided States with a share of available homeland security funds through the State Homeland Security Grant Program, SHSGP. This program has been the primary source of coordinated funding for first

responders, allowing States and local governments to build a base capacity by funding essential prevention, preparedness, response, and recovery capabilities. In past years, States have been guaranteed a minimum of .75 percent of these funds.

The Collins amendment would modify the State funding program in three primary ways. First, it would combine three programs into one larger pot of funding. The SHSGP, with the Law Enforcement Terrorism and Prevention Program and the Urban Area Security Initiative, would now become one pool of money to be shared among the States. Second, it would authorize \$2.9 billion in total funding for the three programs. This is important because the trend has clearly been to decrease this amount. Last year's bill included \$2.7 billion in first responder funding, and this year's underlying Senate bill only includes \$1.9 billion for these programs.

Third, it would set the funding formula so that each State would be guaranteed a minimum level of funding, .55 percent of the total funding of the program. The remainder of the funds would be distributed based on risk. This guaranteed funding stream is critical for all of our smaller States. For many of our States, this guaranteed minimum will be most, if not all, of our first responder funding. I am not advocating that homeland security funds be diverted from high risk areas. But, rather, I am saying that rural and smaller States also need assistance in securing their communities and preparing for a possible attack. States set their own priorities when it comes to preparing for terrorist attacks.

The PRESIDING OFFICER. The Senator's time has expired.

Ms. COLLINS. Mr. President, I yield 30 more seconds to the Senator.

Mr. NELSON of Nebraska. Mr. President, our amendment would give the smaller States the ability to have continuity and predictability in budgeting for their plans. I think it suffices to say that our country is only as safe as our weakest vulnerability. We need to make sure every part of the country is prepared, regardless of location or size. The citizens of America expect that everything possible is being done to prevent another terrorist attack, and they expect that if another tragedy were to occur, the response and recovery will be immediate, well coordinated, and well trained.

The Collins amendment will strengthen regional efforts and increase every State's ability to protect both its urban and rural critical infrastructure. Whether it is the protection of an urban shopping mall or the prevention of a rural bioterrorism incident that would affect our food and water supply, these infrastructures in every State must be protected. I urge my colleagues to support this important amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, how much time is remaining?

The PRESIDING OFFICER. There are 12 minutes 42 seconds.

Ms. COLLINS. Mr. President, I yield myself 9 minutes.

Let me make some concluding remarks about the impact of the amendment offered by our colleagues, Senator FEINSTEIN and Senator CORNYN. The fact is that the amendment would decimate the predictable funding levels for States. The minimum in the Feinstein-Cornyn amendment is only .25. It is simply too low to support the efforts by States to have a predictable base level of funding each year to fund multiyear projects, such as creating interoperable communications networks, first responder training programs, or the agriterrorism project that the Midwestern Governors are eager to establish.

I will give you a couple of examples of what the differences would mean. Assuming the Senate bill's appropriation level under our amendment, the State of Georgia could plan on receiving a base amount of \$15.3 million. Under the Feinstein-Cornyn amendment, Georgia would be assured of getting only \$2.4 million as a minimum allocation.

Under our amendment, North Carolina would receive a base of a little over \$15 million. But under Feinstein-Cornyn, the State could only count on \$2.4 million.

Under our amendment, Florida would receive a base amount of more than \$30 million because of the sliding scale minimum. But under the Feinstein-Cornyn amendment, Florida would only get \$2.4 million.

Furthermore, the Feinstein-Cornyn amendment's lack of predictable funding inhibits the ability of States to plan. Both our colleagues' amendment and the Collins-Lieberman amendment would require States to submit 3-year State homeland security plans. Yet, the Feinstein-Cornyn amendment does not provide a predictable base, so such plans would not be a fruitful exercise.

For example, the Feinstein-Cornyn amendment requires that the State plan include "a prioritization of needs based on threat, vulnerability, and consequence assessment, and a description of how the State intends to address such needs at the city, county, regional, tribal, and interstate level."

I simply fail to see how a State could satisfy these ambitious requirements without any assurances that it would receive a significant base amount of funding. Because our amendment provides States with that predictable, substantial base allocation, the 3-year plans would actually become useful roadmaps and would allow for more efficient expenditure of homeland security funds. That is why our amendment is strongly supported over the Feinstein-Cornyn amendment by the National Governors Association.

Mr. President, the Feinstein-Cornyn amendment shortchanges funding dedicated to the prevention of terrorism attacks. It simply does not provide the kind of assured funding needed for law enforcement to help detect and prevent attacks before they occur. Indeed, it takes significant steps backward from what Senators GREGG and BYRD have included in the underlying bill.

The underlying bill appropriates \$400 million for the Law Enforcement Terrorism Prevention Program, which provides funds for police, sheriffs, and other law enforcement personnel to stop terrorist activity before it occurs. By contrast, the Feinstein-Cornyn amendment actually swallows up the existing law enforcement terrorism prevention program, without ensuring any funds whatsoever—any funds whatsoever—for our police, sheriffs, and other law enforcement personnel.

In other words, all of the funding under the Feinstein-Cornyn amendment could be used to prepare to respond to terrorist attacks, leaving efforts to prevent such attacks entirely up to our States and communities.

In sharp contrast, the Collins-Lieberman amendment would formally authorize the Law Enforcement Terrorism Prevention Program and ensure that prevention efforts are adequately protected by treating them as a separate program with different allowable uses than response efforts. That is why the law enforcement community has overwhelmingly endorsed our amendment.

The Collins-Lieberman amendment enjoys the support of the National Troopers Coalition, the Fraternal Order of Police, the National Association of Police Organizations, the International Union of Police Associations, the Association of Chiefs of Police, and the list goes on and on, including the International Brotherhood of Police Officers, the National Organization of Black Law Enforcement Executives, and the National Emergency Management Association.

I ask unanimous consent that the letters from these and other organizations be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LETTERS OF SUPPORT FOR S. 21

NATIONAL TROOPERS COALITION,

Green Bay, WI, June 9, 2005.

Hon. SUSAN M. COLLINS,

Chair, Homeland Security and Governmental Affairs Committee, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN COLLINS: On behalf of the 40,000 state troopers and highway patrol men and women represented by the National Troopers Coalition (NTC), I would like to express our support of S. 21. "The Homeland Security Grant Enhancement Act of 2005."

By bringing together existing programs and initiatives addressing homeland security, this legislation will help streamline and rationalize the process by which grants are made to individual cities and metropolitan regions based on relative threat, vulnerability, and consequences faced by an area from a terrorist attack.

As a nationwide organization, the NTC feels the funding formula proposed in this bill promotes a better level of preparedness and brings some predictability to states for planning purposes. In addition, S. 21 adopts new accountability measures to ensure homeland security grants are used effectively and appropriately.

We appreciate your leadership and support of the law enforcement community, and would like to offer any assistance we can provide for the successful passage of S. 21.

Sincerely,

CASEY PERRY,
Chairman.

FRATERNAL ORDER OF POLICE,
Washington, DC, June 21, 2005.

Hon. SUSAN M. COLLINS,

Chairman, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.

Hon. JOSEPH I. LIEBERMAN,

Ranking Member, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.

DEAR MADAM CHAIRMAN AND SENATOR LIEBERMAN: I am writing to advise you of the position of the Fraternal Order of Police on S. 21, the "Homeland Security Grant Enhancement Act," which was favorably reported by the Committee on Homeland Security and Governmental Affairs in May of this year.

Almost four years have passed since the terrorist attacks on New York and northern Virginia, and at that time it has become clear that the current system of distributing Federal homeland security grants needs to be reformed. Under the current system, not enough of those funds are being targeted to our Nation's primary goal—preventing future terrorist attacks. Your legislation recognizes the fact that the majority of Federal funds have been directed toward "recovery and response" operations, too often at the expense of efforts to prevent future attacks. The Homeland Security Advisory Committee (HSAC) Task Force on State and Local Homeland Security Funding reached this conclusion in its final report, issued last June:

The Task Force found that the vast majority of funds received thus far by State, county, municipal and tribal governments have been spent on emergency response equipment and related training. . . . However, the Task Force also notes that the loss of life, human suffering, social instability, and financial repercussions that would result from a successful terrorist attack mandates that State, county, municipal and tribal governments take aggressive, objectively measurable, and well planned steps to prevent such an attack from occurring. . . . Accordingly, the Task Force strongly recommends that State and local governments consider allocating these and future resources to enhance the ability of State, county, municipal and tribal governments to detect and prevent future acts of terrorism.

The Fraternal Order of Police strongly agrees with the findings of the Task Force and believes that the best way to ensure that these resources are used for prevention is the authorization of the current Law Enforcement Terrorism Prevention Program (LETTP), which is designed to assist law enforcement agencies in developing the capabilities to detect, deter, disrupt, and prevent acts of terrorism. The LETTP allows Federal funds to be used by State and local governments to improve information sharing to preempt terrorist attacks, harden targets to reduce their vulnerability to attack, enhance interoperable communication systems, and to support overtime expenses related to the homeland security plan.

Your legislation is the only bill which formally authorizes this important program. The reported version of S. 21 would allow up to 25 percent of the authorized level of all grant funds to be used for the LETTP, a level which we strongly urge you to consider making the minimum, rather than the maximum, authorized level. This would be consistent both with the needs of the law enforcement community that is working every hour of every day to prevent the next terrorist attack from occurring and with the final recommendations of the HSAC's Task Force on State and Local Homeland Security Funding.

Ensuring that all communities achieve and maintain the appropriate response and recovery capacity for terrorist incidents is, and always will be, a critical component of any homeland security plan. However, it is the goal of law enforcement to ensure that we never have a terrorist incident to respond to or recovery from—we want to stop the attack before it ever occurs. For this reason, we need a greater focus on prevention than is currently the case when allocating Federal homeland security funds. We believe that the authorization of the LETTP is the best way to achieve this goal and the F.O.P. strongly supports your efforts in this regard.

I look forward to S. 21 being considered on the floor and ultimately reconciled with similar legislation that passed the House of Representatives with our support in early May. On behalf of the more than 321,000 members of the Fraternal Order of Police, I want to thank you for reaching out to the F.O.P. to seek our input on this bill and for recognizing the critical role that law enforcement plays in securing our homeland. We appreciate your leadership on this issue and look forward to working with you to enact meaningful grant reform at the Department of Homeland Security. If I can be of any further help, please do not hesitate to contact me or Executive Director Jim Pasco through our Washington office.

Sincerely,

CHUCK CANTERBURY,
National President.

NATIONAL ASSOCIATION
OF POLICE ORGANIZATIONS, INC.,
Washington, DC, May 31, 2005.

Re: S. 21, the Homeland Security Grant Enhancement Act of 2005

U.S. SENATE,
Washington, DC.

DEAR SENATOR: On behalf of the National Association of Police Organizations ("NAPO") representing more than 235,000 law enforcement officers throughout the United States, I am writing to ask you to cosponsor S. 21, the Homeland Security Grant Enhancement Act of 2005. This legislation will reform the homeland security grant system to make it more effective, efficient, and accountable. It will also ensure a significant role for state and local law enforcement in preventing the next terrorist attack.

Sponsored by Senators Collins and Lieberman, S. 21 was reported out of the Senate Homeland Security and Governmental Affairs Committee on April 13, 2005 and is expected to be considered by the full Senate in the next few weeks. S. 21 ensures that law enforcement will have a seat at the table when homeland security resource allocation decisions are being made.

Unlike other homeland security grant proposed, S. 21 ensures that the prevention of terrorist attacks—not just response effects—received a significant share of the homeland security funds. Under S. 21, up to 25% of the homeland security grant funding will be used for law enforcement terrorism prevention purposes, including information sharing, target hardening, threat recognition, terrorist

intervention activities, interoperable communication, and overtime expenses occurred in support of federal agencies for increased border security and training.

S. 21 will also foster the development and enforcement of voluntary consensus standards to improve the safety of first responder equipment and encourage the expansion of the SAVER program, which provides first responder with "consumer report" type information on the performance of various brands of equipment relied on by law enforcement officers every day.

We need to be sure that state and local enforcement are properly supported, trained and equipped to prevent terrorism before it occurs. S. 21 will ensure that state and local law enforcement receive a fair share of federal assistance dedicated for prevention purposes.

NAPO therefore urges you to cosponsor S. 21. The appropriate contacts to do so are Jon Nass with the majority staff of the Senate Committee on Homeland Security and Governmental Affairs, and Beth Grossman with the minority staff.

Sincerely,

WILLIAM J. JOHNSON,
Executive Director.

INTERNATIONAL UNION
OF POLICE ASSOCIATIONS, AFL-CIO,
June 3, 2005.

Senator SUSAN COLLINS,
*U.S. Senate, Dirksen Senate Office Building,
Washington, DC.*

Senator JOE LIEBERMAN,
*U.S. Senate, Hart Senate Office Building,
Washington, DC.*

DEAR SENATORS COLLINS AND LIEBERMAN: On behalf of the more than 110,000 field level law enforcement personnel that the International Union of Police Associations, AFL-CIO represents throughout the United States, I urge you to do everything in your power to convince your colleagues to support S. 21, the Homeland Security Grant Enhancement Act of 2005.

The men and women we represent form the very first line that protects us against terrorist attacks and are the very first to respond to any actions taken against our citizens. Local and state law enforcement officers both need and deserve the support that S. 21 will provide them.

When critical resources are allocated, these brave men and women who willingly rush in to harm's way deserve the guarantees that S. 21 provides—that ensures they will have these resources. Resources that to date have too often been denied them.

We in law enforcement are constantly held accountable for our decisions and actions. It is time that federal decision makers are held to the same standard of accountability. S. 21 will end the old practices that too often resulted in state and local law enforcement receiving little or no support. It ensures that once allocation decisions are made, we will be given an explanation for those grant allocation decisions.

We know from long experience that prevention must come before response. Swift and effective response should only be necessary when those who would do us harm circumvent prevention. By requiring that up to twenty-five percent of the homeland security grant funding will be used for law enforcement terrorism prevention purposes, we will be able to place prevention in its proper place, in front of response. We will have better information sharing, target hardening, threat recognition, terrorist intervention activities, interoperable communication, and overtime expenses to carry out our mission of protecting the American public. Only in this way will we be able to build our nation's prevention capabilities from the ground up.

Please take this message from those on the front line and use it to your best advantage in convincing your colleagues to rally full support for S. 21.

Thank you for your commitment and your consideration.

Sincerely yours,

SAM A. CABRAL,
International President.

INTERNATIONAL ASSOCIATION OF
CHIEFS OF POLICE,
Alexandria, VA, June 21, 2005.

Hon. SUSAN M. COLLINS,
*Dirksen Senate Office Building, U.S. Senate,
Washington, DC.*

DEAR SENATOR COLLINS: On behalf of the International Association of Chiefs of Police (IACP), I am writing to encourage you to co-sponsor S. 21, the Homeland Security Grant Enhancement Act of 2005. The bill, sponsored by Senators Susan Collins and Joseph Lieberman, is designed to reform homeland security grant system in order to make it both more accountable and more effective, thereby increasing the ability of our nation's law enforcement agencies to prevent terrorist attacks before they occur.

As you will see in the attached report, "From Hometown Security to Homeland Security," it is the IACP's belief that in our national efforts to develop the capacity to respond and recover from a terrorists' attack, we have failed to focus on the importance of building our capacity to prevent a terrorist attack from occurring in the first place. While planning their attacks, terrorists often live in our communities, travel on our highways, and shop in our stores. As we have discovered in the aftermath of the September 11th attacks, several of the terrorists involved had routine encounters with state and local law enforcement officials in the weeks and months prior to the attack. If state, tribal, and local law enforcement officers are adequately equipped and trained, they can be invaluable assets in efforts to identify and apprehend suspected terrorists before they strike.

By authorizing for the first time the Law Enforcement Terrorism Prevention Program (LETPP), S. 21 makes prevention a priority, and partners the federal government with state and local law enforcement. Under the bill, up to twenty-five percent of all authorized homeland security grant funding will be used for law enforcement terrorism prevention purposes, including information sharing, target hardening, threat recognition, terrorist intervention activities, interoperable communication, and overtime expenses occurred in support of federal agencies for increased border security and training.

In addition, recognizing how important prevention is, Senators Collins and Lieberman have agreed that they will work to amend S. 21 when it gets to the Senate floor to ensure that a set percentage of homeland security grant dollars are fenced off for LETPP, thus establishing a predictable, significant funding homeland security funding source for this critically-important program. Successful terrorism prevention requires that state, tribal, and local law enforcement across the country continue to receive LETPP funds.

To date, the vast majority of federal homeland security efforts have focused on increasing our national capabilities to respond to and recover from a terrorist attack. These efforts are important and must continue. But we must not ignore the need to build the capacity to prevent attacks. S. 21 strikes a proper balance, and it has the IACP's support.

We therefore urge you to cosponsor S. 21. If you wish to co-sponsor the bill, your staff should contact Jon Nass with the majority

staff of the Senate Committee on Homeland Security and Governmental Affairs, and Beth Grossman with the minority staff.

Thank you for your consideration.

Sincerely,

JOSEPH ESTEY,
President.

UNITED FEDERATION
OF POLICE OFFICERS, INC.,
Briarcliff Manor, NY, June 25, 2005.
Re: S. 21, The Homeland Security Grant Enhancement Act of 2005

U.S. SENATE,
Washington, DC.

DEAR SENATOR: On behalf of the members of the United Federation of Police Officers, Inc. and the United Federation of Security Officers, Inc., I am writing to ask you to co-sponsor S. 21, the Homeland Security Grant Enhancement Act of 2005. This legislation will reform the homeland security grant system to make it more effective, efficient, and accountable. It will also ensure a significant role for state and local law enforcement and Security Officers in preventing the next terrorist attack.

Sponsored by Senators Collins and Lieberman, S. 21 was reported out of the Senate Homeland Security and Governmental Affairs committee on April 13, 2005 and is expected to be considered by the full Senate within the next several days. S. 21 ensures that law enforcement will have a seat at the table when homeland security resource allocation decisions are being made.

Unlike other homeland security grant proposals, S. 21 ensures that the prevention of terrorist attacks, not just response efforts, receive a significant share of the homeland security funds. Under S. 21, up to 25 percent of the homeland security grant funding will be used for law enforcement terrorism prevention purposes including information sharing, target hardening, threat recognition, terrorist intervention activities, interoperable communication, and overtime expenses occurred in support of federal agencies for increased border security and training.

S. 21 will also foster the development and enforcement of voluntary consensus standards to improve the safety of first responder equipment and encourage the expansion of the SAVER program, which provides first responders with "consumer report" type information on the performance of various brands of equipment relied on by law enforcement and security officers every day.

We need to be sure that state and local law enforcement and security officers are properly supported, trained and equipped to prevent terrorism before it occurs. S. 21 will ensure that these agencies will receive a fair share of federal assistance dedicated for prevention purposes.

Thank you for your support and attention to this matter.

Sincerely,

RALPH M. PURDY,
President.

INTERNATIONAL BROTHERHOOD
OF POLICE OFFICERS,
Alexandria, VA, July 7, 2005.

Hon. SUSAN COLLINS,
*U.S. Senate, Dirksen Senate Office Building,
Washington, DC.*

DEAR SENATOR COLLINS: On behalf of the International Brotherhood of Police Officers (IBPO), representing 25,000 rank-and-file officers from across the nation as the largest police union voice in the AFL-CIO, I would like to thank you for your introducing S. 21, the "Homeland Security Grant Enhancement Act of 2005" and inform you of IBPO's wholehearted endorsement of this legislation. S. 21

aims to make Homeland Security grants more effective and efficient. It further, rightly ensures significant support for state and local law enforcement in their work of terrorism prevention.

As the devastating loss of innocent life from this morning's terrorist attacks in London England become fully understood, America is again tragically reminded that those who wish to derail our way of life and trumpet subjection over the goals of freedom will be unrelenting in their efforts of tyranny. The vigilant struggle against such aims in alleviated by proper response and prevention, which this legislation rightly works to guarantee.

Under S. 21, up to 25 percent of the Homeland Security grant funding will be used for law enforcement terrorism prevention purposes. This will include information sharing, target hardening, threat recognition, terrorist intervention activities, interoperable communication, and overtime expenses incurred in support of federal agencies for increased border security and training.

S. 21 will foster the development and enforcement of voluntary consensus standards to improve the safety of first responder equipment. It will also encourage the expansion of the SAVER program, which provides first responders with "consumer report" type information on the performance of various brands of equipment relied upon by the law enforcement community.

IBPO will work to ensure passage of this important legislation and we thank you for your continued support of our nation's law enforcement officers.

Sincerely,

STEVE LENKART,
*Special Assistant to
the President, Director
of Legislative Affairs.*

NATIONAL ORGANIZATION OF BLACK
LAW ENFORCEMENT EXECUTIVES,
Alexandria, VA, July 11, 2005.

Hon. SUSAN COLLINS,
*U.S. Senate, Dirksen Senate Office Building,
Washington, DC.*

Hon. JOSEPH LIEBERMAN,
*U.S. Senate, Hart Senate Office Building,
Washington, DC.*

DEAR SENATORS COLLINS AND LIEBERMAN: The National Organization of Black Law Enforcement Executives (NOBLE), an organization of nearly 3,500 primarily African-American law enforcement CEOs and command level officials writes to express its support and appreciation for S.21 the Homeland Security Grant Enhancement Act of 2005.

S. 21 allocates up to 25 percent of homeland security grant funding to address the critical training, equipment and human resource needs of state and local law enforcement agencies in a proactive manner that will allow for greatly needed prevention efforts.

Our members are on the front lines in the war on terror, and when terror strikes our communities we want them prepared. We want our citizens working in partnership with law enforcement. We want our communities to know that their law enforcement agencies have the necessary resources to minimize death and injury. We need the funding that S. 21 provides, for: planning, training, inter-operable communications, proper protective equipment, information exchange and community based terrorism prevention programs.

We believe that S. 21 will provide state and local officials with not only resources, but also a voice in what is needed to best protect their community. We trust that your colleagues will make a positive commitment to those who are sworn to keep the homeland secure.

Thank you for your leadership on this issue.

Sincerley,

CLARENCE EDWARDS,
National President.

NATIONAL GOVERNORS ASSOCIATION,
Washington, DC, April 22, 2005.

Hon. SUSAN COLLINS,
*Chair, Committee on Homeland Security and
Governmental Affairs, U.S. Senate, Dirksen
Senate Office Building, Washington, DC.*

Hon. JOSEPH I. LIEBERMAN,
*Ranking Minority Member, Committee on Home-
land Security and Governmental Affairs,
U.S. Senate, Hart Senate Office Building,
Washington, DC.*

DEAR MADAM CHAIR AND SENATOR LIEBERMAN: We would like to thank you and the Committee for your attention to state concerns in S. 21, the Homeland Security Grant Enhancement Act of 2005. The bill appropriately acknowledges the need to assure that each state and territory is prepared to prevent, respond to and recover from a terrorist attack. Similarly, we appreciate your recognition that homeland security funding and planning should be coordinated through each Governor's office for maximize the efficiency and effectiveness of homeland security spending and, by extension, the safety of our citizens.

After each state and territory receives a base amount, we believe that additional funding be distributed based on an assessment of risks and threats, the calculation of which should be as transparent as possible given the classified nature of the threat information. Risk and threat assessments should be based on all threats, including, but not limited to, ports, borders, agricultural food production and supply, water supply, fuel, and computer systems.

The Governors appreciate your recognition and inclusion of state and local officials in determining the essential capabilities for first responders. Our homeland security personnel must be included in determining the levels and competences needed in planning and equipping to prevent, prepare for, and respond to acts of terrorism and other catastrophic events; and must be given the flexibility to set priorities based on local or regional needs, while reaching nationally determined preparedness levels.

In addition, Governors support the continuation of separate funding sources for pre-9/11 programs for law enforcement, public health and emergency management; the establishment of a "one-stop shop" to assist state and local officials with information regarding homeland security; the flexibility to use homeland security funds among programs for equipment, training, exercises, and planning; and the ability to pay overtime expenses regarding training activities consistent with the goals outlined in the state plan.

To effectively protect our states and territories from potential terrorist events, all sectors of government must be part of an integrated plan to prevent, deter, respond to and recover from a terrorist act. For the plan to work, it is essential that it be funded through a predictable and sustainable mechanism both during its development, and in its implementation. A minimum allocation to each state and multiyear authorization levels of funding will provide the predictability necessary to implement statewide plans that will assist Governors in securing our nation.

We appreciate the time and attention you have given to some concerns in drafting this measure and look forward to working with you as the bill moves through Senate.

Sincerley,

GOVERNOR RUTH ANN

MINNER,
*Delaware, Lead Gov-
ernor on Homeland
Security.*

GOVERNOR MITT ROMNEY,
*Massachusetts, Lead
Governor on Home-
land Security.*

NATIONAL EMERGENCY MANAGEMENT
ASSOCIATION,

Washington, DC, July 7, 2005.

Hon. SUSAN M. COLLINS,
*Chair, Senate Homeland Security and Govern-
mental Affairs Committee, U.S. Senate,
Dirksen Senate Office Building, Wash-
ington, DC.*

Hon. JOSEPH LIEBERMAN,
*Ranking Member, Senate Homeland Security
and Governmental Affairs Committee, U.S.
Senate, Hart Senate Office Building, Wash-
ington, DC.*

DEAR SENATORS: On behalf of the National Emergency Management Association (NEMA), I would like to thank you for your efforts to enhance the state homeland security grants program in order to build a stronger national emergency response system. NEMA is particularly encouraged by provisions in S. 21 that would continue coordinating federal homeland security funds through the nation's Governors to ensure coordination of funding with priorities identified by the state domestic preparedness plan.

We strongly support the inclusion of a state minimum level of funding for capacity building included in S. 21. State and local capacity building will be increasingly important as we deal with the requirements of Homeland Security Presidential Directive 8 on Preparedness. Additionally, we support efforts to increase state and local flexibility on the use of federal homeland security funds. States and localities have unique needs for addressing homeland security preparedness, as identified in their individual state plans. Further, we also support provisions in S. 21 that would eliminate duplicative planning requirements for state and local governments.

We are also appreciative of your recognition that a match requirement would be too burdensome for state governments to address, especially as we address matters of national security. Additionally, the provision in your bill that creates a Task Force on Essential Capabilities is critical to ensuring that state and local governments, as well as emergency responders are involved in identifying national guidelines from early in the process of development.

Thank you for your contributions to emergency management and homeland security. We truly appreciate the strides that you are making in building upon national capacity to prevent, prepare for, and respond to acts of terrorism, as well as all disasters.

We look forward to continuing to work with you in continuing to develop your legislation.

Sincerley,

DAVE LIEBERSBACH,
*NEMA President, Di-
rector, Alaska Divi-
sion of Homeland Se-
curity and Emer-
gency Management.*

Ms. COLLINS. Mr. President, there are other issues as well that are very important to comment on. Another one is that the Feinstein-Cornyn amendment does not include adequate accountability measures. We know that we need tough accountability measures, such as what is included in the Collins-Lieberman amendment. Such

measures, for example, include a requirement for a GAO audit. We would also require in our amendment—in contrast to the Feinstein-Cornyn amendment—that all spending be tied to achieving essential prevention and preparedness goals.

This is an important point. We cannot afford to have scarce homeland security dollars wasted on leather jackets in the District of Columbia or be used to buy air-conditioned garbage trucks for a New Jersey city. We need to make sure the expenditures are wise and appropriate, and the tough accountability measures included in the Collins-Lieberman amendment will do that.

I note that the Feinstein-Cornyn amendment is silent on an authorization level, and it doesn't attempt to restore the \$900 million in cuts since fiscal year 2004. Only our amendment seeks to stop the reduction of funding for first responders by authorizing a significant level of funding. We didn't go overboard. It is a level of funding that was provided in fiscal year 2004; it is \$2.9 billion.

While we are making progress every year on becoming better prepared to prevent or respond to attacks, we are a long way from completing the task. I note that the Feinstein-Cornyn amendment excludes from risk-based funding substantially all the cities that have not received funds in the past. This is an important point. While the Feinstein-Cornyn amendment purports to authorize the Secretary of Homeland Security to distribute funds as he sees fit based on risk, in reality it effectively restricts the universe of cities that could apply for risk-based funding to those that have received risk-based funding in the past. In this sense, it perpetuates the status quo.

If a city or region has not received risk-based funding in the past and then is faced with a potential threat, for example, due to the construction of a new chemical facility or another piece of critical infrastructure or because it is hosting a large event, it is out of luck; it is ineligible to apply for risk-based funding under the Feinstein-Cornyn amendment.

Finally, let me show you the impact—on this chart in green and white—of the Feinstein-Cornyn amendment. The States in green are better off under the Collins-Lieberman approach—the approach supported by the occupant of the chair. It is virtually every State. I also point out that those seven states in white don't do badly. They do very well because we are doubling the amount of money that is risk-based, and we are also providing for a reasonable minimum allocation.

There it is. I hope my colleagues will consider this. A lot of work went into crafting this amendment. It is a comprehensive approach for a grant program for which we have appropriated billions of dollars, but never authorized. Let's do this right. Let's adopt the bipartisan Collins-Lieberman amendment.

I yield the remainder of my time to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I am glad to summarize on our side. The last opportunity I had to speak, I said that there is a very significant difference, which Senator COLLINS compellingly demonstrated, between the Collins-Lieberman approach to contributing these funds and the Cornyn-Feinstein approach. Of course, I think ours is much more fair.

The amendment Senator COLLINS and I are introducing is an amendment to the underlying appropriations bill. I want to stress the differences between our amendment and the underlying bill. The first goes to funding.

Here is a sad story in the midst of an increasing concern about terrorism. In 2004, the Federal Government appropriated \$2.9 billion to the States and localities in homeland security grants. In 2005, that number was reduced to \$2.3 billion. The President's budget for 2006 recommended slightly over \$2 billion. The appropriations bill that is before us now has slightly over \$1.9 billion.

Senator COLLINS and I do what we think is the minimum we should be doing to protect our people from the threat of terrorism here at home. We went back to the 2004 level of \$2.9 billion. So we increase by \$1 billion the amount of money authorized in the underlying bill.

Secondly, we have a predictable formula. It is not ad hoc every year. It will tell local law enforcement what they can expect to get.

Third, it is a balanced formula. Most of it is based on risk. The rest gives a minimum to each State. Why a minimum to each State? Because who knows where the terrorists will strike next? A lot of emphasis has been put on risk analysis here, Mr. President. I repeat that risk analysis is an educated guess about what these insane, inhumane, hateful terrorists will do next to strike at America.

All of America is vulnerable and all of America needs help. That is why the National Governors Association supports our amendment and most law enforcement agencies do as well.

I thank the Chair and urge support of the amendment. I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 4 minutes 54 seconds remaining.

Mrs. FEINSTEIN. Mr. President, I thank both Senator COLLINS and Senator LIEBERMAN, and particularly Senators CORNYN, SCHUMER, LAUTENBERG, and MARTINEZ, who spoke on behalf of our amendment.

Let me make clear, our amendment does not in any way, shape, or form, we believe, interfere with the authorizing committee. The authorizing committee has the absolute right to set whatever

standards it might want to in operations. What we are trying to do is see that this huge new bureaucracy, which has been set up under the Department of Homeland Security, with all of its robust new intelligence capabilities, is able to put forward a plan and have that plan be funded, and that plan will be based on risk and threat and vulnerability. And, in fact, that is what Secretary Chertoff says in his letter to us, that he and the President want at least 90 percent of the funds devoted on a risk, threat, and vulnerability basis.

He also says they have come up with 36 essential capabilities they believe are critical in preventing another terrorist attack.

I don't think we should go to 60-40. I truly don't believe places should get money just to increase whatever it is they can increase with their own funds. I really believe that because the money is limited, it has to go to places where there are risks, where we know there are targets, where these targets have figured actionable intelligence that has reached us. So that is what we try to do.

Let me summarize once again. Under the underlying bill, the Homeland Security appropriations bill, there is \$1.339 billion based on risk. The Collins-Lieberman amendment has \$1.155 billion based on risk, 60 percent of the dollars. It is, in essence, less than the underlying bill. What we have tried to do is increase the amount on risk. So under the Feinstein-Cornyn amendment, there is \$1.667 billion based on risk. That 87 percent of the available dollars is based on risk.

This does not take anybody out of applying. This does not say this city cannot apply or this town cannot apply. What it says is, if you apply, you are going to be judged on risk, threat, and vulnerability. I actually think that when you have limited numbers of dollars, that is what you have to do.

My friend and colleague, the Senator from Connecticut, mentioned the Bali bombing. And, yes, one might say that is not the capital of Indonesia. But, on the other hand, if we look at Baghdad, if we look at Beirut, if we look at most of the places where these attacks take place, they are in highly symbolic places where the economic and individual damage is large.

When it comes to the United States, many of us fear a large attack, a major attack. So we have to figure, based on intelligence, where that attack is going to come down. Yes, someone might come in through a port, or they might come over the southwest border from Mexico. This is why we are trying to tighten our borders. All of that is true, but we have to figure, if that big attack takes place, where is it going to take place? What is the first response going to be? How fast is it going to be?

The fact is that the British people have done this. They put an emphasis on London. Therefore, when those bombs blew up, the response was fast, and the speed of the response was able

to save lives. So it is a kind of prototype, if you will, of what we are trying to achieve here.

For once, I am on the same note as the administration. We would like to see as much money as possible go to cities based on risk.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. FEINSTEIN. That is what our amendment does. I hope this body will vote yes.

Have I used all my time?

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. FEINSTEIN. I yield the floor, and 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. BYRD. 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. 1200

Mr. BYRD. Mr. President, I ask unanimous consent that the pending amendment No. 1200 be stated by the clerk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself, Mr. KENNEDY, Mr. DEWINE, Mr. CORZINE, and Mr. DODD, proposes an amendment numbered 1200.

At the appropriate place, insert the following:

For necessary expenses for programs authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), \$100,000,000 shall be available to carry out section 33 (15 U.S.C. 2229) for the fiscal year ending September 30, 2005, to be available immediately upon enactment, and to remain available until September 30, 2007.

Mr. BYRD. Mr. President, I thank the clerk.

I ask unanimous consent that the following Senators be added as cosponsors: Messrs. KENNEDY, DEWINE, CORZINE, and DODD. That is it. That completes the list.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I rise today to talk about a very important group of men and women and to offer an amendment on their behalf.

All across this land, there are men and women who put their lives on the line every day fighting fires, over a million firefighters, and over three-fourths of them are volunteers. So when one reads a list of the responsibilities firefighters bear each day, it reads like a litany of good public service: fire suppression, wild land firefighting, hazardous materials response, code enforcement, fire prevention, education, explosives response, investigation, industrial fire prevention and safety, and counterterrorism.

So in this high-technology, post-9/11 world, it is not our father's fire service. Firefighters require the latest equip-

ment and training to cope with changing threats. When our Nation fell under attack on September 11, 2001, firefighters raced into buildings, buildings engulfed in flames, to save people.

Today, over 8,000 firefighters are battling wildfires in eight States that threaten our environment and property. When a house is on fire, firefighters arrive quickly on the scene to rescue people and their pets. They rush into burning buildings to pull people from the mayhem. When vehicles spill hazardous, even toxic materials, firefighters clean up the spill, thereby protecting nearby populations.

They do all of this often without proper equipment, often without enough training, often without sufficient staffing but—but, but—they do it anyway. Yes, they do it anyway, and we are all better off for their bravery.

One could go on and on about these heroes, but words are meaningless without action. That is why I am offering an amendment that will restore funding for the Assistance to Firefighters Grant Program, a program that provides equipment and training for these courageous public servants.

So I say, restore funding for the Assistance to Firefighters Grant Program because the bill that is before the Senate reduces funding for firefighter grants by \$100 million in comparison with last year. There is no justification for this cut. Applications for fiscal year 2005 totaled \$2.7 billion. With the funding that Congress approved, the Department of Homeland Security funded less than one-quarter of the eligible applications.

Instead of responding to this significant demand for firefighter equipment and training, the administration proposed to cut firefighting grants for fiscal year 2006 from \$715 million to \$500 million, a reduction of 30 percent.

Our leader, Homeland Security Subcommittee Chairman GREGG, has done all that he can to address the greatest needs in this Homeland Security appropriations bill for fiscal year 2006. But our bank account—ah, now, there is where the problem is—our bank account was pilfered by a budget proposal from the White House. The White House proposed that the Appropriations Committee raise \$1.68 billion in fees by raising airline passenger fees. The problem is, the Appropriations Committee does not have authority to increase such fees. So what happened? This left the committee with a deep hole to fill, and as a result, our firefighters are \$100 million short.

I received a letter on June 10 of this year from Chief Robert DiPoli, retired, president of the International Association of Fire Chiefs. I shall make this letter a part of the RECORD shortly but not at this moment.

In the letter, Chief DiPoli tells me that the Assistance to Firefighters Grant Program and the Staffing for Adequate Fire and Emergency Response Firefighters, or SAFER, Program are the highest priorities of the

members of the association. He goes on to state that although the fire departments are locally funded and operated, they do provide a national service in times of crisis, whether natural or man made.

Chief DiPoli has said that the Assistance to Firefighters Grant Program is the greatest program ever to hit the streets because fire departments cannot fund all of their needs through bean suppers and bingo games. I have to agree. I agree.

According to a recent study by the U.S. Fire Administration entitled "A Needs Assessment of the U.S. Fire Service," only 13 percent of the fire departments have the equipment and training to handle an incident involving chemical or biological agents, and half of all fire engines are at least 15 years old. Ten percent of fire departments in cities with at least one building over four stories high or higher do not have adequate ladders or aerial apparatus. Overall, fire departments in the United States do not have enough portable radios to equip half of the responders on a shift, and the percentage is even higher in small communities.

So who would want to be a firefighter? I would not want to be, with all of that shortage of equipment.

One-third of firefighters per shift are not equipped with self-contained breathing apparatus.

How about that? This equipment is not cheap. A portable radio costs \$950. A chemical agent detector costs \$8,585. An air pack costs \$4,424. A defibrillator costs \$1,695. Night vision goggles cost \$3,210. Uniforms and other basic gear cost \$1,000. So it is no surprise to me that the demand for this program has grown from \$2.1 billion for fiscal year 2003 to \$2.3 billion in fiscal year 2004 to \$2.7 billion for this year.

What does surprise me, what disappoints me, is that in the face of documented needs—now these are not just "suspicion" needs or "maybe" needs or "perhaps" needs. What does surprise me, what disappoints me, is that in the face of documented needs for better equipment and growing demand for this program, the bill cuts the funding for equipping and training our firefighters.

I am pleased that the bill provides an increase for the SAFER firefighter hiring program. I commend my chairman, Senator GREGG, for his support for the program. Overall, firefighter grants are cut by \$100 million. Firefighters in both big cities and small towns across this land face new challenges every day, while maintaining their traditional missions. They should not rely on bean suppers and bingo games to raise the funds to pay for their needs on the job. Individually and collectively, we are safer with properly equipped and trained firefighters. As a Nation, we rely on their capabilities. Therefore, Federal dollars are wisely invested in the effort.

That brings me to the present moment. I offer this amendment to provide \$100 million to the Assistance to

Firefighters Grant Program. By approving this amendment, the Senate will be answering the call, will be saying, We hear you, we hear what you are saying, will be answering the call from our firefighters.

This is a modest amendment. It simply restores firefighter grants funding to the fiscal year 2005 level of \$715 million. Even if this amendment is adopted, the firefighting program will be almost \$300 million below the level authorized by Congress. I wish we could do more, but this is the least we can do.

I urge my colleagues on both sides of the aisle to adopt the amendment. I ask unanimous consent that the letter to which I earlier referred from Chief Robert A. DiPoli be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INTERNATIONAL
ASSOCIATION OF FIRE CHIEFS,
Fairfax, VA, June 10, 2005.

Hon. ROBERT C. BYRD,
Ranking Member, Subcommittee on Homeland Security, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR SENATOR BYRD: As you craft appropriations legislation for Fiscal Year 2006 (FY 2006), I would like to draw your attention to two critical federal grant programs for first responders: the Assistance to Firefighters Grant Program (commonly known as the "FIRE Act") and the Staffing for Adequate Fire and Emergency Response Firefighters Act of 2003 (commonly known as "SAFER"). The FIRE Act and SAFER are two of our members' highest priorities, and we ask that you provide full funding for both programs in your bill.

Established in 1873, the International Association of Fire Chiefs (IAFC) is a powerful network of more than 12,000 chief fire and emergency officers. Our members are the world's leading experts in firefighting, emergency medical services, terrorism response, hazardous materials spills, natural disasters, search and rescue, and public safety legislation.

Though fire departments are locally funded and operated, they provide a national service in times of crisis, whether natural or man-made. That means preparing for everything from hurricanes and wildfires to potential acts of terrorism. America's fire service is ready, willing and able to answer the public call.

To do so, however, America's fire service must be adequately staffed, trained and equipped. In December 2002, the U.S. Fire Administration (USFA) and the National Fire Protection Association (NFPA) issued a joint study entitled A Needs Assessment of the U.S. Fire Service. While the federal government has since begun funding state and local homeland security programs, the NFPA believes that the following statistics still reflect the problems that America's fire service faces in meeting basic mission needs. For example:

Half of all fire engines are at least 15 years old.

On the whole, fire departments do not have enough portable radios to equip more than about half of the emergency responders on a shift.

About one-third of firefighters per shift are not equipped with self-contained breathing apparatus (SCBA), and nearly half of SCBA units are at least 10 years old.

An estimated 57,000 firefighters lack personal protective clothing.

This report also documented a significant deficiency in firefighter staffing. NFPA

Standard 1710 requires that a minimum of four firefighters respond to an event. An alarming number of both volunteer and career fire departments are unable to meet this safety standard.

The USFA/NFPA report found that at least 10% of volunteer firefighters serve in fire departments that cannot achieve a standard minimum response to a mid-day house fire.

A 2003 report by the NFPA entitled Preparing for Terrorism: Estimated Costs to U.S. Local Fire Departments estimated that more than 50,000 new career firefighters are needed to provide an adequate baseline level of response. To adequately respond to a terrorist attack, the nation would need 75,000 to 85,000 new career firefighters.

To help address some of the glaring deficiencies in equipment and training, Congress passed the FIRE Act in 2000. Congressional, administration, and fire service officials alike have called the FIRE Act one of the very best federal grant programs. The U.S. Department of Agriculture (USDA) issued a program analysis in 2003, proclaiming that the FIRE Act works. In USDA's own words, the FIRE Act "has been highly effective in increasing the safety and effectiveness of grant recipients . . . 99 percent of program participants are satisfied with the program's ability to meet the needs of their department . . . [and] 97 percent of program participants reported positive impact on their ability to handle fire and fire-related incidents."

There are good reasons for the FIRE Act's success, and they are the five pillars of the program. First, funds go directly to local fire departments for the purposes intended. There is no opportunity for the money to get bottlenecked at intermediate levels as with so much other first responder funding. Second, grants are awarded on a competitive basis, and not on a predetermined formula. Third, grant applications are peer-reviewed. Fourth, grants are supplemental only; they may not supplant local funds. The fifth and final pillar of the FIRE Act's success is that it requires a co-payment by the community, and thus ensures community "buy-in" to the idea of improving the fire service and, therefore, advancing public safety.

As with the FIRE Act, SAFER would use a competitive and peer-reviewed application process, and grants would be supplemental only. Grants would be for a four-year period, during which time the federal contribution would phase down from 90 percent to 30 percent. Grantees must commit to retaining new hires for an additional year. At least 20 percent of funds would be reserved for volunteer firefighters.

In FY 2005, Congress funded the FIRE Act at \$650 million and SAFER at \$65 million. We ask that you include funding at the full authorized levels for these two critical programs in your budget plan for the coming year.

Thank you for your consideration.

Sincerely,

Chief ROBERT A. DIPOLI (Ret.),

President.

Mr. BYRD, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I appreciate the proposal of the Senator from West Virginia. It is sincere and well intentioned. Obviously, if we had the extra money, I would do it. Unfortunately, we are working within budget restraints, and the decision was made within this bill to move dollars from accounts that we felt had either robust funding or a fair amount of money still in the pipeline toward accounts where we knew we had great needs such as weapons of mass destruction and border security.

I simply note that in the area of firefighter assistance, since 2003 we have put \$2.5 billion into this initiative. In an earlier amendment, we moved money from the equipment funds over to the staffing funds so that we now have \$115 million in this budget for staffing initiatives, which I think is very important because of that \$2.5 billion, a very small percentage has been spent on staffing. As the Senator from West Virginia noted, we need to get people up to speed as to training and staffing capabilities.

We retain still \$500 million for equipment in this bill, which is a fair number of dollars. We have approximately \$715 million in the pipeline which has not gone out yet from 2005. Hopefully it will go out quickly and soon, but it has not gone out yet. So we know there is a fair amount of money in the pipeline.

Overall, the funding for firefighters, since 2003, is now over \$3 billion, which is a very strong commitment to our firefighter community and one which is very appropriate considering, as the Senator from West Virginia has so effectively outlined, the risks which these people undertake every day for our safety. So we believe that this is a strong commitment to the firefighter community. We would like to do more if we could do it within this budget context, but we cannot. Unfortunately, this amendment would put us outside of the budget guidelines we are presently pursuing or subject to.

In addition, of course, many of these firefighting departments can obtain money from their State plans on top of the earmarked funds which go to the fire departments, the earmarked firefighting funds of \$3 billion. There is the rather significant and robust commitment of over \$14 billion which has been made toward first responder activity generally, and all of these dollars would theoretically be available to fund firefighters.

Obviously that is not going to happen, but clearly, if the State plan decides they need more money in their firefighter community, a State plan can allocate that money for those firefighter initiatives beyond the money which comes through this \$3 billion initiative over the last 3 years. So this is a strong commitment to the firefighter community, and it is an attempt to reorient that commitment so that we focus more on staffing than on equipment, which we feel has received a disproportionate amount of the funding over the last few years at the expense of the staffing and training activities.

That is where we stand in this bill. I believe the bill is reasonable on this point. At the proper time, obviously a point of order will lie against this amendment, and I would presume that we would have to make it.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Would the able chairman yield for a comment?

I urge the chairman not to raise the budget point of order at this time. I wonder if perhaps I might implore the chairman to work with Chairman COCHRAN to approve using a portion of the fiscal year 2005 allocation for our firefighters so that this amendment would not be subject to a point of order. Would the very able chairman be willing to give some consideration to my request in this light?

Mr. GREGG. Mr. President, I know the Senator from West Virginia, the senior Senator in the Senate and the ranking member of the full committee, has discussed this matter with Senator COCHRAN. I am perfectly willing to pursue that course. I am willing to talk with the chairman of the full committee on that point, but I think probably from the chairman's position—I cannot make his case because I have not talked to him about it but suspect his concern is that opens the door that could lead to a large amount of authorization from 2005 being used, which would then generate outlays in 2006 which would absorb money that I suspect the chairman of the full committee feels he is going to need in order to meet what is a fairly tight budgetary restriction already subjected to the 2006 bill.

So I can understand if the chairman of the full committee might be reticent to accept such a request, but I will certainly be happy to—well, I will not need to pass it on because I know the Senator from West Virginia has, but I would be happy to sit on the sidelines and allow these titans to settle this issue.

Mr. BYRD. Mr. President, if the distinguished Senator would allow me further just to say that I thank the chairman for his consideration that he is giving to my request. I might add, firefighters and the communities they protect ought not to be penalized by inside-the-beltway procedures. We are in this tough position because the White House proposed that the Appropriations Committee raise \$1.68 billion by increasing airline passenger fees.

I have gone over this already, but I have to say again, as I said earlier, that the Appropriations Committee does not have authority to increase these fees. Therefore, we have been left with a gaping hole in resources, and this means that our firefighters are going to suffer a funding cut of \$100 million below the fiscal year 2005 level.

Some Senators might be surprised to know that the United States has one of the highest fire death rates in the industrialized world at 13.5 deaths per million population. Fires kill more Americans than all natural disasters combined. In 2003, 3,925 civilians lost their lives as a result of fire, and 111 firefighters were killed in duty-related incidents. In that same year, 18,125 civilians suffered injuries that occurred as a result of fire. So there is a real need for this funding. Communities

need the money to buy essential equipment. This is not a case of throwing dollars at fire departments so they can buy extravagant items.

This is a very modest amendment. Even with adoption of the amendment, the program will still be \$300 million below the level authorized by Congress. Last year, the Department of Homeland Security was unable to approve over \$2 billion in eligible applications for equipping and training our firefighters because of lack of funding. We ought to do everything we can to meet this demand for equipment and training for our firefighters.

The Appropriations Committee currently has \$1.058 billion in budget authority available under the 302(b) allocation for fiscal year 2005. So the reason I have asked my beloved chairman, Senator GREGG, to consider discussing this with Chairman COCHRAN is that if Chairman COCHRAN made just \$100 million of this unused allocation available to homeland security, this amendment would not be subject to a Budget Act point of order.

I again thank my friend, the chairman, for at least saying that he will withhold the point of order, and that he will give this matter some further consideration.

Before I yield the floor, I ask unanimous consent to add Senators LIEBERMAN and MIKULSKI as cosponsors to my amendment.

I yield the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Hampshire.

Mr. GREGG. Obviously I am perfectly happy and do not intend to make this point of order until the Senator from West Virginia feels he has had adequate time to discuss this matter with the chairman of the full committee, and hopefully it can be resolved.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I ask that prior to the votes which are to occur at 5 o'clock on the Feinstein and Collins amendments—I guess the Collins amendment will be first—that 4 minutes be equally divided between the two sides with 2 minutes under the control of Senator COLLINS and 2 minutes under the control of Senator FEINSTEIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. I make a point of order a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KERRY. 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. 1162

Mr. KERRY. Mr. President, I call up an amendment numbered 1162.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

Mr. KERRY. I thank the Chair. I offer this amendment together with Senator LAUTENBERG and Senator CORZINE.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Massachusetts [Mr. KERRY], for himself, Mr. LAUTENBERG, and Mr. CORZINE, proposes an amendment numbered 1162.

Mr. KERRY. 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 require the Inspector General to report to the Congress on the port)

On page 100, between lines 11 and 12, insert the following:

SEC. 519. Within 90 days after the date of enactment of this Act, the Department of Homeland Security's Office of Inspector General shall issue a report to the House and Senate Committees on Appropriations, the House and Senate Committees on Homeland Security, and the Senate Committee on Commerce, Science, and Transportation regarding the steps the Department has taken to comply with the recommendations of the Inspector General's Report on the Port Security Grant Program (OIG-05-10).

Mr. KERRY. Mr. President, this is a rather straightforward amendment, not very complicated in its scope but important in its scope. I offer it together with Senator LAUTENBERG and Senator CORZINE.

This is an amendment to require the Department of Homeland Security inspector general to issue a report to the Congress within 90 days detailing the steps which that agency is taking to correct what many people feel is amounting now to a dangerous situation of either oversight or mismanagement.

Let me explain that record and why I am concerned about it. Earlier this year, the Department of Homeland Security inspector general issued an alarming report. We all ought to be very grateful to the IG for the issuance of that report. The IG concluded that 4 years after September 11, the administration, and I quote the IG, "has no assurance that our ports program is protecting the Nation's most critical and vulnerable infrastructure and assets."

The IG concluded that the program's design hinders its ability to direct enough funding to the most vulnerable ports, that available critical infrastructure information was not used during the application vetting process, that of the \$564 million awarded for port security grants since September 11—that is over almost a 4-year period—only \$106 million has actually been spent, that 82 out of 86 projects

funds for the Office of Domestic Preparedness in 2003 lacked merit, and perhaps the most damaging revelation was in 2003 the Transportation Security Administration, which funded 811 projects, had only one staff member overseeing the entire program.

That is a situation, according to the inspector general, that leaves America more vulnerable to attack. I know my colleagues and, I am confident, the President do not want to allow this situation to continue.

What is the best thing we can do to avoid that? Obviously, our priorities are reflected in how we choose to spend money and what we do with that. When we passed the Maritime Transportation Security Act in 2002, the Coast Guard estimated then it would cost port authorities, the private sector, and the Government \$7.3 billion to implement its requirements. In other words, after the Maritime Transportation Security Act of 2002, which was in direct response to what we learned needed to be done as a result of September 11, we had a private sector and Government estimate of \$7.3 billion that needed to be expended in order to put America in the place we ought to be for security.

To date, only \$564 million has been awarded for port security grants to help port authorities improve security and comply with the law. And of that, the IG report states very clearly only \$106 million has actually been spent as of last year.

If we put that in perspective, according to the GAO, more funding has been spent on the Capitol Visitor Center than was awarded during the first four rounds of the port security grant program. If we consider that only \$106 million out of \$7.3 billion that needed to be spent has actually been spent, the reality is we have almost five times the funding going into the Capitol Visitor Center as is going to protect the ports and providing security of our ports in the security program. I think that comparison would surprise a lot of Americans.

A lot of Members have supported spending a little bit more in the security for the ports because we believe it is basic to the national defense of our country. We know al-Qaida and other terrorists target transportation systems. We have seen that since September 11 in Madrid and now London. We saw it in 1998 when they bombed the USS *Cole* as it sat docked at a port in Yemen.

We also know millions of containers enter our country each year uninspected. And we are told by the Department of Homeland Security that all of the radiation screening equipment purchased after September 11 will have to be replaced because it is ineffective.

If a major U.S. port were to be the victim of some kind of container attack, that attack could take any number of different forms. There was a threat in New York City not long after September 11 which was taken very se-

riously about the potential of a dirty nuclear bomb. There is obviously the threat of an actual primitive nuclear weapon of some kind being used which, primitive as it might be, could still pack the force of a bomb that was used at Hiroshima. That would threaten anywhere between 50,000 and 1 million American lives. It could blow a \$300 million to \$1.2 trillion hole in our economy in very short order, not to mention what it would do with respect to the energy crisis or to the larger longer term issue of the overall port security and flow of goods we rely on in our international trade. We would have a global economic disaster.

No one can predict in any way that we can set up a fail-safe system. I am not suggesting that. But I do know from the information we have gleaned from any number of people working on this technology that there is a significant advance in the state of the art of technology for large-scale container screening. There are a number of different tracking systems that are available to secure containers at the place of embarkation and guarantee very inexpensively that they have not been jimmed or monkeyed with in the course of transit so that we know we have a secure container that is going from point of embarkation to debarkation. There are any number of things we can do and they are very important to the longer term security of the country and not that expensive in the end.

In the Senate, Members have debated previously whether we ought to be dedicating more funding. I understand the votes are not there at this moment to actually do the funding, but I hope the votes would be there to take the IG of Homeland Security seriously. The IG has already suggested the deficiencies that exist now. We ought to be looking to the IG to further help the Senate make a choice about the future.

Nearly 4 years after September 11, the administration has yet to complete a national maritime security plan that was due to Congress last year and they have offered no contingency plans to redirect the flow of commerce and keep the economy running in the event there were a terrorist attack at a port. All of this is required by Congress now. Port authorities, shippers, importers, vessel owners, truckers, and other commercial maritime entities have no idea what would be expected of them, what the procedures would be if an attack were to occur. We do not even know which Federal agency would be in charge. The Coast Guard says it will be in charge. The FBI says it is in charge.

In short, we are unprepared to do all we can do to detect and prevent and we are unprepared to deal with the reality if it were to occur. Therefore, we understand why the IG was critical of the way this program has been thus far administered.

I ask my colleagues this: If we cannot agree that protecting our ports at this point deserves more funding—

which many Members believe on its face is obvious it ought to get more than the \$106 million that has been spent or the \$560 million allocated—but if we cannot agree on that, if we cannot agree it ought to get more funding than the Capitol Visitor Center, at least we ought to be able to agree we ought to be able to find out from the IG how the money could be spent in a way that is not mismanaged and that accomplishes our goals to the best of our ability with the funds we have.

Thus far, the Department of Homeland Security has concurred with 11 of the 12 recommendations from the IG, and they have promised reforms. But what we need to know is whether they have been implemented, they are going to be implemented, whether there are further steps we ought to be taking. We would be remiss in our responsibilities of oversight if we did not follow up on the report of the IG detailing what the Department has done to fix the problems.

That IG report was released in January. Since then there have been no congressional hearings on the issue, and no formal report has been delivered to Congress. We ought to ask for one. It is important to get this information since the Office of State and Local Government Coordination and Preparedness, which inherited the program, is going to conduct a fifth round of grants beginning in September. So we go into a fifth round of grants without understanding what the urgency and priorities are according to the goals set out by the Congress itself.

My amendment is very simple: It requires the inspector general to issue another report so that Congress knows the exact state of the program now and performs the appropriate level of congressional oversight and helps us to improve our port security. I hope this would be an amendment we could accept. It should not be that controversial and does not provide for the expenditure of money, but provides for congressional oversight and accountability that is so important to doing our job to improve the security of our country.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Let me join with the Senator from Massachusetts on his concern. It is a very important and correctly stated concern about the way these funds are being distributed and the slowness with which these funds are coming out.

In this bill we have put forward additional funding for port security. We consider that a priority, an area of significant threat. We bumped up the amount of money for port security over what the President requested. We put in the report language which specifically says on page 11 that we believe the Department can expedite awards for Homeland Security grants—including a series of them, port security—and the committee directs the Department to submit a report to the committee on

February 18, 2006, that lays out a schedule for the award of grant funds made available by this act as well as any prior year funds that remain obligated. If any grant funds are awarded after March 30, 2006, the Department should provide a detailed explanation for the delay.

It is a legitimate concern and something the committee has focused on. The Senator's proposal is constructive to the effort. We would be happy to accept it by unanimous consent. I ask unanimous consent the amendment of the Senator from Massachusetts be accepted.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1162) was agreed to.

Mr. KERRY. I move to reconsider the vote.

Mr. GREGG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KERRY. I appreciate the chairman accepting that and I appreciate the efforts of the committee. I know the committee put in additional money, about \$200 million, and that is important funding.

Again, I restate, we are looking at a \$7.3 billion problem. That is a step forward. I am very grateful to the chairman for being willing to try to find this report. I hope the Department itself will respond accordingly to the language which the committee has appropriately put in here to try to get this in scope. We have been talking about this for 4 years now and most people would agree, in the major ports—California, New Jersey, New York, Miami, various places—this is a major concern. The communities are increasingly feeling ill-equipped to respond appropriately.

I thank the Chair for his response.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. AKAKA. 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. AKAKA. Mr. President, I ask that the pending amendment be set aside.

Mr. President, I call up amendments Nos. 1112 and 1113 and ask for their consideration.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Hawaii [Mr. AKAKA] proposes amendments numbered 1112 and 1113.

Mr. AKAKA. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 1112

(Purpose: To increase funding for State and local grant programs)

On page 77, line 18, strike "\$2,694,300,000" and insert "\$3,281,300,000".

On page 77, line 20, strike "\$1,518,000,000" and insert "\$1,985,000,000".

On page 79, line 21, strike "\$321,300,000" and insert "\$341,300,000".

AMENDMENT NO. 1113

(Purpose: To increase funding for State and local grant programs and firefighter assistance grants)

On page 77, line 18, strike "\$2,694,300,000" and insert "\$3,281,300,000".

On page 77, line 20, strike "\$1,518,000,000" and insert "\$1,985,000,000".

On page 79, line 21, strike "\$321,300,000" and insert "\$341,300,000".

On page 81, line 24, strike "\$615,000,000" and insert "\$715,000,000".

On page 81, line 24, strike "\$550,000,000" and insert "\$650,000,000".

Mr. AKAKA. Mr. President, I rise today to offer an amendment to the fiscal year 2006 Department of Homeland Security Appropriations Act to ensure that the men and women on the frontlines of a terrorist attack on the United States are not unduly jeopardized by budget cuts. I am joined by my colleagues, Senators LIEBERMAN, HARKIN, OBAMA, MURRAY, CORZINE, LAUTENBERG, BINGAMAN, DURBIN, and SCHUMER.

Our amendment is simple. It would restore first responder funding to fiscal year 2005 levels.

Last week, the world witnessed a horrific attack on the United Kingdom. My heartfelt sympathy goes out to the people who have been affected by this atrocity. As we reflect on this tragedy, we should remember the images of police, firefighters, and emergency medical personnel who ran into the underground tunnels and streets as others were evacuated. These images are a reminder that we should not abandon America's first responders by cutting their funding.

The Homeland Security Appropriations Subcommittee had a difficult job this year, and I would like to thank the chairman and ranking member for their hard work. However, I disagree with their choice to reduce first responder funding below fiscal year 2005 appropriated levels and in one case even below the President's fiscal year 2006 budget request.

Our amendment would restore funding by adding a total of \$587 million to the Homeland Security First Responder Grant Program. The majority, \$467 million, would go to State and local grants which include the State Homeland Security Grant Program and the Urban Area Security Initiative. It would also direct \$20 million to the Metropolitan Medical Response System and \$10 million to the Assistance to Firefighters Grant Program, commonly known as the FIRE Act grants.

Our amendment does not address the other first responder grant programs that are funded at or above last year's level.

Let me be clear, Mr. President. This amendment does not seek to increase

funding over what has already been spent in fiscal year 2005. We simply are seeking to prevent a reduction in appropriations for first responder grants.

This country cannot afford to take resources away from its first responders at a time when we rely on them now more than ever. In 2003, an independent task force sponsored by the Council on Foreign Relations estimated that Federal funding for first responders would fall \$98.4 billion short of actual needs between 2004 and 2008. And that figure was based on fiscal year 2004 funding levels remaining constant. If Congress approves the level of funding proposed in the Senate version of H.R. 2360, Federal funding will have decreased by over \$592 million from the fiscal year 2004 numbers the CFR task force used for their calculations.

The First Response Coalition, a non-profit organization, reworked CFR calculations using the President's fiscal year 2006 budget proposal and found the gap would grow to \$100.2 billion. The President's budget proposal allocates more funding to first responders than the bill we are considering today.

In my home State of Hawaii, this discrepancy between needs and funding will be acutely felt as State emergency responders must be self-sufficient because there are no neighboring States to rely upon for assistance. Hawaii State civil defense must assume that aid from the mainland will not arrive for at least 72 hours and, in some cases, such as during a hurricane, for 7 days. In addition, the State is responsible for not only protecting its own citizens but also the approximately 1.4 million tourists and U.S. servicemembers who are in Hawaii on any given day.

The Federal Government is increasingly asking States and localities to bear more of the brunt of the war on terror. We ask our first responders to run into a burning building not knowing whether they will find a small fire or a lethal chemical agent. We ask them to understand and execute on a moment's notice the different response protocols for a radiological, biological or chemical attack. We ask this of our first responders, in addition to carrying out their traditional responsibilities. With all we ask of our first responders, it is not too much for them to ask us for a constant level of support and funding.

Last month, I joined with Senators COLLINS, LIEBERMAN, and LEVIN to introduce the Interoperable Communications for First Responders Act which would create a grant program dedicated to interoperability funding. We were forced to do this because there has not been enough funding in the existing first responder programs to meet the country's considerable interoperable communication needs. How can we justify cutting the funding even more?

This is not a fiscally irresponsible amendment. I am not proposing an increase in spending, simply a restoration of last year's funding.

Much progress has been made since the tragic attacks of September 11. We

should not undo this progress. We must build upon it. I ask my colleagues to consider carefully the needs of the first responders in their communities, and I urge support for this important amendment.

Mr. President, I ask unanimous consent that Senators DAYTON and SALAZAR be added as cosponsors to my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AKAKA. I yield back my time.

Mr. GREGG. Mr. President, I understand the Senator from North Dakota wants to ask for 2 or 3 minutes to offer an amendment. I understand we are going to have 4 minutes, equally divided, before we begin the vote on the Collins and Feinstein amendments. So I would ask unanimous consent that I be allowed to speak for about a minute and a half, in response to the Senator from Hawaii, that we then go to the Senator from North Dakota for the purpose of calling up an amendment, speaking for 2 or 3 minutes, and then that we go into the 4-minute presentation prior to the vote and the votes occur after that. After the first vote, which will be the Collins vote, I would ask there be, by unanimous consent, 2 minutes equally divided, with 1 minute controlled by the Senator from California and 1 minute by the Senator from Maine.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. GREGG. Mr. President, the amendment from the Senator from Hawaii I know is well-intentioned, but we are working within a budget, and the purpose of our bill was to focus our energies on areas where we saw highest threat, and, yes, we did reduce the amount of first responder funds and take those monies and move them onto the effort to try to fight weapons of mass destruction and to put more people and more emphasis on protecting our borders. That is where the money is moved, but we kept \$1.9 billion in the first responder funds, and that means that since 2003 there will have been \$13 billion put into first responder funds.

To try to put this into perspective, this money has been flowing so fast into these accounts that there remains, from 2004 and 2005 appropriations, almost—or over—\$7 billion of unspent money, I mean money that is in the pipeline that simply cannot be handled efficiently yet. So we are putting another \$1.9 billion under this bill on top of that \$7 billion. And we believe that that is reasonable, in light of the needs on the borders, to put more people on the borders. That is why we made this decision. The amendments of the Senator from Hawaii, although well-intentioned, are subject to a point of order, and we will make a point of order at the proper time.

At this point, I yield to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 1111

Mr. DORGAN. I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I call up amendment No. 1111 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 1111.

Mr. DORGAN. 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 prohibit the use of funds appropriated under this Act to promulgate the regulations to implement the plan developed pursuant to section 7209(b) of the Intelligence Reform Act of 2004)

At the appropriate place, insert the following:

SEC. ____ . None of the funds appropriated under this Act may be used to promulgate regulations to implement the plan developed pursuant to section 7209(b) of the 9/11 Commission Implementation Act of 2004 (8 U.S.C. 1185 note) to require United States citizens to present a passport or other documents upon entry into the United States from Canada.

Mr. DORGAN. Mr. President, I know the manager of the bill and the ranking member are asking for amendments to be offered and considered. I wanted to do that.

Very quickly, this amendment deals with the issue of whether to require passports for everyone entering and leaving this country at our borders.

We have a common border with the country of Canada, over 4,000 miles. In my State of North Dakota, we have people moving back and forth across the border all the time. We have people who farm on both sides of the border, people with families on both sides of the border. At the Pembina port of entry, we have 100,000 people a month crossing the border.

To require a passport for that is, in my judgment, far too burdensome. A passport now costs a \$55 fee, a \$12 security surcharge, and a \$30 execution charge—a total of \$97 to obtain a passport.

I believe very strongly we do need border security, no question about that. That is important. But I think, especially with respect to day travel and common tourist and business practices across, for example, the United States-Canadian border, with which I am familiar, to require a passport for moving across that border is enormously burdensome. I hope we will not do that.

The President, when asked about it, spoke to the American Society of Newspaper Editors and said: When I first read that in the newspaper, about the need to have passports particularly for day crossing—he is talking about

the border—I said, what's going on here? I thought there was a better way to expedite the whole flow of traffic and people.

I think the President is right, and I know that since the President said that, the folks in Homeland Security have been reconsidering this issue, but I am very worried that they still may proceed with their regulations at some point, and I hope this Congress would weigh in on the question of whether we think everyone who moves back and forth across the Canadian border should have a passport. I don't believe the requirement for a passport is practical. I think it is overly burdensome. I believe that we ought to send that message to the Department of Homeland Security.

I am not suggesting we don't care about security. We do. We care deeply about border security. But there must be other ways in which we can accomplish that task. And so my amendment will address that.

I thank my colleague from New Hampshire for giving me the opportunity, just a few minutes, to at least get the amendment offered, to be talking about it, and have it considered.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 4 minutes evenly divided before votes in respect to the Collins and Feinstein amendments.

The Senator from Maine is recognized.

AMENDMENT NO. 1142

Ms. COLLINS. Mr. President, during the past 3 years, we have appropriated more than \$8 billion in homeland security grants, despite the fact that this program has never been properly authorized. The Homeland Security Committee has spent the last 3 years working on an authorization bill. We have produced a carefully crafted, balanced bill that is incorporated in the Collins-Lieberman amendment.

This debate is about establishing a formula that provides a predictable level of funding scaled to reflect the different needs of large and small States that will allow all States to achieve essential preparedness and prevention capabilities. We break the mold that provides a set baseline amount to each State regardless of size and needs. This debate is also about distributing more funds based on risk.

Let's put this important issue in perspective. Compared to last year, our amendment would double the amount of funds distributed based on risk. Last year only 37 percent of funds appropriated for homeland security grants were allocated based on risk. Under our amendment, more than 70 percent of the funds would be distributed based on risk or factors used now by the Department of Homeland Security to determine risk. That is a lot of discretion that we are giving to the Secretary.

I want to address the CRS memo solicited by Senator LAUTENBERG that was discussed this morning. It has been

used by our opponents to suggest that only 60 percent is distributed based on risk. In fact, it is more than 70 percent, as is the underlying bill. Tellingly, in a memorandum issued just today, CRS categorizes the sliding scale allocation as risk based.

This is a balanced approach. I urge my colleagues to vote for the Collins-Lieberman amendment.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired. Who yields time?

Mr. REID. Who has the time?

The ACTING PRESIDENT pro tempore. The Senator from California has time remaining.

Mr. REID. I yield back the time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The question is on agreeing to amendment No. 1142 offered by the Senator from Maine.

Mr. REID. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Mississippi (Mr. LOTT), and the Senator from South Dakota (Mr. THUNE).

Mr. DURBIN. I announce that the Senator from Maryland (Ms. MIKULSKI) is necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 71, nays 26, as follows:

[Rollcall Vote No. 175 Leg.]

YEAS—71

Akaka	DeMint	McCain
Alexander	DeWine	McConnell
Baucus	Dodd	Murkowski
Bayh	Dole	Murray
Bennett	Domenici	Nelson (NE)
Biden	Dorgan	Pryor
Bingaman	Ensign	Reed
Bond	Enzi	Reid
Brownback	Feingold	Roberts
Bunning	Frist	Rockefeller
Burns	Graham	Salazar
Burr	Grassley	Sessions
Cantwell	Hagel	Shelby
Carper	Harkin	Smith
Chafee	Inhofe	Snowe
Chambliss	Inouye	Specter
Coburn	Isakson	Stabenow
Cochran	Jeffords	Stevens
Coleman	Johnson	Sununu
Collins	Kohl	Talent
Conrad	Levin	Thomas
Craig	Lieberman	Voinovich
Crapo	Lincoln	Wyden
Dayton	Lugar	

NAYS—26

Allard	Gregg	Martinez
Allen	Hatch	Nelson (FL)
Boxer	Hutchison	Obama
Byrd	Kennedy	Santorum
Clinton	Kerry	Sarbanes
Cornyn	Kyl	Schumer
Corzine	Landrieu	Vitter
Durbin	Lautenberg	Warner
Feinstein	Leahy	

NOT VOTING—3

Lott	Mikulski	Thune
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The amendment (No. 1142) was agreed to.

AMENDMENT NO. 1215, AS MODIFIED

The ACTING PRESIDENT pro tempore. There is now scheduled to be 2 minutes of debate equally divided, to be followed by a vote on the Feinstein amendment.

Mrs. FEINSTEIN. Mr. President, despite this vote, I wish to make a point. The administration has said in a letter dated today from Secretary Chertoff that their position is that 90 percent of homeland security funds should be distributed on the basis of risk. The Secretary goes on to say that they have 36 essential capabilities they need to carry out, and the way to do that is based on risk.

Here are the numbers: In the underlying appropriations bill, 70 percent is based on risk, \$1.339 billion. Under Collins-Lieberman, less than 70 percent goes to risk. It is cut back to 60 percent, \$1.155 billion. Under the Feinstein-Cornyn amendment, \$1.667 billion is based on risk, or 87 percent. It is the closest number to the administration's letter dealing with this issue.

I have a very hard time substituting pork for risk. I just was reading some of the intelligence. Let there be no doubt that not every State is equal in terms of target. We have set up a huge agency of 22 departments. We have given them risk analysis. We have given them intelligence. We have broken down the wall between FBI and CIA. Why? Because there is a real threat, and money should be accorded based on that threat, not based on pork.

The ACTING PRESIDENT pro tempore. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, we all want more funding to be distributed on risk. The Collins-Lieberman amendment which was just adopted more than doubles the amount of money allocated based on risk. Risk is not a science. We are giving unprecedented authority to the Secretary of Homeland Security, that there is no precedent for in any grant program of this size.

The fact is, under the Feinstein-Cornyn amendment, every State would lose at least \$8 million in guaranteed funding. Some States would lose tens of millions of dollars. Even taking into account how funds have historically been distributed based on risk, 43 States lose money under the Feinstein-Cornyn amendment versus the Collins-Lieberman amendment. We have to recognize that every State has vulnerabilities and needs to be brought up to a baseline ability to prepare and prevent for terrorist attacks. The Collins-Lieberman amendment was endorsed by many law enforcement groups that do not support this approach.

I urge opposition to the Feinstein-Cornyn amendment.

Mr. STEVENS. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 1215, as modified. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McConnell. The following Senators were necessarily absent: the Senator from Mississippi (Mr. LOTT), and the Senator from South Dakota (Mr. THUNE).

Mr. DURBIN. I announce that the Senator from Maryland (Ms. MIKULSKI) is necessarily absent.

The PRESIDING OFFICER (Mr. ISAKSON). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 32, nays 65, as follows:

[Rollcall Vote No. 176 Leg.]

YEAS—32

Allard	Hutchison	Nelson (FL)
Allen	Inouye	Obama
Boxer	Kennedy	Santorum
Cantwell	Kerry	Sarbanes
Clinton	Kyl	Schumer
Coburn	Landrieu	Specter
Cornyn	Lautenberg	Stabenow
Corzine	Levin	Vitter
Durbin	Martinez	Warner
Ensign	McCain	Wyden
Feinstein	Murray	

NAYS—65

Akaka	Dayton	Lieberman
Alexander	DeMint	Lincoln
Baucus	DeWine	Lugar
Bayh	Dodd	McConnell
Bennett	Dole	Murkowski
Biden	Domenici	Nelson (NE)
Bingaman	Dorgan	Pryor
Bond	Enzi	Reed
Brownback	Feingold	Reid
Bunning	Frist	Roberts
Burns	Graham	Rockefeller
Burr	Grassley	Salazar
Byrd	Gregg	Sessions
Carper	Hagel	Shelby
Chafee	Harkin	Smith
Chambliss	Hatch	Snowe
Cochran	Inhofe	Stevens
Coleman	Isakson	Sununu
Collins	Jeffords	Talent
Conrad	Johnson	Thomas
Craig	Kohl	Thomas
Crapo	Leahy	Voinovich

NOT VOTING—3

Lott	Mikulski	Thune
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The amendment (No. 1215), as modified, was rejected.

Mr. DURBIN. Mr. President, it is my understanding that under an agreement, the minority leader, Mr. REID, may offer an amendment on behalf of Democratic Senators. I ask consent, on his behalf, to send two amendments to the desk, one on behalf of Senator BARBARA BOXER and one from Senator DEBBIE STABENOW.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 1216

Mr. DURBIN. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from Illinois [Mr. DURBIN], for Mrs. BOXER, proposes an amendment numbered 1216.

The Senator from Illinois [Mr. DURBIN], for Ms. STABENOW, proposes an amendment numbered 1217.

The amendments are as follows:

AMENDMENT NO. 1216

SEC. . STRENGTHENING SECURITY AT NUCLEAR POWER PLANTS.

(a) FINDINGS.—The Senate finds that—

(1) A taped interview shown on al-Jazeera television on September 10, 2002, included a statement that al Qaeda initially planned to include a nuclear power plant in its 2001 attacks on the United States.

(2) In 2001, David Kyd of the International Atomic Energy Agency said that if a fully fueled large jetliner hit a nuclear reactor “then the containment could be breached and the cooling system of the reactor could be impaired to the point where radioactivity might well be set free.”

(3) Dr. Edwin Lyman, a physicist and former scientific director of the Nuclear Control Institute has noted that if a nuclear power plant were hit by a large commercial passenger jet, “significant release of radiation into the environment is a very real one.”

(4) Operating nuclear reactors contain large amounts of radioactive fission products that, if dispersed, could pose a direct radiation hazard, contaminate soil and vegetation, and be ingested by humans and animals.

(5) According to the organization Three Mile Island Alert, a nuclear power plant houses more than 1,000 times the radiation that would be released in an atomic bomb blast, and the magnitude of a single terrorist attack on a nuclear power plant could cause over 100,000 deaths.

(6) The federal government has offered Governors potassium iodide pills to distribute to people living near nuclear power plants in case of an attack, but no legislation has passed to protect against an attack in the first place.

(7) In the 108th Congress, the Senate Environment and Public Works Committee approved bipartisan legislation to improve nuclear plant security. No action was taken by the full Senate.

(8) Last month, the Senate Environment and Public Works Committee again approved bipartisan legislation to improve nuclear plant security.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Congress should pass legislation to assess terrorist threats at each nuclear power plant and to establish new federal standards to protect against those threats.

AMENDMENT NO. 1217

(Purpose: To provide funding for interoperable communications equipment grants)

On page 77, line 18, strike “\$2,694,300,000” and insert “7,694,300,000”.

On page 79, line 22, strike the colon and insert a period.

On page 79, between lines 22 and 23, insert the following:

(7) \$5,000,000,000 for interoperable communications equipment grants: *Provided*, That such amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress):

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE EXPLANATION

Mr. NELSON of Florida. Mr. President, I would like to take this opportunity to explain to the Senate my absence during yesterday’s vote on S.

Res. 193, expressing sympathy for the people of the United Kingdom.

On Sunday, the Florida panhandle was struck by Hurricane Dennis, a category 3 storm. Last September, Hurricane Ivan also hit the same area causing extensive damage from which many had not yet fully recovered. I went to the area yesterday to survey the damage and meet with constituents affected by the disaster. I was able to visit the emergency operations center in three of the counties affected by Dennis.

Had I been present, I would have voted aye on the resolution. Because I was unable to vote my strong support for the resolution, I would like to express my thoughts at this time. We as Americans have close ties to Great Britain; and, extend to the British people our deepest sympathies as they cope with their losses. In response to these barbaric attacks, the United States and the community of free nations must unite with an even greater resolve to defeat those who seek to destroy liberty by slaughtering innocent civilians.

HONORING LIEUTENANT GENERAL ROGER C. SCHULTZ

Mr. GRASSLEY. Mr. President, I would like to take this opportunity to offer my congratulations and gratitude to an extraordinary Iowan. LTG Roger C. Schultz is stepping down from his distinguished position as Director of the Army National Guard for the National Guard Bureau. He assumed this position in 1998 and has served for 7 years, the longest anyone has held this title. I would like to take this opportunity to show Lieutenant General Schultz the appreciation that the country, the State of Iowa, and myself personally, have for his extensive commitment to the Army National Guard. He joined the Iowa Army National Guard in 1963, and from there he began a career that lasted 42 years.

Lieutenant General Schultz has had an extensive career. In his most recent position as director, he was responsible for the formulation, development, and implementation of all programs and policies affecting the Army National Guard. Previously, he served as Deputy Director for Military Support on the Department of the Army Staff, where he was responsible for coordinating all Department of Defense military support to civilian authorities, which included disaster relief. While stationed with the Iowa Army National Guard, he was in Command of the 2nd Brigade, 34th Division and served as the Army Guard Chief of Staff and Deputy Adjutant General. General Schultz also received several awards and recognitions for his exemplary service. He is honored with the Distinguished Service Medal, Silver Star, Legion of Merit with Oak Leaf Cluster, Bronze Star, Purple Heart with Oak Leaf Cluster, Meritorious Service Medal with Two Oak Leaf Clusters, Department of the Army Staff Badge, Army Superior Unit Award, Humanitarian Service Award,

the Combat Infantry Badge for service in the Republic of Vietnam, and many others.

General Schultz was born in LeMars, IA and enlisted when he was 18 years old. He was a student at officer candidate school at the Iowa Military Academy. Following these studies, he was commissioned in 1967 as an infantry officer. Shortly thereafter, he was sent to serve his country in the Republic of Vietnam with the 25th Infantry Division. During his several assignments, he also earned a bachelor’s degree in management from Upper Iowa University and a Masters degree in public administration from Shippensburg State University in Pennsylvania. He also attended Army War College.

I share my appreciation for the general with not only his neighbors in the State of Iowa but the entire country. He has proven himself to be versatile and fully capable of accepting and mastering the tasks placed before him. His enduring commitment to the safety of Americans is cause for admiration.

Again, I offer my congratulations and sincere appreciation to LTG Roger Schultz for his remarkable achievements in the Army National Guard. He has continually provided an invaluable service to his country and I thank him for his dedication and devotion to Iowa and to America.

ADDITIONAL STATEMENTS**COMMENDING JOE KELLY McCUTCHEM**

• Mr. ISAKSON. Mr. President, I am very pleased to rise and commend Mr. Joe Kelly McCutchen of Ellijay GA for his selection as outstanding alumni for the living history program of Georgia Tech.

Georgia Tech could not have made a better decision. Joe McCutchen is a living role model for community involvement, excellence in action, and sharing the American dream. His selection places him in the company of great Georgians like medal of honor winner General Raymond Davis, former President Jimmy Carter, astronaut Jan Davis, former Lockheed president Robert Ormsby, and Federal judge Marvin Shoob.

No one in northwest Georgia has had a greater positive effect on the young people than Joe. He constantly engages with young people to inspire them to excellence. He teaches the promise of free enterprise, and power of the American dream.

Joe McCutchen is also Georgia’s leading advocate for lower taxes and sound fiscal policy in government. He and his friend Oscar Poole travel to Washington often to present their Taxpayer Champion Award, and there is not a credible radio or television public policy call in show in the United States on which Joe has not participated.

Joe McCutchen has lived the American dream and commits his life to

sharing its promise with others. Georgia Tech is to be commended for its living history program and its selection of Joe McCutchen.●

IRAQ TRIP REPORT

● Mr. LEVIN. Mr. President, during the July 4th recess, I traveled to Iraq and Jordan to evaluate the progress of Operation Iraqi Freedom. I ask unanimous consent that the full text of my trip report be entered into the RECORD at this point.

I spent two days—July 5 and 6—in Iraq and the morning of July 7 in Jordan. I believe mine was the first Congressional delegation to overnight in Iraq since the start of the war. It was also my fifth post-war trip to Iraq.

In Iraq, I spent a day and a half in Baghdad meeting with U.S. Embassy and military personnel and with Members of the Government of Iraq, including the President and Prime Minister. Additionally, I met with numerous Sunni Arabs, including officials of the Government, a member of the Iraqi National Assembly, and representatives of political groups, including some who had just been added to the Assembly's constitutional drafting committee. I also met with the Chairman of the constitutional drafting committee and the UN Special Representative, whose staff is advising on the drafting of the constitution.

I spent the remainder of the second day in Iraq in Fallujah in the Sunni Triangle, where I was able to meet with a number of U.S. servicemen and women, and was privileged to have dinner with ten Marine Corps and Navy personnel from Michigan.

Once again, I was deeply impressed by the dedication and professionalism of our servicemen and women and with their very high morale. I told them that the Congress and the American people are proud of them and back them one hundred percent, regardless of differing positions on the Administration's policies.

One purpose of my trip was to gauge the level of the insurgency. I found strong support for the recent assessment of General Abizaid, the regional U.S. Commander, that the insurgency is not weakening and that the flow of foreign jihadists into Iraq has increased. I found no support for Vice President Cheney's view that the insurgency is in its "last throes."

Another purpose of my trip was to assess the current and potential level of participation of the Sunni Arabs in the political and constitutional drafting processes, including the likelihood that the Iraqi constitution would be completed by August 15th (and therefore not needing to utilize the one six month extension allowed under Iraqi law). I was surprised by the optimism of most Iraqis that the constitution would be agreed by August 15th and particularly that the Sunni Arab participants (recently increased by 15) would likely be supportive of the draft. If that is true, that will pave the way for a referendum on the draft constitution on October 15th and a national election on December 15th.

If this optimism is not borne out, however, a way must be found to bring pressure to bear on the parties to make the reasonable compromises that will be required for agreement on the constitution. Everyone whom I met on this trip advised that none of the Iraqis—not just Shia and Kurd, but also Sunni Arab—want U.S. forces to leave now. They want our forces to be less visible and Iraqi security forces to be more visible, but they want us to stay for now.

Given that fact and given the consensus that a political solution is necessary if there is any prospect of defeating the insurgency, we need to make clear to the Iraqis that if they are unable to reach agreement on the constitution, we will reconsider our presence in Iraq and that all options will be on the table, including withdrawal. (The logic of that position is that if a political settlement is essential if there is a chance of lessening the insurgency, that without a political settlement the insurgency is not going to be defeated even with our presence.)

I focused on meeting with members of the Sunni Arab community, as I believe they are the key to a successful political process in Iraq. Most of them realize it was a mistake for them not to have participated in the January elections and they want to participate in the drafting of a constitution and in the follow-on elections. At the same time, the so-called former regime element that is fueling the insurgency in an attempt to block a political settlement comes from the Sunni Arab community, and too many members of that community sympathize with and provide support for the insurgents.

There are a number of issues that will need to be resolved if a draft constitution is to be agreed upon by August 15th. These include the role of Islam; the form of the government (i.e. parliamentary or presidential); the relationship between the national government and the provinces and the degree to which natural resources will belong to the provinces or the national government; and the degree of autonomy that will reside in the regions. Since the oil resources of Iraq are located in the Shia south and the Kurdish north, these are issues that are extremely important to the Sunni Arabs, whose area lacks oil resources.

The decision of the National Assembly to accept 15 Sunni Arabs as members of the constitutional drafting committee, despite the Sunni Arabs lack of participation in the election, hopefully augurs well for the kind of compromises that will need to be made by all three of the main political factions for a draft constitution to be reached.

Although the successful drafting of a constitution, with the active participation of the Sunni Arab community, is very important and may help create an environment within which the insurgency can be dramatically reduced, it will not automatically achieve that result. The Sunni Arabs with whom we met, although from different groups, complained of the extended detention of their brethren, the perceived focus of raids by Coalition and Iraqi security forces on their community, the forced unemployment of hundreds of thousands of Sunni Arabs fired in the de-Baathification process and denied the pensions to which they contributed. They expressed a preference for the U.S. military to leave the cities and to locate on bases removed from populated areas, and the need for at least a rough estimate as to when Coalition forces will be withdrawn.

I explored in depth the training and equipping of Iraqi security forces. It is clear that a great deal of time was wasted during the existence of the Coalition Provisional Authority or CPA. While it appears that progress is being made now, it is moving slowly and will take quite some time before Iraqis will be capable of dealing with the insurgency on their own.

In his recent speech to the nation on Iraq, President Bush said, with respect to the training and equipping of Iraqi security forces, that "as Iraqis stand up, we will stand down." General Casey, the overall commander on the ground in Iraq, acknowledged to me that he is working on a plan whereby units of the Iraqi security forces would first partner with Coalition military

units and gradually take the lead in military operations, then will assume control in selected provinces, and gradually assume control more broadly until they ultimately can control the entire country. Part of that plan provides for Coalition forces to be reduced as Iraqi security forces become more and more capable.

I also spoke to General Casey and to Iraqi officials about the need for greater progress in the review of Iraqis detained by Coalition or Iraqi forces and the need to either release or try them. While some progress has been made in this area, it has been too slow in coming and much more must be done and done quickly.

In Jordan, I was pleased to be able to meet with King Abdullah. King Abdullah had just finished presiding over the closing session of a three day International Islamic Conference that he had organized. This visionary and critically important Conference was attended by top Muslim authorities from around the globe. It was aimed at finding common principles among various Muslim schools of thought and isolating and delegitimizing those who preach violence in the name of Islam.

Two things need to happen within the next 40 days to improve chances of a successful outcome in Iraq.

A draft of the Iraqi constitution needs to be agreed and sent to the National Assembly by the constitutional committee no later than August 15—the timetable the Iraqis have set for themselves. All of the people with whom I spoke—whether Sunni, Shia, or Kurd—agree that that date should and can be met.

There also needs to be a more detailed road map for drawing down U.S. forces. General Casey, commander of the multi-national forces in Iraq, has said that it should be possible for a fairly significant reduction in U.S. force levels in the first few months of next year. But what is so far missing are the decision criteria for determining when that reduction can begin so that presidential rhetoric and statements of intent are turned into a credible and reassuring roadmap for Iraqis taking ownership of the risks and responsibility for their own security and survival.

After much prodding by Congress, the Administration has finally created and implemented a capability assessment system for determining the readiness of Iraqi military and police units to conduct counter-insurgency operations—whether alongside of Coalition units, or in the lead but with Coalition support, or independently. Now there must be a detailed plan, mutually agreed to by the Coalition and Iraqis, with measurable benchmarks to determine progress, and with a reasonable estimate of the time required to reach those benchmarks. Only in this way can we know the approximate number of Iraqi units that need to be capable of counterinsurgency operations so that coalition units can first withdraw from cities and other visible locations and begin a withdrawal from the country as a whole.

It is essential that such a plan be promptly agreed to and implemented, and its outline publicly announced, so as to provide reassurance to the American public which is expressing growing concern about simply being told we need to "stay the course" in Iraq, and to the Iraqi public which needs to see that U.S. forces will not be in their country indefinitely. Both publics must see that the President's statement that "as the Iraqis stand up, we will stand down" is not just a bumper sticker slogan.

Secretary Rice has said that we will be in Iraq as long as we are needed. Without adopting and implementing a measured and credible plan, coalition forces could be "needed" for an indeterminate time. Without such a plan, Iraqis may never assume the

responsibility for taking back their country from the insurgents and taking the risks and making the compromises necessary to chart their own destiny.

Finally, while I was surprised by the high level of optimism about the August 15 date being met for agreement on a draft Iraqi constitution, I was given a sobering assessment about the current and future strength of the insurgency.

Even if the timetable for adopting a constitution is met, and even if a plan is agreed upon for phasing in capable Iraqi military forces to take over responsibility for security so U.S. forces in Iraq can simultaneously be reduced, there is still great uncertainty that the insurgency will be eliminated or lessened in the near term.

But, while taking those steps doesn't guarantee success, they could help change the dynamic in Iraq and provide the only way a poorly thought through and mistake ridden U.S. policy in Iraq can still reach a successful conclusion.●

TRIBUTE TO JOHN H. JOHNSON

● Mrs. LINCOLN. Mr. President, I rise today to pay tribute to a renowned publisher, entrepreneur, businessman, humanitarian and an outstanding Arkansan, Mr. John Harold Johnson.

John H. Johnson, a native of Arkansas City, AR, was born on January 19, 1918, to Leroy and Gertrude Johnson. Over 60 years ago, John H. Johnson founded and became owner of the largest black-owned publishing company in the world, Johnson Publishing Company, Inc., located in Chicago, IL. From this company, the Negro Digest, Ebony, Jet and other magazines and periodicals were created. Ebony and Jet magazines enabled Johnson to have an impact on Civil Rights in America, Entertainment, Sports and the Nation's culture as a whole. These two magazines continue to successfully reflect and comment on the African-American experience. Johnson has also enjoyed success in the cosmetic industry with the establishment of Fashion Fair Cosmetics.

In 1999, the University of Arkansas at Pine Bluff and Arkansas City, AR, formed an alliance for the creation of the John H. Johnson Delta Cultural and Entrepreneurial Learning Center. The Cultural and Entrepreneurial Learning Center will provide accommodations in Arkansas City for classroom and educational activities that originate at the University of Arkansas at Pine Bluff.

On Saturday, May 21, 2005, the John H. Johnson Cultural and Education Museum was dedicated in Johnson's hometown. Using materials from the original, the museum was constructed as a replica of Johnson's boyhood home. It will now provide valuable insight into his life and origin while bringing tourism dollars to his native home of Arkansas City and the surrounding area. His life is an inspirational American story where, rising from poverty with a strong sense of self, he overcame adversity and became one of the country's most successful entrepreneurs. I am grateful to have

been a part of this magnificent event and honored to have Mr. John H. Johnson at the top of the list of notable Arkansans and Americans. ●

IBM BOULDER'S 40TH ANNIVERSARY

● Mr. SALAZAR. Mr. President, I ask that this letter be printed in the RECORD.

The letter follows:

U.S. SENATE,

Washington, DC, June 30, 2005.

IBM BOULDER,
Diagonal Highway,
Boulder, CO.

DEAR FRIENDS, It is with great pleasure that I am able to share in your celebration of IBM Boulder's 40th Anniversary here at this majestic site next to the Rocky Mountains. IBM's commitment to this facility, and to the region, serves as a testament to its central role in the development of the technology industry here in Colorado.

When IBM Boulder was founded in 1965, this region was still mostly agricultural. By choosing to locate amongst undisturbed open space and farmland, IBM demonstrated a bold vision for the symbiotic potential of the technology industry with the natural beauty of our State. I also respect and admire how the workers at this facility have survived the ebb and flow of the industry over the past 40 years. They have shifted from manufacturing computer parts in the early years to housing and supporting 20 different IBM divisions that now develop printing systems, design engineering, software and global services. And IBM's commitment to the community through the annual Employee Charitable Contribution Campaign has left a lasting mark on local health and human service agencies that sets a tone for others to emulate.

Thank you for the honor of joining in your anniversary celebration. As your newest United States Senator, I am proud of the rich economic diversity of our State. You should be proud of your significant contributions to the region and to Colorado.

Sincerely,

KEN SALAZAR,
U.S. Senator. ●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE 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 appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 2:19 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 concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 168. Concurrent resolution condemning the Democratic People's Republic of Korea for the abductions and continued captivity of citizens of the Republic of Korea and Japan as acts of terrorism and gross violations of human rights.

MEASURES REFERRED

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 168. Concurrent resolution condemning the Democratic People's Republic of Korea for the abductions and continued captivity of citizens of the Republic of Korea and Japan as acts of terrorism and gross violations of human rights; to the Committee on Foreign Relations.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

S. 1374. A bill to amend the Homeland Security Act of 2002 to provide for a border preparedness pilot program on Indian land.

S. 1375. A bill to amend the Indian Arts and Crafts Act of 1990 to modify provisions relating to criminal proceedings and civil actions, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1382. A bill to require the Secretary of the Interior to accept the conveyance of certain land, to be held in trust for the benefit of the Puyallup Indian tribe.

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-2899. A communication from the Administrator, National Aeronautics and Space Administration, transmitting, the report of proposed legislation "To authorize appropriations to the National Aeronautics and Space Administration for science, aeronautics, and exploration; space flight capabilities; and Inspector General, and for other purposes" received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2900. A communication from the Director, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a report entitled "Federal Assistance for Interjurisdictional and Anadromous Fisheries Program Report 2003-2004"; to the Committee on Commerce, Science, and Transportation.

EC-2901. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report entitled "Science, Service, and Stewardship in Chesapeake Bay: A Biennial Report to Congress"; to the Committee on Commerce, Science, and Transportation.

EC-2902. A communication from the Acting White House Liaison, Department of Commerce, transmitting, pursuant to law, the report of a vacancy in the position of Director, NIST, the designation of an Acting Director, and the name of a nominee to fill the vacancy; to the Committee on Commerce, Science, and Transportation.

EC-2903. A communication from the Acting White House Liaison, Department of Commerce, transmitting, pursuant to law, the report of a vacancy in the position of Assistant

Secretary and Director General, the designation of an Acting Assistant Secretary, and the name of a nominee to fill the vacancy; to the Committee on Commerce, Science, and Transportation.

EC-2904. A communication from the Acting White House Liaison, Department of Commerce, transmitting, pursuant to law, the report of a vacancy in the position of General Counsel, the designation of an Acting General Counsel, and the name of a nominee to fill the vacancy; to the Committee on Commerce, Science, and Transportation.

EC-2905. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Vermilion Snapper Rebuilding Plan" ((RIN0648-AS19) (I.D. No. 021705A)) received on June 23, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2906. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Allocating Bering Sea and Aleutian Islands King and Tanner Crab Fishery Resources; Final Rule" (RIN0648-AS47) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2907. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Quota Specifications and General Category Effort Controls" ((RIN0648-AT01) (I.D. No. 030405C)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2908. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Act Provisions; Foreign Fishing; Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Biennial Specifications; Pacific Whiting" (RIN0648-AS27) received on June 23, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2909. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Western Pacific Pelagic Fisheries; American Samoa Longline Limited Entry Program" ((RIN0648-AQ92) (I.D. No. 061704A)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2910. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Trip Limit Reduction for Gulf of Mexico Grouper Fishery" ((RIN0648-AS97) (I.D. No. 053105G)) received on June 23, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2911. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Reef Fish Fishery of the Gulf of Mexico; Closure of the 2005

Deep-Water Grouper Commercial Fishery" (I.D. No. 060705B) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2912. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries; Adjustment of Retention Limits" (I.D. No. 052405D) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2913. A communication from the Assistant Administrator for Fisheries, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule, Correcting Amendment to the Regulations Governing the Bering Sea and Aleutian Islands Crab Fisheries" (RIN0648-AS47) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2914. A communication from the Secretary of Transportation transmitting, the report of a proposed bill entitled "The St. Lawrence Seaway Development Corporation Enhancement Act" received on June 28, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2915. A communication from the Acting Chief Counsel, Saint Lawrence Seaway Development Corporation, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Tariff of Tolls" (RIN2135-AA21) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2916. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act ('APPLIANCE LABELING RULE') (Energy Cost and Water Heater Ranges—2005)" (RIN3084-AA74) received on June 28, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2917. A communication from the Attorney Advisor, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of the discontinuation of service in the acting role of Administrator received on June 23, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2918. A communication from the Attorney Advisor, Research and Innovative Technology Administration (RITA), Department of Transportation, transmitting, pursuant to law, the report of a vacancy and a nomination for the new position of Administrator; to the Committee on Commerce, Science, and Transportation.

EC-2919. A communication from the Attorney Advisor, Bureau of Transportation Statistics, Department of Transportation, transmitting, pursuant to law, a change in previously submitted reported information relative to a vacancy in the position of Director, received on June 23, 2004; to the Committee on Commerce Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GRASSLEY, from the Committee on Finance, without amendment:

S.J. Res. 18. A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003 (Rept. No. 109-101).

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. CORZINE:

S. 1381. A bill to require the Nuclear Regulatory Commission to consider certain criteria in relicensing nuclear facilities, and to provide for an independent assessment of the Oyster Creek Nuclear Generating Station by the National Academy of Sciences before any relicensing of that facility; to the Committee on Environment and Public Works.

By Ms. CANTWELL (for herself and Mr. DORGAN):

S. 1382. A bill to require the Secretary of the Interior to accept the conveyance of certain land, to be held in trust for the benefit of the Puyallup Indian tribe; read the first time.

By Mr. COLEMAN (for himself and Mr. LUGAR):

S. 1383. A bill to seek urgent and essential institutional reform at the United Nations; to the Committee on Foreign Relations.

By Mr. SCHUMER:

S. 1384. A bill to amend the Higher Education Act of 1965 to establish a demonstration program to support college and university communities that wish to expand their book store services and saving for students through the creation of course material rental programs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FEINGOLD (for himself, Mr. KENNEDY, and Ms. LANDRIEU):

S. 1385. A bill to amend part A of title IV of the Social Security Act to ensure fair treatment and due process protections under the temporary assistance to needy families program, to facilitate enhanced data collection and reporting requirements under that program, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BOND (for himself and Ms. MURKOWSKI):

S. Res. 196. A resolution welcoming the Prime Minister of Singapore on the occasion of his visit to the United States, expressing gratitude to the Government of Singapore for its strong cooperation with the United States in the campaign against terrorism, and reaffirming the commitment of the United States to the continued expansion of friendship and cooperation between the United States and Singapore; considered and agreed to.

ADDITIONAL COSPONSORS

S. 146

At the request of Mr. INOUE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 146, a bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs.

S. 151

At the request of Mr. COLEMAN, the name of the Senator from New Jersey

(Mr. LAUTENBERG) was added as a cosponsor of S. 151, a bill to amend title 38, United States Code, to require an annual plan on outreach activities of the Department of Veterans Affairs.

S. 313

At the request of Mr. LUGAR, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from Florida (Mr. NELSON), the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 313, a bill to improve authorities to address urgent nonproliferation crises and United States nonproliferation operations.

S. 350

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 350, a bill to amend the Foreign Assistance Act of 1961 to provide assistance for orphans and other vulnerable children in developing countries, and for other purposes.

S. 375

At the request of Mr. BAYH, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 375, a bill to amend the Public Health Service Act to provide for an influenza vaccine awareness campaign, ensure a sufficient influenza vaccine supply, and prepare for an influenza pandemic or epidemic, to amend the Internal Revenue Code of 1986 to encourage vaccine production capacity, and for other purposes.

S. 392

At the request of Mr. LEVIN, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 392, a bill to authorize the President to award a gold medal on behalf of Congress, collectively, to the Tuskegee Airmen in recognition of their unique military record, which inspired revolutionary reform in the Armed Forces.

S. 484

At the request of Mr. WARNER, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 484, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 627

At the request of Mr. HATCH, the names of the Senator from Virginia (Mr. WARNER) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of 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.

S. 629

At the request of Mr. SESSIONS, the names of the Senator from North Carolina (Mrs. DOLE) and the Senator from

Ohio (Mr. DEWINE) were added as cosponsors of 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.

S. 635

At the request of Mr. SANTORUM, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 635, a bill to amend title XVIII of the Social Security Act to improve the benefits under the medicare program for beneficiaries with kidney disease, and for other purposes.

S. 647

At the request of Mrs. LINCOLN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 647, a bill to amend title XVIII of the Social Security Act to authorize physical therapists to evaluate and treat medicare beneficiaries without a requirement for a physician referral, and for other purposes.

S. 658

At the request of Mr. BROWNBACK, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 658, a bill to amend the Public Health Service Act to prohibit human cloning.

S. 666

At the request of Mr. DEWINE, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 666, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 770

At the request of Mr. LEVIN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 770, a bill to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to reauthorize and improve that Act.

S. 772

At the request of Mr. CORNYN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 772, a bill to amend the Internal Revenue Code of 1986 to expand workplace health incentives by equalizing the tax consequences of employee athletic facility use.

S. 843

At the request of Mr. SANTORUM, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 843, a bill to amend the Public Health Service Act to combat autism through research, screening, intervention and education.

S. 1014

At the request of Ms. SNOWE, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1014, a bill to provide additional relief for small business owners ordered to active duty as members of reserve components of the Armed Forces, and for other purposes.

S. 1035

At the request of Mr. INHOFE, the name of the Senator from Montana

(Mr. BAUCUS) was added as a cosponsor of S. 1035, a bill to authorize the presentation of commemorative medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th century in recognition of the service of those Native Americans to the United States.

S. 1047

At the request of Mr. HAGEL, his name was added as a cosponsor of S. 1047, a bill to require the Secretary of the Treasury to mint coins in commemoration of each of the Nation's past Presidents and their spouses, respectively to improve circulation of the \$1 coin, to create a new bullion coin, and for other purposes.

S. 1060

At the request of Mr. COLEMAN, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 1060, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of hearing aids.

S. 1062

At the request of Mr. KENNEDY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1062, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

S. 1076

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 1076, a bill to amend the Internal Revenue Code of 1986 to extend the excise tax and income tax credits for the production of biodiesel.

S. 1110

At the request of Mr. ALLEN, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 1110, a bill to amend the Federal Hazardous Substances Act to require engine coolant and antifreeze to contain a bittering agent in order to render the coolant or antifreeze unpalatable.

S. 1112

At the request of Mr. GRASSLEY, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1112, a bill to make permanent the enhanced educational savings provisions for qualified tuition programs enacted as part of the Economic Growth and Tax Relief Reconciliation Act of 2001.

S. 1197

At the request of Mr. BIDEN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1197, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1224

At the request of Mrs. BOXER, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1224, a bill to protect the oceans, and for other purposes.

S. 1239

At the request of Mr. MCCAIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1239, a bill to amend the Indian Health Care Improvement Act to permit the Indian Health Service, an Indian tribe, a tribal organization, or an urban Indian organization to pay the monthly part D premium of eligible medicare beneficiaries.

S. 1265

At the request of Mr. VOINOVICH, the names of the Senator from South Carolina (Mr. DEMINT) and the Senator from Rhode Island (Mr. CHAFEE) were added as cosponsors of S. 1265, a bill to make grants and loans available to States and other organizations to strengthen the economy, public health, and environment of the United States by reducing emissions from diesel engines.

S. 1287

At the request of Mr. COLEMAN, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1287, a bill to amend the definition of independent student for purposes of the need analysis in the Higher Education Act of 1965 to include older adopted students.

S. 1313

At the request of Mr. CORNYN, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 1313, a bill to protect homes, small businesses, and other private property rights, by limiting the power of eminent domain.

S. 1320

At the request of Mr. DEWINE, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 1320, a bill to provide multilateral debt cancellation for Heavily Indebted Poor Countries, and for other purposes.

S. 1343

At the request of Ms. LANDRIEU, the names of the Senator from Indiana (Mr. BAYH), the Senator from South Dakota (Mr. JOHNSON), the Senator from Massachusetts (Mr. KERRY) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 1343, a bill to support the establishment or expansion and operation of programs using a network of public and private community entities to provide mentoring for children in foster care.

S. 1366

At the request of Mr. DORGAN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1366, a bill to amend the Internal Revenue Code of 1986 to allow tax-free distributions from individual retirement accounts for charitable purposes.

S. 1374

At the request of Mr. MCCAIN, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 1374, a bill to amend the Homeland Security Act of 2002 to provide for a border preparedness pilot program on Indian land.

S.J. RES. 19

At the request of Mr. BROWNBACK, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S.J. Res. 19, a joint resolution calling upon the President to issue a proclamation recognizing the 30th anniversary of the Helsinki Final Act.

AMENDMENT NO. 1106

At the request of Mrs. CLINTON, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of amendment No. 1106 intended to be proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1112

At the request of Mr. AKAKA, the names of the Senator from Minnesota (Mr. DAYTON) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of amendment No. 1112 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1113

At the request of Mr. AKAKA, the names of the Senator from Minnesota (Mr. DAYTON) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of amendment No. 1113 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1129

At the request of Mrs. MURRAY, the names of the Senator from New Jersey (Mr. CORZINE), the Senator from Minnesota (Mr. DAYTON), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Colorado (Mr. SALAZAR) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of amendment No. 1129 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

At the request of Mrs. HUTCHISON, her name was added as a cosponsor of amendment No. 1129 proposed to H.R. 2360, *supra*.

At the request of Mrs. CLINTON, her name was added as a cosponsor of amendment No. 1129 proposed to H.R. 2360, *supra*.

At the request of Mr. JEFFORDS, his name was added as a cosponsor of amendment No. 1129 proposed to H.R. 2360, *supra*.

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of amendment No. 1129 proposed to H.R. 2360, *supra*.

AMENDMENT NO. 1142

At the request of Ms. COLLINS, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Nebraska (Mr. NELSON), the Senator from Arkansas (Mr. PRYOR), the Senator

from Maine (Ms. SNOWE) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of amendment No. 1142 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1145

At the request of Mr. BUNNING, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of amendment No. 1145 intended to be proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1146

At the request of Mr. BUNNING, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of amendment No. 1146 intended to be proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1156

At the request of Mrs. BOXER, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 1156 intended to be proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1158

At the request of Mr. REID, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 1158 intended to be proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1159

At the request of Mr. REID, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 1159 intended to be proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1160

At the request of Mr. REID, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 1160 intended to be proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1161

At the request of Mr. REID, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 1161 intended to be proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending

September 30, 2006, and for other purposes.

AMENDMENT NO. 1162

At the request of Mr. KERRY, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 1162 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

At the request of Mrs. MURRAY, her name was added as a cosponsor of amendment No. 1162 proposed to H.R. 2360, *supra*.

AMENDMENT NO. 1200

At the request of Mr. BYRD, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Ohio (Mr. DEWINE), the Senator from New Jersey (Mr. CORZINE), the Senator from Connecticut (Mr. DODD), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of amendment No. 1200 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

At the request of Mr. KOHL, his name was added as a cosponsor of amendment No. 1200 proposed to H.R. 2360, *supra*.

AMENDMENT NO. 1202

At the request of Mr. DODD, the names of the Senator from New Jersey (Mr. CORZINE) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of amendment No. 1202 intended to be proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1205

At the request of Mr. OBAMA, his name was added as a cosponsor of amendment No. 1205 intended to be proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

At the request of Mrs. BOXER, her name was added as a cosponsor of amendment No. 1205 intended to be proposed to H.R. 2360, *supra*.

AMENDMENT NO. 1206

At the request of Mr. SARBANES, the names of the Senator from Ohio (Mr. DEWINE), the Senator from Delaware (Mr. BIDEN) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of amendment No. 1206 intended to be proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1211

At the request of Mrs. BOXER, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 1211 intended to be proposed to H.R. 2360, a bill making appropriations for the Department of

Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1215

At the request of Mrs. FEINSTEIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of amendment No. 1215 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mr. CORZINE:

S. 1381. A bill to require the Nuclear Regulatory Commission to consider certain criteria in relicensing nuclear facilities, and to provide for an independent assessment of the Oyster Creek Nuclear Generating Station by the National Academy of Sciences before any relicensing of that facility; to the Committee on Environment and Public Works.

Mr. CORZINE. Mr. President, I rise today to introduce legislation to help ensure the safety of the Nation's oldest nuclear power plants before they receive a renewed license to operate.

The Oyster Creek Nuclear Generating Station in Lacey, NJ, has operated for 35 years and is the oldest nuclear facility in the country. It provides approximately ten percent of New Jersey's electricity, powering 600,000 homes. Oyster Creek also provides high paying jobs for 450 New Jerseyans. While the plant is an important source of energy and jobs for New Jerseyans, serious environmental, health, and safety concerns must be taken into account before the plant is relicensed. Three and a half million Americans live within a fifty-mile radius of this plant. Congress must recognize that it is imperative that the safety, performance and reliability of this plant be assessed by an independent entity before it is relicensed.

I have been very clear about my support for an independent review of Oyster Creek's safety and security as part of the relicensure process. Such an assessment would have to go beyond what is currently studied by the Nuclear Regulatory Commission (NRC) when it reviews a license renewal. Unfortunately, when the NRC decides whether to renew a plant's license, it does not subject that application to the same thorough analysis that would be applied to a new power plant's application.

In particular, a plant's emergency plan is not evaluated by the NRC when it considers a license renewal. This is surely unacceptable.

The legislation I am introducing would require the NRC to withhold relicensing of the Oyster Creek Station until the National Academy of Sciences provides an independent assessment of safety performance, along with recommendations for relicensing and relicensing conditions. The assess-

ment must identify health risks, vulnerability to terrorist attacks, evacuation plans, population increases, ability to store nuclear waste, safety and security records, and the impact of a nuclear accident. The NRC would not be allowed to grant the license until it gives appropriate consideration to the recommendations in the report. This is important not just for New Jersey as it applies to Oyster Creek, but for all nuclear plants across the country.

In addition, the bill requires NAS to review and recommend what the life expectancy of nuclear plants should be that are designed like Oyster Creek.

Most public officials do not have the training or knowledge base needed to make an independent assessment regarding the safety and security of a nuclear power plant. This is why it is so critical that policymakers solicit the independent and unbiased opinion of experts who are able to thoroughly assess whether the Oyster Creek nuclear power plant would be able to operate without fail throughout the duration of a new license.

This Nation needs a plan for a sound energy future. Such a plan must address the increasing role for clean, renewable energy. The plan, however, must ensure that nuclear power plants such as Oyster Creek operate safely and only as long as they are needed.

If New Jersey's energy future is left up to chance, it could leave my State more reliant on coal-fired energy imported from other States over a regional grid that is unable to handle bulk power transfers of such a magnitude. The obvious end result of such reliance on distantly generated and transported energy is more air pollution and more blackouts.

Considering that New Jersey already suffers from the health effects of out-of-State air pollution and is still smarting from the 2003 blackout, we should know better than to let this happen.

A mistake in this matter has devastating potential consequences for New Jersey. An independent assessment of the safety of Oyster Creek is a significant step to ensure the safety of the 3.5 million residents who live in the vicinity of the plant. This additional layer of safety will help ensure that if Oyster Creek is relicensed, it will have passed a stringent, independent assessment of its safety. New Jersey should not expect anything less when it comes to the safety of its citizens.

I urge my colleagues to support this crucial piece of legislation.

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. 1381

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 "Oyster Creek Nuclear Generating Station Relicensing Act of 2005".

SEC. 2. FINDINGS.

Congress finds that—

(1) the Oyster Creek Nuclear Generating Station, which has been in operation for more than 35 years, is the oldest nuclear facility in the United States;

(2) as of the date of enactment of this Act, more than 3,500,000 people reside within a 50-mile radius of the Station;

(3) nuclear power facilities have been identified as targets for terrorist attacks;

(4) it is necessary to assess the safety, performance, and reliability of the oldest operating reactor in the United States; and

(5) an independent assessment of the Station will help in determining whether the Station can continue to maintain adequate levels of safety.

SEC. 3. DEFINITIONS.

In this Act:

(1) **COMMISSION.**—The term “Commission” means the Nuclear Regulatory Commission.

(2) **STATION.**—The term “Station” means the Oyster Creek Nuclear Generating Station.

SEC. 4. RELICENSING CRITERIA FOR NUCLEAR FACILITIES.

Section 182 of the Atomic Energy Act of 1954 (42 U.S.C. 2232) is amended by adding at the end the following:

“e. In determining whether to approve an application for relicensing, the Commission shall evaluate the facility with respect to—

“(1) the health risks, vulnerability to terrorist attack, evacuation plans, surrounding population increases, ability to store nuclear waste, and safety and security record of the facility; and

“(2) the impact of a nuclear accident at the facility.”.

SEC. 5. INDEPENDENT ASSESSMENT OF STATION.

(a) **IN GENERAL.**—The Commission shall not relicense the Station until—

(1) a date that is not earlier than 90 days after the date on which the Commission receives the report described in subsection (b); and

(2) the Commission has given appropriate consideration to the recommendations in the report.

(b) **ASSESSMENT BY NATIONAL ACADEMY OF SCIENCES.**—The Commission shall enter into an agreement with the National Academy of Sciences to submit to the Commission a report that includes, with respect to the Station—

(1) an independent assessment of safety performance; and

(2) recommendations with respect to—

(A) whether the Station should be relicensed by the Commission; and

(B) conditions for relicensing the Station.

(c) **INCLUSIONS.**—In preparing the report under subsection (b), the National Academy of Sciences, in accordance with any applicable regulations issued by the Commission, shall—

(1) provide an independent assessment of whether the Station conforms to the design and licensing bases of the Station, including appropriate reviews at the site and corporate offices of the Station;

(2) provide an independent assessment of the operational safety performance of the Station, including an identification of risk factors, as the National Academy of Sciences determines to be appropriate;

(3) provide an independent assessment of—

(A) the health risks, vulnerability to terrorist attack, evacuation plans, surrounding population increases, ability to store nuclear waste, and safety and security record of the Station; and

(B) the impact of a nuclear accident at the Station;

(4) evaluate the effectiveness of licensee self-assessments, corrective actions, and improvement plans at the Station;

(5) determine any cause of a safety problem at the Station;

(6) assess the overall performance of the Station; and

(7) assess, and provide recommendations regarding, the optimal life expectancy of—

(A) the Station; and

(B) nuclear facilities that are similar in design to the Station, as determined by the National Academy of Sciences.

(d) **ACCESS.**—The Chairperson of the Commission shall issue such regulations as are necessary to ensure appropriate access to the National Academy of Sciences to carry out this section, as determined by the Chairperson.

(e) **REPORT.**—Not later than 180 days after the date of enactment of this Act, the Commission shall submit to Congress the report of the National Academy of Sciences described in subsection (b).

By Mr. COLEMAN (for himself and Mr. LUGAR):

S. 1383. A bill to seek urgent and essential institutional reform at the United Nations; to the Committee on Foreign Relations.

Mr. LUGAR. Mr. President, I rise to join Senator NORM COLEMAN in introducing the United Nations Management, Personnel, and Policy Reform Act of 2005.

United Nations reform is not a new issue. The structure and role of the United Nations have been debated in our country almost continuously since the U.N. was established in 1945. But in 2005, we may have a unique opportunity to improve the operations of the UN. The revelations of the Oil-For-Food scandal and the urgency of strengthening global cooperation to address terrorism, the AIDS crisis, nuclear proliferation, and many other international problems have created momentum in favor of constructive reforms at the UN.

We have ample evidence that the United Nations is in need of reform. The Foreign Relations Committee held the first Congressional hearing on the UN's Oil-for-Food scandal a year ago last April. Since that time, through the work of Paul Volcker, Senator COLEMAN, and many others, we have learned much more about the extent of the corruption and mismanagement involved.

Senator COLEMAN's hard work as a Member of the Senate Foreign Relations Committee and as the Chairman of the Homeland Security and Governmental Affairs Permanent Subcommittee on Investigations has provided the Senate with extensive knowledge of what went wrong in the Oil-for-Food Program. We have combined efforts to offer the Senate a top-down/bottom-up comprehensive look at what needs to be reformed if the United Nations is going to be a highly effective institution in this century. I would like to thank staff on the Foreign Relations Committee and the Permanent Subcommittee on Investigations who have collaborated for many hours during the past several weeks as we have finalized this bill.

We know that billions of dollars that should have been spent on humani-

tarian needs in Iraq were siphoned off by Saddam Hussein's regime through a system of surcharges, bribes, and kickbacks. This corruption depended upon members of the UN Security Council who were willing to be complicit in these activities. It also depended on UN officials and contractors who were dishonest, inattentive, or willing to make damaging compromises in pursuit of a compassionate mission.

The diminishment of UN credibility from corruption in the Oil-for-Food Program and other scandals is harmful to U.S. foreign policy and to efforts aimed at coordinating a stronger global response to terrorism. The capabilities possessed by the United Nations depend heavily on maintaining the credibility associated with countries acting together in a well-established forum with well-established rules. Profiteering, mismanagement, and bureaucratic stonewalling squander this precious resource. At a time when the United States is appealing for greater international help in Iraq, Afghanistan, and in trouble spots around the world, a diminishment of UN credibility reduces U.S. options and increases our own burdens.

The UN's ability to organize burden sharing and take over missions best handled by the international community is critical to the long-term success of U.S. foreign policy. As such, the United States must help achieve effective reform at the UN.

Our legislation contains a comprehensive list of reforms that the United States must pursue at the United Nations. Some were espoused in the Gingrich-Mitchell UN reform study. Others have been proposed by our colleague on the House side, HENRY HYDE, and have already been adopted by the House of Representatives. Others have emerged from the Senate Foreign Relations Committee's and the Permanent Subcommittee of Investigation's examination of sound management, personnel and oversight practices that can prevent past failures from reoccurring.

The legislation includes a new UN procurement system that embodies the high standards required in modern governments and private sector companies, including relevant standards contained in the Foreign Corrupt Practices Act. It calls for a new Management Performance Board to hold senior UN officials accountable and a Sanctions Management Office to assist the Security Council in managing, monitoring, and overseeing UN sanctions programs. It calls for strengthened financial disclosure requirements for UN personnel and the creation of an Office of Ethics to monitor the disclosure policy and enforce a code of ethics. On the UN budget, it supports sunset provisions for all new programs mandated by the General Assembly and cost-cutting measures such as greater use of the internet for public information, expanding outsourcing of translation, and reducing the frequency of conferences and international meetings. It

promotes whistle-blower protections for UN employees and strengthens the UN inspector general function carried out by the Office of International Oversight Services (OIOS). And it calls for the creation of a new Independent Oversight Board to ensure the integrity and fiscal independence of the OIOS.

The legislation also calls for reforms in the two functions, peacekeeping and humans rights protection, where the United Nations will need to be stronger and more effective over the next several decades if it is to make a major contribution to international peace and security.

This legislation would provide President Bush with Congressional support and flexibility as he moves to generate reforms at the UN. The bill establishes a comprehensive agenda for creating the kind of United Nations the American people can support. It does not impose an artificial formula or rigid checklist of items that narrows our definition of success. Nor does it require mandated cuts in UN dues. Instead, the underlying premise of this legislation is that we want to give a President who knows how to achieve reform and is firmly committed to doing so the tools he needs to achieve our national objectives.

We see President Bush's pledge to seek reform reinforced by his deeds, including his nomination of a reform-minded expert on UN affairs to be our ambassador at the United Nations and now his subsequent nomination of a trusted White House aide to be the Assistant Secretary for International Organizations at the State Department.

The drive for reform at the UN is not going to occur in a national security vacuum. We will continue to have national security interests that are affected by UN agencies and UN deliberations. Without narrowing the President's options, this legislation gives him the leverage he needs. If he believes that, despite our best efforts, the other member states of the UN do not share our views on the urgency for reform, this bill grants the President full authority to withhold 50 percent of our UN dues until reforms are implemented. But it allows the President to make tactical judgments in the national security interest about how to apply leverage and about what methods to use in pursuing reform.

Secretary General Kofi Annan has proposed a substantial reform plan that will provide a platform for further reform initiatives and discussions. Other member nations have ideas for reform as well. The United States must be a leader in the effort to improve the United Nations, particularly its accountability. And this legislation provides the right balance, outlining the kinds of reforms that will make the United Nations an accountable, transparent, and well-managed international organization, while giving the President the authority to withhold contributions if reform efforts fall short.

I thank Senator COLEMAN for the expertise and leadership he has provided in crafting this legislation, and I ask my colleagues to give it their full support.

By Mr. FEINGOLD (for himself, Mr. KENNEDY, and Ms. LANDRIEU):

S. 1385. A bill to amend part A of title IV of the Social Security Act to ensure fair treatment and due process protections under the temporary assistance to needy families program, to facilitate enhanced data collection and reporting requirements under that program, and for other purposes; to the Committee on Finance.

Mr. FEINGOLD. Mr. President, later this year the Senate may again consider reauthorization of the 1996 Personal Opportunity and Work Responsibility Reconciliation Act. This law ended the Aid to Families with Dependent Children program and created our current Federal welfare program, the Temporary Assistance for Needy Families (TANF) program.

I supported the legislation that created TANF because I believed that the welfare system was failing recipients and their families and that we needed to do better. Now, almost nine years later, poverty levels are again on the rise and it is clear that improvements need to be made to the TANF program in order to achieve the goal of breaking the cycle of poverty and moving recipients into well-paying, sustainable jobs.

As we all know, each State's welfare program is different, and the implementation of these programs often varies from provider to provider and from county to county. While we encouraged State-level innovation with the 1996 law and should continue to encourage it with our reauthorization legislation, we should also ensure that all State plans conform to uniform Federal fair treatment and due process protections for all applicants and clients.

I am deeply concerned that a client who applies for or receives benefits in one part of Wisconsin may not be getting the same treatment as another applicant or client in a different part of my State.

The bill that I introduce today, the Fair Treatment and Due Process Protection Act, would improve Federal fair treatment and due process protections for applicants to and clients of State TANF programs by addressing gaps in current law in three areas: access to translation services and English as a Second Language education programs, sanction notification and due process protections, and data collection and analysis. I am pleased to be joined in this effort by the Senator from Massachusetts, Mr. KENNEDY and the Senator from Louisiana, Ms. LANDRIEU.

In order for low-income parents whose primary language is not English to understand their rights with respect to availability of benefits, to comply with Federal and State TANF program

rules, and to move from welfare to work, we should ensure that translation services and English as a Second Language classes are available.

My bill would require States to provide interpretation and translation services to low-income parents who do not speak English, and provides that the standards currently used in the food stamp program would be used to determine when the requirement to provide such services would be triggered for TANF-funded programs.

States would also be required to advise adults who lack English proficiency of available programs in the community to help them learn English, and to allow individuals who elect to enroll in such programs to participate in them. Individuals who participate in such activities on a satisfactory basis would be considered to be engaged in work activities and these activities would be counted towards the work participation rates.

If we are not only to reduce the welfare rolls but to reduce poverty and to ensure that low-income parents find sustainable jobs, we must ensure that these parents have access to education and training, including ESL classes, and that this training counts toward the work requirement. I support efforts to expand the number of activities that TANF clients are permitted to count as work, and my bill would add ESL classes to that list.

In addition, I am concerned about reports of unfair sanctioning and case closures across the country. We should make every effort to minimize discrimination in the application of sanctions and the termination of benefits. My bill would require that, prior to imposing a sanction, States inform individuals of the reasons for the sanction and what individuals may do to come into compliance with program rules to avoid the sanction. It also would stipulate that sanctions may not continue after individuals have come into compliance with program rules, and that individuals be informed of all other services and benefits for which they may be eligible during the period of the sanction, and of their rights under applicable State and Federal laws.

Finally, this bill would require States to perform enhanced data collection and analysis so that we can get a better picture of the people who apply for and receive TANF benefits and those who leave the welfare rolls.

I share the concern that has been expressed by a number of my constituents regarding the lack of comprehensive, uniform data about State welfare programs, including information on those who apply for benefits and those who have left the welfare rolls. My bill would require States to collect and manage data in a uniform way; to disaggregate the data based on a larger number of subgroups, including race, ethnicity/national origin, gender, primary language, and educational level of recipient; to include information on

work participation and about applicants who are diverted to other programs; and to track clients whose cases are closed.

In addition, the Federal Department of Health and Human Services would be required to include a comprehensive analysis broken down by these same data groups in its annual report on the TANF program. The Department would also be required to perform a longitudinal study of program outcomes that includes data on applicants for assistance, families that receive assistance, and families that leave assistance during the period of the study. The Secretary of Health and Human Services would be required to protect the privacy of individuals and families applying for or receiving assistance under State TANF programs when data on such individuals and families is publicly disclosed by the Secretary.

These enhanced requirements are not meant to impose an additional burden on the States. Rather, they are intended to measure the success of the program in a more comprehensive and transparent manner.

This legislation is supported by the Leadership Conference on Civil Rights, the Nation's oldest and most diverse civil rights coalition. I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1385

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; REFERENCES.

(a) **SHORT TITLE.**—This Act may be cited as the “Fair Treatment and Due Process Protection Act of 2005”.

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

Sec. 1. Short title; table of contents; references.

TITLE I—ACCESS TO TRANSLATION SERVICES AND LANGUAGE EDUCATION PROGRAMS

Sec. 101. Provision of interpretation and translation services.

Sec. 102. Assisting families with limited English proficiency.

TITLE II—SANCTIONS AND DUE PROCESS PROTECTIONS

Sec. 201. Sanctions and due process protections.

TITLE III—DATA COLLECTION AND REPORTING REQUIREMENTS

Sec. 301. Data collection and reporting requirements.

Sec. 302. Enhancement of understanding of the reasons individuals leave State TANF programs.

Sec. 303. Longitudinal studies of TANF applicants and recipients.

Sec. 304. Protection of individual privacy.

TITLE IV—EFFECTIVE DATE

Sec. 401. Effective date.

(c) **REFERENCES.**—Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the amendment or repeal shall be considered to be made to a section

or other provision of the Social Security Act.

TITLE I—ACCESS TO TRANSLATION SERVICES AND LANGUAGE EDUCATION PROGRAMS

SEC. 101. PROVISION OF INTERPRETATION AND TRANSLATION SERVICES.

(a) **IN GENERAL.**—Section 408(a) (42 U.S.C. 608(a)) is amended by adding at the end the following:

“(12) **PROVISION OF INTERPRETATION AND TRANSLATION SERVICES.**—A State to which a grant is made under section 403(a) for a fiscal year shall, with respect to the State program funded under this part and all programs funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)), provide appropriate interpretation and translation services to individuals who lack English proficiency if the number or percentage of persons lacking English proficiency meets the standards established under section 272.4(b) of title 7 of the Code of Federal Regulations (as in effect on the date of enactment of this paragraph).”

(b) **PENALTY.**—Section 409(a) (42 U.S.C. 609(a)) is amended by adding at the end the following:

“(15) **PENALTY FOR FAILURE TO PROVIDE INTERPRETATION AND TRANSLATION SERVICES.**—

“(A) **IN GENERAL.**—If the Secretary determines that a State to which a grant is made under section 403 in a fiscal year has violated section 408(a)(12) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to up to 5 percent of the State family assistance grant.

“(B) **PENALTY BASED ON SEVERITY OF FAILURE.**—The Secretary shall impose reductions under subparagraph (A) with respect to a fiscal year based on the degree of noncompliance.”

SEC. 102. ASSISTING FAMILIES WITH LIMITED ENGLISH PROFICIENCY.

(a) **IN GENERAL.**—Section 407(c)(2) (42 U.S.C. 607(c)(2)) is amended by adding at the end the following:

“(E) **INDIVIDUALS WITH LIMITED ENGLISH PROFICIENCY.**—In the case of an adult recipient who lacks English language proficiency, as defined by the State, the State shall—

“(i) advise the adult recipient of available programs or activities in the community to address the recipient's education needs;

“(ii) if the adult recipient elects to participate in such a program or activity, allow the recipient to participate in such a program or activity; and

“(iii) consider an adult recipient who participates in such a program or activity on a satisfactory basis as being engaged in work for purposes of determining monthly participation rates under this section, except that the State—

“(I) may elect to require additional hours of participation or activity if necessary to ensure that the recipient is participating in work-related activities for a sufficient number of hours to count as being engaged in work under this section; and

“(II) shall attempt to ensure that any additional hours of participation or activity do not unreasonably interfere with the education activity of the recipient.”

(b) **PENALTY.**—Section 409(a) (42 U.S.C. 609(a)), as amended by section 101(b), is amended by adding at the end the following:

“(16) **PENALTY FOR FAILURE TO PROVIDE INTERPRETATION AND TRANSLATION SERVICES.**—

“(A) **IN GENERAL.**—If the Secretary determines that a State to which a grant is made under section 403 in a fiscal year has violated section 407(c)(2)(E) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the im-

mediately succeeding fiscal year by an amount equal to up to 5 percent of the State family assistance grant.

“(B) **PENALTY BASED ON SEVERITY OF FAILURE.**—The Secretary shall impose reductions under subparagraph (A) with respect to a fiscal year based on the degree of noncompliance.”

TITLE II—SANCTIONS AND DUE PROCESS PROTECTIONS

SEC. 201. SANCTIONS AND DUE PROCESS PROTECTIONS.

(a) **IN GENERAL.**—Section 408(a) (42 U.S.C. 608(a)), as amended by section 101(a), is amended by adding at the end the following:

“(13) **SANCTION PROCEDURES.**—

“(A) **PRE-SANCTION REVIEW PROCESS.**—Prior to the imposition of a sanction against an individual or family receiving assistance under the State program funded under this part or under a program funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)) for failure to comply with program requirements, the State shall take the following steps:

“(i) Provide or send notice to the individual or family, and, if the recipient's native language is not English, through a culturally competent translation, of the following information:

“(I) The specific reason for the proposed sanction.

“(II) The amount of the proposed sanction.

“(III) The length of time during which the proposed sanction would be in effect.

“(IV) The steps required to come into compliance or to show good cause for noncompliance.

“(V) That the agency will provide assistance to the individual in determining if good cause for noncompliance exists, or in coming into compliance with program requirements.

“(VI) That the individual may appeal the determination to impose a sanction, and the steps that the individual must take to pursue an appeal.

“(ii)(I) Ensure that, subject to clause (iii)—

“(aa) an individual other than the individual who determined that a sanction be imposed shall review the determination and have the authority to take the actions described in subclause (II); and

“(bb) the individual or family against whom the sanction is to be imposed shall be afforded the opportunity to meet with the individual who, as provided for in item (aa), is reviewing the determination with respect to the sanction.

“(II) An individual to which this subclause applies may—

“(aa) modify the determination to impose a sanction;

“(bb) determine that there was good cause for the individual or family's failure to comply;

“(cc) recommend modifications to the individual's individual responsibility or employment plan; and

“(dd) make such other determinations and take such other actions as may be appropriate under the circumstances.

“(iii) The review required under clause (ii) shall include consideration of the following:

“(I) To the extent applicable, whether barriers to compliance exist, such as a physical or mental impairment, including mental illness, substance abuse, mental retardation, a learning disability, domestic or sexual violence, limited proficiency in English, limited literacy, homelessness, or the need to care for a child with a disability or health condition, that contributed to the noncompliance of the person.

“(II) Whether the individual or family's failure to comply resulted from failure to receive or have access to services previously identified as necessary in an individual responsibility or employment plan.

“(III) Whether changes to the individual responsibility or employment plan should be made in order for the individual to comply with program requirements.

“(IV) Whether the individual or family has good cause for any noncompliance.

“(V) Whether the State’s sanction policies have been applied properly.

“(B) SANCTION FOLLOW-UP REQUIREMENTS.—If a State imposes a sanction on a family or individual for failing to comply with program requirements, the State shall—

“(i) provide or send notice to the individual or family, in language calculated to be understood by the individual or family, and, if the individual’s or family’s native language is not English, through a culturally competent translation, of the reason for the sanction and the steps the individual or family must take to end the sanction;

“(ii) resume the individual’s or family’s full assistance, services, or benefits provided under this program (provided that the individual or family is otherwise eligible for such assistance, services, or benefits) once the individual who failed to meet program requirements that led to the sanction complies with program requirements for a reasonable period of time, as determined by the State and subject to State discretion to reduce such period;

“(iii) if assistance, services, or benefits have not resumed, as of the period that begins on the date that is 60 days after the date on which the sanction was imposed, and end on the date that is 120 days after such date, provide notice to the individual or family, in language calculated to be understood by the individual or family, of the steps the individual or family must take to end the sanction, and of the availability of assistance to come into compliance or demonstrate good cause for noncompliance with program requirements.”

(b) PENALTY.—Section 409(a) (42 U.S.C. 609(a)), as amended by section 102(b), is amended by adding at the end the following:

“(17) PENALTY FOR FAILURE TO FOLLOW SANCTION PROCEDURES.—

“(A) IN GENERAL.—If the Secretary determines that a State to which a grant is made under section 403 in a fiscal year has violated section 408(a)(13) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to up to 5 percent of the State family assistance grant.

“(B) PENALTY BASED ON SEVERITY OF FAILURE.—The Secretary shall impose reductions under subparagraph (A) with respect to a fiscal year based on the degree of noncompliance.”

(c) STATE PLAN REQUIREMENT TO DESCRIBE HOW STATES WILL NOTIFY APPLICANTS AND RECIPIENTS OF THEIR RIGHTS UNDER THE PROGRAM AND OF POTENTIAL BENEFITS AND SERVICES AVAILABLE UNDER THE PROGRAM.—Section 402(a)(1)(B)(iii) (42 U.S.C. 602(a)(1)(B)(iii)) is amended by inserting “, and will notify applicants and recipients of assistance under the program of the rights of individuals under all laws applicable to program activities and of all potential benefits and services available under the program” before the period.

(d) REQUIREMENT TO PROVIDE NOTICE TO APPLICANTS AND RECIPIENTS OF RIGHTS AND OF POTENTIAL PROGRAM BENEFITS AND SERVICES, AND TO TRAIN PROGRAM PERSONNEL TO RESPECT SUCH RIGHTS.—

(1) IN GENERAL.—Section 408(a) (42 U.S.C. 608(a)), as amended by subsection (a), is amended by adding at the end the following:

“(14) REQUIREMENT TO PROVIDE NOTICE TO APPLICANTS AND RECIPIENTS OF RIGHTS AND OF POTENTIAL PROGRAM BENEFITS AND SERVICES, AND TO TRAIN PROGRAM PERSONNEL TO RE-

SPECT SUCH RIGHTS.—A State to which a grant is made under section 403 shall—

“(A) notify each applicant for, and each recipient of, assistance under the State program funded under this part or under a program funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)) of the rights of applicants and recipients under all laws applicable to the activities of such program (including the right to claim good cause exceptions to program requirements), and shall provide the notice—

“(i) to a recipient when the recipient first receives assistance, benefits, or services under the program;

“(ii) to all such recipients on a semiannual basis; and

“(iii) orally and in writing, in the native language of the recipient and at not higher than a 6th grade level, and, if the recipient’s native language is not English, through a culturally competent translation; and

“(B) train all program personnel on a regular basis regarding how to carry out the program consistent with such rights.”

(2) PENALTY.—Section 409(a) (42 U.S.C. 609(a)), as amended by subsection (b), is amended by adding at the end the following:

“(18) PENALTY FOR FAILURE TO PROVIDE NOTICE TO APPLICANTS AND RECIPIENTS OF RIGHTS AND OF POTENTIAL PROGRAM BENEFITS AND SERVICES, AND TO TRAIN PROGRAM PERSONNEL TO RESPECT SUCH RIGHTS.—

“(A) IN GENERAL.—If the Secretary determines that a State to which a grant is made under section 403 in a fiscal year has violated section 408(a)(14) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to up to 5 percent of the State family assistance grant.

“(B) PENALTY BASED ON SEVERITY OF FAILURE.—The Secretary shall impose reductions under subparagraph (A) with respect to a fiscal year based on the degree of noncompliance.”

TITLE III—DATA COLLECTION AND REPORTING REQUIREMENTS

SEC. 301. DATA COLLECTION AND REPORTING REQUIREMENTS.

Section 411(a)(1) (42 U.S.C. 611(a)(1)) is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking “(except for information relating to activities carried out under section 403(a)(5))” and inserting “, and, in complying with this requirement, shall ensure that such information is reported in a manner that permits analysis of the information by race, ethnicity or national origin, primary language, gender, and educational level, including analysis using a combination of these factors, and that all data, including Federal, State, and local data (whether collected by public or private local agencies or entities that administer or operate the State program funded under this part) is made public and easily accessible”;

(B) by striking clause (v) and inserting the following:

“(v) The employment status, occupation (as defined by the most current Federal Standard Occupational Classification system, as of the date of the collection of the data), and earnings of each employed adult in the family.”;

(C) in clause (vii), by striking “and educational level” and inserting “, educational level, and primary language”;

(D) in clause (viii), by striking “and educational level” and inserting “, educational level, and primary language”;

(E) in clause (xi), in the matter preceding subclause (I), by inserting “, including, to the extent such information is available, in-

formation on the specific type of job, or education or training program” before the semicolon;

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A), the following:

“(B) INFORMATION REGARDING APPLICANTS.—

“(i) IN GENERAL.—Each eligible State shall collect on a monthly basis, and report to the Secretary on a quarterly basis, disaggregated case record information on the number of individuals who apply for but do not receive assistance under the State program funded under this part, the reason such assistance were not provided, and the overall percentage of applications for assistance that are approved compared to those that are disapproved with respect to such month.

“(ii) REQUIREMENT.—In complying with clause (i), each eligible State shall ensure that the information required under that clause is reported in a manner that permits analysis of such information by race, ethnicity or national origin, primary language, gender, and educational level, including analysis using a combination of these factors.”

SEC. 302. ENHANCEMENT OF UNDERSTANDING OF THE REASONS INDIVIDUALS LEAVE STATE TANF PROGRAMS.

(a) CASE CLOSURE REASONS.—Section 411(a)(1) (42 U.S.C. 611(a)(1)), as amended by section 301, is amended—

(1) by redesignating subparagraph (C) (as redesignated by such section 301) as subparagraph (D); and

(2) by inserting after subparagraph (B) (as added by such section 301) the following:

“(C) DEVELOPMENT OF COMPREHENSIVE LIST OF CASE CLOSURE REASONS.—

“(i) IN GENERAL.—The Secretary shall develop, in consultation with States and individuals or organizations with expertise related to the provision of assistance under the State program funded under this part, a comprehensive list of reasons why individuals leave State programs funded under this part. In developing such list, the Secretary shall consider the full range of reasons for case closures, including the following:

“(I) Lack of access to specific programs or services, such as child care, transportation, or English as a second language classes for individuals with limited English proficiency.

“(II) The medical or health problems of a recipient.

“(III) The family responsibilities of a recipient, such as caring for a family member with a disability.

“(IV) Changes in eligibility status.

“(V) Other administrative reasons.

“(ii) OTHER REQUIREMENTS.—The list required under clause (i) shall be developed with the goal of substantially reducing the number of case closures under the State programs funded under this part for which a reason is not known.

“(iii) PUBLIC COMMENT.—The Secretary shall promulgate for public comment regulations that—

“(I) list the case closure reasons developed under clause (i);

“(II) require States, not later than October 1, 2006, to use such reasons in accordance with subparagraph (A)(xvi); and

“(III) require States to report on efforts to improve State tracking of reasons for case closures, including the identification of additional reasons for case closures not included on the list developed under clause (i).

“(iv) REVIEW AND MODIFICATION.—The Secretary, through consultation and analysis of quarterly State reports submitted under this paragraph, shall review on an annual basis

whether the list of case closure reasons developed under clause (i) requires modification and, to the extent the Secretary determines that modification of the list is necessary, shall publish proposed modifications for notice and comment, prior to the modifications taking effect.”.

(b) **INCLUSION IN QUARTERLY STATE REPORTS.**—Section 411 (a)(1)(A) (42 U.S.C. 611(a)(1)(A)) is amended—

(1) in clause (xvi)—

(A) in subclause (IV), by striking “or” at the end;

(B) in subclause (V), by striking the period and inserting “; or”; and

(C) by adding at the end the following:

“(VI) a reason specified in the list developed under subparagraph (C), including any modifications of such list.”;

(2) by redesignating clause (xvii) as clause (xviii); and

(3) by inserting after clause (xvi), the following:

“(xvii) The efforts the State is undertaking, and the progress with respect to such efforts, to improve the tracking of reasons for case closures.”.

SEC. 303. LONGITUDINAL STUDIES OF TANF APPLICANTS AND RECIPIENTS.

(a) **IN GENERAL.**—Section 413 (42 U.S.C. 613) is amended by striking subsection (d) and inserting the following:

“(d) **LONGITUDINAL STUDIES OF APPLICANTS AND RECIPIENTS TO DETERMINE THE FACTORS THAT CONTRIBUTE TO POSITIVE EMPLOYMENT AND FAMILY OUTCOMES.**—

“(1) **IN GENERAL.**—The Secretary, directly or through grants, contracts, or interagency agreements, shall conduct longitudinal studies in at least 5, and not more than 10, States (or sub-State areas, except that no such area shall be located in a State in which a State-wide study is being conducted under this paragraph) of a representative sample of families that receive, and applicants for, assistance under a State program funded under this part or under a program funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)).

“(2) **REQUIREMENTS.**—The studies conducted under this subsection shall—

“(A) follow families that cease to receive assistance, families that receive assistance throughout the study period, and families diverted from assistance programs; and

“(B) collect information on—

“(i) family and adult demographics (including race, ethnicity or national origin, primary language, gender, barriers to employment, educational status of adults, prior work history, prior history of welfare receipt);

“(ii) family income (including earnings, unemployment compensation, and child support);

“(iii) receipt of assistance, benefits, or services under other needs-based assistance programs (including the food stamp program, the medicaid program under title XIX, earned income tax credits, housing assistance, and the type and amount of any child care);

“(iv) the reasons for leaving or returning to needs-based assistance programs;

“(v) work participation status and activities (including the scope and duration of work activities and the types of industries and occupations for which training is provided);

“(vi) sanction status (including reasons for sanction);

“(vii) time limit for receipt of assistance status (including months remaining with respect to such time limit);

“(viii) recipient views regarding program participation; and

“(ix) measures of income change, poverty, extreme poverty, food security and use of

food pantries and soup kitchens, homelessness and the use of shelters, and other measures of family well-being and hardship over a 5-year period.

“(3) **COMPARABILITY OF RESULTS.**—The Secretary shall, to the extent possible, ensure that the studies conducted under this subsection produce comparable results and information.

“(4) **REPORTS.**—

“(A) **INTERIM REPORTS.**—Not later than October 1, 2008, the Secretary shall publish interim findings from at least 12 months of longitudinal data collected under the studies conducted under this subsection.

“(B) **SUBSEQUENT REPORTS.**—Not later than October 1, 2010, the Secretary shall publish findings from at least 36 months of longitudinal data collected under the studies conducted under this subsection.”.

(b) **ANNUAL REPORT TO CONGRESS.**—

(1) **IN GENERAL.**—Section 411(b) (42 U.S.C. 611(b)) is amended—

(A) in paragraph (2)—

(i) by inserting “(including types of sanctions or other grant reductions)” after “financial characteristics”; and

(ii) by inserting “, disaggregated by race, ethnicity or national origin, primary language, gender, education level, and, with respect to closed cases, the reason the case was closed” before the semicolon;

(B) in paragraph (3), by striking “and” at the end;

(C) in paragraph (4), by striking the period and inserting “; and”; and

(D) by adding at the end the following:

“(5) the economic well-being of children and families receiving assistance under the State programs funded under this part and of children and families that have ceased to receive such assistance, using longitudinal matched data gathered from federally supported programs, and including State-by-State data that details the distribution of earnings and stability of employment of such families and (to the extent feasible) describes, with respect to such families, the distribution of income from known sources (including employer-reported wages, assistance under the State program funded under this part, and benefits under the food stamp program), the ratio of such families’ income to the poverty line, and the extent to which such families receive or received noncash benefits and child care assistance, disaggregated by race, ethnicity or national origin, primary language, gender, education level, whether the case remains open, and, with respect to closed cases, the reason the case was closed.”.

(2) **CONFORMING AMENDMENTS.**—Section 411(a) (42 U.S.C. 611(a)) is amended—

(A) by redesignating paragraph (7) as paragraph (8); and

(B) by inserting after paragraph (6), the following:

“(7) **REPORT ON ECONOMIC WELL-BEING OF CURRENT AND FORMER RECIPIENTS.**—The report required by paragraph (1) for a fiscal quarter shall include for that quarter such information as the Secretary may specify in order for the Secretary to include in the annual reports to Congress required under subsection (b) the information described in paragraph (5) of that subsection.”.

SEC. 304. PROTECTION OF INDIVIDUAL PRIVACY.

Section 411 of the Social Security Act (42 U.S.C. 611) is amended by adding at the end the following:

“(c) **PROTECTION OF INDIVIDUAL PRIVACY.**—With respect to any information concerning individuals or families receiving assistance, or applying for assistance, under the State programs funded under this part that is publicly disclosed by the Secretary, the Secretary shall ensure that such disclosure is

made in a manner that protects the privacy of such individuals and families.”.

TITLE IV—EFFECTIVE DATE

SEC. 401. EFFECTIVE DATE.

The amendments made by this Act take effect on October 1, 2005.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 196—WELCOMING THE PRIME MINISTER OF SINGAPORE ON THE OCCASION OF HIS VISIT TO THE UNITED STATES, EXPRESSING GRATITUDE TO THE GOVERNMENT OF SINGAPORE FOR ITS STRONG COOPERATION WITH THE UNITED STATES IN THE CAMPAIGN AGAINST TERRORISM, AND REAFFIRMING THE COMMITMENT OF THE UNITED STATES TO THE CONTINUED EXPANSION OF FRIENDSHIP AND COOPERATION BETWEEN THE UNITED STATES AND SINGAPORE

Mr. BOND (for himself and Ms. MURKOWSKI) submitted the following resolution; which was considered and agreed to:

S. RES. 196

Whereas Singapore is a great friend of the United States;

Whereas the United States and Singapore share a common vision of promoting peace, stability, security, and prosperity in the Asia-Pacific region;

Whereas Singapore is a member of the Proliferation Security Initiative, an initiative launched by the United States in 2003 to respond to the challenges posed by the proliferation of weapons of mass destruction, and a committed partner of the United States in preventing the spread of weapons of mass destruction;

Whereas Singapore is a leader in the Radiation Detection Initiative, an effort by the United States to develop technology to safeguard maritime security by detecting trafficking of nuclear and radioactive material;

Whereas Singapore will soon be a partner to the United States in the Strategic Framework Agreement for Closer Cooperation in Defense and Security, an agreement which will build upon the already strong military relations between the United States and Singapore and expand the scope of defense and security cooperation between the 2 countries;

Whereas Singapore responded quickly to provide generous humanitarian relief and financial assistance to the people affected by the tragic tsunami that struck Southeast Asia in December 2004;

Whereas Singapore has joined the United States in the global struggle against terrorism, providing intelligence and offering political and diplomatic support;

Whereas Singapore is the 15th largest trading partner of the United States and the first free trade partner of the United States in the Asia-Pacific region, and the United States is the second largest trading partner of Singapore;

Whereas the relationship between the United States and Singapore extends beyond the current campaign against terrorism and is reinforced by strong ties of culture, commerce, and scientific and technical cooperation; and

Whereas the relationship between the United States and Singapore encompasses almost every field of international cooperation, including a common commitment to

fostering a stronger and more open international trading system: Now, therefore, be it

Resolved, That the Senate—

(1) welcomes the Prime Minister of Singapore, His Excellency Lee Hsien Loong, to the United States;

(2) expresses profound gratitude to the Government of Singapore for promoting security and prosperity in Southeast Asia and cooperating with the United States in the global campaign against terrorism; and

(3) reaffirms the commitment of the United States to continue strengthening the friendship and cooperation between the United States and Singapore.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1216. Mr. DURBIN (for Mrs. BOXER) proposed an amendment to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

SA 1217. Mr. DURBIN (for Ms. STABENOW (for herself and Mr. REID)) proposed an amendment to the bill H.R. 2360, supra.

TEXT OF AMENDMENTS

SA 1216. Mr. DURBIN (for Mrs. BOXER) proposed an amendment to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . STRENGTHENING SECURITY AT NUCLEAR POWER PLANTS.

(a) FINDINGS.—The Senate finds that—

(1) A taped interview shown on al-Jazeera television on September 10, 2002, included a statement that al Qaeda initially planned to include a nuclear power plant in its 2001 attacks on the United States.

(2) In 2001, David Kyd of the International Atomic Energy Agency said that if a fully fueled large jetliner hit a nuclear reactor “then the containment could be breached and the cooling system of the reactor could be impaired to the point where radioactivity might well be set free.”

(3) Dr. Edwin Lyman, a physicist and former scientific director of the Nuclear Control Institute has noted that if a nuclear power plant were hit by a large commercial passenger jet, “significant release of radiation into the environment is a very real one.”

(4) Operating nuclear reactors contain large amounts of radioactive fission products that, if dispersed, could pose a direct radiation hazard, contaminate soil and vegetation, and be ingested by humans and animals.

(5) According to the organization Three Mile Island Alert, a nuclear power plant houses more than 1,000 times the radiation that would be released in an atomic bomb blast, and the magnitude of a single terrorist attack on a nuclear power plant could cause over 100,000 deaths.

(6) The federal government has offered Governors potassium iodide pills to distribute to people living near nuclear power plants in case of an attack, but no legislation has passed to protect against an attack in the first place.

(7) In the 108th Congress, the Senate Environment and Public Works Committee approved bipartisan legislation to improve nu-

clear plant security. No action was taken by the full Senate.

(8) Last month, the Senate Environment and Public Works Committee again approved bipartisan legislation to improve nuclear plant security.

(b) SENSE OF THE SENATE. It is the sense of the Senate that the Congress should pass legislation to assess the terrorist threats at each nuclear power plant and to establish new federal standards to protect against those threats.

SA 1217. Mr. DURBIN (for Ms. STABENOW (for herself and Mr. REID)) proposed an amendment to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 77, line 18, strike “\$2,694,300,000” and insert “7,694,300,000”.

On page 79, line 22, strike the colon and insert a period.

On page 79, between lines 22 and 23, insert the following:

(7) \$5,000,000,000 for interoperable communications equipment grants: *Provided*, That such amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress):

NOTICES OF HEARINGS/MEETINGS

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, July 20, 2005, at 2:30 P.M. in Room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on S. 703, to provide for the conveyance of certain Bureau of Land Management land in the State of Nevada to the Las Vegas Motor Speedway, and for other purposes; S. 997, to direct the Secretary of Agriculture to convey certain land in the Beaverhead-Deerlodge Forest, MT, to Jefferson County, MT; for use as a cemetery; S. 1131, to authorize the exchange of certain Federal land within the State of Idaho, and for other purposes; S. 1170, to establish the Fort Stanton-Snowy River National Cave Conservation Area; S. 1238, to amend the Public Lands Corps Act of 1993 to provide for the conduct of projects that protect forests, and other purposes; and H.R. 1101, to revoke a Public Land Order with respect to certain lands erroneously included in the Cibola National Wildlife Refuge, California.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, July 12, 2005, at 10 a.m. on Digital Television Transmission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, July 12, 2005, at 2:30 p.m. in Digital Television Transmission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meeting during the session of the Senate on Tuesday, July 12 at 10 a.m.

The purpose of the hearing is to consider the nomination of Jill L. Sigal to be Assistant Secretary of Energy for Congressional and Intergovernmental Affairs; David R. Hill to be General Counsel of the Department of Energy; and James A. Rispoli to be Assistant Secretary of Energy for Environmental Management.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, AND INTERNATIONAL SECURITY

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Subcommittee on Federal Financial Management, Government Information, and International Security be authorized to meet on Tuesday, July 12, 2005, at 2 p.m. for a hearing regarding “Improper Payments: Where are Truth and Transparency in Federal Financial Reporting?”

THE PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTELLECTUAL PROPERTY

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Subcommittee on Intellectual Property be authorized to meet to conduct a hearing on “Music Licensing Reform” on Tuesday, July 12, 2005 at 2:30 p.m. in Dirksen 226.

Witness List:

Panel I: Marybeth Peters, U.S. Register of Copyrights, Washington, DC.

Panel II: Rob Glaser, Chairman and CEO, RealNetworks, Inc., Seattle, WA; Rick Carnes, President, Songwriters Guild of America, Nashville, TN; Glen Barros, Pres and CEO, Comcord Records, Beverly Hills, CA; Marilyn Bergman, President and Chairman, American Society of Composers, Authors and Publishers, New York, NY;

and Ish Cuebas, Director of Merchandising Operations, Trans World Entertainment, and Co-Chairman of the Media on Demand Task Force Corporate Circle, National Association of Recording Merchandisers, Albany, NY.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND POWER

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the subcommittee on water and power be authorized to meet during the session of the Senate on Tuesday, July 12, 2005 at 3 p.m.

The purpose of the hearing is to receive testimony on S. 49, to establish a joint Federal-State Floodplain and Erosion Mitigation Commission for the State of Alaska; S. 247, to authorize the Secretary of the Interior to assist in the planning, design, and construction of the Tumalo Irrigation District Water Conservation Project in Deschutes County, Oregon; S. 648, to amend the reclamation states emergency drought relief act of 1991 to extend the authority for drought assistance; S. 819, to authorize the Secretary of the Interior to reallocate costs of the Pactola Dam and Reservoir, South Dakota, to reflect increased demands for municipal, industrial, and fish and wildlife purposes; S. 891, to extend the water service contract for the Ainsworth Unit, Sandhills Division, Pick-Sloan Missouri Basin Program, Nebraska; and S. 1338, to require the Secretary of the Interior, acting through the bureau of reclamation and the United States Geological Survey, to conduct a study on groundwater resources in the State of Alaska, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Ms. COLLINS. Mr. President, I ask unanimous consent that Jeffrey Highley, a civil engineering congressional fellow in Senator PRYOR's office, be granted the privilege of the floor for the remaining duration of the debate on the Homeland Security appropriations bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I ask unanimous consent that privilege of the floor be granted to Ray Kovachy and Lynden Melmed, detailees from the Department of Homeland Security to the majority staff of the Immigration, Border Security, and Citizenship Subcommittee of the Judiciary Committee during the remainder of the first session of the 109th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MARTINEZ. I ask unanimous consent that Brian Walsh, a member of my staff, be granted floor privileges during consideration of the Homeland Security appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

WELCOMING THE PRIME MINISTER OF SINGAPORE ON THE OCCASION OF HIS VISIT TO THE UNITED STATES.

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to consideration of S. Res. 196, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 196) welcoming the Prime Minister of Singapore on the occasion of his visit to the United States, expressing gratitude to the Government of Singapore for its strong cooperation with the United States in the campaign against terrorism, and reaffirming the commitment of the United States to the continued expansion of friendship and cooperation between the United States and Singapore.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 196) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 196

Whereas Singapore is a great friend of the United States;

Whereas the United States and Singapore share a common vision of promoting peace, stability, security, and prosperity in the Asia-Pacific region;

Whereas Singapore is a member of the Proliferation Security Initiative, an initiative launched by the United States in 2003 to respond to the challenges posed by the proliferation of weapons of mass destruction, and a committed partner of the United States in preventing the spread of weapons of mass destruction;

Whereas Singapore is a leader in the Radiation Detection Initiative, an effort by the United States to develop technology to safeguard maritime security by detecting trafficking of nuclear and radioactive material;

Whereas Singapore will soon be a partner to the United States in the Strategic Framework Agreement for Closer Cooperation in Defense and Security, an agreement which will build upon the already strong military relations between the United States and Singapore and expand the scope of defense and security cooperation between the 2 countries;

Whereas Singapore responded quickly to provide generous humanitarian relief and financial assistance to the people affected by the tragic tsunami that struck Southeast Asia in December 2004;

Whereas Singapore has joined the United States in the global struggle against terrorism, providing intelligence and offering political and diplomatic support;

Whereas Singapore is the 15th largest trading partner of the United States and the first free trade partner of the United States in the Asia-Pacific region, and the United States is the second largest trading partner of Singapore;

Whereas the relationship between the United States and Singapore extends beyond the current campaign against terrorism and

is reinforced by strong ties of culture, commerce, and scientific and technical cooperation; and

Whereas the relationship between the United States and Singapore encompasses almost every field of international cooperation, including a common commitment to fostering a stronger and more open international trading system: Now, therefore, be it

Resolved, That the Senate—

(1) welcomes the Prime Minister of Singapore, His Excellency Lee Hsien Loong, to the United States;

(2) expresses profound gratitude to the Government of Singapore for promoting security and prosperity in Southeast Asia and cooperating with the United States in the global campaign against terrorism; and

(3) reaffirms the commitment of the United States to continue strengthening the friendship and cooperation between the United States and Singapore.

MEASURE READ THE FIRST TIME—S. 1382

Mr. FRIST. I understand there is a bill at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1382) to require the Secretary of Interior to accept the conveyance of certain land, to be held in trust for the benefit of the Puyallup Indian tribe.

Mr. FRIST. I now ask for a second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read the second time on the next legislative day.

MEASURES PLACED ON THE CALENDAR—S. 1374 AND S. 1375

Mr. FRIST. I understand there are two bills at the desk due for a second reading. I ask unanimous consent they be read for the second time en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1374) to amend the Homeland Security Act of 2002 to provide for a border preparedness pilot program on Indian land.

A bill (S. 1375) to amend the Indian Arts and Crafts Act of 1990 to modify provisions relating to criminal proceedings and civil actions, and for other purposes.

Mr. FRIST. In order to place the bills on the calendar under the provisions of rule XIV, I object to further proceeding en bloc.

The PRESIDING OFFICER. The bills will be placed on the calendar.

ORDERS FOR WEDNESDAY, JULY 13, 2005

Mr. FRIST. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Wednesday, July 13. 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 the Homeland Security appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, JULY 13, 2005

Mr. FRIST. Mr. President, tomorrow the Senate will resume consideration of the Homeland Security appropriations bill. We have several important amendments pending, focusing on first responders. Additional amendments will be offered and debated through the day. Due to scheduling issues, any votes ordered with respect to amendments will be stacked to occur later in the day. We will alert Senators as to the exact timing of that series of votes tomorrow. We will complete the Homeland Security appropriations bill this week, and therefore we will need to make good use of our time on Wednesday, Thursday, and Friday, if necessary.

Again, the intention is we will complete this bill this week. I mention that because I know there are a lot of scheduling challenges and problems, but we need to keep moving ahead. We will be stacking the votes, as I mentioned earlier in the day, to try to accommodate as many Members' schedules as possible.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:09 p.m., adjourned until Wednesday, July 13, at 9:30 a.m.

NOMINATIONS

Executive Nominations received by the Senate July 12, 2005:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

KEITH A. NELSON, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE VICKERS B. MEADOWS.

FEDERAL MARITIME COMMISSION

REBECCA F. DYE, OF NORTH CAROLINA, TO BE A FEDERAL MARITIME COMMISSIONER FOR A TERM EXPIRING JUNE 30, 2010. (REAPPOINTMENT)

DEPARTMENT OF STATE

PATRICIA LOUISE HERBOLD, OF WASHINGTON, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SINGAPORE.

JAMES CALDWELL CASON, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF PARAGUAY.

IN THE COAST GUARD

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS A PERMANENT COMMISSIONED REGULAR OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 211:

To be lieutenant

MELISSA DIAZ, 0000

THE FOLLOWING NAMED OFFICER OF THE UNITED STATES COAST GUARD TO BE A MEMBER OF THE PERMANENT COMMISSIONED TEACHING STAFF OF THE COAST GUARD ACADEMY IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 188:

To be lieutenant

ROYCE W. JAMES, 0000

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

MONROE N. FARMER, JR., 0000
FRANCIS C. LEITH, JR., 0000
DAVID A. PRUGH, 0000
CYNTHIA A. SMITH, 0000
WILLIAM L. SMITH, 0000
WENDY C. SPRIGGS, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JERRY R. ACTON, JR., 0000
ARNOLD B. HARMSSEN, 0000
NEAL G. LOIDOLT, 0000
JOHN F. MCKENNEY, 0000
STEVEN R. MOUNT, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

To be lieutenant colonel

MARIA E. BOVILL, 0000
BRYAN L. BOYEA, 0000
NIKKI L. BUTLER, 0000
RACHEL K. EVANS, 0000
DAVID D. GOHDES, 0000
DANIEL M. JAYNE, 0000
COLLEEN S. KESSELRING, 0000
DAVID E. MEYER, 0000
ANNE C. RESTY, 0000
MARYBETH SALGUEIRO, 0000
MICHAEL J. * WALKER, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

To be lieutenant colonel

THELDA J. * ATKIN, 0000
BESS P. * BROSEY, 0000
STEPHEN J. * DALAL, 0000
JAMES S. * ESTEP, 0000
DAVID J. * FLETCHER, 0000
DAVID S. * GALLOWAY, 0000
TODD O. * JOHNSON, 0000
ROBIN K. * KING, 0000
HENRY J. KYLE, 0000
BRIAN D. * MOORE, 0000
LEN E. * MURRAY, 0000
RANDALL L. * RIETCHECK, 0000
WILLIAM H. * SMITH, 0000
EDWARD L. * STEVENS, 0000
NANCY A. * TWENHAFEL, 0000
RUSSELL L. * WIESSINGER, 0000
LOUDON D. * YANTIS, JR., 0000
TAMI ZALEWSKI, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

To be lieutenant colonel

CHRISTOPHER AMAKER, 0000
PAUL D. ANDERSON, 0000
MARK R. * BAGGETT, 0000
DAMON G. BAINE, 0000
BRIAN J. BALOUGH, 0000
LYNNETTE B. BARDOLF, 0000
KENTON M. BASS, 0000
KEVIN J. BELANGER, 0000
MICHAEL T. BLOUNT, 0000
JAMES R. BOLTON, 0000
SHAWN T. BOOS, 0000
LEONARD W. BOWLEY, 0000
CHARLES D. BRADLEY, 0000
MITA S. BRENNAN, 0000
CARLTON C. BRINKLEY, 0000
THOMAS C. BURZYNSKI, 0000
KYLE C. CAMPBELL, 0000
JACQUELINE CHANDLO, 0000
JACQUELINE B. * CHEN, 0000
CHRISTOPHER H. CHUN, 0000
JEFFERY M. * CLELAND, 0000
CHARLES D. * COE, 0000
REGINALD D. COFFEY, 0000
FABIAN F. COOK, 0000
ANTHONY L. COX, 0000
JOHN P. CUELLAR, 0000
ROBERT P. CUREE, JR., 0000
WILLIAM M. DARBY, 0000
JAMES W. DAVIDSON, 0000

GRETCHEN L. DEMMIN, 0000
SHERYL L. DUNN, 0000
JAY E. * EARLES, 0000
PAMELA M. EVANS, 0000
LAUREL S. FIELDS, 0000
STEPHEN M. FORD, 0000
KEVIN M. FORREEST, 0000
KARRIE A. FRISTOE, 0000
JOSE L. * GARCIA, 0000
GREG S. GENTRY, 0000
BRADLEY A. GOLDEN, 0000
GILROY G. GOTIANGCO, 0000
EMMETT * GOURDINE, 0000
PAUL J. GOYMERAC, 0000
JOSEPH D. GRAHAM, 0000
GERALD J. GRUBER, 0000
JOHN J. GUARDIA, 0000
LANETTE R. HAMILTON, 0000
OWEN N. HARDY, JR., 0000
BERNARD HARPER, 0000
DAVID S. HENSHEL, 0000
THOMAS S. HINES, 0000
PENNIE L. * HOOPMAN, 0000
MATTHEW S. HUFFMAN, 0000
ARTHUR A. JACKSON, JR., 0000
KEITH M. JOHNSON, 0000
HENRY K. JUNG, 0000
MARTIN D. KERKENBUSH, 0000
JEFFERY S. KING, 0000
KEITH D. KIZZIE, 0000
CHRISTOPHER M. KNAPP, 0000
THOMAS K. KOGER, 0000
MICHAEL P. KOZAR, 0000
DANIEL R. KRAL, 0000
JOHN P. LAMOUREUX, 0000
JAMES A. LATERZA, 0000
ROBERT E. LEONARD, 0000
PAULA C. LODI, 0000
BRYAN W. LONGMUIR, 0000
ROBERT C. MAXHAM, 0000
SHARON A. * MCBRIDE, 0000
WILLIAM MCCARTHY, 0000
NEDRICK L. MCDADE, 0000
WILLIAM M. MCGRATH, 0000
MICHAEL D. MILLER, 0000
KATHERINE R. MOORE, 0000
JAMES W. * NESS, 0000
LAWRENCE P. NOLAN, 0000
MICHAEL T. ONEIL, 0000
DOUGLAS ONKST, 0000
DAVID J. PARRAMORE, 0000
BRADLEY D. PECOR, 0000
JOHN L. * PRESS, 0000
CARLA S. PRICE, 0000
JEFFREY A. ROBERTS, 0000
PAUL L. ROBERTS, 0000
CEPHUS L. ROUPE, 0000
NANCY D. RUFFIN, 0000
BRADLEY S. RUSTAN, 0000
DAVID G. RYNDERS, 0000
TERESA A. SAPP, 0000
JOHN M. * SCHERER, 0000
SONYA S. SCHLEICH, 0000
JAMES F. SCHWARTZ, 0000
AARON J. SILVER, 0000
JAMES B. SNOW, 0000
STACIA L. SPRIDGEN, 0000
WALTER M. STANISH, 0000
RICHARD P. STARRS, 0000
CHARLES H. STRITTE, JR., 0000
ALEX H. STUBNER, 0000
EDWIN C. * SUPPLEE, 0000
MICHAEL J. TALLEY, 0000
JESSIE L. TUCKER III, 0000
TROY L. WALKER, 0000
RONALD T. WILLIAMS, 0000
STEPHEN C. WOOLDRIDGE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C. SECTIONS 624, 531, AND 3064:

To be lieutenant colonel

DENISE D. ADAMSMANN, 0000
PATRICK J. AHEARNE, 0000
JAVIER F. ALTAMIRANO, 0000
RAY C. ANTOINE, 0000
FRED P. * BAKER, JR., 0000
KIRSTEN S. BAUTISTA, 0000
DEBRA D. BOYKINS, 0000
KELLY K. * BRAMLEY, 0000
CHERYL L. BROWN, 0000
MYRA R. BROWN, 0000
VICKI L. CARR, 0000
THOMAS S. CLARK, 0000
TINA L. CLEMENTS, 0000
JAMES A. CLEVELAND, 0000
DAVID L. COLVIN, 0000
TINA A. CONNALLY, 0000
MATTHEW H. COWELL, 0000
JOCELYN P. CRITTENDEN, 0000
JACK M. DAVIS, 0000
LISA F. DAVIS, 0000
MINERVA R. * DEPACHECO, 0000
CORINNE K. DEVLIN, 0000
JEAN M. * EDWARDS, 0000
LAURA R. FAVAND, 0000
LAURIA A. FORTNER, 0000
PATRICIA A. GODINEZ, 0000
PAMELA F. * HALE, 0000
MELISSA K. * HEMBREE, 0000
PATRICIA H. HENDRIX, 0000
TERESA H. HENDRIX, 0000
KATHLEEN M. HERBERGER, 0000
WENDELL M. HOLLADAY, 0000
LISA A. INGULLI, 0000

SUSANNA S. ITARA, 0000
 MELINDA L. JACKSON, 0000
 SHARON Y. JACKSON, 0000
 BEVERLY JEFFERSON, 0000
 CLUNIE M. JOHNSON, 0000
 IVETTE * JUSTICE, 0000
 BRIAN K. KONDRAT, 0000
 JEANNE M. LARSON, 0000
 LINDA R. LEBEDOVYCH, 0000
 VERONICA S. LEWIS, 0000
 TAYLOR T. LINEGAR, 0000
 JANIE K. LOTT, 0000
 VIVIAN G. LUDI, 0000
 BARBARA A. * MAHONEY, 0000
 KAREN L. * MARRS, 0000
 PAULETTE B. MATTHIEBROWN, 0000
 VAN E. MCCOY, 0000
 DANIEL W. * MCKAY, 0000
 COLETTE L. MCKINNEY, 0000
 DONNA E. * MOORE, 0000
 MARY S. MOORE, 0000
 MARGARET M. NAVA, 0000
 TERRY N. NELSON, 0000
 SONIA T. NEUMEIER, 0000
 THERESA H. NEWLIN, 0000
 JOSEPH C. * OSULLIVAN, 0000
 KOLET R. PABLO, 0000
 KELLY L. PEROUTKA, 0000
 CHERYL N. POLLARD, 0000
 RENEE M. * PONCE, 0000
 SHARON M. PRYOR, 0000
 JAMES R. QUIGLEY, 0000
 REBECCA S. RABE, 0000
 JENNIFER ROBINSON, 0000
 JANET L. ROGERS, 0000
 DONNA L. SCHANCK, 0000
 JACQUELINE R. SCHULER, 0000
 JACQUELINE A. SHEEHAN, 0000
 BETTY J. SIMMONS, 0000
 BARBARA A. SION, 0000
 MIRIAM A. SPELLS, 0000
 NANCY J. * STEIMER, 0000
 CARLETTE T. TOFT, 0000
 LISA A. TOVEN, 0000
 ABEL TREVINO, 0000
 SHIRLEY D. TUORINSKY, 0000
 ROBIN A. VILLIARD, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be major

THOMAS H. AARSEN, 0000
 KRISTIN A. * ABERG, 0000
 ALISSA R. ACKLEY, 0000
 GEOFFREY R. ADAMS, 0000
 JOHN D. * ADAMS, 0000
 STEPHANIE R. AHERN, 0000
 THOMAS S. AKIN, 0000
 SARAH K. * ALBRYCHT, 0000
 PAUL E. * ALESSI, 0000
 CLARENCE C. * ALFORD, 0000
 ANDY R. * ALLEN, 0000
 CHRISTINE E. * ALLEN, 0000
 ZACHARY J. * ALLEN, 0000
 DANIEL P. ALLMACHER, 0000
 PATRICK S. ALTENBURG, 0000
 JAMES C. * ANDERSON, JR., 0000
 JASON L. ANDERSON, 0000
 JOHN P. ANDERSON, 0000
 PHILIP W. * ANDERSON, 0000
 ROBERT R. ANDERSON, 0000
 NIKOLAI L. ANDRESKY, 0000
 MARIA T. * ANGEL, 0000
 PAUL M. ARMSTRONG, 0000
 SHERMAN * ARMSTRONG, 0000
 ARIC N. ARNOLD, 0000
 ROBERT R. * ARNOLD, JR., 0000
 WANDRA F. * ARNOLD, 0000
 BRIAN D. * ASHER, 0000
 JOHN M. * ASKEW, 0000
 KENNETH S. ATES, 0000
 CINDY T. ATKINS, 0000
 DENNIS R. ATKINS III, 0000
 GAIL E. ATKINS, 0000
 CHRISTOPHER S. AUCLAIR, 0000
 RICK J. * AVERA, 0000
 GERALD AVILA, 0000
 SCOTT C. * BAGER, 0000
 CHAD A. BAGLEY, 0000
 JAMES E. BAGLEY, 0000
 JOHN J. * BAILEY, JR., 0000
 DESMOND V. BAILEY, 0000
 ROBERT G. BAILEY, 0000
 VINCENT P. BAILEY, 0000
 MARSHANNA BAINGIPSON, 0000
 JAMES J. * BAIRD III, 0000
 THOMAS R. * BAIRD, 0000
 DARIEN L. BAISEY, 0000
 TODD E. * BAJAKIAN, 0000
 BRIAN K. * BAKER, 0000
 JEFFREY E. BAKER, 0000
 KOO BAKER, 0000
 MICHAEL D. * BAKER, 0000
 PATRICK J. * BAKER, 0000
 PHILLIP C. * BAKER, 0000
 SCOTT R. BAKER, 0000
 THOMAS M. BALLENGER III, 0000
 THOMAS W. * BAMBORD, 0000
 GARY A. * BANTAD, 0000
 CHARLES R. * BARBER, JR., 0000
 CLAUDE A. * BARFIELD, 0000
 STEPHEN K. * BARKER, 0000
 MARK W. * BARLOW, 0000

SHANE A. * BARNA, 0000
 CATINA M. * BARNES, 0000
 SHANE C. * BARNES, 0000
 SHAWN M. * BARNES, 0000
 LESLIE A. BARNETT, 0000
 MAURICE O. BARNETT, 0000
 SEAN G. * BARRETT, 0000
 THOMAS J. BARRETT, 0000
 CHRISTOPHER T. * BARRY, 0000
 JOHN M. * BARRY, JR., 0000
 STEVEN T. BARRY, 0000
 AARON C. BARTA, 0000
 LISA M. BARTEL, 0000
 SCOTT L. * BARTLEY, 0000
 LAWRENCE O. * BASHA, 0000
 BASSEY E. BASSEY III, 0000
 BRETT A. BASSINGER, 0000
 JAMES E. * BATCHELOR, 0000
 CHAD T. BATES, 0000
 BRYAN K. BATSON, 0000
 THOMAS M. * BAUCHSPIES, 0000
 RANDALL G. BAUCOM, 0000
 ANTHONY C. BAUER, 0000
 JOHN W. BAUER, 0000
 SHIRLEY J. BAUMANN, 0000
 ERIC A. BAUS, 0000
 RICARDO A. BAUTISTA, 0000
 JEFFERY D. * BEACHAM, 0000
 JON P. BEALE, 0000
 TIMOTHY R. * BECK, 0000
 JOHN R. BECKHAM, 0000
 JOHN C. BECKING, 0000
 DAMON A. BECKNEL, 0000
 GARY M. * BELCHER, 0000
 LARRY A. * BELCHER, 0000
 RALPHEAL R. BELL, JR., 0000
 VINCENT J. * BELLISARIO, 0000
 JASON M. BENDER, 0000
 DANIEL J. BENICK, 0000
 IAN S. * BENNETT, 0000
 LEROY D. * BENTON, 0000
 PAUL E. * BERG, 0000
 ROBERT S. BERG, 0000
 JEREMY R. BERNADEAU, 0000
 ARICAI M. * BERRY, 0000
 PATRICK J. BERRY, 0000
 STEPHEN M. BERT, 0000
 MICHAEL N. BLANKOWSKI, JR., 0000
 JOHN * BIRDSONG, 0000
 DREW A. * BISSELL, 0000
 BRIAN A. BISSONNETTE, 0000
 WILLIAM R. * BLACK, 0000
 WARD T. * BLACKLOCK III, 0000
 DEVON M. BLAKE, 0000
 JAY A. * BLAKLEY, 0000
 JOSEPH C. * BLANKENSHIP, 0000
 GLEN L. * BLANTON II, 0000
 JAMES T. * BLEJSKI, JR., 0000
 JASON B. BLEVINS, 0000
 MARK A. BLISS, 0000
 MARK A. BOEKE, 0000
 DEREK P. * BOESE, 0000
 BRIAN C. BLOJO, 0000
 NATHAN J. * BOLLINGER, 0000
 AQUANITA R. * BONDS, 0000
 ELMER A. * BONTRAGER, 0000
 RONNELL * BOOKER, 0000
 TIMOTHY B. * BORRASA, 0000
 PETER S. * BORETSKY, 0000
 LEONARD A. BORNNO, 0000
 JOSEPH W. BOSCIA, 0000
 CRAIG P. BOSTON, 0000
 KIRT R. * BOSTON, 0000
 WILLIAM E. BOSWELL, 0000
 JESUS E. BOTELLO, 0000
 DON E. * BOTTORFF, 0000
 WADE R. BOVARD, 0000
 DENNIS BOWERS, 0000
 MATTHEW R. BOWLER, 0000
 ANTHONY R. BOWMAN, 0000
 BRADLEY L. BOWMAN, 0000
 CLARENCE W. * BOWMAN III, 0000
 ALAN J. BOYER, 0000
 TERRI L. * BRADLEY, 0000
 DONALD W. * BRADY, JR., 0000
 EDWARD A. BRADY, 0000
 WILLIAM P. BRAMAN, 0000
 SCOTTY P. * BRAMBLETT, 0000
 THOMAS A. * BRASHERS, 0000
 TODD I. * BRATTMILLER, 0000
 CHRISTOPHER C. * BRESKO, 0000
 BRIAN D. * BRITTAIN, 0000
 TIMOTHY S. * BROADENAX, 0000
 KEVIN * BROADNAX, 0000
 WILLIAM F. * BROCKMAN III, 0000
 JARETT D. BROEMMEL, 0000
 WILLIAM H. * BROOKS, 0000
 ANGELO O. * BROUGH, 0000
 ERIC L. BROWN, 0000
 GEORGE B. * BROWN III, 0000
 JUSTIN W. BROWN, 0000
 KELVIN D. * BROWN, 0000
 ROBERT S. BROWN, 0000
 DUDLEY G. * BROWNELL III, 0000
 TODD A. * BROWNING, 0000
 JAMES E. * BROWNLEE, JR., 0000
 BRADLEY N. BRUCE, 0000
 JAKOB C. BRUHL, 0000
 BOBBY W. BRYANT, 0000
 CHARLES E. BRYANT, 0000
 JAMES W. BRYANT, JR., 0000
 LETITIA L. * BRYANT, 0000
 TED M. * BRYANT, 0000
 THOMAS B. * BRYANT, 0000
 JEFFREY C. * BRYSON, 0000
 BENJAMIN D. * BUALAT, 0000
 JEFFREY D. BUCK, 0000

TODD E. BUHR, 0000
 ROBERT S. BUINISKIS, 0000
 DALE W. BURBANK, 0000
 MARIA V. BURGER, 0000
 ROBERT L. * BURGESS, 0000
 SEAN M. * BURKE, 0000
 WILLIAM B. * BURLEY, 0000
 CHARLES R. BURNETT, 0000
 BARRY A. BURNS, 0000
 DONALD L. BURTON, 0000
 JASON R. * BURWELL, 0000
 JAMES A. BUSHNELL, 0000
 JAMES N. * BUSLER, 0000
 MATTHEW N. * BUTLER, 0000
 RAYMOND D. * BUTLER, 0000
 ALLEN R. * BYRNE, 0000
 ELLIOTT R. * CAGGINS, 0000
 CHRISTOPHER H. * CALDWELL, 0000
 JASON C. CALDWELL, 0000
 TERENCE A. * CALIGUIRE, 0000
 KREG C. * CALVERT, 0000
 JAMES J. CAMERON, 0000
 JONATHAN G. * CAMERON, 0000
 CHERYL R. * CAMPBELL, 0000
 MICHAEL L. CAMPBELL, 0000
 CHAD E. CAMPFIELD, 0000
 LUCIEN * CAMPILLO, 0000
 LANCE CANGELOSI, 0000
 GREGORY A. * CANNATA, 0000
 JOHN M. * CANTIN, 0000
 JULIE L. CAPLES, 0000
 KEVIN S. CAPRA, 0000
 DAVID F. CAREY, 0000
 HEATHER J. CARLISLE, 0000
 BARRY R. CARLSON, JR., 0000
 STEVEN P. CARPENTER, 0000
 JULIE M. * CARSKADON, 0000
 ADAM J. CARSON, 0000
 ANDREW T. CARTER, 0000
 CHRISTOPHER M. * CARTER, 0000
 HORACE * CARTER, JR., 0000
 MARCUS D. * CARTER, 0000
 ROBERTO R. * CASTILLO, 0000
 RAFAEL E. * CATHELINAUD, 0000
 JOHN R. * CAUDILL, 0000
 CHAD C. CHAFFLON, 0000
 JERRY E. CHANDLER, JR., 0000
 MALCOLM O. * CHANDLER, 0000
 KEVIN S. CHANEY, 0000
 JENNIFER CHAPMAN, 0000
 DONALD J. * CHARRON, 0000
 THADDEUS E. * CHASE, 0000
 PATRICK C. * CHAVEZ, 0000
 PETER C. * CHEN, 0000
 DERRICK W. CHENG, 0000
 CHRISTA M. CHEWAR, 0000
 THOMAS A. * CHIAPPETTA, 0000
 MARK S. * CHILDRESS, 0000
 KEITH T. * CHINN, 0000
 MOBARAK H. * CHOWDHURY, 0000
 ERIC * CHOY, 0000
 DEREK P. CHRISTENSEN, 0000
 MARK W. * CHRISTENSEN, 0000
 ROBERT B. CHURCH, 0000
 BRIAN J. * CHWODAK, 0000
 CHRISTOPHER W. * CIRINO, 0000
 NICOLE N. CLARK, 0000
 KENDALL J. * CLARKE, 0000
 KELVIN R. * CLAUDE, 0000
 CLIFFORD D. * CLAUSEN, 0000
 CHRISTOPHER J. * CLAY, 0000
 DOMENIC P. * CLEMENTI, 0000
 JAMES L. CLIFT, 0000
 SPENCER J. CLOUATRE, 0000
 NOAH C. CLOUD, 0000
 MARC A. CLOUTIER, 0000
 GREGORY S. * COBURN, 0000
 JERRY E. COBURN, 0000
 DANIEL K. * COFFEY, 0000
 WILLIAM G. COLBERT, 0000
 CURTIS L. * COLE, 0000
 STEVEN R. COLE, 0000
 MICHAEL D. COLEMAN, 0000
 TIMOTHY E. * COLLIER, 0000
 DARYL * COLLINS, 0000
 MICHAEL P. * COLLINS, 0000
 RICHARD C. COLLINS, 0000
 PATRICK T. COLLTON, 0000
 JOHN D. COLWELL, JR., 0000
 KRIS M. COLWELL, 0000
 KEVIN A. COMFORT, 0000
 CHRISTOPHER D. COMPTON, 0000
 WILLIAM M. CONDE, 0000
 MATHEW M. * CONDRY, 0000
 JASON P. * CONROY, 0000
 BRADLEY J. COOK, 0000
 ROBERT J. COOK, 0000
 KELVIN K. COOPER, 0000
 WILLIAM F. * COREY, JR., 0000
 MICHAEL W. CORLEY, 0000
 STACEY P. * CORN, 0000
 LAWRENCE E. CORNETT, 0000
 TRAVIS W. CORNETT, 0000
 BRANT R. * CORNISH, 0000
 JIM B. * CORRELL, 0000
 ERNESTO A. CORTEZ, 0000
 BRENT D. * CORYELL, 0000
 ORLANDO V. COSME, 0000
 MARYA D. * COURTNEY, 0000
 LAWRENCE M. COUSINS, 0000
 DERICK F. * COWART, 0000
 CLINTON W. * COX, 0000
 DOUGLAS B. GRANDALL, 0000
 BARBARA R. * CRAWFORD, 0000
 SHAWN P. * CREAMER, 0000
 DAVID J. * CREASMAN, 0000
 STEPHANIE M. CREASMAN, 0000

DAVID W. * CRIFE, 0000
 JOHN R. * CRISAFULLI, 0000
 JESSE A. CRISPINO, 0000
 DALE S. CROCKETT, 0000
 EDWARD C. CROOT, 0000
 COREY L. CROSSIE, 0000
 IRVING H. CROSS, JR., 0000
 RODNEY J. * CRUM, 0000
 MATTHEW J. * CRYSTAL, 0000
 LUIS A. * CUBILLANHERNANDEZ, 0000
 BENJAMIN F. * CURTEON, 0000
 RICHARD E. * CURETON, JR., 0000
 JASON A. CURL, 0000
 DANIEL J. CURTIS, 0000
 JASON D. * CZAR, 0000
 WESLEY G. * DABNEY, 0000
 MATTHEW B. * DALE, 0000
 TIMOTHY G. * DALTON, 0000
 AMIT P. * DANIEL, 0000
 DAVID J. * DANIELS II, 0000
 LESLIE E. DARLING, 0000
 MARY M. * DASILVA, 0000
 DEXTER B. DAVIS, 0000
 GEORGE W. DAVIS, 0000
 HAROLD K. * DAVIS, 0000
 JOHN C. * DAVIS, 0000
 JOHN P. DAVIS, 0000
 JOSEPH C. * DAVIS, 0000
 JOSEPH M. * DAVIS, 0000
 ROGER K. * DAVIS, 0000
 SCOTT T. * DAVIS, 0000
 WILLIAM A. DAVIS III, 0000
 WILLIAM E. DAVIS, 0000
 JOHNATON L. * DAWBER, 0000
 KEITH L. * DAWSON, 0000
 PHILIP H. * DAWSON, 0000
 ALLISON L. DAY, 0000
 ERIC J. * DEAL, 0000
 MICHAEL R. * DEAN, 0000
 JOSEPH S. DEGLIOMINI, 0000
 ANDREW J. DEKUYER, 0000
 ANTHONY R. * DEKRYZER, 0000
 ANTONIO * DELGADO, 0000
 TRAVIS C. DELK, 0000
 RICHARD A. DENNIS, 0000
 MATTHEW S. DENNY, 0000
 JEROME F. DENTE, 0000
 JAMES M. DEPOLO, JR., 0000
 ALEXANDER G. * DERANEY, 0000
 DANNY M. DEVEREAUX, JR., 0000
 KAREN J. * DILL, 0000
 RYAN S. DILLON, 0000
 ABRAHAM C. DIMARCO, 0000
 MICHEL D. * DINESMAN, 0000
 DAVID S. DINKEL, 0000
 ROBERT B. * DIXON, 0000
 BRAD L. DOBOSZENSKI, 0000
 NEIL B. * DOHERTY, 0000
 BRIAN J. * DOLAN, 0000
 JULIAN A. DOMINGUEZ, 0000
 DENNIS P. * DONEGAN, JR., 0000
 JAMES T. * DONOVAN, JR., 0000
 JAMES R. DOOLEY, 0000
 DARRELL A. DOREMUS, 0000
 THOMAS W. * DORREL, JR., 0000
 JAMES L. DOTY II, 0000
 MICHAEL A. DOUGLAS, 0000
 WILLIAM M. * DOWLING, 0000
 STEVEN T. * DOWNEY, 0000
 CHARLES P. DOWNIE, 0000
 JONATHAN H. DOYLE, 0000
 DEREK J. * DRAPER, 0000
 JOHN A. * DRAZENOVICH, 0000
 FREDERICK J. DUFAULT, 0000
 RICHARD A. DUNBAR, 0000
 RICHARD L. DUNTOIS, 0000
 LUIS A. DUPERON, 0000
 MICHAEL C. DUSABLON, 0000
 MICHEL L. * DUVAL, 0000
 SEAN P. DUVAL, 0000
 JOHN R. DYKE II, 0000
 THOMAS S. EARNHARDT, 0000
 MARY T. * EBERST, 0000
 JAY L. * ECKHART, 0000
 JAMES F. EDMONDS, 0000
 YVONNE V. EDMONDS, 0000
 DANIEL H. * EDWAN, 0000
 BRYAN D. * EDWARDS, 0000
 DEYNEL M. EDWARDS, 0000
 DOMINICK L. EDWARDS, 0000
 HEATHER C. EDWARDS, 0000
 JEFFREY J. * EDWARDS, 0000
 STEPHEN F. * ELDER, 0000
 EDWARD D. ELDRIDGE, 0000
 DANIEL P. * ELLINGER, 0000
 DANIEL G. * ELLIOTT, 0000
 TROY N. * ELLIS, 0000
 BRENT A. ELROD, 0000
 DAVID P. ELSEND, 0000
 BRAD W. ENDRES, 0000
 MICHAEL C. * ENOS, 0000
 JARED B. * ERICKSON, 0000
 DANIEL A. * ERKER, 0000
 MATTHEW D. ERLACHER, 0000
 JASON L. ERWIN, 0000
 JOSEPH E. ESCANDON, 0000
 JOHN P. * ESPINOSA, 0000
 SHANNON ESPINOZA, 0000
 MICHAEL L. ESSARY, 0000
 MARCOS A. ESTRADACASTRO, 0000
 CHARLES D. EVANS, 0000
 EDWARD R. EVANS III, 0000
 LAKEI C. * EVANS, 0000
 TAWNIA S. EVANS, 0000
 JASON A. EVERS, 0000
 JOSEPH E. * FAGAN, 0000
 CHARLES D. * FAINT, 0000
 DUANE A. * FAIRFAX, 0000
 CARL J. * FAISON, 0000
 RAY C. * FALLARIA, 0000
 GARY E. * FARLEY, JR., 0000
 SYLVIA * FARMER, 0000
 PETER W. * FARRELL, 0000
 KATHLEEN B. * FARREN, 0000
 DAVID M. * FAULK, 0000
 MICHAEL J. FAZIO, 0000
 RYAN D. FEARNOW, 0000
 ROBERT S. * FEATHERS, 0000
 ANGEL M. FELICIANOCASILLAS, 0000
 ERICH M. FELLEENZ, 0000
 THOMAS B. FENOSEFF, 0000
 YOLANDA S. * FERGERSON, 0000
 ANDREW T. * FERGUSON, 0000
 ALFREDO E. * FERRER, 0000
 JUSTIN S. FIEW, 0000
 JASON E. FIGUEIREDO, 0000
 JENNIFER P. FINCH, 0000
 KEVIN E. FINCH, 0000
 KEVIN L. * FITTZ, 0000
 PATRICIA M. FITZGERALD, 0000
 SCOTT W. * FITZGERALD, 0000
 TOY G. * FLORES, 0000
 THOMAS M. * FLOYD, JR., 0000
 LUIS M. FONTANEZROLO, 0000
 ANTHONY O. * FONTESE, JR., 0000
 BRETT C. FORBES, 0000
 MICHAEL D. FORBIS, 0000
 CHRISTOPHER A. FORD, 0000
 DEMENIAN A. * FORD, 0000
 GREGORY J. * FORD, 0000
 WILLIAM J. * FORE, 0000
 GREGORY S. FORTIER, 0000
 YVETTE * FOSTER, 0000
 ALBERT R. * FOX, JR., 0000
 IAN E. FRANCIS, 0000
 MICHAEL P. * FRANK, 0000
 RONALD L. * FRANKLIN, JR., 0000
 JOHNATHAN B. FRASIER, 0000
 STEVEN J. FREDERIKSEN, 0000
 JAMES J. FRESE, 0000
 LUIS A. FREGOSO, 0000
 PHILLIP A. * FRERES, 0000
 DARREL J. * FREUND, 0000
 ERNEST A. FREUND, 0000
 TIMOTHY R. * FULLER, 0000
 CARLTON A. * FULMORE, 0000
 JOSEPH A. FUNDERBURKE, 0000
 DONOVAN O. FUQUA, 0000
 ARMAND L. GADOURY, 0000
 DEZZAIRE D. * GADSDEN, 0000
 ROBERT A. * GAGNON, 0000
 NISIT A. * GAINEY, 0000
 WILLIAM A. * GALINGER, 0000
 MARK S. GALLAGHER, 0000
 WILLIAM S. GALLAWAY, 0000
 ISAAC C. * GALLEGOS, 0000
 JOANNE S. * GALVIN, 0000
 ADAM * GAMEZ, 0000
 ROBERT J. GARBARINO, 0000
 WILLIAM B. GARBER III, 0000
 RICHARD R. GAREY, 0000
 JAMES M. * GARRETT, 0000
 RAYFOS J. GARY, 0000
 RANDOLPH C. * GAUDET, 0000
 JERRY E. * GAUSSOIN, JR., 0000
 WAYNE J. GAVIN, 0000
 EDWARD J. GAWLIK III, 0000
 CURTIS P. GEIGER, 0000
 ISABEL E. GEIGER, 0000
 JOHN D. * GEMIN, 0000
 MARCUS A. * GEMLER, 0000
 LAWRENCE E. * GEORGE, 0000
 PATRICIA L. GEORGE, 0000
 RANDY D. * GEORGE, 0000
 COREY S. GERVING, 0000
 RODNEY M. * GIBSON, 0000
 KURT D. GIESE, 0000
 GLENDA A. * GILL, 0000
 MATTHEW T. * GILL, 0000
 MARK C. * GILLESPIE, 0000
 SCOTT D. GILMAN, 0000
 JOHN W. GIOP, 0000
 JOHN C. GIORANO, 0000
 DARRYL W. * GLASS, 0000
 IT G. * GLASS, 0000
 MICHAEL A. GLODE, 0000
 BRANDON S. GLOVER, 0000
 CHRISTOPHER N. * GLOVER, 0000
 JAMES J. GODFREY, 0000
 DAVID E. * GOFORTH, 0000
 ELLIOTT Q. * GOMEZ, 0000
 SERGIO A. * GONZALES, 0000
 MICHAEL G. * GONZALEZ, 0000
 SAUL * GONZALEZ, 0000
 DAVID W. * GORDON IV, 0000
 THOMAS R. * GORDON, JR., 0000
 EDWARD C. GOSLINE III, 0000
 EDWARD B. GOSS, 0000
 SIDNEY M. * GOULDINE II, 0000
 WILLIAM T. GRAHAM III, 0000
 DEANNA M. GRANDE, 0000
 ELLEN I. * GRANFIELD, 0000
 JOHN M. GRANTZ, 0000
 RICHARD A. GRAVES, 0000
 THOMAS L. * GRAVLEE, 0000
 ALONZO A. GRAY, 0000
 TRAVIS B. GRAY, 0000
 THOMAS M. GRECO, 0000
 DAMIAN A. * GREEN, 0000
 MICHAEL L. * GREEN, 0000
 ROCHELLE Y. GREEN, 0000
 MICHAEL H. GREENBERG, 0000
 CHARLES E. * GREENE, 0000
 JOEL M. * GREER, 0000
 JEFFREY S. GRIBSCHAW, 0000
 JON D. GRIESE, 0000
 JENNIFER S. * GRIFFIN, 0000
 PATRICK M. * GRIFFIN, 0000
 RUDOLPH C. * GRIMES, 0000
 DENNIS M. GRIMSLEY, 0000
 HEATHER J. GRODINPUTMAN, 0000
 JOHN D. * GROH, 0000
 DUANE K. * GROHMANN, 0000
 AARON M. * GROSS, 0000
 KEVIN J. * GROTH, 0000
 GREGORY J. * GRUSENMEYER, 0000
 PAUL B. GUNNISON, 0000
 DAVID J. * GUTHRIE, 0000
 MATTHEW H. HAAS, 0000
 BRIAN J. HACKENBERG, 0000
 JUSTEN D. HACKENBERG, 0000
 LYLE L. * HACKETT, 0000
 GEORGE C. * HACKLER, 0000
 DEWEY C. HAINES, 0000
 CHRISTINE E. * HALE, 0000
 JOHN F. HALL, 0000
 JOSEPH E. HALLORAN IV, 0000
 SCOTT M. * HALTER, 0000
 ROBERT D. HALVORSON, 0000
 GALE A. * HAMILTON, 0000
 MATTHEW T. HAMILTON, 0000
 RAPHEAL J. HAMILTON, 0000
 GEORGE L. HAMMAR IV, 0000
 WILLIAM J. HAMPTON, 0000
 DONALD E. * HANNAH, 0000
 MICHAEL P. * HANSEN, 0000
 ROGER S. * HARBISON, 0000
 ROBERT J. * HARDING, 0000
 TIMOTHY L. * HARDY, 0000
 PATRICK K. HARKINS, 0000
 KEITH G. * HARLEY, 0000
 GROVER C. HARMS, JR., 0000
 CHAD M. HARRIS, 0000
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 DUSTIN K. HARRIS, 0000
 RICKY E. HARRIS, 0000
 SIDNEY A. * HARRIS, 0000
 TANYA L. * HARRIS, 0000
 VICTOR H. HARRIS, 0000
 PETER G. HART, 0000
 JOSEPH E. * HARTEL, 0000
 MELISSA D. * HARTIGAN, 0000
 ANTHONY J. HARTSOOK, 0000
 BRADLEY P. * HARVEY, 0000
 STEPHEN S. HARVEY, 0000
 ROBERT J. HASKIN, 0000
 RONALD C. HASZ, 0000
 JASON M. HATCH, 0000
 JAMEY W. HAUKA, P. 0000
 DONALD A. HAUSSER, JR., 0000
 BRANDON H. HAVRON, 0000
 JOSEPH A. * HAWKINS, JR., 0000
 SAMUEL W. * HAYDEN, 0000
 BYRON S. * HAYES, 0000
 JAMES E. HAYES, 0000
 NICOLE B. * HAYES, 0000
 JUSTIN M. HAYNES, 0000
 MARVIN G. HAYNES IV, 0000
 BENNETT E. HAYTH, 0000
 DANIEL J. HEAPE, 0000
 CHRISTOPHER K. * HEATH, 0000
 CHRISTOPHER A. HEBERER, 0000
 JENNIFER S. HEBERT, 0000
 RAINER J. * HEBERT, 0000
 RICHARD D. HEMMELGARN, 0000
 DUANE I. HENDERSON, 0000
 GARY E. HENDERSON, 0000
 STUART W. * HENRY, 0000
 BRADLEY J. HERMAN, JR., 0000
 AXEL * HERNANDEZ, 0000
 FRANCIS R. * HERNANDEZ, 0000
 MANUEL HERNANDEZ, JR., 0000
 RENE G. * HERNANDEZ, 0000
 LUIS R. HERNANDEZQUARDIOLA, 0000
 DAVID * HERNANDEZMORALES, 0000
 BRENT E. * HERSHEY, 0000
 RICHARD H. HETHERINGTON, 0000
 NICOLE M. * HEUMPHREUS, 0000
 JENNIFER E. * HEY, 0000
 MACREASE L. * HICKS, 0000
 JOSHUA P. HIGGINS, 0000
 JUSTIN L. HIGHLEY, 0000
 ANGELA L. * HILDEBRANT, 0000
 ALBERT C. * HILL, JR., 0000
 KELIE C. * HILL, JR., 0000
 JAMES T. * HILLMAN, JR., 0000
 BRETT J. * HISSAM, 0000
 ERIC M. * HIU, 0000
 EDWARD L. HOBBS, 0000
 CHRISTOPHER D. HOCKENBERRY, 0000
 FREDERICK A. HOCKETT, JR., 0000
 JOSEPH J. * HODGSON, 0000
 LINNEN E. HODO, 0000
 EDWIN D. * HOENIG, 0000
 GARY A. * HOFFMAN, JR., 0000
 LANNY A. HOCABOON, II, 0000
 CHARLES P. * HOGEBROOM IV, 0000
 GREGORY L. HOLDER, 0000
 CHRISTOPHER B. * HOLLIFIELD, 0000
 DAVID A. HOLLIS, 0000
 FRANK L. * HOLMES, 0000
 KENNETH K. * HOLMSTROM, 0000
 PETER H. * HOPEWELL, 0000
 ANDREA V. * HOPSON, 0000
 ROBERT E. HORNE, 0000
 KEVIN G. HOSIER, 0000
 MARK C. HOUSTON, 0000
 LOWELL E. * HOWARD, JR., 0000
 JEFFREY M. HOWELL, 0000
 JOHNATHAN D. * HOWELL, 0000
 STEPHEN M. * HOWELL, 0000

JOHN M. * HUBBARD, 0000
TIMOTHY L. * HUDSON, 0000
SEAN F. * HUGGINS, 0000
ANTHONY V. * HUGHES, 0000
ADRIAN L. * HUGHLEY, 0000
CORT J. HUNT, 0000
MARK P. * HUNTANAR, 0000
LAURA A. * HUNTER, 0000
STEVEN C. * HUNTER, 0000
CHRISTOPHER G. * HURLBURT, 0000
ANGELA R. * HUTCHERSON, 0000
SCOTT E. * HUTCHISON, 0000
BENJAMIN E. HWANG, 0000
UNKYONG * IM, 0000
EDWARD D. * INGE, JR., 0000
LAWRENCE E. * INGUAGIATO III, 0000
TIMOTHY M. * IRISH, 0000
ERNEST J. IRVIN II, 0000
ERIC M. * ISPER, 0000
EDWARD A. IVEY, 0000
ERIK A. * JABLONSKI, 0000
CHARLES E. * JACK, 0000
STEPHEN S. * JACKMAN, 0000
ANGELA K. JACKSON, 0000
CHAD S. * JACKSON, 0000
KATHRYN A. JACKSON, 0000
MICHAEL J. * JACKSON, 0000
EDWARD M. * JAGODZINSKI, 0000
JAMES M. * JAMES, 0000
MARLON T. * JAMES, 0000
GREGORY C. * JANKOWIAK, 0000
CHRISTOPHER A. * JAY, 0000
MICHAEL R. * JAZDYK, 0000
JASPER JEFFERS III, 0000
PHILLIP G. JENISON, 0000
JOE D. * JENNINGS, 0000
PAIGE M. JENNINGS, 0000
JAMES H. JENSEN, 0000
PETER R. JENSEN, 0000
PETER J. JERZAK, 0000
MATTHEW A. JESOP, 0000
CHARLES L. * JOHNSON, 0000
ERIC M. JOHNSON, 0000
MARCUS P. * JOHNSON, 0000
MARILYN M. * JOHNSON, 0000
MARK C. JOHNSON, 0000
MICHAEL W. JOHNSON, 0000
RICHARD H. JOHNSON, JR., 0000
WILLIAM W. * JOHNSTON, 0000
SEBASTIEN P. * JOLY, 0000
DAMAR K. * JONES, 0000
JACKIE D. JONES, JR., 0000
JASON J. * JONES, 0000
OLIVIA A. * JONES, 0000
ALVIN L. * JORDAN, JR., 0000
WILLIAM L. * JUDSON, 0000
JONG H. JUN, 0000
THEOPHILE KANG, 0000
MARK G. KAPPELMANN, 0000
DEBORAH S. KARAGOSIAN, 0000
BRIAN A. KASTNING, 0000
KREITON I. * KAWANO, 0000
DANIEL J. * KEEL, 0000
ROGER L. * KEEN, JR., 0000
RAYMOND D. * KELLER, 0000
ELLEN J. * KELLEY, 0000
MILTON G. KELLY, 0000
JEMAINIE L. * KEMP, 0000
MATTHEW R. * KENT, 0000
STEPHEN J. KENT, 0000
KEVIN H. KERBY, 0000
LEONARD W. KERGOSEAN, 0000
MATTHEW F. KETCHUM, 0000
JASON T. KIDDER, 0000
DOUGLAS D. KIM, 0000
RAYMOND A. KIMBALL, 0000
JAMES M. KIMBROUGH IV, 0000
WARREN E. KIMMEL, 0000
CHARLES R. KING, 0000
CURTIS W. KING, 0000
DAREN L. * KING, 0000
MICHAEL J. * KING, 0000
STEFAN S. * KING, 0000
MATTHEW S. KINKHEAD, 0000
MILTON I. KINSLOW, 0000
KEVIN L. * KIRBY, 0000
WILLIAM L. * KIRBY, 0000
SCOTT W. KIRKPATRICK, 0000
TIMOTHY W. * KLENSKE, 0000
JOSEPH KLOIBER, 0000
JONATHAN P. KLUG, 0000
RODGER D. KNEDEL, 0000
MATTHEW H. KNORR, 0000
DANIEL L. * KNOTT, 0000
HYUNJU V. * KO, 0000
SCOTT W. KOAST, 0000
MICHAEL A. * KOEHL, 0000
KEVIN W. KOERNER, 0000
MATTHEW J. * KOZL, 0000
MICHAEL KORNBURGER, 0000
CHERYL R. * KORVER, 0000
MICHAEL J. * KOVACS, 0000
ERIC G. KRANTZ, 0000
PAUL J. KREMER, 0000
ROBERT J. * KRESS, 0000
TIMOTHY R. * KRUTTNER, 0000
ROBERT A. KRIEG, 0000
BRIDGET A. KROGER, 0000
SCOTT C. * KRUSE, 0000
JOSEPH P. KUCHAN, 0000
NICOLE J. * KUCZYNSKI, 0000
CORNELIUS W. KUGLER, 0000
STEVEN A. * KUHAIA, 0000
CHRISTOPHER T. KUHN, 0000
MICHAEL J. KULIKOWSKI, 0000
JOSEPH R. * KURZ, 0000
DOMINIC Y. * KUSUMOTO, 0000
DOUGLAS A. LABOUFF, 0000
JOSE R. LAGUNA, 0000
MICHAEL B. LALOR, 0000
CHRISTOPHER A. * LAMBERT, 0000
DAVID R. * LAMY, 0000
CHARLES N. * LANGSTON, 0000
JEFFREY L. * LARGENT, 0000
MARC V. LAROCHE, 0000
ANNMARIE K. LAROQUE, 0000
PAUL W. LAROQUE, 0000
WILLIAM D. * LASH, 0000
NOEMI * LAUREANO, 0000
JAN B. * LAUX, 0000
MICHAEL G. * LAZICH, 0000
TROY L. LEACH, 0000
SCOTT A. * LEBLOND, 0000
THEODORE J. LECOUFFE, 0000
KARL F. * LEDEBUHR, 0000
DANIEL L. LEE, 0000
JAMES K. * LEE, JR., 0000
ERIC W. LEETCH, 0000
RYAN T. * LEHMAN, 0000
DARREN D. * LEMASTER, 0000
KELLEY A. * LEMONS, 0000
HEATHER A. * LENTZ, 0000
DOUGLAS R. LEONARD, 0000
SHAWN E. LEONARD, 0000
JOHN F. LEOPOLD, 0000
MICHELLE M. * LETCHER, 0000
CHRISTOPHER M. * LEU, 0000
ALEXANDER F. LEWIS, 0000
APISIT * LEWIS, 0000
CHAD B. LEWIS, 0000
FRANKLIN B. * LEWIS, JR., 0000
GEORGE D. LEWIS IV, 0000
MARK A. LIBBY, 0000
DAVID T. * LIBERT, 0000
JASON T. LIDDELL, 0000
CHRISTOPHER R. LIERMANN, 0000
ANDREW N. * LIFFRING, 0000
PETER A. LIND, 0000
TRAVIS J. LINDBERG, 0000
JOEL S. * LINDEMAN, 0000
KARL S. * LINDEMAN, 0000
JOSEPH M. * LINDQUIST, 0000
ERIC N. * LINDSAY, 0000
TIMOTHY A. * LINDSAY, 0000
JOHN D. * LINDSEY, 0000
WILLIAM D. LINN II, 0000
ARIGAIL T. LINDENGTON, 0000
JOSEPH L. * LISELLA, 0000
DAVID A. * LITTLE, 0000
MATTHEW R. LITTLE, 0000
JOHN T. * LITZ, 0000
BRIAN S. LOCKE, 0000
ANDREW R. * LOEB, 0000
BRIAN D. LOFTON, 0000
RONALD E. LOFTON, JR., 0000
DERRICK C. LONG, 0000
JARED T. LONGFIELD, 0000
ERIC P. LOPEZ, 0000
WALTER * LOPEZ, 0000
BRETT K. LORID, 0000
DARRIN R. * LORE, 0000
DANIEL K. * LORENZEN, 0000
JOHN M. * LORENZEN, 0000
SHAUN S. LOTT, 0000
JAMES B. * LOVE, 0000
KEVIN J. * LOVELL, 0000
GREGORY M. LUEDERS, 0000
JESUS R. * LIGORAMIREZ, 0000
JEREMIAH C. LUMBACA, 0000
WENDY Y. * LUPO, 0000
JON A. LUST, 0000
CREDE J. * LYONS, 0000
ROMEO R. MACALINTAL, JR., 0000
ALEXANDER D. MACCALMAN, 0000
KELLY G. MACDONALD, 0000
HEATHER L. * MACKEY, 0000
TIMMY E. * MACK, 0000
JILL L. * MACKIN, 0000
ANDREW F. MACIAN, 0000
JON P. MADDALONI, 0000
RYAN O. MAENDER, 0000
TOBIAS M. * MAGAN, 0000
JESSE L. * MAGGITT, JR., 0000
VERONICA H. * MAGNOTTO, 0000
TOBIN A. MAGSIG, 0000
MELVIN T. MAGSINO, 0000
MICHAEL I. * MAHARAJ, 0000
DENNIS C. MAJOR, 0000
SEAN J. MALIK, 0000
HENRIQUE C. * MALINVERNI, 0000
BRIAN J. * MALISZEWSKI, 0000
SCOTT J. * MALONE II, 0000
JOHN B. * MALONE, 0000
ANTHONY T. * MANERI, 0000
ISAAC C. * MANGAULT, 0000
JOHN P. * MANUEL III, 0000
GERALD G. * MAPP, 0000
STEPHEN T. MARCHANT, 0000
TANYA T. MARKOW, 0000
RAUL E. MARQUEZHERNANDEZ, 0000
RYAN M. MARO, 0000
HUNTER M. MARSHALL, 0000
TODD H. MARSHURN, 0000
HARRY C. * MARSON, 0000
CHASE S. * MARTIN, 0000
CHRISTOPHER S. * MARTIN, 0000
DANIEL F. * MARTIN, 0000
MISTY L. * MARTIN, 0000
REGINALD G. * MARTIN, 0000
RICHARD A. * MARTINEZ, 0000
ROBERTO R. * MARTINEZ, 0000
JOHN R. MARZAH, 0000
RICHARD MARZANCOLLAZO, 0000
CHERYL B. MASSISAK, 0000
KEIDA * MASSEYMURRAY, 0000
THOMAS R. * MATELSKI, 0000
JONATHAN S. * MATEY, 0000
JAMES S. * MATTHEWS IV, 0000
PAUL J. * MATTSON, 0000
ERIC L. MAXWELL, 0000
WILLIAM W. * MAY, 0000
MATTHEW R. MAYBOUER, 0000
MARK W. * MAYS, 0000
JENNIFER A. MCAFEE, 0000
JAMES J. * MCANDREWS, 0000
DANIEL J. MCAULIFFE, 0000
KEVIN J. * MCAULIFFE, 0000
VIRGINIA A. MCCABE, 0000
STUART T. * MCCALL, 0000
HUGH P. * MCCAULEY, 0000
RYAN W. MCCAUSLAND, 0000
MICHAEL C. MCCAY, 0000
DERRICK W. * MCCCLUSKEY, 0000
JEFFREY A. * MCCOWEN, 0000
JIMMY P. * MCCRILLIS, 0000
IAN A. MCCULLOH, 0000
KIMEISHA Y. * MCCULLUM, 0000
ERIN A. * MCDANIEL, 0000
KENNETH P. MCDANIEL III, 0000
JOHN J. MCDERMOTT III, 0000
PATRICK H. * MCDOLE, 0000
BRENT L. * MCDONALD, 0000
BRIAN D. MCDONALD, 0000
JEFF H. MCDONALD, 0000
WILLIAM P. MCDONOUGH, 0000
SCOTT M. MCFARLAND, 0000
GEORGE F. MCGRATH III, 0000
LADD D. MCGRAW, 0000
MICHAEL J. * MCGUIRE, 0000
SCOTT W. * MCINTOSH, 0000
ANDREW S. MCINTYRE, 0000
KELLEY L. * MCINTYRE, 0000
DANIEL S. MCKEEGAN, 0000
CHRISTOPHER T. MCKINNEY, 0000
WILLIAM J. MCKNIGHT, 0000
GEOFFREY A. * MCLAUGHLIN, 0000
WANDA Y. * MCLEAN, 0000
THELONIOUS F. * MCLEANBURRELL, 0000
MICHAEL G. * MCLENDON, 0000
THOMAS A. MCNALLY, 0000
MICHAEL B. * MCNEELY, 0000
JAMES K. * MCPHERSON, 0000
SEAN J. * MCWILLIAMS, 0000
JASON A. * MEAD, 0000
CHRISTOPHER * MEDINA, 0000
GRETCHEN M. MEIER, 0000
MICHELLE A. MEIER, 0000
LOUIS A. MELANCON, 0000
BRIAN C. * MELLEN, 0000
RICHARD V. MELENYK, 0000
OTMARO MENJIVAR, 0000
DOUGLAS W. * MERRITT, 0000
CHRISTOPHER C. * MESSINA, 0000
MARIO * METZGER, 0000
RUSSELL D. MEYER, 0000
RICHARD L. MICHAELS, 0000
JOHN C. MICHARD, 0000
ROBERT J. MIKESH, JR., 0000
MELISSA C. * MILES, 0000
TRICA M. MILES, 0000
CHARLES L. * MILLER, 0000
HILARY J. MILLER, 0000
JOHN A. MILLER, 0000
KIMBERLY K. * MILLER, 0000
LUTHER A. * MILLER, JR., 0000
TIMOTHY W. * MILLER, 0000
WILLIAM P. * MILLER, JR., 0000
TRENT I. * MILLS, 0000
GEORGE O. * MIMS, 0000
KARL L. * MIMS, 0000
ROBERT * MITCHELL, 0000
CHARLES F. MOEBENBROCK, 0000
MATTHEW W. * MOFFITT, 0000
MACEDONIO R. * MOLINA, 0000
KAREEM P. MONTAGUE, 0000
RAPHAEL B. * MONTGOMERY, 0000
DARYL E. * MONTGOMERY, 0000
PAUL M. * MOODY, 0000
FELIPE C. * MOON, 0000
MICHAEL T. * MOORE, 0000
JULIO V. * MORALES III, 0000
JEFFREY T. * MORAN, 0000
MICHAEL P. * MORAN, 0000
MARIA L. * MORGAN, 0000
RANDOLPH M. * MORGAN, 0000
SHANE P. * MORGAN, 0000
JEROME S. MORRISON, 0000
JASON A. MORROW, 0000
JOHN C. MORROW, 0000
SINLAN MORROW, 0000
KEVIN D. * MORSE, 0000
THEDRIC J. * MOSELEY, 0000
BRADLEY D. * MOSES, 0000
CHRISTOPHER L. * MOSLEY, 0000
FRANCIS R. MOSS, 0000
JOHN C. MOSTELLAR, 0000
MARCUS A. MOUTLEY, 0000
DANIEL E. MOUTLEY, 0000
HAROLD L. MOXLEY, 0000
ANDREW S. MOY, 0000
VANESSA Y. MOYE, 0000
RICHARD A. MOYESS, 0000
STEVEN E. * MUNDY, 0000
JENNIFER A. MUNRO, 0000
DAVID J. * MURPHY, 0000
JEAN-JACQUES T. MURPHY, 0000
ROBERT A. MURPHY, 0000
STEPHEN O. MURPHY, 0000
CHRIS H. * MURRAY, 0000
ROBERT C. * MURRAY, 0000

MARGARET M. * MUSSER, 0000
RONALD E. * MUSSONE, 0000
KEVIN Y. NABB, 0000
FREDERICK G. * NACE, JR., 0000
WILLIAM C. * NALL, 0000
GREGORY J. NARDI, 0000
THOMAS E. * NAUGLE, 0000
SCOTT C. NAUMAN, 0000
SCOTT M. NAUMANN, 0000
JAMES T. NAYLOR, 0000
KEVIN T. NEAL, 0000
GARY P. * NELON, 0000
JOHN E. NELSON, 0000
KRISTEN A. NELSON, 0000
WIL B. * NEUBAUER, 0000
MATTHEW P. NEUMEYER, 0000
ANTHONY E. NEW, 0000
STEPHEN T. NEWMAN, 0000
KHOI T. * NGUYEN, 0000
THOMAS H. NGUYEN, 0000
KEVIN T. * NICHOLAS, 0000
JAMES E. * NICHOLS III, 0000
JANET * NICKENS, 0000
LARRY * NIEDRINGHAUS, 0000
SHANNON E. NIELSEN, 0000
JOHN T. NIEMEYER, 0000
COLIN P. NIKKILA, 0000
SETH A. NORBERG, 0000
QUENTIN C. NOREIGA, 0000
KATRISA L. * NORWOOD, 0000
CLAY E. * NOVAK, 0000
CHARLES G. * NOVOTNY, 0000
JASON J. * NOWAK, 0000
SEAN M. * OBRIEN, 0000
JOSEPH M. * OCALLAGHAN, JR., 0000
JOSE H. OCASIOSANTIAGO, 0000
MARIO D. * OCHOA, 0000
SHAWN P. O'CONNOR, 0000
JEFFREY P. O'DONNELL, 0000
KENNETH G. O'DONNELL, 0000
CARL S. * OELSCHIG, 0000
ANDREW B. OFF, 0000
BENJAMIN R. OGDEN, 0000
PATRICK M. O'HARA, 0000
TAMARA O. OHLHAVER, 0000
LANCE A. OKAMURA, 0000
KEVIN P. O'KEEFE, 0000
ALEXA G. * O'LEARY, 0000
PATRICK G. O'LEARY, 0000
LARRY * OLIVE, 0000
MARSHAL R. * OLLER, 0000
SHEILA M. * OLLISON, 0000
DAVID J. * OLSON, 0000
MICHAEL D. OLSON, 0000
ARTHUR L. O'NEAL, JR., 0000
DANIEL L. O'NEAL, 0000
PATRICK S. O'NEAL, 0000
CAMERON M. O'NEIL, 0000
KEVIN M. * O'NEIL, 0000
JOSE R. * OROZCO, 0000
AARON D. OSBURN, 0000
CHRISTOPHER C. OSTBY, 0000
GARY R. * O'SULLIVAN, 0000
MARK P. OTT, 0000
JOSEPH E. PACE, 0000
ARTHUR A. * PACK, 0000
MICHAEL G. * PADAR, 0000
WILLIAM P. * PADJUNE, 0000
JENNIFER A. PAGE, 0000
JOHN D. PAGE, 0000
DAVID J. PALAZZO, 0000
CHARLES G. * PALMER IV, 0000
JASON N. PALMER, 0000
MARK A. * PAPPA, 0000
JUSTIN M. * PARKER, 0000
WILLIAM M. PARKER, 0000
GREGORY * PARKERS, 0000
MARK E. PARSONS, 0000
MICHAEL D. * PARSONS, 0000
SAMUEL L. PARTON, 0000
RODEL F. * PASIBE, 0000
ROBERT S. * PATTON, JR., 0000
ERIC W. PAVLICK, 0000
MATTHEW C. * PAYNE, 0000
WILLIAM D. PAXTON, 0000
BRIAN A. PEDERSEN, 0000
MEGAN B. PEGUEON, 0000
SAMUEL * PENA, 0000
JON S. PENDELL, 0000
KATHERINE L. PENDRY, 0000
JOSEPH J. * PENNINGTON, 0000
STEPHANIE T. PENNINGTON, 0000
JOSE N. PEREIRA, 0000
KEVIN J. PEREIRA, 0000
ROBERTO * PEREZ, 0000
RALPH N. PERKINS IV, 0000
DAVID B. * PERRY, 0000
HENRY C. PERRY, JR., 0000
MICHAEL N. * PERRY, 0000
JAY L. * PERSONS, 0000
LEE I. PETERS III, 0000
RICHARD G. PETERSEN, JR., 0000
STEVEN A. * PETERSEN, 0000
AARON L. * PETERSON, 0000
ERIC R. PETERSON, 0000
KEVIN L. * PETERSON, 0000
WILLIAM R. PETERSON, 0000
PAUL A. * PFEIFFER, 0000
KIMBERLY D. PHILLIPS, 0000
ROBERT L. * PHILLIPS III, 0000
GARY D. * PHILMAN, 0000
ROBIN K. PICKEL, 0000
ROBYN L. * PIETRON, 0000
OSCAR PINTADORRODRIGUEZ, 0000
JEROME L. PIONK, 0000
STEVEN R. * PIOTROWSKI, 0000
JOSEPH C. PISANI, JR., 0000
JOSEPH M. PISHOCK, 0000
CHRISTOPHER S. * PITTMAN, 0000
WARREN L. PITTMAN, 0000
DARMAN C. * PLACE, JR., 0000
MICHAEL W. PLUMTREE, 0000
JESSE G. * POOLER, JR., 0000
TRACY M. * PORTER, 0000
VINSTON L. * PORTER, JR., 0000
LAURA N. POSTON, 0000
JAREN P. * POWELL, 0000
SHANE P. * POWELL, 0000
SHERMAN S. POWELL, 0000
GARY L. * PRATER, 0000
MARGARET H. PRATT, 0000
TED M. PREISTER, 0000
ALAN E. * PREIZER, 0000
CARTER L. * PRICE, 0000
FREDDIE B. * PRICE, 0000
JAREN K. PRICE, 0000
KEVIN B. * PRICE, 0000
RUSSELL M. * PRICE, 0000
BRYCE D. PRINGLE, 0000
CARL G. * PROBER, 0000
KERRY S. PROWELL, 0000
BRIAN K. * PRUITT, 0000
NATHAN J. PRUSSIAN, 0000
DOUGLAS A. * PRYER, 0000
CHARLES A. PUDIL II, 0000
CHRISTOPHER R. QUALE, 0000
ALAN J. * QUATTRIN, 0000
WILLIAM N. RADICIC, 0000
RALPH J. RAGOSTA III, 0000
JASON M. RAILSBACK, 0000
JEFFREY S. RAINS, 0000
ANTONIO D. RALPH, 0000
CHAD O. * RAMBO, 0000
RENE * RAMOSRIVERA, 0000
HOPE C. RAMPY, 0000
RONALD V. * RANALLI, 0000
THOMAS B. RANSON, 0000
THOMAS M. * RANSON IV, 0000
RICHARD A. * RASSBACH, 0000
BRIAN C. * RAU, 0000
BRENDAN C. RAYMOND, 0000
MARK G. REARDANZ, 0000
GREGORY J. * RECK, 0000
JEFFREY E. * REDECKER, 0000
PAUL M. * REEB, 0000
KENNETH N. REED, 0000
KYLE A. REED, 0000
MARK J. * REED, 0000
TIMOTHY J. * REED, 0000
BRADLEY L. REES, 0000
BRANDON E. REEVES, 0000
DONALD W. * REEVES, 0000
RYAN G. * REGTUYYT, 0000
ERIC A. * REID, 0000
MATTHEW I. * REIMOLD, 0000
JOHN T. * REINERT, 0000
RODRIGUEZ L. * REMIGIO, 0000
DANA E. RESNICK, 0000
JETH B. REY, 0000
MICHAEL A. REYBURN, 0000
JORGE A. REYES, 0000
EDWIN REYESMONTANEZ, 0000
JOHN M. * REYNOLDS, 0000
NATHAN P. * REYNOLDS, 0000
JESUS T. REYNOSO, 0000
STEPHEN M. * RHUDY, JR., 0000
DANIEL L. RICE, 0000
MASON J. RICE, 0000
THOMAS J. RICE, 0000
ARIE C. RICHARDS, 0000
JOHN P. RICHARDS, 0000
JOHNNIE L. * RICHARDSON, JR., 0000
ROLAND C. * RICHARDSON, 0000
BRIAN K. * RICHIE, 0000
WALTER E. * RICHTER, 0000
BRETT J. * RIDDLE, 0000
PAUL H. * RIGBY, 0000
TIMOTHY C. * RIGGS, 0000
JAMES F. RILEY, 0000
JASON G. * RILEY, 0000
JAWARA RILEY, 0000
LORENZO P. RIOS, 0000
STEVEN D. RIOS, 0000
MICHAEL T. RITTENHOUSE, 0000
MONIQUE N. RIVERA, 0000
ALVARO F. * ROA, 0000
WALTER G. ROBERSON, JR., 0000
KURT W. ROBERTS, 0000
GREGORY D. ROBERTSON, 0000
JEFFREY D. ROBERTSON, 0000
CORINNA A. * ROBINSON, 0000
ZANDRA D. * ROBINSON, 0000
ADAM C. * RODGERS, 0000
LUIS A. * RODRIGUEZ, 0000
RICCARDO * RODRIGUEZ, 0000
SAMUEL R. RODRIGUEZ, 0000
EARL D. * ROE, JR., 0000
JOHN H. * ROGAN, 0000
ALAN G. * ROGERS, 0000
KENNETH L. ROGERS, 0000
LUIS E. * ROJA, 0000
EDLEBECK N. * ROLLING, 0000
PAUL R. ROMANO, 0000
ROBERT P. * ROMANS, JR., 0000
CHRISTOPHER J. * ROMERO, 0000
JASON E. * RONCORONI, 0000
RICHARD K. ROPER, 0000
KATHERINE V. ROSE, 0000
DONALD J. ROSS II, 0000
FRED D. ROTHENBUSH, JR., 0000
JESSICA L. * ROWELL, 0000
PETER J. * ROWELL, 0000
GARY D. ROWLEY, 0000
MITCHELL A. * RUEDEBUSCH, 0000
JONATHAN A. RUFENACHT, 0000
ROBERT W. * RUGG, 0000
MICHAEL J. * RUSSELL, 0000
THOMAS M. * RUSSELLTUTTY, 0000
MICHAEL J. * RUTHERFORD, 0000
STEPHEN V. RUZICKA, 0000
SEAN J. * RYAN, 0000
TODD D. * SABALA, 0000
BILL N. * SABBAGH, 0000
RAFAEL * SAENZ, 0000
DENNIS A. * SALCEDO, 0000
ERICK J. * SALISBURY, 0000
MICHAEL J. * SALVO, 0000
BRYAN W. SALTERS, 0000
AARON D. SAMMONS, 0000
AARON A. SAMPSON, 0000
LEONA M. SANDERS, 0000
PAUL R. SANDERS, 0000
HECTOR I. * SANTOS, 0000
MATTHEW C. * SAUNDERS, 0000
RICHARD D. * SAVAGEAU, 0000
TIMOTHY L. SAVIDGE, 0000
ROBERT * SAYRE, 0000
MATTHEW SCALIA, 0000
JOSEPH E. * SCANLIN, JR., 0000
MICHAEL A. * SCARPULLA, 0000
FRANK P. * SCHANTZ, 0000
ROBERT J. SCHEXNAYDER, 0000
ADAM C. SCHLANG, 0000
ROBERT F. SCHLICHT, 0000
CRAIG M. SCHLOZMAN, 0000
MARTIN J. * SCHMIDT, 0000
TIMOTHY J. * SCHMITT, 0000
DARCY L. SCHNACK, 0000
DEBORAH R. * SCHNEIDER, 0000
ARNOLD W. * SCHNOBICH, 0000
EDWARD J. SCHOBER III, 0000
KURT P. SCHOMAKER, 0000
ROBERT B. SCHOPF, 0000
THOMAS W. * SCHRAMER, 0000
JEFFREY C. * SCHRIEK, 0000
DARRYL T. * SCHROEDER, 0000
GERD D. * SCHROEDER, 0000
ERIC * SCHULER, 0000
SCOTT A. * SCHUMACHER, 0000
STEVEN D. * SCHWANTES, 0000
ERIC M. SCHWARTZ, 0000
JAMES C. * SCHWARTZ, JR., 0000
MATTHEW J. SCHWARTZ, 0000
MARC A. SCVILLE, 0000
GREGORY C. * SCRIVENS, 0000
KENNETH A. * SCRUGGS, 0000
STACY M. * SEAWORTH, 0000
RAYMOND X. SEGARRA-SANTIAGO, 0000
STEPHEN R. * SEIGER, 0000
ALLAN M. * SELBURG, 0000
ADAM D. SELLERS, 0000
TYRA S. * SELLS, 0000
SCOTT A. SENDMYER, 0000
NANCY R. * SERMONS, 0000
EDWIN S. * SERANO, 0000
TIMOTHY R. SHAFER, 0000
JEFFREY A. * SHANER, 0000
CONNIE E. SHANOLS, 0000
MICHAEL P. * SHANNON, 0000
DAVID S. SHARE, 0000
WILLIAM J. SHAVCE, 0000
JEFFREY A. SHAW, 0000
JAY J. SHEBUSKI, 0000
KENNETH W. SHEETS, 0000
KEVIN L. * SHEPHERD, 0000
JERAL J. * SHELTON, 0000
ANTHONY E. SHEPARD, 0000
MARK B. SHERKEY, JR., 0000
ADAM P. * SHERWOOD, 0000
HURLEY D. SHIELDS, 0000
THEODORE B. * SHINKLE, 0000
CARLOS R. * SHIPPY, 0000
ROBERT E. * SHOLL, 0000
DONNIE L. * SHORT, 0000
DAVID R. SHOUP, 0000
SAMUEL S. SHRAFFER, 0000
JAMES D. * SIDES, 0000
PAUL A. SIGLER, 0000
CHRISTOPHER A. SIKES, 0000
PHILIP J. * SILVINAC, JR., 0000
ALFRED R. SILVA, 0000
ALEXANDER V. SIMMONS, 0000
BRIDGETTE K. * SIMMONS, 0000
NOBERT T. SIMONNET, 0000
RAYMOND T. SIMONS, 0000
JOHN E. * SIMPSON II, 0000
JASON B. SIMS, 0000
STEVE S. * SIN, 0000
BRYAN K. SIZEMORE, 0000
SANDRA L. SIZEMORE, 0000
DANETTE * SKRASTAD, 0000
MICHAEL D. SLOVEN, 0000
ROBERT C. * SLOSSON, 0000
JEFFREY A. * SLOWY, 0000
MORGAN * SMILEY, 0000
BRADFORD W. SMITH, 0000
BRADLEY H. * SMITH, 0000
BRIAN A. * SMITH, 0000
CHARLES J. * SMITH, 0000
CLOYD A. * SMITH, JR., 0000
EDLYN E. * SMITH, 0000
JASON E. * SMITH, 0000
JEFFREY A. SMITH, 0000
KEVIN Z. * SMITH, 0000
REGINALD K. SMITH, 0000
SAMUEL R. * SMITH, JR., 0000
STEVEN H. SMITH, 0000
TRACY L. * SMITH, 0000
TYLER B. SMITH, 0000
DERRICK C. * SMITS, 0000

THOMAS L. SNOW, 0000
 VICTORIA L. * SNOW, 0000
 FREDERICK R. SNYDER, 0000
 TOY Y. * SOBERS, 0000
 WAYNE C. SODOWSKY, 0000
 ERIC G. SORENSON, 0000
 JAVIER C. SORIA, 0000
 PHILLIP D. SOUNIA, 0000
 JOSEPH R. SOWERS, 0000
 MICHAEL D. SPAKE, 0000
 PAUL S. * SPARKS, 0000
 ROY W. * SPEAKS, 0000
 BRIAN SPEAS, 0000
 NEAVOLIA N. SPEIRS, 0000
 JON R. * SPELL, 0000
 RITA M. * SPENCER, 0000
 KEVIN * SPIELMAN, 0000
 NORMAN D. SPIVEY, 0000
 ERICH C. SPRAGG, 0000
 DANIEL P. * SPRINGER, 0000
 RYAN R. SQUIRES, 0000
 MARC D. * STAATS, 0000
 LEE R. STAPFKI, 0000
 DENNIS L. * STALEY, 0000
 JOHN W. STANLEY, 0000
 ROGER E. * STANLEY, 0000
 STEPHEN J. STASEVICH, 0000
 JAMES E. * STATON, 0000
 THANE C. * STCLAIR, 0000
 DAVID A. * STEELE, 0000
 HARLEY J. STEELE, 0000
 JENNESS F. STEELE, 0000
 LESLIE T. * STEELE, 0000
 DAVID D. STENDER, 0000
 BRIAN M. STEPHAN, 0000
 JAMES M. STEPHENS, 0000
 MICHAEL P. STEPHENS, JR., 0000
 ALEXANDER D. STEPHENSON, 0000
 MICHAEL D. * STERRETT, 0000
 JONATHAN A. * STEVENS, 0000
 RUBY J. * STEWART, 0000
 HEATHER L. * STEWART-JOHNSTON, 0000
 MICHAEL A. STINNETT, 0000
 LARRY W. STOFER, 0000
 PATRICK P. * STORBE, 0000
 MARK L. STODDARD, 0000
 CARRINGTON L. * STOFFELS, 0000
 KEVIN J. STOLL, 0000
 BERNIE E. STONE, 0000
 TOMMY E. * STONER, 0000
 DANA T. * STOWELL, 0000
 DAVID A. STRANGE, 0000
 DONALD B. STREATER, 0000
 BRIAN C. STRIDER, 0000
 JENNIFER L. * STRIEGEL, 0000
 ELISABETH P. * STRINGER, 0000
 MATTHEW * STUBBS, 0000
 BRENDA J. * SUGGARS, 0000
 PATRICK J. SULLIVAN, 0000
 SENODJA F. * SUNDIATA, 0000
 RICHARD J. * SUROWIEC, 0000
 MARNE L. SUTTEN, 0000
 MULEV * SUVARI, 0000
 CHRISTOPHER M. * SWANSON, 0000
 JACOB C. * SWANTKOWSKI II, 0000
 NATHAN M. * SWARTZ, 0000
 ELIZABETH A. SWEENEY, 0000
 RICHARD L. * SWEET II, 0000
 GRAHAM R. SWENSON, 0000
 JAMES B. SWIFT, 0000
 STEPHEN P. SZYMANSKI, 0000
 RONALD J. TALARICO, JR., 0000
 IAN J. TARASEWITSCH, 0000
 DAVID A. TARVIN, 0000
 NEIL TATOR, 0000
 DALE E. TAYLOR, JR., 0000
 JAMES S. TAYLOR, JR., 0000
 T. G. TAYLOR, 0000
 TONY * TAYLOR, 0000
 WILLIAM C. TAYLOR, JR., 0000
 EDWARD B. TEAGUE IV, 0000
 JAMES C. * TEAGUE, 0000
 KIRBY K. TEAGUE, 0000
 JOSEPH T. * TEBHAN, 0000
 BRANDON R. TEGTMEIER, 0000
 JAMES L. * TENPENNY, 0000
 TODD N. * TERRAL, 0000
 STEPHEN D. TERSTEGGE, 0000
 LAWRENCE A. TESSIER II, 0000
 GREG R. THAYER, 0000
 ERICH R. THEN, 0000
 RYAN J. * THIESSEN, 0000
 ARMOND * THOMAS III, 0000
 CHRISTOPHER W. * THOMAS, 0000
 JOEL W. * THOMAS II, 0000
 JOSEPH P. THOMAS, 0000
 STEPHEN * THOMAS, 0000
 CHARLES S. * THOMPSON, 0000
 CHRISTOPHER R. THOMPSON, 0000
 MARK W. THOMPSON, 0000
 MICHAEL A. * THOMPSON, 0000
 MICHELE A. * THOMPSON, 0000
 DARIN J. THOMSON, 0000
 DEREK K. THOMSON, 0000
 WILLIAM M. * THORNHILL II, 0000
 BRIAN R. TIDWELL, 0000
 MATTHEW J. * TIESZEN, 0000
 MICHAEL S. * TITUS, 0000
 BOGDAN T. * TOCARCIUC, 0000
 ENRIQUE P. * TORRES, 0000
 ERIC B. TOWNS, 0000
 GREGORY S. * TOWNSEND, 0000
 GREGORY S. TRAHAN, 0000
 KATHLEEN E. * TRANT, 0000
 LOREN G. * TRAUGUTT, 0000
 STEVEN B. * TRAUM, 0000
 THEODORE F. * TRAVIS, 0000

STONEY A. * TRENT, 0000
 GARY * TREVINO, 0000
 WILLIAM * TRIMBLE, JR., 0000
 MICHAEL T. * TRIPLETT, 0000
 MARK L. TROMBLEE, 0000
 MICHAEL J. TROTTER, 0000
 AKINORI R. TSUCHIDA, 0000
 JONATHAN E. * TUGMAN, 0000
 JAMES J. TUTE IV, 0000
 JOHN K. * TULIFUA, 0000
 JAMES E. TURLEY, 0000
 DIEDRA V. TURNER, 0000
 RUSSELL G. * TURNER, 0000
 MARCIA J. * TUTT, 0000
 DANE A. TYNES, 0000
 TIMOTHY S. TYSON, 0000
 WILLIAM M. UNDERWOOD, 0000
 SCOTT L. UNSWORTH, 0000
 RONALD H. * UPTON, 0000
 MATTHEW S. URBANIC, 0000
 CAINAZ A. * VAKHARIA, 0000
 FELIX J. * VALENTIN, 0000
 CARLOS M. * VALENZUELA DURR, 0000
 CHRISTOPHER M. * VALERIANO, 0000
 JAMES A. VAN ATTA, 0000
 JOHN B. * VAN HOOK, 0000
 LITA NMN VAN HOOK, 0000
 AARON J. * VANALSTINE, 0000
 STEWART J. * VANBUREN, 0000
 ERIC J. VANDENBOSCH, 0000
 GEOFFREY R. VANEPPS, 0000
 RICHARD D. VANGORDEN, 0000
 CHRISTIAN G. VANKUREN, 0000
 TERRY R. * VEENEMAN, 0000
 BRYAN D. VELARDE, 0000
 MARK D. VERTULLI, 0000
 TIMOTHY C. VILES, 0000
 TITO M. VILLANUEVA, 0000
 WILLIAM C. * VILLNOW, 0000
 NATALIE C. * VINES, 0000
 SAMUEL L. VOLKMAN, 0000
 JOSEPH W. VONGSARNRUNG RUANG, 0000
 WILLIAM D. VOORHIES, 0000
 WILLIAM E. WADDINGTON, 0000
 CHRIS A. * WADE, 0000
 SCOTT O. WADYKO, 0000
 ELIAS G. * WAHESH, 0000
 ROY R. * WALDHOFF, 0000
 BLAINE N. * WALES, 0000
 JENNIFER S. WALKAWICZ, 0000
 BERNETTE * WALKER, 0000
 JOHNNIE R. * WALKER, JR., 0000
 JOSHUA H. WALKER, 0000
 BRADLEY J. WALLACE, 0000
 KEVIN A. * WALLACE, 0000
 DOUGLAS R. WALTER, 0000
 MARK D. WALTERS, 0000
 JOHN P. WALTON, 0000
 CHRISTOPHER J. * WARD, 0000
 MARK S. WARDEN, 0000
 BRIAN E. WARFEL, 0000
 STEPHEN * WARGO, 0000
 DONALD A. WARNER, 0000
 ANDREW H. * WARNINGHOFF, 0000
 MICHELLE G. * WASHINGTON, 0000
 BRIAN T. WATKINS, 0000
 MICHAEL B. WEATHERS, 0000
 LYDIA * WEATHERSPOON, 0000
 SETH A. WEAVER, 0000
 DAVID L. WEBSTER, 0000
 WILLIAM C. * WEDLEY, 0000
 SYLVESTER O. * WEGWU, 0000
 ALEX L. WEHMEYER, 0000
 HEATHER E. WEIGNER, 0000
 JEFFREY J. WEINHOFFER, 0000
 MATTHEW R. WEINSHIEL, 0000
 DAVID C. * WELCH, 0000
 SHAMAI T. WELLONS, 0000
 CHARLOTTA D. WELLS, 0000
 JAMES S. WELLS, 0000
 PATRICK C. * WENTZ, 0000
 RYAN M. WERLING, 0000
 JAMES R. WEST, 0000
 DENNIS E. * WHEELER, 0000
 CHRISTOPHER M. * WHELAN, 0000
 EDWARD S. WHITAKER, 0000
 DALE M. WHITE, 0000
 PAUL A. * WHITE, 0000
 STEPHANIE J. WHITE, 0000
 TIMOTHY D. WHITE, 0000
 CLAUDE W. * WHITNEY, JR., 0000
 RYAN H. WHITTEMORE, 0000
 JESSE R. WIGHTMAN III, 0000
 MARCUS A. * WILDY, 0000
 CARLOS A. * WILEY, 0000
 CURTIS D. * WILEY, 0000
 RONALD D. * WILKES, 0000
 PATRICK S. WILKINS, 0000
 DENNIS G. WILLE, 0000
 JOHN C. * WILLIAMS, 0000
 JOHN M. * WILLIAMS, 0000
 KENNETH A. WILLIAMS, 0000
 LEVAIN * WILLIAMS, JR., 0000
 LEON O. * WILLIAMS, 0000
 MICHAEL R. WILLIAMS, 0000
 RAYMOND E. * WILLIAMS, 0000
 RHONDA Y. * WILLIAMS, 0000
 XAVIER C. * WILLIAMS, 0000
 WESLEY J. WILLIAMS, 0000
 HERBERT R. * WILLINGHAM, JR., 0000
 PATRICK R. WILLIS, 0000
 JAMES D. WILLSON, 0000
 CHRISTOPHER R. * WILSON, 0000
 FRANKLIN M. WILSON, 0000
 JEREMY S. WILSON, 0000
 KENNETH C. * WILSON, 0000
 PETER B. * WILSON, 0000

KEVIN P. * WIMBERLY, 0000
 RITA J. * WINBORNE, 0000
 MARK A. * WINKLER, 0000
 SCOTT M. * WINTER, 0000
 GARTH K. WINTERLE, 0000
 JASON M. WINTERLE, 0000
 KEVIN D. * WISSEL, 0000
 LAWRENCE H. WITTE, 0000
 AARON W. * WOLF, 0000
 MARK D. * WOLF, 0000
 KIEU D. * WOLFORD, 0000
 PHILLIP E. WOLFORD, 0000
 FREDERICK D. * WONG, 0000
 WARREN R. WOOD, 0000
 JOHN A. WOODARD, 0000
 KEVIN G. * WOOLEY, 0000
 BRIAN D. WOOLWORTH, 0000
 JOHNNY * WORSMAN, JR., 0000
 BRIAN K. WORTINGER, 0000
 JOHN J. * WRANN, 0000
 DAVIE L. * WRIGHT, JR., 0000
 JOSHUA D. * WRIGHT, 0000
 MARESE R. * WRIGHT, 0000
 NANCE J. * WRIGHT, 0000
 RICHARD W. * WRIGHT, 0000
 ROMEO * WRIGHT, JR., 0000
 NATHAN YANCY, 0000
 TED D. * YATES, 0000
 MITCHELL L. * YBARRA, 0000
 JOHN B. * YORKO, 0000
 CHRISTOPHER J. YOUNG, 0000
 GREGORY H. * YOUNG, 0000
 RODNEY R. YOUNG, 0000
 WILLIAM R. * YOUNG, 0000
 DAMON M. * YOURCHISN, 0000
 MICHAEL R. ZAHURANIC, 0000
 JOHN J. * ZEIGLER, 0000
 ANDREW S. ZIESENIS, 0000
 KIRK F. * ZIMPEL, 0000
 RAYMOND C. ZINDELL III, 0000
 * X0000
 * X0000
 * X0000
 * X0000
 X0000
 * X0000
 * X0000
 X0000

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C. SECTION 531:

To be captain

JAMES R. MARTIN, 0000
 MICHAEL F. ROCKLIN, 0000

To be commander

JAMES K. AMSBERRY, 0000
 DOUGLAS N. CARBINE, 0000
 PATRICK J. DAIGLE, 0000
 MARK E. HAMMETT, 0000
 KENNETH P. GREEN, 0000
 RUBY S. HENDERSON, 0000
 BENJAMIN W. JORDAN, 0000
 JEFFREY N. KORSNES, 0000
 PATRICK R. LARABY, 0000
 GARY W. LATSON, 0000
 STEPHEN J. LEPP, 0000
 JAMES A. LOWDER, 0000
 SCOTT A. MAGNES, 0000
 ROBERT W. MARTIN, 0000
 LORING I. PERRY, 0000
 ANDREW POTTS, 0000
 JOHN W. SANDERS III, 0000
 PETER K. SCHROEDER, 0000
 JOEL A. SMITHWICK, 0000
 TIMOTHY C. SORRELLS, 0000
 JEFFREY A. TERRY, 0000
 JEFFREY W. TIMBY, 0000
 MARTHA P. VILLALOBOS, 0000
 PETER J. WEIS, 0000
 ROBIN M. WILKENING, 0000

To be lieutenant commander

KEVIN L. ANDERSON, JR., 0000
 ROBERT A. CHURCH, 0000
 DAVID L. CLINE, 0000
 REGINALD S. DANIELS, 0000
 PAUL J. DEMIERI, 0000
 LOUIS P. GONCALVES, 0000
 MARK G. LIEB, 0000
 JAMES B. MOORE, 0000
 RONALD R. RINGO, JR., 0000
 KIMBERLY SAWATSKY, 0000
 DAVID A. TUBLEY, 0000
 RANDY E. WILLIAMS, 0000
 GLEN WOOD, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C. SECTION 624:

To be commander

MARJORIE ALEXANDER, 0000
 THERESA M. ANTOLDI, 0000
 ELLEN A. ARGO, 0000
 VERONICA G. ARMSTRONG, 0000
 ELIZABETH A. G. ASHBY, 0000
 MARY BAKER-DOVE, 0000
 LAWRENCE M. BATEMAN, 0000
 GERALD BOYLE, 0000
 DENA A. BRADLEY, 0000
 NORMAN F. J. CHARBONEAU, 0000

PATRICIA CORLEY, 0000
 VIVIAN M. DEVINE, 0000
 RAMONA M. DOMEN-HERBERT, 0000
 DENISE J. EICHER, 0000
 REBEKAH J. EID, 0000
 KAREN F. ELGIN, 0000
 ELIZABETH J. FRENCH, 0000
 ANGELA B. GARDNER, 0000
 ELIZABETH K. GILLARD, 0000
 ROBIN C. GREGORY, 0000
 ROSANNE I. HARTLEY, 0000
 DINETA C. HAUGHTON, 0000
 KATHLEEN E. HEWITT, 0000
 MICHELLE C. HUDDLESTON, 0000
 DEBBIE R. JENKINS, 0000
 SCOTT A. JOHNSON, 0000
 ETHAN B. JOSIAH, 0000
 GLORIA S. KASCAK, 0000
 MICHAEL T. KELLEY, 0000
 DANIEL P. KINSTLER, 0000
 LENORA C. LANGLAIS, 0000
 ELIZABETH D. LASSEK, 0000
 CLYDA L. LAURENT, 0000
 LAURIE S. MACGILLIVRAY, 0000
 LORI J. MARTINELLI, 0000
 MARYANN C. MATTONEN, 0000
 CATHY M. MCCRARY, 0000
 FRITZI J. MCDONALD, 0000
 JULIE C. MCNALLY, 0000
 ROSARIO P. MERRELL, 0000

JULIE D. MILBURN, 0000
 LISA M. MORRIS, 0000
 CHERYL A. MOSLEY, 0000
 CINDY A. MURRAY, 0000
 LISA A. OSBORNE, 0000
 SUSAN M. PENNEBECKER, 0000
 DREW S. PINILLA, 0000
 EVELYN M. QUATTRONE, 0000
 MICHAEL D. RAMOS, 0000
 LOUETTE T. ROBINSON, 0000
 SHERRI L. SANTOS, 0000
 CANDY M. SIMMONS, 0000
 FAWN R. SNOW, 0000
 TANYA STEVENSON-GAINES, 0000
 WANDA J. STONE, 0000
 DEBORAH M. SWEETMAN, 0000
 DAVID A. TAIT, 0000
 YVONNE TAPIA, 0000
 CHRISTINE M. WARD, 0000
 ROBYN C. WARD, 0000
 KARIN E. WARNER, 0000
 TERESE M. WARNER, 0000
 JOHN J. WHITCOMB, 0000
 RICHARD D. WHITE, 0000
 CATHERINE E. WIDMER, 0000
 MARIA A. YOUNG, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
 TO THE GRADE INDICATED IN THE UNITED STATES NAVY
 UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

ERIC M. AABY, 0000
 JOSEPH F. ALLING, 0000
 KEITH E. AUTRY, 0000
 JOHN F. BENNETT, 0000
 GORDON E. CLARK, JR., 0000
 MARC R. DELAO, 0000
 STEPHEN J. DONLEY, 0000
 WILLIAM C. DUERDEN, 0000
 DAMON S. FETTERS, 0000
 PATRICK A. GARIN, 0000
 MARK T. GERONIME, 0000
 BRADLEY S. HANCOCK, 0000
 CHERYL M. HANSEN, 0000
 ANDREW J. HOLLAND, 0000
 GLENN W. HUBBARD, 0000
 KEVIN M. KREIDE, 0000
 CHRISTOPHER M. KURGAN, 0000
 JONATHAN W. LEBARON, 0000
 NICHOLAS L. MERRY, 0000
 THOMAS J. MITORAJ, 0000
 DARREN C. MORTON, 0000
 MICHAEL P. OESTEREICHER, 0000
 NORMAN D. STIEGLER, JR., 0000
 ALEX D. STITES, 0000
 GREGORY S. WAGNER, 0000
 STANLEY W. WILES, 0000
 CHARLES S. WILLMORE, 0000

EXTENSIONS OF REMARKS

IN RECOGNITION OF JOE PLASKAS ON HIS INDUCTION INTO THE NORTHERN ILLINOIS UNIVERSITY HALL OF FAME

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mr. HASTERT. Mr. Speaker, I rise today to congratulate Joe Plaskas on his upcoming induction into the Northern Illinois University Hall of Fame on October 14, 2005.

A native of Oswego, Illinois, Joe started his athletic career at Oswego High School as a 3-year letter winner in both football and baseball. Joe's love for sports continued after his playing years as a long-time football and baseball coach at Barrington High School in Barrington, Illinois. Through coaching, Joe was able to instill the same values of hard work, dedication and discipline he displayed to the many students he guided as a teacher and coach.

During his college career at Northern Illinois University (NIU), Joe earned eight letters as an outstanding two sport athlete in football and baseball, earning First-Team All-Interstate Intercollegiate Athletic Conference (IAC) honors in both sports.

As a fullback at NIU, Joe powered his way through defenses, leading the Huskies in rushing in the 1958 and 1959 campaigns. In his final season, Joe helped lead the Huskies to a 7-2 record and second place finish in the IAC, earning National Association of Intercollegiate Athletics All-America Honorable Mention and First-Team All-IAC honors. He also earned a place on the Fourth-Team Peoria Journal Star All-State team in 1959.

Currently ranked No. 22 on the all-time NIU rushing list with 1,315 career yards, Joe not only rewrote school records set by Hall of Famers before him, but held that standard for five more seasons until 1964.

On the diamond, Joe performed with equal passion and excellence. At the plate, Joe led the league in batting with a .455 average as a sophomore and won First-Team All-IAC honors as a pitcher.

Once again, congratulations Joe on your many successes on and off the field.

INTRODUCTION OF RESOLUTION
CONDEMNING OF MEXICO'S
ISSUANCE OF OFFENSIVE
STAMPS

SPEECH OF

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 11, 2005

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to express my disappointment in the Mexican Government for their decision to issue the Memin Pinguin

stamp. This stamp represents the negative stereotypes and oppression that millions of African Americans have spent so many years fighting against.

President Fox stated that this is an internal issue for Mexico and that Americans cannot understand the cultural representation of this character. However, if this is how President Fox chooses to depict the black population, this is a sad commentary for Mexico.

This is the first black representative to be on a Mexican stamp; and instead of selecting an actual black Mexican that has had historical impact in that country, Mexico chose a cartoon character that's an offensive stereotype.

This move is especially disappointing based on the commitment President Fox has given to anti-discrimination. This stamp is the type of depiction that sets back that movement and perpetuates racial biases that many Mexicans deal with daily. I cannot see how this positively benefits any black Mexican.

The U.S. and Mexico must work together to create mutually beneficial policies. I'm afraid that this stamp may set us back in creating an open dialogue between our two nations. While we are separate countries our paths are intertwined. This stamp is not only insulting to African Americans, but to all Americans who find this type of representation abhorrent. In the name of diplomatic relations, I respectfully ask President Fox to reconsider his decision to distribute these stamps.

IN RECOGNITION OF GENE SPARLING

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mr. ROSS. Mr. Speaker, I rise today to recognize Gene Sparling of Garland County, Arkansas, who recently rediscovered the ivory-billed woodpecker in the Big Woods area of Arkansas. North America's largest woodpecker, often called the "Lord God Bird," was last spotted in 1944 and thought to be extinct.

Mr. Sparling has sought out wild and natural wonders throughout his life, exploring Mexico's Baja Peninsula, the Rocky Mountains, and Arkansas's own Ozark and Ouachita Mountains. In 2003, Mr. Sparling began exploring Big Woods of Arkansas through the Cache River National Wildlife Refuge by way of kayak and observed the ivory-billed woodpecker.

Since the search began in March 2004, there have been over a dozen sightings of the ivory-billed woodpecker by experts in the Big Woods of Arkansas's Mississippi Delta. The ivory-billed woodpecker, valued for its plumage and sought after by American Indians as magical, has birdwatchers and environmentalists around the world rejoicing.

I am honored to recognize Mr. Sparling, and extend my sincere gratitude for his incredible discovery of the once thought extinct ivory-billed woodpecker. Mr. Sparling is an inspira-

tion to us all, and I consider it a privilege to serve as his United States Congressman in the House of Representatives.

PERSONAL EXPLANATION

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mr. NEUGEBAUER. Mr. Speaker, I was unable to return to Washington, DC, in time for votes on Monday, July 11, due to official congressional business in Texas. I testified yesterday, before the Base Realignment and Closure, BRAC, Commission meeting in San Antonio in support of Dyess Air Force Base which is located in my congressional district. As a result, I missed rollcall votes Nos. 363 and 364. Had I been present I would have voted "aye" on both votes:

Rollcall vote No. 363: H. Con. Res. 168—Condemning the Democratic People's Republic of Korea for the abductions and continued captivity of citizens of the Republic of Korea and Japan as acts of terrorism and gross violations of human rights; and

Rollcall vote No. 364: H. Res. 333—Supporting the goals and ideals of a National Week of Prayer and Reflection for Darfur, Sudan.

PERSONAL EXPLANATION

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, yesterday I missed rollcall vote Nos. 363 and 364. Had I been present, I would have voted "aye" for both.

REAR ADMIRAL DENNIS DWYER

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mr. MURTHA. Mr. Speaker, I rise today to recognize an outstanding naval officer, Rear Admiral Dennis Dwyer, who hails from Philadelphia, Pennsylvania. Admiral Dwyer has served with considerable distinction and dedication for the past 32 years, and I would like to thank him for his service and many contributions to the defense of our great Nation.

On July 29th, RADM Dwyer will retire from the Navy after 32 years of active duty, and will leave command of the Navy's Program Executive Office for Aircraft Carriers here in Washington, DC.

During his tenure as Commander of the Navy's Aircraft Carrier Programs, Admiral

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Dwyer was responsible for the delivery of the USS *Ronald Reagan* (CVN 76), the complex nuclear refueling overhaul on USS *Dwight D. Eisenhower* (CVN 69) and the development of the "6 plus 2" aircraft carrier surge plan now considered the centerpiece and backbone of the U.S. Navy's Strike Warfare Operations Plan.

As Life Cycle Manager for the entire Carrier Fleet, Rear Admiral Dwyer significantly increased the material readiness of the Force. In 2003, as a result of this increased posture, the United States was able to surge eight aircraft carriers, on short notice, to conduct combat operations in support of Operation Iraqi Freedom. In 2004, the Fleet was again able to simultaneously surge seven aircraft carriers world-wide for Exercise Summer Pulse, once again demonstrating the Navy's ability to execute the new Fleet Response Plan engagement strategy. This high state of combat readiness would not have been possible without Rear Admiral Dwyer's improvisation of a brilliant Class Action Maintenance Plan.

However, his most enduring legacy will certainly be the strategic vision and hands-on leadership he provided throughout the concept and detailed design process of the CVN-21 Class of Future Aircraft Carriers. This new class of ships was developed utilizing revolutionary aircraft carrier designs and advanced computer modeling techniques. He relentlessly drove future technologies forward, established and led the largest government and industry ship design team ever assembled, and created a world class modeling environment that significantly reduced design costs throughout the life cycle of this next generation of Aircraft Carriers.

Mr. Speaker, I am extremely proud to offer my personal gratitude to Admiral Dwyer and his wife Eva for their honorable and faithful service to our Nation, and I urge my fellow Colleagues to wish them continued success and the traditional Naval blessing of "Fair Winds and Following Seas" as he closes out a very distinguished military career.

IN LASTING MEMORY OF JOHN W.
PARKERSON

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mr. ROSS. Mr. Speaker, I rise today in honor of the life and legacy of John W. Parkerson, who passed away at the age of 59 in Hot Springs, Arkansas on April 21, 2005. John was born on October 18, 1945 in Paragould, Arkansas, in the hills of Greene County. John distinguished himself as a husband, father, grandfather, lawyer, and legislator.

A graduate of Hot Springs High School, John considered Hot Springs home and was driven by the ideal of improving the lives of the citizens of Garland County. After graduating from Hendrix College, John attended the University of Arkansas Law School and graduated in 1971. John was extremely active in the Hot Springs community, including the Arkansas Bar Association, the Arkansas Game and Fish Foundation Board, Abilities Unlimited, and the Hot Springs Rotary Club. Additionally, he became the first Garland

County Small Claims Court Judge and was a member of the Garland County Community College Board of Trustees.

John spent 12 years in the Arkansas Legislature and once ran for the United States House of Representatives, commenting the best part of politics was the people it gave you the opportunity to meet. John led a life of public service and dedication in every endeavor he undertook and will always be remembered for his tremendous devotion to Arkansas.

John truly led an exemplary life. My deepest sympathies go out to his wife Sanda, his son Christopher Parkerson and daughter-in-law Kim, and son Ben Parkerson, and his grandchildren.

ON THE PASSING OF CLIFFORD W.
BARNHART

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mr. MILLER of Florida. Mr. Speaker, it is with great sadness that I rise today to recognize the passing of Clifford W. Barnhart. Mr. Barnhart had a tremendous impact in my district over his tenure as editor of the Pensacola News Journal and as an appointed Escambia County Commissioner.

A native of New Alexandria, PA who began his career in Pittsburgh, he was already a seasoned newspaper man when he arrived in Pensacola. Not only was he respected for his business acumen, but he was also admired for his service to community, whether in the form of supporting local sporting events for youngsters or making sure that readers were always well informed. When Hurricane Frederic, a dangerous Category 3 storm hit the Gulf Coast in 1979, Mr. Barnhart managed to get the paper on the street the very next morning.

When Governor Jeb Bush needed to replace four elected county commissioners who had been removed from office because of scandal, Mr. Barnhart was one of the people that he knew could be trusted to restore integrity to the position. Even though he had been retired from the Pensacola News Journal for 18 years, Mr. Barnhart gladly stepped forward to serve his community.

My prayers go out to Clifford's wife Zee, his son Scott Barnhart, his daughters Bonnie Mae Barnhart and Sue Glenn, and all others who mourn the loss of this great man. He loved his family as they loved him, and his loss will have a vast impact on so many.

Mr. Speaker, on behalf of the United States Congress, it is with no small amount of sorrow that I tell of the passing of Clifford Barnhart from this world, and his family is in my thoughts and prayers.

PERSONAL EXPLANATION

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mr. ROGERS of Michigan. Mr. Speaker, on the legislative day of June 16, 2005 the House voted on an amendment to H.R. 2862, the Fiscal 2006 Commerce-Justice-Science Appro-

priations Act. On House rollcall vote #261, I was unavoidably detained. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mr. GALLEGLY. Mr. Speaker, on Monday, July 11, 2005 I was unable to vote on a motion to suspend the rules and agree to H. Con. Res. 168, Condemning the Democratic People's Republic of Korea for the abductions and continued captivity of citizens of the Republic of Korea and Japan as acts of terrorism and gross violations of human rights (rollcall 363); and H. Res. 333, Supporting the goals and ideals of a National Weekend of Prayer and Reflection for Darfur, Sudan (rollcall 364). Had I been present, I would have voted "yea" on both measures.

IN LASTING MEMORY OF DANIEL
R. KINLEY

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mr. ROSS. Mr. Speaker, I rise today to honor the life of Daniel R. Kinley who passed away at the age of 46 on June 12, 2005, in Chicot County, Arkansas. Danny was born on March 14, 1959, in Wichita, Kansas. Danny distinguished himself as a terrific father, loving husband, and community hero.

Danny, a member of Parkview Baptist Church, was a firefighter for the El Dorado Fire Department for 11 years, eventually earning the distinguished rank of Captain. Day after day, Danny risked his life in the pursuit of saving others. There is no greater civil service, no job more commendable than that of a firefighter.

I extend my deepest sympathies to Danny's family. My thoughts and prayers are with his wife Leslie; their son Braxton; their daughters Heather and Devan; mother and stepfather Maureen and Fred Buchanan; his brother Bryan Taylor of Little Rock; and his two sisters Karen and Tanya.

INTRODUCTION OF THE HEALTHY
SCHOOL BUS ACT

HON. ROBERT MENEDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mr. MENEDEZ. Mr. Speaker, today I am pleased to be joined by several of my colleagues in introducing the Healthy School Bus Act, which calls attention to a serious but overlooked health threat that our children face every day that they ride to school in a bus.

Congress passed the Clean Air Act and subsequent amendments because we recognized the tremendous health risks of breathing polluted air. Children are particularly at risk because their lungs are still developing and

they breathe more air per pound of body weight than adults do. Nearly 4.5 million American children suffer from asthma, and air pollution is believed to be a serious contributing factor in asthma attacks, bronchitis, and emergency room visits.

One of the most insidious forms of air pollution is diesel exhaust, which contains over 40 potential carcinogens, as well as fine soot particles that can get lodged deep in the lung. The Clean Air Task Force recently released a report which found that fine particle pollution shortens the lives of nearly 21,000 people each year, and leads to lung cancer, heart attacks, and asthma attacks. For New Jersey's children alone, the report linked diesel pollution to over 540 emergency room visits due to asthma and nearly 1,300 cases of acute bronchitis each year.

Although school buses are far and away the safest way for children to travel to school, the diesel exhaust from school buses puts our children at unnecessary risk. A number of programs already exist to try to cut down our children's exposure to school bus exhaust, such as New Jersey's "Stop the Soot" initiative to reduce bus idling, and the Environmental Protection Agency's Clean School Bus campaign, which provides grants for school districts to purchase new, cleaner buses, or to retrofit old buses with pollution control equipment.

These programs are doing an excellent job reducing the amount of pollution our children are exposed to while they're waiting for the bus or just playing outside. But some recent studies have made it clear that our children have more to worry about inside a school bus than just who to sit next to. Researchers from Yale University, the University of Connecticut, the University of California, and Purdue University have found that the concentration of air pollution inside school buses can in some cases be far higher than outside the bus. And the evidence suggests most of the pollution is coming from the bus' own exhaust. One study published in March of this year suggests that in some cases the amount of exhaust inhaled by children on a school bus is greater than the amount of that bus' exhaust inhaled by all other people in a metropolitan area.

We know a lot about how to control emissions from the tailpipe. But we don't know a lot about how to control emissions inside the bus. We don't know how the pollution gets into the bus, and we don't know the best ways to stop it. That's why I'm introducing this legislation, which will direct EPA to do a comprehensive study of air quality inside school buses, and come up with the most effective strategies for keeping the pollution out. This bill also greatly increases the authorization level of EPA's Clean School Bus program, and makes sure that school districts can use grant money from that program to implement the strategies that fight in-bus pollution.

Mr. Speaker, this bill calls attention to an overlooked aspect of our fight for clean air, and it is targeted at those people who are most vulnerable to air pollution—our children. It creates no new requirements on school districts or municipalities; it simply gives them the tools necessary to make their school buses as healthy for children as possible. I ask my colleagues to join in me supporting this legislation, because dirt in a school bus should mean mud in the aisles, and not soot in the air.

PERSONAL EXPLANATION

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Ms. LEE. Mr. Speaker, on July 11, 2005, I missed rollcall votes Nos. 363 and 364. Had I been present, I would have voted "aye" on H. Con. Res. 168 and H. Res. 333.

PERSONAL EXPLANATION

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mr. WESTMORELAND. Mr. Speaker, on Wednesday, June 29, and Thursday, June 30, I was attending a hearing of the Base Realignment and Closure Commission in the state of Georgia regarding the proposed base closures and realignments for the southeastern states. I had the opportunity to testify on the importance of bases in Georgia, and particularly how vital Fort Benning is to my district and to our national security.

Due to my efforts in fighting for bases in the state of Georgia, I was unable to vote on some of the amendments proposed to the Transportation, Treasury, Housing and Urban Development FY06 Appropriations legislation (H.R. 3058).

On the amendment of Mr. KING of Iowa, rollcall Vote No. 341, had I been present, I would have voted "no."

On the amendment of Ms. HERSETH of South Dakota, rollcall Vote No. 342, had I been present, I would have voted "no."

On the amendment of Ms. HOOLEY of Oregon, rollcall Vote No. 343, had I been present, I would have voted "no."

On the amendment of Mr. SOUDER of Indiana, rollcall Vote No. 344, had I been present, I would have voted yes.

On the amendment of Mr. DAVIS of Florida, rollcall Vote No. 345, had I been present, I would have voted "no."

On the amendment of Ms. LEE of California, rollcall Vote No. 346, had I been present, I would have voted "no."

On the amendment of Mr. SANDERS of Vermont, rollcall Vote No. 347, had I been present, I would have voted "no."

On the amendment of Mr. RANGEL of New York, rollcall Vote No. 348, had I been present, I would have voted "no."

On the amendment of Mr. SOUDER of Indiana, rollcall Vote No. 349, had I been present, I would have voted "yes." I strongly support Second Amendment rights, and the ensuring that the people have the right to personal protection. I strongly support allowing the people of the District of Columbia to defend themselves, and the crime prevention results it will bring. I applaud Mr. SOUDER for bringing this amendment, and its passage will be helpful to the people of the District.

On the amendment of Mr. GARRETT of New Jersey, rollcall Vote No. 350, had I been present, I would have voted "yes."

On the amendment of Ms. DELAURO of Connecticut, rollcall Vote No. 351, had I been present, I would have voted "no."

MILITARY PERSONNEL FINANCIAL SERVICES PROTECTION ACT

SPEECH OF

HON. JIM RYUN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 2005

Mr. RYUN of Kansas. Mr. Speaker, I rise today in favor of H.R. 458, the Military Personnel Financial Services Protection Act. This legislation, sponsored by the gentleman from Kentucky, would establish procedures to protect our servicemembers from predatory practices sometimes employed by members of the financial services industry.

I want to specifically express support for Section 110 of the bill, which establishes a method for our military base commanders to obtain the information that they need to keep these problematic agents off their installations without neglecting their servicemembers of access to legitimate financial service providers.

Specifically, Section 110 creates a registry at the Department of Defense to list any agent that has been barred from entry onto any military installation. This registry will be made available to base commanders everywhere, empowering them to deny access to an agent known to employ predatory practices elsewhere.

I want to thank Mr. DAVIS and Chairman OXLEY for including the language I authored in Section 110. This language, coupled with the other provisions in the bill, will go a long way towards protecting our servicemembers from those who would prey on them financially. I encourage my colleagues to support this effort.

PERSONAL EXPLANATION

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Ms. MOORE of Wisconsin. Mr. Speaker, on Monday, July 11, on account of district business I was absent for votes on roll call numbers 363 and 364. Had I been present, I would have voted "yea" on both.

INTRODUCTION OF THE CAREGIVER ASSISTANCE AND RELIEF EFFORT (CARE) ACT, LEGISLATION PROVIDING CAREGIVER ASSISTANCE

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mr. MENENDEZ. Mr. Speaker, I rise today to introduce The Caregiver Assistance and Relief Effort (CARE) Act. This bill addresses the needs of families that are making sacrifices to care for their loved ones by making long-term care more affordable. It would provide tax credits to those caring for ailing family members and loved ones, and encourage individuals to plan and invest in their own long-term care by offering a tax deduction for long-term care insurance. In addition, it would double the funding for the existing National Family

Caregiver Support Program, which supports a wide range of important services for older persons.

There are an estimated 44.4 million caregivers in the U.S., which is 21 percent of the adult population. My home state of New Jersey has over 830,000 caregivers, ranking it 9th in the country. To respond to the needs of our country and my state, I am introducing legislation that will help all American families and all New Jersey families afford to provide the care that their loved ones need and deserve.

As the father of college-age children and the son of a mother with Alzheimer's, I understand first-hand the challenges of putting children through college while providing long-term care for a loved one. Caregiving families face unique strains. They are burdened with additional costs and often caregivers must sacrifice their job or cut back on their hours at work. Almost 6 in 10 caregivers either work or have worked while providing care and 62 percent of caregivers report having had to make work-related adjustments ranging from going in late and leaving early to having to give up work entirely. Their compassion, dedication, and selflessness come at a price. This legislation is aimed at addressing their hard work and sacrifice.

The challenge of caring for our aging population will only increase as the baby boom generation grows older and our life expectancy increases. We need to work now to address the challenges of providing affordable long-term care, encourage future retirees to plan for their own long-term care, and strengthen our existing programs to address this growing need. Please join me in supporting this legislation and helping all families afford to care for the ones they love.

SUPPORTING THE GOALS AND IDEALS OF A NATIONAL WEEKEND OF PRAYER AND REFLECTION FOR DARFUR, SUDAN

SPEECH OF

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 11, 2005

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to encourage my fellow citizens to engage in a National Weekend of Prayer and Reflection (in recognition of the genocide occurring in Darfur, Sudan). Our Congress on July 22, 2004 and the Bush Administration on September 21, 2004 has condemned the acts in Darfur as genocide and Congress has appropriately provided humanitarian assistance in Darfur. Today, the House is urging our nation to observe a Weekend of Prayer and Reflection to recognize the atrocities in Darfur. This Weekend of Prayer and Reflection would spread awareness to communities and religious institutions, promote constructive discussion, mourn the lives lost in these dreadful acts, and ultimately call for an immediate end to the genocide.

The current crisis in Darfur began in February 2003 when two groups, The Sudan Liberation Army (SLA) and the Justice and Equality Movement (JEM), revolted against the Sudanese Government. Since then, the Sudanese government has actively imposed gov-

ernment restrictions and perpetrated violence against their civilians in order to crush this rebellion. The human rights violations which ensued in Darfur are numerous. The Janjaweed militia, backed by the Sudanese government, has committed grievous war crimes, such as rape, child abduction, the destruction of food and water sources, and denying humanitarian assistance to the Darfur region. An estimated 1.9 million people have been displaced and more than 213,000 people have been forced into neighboring Chad. Some observers project that up to 300,000 people have been killed over the past 2 years alone.

The United States has been a leading donor of humanitarian assistance in Darfur. United States Agency for International Development (USAID) has provided an estimated \$615 million in humanitarian assistance for Darfur since February 2003. USAID has also established a Disaster Assistance Response Team (DART) for Darfur. This monetary assistance is extremely important, but the United States must also make a symbolic stance to condemn the human rights violations in Darfur.

Mr. Speaker, every individual is entitled to the preservation of his and her human rights and human dignity regardless of one's religion, race, ethnicity, gender, or region of birth. The United States has a moral obligation to end the violence in order to curtail the human rights violations in Darfur. Congress must raise awareness and educate our society in order to promote understanding and initiate action. The people of the United States must not only take time to reflect on this tragedy and recognize the ongoing suffering, but we must also call an end to the genocidal acts. I hope all my colleagues join me in supporting the goals and ideals of a National Weekend of Prayer and Reflection for Darfur, Sudan.

HONORING THE 15TH ANNIVERSARY OF THE BOBBY MITCHELL HALL OF FAME CLASSIC

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to commemorate the 15th anniversary of the Bobby Mitchell Hall of Fame Classic, held in Loudoun County, Virginia.

The Bobby Mitchell Hall of Fame Classic is a golf tournament that benefits the Leukemia and Lymphoma Society. Since 1990, Bobby Mitchell and other Hall of Famers have donated their time every year to help raise needed funds to find a cure for leukemia and blood-related cancers such as lymphoma and myeloma.

Since retiring from professional football after a successful 11-year career, Bobby Mitchell has dedicated his time to achieving his goal of defeating leukemia. Mitchell was traded by the Cleveland Browns to the Washington Redskins for Ernie Davis, a Heisman Trophy winner. Unfortunately Davis was diagnosed with leukemia and died at age 23, never getting the chance to play a game of professional football. Davis' heartbreaking death motivated Mitchell to take up the cause and find a cure for the disease.

This tournament is the nation's largest annual hall of fame reunion with more than 40

pro football and basketball legends present. Funds are generated by donations made through spectators, raffles and other contests. Mitchell and the fellow hall of fame participants are aiming to cross the \$4 million threshold in funds raised for the charity. Funds from the tournament are donated to the Leukemia and Lymphoma Society.

Mr. Speaker, in closing, I would like to commend and congratulate the Bobby Mitchell Hall of Fame Classic on 15 years of success. It has helped many lives, truly meriting recognition. I call upon my colleagues to join me in applauding Bobby Mitchell and the Hall of Famers' past accomplishments and in wishing them continued success in the many years to come.

HONORING THE RETIREMENT OF LAKOTA SUPERINTENDENT KATHLEEN KLINK

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mr. BOEHNER. Mr. Speaker, today I stand before you to recognize the retirement of Mrs. Kathleen Klink, Superintendent for the Lakota Local School District, and to express my appreciation for her dedication and commitment to education. For more than forty years, Mrs. Klink contributed her talents to the educational field, and for this, I offer her my utmost congratulations and thanks for her efforts.

After graduating from the University of Heidelberg in Germany, receiving a masters in education from the University of Virginia and a post graduate degree from Miami University in Oxford, Ohio, Mrs. Klink began teaching in the Hamilton City Schools. From there, she traveled to Lewiston, Maine, Charlottesville, Virginia, and Wright State University in Dayton, until she arrived in the Lakota School District. Her extensive teaching career, in which she specialized in English, German, and Counseling Psychology, provided her with valuable experience and expertise. In 1981, Mrs. Klink became Assistant Principal at Lakota High School where she served for two years until taking over as Assistant Superintendent. Then, in 1994, Mrs. Klink advanced to Superintendent where she remained until her recent retirement.

Throughout her professional career, Mrs. Klink received substantial recognition for her work including being named as the Ohio Superintendent of the Year, the Sam Walton Business Leader for Southeastern Butler County, and the Buckeye Association of School Administrators Exemplary Education Leader. Furthermore, she attended the Harvard Institute for School Leadership, the Ohio School Leadership Institute, and the Michael Fullan Leadership Seminar through the University of Toronto.

Mrs. Klink's participation in numerous professional organizations, as well as her devoted service to community positions, exemplifies the strength of her leadership. For example, Mrs. Klink served on the West Chester Chamber Alliance Board of Directors, the Fitton Center for the Arts Board of Directors, and the Executive Board for the University of Cincinnati's Center for Economic Education. In addition, she is involved in the Ohio Association of Local School Superintendents, the Phi

Delta Kappa Educational Society, and the American Association of School Administrators. Mrs. Klink's long list of publicized articles and also her guest presentations at the University of Cincinnati, Xavier University, Miami University, and Mt. St. Joseph College showcase her commitment to educational success.

Mrs. Klink, I offer my congratulations and gratitude for your long and successful career in the field of education. I wish you well in your future endeavors, and I hope you continue to achieve happiness and success wherever your life journey chooses to lead you throughout your retirement.

RESTORING AN OBLIGATION OF CITIZENSHIP

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mr. RANGEL. Mr. Speaker, I rise today to draw our attention to the most important obligation of citizens in a democracy and to illuminate the discomfort of many Americans to the elimination of that obligation. I speak about the right to vote—the cornerstone of every democratic system of government, particularly ours.

Democracies are based on the principle that their citizens participate actively in the decision-making processes of the government. Whether in small communities or throughout the vast expanse of the Nation, citizens cast ballots to express their preferences and choices for the direction of the country and to determine the policies and leaders that will be implemented throughout the Nation. The voice of each and every citizen is expressed equally through their ballot and their ability to cast a ballot. Generations of Americans have fought and died to guarantee that all Americans share in this right and obligation.

Unfortunately, today we still face the predicament that millions of American citizens are denied their right to vote. They are denied the ability to influence policy, policymakers, political leaders, and the direction of the country that they belong to. Millions of American citizens who have been convicted of crimes in the past are denied the ability to cast ballots in elections. Regardless of the nature of their crime or any rehabilitation that may have occurred, these ex-felons cannot participate in the decision-making process of this great Nation.

Though they have served their time, fulfilled their sentence, and paid back their debt to society, millions of ex-felons continue to be punished for their past criminal records. Those who turned a corner in their life and fled the criminal path can never again fulfill the most important obligation of citizenship—voting. They remain on the outside looking in at our political system. They want, they deserve, the right to be re-integrated as full citizens into our system. Yet, the system stands firmly in their way, stripping them of their right to vote.

I bring this issue to the attention of the House of Representatives with the hope that this Congress will take the important steps of fulfilling the promises of democracy. I hope

that the House of Representatives would take action to restore the right to vote to American ex-felons. They have paid their debts to society and we should permit their participation in our democratic process. Too many Americans fought and died for this right to vote and too many today are denied the ability to exercise their rights.

I submit for the RECORD a Carib News article providing further evidence and argument for our consideration. Progress is being made on the restoration of rights to ex-felons, but immediate action is needed by this Congress.

[July 5, 2005]

PROGRESS IN RESTORING FELONS' RIGHT TO VOTE

Following victory in Iowa, where the Governor recently announced that he would reverse his state's lifetime ban on felon voting, advocates for restoring felons' right to vote expressed optimism that progress was being made in rolling back laws that disproportionately affect blacks and other minorities.

According to Catherine Weiss, a lawyer with the Brennan Center for Justice at New York University, felony disenfranchisement laws represent the last vestiges of Jim Crow that disenfranchise African Americans. As of 2000, almost 5 million Americans couldn't vote because of laws that restrict those convicted of a felony from casting ballots; four in 10 of those disenfranchised were black.

The full 2nd U.S. Circuit Court of Appeals in New York is also expected to hear arguments in cases brought by two prisoners who claim that the 1965 Voting Rights Act, which removed barriers to black voters, should be used to argue that the felony laws are unfair. Forty-eight states restrict voting rights for felons while they are behind bars or serving parole or probation. Four states—Alabama, Florida, Kentucky, and Virginia—ban voting for life on the grounds that such restrictions are justified. In 2001, New Mexico lifted a lifetime ban, and Nebraska followed suit in March. In several states, felons can now apply to have their voting rights restored.

The issue of disenfranchisement escalated in Florida after the 2000 presidential election, which was decided by fewer than 600 votes there. With more than 820,000 felons who could not vote as of 2000, Florida is said to have the largest disenfranchised population of any state.

One driving force behind efforts to roll back disenfranchisement laws is the nation's swelling prison population. Though crime rates have fallen the prison population soared to 2.1 million by June 2004, according to figures compiled by the Justice Department. In 1970, that number was about 200,000.

According to Theodore M. Shaw, president of the NAACP Legal Defense and Education Fund, who will present arguments in the New York cases, "As the numbers of prisoners have grown, more awareness of the injustice of it has also grown."

With 13 percent of all black men barred from voting because of disenfranchisement laws, advocates contend that many have become disengaged since felons also face prohibitions in other areas of life, such as living in public housing, obtaining identification cards, and getting student loans.

On June 22, in the shadow of the U.S. Federal Courthouse in Foley Square, standing before the African Burial Ground Memorial Sculpture, New Yorkers representing persons who have a felony conviction stood in silent protest to demand the full restoration of voting rights to the formerly incarcerated.

In recognition of a historic en banc hearing in the cases of Hayden v. Pataki and

Muntaqim v. Coombe, the silent protest was conducted as the Nation recognized the 40th anniversary of the passage and President Lyndon B. Johnson's signing of the Voting Rights Act of 1965. The landmark legislation extended voting rights confirmed in the 15th Amendment of the U.S. Constitution to disenfranchised blacks in southern states. The Act has since been reauthorized and its protections extended to language minorities and northern jurisdictions with a history of vote dilution, voter intimidation, and discriminatory polling practices.

The silent protest was staged to symbolically represent citizens, who for no other reason than having been incarcerated for felony offenses have been denied their voting rights while still being expected to fulfill all other obligations of citizenship, including paying taxes.

THANKING MR. RICK CHESSER

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mr. SHAW. Mr. Speaker, I rise today to thank Mr. Rick Chesser for his 35 years of support and dedication to the State of Florida as an employee of the Florida Department of Transportation. Rick has decided to retire from public services, yet at the time of his departure, he was the longest serving District Secretary with 17 years of service to District 4, which encompasses Broward, Palm Beach, Martin, St. Lucie, and Indian River counties.

Throughout his 17 years with the Florida Department of Transportation, Rick has compiled a lasting legacy. Under his watch, the district received much needed funding and he opened constructive dialogue between the district, the public and local elected officials. It should also be highlighted that within District 4, Rick allocated numerous hours to ensure mobility of constituents while simultaneously keeping the best results for the environment and quality of life at heart.

In particular, Rick's commitment to South Florida's public transportation system was never more evident when he served as project director for Interstate 595. Through this project, the Port Everglades Expressway was created, Interstate 75 was constructed, and Interstate 95 was widened in two of the five counties within his district. From there, funding was received for a tri-county rail system providing even greater accessibility for South Florida commuters.

As construction progressed with these numerous projects, Rick ensured the attractiveness of the land by providing District 4 the highest level of amenities in the state for landscaping, paver blocks, and decorative lighting. He also worked with individual cities to assist them in development plans that would shift with population growth.

Mr. Speaker, Rick Chesser's work for the State of Florida and that of District 4 will not be forgotten. Rick has made great strides in the development of various areas to raise the morale and the quality of life for all residents. We are indebted to him and to his service for the past 35 years. My staff and I wish him all the best in his retirement.

SENSE OF CONGRESS THAT THERE SHOULD BE ESTABLISHED A CARIBBEAN-AMERICAN HERITAGE MONTH

SPEECH OF

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 2005

Mr. HASTINGS of Florida. Mr. Speaker, I rise today in support of H. Con. Res. 71, a resolution supporting the establishment of a Caribbean-American Heritage month. This resolution is admirable and deeply appreciated in its recognition and celebration of the Caribbean-American community and of the contributions that community has made to every sphere of American life.

The American spirit is a tapestry that weaves cultures together, one in which people of all traditions and walks of life convene to better protect and educate one another. The Caribbean-American people are an invaluable part of his tapestry, and their influence has stretched to every field of American society, culture and politics.

The State of Florida is especially indebted to the Caribbean-American community, enjoying one of the largest and most flourishing Caribbean-American populations in the nation. The contributions of this community to Florida's economy, educational system, politics and culture, and indeed to all areas of our society, are of the greatest importance to our state and to our country.

I am so privileged to represent people of virtually every single Caribbean heritage. From Lauderdale to Miramar to West Palm Beach to Oakland Park, I am honored to work on behalf of all of these communities and many more.

As early as the 17th Century, Caribbean men and women journeyed to find new lives in America. Our regions have endured similarly difficult pasts. We shared a struggle against slavery, we shared a fight for independence, and now we share the strong ties built on social equality and democratic government.

Mr. Speaker, the United States has been profoundly shaped by the achievements of its Caribbean-American citizens. Whether in technology, science, the military, fashion, politics, government, business, education or journalism, the achievements of Caribbean-Americans have been immense and invaluable.

Some of the most revered figures in American art have come from the Caribbean-American community: actors, musicians, politicians, authors, educators and so many others. All of them have played central roles in the cultural development of this country.

This resolution enjoys strong bipartisan support including mine because it is critical for this body to acknowledge and appreciate those who contribute to America's unique and highly respected culture. I am proud to lend my support to this most excellent resolution, I urge my colleagues to do the same.

MILITARY PERSONNEL FINANCIAL SERVICES PROTECTION ACT

SPEECH OF

HON. DAVID SCOTT

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 2005

Mr. SCOTT of Georgia. Mr. Speaker, today, I rise in support of Title II of, H.R. 458 Military Personnel Financial Services Protection Act. Title II of this measure regulates lenders who target the military and safeguards our armed services personnel from unscrupulous consumer credit lending and collection practices.

Many lenders have developed sales campaigns to market directly to military personnel. A few unscrupulous agents have made misleading pitches to 'captive' audiences, by posing as counselors on veteran's benefits and soliciting soldiers while they were on duty. In some instances, lenders have garnished military personnel's wages or required them to agree to have their loan repaid through the allotment system. Title II of H.R. 458 would clarify that lenders cannot garnish a military salary or give the appearance that they are agents of the military.

Predatory lenders have contacted or threatened to contact the borrower's commanding officer in order to collect debt. In addition, some lenders have required borrowers to sign documents as a condition of obtaining the loan that purportedly waive their legal rights, including requiring the borrower to submit to mandatory arbitration of any dispute. H.R. 458 would prohibit a lender to contact a loan recipient's chain of command and the measure would ensure that the customer's rights are not waived.

Title II in H.R. 458 recognizes that many military personnel are not aware of their borrowing options or rights or how to manage their finances after taking out a loan. To remember this problem, under Title II, military lenders would be required to provide detailed disclosures prior to the consummation of a loan transaction.

Last year, as a member of the House Committee on Financial Services, I expressed concerns about unscrupulous military lenders in several hearings. Some of these reported scams occurred at Fort Benning in my state of Georgia and were made public through a series of articles in the New York Times.

Mr. Speaker, I believe that Title II of H.R. 458 takes strong steps to ensure that our military men and women are not treated as second-class citizens when it comes to financial transactions and loans.

THE NEED FOR CULTURAL SENSITIVITY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mr. RANGEL. Mr. Speaker, today I come before this chamber to be heard on an issue of deep importance to US and Mexican relations. It is a concern that to many seems trivial but which in reality represents an important aspect of the cultural relationship and respect that exists between our two nations.

I speak of the stamp intending to honor the comic strip Mémín Pinguin. The decision to

draw attention and promote this character that would be recognized by those in the international community as racist is an act of gross insensitivity on the part of the Mexican government. In this global day and age, the Mexican authorities should have been aware of the negative international impact of this characterization of the Negro race in grotesque imagery associated with the vilest forms of racism. They should have realized that the depiction of a childish apelike cartoon intended to draw attention to racial stereotypes would be seen as racist. They should have understood that the postage stamp would be seen as a reflection of the beliefs of Mexico and that to pay honor to a character that would signal tolerance with racism is disgraceful.

While President Fox has defended this insulting portrayal as simply cultural differences, he must also understand the cultural message his government is sending to the rest of the world. Clearly, African-Americans and other African and Afro-descendant populations would see the uplifting of a black cartoon character, with monkey-like lips and head and a childish demeanor, as an attempt to malign them. At a time when the world is becoming increasingly interdependent, President Fox's government has decided to insult an entire race of humans—a race that has long suffered discrimination, insult, and abuse. Rather than highlight for the international community and the Mexican people a rich heritage of understanding and harmony, the Mexican government has chosen a symbol of offense and smear.

Yes, we should be aware of the cultural differences that exist between the people of our two countries, but that awareness requires efforts from both sides. In this Congress and past congresses, I and members of the Congressional Black Caucus have worked to erase the elements of racism that exist towards Mexicans, Hispanics, African-Americans, and Blacks. We have reached out in the spirit of cooperation and harmony to our friends in the Congressional Hispanic Caucus to fight against discrimination and discord between our people. We have pursued policies and positions that call on our leaders to decry stereotypical comments that appeal to our most basic emotions. We have united to condemn characterizations and caricatures intended to offend, defame, or marginalize our people, our race, and our community.

In the last month alone, I have been joined by a number of my colleagues in supporting an resolution to draw attention to the challenges and struggles of Afro-descendant populations in Latin America and the Caribbean. We introduced this resolution because too often the international community and the governments of Latin America and the Caribbean ignore, marginalize, and dehumanize the descendants of the transatlantic slave trade. Throughout the region, Afro-descendant populations have the lowest standards of living, the highest rates of illiteracy, the poorest standards of health care, the smallest per capita incomes, and the least amount of access to the political, social, and economic levers of power and opportunity.

It was surprising to me that, the week after the House International Relations Committee favorably marked up this resolution to recognize and support Afro-Latino and Afro-Caribbean populations, the government of Mexico would issue a postal stamp honoring an

apelike depiction of Afro-Mexicans. It was deplorable that the Mexican government would produce stamps that would remind Americans—white and black—of the humiliation and degradation of Sambo and Aunt Jemima. It is insulting that President Fox would defend the publication of this stamp as an example of our cultural misunderstandings, despite the call of the *Asociacion Mexico Negro*—a Mexican-based group representing the interests of over 50,000 blacks—for the recall of the stamps.

This is not simply an example of cultural differences. Afro-Mexicans deplore the comparison of being described as apelike and childlike, just as much as African-Americans. To say that it is acceptable to depict an entire race of people in one's country as childish apes is to not understand the universal impact and role of race in this world.

At a time when members of Congress are trying to find amicable ways of bringing our two countries together, the actions of President Fox's government apparently are to draw a line between us. President Fox has ridiculed the hard work and efforts of African-Americans. He has rejected repeated invitations to dialogue with the National Association for the Advancement of Colored People. His government has issued stamps that not only insult the character of his own people, but also those of Afro-descendant populations in the United States, and throughout the Americas.

I am disappointed in these acts by my friends in the Mexican government and by President Fox. I hope that they will reach out once again to those with whom they have worked here in the United States and put aside these insulting and racist stamps. For us to achieve greater cultural sensitivity on the part of the United States and to obtain greater racial sensitivity in the Americas, it is important to have an equal awareness and effort on the part of our international allies.

RECOGNIZING THE CITY OF
POMPAÑO BEACH, FLORIDA

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mr. SHAW. Mr. Speaker, I rise today to recognize the City of Pompano Beach, Florida, which has been named as one of only ten cities nationwide designated as a 2005 All-America City by the National Civic League. I have represented the City of Pompano Beach since coming to Congress in 1981, and I take special pride in this recognition of their achievements.

The City of Pompano Beach was recognized for two programs which impact the community's youth, and an affordable housing project.

The Pompano Beach Junior Lifeguard Program which began as a small part-time recreational swimming program has grown into an annual recreation and education program for children ages nine to seventeen. The program partners parents and local schools in promoting activities which develop healthy lifestyles, sportsmanship and self-esteem in the community's youth. Childhood obesity has also been targeted with parents reporting improved eating habits, weight loss and increased muscle mass in their children.

The Kidz-N-The-Hood Program is a weekly TV show produced and scripted by kids of all ages, income levels and ethnic backgrounds. Developed to counteract the often negative and gratuitous images children are too often exposed to on television, the program receives accolades from parents and educators who report more attentive students, improved test scores and reduced drop out rates. Supported by a diverse community group including AT&T Broadband, the South Florida Sun-Sentinel, Pompano Middle School, Broward County Sheriff's Office, and the Broward County Urban League, the program has reached thousands of children through participation and viewing opportunities.

Pinnacle Village, a new affordable rental community, replaces a failed HUD subsidized housing complex which stood as an eyesore and haven for crime in the neighborhood. Frustrated by a failed project which had undergone numerous attempts at rehabilitation for a period of years, the public and private sectors worked together to improve the living conditions for dozens of families. The result was Pinnacle Village—148 town houses with one to three bedrooms. This project not only meets the needs of the resident families, it has had a positive impact on the surrounding community.

Mr. Speaker, I am pleased to congratulate the residents, officials, and the staff of the City of Pompano Beach whose efforts on behalf of their city have earned the title of 2005 All-America City.

TO REPORT ON THE SUCCESSES
OF THE FOURTEENTH ANNUAL
SESSION OF THE ORGANIZATION
FOR SECURITY AND COOPERATION
IN EUROPE'S PARLIAMEN-
TARY ASSEMBLY

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to report on the successes of the fourteenth annual session of the Organization for Security and Cooperation in Europe's Parliamentary Assembly which convened in Washington, DC over the first five days of July. Over 800 parliamentarians and staff were in attendance, making it one of the largest assemblies in the Organization's history, and one of the most productive.

The theme of this year's session, "30 Years since Helsinki: Challenges Ahead" reminds us of the agreement that founded the OSCE, and the ideals which must guide us through the tests of the future. The Washington Declaration, a compendium of resolutions adopted at this year's session, is a testament to the excellent progress that has been made in central areas of social, economic, and human rights policy. The OSCE has maintained its position at the forefront of some of our world's most critical concerns; eradicating human trafficking, ensuring fair elections, combating social prejudice, and maintaining stable economic relationships between all nations.

Members of both branches of Congress play a central role in the OSCE Parliamentary Assembly. Our delegation offered a resolution entitled "Combating involvement in trafficking

in human beings and sexual exploitation and abuse by international peacekeeping forces" that was adopted into the Washington Declaration. The practice of human trafficking is an affront to humanity, and must not be tolerated. According to the most recent Department of State estimates, between 600,000 and 800,000 people are trafficked across borders each year worldwide, including 14,500 into the United States. Combined with trafficking within countries, the total figure is estimated at between 2 and 4 million. The OSCE, as the world's largest regional security organization, is uniquely positioned to take on this critical issue.

During this year's session, the U.S. delegation made major progress in international trade. Representative BEN CARDIN, Ranking Member of the U.S. Helsinki Commission, spearheaded a resolution urging the Mediterranean Partners to work with the Arab League in order to rescind the trade boycott of the State of Israel. The boycott has existed for almost half a century, and it is clear that a healthy economic relationship between the United States, Israel, and the Middle East will be central in the fight for a stable and more peaceful world.

Mr. Speaker, I am proud to serve as the current President of the OSCE Parliamentary Assembly, and delighted to have been elected to a second term. The U.S. delegation was at the forefront of efforts to preserve the quality of the OSCE's election monitoring activities, the battle against anti-Semitism and efforts to set codes of conduct for peacekeepers and international representatives.

We were also privileged to welcome you, Mr. Speaker, and Secretary Rice, to address the Assembly and I am pleased to report that the conference was a major success.

Mr. Speaker, at this time I ask for unanimous consent that the statement of the Honorable Canadian Senator Jerry Grafstein be added to the RECORD immediately following this statement. Senator Grafstein was elected to a second term as Treasurer of the OSCE Parliamentary Assembly, a clear endorsement of his dedication, prudence and fine leadership. I thank him for his kind words, and I thank the whole Canadian delegation for their admirable contributions to the OSCE Parliamentary Assembly.

ORGANIZATION FOR SECURITY AND CO-
OPERATION IN EUROPE

FOURTEENTH PARLIAMEN-
TARY ASSEMBLY

Hon. Jeremiah S. Grafstein: Honourable senators, yesterday the Parliamentary Assembly of the Organization for Security and Co-operation in Europe completed its fourteenth annual session in Washington, D.C. It lasted over five days and was attended by more than 1,000 parliamentarians and staff. It was probably the largest assembly in its history. The Washington Declaration, a compendium of all resolutions adopted, will be tabled in the Senate. The OSCE Parliamentary Assembly is composed of parliamentarians from 55 member states, and is the largest international organization dedicated to the advancement of democratic rights, human rights, and economic and security cooperation.

The Washington Declaration included a number of issues on which Canadian parliamentarians took the lead: trafficking in human beings; steps for cooperation in the Middle East; combating anti-Semitism; advancing the fight against corruption amongst parliamentarians and in the public

service; improving democratic surveillance of election monitoring; codes of conduct for peacekeepers and international representatives; and gender issues.

I was pleased to be re-elected for a third time as a Senior Officer and Treasurer and as Leader of the Liberal, Democratic and Reformer's Political group. I extend my appreciation and congratulations to our colleague, the Honourable Senator Di Nino, for his assiduous performance as head of the Canadian delegation. I intend to have the Senate consider a number of aspects of the Washington Declaration, which each parliamentary delegation was mandated to do under the declaration.

I would like to add a special word of congratulations to Speaker Dennis Hastert, of the House of Representatives, to our Congressional American hosts and to Congressman Alcee Hastings, who was re-elected President of the OSCE Parliamentary Association and who invited us to share an outstanding visit to George Washington's home on Mount Vernon on the Potomac. Our hosts also invited us to participate in the festivities on Capitol Hill for their July 4 celebration, together with over one million Americans. It was a memorable experience for all of us.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mr. JOHNSON of Illinois. Mr. Speaker, unfortunately yesterday, July 11, 2005, I was delayed in the Cincinnati Airport due to a mechanical failure of my plane, a parts swap, and a new plane having to be brought in for my flight from Cincinnati to Washington. There were no other flight options for me to arrive in Washington before the votes occurred on H. Con. Res. 168 (Rollcall No. 363) and H. Res. 333 (Rollcall No. 364). Had I been here to cast my votes, I would have voted "aye" on both H. Con. Res. 168 and H. Res. 333 and wish the RECORD to reflect as such.

As a member of the Human Rights Caucus and a stern believer that every human being has certain irrevocable rights, I stand in strong favor of both of these pieces of legislation. We cannot and should not stand by as gross human rights violations such as the kidnappings in Korea and the genocide in Darfur continue. I applaud my colleagues, Representative HENRY HYDE and Representative DONALD PAYNE, for introducing these bills and bringing them to the floor for our consideration.

Almost 3 years ago North Korean leader Kim Jong-il admitted that North Korea had ordered abductions of Japanese citizens and promised that it would never do so again. However, evidence has surfaced that the North Korean government has continued to order the abductions of numerous foreign citizens and has placed these captives, along with prisoners of war, in forced labor camps. To stand by and do nothing in response to these gross violations of human rights is unthinkable and this bill clearly states to Kim Jong-il and the North Korean government that the United States will not let this continue.

I am also pleased that we were able to debate H. Res. 333. I have been a huge supporter of our past funding for aid to Darfur and

our condemnation of the genocide occurring there and can think of no better way to complement these actions than by praying for and reflecting on this horrible situation. The better we personally understand this situation, the better we as a Congress will be able to respond to and prevent situations such as these from occurring in the future. As a man of faith, I will stand with my family, my colleagues, and fellow citizens and pray for the people of Darfur and reflect on the ongoing atrocities that they face on a daily basis.

Mr. Speaker, thank you again for allowing me to express my support for these two bills as I was unfortunately delayed on my way to Washington.

SUPPORTING THE GOALS AND IDEALS OF A NATIONAL WEEK-END OF PRAYER AND REFLECTION FOR DARFUR

SPEECH OF

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 11, 2005

Mr. RANGEL. Mr. Speaker, I rise today in strong support of Congressman PAYNE's resolution H. Res. 333—supporting the goals and ideals of a National Weekend of Prayer and Reflection for Darfur. The violence and ongoing humanitarian challenges that the people of Darfur continue to face necessitate that we keep them in our thoughts and prayers, and continue to ensure that the Darfur issue remains firmly within the purview of U.S. policymakers, until a final resolution is reached.

Communities of faith in the United States have always played a role in eliciting action on an array of historic moral questions. From the anti-slavery and civil rights movements in this country, to the campaign to end the terrible Ethiopian famines of the 1980's, the power of faith was brought to bear in an attempt to address an issue of human suffering.

The ongoing crisis in Darfur is one such issue, that warrants the continued engagement of the American religious community—especially when engagement from other sources has, in some instances, been lacking. The Darfur conflict has so far claimed as much as 400,000 lives, and displaced at least 2.4 million. The United States has to its credit taken the lead among world powers in addressing the conflict by providing humanitarian assistance to the Darfurian people, and applying pressure to the Sudanese government. America's religious communities have been instrumental in compelling the United States government to become involved.

However, in recent months the Administration has been rather muted on the Darfur issue. Indeed, the Administration has backed away from classifying the actions of the Sudanese government and its Janjaweed militia as genocide, and U.S. and Sudanese officials have visited each other consistently in recent months. With the recent peace agreement between the Khartoum government and the oil-producing region of southern Sudan, as well as Sudanese cooperation on U.S. terrorism efforts, there is talk of the U.S. lifting sanctions on Sudan.

Such hospitable relations are very concerning, considering the fact that the situation

in the Darfur is still dire. While the killings in aggregate have decreased, the cease-fire is extremely fragile. In the absence of the small African Union peacekeeping force, and the humanitarian assistance provided by the international community, Darfur would easily fall back into chaos. Indeed, U.N. humanitarian coordinator Manuel Aranda Da Silva said that the situation could deteriorate quickly if foreign assistance stops coming.

In addition, rape is still a widespread tactic utilized by government and its militia, as well as forced military recruitment of young people. According to officials from the United Nations High Committee on Refugees, areas outside peacekeeping observation remain very dangerous. As such, the United States must maintain its pressure on the Sudanese government, and clearly convey to them that any improvement in relations between our two countries is contingent on resolution of the Darfur crisis.

The religious community is well placed, and equipped with the moral authority, to compel the United States government not to decrease its engagement on the Darfur issue. It is my hope that communities of faith will reflect this coming weekend on the continuing crisis in Darfur—because only when we reflect, will we be emboldened to act. Again, I thank the Gentleman from New Jersey for this resolution, as our struggle for the people of Darfur is far from over.

PERSONAL EXPLANATION

HON. JOHN CONYERS JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mr. CONYERS. Mr. Speaker, I rise today to enter into the RECORD that on July 11th of this year, due to unavoidable circumstances, I was unable to be present. If I had been in attendance, I would like the RECORD to reflect that I would have voted in the following manner on these bills:

On H. Con. Res. 168—Condemning the Democratic People's Republic of Korea for the abductions and continued captivity of citizens of the Republic of Korea and Japan as acts of terrorism and gross violations of human rights I would have voted "yea."

On H. Res. 333—Supporting the goals and ideals of a National Weekend of Prayer and Reflection for Darfur, Sudan I would have voted "yea."

MILITARY PERSONNEL FINANCIAL SERVICES PROTECTION ACT

SPEECH OF

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 2005

Mr. MEEK of Florida. Mr. Speaker, I rise today to strongly support Title II of H.R. 458, the Military Personnel Financial Services Protection Act. Title II's provisions are especially important as they will help prevent high-cost military lenders from preying on the men and women who are serving in our Armed Forces.

This important measure provides needed protections for military borrowers from various

types of high-cost lenders, including for example, finance companies, title lenders and small loan companies.

These legislative provisions will give military personnel new warning disclosures and special protections against abusive collection practices and other improper lending practices by unethical lenders like Pioneer Financial that target vulnerable service members and charge unreasonably high rates and fees and sell them grossly overpriced credit insurance and who then refinance these predatory loans within the first 12 months if possible to generate more unjustifiable fees for the lender.

Mr. Speaker, I commend Mr. Davis of Kentucky and other colleagues who took the lead in developing this legislation, and am proud to lend my support as it will help ensure our Armed Forces personnel will have essential new safeguards to stop abuses that Pioneer and some other unscrupulous high-cost lenders have engaged in.

THOUGHTS ON LEADERSHIP AND AFRICAN DEVELOPMENT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mr. RANGEL. Mr. Speaker, the plight of Africa has been the focus of much public discourse in recent months. The G-8 made commendable progress on the issue of African development in its Summit, but there is still much to be done. On a recent trip to the United States, Nelson Mandela visited the Riverside Church in New York City to thank the American people for their support in helping South Africa overcome apartheid, but also to remind us that Africa still faced enormous challenges.

The Riverside Church where Mr. Mandela spoke has long been a leader within America's faith community in bringing attention to various issues of social justice, even when the cause was not popular. The Church was a major center of activism during the antiapartheid movement, and had hosted Mr. Mandela on his first visit to the United States after being released from prison in 1990.

While Mr. Mandela won his fight against Apartheid in South Africa, he is still waging a battle against the many problems that face the African continent. The beginning of the 21st century sees an Africa affected by widespread poverty, the HIV/AIDS crisis, and crippling levels of debt. Mr. Mandela, through his Mandela Foundation, is fighting to address these critical issues.

On that note, I submit for the RECORD a piece from the July 5th edition of the *CaribNews*. The piece is by Harry Belafonte, the internationally known entertainer and activist, and was used to introduce Mr. Mandela at the Riverside Church event in May. The words of this introduction provide us ample food for thought as we continue the still unfinished crusade for African development.

RIVERSIDE CATHEDRAL, A PLATFORM FOR TRUTH

A SEARCH FOR AFRICA'S DEVELOPMENT AND THE ROLE OF NELSON MANDELA

This (Riverside) Cathedral has vigorously embraced its covenant with truth in the midst of the exodus of so many houses of worship that have in the name of faith and God made treaty with the devil.

Riverside Church has given us reason to believe in speaking truth to power. Many have claimed to be keepers of the flock. They have declared their right to pick who shall or shall not enter into the "kingdom of Heaven." Others have hidden behind the cloak of morality as they indulge themselves and the nation in the sin of homophobia that crucifies fellow human beings. There are those religious leaders and institutions that have announced unjust wars and carry the cross before armies that destroy the innocent and plunder the earth.

There are many Black church leaders who salivate in the midst of this new Christian inquisition for just thirty pieces of silver rewarded by the Caesar of faith-based oppression. All have made us understand how privileged we are that the (Reverend) James Forbes administers to our soul and can never be charged with patriotic treason.

Riverside Church has generously yielded its pulpit to many of the greatest thinkers of the 20th century. It has blessed and embraced all those, regardless of faith, who have come here in defiance of the tyranny of the State. Powerful voices have been heard in these walls, which speak out against injustice and bring truth and humanity to rebellious cause. This cathedral inspires change in a world that hungers for more than the food of the body; it hungers for leaders with voices of courage that will provide food and moral plenty for the soul. In this place, we once gather to honor truth.

After centuries of oppression and destruction, Africa, the greatest resource in the building of the empires of the world, has found no kindness from her conquerors. No one came to her with a Marshall Plan. She has found no generosity from the banks of her bleeders. Quite the contrary. Africa severely hemorrhages from the burden of the financial debt she carries. She cannot even repay the interest on the debt.

In many places, the continent suffocates from the pollution of decaying bodies that have died from violence. Americans and Europeans often view nuclear bombs, germ warfare, chemical weapons, poison gas and planes crashing to buildings as the only weapons of mass destruction. But for Africa, with 15 million of her people dead and millions more wounded, handguns, automatic rifles and land mines are added to the list. The great irony is that Africa does not have the capacity to mass-produce weapons. America and Europe, however, sell her all the arms required while vigorously fueling the conditions that create the demands for them.

For Africans, poverty, ignorance and illiteracy are also weapons of mass destruction. These realities, coupled with 27 million people infected with HIV/AIDS and 10 million children orphaned by the disease, ravage the population. And all of the sins attributable to Africa's pain, global indifference is the greatest offender.

But a maturing Africa is coming together in ways that are different than before. She is making choices that are African choices. The Africa on the horizon will have no tolerance for colonial status in the World Bank and the International Monetary Fund's economic slavery system, a system that, while admitting to its share of guilt, defined as "mistakes of the past", stays tragically addicted to the same sins of the present. Africa will no longer endure these indignities. She will know a decidedly different future. With this new determination, Africa affirms her spiritual, cultural and historical allegiance to her decedents in the four corners of the earth. She is telling citizens of the Diaspora that they are first and foremost citizens of the continent and saying to them, "Come, for by right of birth and of struggle and our common history, you are of us."

Most of this vision set in motion by the entrance of the Democratic Republic of South Africa into the arena of democratic nations. The African National Congress commits itself and the nation to the development, welfare, peace and dignity of the entire continent and other nations in the world who are in need. Its voice speaks for all to hear that this 21st century will be Africa's century.

Rolihlahla Nelson Mandela has stood here (at Riverside) before. From this Cathedral our nation was inspired when he spoke of his vision for the future of his South Africa. Through the guidance of his political genius and the compelling force of his moral authority he transformed his nation from a cruel oppressive state into one of the most advanced democracies humankind has ever known. Perhaps the most remarkable aspect of this achievement was Madiba and his comrades did this without the violence and racial upheaval the world anticipated. During the time of his presidency, he transformed his countrymen's mood for revenge into one whose desire to be a continuing search for national harmony rooted in truth and reconciliation.

Now in the autumn of his winter years he comes again to America at a time when our nation faces one of the most critical crossroads in its history. Would that our nation could be touched by his humanity and be guided by his moral vision!

(Harry Belafonte, the world famous actor, singer and human and civil rights advocate was introducing Nelson Mandela to a large audience at the Riverside Church during the South African Nobel Peace Prize winner's recent visit to New York City.)

JERRY HALE AND DAVE BRAGG

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mr. PENCE. Mr. Speaker, on the quiet afternoon of July 7, 2005 in Parker City, Indiana, Tim Hammer, who is paralyzed and wheelchair-bound, was crossing a set of railroad tracks on Franklin Street. Almost immediately after he began to cross the tracks, the traffic arms lowered to signal an approaching train. Hammer's wheelchair hit a rough spot and he was thrown to the ground. At the same time, Jerry Hale and Dave Bragg of Parker City were repairing an herbicide sprayer about fifty feet from the railroad crossing. Hale and Bragg saw Hammer lying on the tracks unable to move and the freight train approaching the crossing at approximately 55 miles per hour. In an instant, Hale and Bragg dropped their work and sprinted to the crossing where they pulled Hammer to safety just seconds before the train barreled through and crushed his empty wheelchair.

Hale and Bragg should be commended for their feats of courage and the nobility of purpose behind their actions. These men risked their lives in order to save the life of a stranger during his moment of need. Their actions on July 7th speak volumes about their good character and the high regard with which they hold human life.

After the incident, Hale and Bragg stated that they were uncomfortable with being called heroes and believed that they had been placed near the railroad crossing by the grace of God. Mr. Speaker, through the grace of

God, America is blessed to have heroes such as these men, and I am honored today to commend them as heroes whose courage and selflessness should serve as an example to all Americans.

IN RECOGNITION OF HORACE L.
DICKERSON, JR.

HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mr. BOUSTANY. Mr. Speaker, I rise today to acknowledge the contributions to our great country by a fine public servant who has selflessly given his time and talents to help his fellow man. Horace L. Dickerson, Jr. has served as the Southwest Regional Commissioner for the Social Security Administration since 1997. This position culminated a career that began in 1971. He has spent the past 34 years working with employees that Mr. Dickerson fondly refers to as "his family."

In his time with the Social Security Administration, Mr. Dickerson has been an outstanding example to his fellow employees, taking care of the needs of the American people. He has always carried with him an innate understanding that the institution he worked for was charged with an important public duty. To carry out that mission meant completing every task at the highest standards achievable.

His work ethic is to be admired and we can only hope duplicated. He fostered communication between his employees and encouraged teamwork to produce outstanding results for the people he serviced.

He retires with the admiration of his co-workers and a grateful administration. On behalf of the people of Louisiana's 7th Congressional District and the American public, I thank Horace L. Dickerson for his years of public service.

HONORING ANGELO REGUSCI OUT-
STANDING AGRICULTURALIST OF
THE YEAR

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mr. THOMPSON of California. Mr. Speaker, I rise today to honor Angelo Regusci who has been named the 2005 Agriculturalist of the Year by the Napa County Farm Bureau.

I have had the privilege of knowing the Regusci family for nearly all of my life. Angelo, the family's patriarch, has spent the last eight decades as a dairyman, cattle rancher, farmer, businessman, viticulturalist and winemaker in the heart of the Napa Valley's Stags Leap District. Mr. Regusci, as I always referred to him while growing up just a short distance from his family's ranch, is a man of great talent and practical wisdom.

Mr. Regusci grew up living the hardscrabble life of rancher's son. He and his sister Isabella worked side-by-side with their parents Gaetano and Livia as they wrestled a living from the land through hard work and perseverance. Their stunning 286-acre ranch on the Silverado Trail was purchased by Angelo's fa-

ther in 1932 or the princely sum of \$22,000. As the economics of agriculture evolved over the next fifty years, Angelo and his family transitioned their love of labor and land from dairy to prunes to beef and ultimately to premium wine grapes. Throughout this entire time, Angelo and his family remained pillars of their community for their contributions to the advancement of agriculture and their work on behalf of local youths wanting to pursue future careers in farming.

Angelo Regusci began selling grapes door-to-door decades before his now famous Stags Leap District started producing coveted \$100 bottles of Cabernet. He and his brother-in-law sold grapes by the ton to first and second-generation Italian, Portuguese, German and Greek home winemakers who kept alive the custom of making wine at home. I am told the price varied from \$50 to \$70 per ton, depending on whether they had to carry the bins more than two flights of stairs.

Angelo and Mary Regusci have produced many of the Napa Valley's greatest resources, but their finest contribution to our community has been the wonderful children they have raised and shared with all of us. They should be extremely proud of Jim, Joe, Bernadette and Martha.

Mr. Speaker and colleagues, it is appropriate at this time that we recognize and honor Angelo Cesare Regusci for his contributions to American agriculture and for being awarded the 2005 Napa County Farm Bureau Agriculturalist of the Year.

PERSONAL EXPLANATION

HON. RICHARD W. POMBO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mr. POMBO. Mr. Speaker, on July 11, 2005, I missed two recorded votes. I take my responsibility to vote very seriously. Had I been present, I would have voted "yea" on H. Con. Res. 168, a resolution condemning the Democratic People's Republic of Korea for the abductions and continued captivity of citizens of the Republic of Korea and Japan as acts of terrorism and gross violations of human rights, rollcall No. 363; and "yea" on H. Res. 333, a resolution supporting the goals and ideals of a "National Weekend of Prayer and Reflection for Darfur, Sudan", rollcall No. 364.

PERSONAL EXPLANATION

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mr. BONNER. Mr. Speaker, on Monday, July 11, 2005, I was absent for votes because of my inability to travel due to Hurricane Dennis which hit the State of Alabama on July 10, 2005. I missed rollcall votes Nos. 363 and 364. Had I been present for votes, I would have voted "yea" on Nos. 363 and 364.

RECOGNIZING THE SERVICE OF
COLONEL ROBERT A. ROWLETTE,
JR.

HON. ANNE M. NORTHUP

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mrs. NORTHUP. Mr. Speaker, I rise today to recognize the outstanding service of Colonel Robert A. Rowlette, Jr., Commander of the Louisville Engineer District since July 2002. Colonel Rowlette will retire from active duty with the U.S. Army on September 1st of this year, with over 26 years of dedicated service to our nation.

A native of Berea, Kentucky, Colonel Rowlette was commissioned in the Corps of Engineers upon graduation from the University of Kentucky where he earned both a Bachelors and Masters degree in Civil Engineering. During his military career, Colonel Rowlette's leadership, vision and dedication to duty have contributed significantly to the national defense, economic prosperity and quality of life for our citizens.

As Commander of the Corps of Engineers' Louisville District, Colonel Rowlette oversaw Army, Air Force and DOD military construction projects valued in excess of \$350 million annually. Major military installations supported include, Fort Campbell and Fort Knox in Kentucky, Scott Air Force Base near St. Louis, Wright-Patterson Air Force Base in Dayton as well as Army and Air Force Reserve facilities nationwide. Additionally, Colonel Rowlette has been responsible for comprehensive water resources and project operations in 76,000 square miles of the Ohio River watershed, providing flood damage reduction, ecosystem restoration and commercial navigation.

Colonel Rowlette extended his leadership well beyond the assigned missions of the Corps of Engineers by personally participating in regional events and promoting a strong partnership between Army and civilian engineers. As immediate Past President of the Society of American Military Engineers' (SAME) Kentuckiana Post, Colonel Rowlette was responsible for hosting the 2005 Joint Engineer Education and Training Conference where more than 1,200 participants came together for professional development.

Prior assignments also reflect Colonel Rowlette's commitment to military readiness and willingness to share his considerable talents for the good of others. His service as Commander of the Charleston (South Carolina) District supported our nation's vital deep-draft ports and operation of the Atlantic Intra-coastal Waterway; as Assistant Professor of Mathematics at the U.S. Military Academy at West Point, he helped prepare our future Army leaders; and while serving in a variety of combat battalion assignments he helped provide the military deterrence necessary for peace.

A good neighbor and valued steward of our defense assets and natural resources, Colonel Rowlette will be remembered for his spirit of service, patriotism and dedication to our nation. On the occasion of his retirement, I wish to extend my best wishes to Colonel Rowlette, his wife Janet and their children Robert and Meredith.

THE HONORABLE FRITZ E.
LAWAETZ

HON. DONNA M. CHRISTENSEN

OF VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mrs. CHRISTENSEN. Mr. Speaker, I rise to pay tribute to a native son of the Virgin Islands, affectionately known as "The Bull from Annaly," the Honorable Frits E. Lawaetz, who passed away early this month. Senator Lawaetz was a true legend in our Caribbean American territory as a successful rancher, businessman, legislator, community leader, churchman and family man.

Born in Little La Grange, St. Croix on October 5, 1907, Senator Lawaetz was the son of Carl and Marie Lawaetz. A tall and imposing figure who was larger than life, Senator Lawaetz was fluent in English, Danish, Spanish and "Crucian." He was educated in Denmark and apprenticed to Danish farms until his return to St. Croix in 1925. He worked in various roles in the sugar industry as a cowboy and a manager in St. Croix at the La Grange Sugar Factory and in Puerto Rico at the United Puerto Rico Sugar Company.

Mr. Speaker, In 1940, Senator Lawaetz became the General Manager of Estate Annaly, owned by the late Ward Canady. There, he developed the largest private agricultural concern in the Virgin Islands with a 400-acre sugar cane farm and a 1500-head cattle ranch. He was instrumental in developing the famous "Senepol" brand of cattle, a world recognized sturdy breed of cattle in 1954. He began an export business, exporting bulls throughout the Caribbean, helping to improve the regional stock.

In partnership with Canady and his eldest son Hans, Senator Lawaetz founded Annaly Farms in 1964. He formed the Virgin Islands Senepol Breed Association in 1977 and served on its board until 1988 when headquarters for the association moved to the United States and became the Senepol Cattle Breeders Association with 500 breeders worldwide. The association now exports cattle, semen and embryos of the hardy breed to Australia, Africa and the Far East. The Breeders Association has honored Senator Lawaetz by naming its highest award the Frits Eduard Lawaetz Lifetime Achievement Award.

Mr. Speaker, an avid sportsman, Senator Lawaetz founded the Annaly Athletics in the 1950s, which sent seven local athletes on to play professional baseball, including major leaguers Joe Christopher (Mets) Julio Navarro (Tigers) and Elmo Plaskett (Pirates).

Serving for 20 years in the Legislature of the Virgin Islands, Senator Lawaetz was first elected in 1954 under the new Organic Act. He served from 1955 to 1970 and then again from 1974 to 1979, before retiring at the age of 71. He was known as the "People's Senator" and is still the longest serving senator from St. Croix. Married to childhood sweetheart, Bodil Tornoe for 63 years until her death in 1999, Lawaetz had three sons, Hans, Bent and Frits (deceased) who followed his footsteps in agriculture and community service.

Mr. Speaker, Senator Lawaetz received many honors and commendations in his distinguished life including being named to the order of the Commander of the Danneborg be-

stowed on him by the Queen of Denmark who he hosted on her visit to the Virgin Islands in May, 1976. He was named to the "Personalities of the Caribbean", the International Guide to Who's Who in the West Indies, Who's Who in American Politics, Who's Who in the South and South West and the Notable American Award. He served as a Delegate to the 1980 Democratic Presidential Convention. In 1982, the Lagoon Street Homes in Frederiksted were named in his honor in recognition of his efforts in their establishment and for his many years of dedication to the people of the Virgin Islands.

Senator Lawaetz also received the Distinguished Service Award from the Virgin Islands Chapter of the Boy Scouts of America, the Outstanding Service Award from the Holy Trinity Lutheran Church in Frederiksted, and he was appointed by the Danish Council Blak of the Virgin Islands as Honorable Trustee of Danish Cemeteries on St. Croix. In 2000, a book on his life, entitled "The Bull From Annaly" was written by Priscilla Watkins.

Mr. Speaker, until recently, Senator Lawaetz could be seen at every significant community activity. He will be missed by many. I will personally miss his words of advice, or praise or caution, whichever he felt was needed and which was always generously given. His memory will always loom large in my mind and in that of the entire Territory. His many contributions will endure as a lasting legacy for the benefit of many generations to come. One can truly say that the Virgin Islands is a better place because he passed this way.

Mr. Speaker, on behalf of my family, staff and the entire Virgin Islands community I extend condolences to his family and friends and our enduring gratitude for his service to the U.S. Virgin Islands, Denmark and the United States of America.

RECOGNIZING THE
CONTRIBUTIONS OF BOB ABBEY

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mr. PORTER. Mr. Speaker, I rise today to recognize the contributions of Bob Abbey. Bob recently announced his retirement from 32 years of Government service—25 years with the Bureau of Land Management (BLM) alone—a career that all Americans should thank him for.

I represent a State where the Federal Government owns and controls almost 90 percent of our land. Although the U.S. Fish and Wildlife Agency and the U.S. Forest Service oversees parts of Nevada, more than 48 million acres of public lands in Nevada were controlled under Bob's leadership at the BLM for over 8 years—a large feat for anyone to undertake.

As Nevada's BLM Director, Bob was influential in ensuring that Nevada's public lands are preserved for future generations by taking an active leadership role in restoration and conservation projects, such as the Great Basin Restoration Initiative. Despite the monumental tasks he was often presented with due to the diverse nature of Nevada's landscape, Bob was always able to understand the importance of long-term goals so that our children's children can someday enjoy "wild Nevada."

Thank you, Bob Abbey, for your hard work and dedication as Nevada's BLM Director. Your love for our State is evident and appreciated, and I join with all Nevadans in wishing you a happy retirement.

INCOME EQUITY ACT OF 2005

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mr. SABO. Mr. Speaker, today I introduced the Income Equity Act of 2005. I have long believed that the growing wage gap in our country is a big problem that we need to address. Wage disparities between high- and low-income households are the largest on record. My legislation would encourage companies to evaluate their pay scale with a focus on those paid the lowest wages.

The Income Equity Act of 2005 would do two things: For tax purposes, companies are currently able to deduct reasonable employee compensation from their taxable income—up to \$1 million dollars. My legislation would cap the top write-off for a company at 25 times whatever the lowest paid full-time employee earns. In other words, if the lowest paid worker makes \$20,000 in a year, the highest salary write-off would be \$500,000—25 times the lowest salary. But the important part is linking top to the bottom. My goal is that companies would be encouraged to evaluate their entire payscale—with an incentive to re-evaluate the lowest salaries paid.

My legislation also addresses payment in the form of stocks. Our tax code currently has no jurisdiction over compensation in the form of stock options or unrestricted stock, which is where most high-paid executives are deriving the bulk of their bounty these days.

I am not suggesting that we limit CEO pay. However, I believe that hard-working Americans should earn enough money to properly feed, house and clothe their families, and American businesses have a role to play.

The idea for the Income Equity Act occurred to me during a Congressional trip to Mexico in the early 90s where I witnessed extraordinary wealth alongside with heart-breaking poverty.

For years, we've been hearing reports of the growing gap between high wage earners and low wage earners. And this year is no different. As reported by many national magazines in annual executive pay surveys, salary increases continue to be more and more disproportionate. Business Week magazine, for example, reported that average CEO compensation rose 15 percent in the past year, while average worker compensation rose a mere 2.9 percent. And in some cases, lavish rewards continue to be heaped on executives with little to no correlation to stock performance or the fiscal health of the company.

The Census Bureau's most recent report shows that the disparities between high- and middle-income and the gap between high- and low-income households are the largest (or tied for the largest) on record since this data has been available.

In 1979, the total income of the top 1 percent equaled the income of the bottom 27 percent. In 2000, the total income of the top 1 percent equaled the income of the bottom 48 percent. That ratio still stands today.

People at the bottom of the income ladder suffer when they can't support themselves by their wages. In the end, our entire society pays when those being left behind must rely on government support for food, housing and health care.

Income inequality also threatens our democratic principles: Americans hold deeply the view that every person willing to work hard should be rewarded. But equal opportunity is undermined when most workers do not fairly share in the wealth created by their work.

To illustrate this point, one person earning a minimum wage would have to work 11,660 years to earn what the top-paid CEO made in 2004—which was \$120.1 million. This is outrageous, and our government should not be in the business of encouraging or subsidizing such disparity.

While developing the assembly line and Ford Motor Co., Henry Ford firmly believed that all of his employees should be able to afford to buy the cars they were making. His compensation philosophy didn't just serve his employees well. It provided Ford Motor Company with a workforce that had incredible morale, high productivity, loyalty and ongoing recruiting success.

Mr. Speaker, there is no bad job, just bad pay. Removing tax deductions for excessive compensation sends the message that American taxpayers expect companies to do better by their workers.

RECOGNIZING KOFI ANNAN FOR HIS ROLE IN THE CREATION OF THE UNITED NATIONS DEMOCRACY FUND

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mr. RANGEL. Mr. Speaker, I rise today in recognition of United Nations Secretary-General Kofi Annan for his outstanding leadership in the creation of the United Nations Democracy Fund.

Under Mr. Annan's guidance, the UN has held leaders of the global community to a higher degree of accountability. In 2001, the Secretary-General issued a "Call to Action" to address the HIV/AIDS epidemic and proposed the establishment of a Global AIDS and Health Fund to stimulate the increased spending needed to help developing countries around the world confront the HIV/AIDS crisis.

His dedication to spreading democracy has also been at the forefront of his agenda. In 1998, he was instrumental in a mission to help promote the transition to civilian rule in Nigeria.

Earlier this year, Mr. Annan introduced his UN reform package, calling on world leaders to be responsible to the global community. His plan included strategies for achieving international development, maintaining security and ensuring human rights. Among these initiatives was the creation of the UN Democracy Fund. The fund promises to promote democracy throughout the world by providing technical assistance to countries seeking to establish or strengthen their democracy. Mr. Annan has urged Member States to show their support for democracy by financially contributing to the fund. These contributions will then be

distributed within the UN Fund for International Partnerships.

Mr. Annan's perseverance has allowed for international cooperation in spreading democracy. So far, twenty-six countries, including the U.S., have expressed their support to fund.

It takes leaders from all over the world to deal with global threats and issues. Mr. Annan has taken an important step in holding these leaders accountable for doing just that.

The following CNN article discusses Mr. Annan's reforms and the UN Democracy Fund.

ANNAN: ADOPT U.N. REFORM PACKAGE

UNITED NATIONS (CNN)—U.N. Secretary-General Kofi Annan has urged world leaders to reconfigure the international body to reflect the world's population and better enable it to tackle environmental and human rights challenges.

In the speech he delivered to the general assembly, Annan urged countries to adopt his entire reform package at a summit of world leaders in September.

The report comes five years after the Millennium Declaration, in which the United Nations pledged to slash poverty rates around the world by 2015, and six months before a summit in New York to address achieving that goal.

Annan described his plan—which gives equal weight to development, security and human rights—as a comprehensive strategy. "Specifically, I ask developing countries to improve their governments, uphold the rule of law, combat corruption and adopt an inclusive approach to development," Annan said.

The report, years in the making, comes days before Paul Volcker is expected to issue a report on Annan's handling of the corrupt oil-for-food program in Iraq. But Annan denied that there was any link.

Volcker, a former Federal Reserve chairman, began leading an independent probe of the program for the United Nations almost a year ago.

Annan's proposal establishes a specific charitable goal for prospering nations. By 2015, he wants developed countries to spend .7 percent of their gross domestic income on official development assistance.

And he linked prosperity and the environment. "Our efforts will be in vain if they are resolved by continued degradation of the environment and depletion of natural resources."

Annan said he wants the Kyoto Protocol extended beyond its 2012 expiration.

SECURITY COUNCIL SHIFTS

Annan's proposals include a recommendation to expand the 15-member Security Council to 24 to make it more representative of today's "geopolitical realities."

He recommends three, non-permanent seats with two-year terms and six new permanent seats—two from Africa, three from Asia and one from Latin America. None would have veto rights.

"Five out of the six will come from regions and areas that are under-represented."

Those seats would be in addition to the permanent seats the United States, Britain, France, Russia and China hold.

Annan also proposed strengthening its human rights mechanisms by abolishing the Commission on Human Rights and replacing it with a smaller, standing Human Rights Council.

Among other changes Annan requested were:

Creating a "Democracy Fund" with contributions from member states to provide money and technical assistance to countries seeking to establish or strengthen their democracy.

Asking all member states to sign and implement a comprehensive convention on terrorism, "based on a clear and agreed definition" of the term.

Strengthening the rule of law, human rights and democracy and clarifying when the use of force is necessary.

Reforming the secretariat to make it more transparent, and buying out some employees and replacing them with staffers who have the skills necessary to implement his proposals.

Pursuing the establishment of a worldwide early warning system for natural disasters.

"What's needed now is not more declarations or promises, but action," Annan said. "I believe my report provides a clear program of action."

TRIBUTE TO THE CITY OF HINES, OREGON

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mr. WALDEN of Oregon. Mr. Speaker, I rise today to pay tribute to the City of Hines, Oregon, on the occasion of its 75th Anniversary. Although incorporated on December 8, 1930, Hines has a rich history going back to the 1870s.

In 1873, Mr. George A. Smyth was the earliest recorded settler near what is now Hines. He and his immediate family moved from the Willamette Valley to the "Warm Spring" area just south of Hines. Shortly thereafter, two brothers by the names of William and Montz Currey set up their ranch headquarters at a small spring, which is now located in the northwest section of Hines. They had a small general store and saloon that was used occasionally as a barricade by nearby settlers when rumors of attacks were circulated after the Paiute Indian uprising in 1878. The Warm Spring was also the site of year-round cattle grazing and many buckaroo camps for the fall and spring cattle round-ups.

In 1924, the Fred Herrick Lumber Company received a contract to start construction of the Malheur Railroad company's tracks to the City of Burns. The lumber company anticipated harvesting 890,000,000 board feet of Ponderosa pine from the nearby Bear Valley District of the Malheur National Forest. They chose the site of the Warm Spring for the construction of a lumber mill because it provided an ice-free log pond. In 1928, the Edward Hines Lumber Company of Chicago took over the Herrick interests of both the railroad and uncompleted lumber mill because of numerous delays in the project.

Due to the Hines Company's strong interest in the area, the Stafford-Derbes & Roy Company, a real estate development firm from New Orleans, purchased land from various ranchers and homestead owners to develop the beginnings of a new city. This project was advertised across the country as "The greater Burns development in the Great Harney Valley, it is Oregon's first made-to-order community, and one of the first scientifically planned cities undertaken in America." Edward Hines and his wife designed and planned the new city around a circular park that was to be, and still is, the heart of Hines. Mrs. Hines stipulated that every house be constructed with slight differences. She wanted this new city to

look different from other mill towns. In 1929, Edward Hines ordered the first 150 homes built for his employees who were due to arrive within a year from Minnesota and Mississippi. In December 1930, the City of Hines was incorporated. The first officers to serve the city were selected, and by 1931 they had their first elementary school and post office. For the next sixty years, Hines Lumber and its employees prospered in this hidden oasis of the high desert.

Development slowed when the mill closed in the early 1990's. However, the loggers who lived there were very proud to have worked for the Edward Hines Lumber Company. Hines has always maintained its own identity. Even today, its residents are fiercely independent people who pride themselves on being from Hines and not from the adjacent city of Burns. This strong sense of community and history is evident by the families that still gather in Hines City Park, the hub of this pioneer town, as envisioned by Mr. and Mrs. Hines.

Mr. Speaker, on the occasion of the 75th Anniversary of Hines, thank you for allowing me to share with my colleagues the history of this fine town.

A SPECIAL TRIBUTE TO CEDAR POINT AMUSEMENT PARK ON THE OCCASION OF THE ONE HUNDREDTH ANNIVERSARY OF THE HOTEL BREAKERS

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mr. GILLMOR. Mr. Speaker, it is my privilege to pay tribute to a special company in Ohio. This year, Cedar Point Amusement Park's Hotel Breakers in Sandusky, Ohio will celebrate one-hundred years of dedicated service.

Mr. Speaker, Cedar Point Amusement Park in Sandusky, Ohio is one of the oldest and most renowned entertainment complexes in the United States. Founded in 1870, Cedar Point has succeeded in providing family entertainment for over 135 years.

Opening on June 12, 1905 to a flurry of excitement, the Hotel Breakers welcomed more than five thousand visitors to its grand opening showcasing a hotel complete with running water, quite a feat for 1905. In addition to its state of the art amenities, the Hotel Breakers included a decor influenced by the elegance of the chateaus of France.

When the Hotel Breakers welcomed its first guests, rooms ranged from \$1 to \$2 per night and a meal cost only 35 cents. While today's prices may have risen, the Hotel now offers over 650 rooms, three pools, a deli, coffee shop, pizzeria and restaurant. Throughout its long history, the Hotel Breakers has also welcomed some of our country's finest guests. Among its accomplished guest list, the Hotel Breakers has welcomed Annie Oakley, Abbott and Costello, John Philip Sousa, and six U.S. presidents.

Throughout its many updates, much of the early twentieth-century charm has remained, including the stained-glass windows, designed by Louis Buser of Tiffany's and which continue to grace the lobby. With its history, and newer amenities such as sitting areas, an arcade and

three gift shops, the Hotel Breakers is much more than a night's stay, it is an experience.

Mr. Speaker, the real success of the Hotel Breakers comes not only from the elegance of its facilities, but from its employees. The management and staff of the Hotel Breakers have indeed provided their guests with the service and dependability that are expected of a first-class resort. The staff's attention to service, boundless enthusiasm and loyalty to the history of the hotel continues to make the Hotel Breakers a world class hotel.

Mr. Speaker, I ask my colleagues to join me in paying special tribute to the employees and the legacy of Cedar Point's Hotel Breakers. As all who benefit from this fine establishment gather to celebrate its one-hundredth anniversary of service, I am confident that the good people of Sandusky, Ohio, will continue the successes of the Hotel Breakers into the future.

CONGRATULATIONS TO RODNEY STEPP

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Ms. CARSON. Mr. Speaker, I rise today to extend my heartfelt congratulation to Mr. Rodney Stepp—a musician par excellence. Although there are many musically talented individuals in the Indianapolis area none compare to the abundance of talent, compassion and reputation of excellence.

Mr. Stepp was introduced to music by his parents at age 4. His parents enrolled him with the prestigious Jordan Conservatory School of music, Butler University, Indianapolis, Indiana. Imagine the foresight of his parents who believed their son was not too young to begin a career of music superbness.

Following the dictum: "Unto whom much is given, much is required." Rodney has been widely acclaimed for his dedication to humankind.

His good work and dedication to community is evidenced by the widespread recognition bestowed upon him by: Center of Leadership Development, Entrepreneurship Award 2005; Indiana State Museum Project, Addy Award 2005; Christian Service Charities, Board of Directors, 1999–2005, Achievement and Recognition; Addy Awards for Hoosier Lottery Commercials; Ebenezer Baptist Church, Aids Foundation, Dollars For Scholars; Indiana Black Expo; Circle City Classic, Indy Parks; Larry Conrad Vision Award, Indianapolis Downtown Inc.; United Way of America, Excellence Award; Valley Forge Freedom Foundation Award; Achievement Award United Way of America and Office of Personnel Management; Achievement Award United States Postal Service; and Honorable Discharge United States Army 1974.

Rodney is being celebrated by the Indiana History Center on July 14. His honors are noteworthy and deserving of acclaim.

On behalf of the U.S. Congress, we salute you Rodney Stepp and we wish you God-speed.

COMMENDING SERBIAN PRESIDENT BORIS TADIC ON JOINING IN THE COMMEMORATION OF THE TENTH ANNIVERSARY OF THE SREBRENICA MASSACRE

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mr. BURTON of Indiana. Mr. Speaker, I rise today to commend Serbian President Boris Tadic for the courage and humility he displayed by attending the commemoration of the tenth anniversary of the Srebrenica massacre.

Although time has yet to fully heal the wounds of hatred borne in war, President Tadic's actions stand out as a crucial first step in the process of peace. His attendance at the Srebrenica commemoration was a strong show of statesmanship and a demonstration of his firm commitment to reconciliation in that still unsettled region.

President Tadic's attendance marked the first time any Serbian representative attended the commemoration of the Srebrenica massacre. His visit to Srebrenica is an important outreach to the Bosnian people and an appropriate homage to the thousands of victims who were brutally murdered. President Tadic's presence also demonstrated Serbia's renewed commitment to cooperation and democracy and its rebuttal of nationalism and xenophobia. His attendance was also marked by his fellow democratic politicians in the Serbian Parliament in Belgrade who held a moment of silence for the victims of Srebrenica.

The Srebrenica commemoration was not the first time President Tadic made a bold statement underscoring his desire to achieve reconciliation. Eight months ago, he personally apologized to the Bosnian people for any crimes committed in the name of Serbia or the Serbian people when he visited Bosnia.

Tragically, despite President Tadic's firm leadership, dedication, and example, many Serbs still refuse to acknowledge the Srebrenica massacre; making his visit perhaps even more momentous. These actions, noble in their intent are not without dissent and protest back home in Serbia. Serbia's ultra-nationalist party, the Serbian Radical Party boycotted the Srebrenica commemoration, and even protested the moment of silence for the victims, as well as criticized President Tadic's attendance and actions.

Such intense divisions within Serbia between nationalists and democratic reformers, unthinkable a few years ago, only serve to underscore that thanks to the leadership of President Tadic, and other like-minded Serbs, Serbia is ready to face the war crimes of the past and condemn the heinous and brutal extermination of Bosnian males in Srebrenica 10 years ago.

Mr. Speaker, I believe President Tadic's actions should be a sign to the world and the Bosnians alike that there is a profound difference between Serbia's citizens and Serbian war criminals; and I know that President Tadic is firmly committed to bringing those responsible for war crimes, especially those responsible for the Srebrenica massacre, including General Ratko Mladic, to justice before the International Criminal Tribunal for the Former Yugoslavia (ICTY) at The Hague where they will be tried for their crimes against humanity.

I believe that President Tadic deserves the United States' respect and support as a democratic and reformist leader in a historically unstable region. He has fought for democracy and equality against the tide of nationalistic fervor unleashed by former Serbian President Slobodan Milosevic, and in many ways his actions speak loudly of his leadership and bravery. He is leading his country in a bold, new direction of cooperation with the West and is diligently working to ensure Serbia's integration into the European Union and NATO, as well as partner with the United States. President Tadic represents the future of Serbia and the Balkans and we should support him in his struggles and endeavors. I ask my colleagues to join with me to commend his leadership, applaud his courage, and renew our commitment to peace and stability in the Balkans.

PERSONAL EXPLANATION

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Ms. ESHOO. Mr. Speaker, I was unable to vote on Monday evening, July 11, 2005, due to United Airlines flight 950 experiencing mechanical problems. My plane was forced to return to San Francisco International Airport, requiring me to travel on a later flight.

I would like the RECORD to reflect how I would have voted had I been present:

On rollcall vote No. 363 I would have voted "yea."

On rollcall vote No. 364 I would have voted "yea."

FOSTERING ADOPTION TO FURTHER STUDENT ACHIEVEMENT ACT OF 2005

HON. WILLIAM J. JEFFERSON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mr. JEFFERSON. Mr. Speaker, I am pleased to join today with my colleagues, Mrs. BROWN-WAITE of Florida, Mr. SNYDER of Arkansas, and Mr. BOUSTANY of Louisiana, in introducing legislation that corrects an inequity in our Nation's higher education laws.

The foster care system in our country is not perfect. However, for all its flaws, it does provide some very genuine benefits. For example, those youth who graduate high school while still in foster care are afforded every opportunity to attend college and receive full federal financial aid benefits.

Unfortunately, those who are fortunate enough to be adopted into loving homes as teenagers are not given this same consideration. Under current law, children who are adopted and thus leave the foster care system are not considered "independent students" and are therefore considered for financial aid based on the income of the adoptive family. This is a barrier for families looking to adopt older children, but may not have saved for college—and it should be changed.

This important legislation would adjust the definition of "independent student" to include foster care youth who are adopted from the

foster care system after their 13th birthday. Accordingly, when the adopted children apply for federal financial aid, they will not be penalized because eligibility would be determined by the adopted student's ability to pay, not the ability of his parents to do so.

Statistics show that older children who are adopted from the foster care system are more likely to attend college, have stable lives and have a permanent family. Conversely, of those who "aged-out" of foster care over three years: Only 54% had earned a high school diploma; Only 14.5% had graduated from a four-year college; and Between 25–44% had experienced homelessness.

It is estimated that approximately 20,000 youth "age out" of the foster care system each year and, of that number, nearly 30% are incarcerated in the first year. Currently, there are 523,000 children in foster care and nearly half of those children are over the age of ten.

These statistics show that when given the opportunity to move into a loving home, those who are still in the system are more likely to be successful. Making this minor change to current law can do so much to change the lives of these youngsters and the families looking to adopt them. But when these teenagers are forced to choose between adoption and federal financial aid to attend college, the odds are against them.

Families who adopt teenagers are remarkable. But these adoptions are rare. This legislation is designed not only to create greater access to college for those who are adopted but also to encourage adoption of older children by creating an incentive—not a barrier—to parents looking to add to their family by adopting a child out of the foster care system.

Mr. Speaker, I urge my colleagues to join with me and my colleagues in supporting and enacting this common sense, bipartisan legislation.

MILITARY PERSONNEL FINANCIAL SERVICES

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mr. DAVIS. Mr. Speaker, I rise today to commend the House of Representatives for its work on H.R. 458, the Military Personnel Financial Services Protection Act. Simply put, this bill solves the problem of rogue predatory lenders and goes after high-cost abusive lenders who seek to take advantage of the young men and women dutifully serving in our military. Our servicemen and women deserve the protection of Congress not only on the battlefield but right here at home. In times of war it is all too often that our military personnel find themselves in stressful financial situations and hardships, through no fault of their own, due to unforeseen call-ups. They are forced to leave good paying jobs for significantly less money and still provide for their families. This is an incredibly difficult task, like sticking a circle through a square. And what do rogue predatory lenders want to do, Mr. Speaker? They seek to prey on these individuals with inappropriate sales and impositions such as garnishing military wages, collection calls to a service member's chain of command, and deceptive marketing. Congress has the responsi-

bility to crack down on unscrupulous lenders who use deceptive financial practices to make a quick buck off of our uniformed service members. H.R. 458 does that, Mr. Speaker. As my colleague from Illinois, Mr. RAHM EMANUEL said, it is time to end a culture on military bases that too often favors financial interests over the interests of our troops, their families, and their futures. I urge our colleagues in the Senate to give this legislation a vote and continue on with this body's efforts to protect our service men and women.

CELEBRATING MS. ODIE RICH

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mr. DAVIS of Tennessee. Mr. Speaker, I would like to take a few minutes to recognize a remarkable woman and Pickett County, Tennessee's oldest known living resident.

Ms. Odie (Riley) Rich was born on December 10, 1901 in Pickett County, where she has lived all her life. Ms. Rich is the daughter of the late William and Irene Riley.

Ms. Odie married A.L. Rich on December 23, 1923 when she was 22-years-old. When asked by her granddaughter, Paula Perry, in the local newspaper, where her wedding dress came from, Ms. Rich replied "I made it myself."

Mr. and Mrs. Rich raised several children, Dorthena Price, Paul Rich (deceased), Eladean Tompkins, Jack Rich, Morris Rich, Odell Rich, and Carolyn Long. She has 20 grandchildren, 38 great-grandchildren, and 3 great-great grandchildren.

Ms. Odie is a wonderful witness to history and the times. She remembers when women first got the right to vote, having voted for the first time herself in 1921. The first vehicle her and her husband owned was a 1941 Chevy truck. Up until then, they traveled by horse or mule. When asked how she rode with a dress on, she commented "Why, side saddle of course!" However, she never learned to drive an automobile. She remarked that if she ever learned that she would have been a speed demon.

Today, Ms. Rich still lives on the old home place and loves to do gardening and canning. Ms. Rich is an endearing character that has provided insight into the past all the while bringing joy and happiness to her loved ones and neighbors. May God continue to bless Ms. Odie Rich.

PERSONAL EXPLANATION

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mr. HOLT. Mr. Speaker, on July 11, 2005, I was in my district participating in the first meeting of the New Jersey Flood Mitigation Task Force. This Task Force is working to help prevent the devastating flooding that occurred for a number of my constituents earlier this year. Due to the schedule, I missed rollcall votes Nos. 363 and 364. Had I been present, I would have voted in the following manner: rollcall No. 363 "aye" and rollcall No. 364 "aye."

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S8091–S8151

Measures Introduced: Five bills and one resolution were introduced, as follows: S. 1381–1385, and S. Res. 196. **Page S8134**

Measures Reported:

S.J. Res. 18, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003. (S. Rept. No. 109–101) **Page S8134**

Measures Passed:

Welcoming Prime Minister of Singapore: Senate agreed to S. Res. 196, welcoming the Prime Minister of Singapore on the occasion of his visit to the United States, expressing gratitude to the Government of Singapore for its strong cooperation with the United States in the campaign against terrorism, and reaffirming the commitment of the United States to the continued expansion of friendship and cooperation between the United States and Singapore. **Page S8144**

Department of Homeland Security Appropriations: Senate continued consideration of H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, taking action on the following amendments proposed thereto: **Pages S8093–S8131**

Adopted:

By a unanimous vote of 95 yeas (Vote No. 174), Reid (for Murray) Amendment No. 1129, to provide emergency supplemental funds for medical services provided by the Veterans Health Administration for the fiscal year ending September 30, 2005. **Pages S8106–10**

Kerry/Lautenberg Amendment No. 1162, to require the Inspector General to report to the Congress on the port security grant programs. **Pages S8126–28**

By 71 yeas to 26 nays (Vote No. 175), Collins Amendment No. 1142, to provide for homeland security grant coordination and simplification. **Pages S8129–30**

Rejected:

By 32 yeas to 65 nays (Vote No. 176), Feinstein Modified Amendment No. 1215, to improve the allocation of grants through the Department of Homeland Security. **Pages S8093–S8106, S8130**

Pending:

Byrd Amendment No. 1200, to provide funds for certain programs authorized by the Federal Fire Prevention and Control Act of 1974. **Pages S8124–26**

Akaka Amendment No. 1112, to increase funding for State and local grant programs. **Page S8128**

Akaka Amendment No. 1113, to increase funding for State and local grant programs and firefighter assistance grants. **Pages S8128–29**

Dorgan Amendment No. 1111, to prohibit the use of funds appropriated under this Act to promulgate the regulations to implement the plan developed pursuant to section 7209(b) of the Intelligence Reform Act of 2004. **Page S8129**

Durbin (for Boxer) Amendment No. 1216, to provide for the strengthening of security at nuclear power plants. **Pages S8130–31**

Durbin (for Stabenow) Amendment No. 1217, to provide funding for interoperable communications equipment grants. **Page S8131**

A unanimous-consent agreement was reached providing for further consideration of the bill at 9:30 a.m. on Wednesday, July 13, 2005. **Pages S8144–45**

Nominations Received: Senate received the following nominations:

Keith A. Nelson, of Texas, to be an Assistant Secretary of Housing and Urban Development.

Rebecca F. Dye, of North Carolina, to be a Federal Maritime Commissioner for a term expiring June 30, 2010.

Patricia Louise Herbold, of Washington, to be Ambassador to the Republic of Singapore.

James Caldwell Cason, of Florida, to be Ambassador to the Republic of Paraguay.

Routine lists in the Army, Coast Guard, Navy.

Pages S8145–51

Messages From the House: **Page S8133**

Measures Referred: **Page S8133**

Measures Placed on Calendar: **Pages S8133, S8144**

Measures Read First Time:	Pages S8133, S8144
Executive Communications:	Pages S8133–34
Additional Cosponsors:	Pages S8134–37
Statements on Introduced Bills/Resolutions:	Pages S8137–43
Additional Statements:	Pages S8131–33
Amendments Submitted:	Page S8143
Notices of Hearings/Meetings:	Page S8143
Authority for Committees to Meet:	Pages S8143–44
Privilege of the Floor:	Page S8144
Record Votes: Three record votes were taken today. (Total—176)	Pages S8110, S8130

Adjournment: Senate convened at 9:45 a.m., and adjourned at 6:09 p.m. until 9:30 a.m., on Wednesday, July 13, 2005. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S8145.)

Committee Meetings

(Committees not listed did not meet)

STEM CELLS RESEARCH

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education, and Related Agencies concluded a hearing to examine alternative methods for deriving stem cells, focusing on a single cell technique without destruction of the embryo, and a related measure, H.R. 810, to amend the Public Health Service Act to provide for human embryonic stem cell research (pending on Senate calendar), after receiving testimony from James F. Battey, Director, National Institute on Deafness and Other Communication Disorders, and Chair, National Institutes of Health Stem Cell Task Force, Department of Health and Human Services; Robert Lanza, Advanced Cell Technology, Worcester, Massachusetts; Ronald M. Green, Director, Dartmouth College Ethics Institute, Hanover, New Hampshire; George Q. Daley, Harvard Medical School, Boston, Massachusetts, on behalf of the American Society for Cell Biology; and William B. Hurlbut, Stanford University, Stanford, California.

APPROPRIATIONS: LABOR/HHS/ EDUCATION

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education, and Related Agencies approved for full Committee consideration H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year

ending September 30, 2006, with an amendment in the nature of a substitute.

DIGITAL TELEVISION TRANSITION

Committee on Commerce, Science, and Transportation: Committee concluded hearings to examine issues concerning Digital Television (DTV) transition, after receiving testimony from Edward O. Fritts, National Association of Broadcasters, Kyle McSlarrow, National Cable and Telecommunications Association, Richard Slenker, DIRECTV, Inc., John M. Lawson, Association of Public Television Stations, Michael D. Kennedy, Motorola, Gene Kimmelman, Consumers Union, on behalf of Consumer Federation of America, and Michael Calabrese, New America Foundation, all of Washington, D.C.; Manuel Abud, KVEA-TV, Channel 52, Los Angeles, California, on behalf of Telemundo; Patrick Knorr, Sunflower Broadband, Lawrence, Kansas, on behalf of the American Cable Association; Harlin R. McEwen, Ithaca, New York, on behalf of the International Association of Chiefs of Police; Charles C. Townsend, Aloha Partners, LP, Rumford, Rhode Island; and Gary J. Shapiro, Consumer Electronics Association, Arlington, Virginia.

NOMINATIONS

Committee on Energy and Natural Resources: Committee concluded a hearing to examine the nominations of Jill L. Sigal, of Wyoming, to be Assistant Secretary of Energy for Congressional and Intergovernmental Affairs, who was introduced by Senator Crapo; David R. Hill, of Missouri, to be General Counsel of the Department of Energy, and James A. Rispoli, of Virginia, to be Assistant Secretary of Energy for Environmental Management, after the nominees testified and answered questions in their own behalf.

WATER PROJECTS

Committee on Energy and Natural Resources: Subcommittee on Water and Power concluded a hearing to examine S. 49, to establish a joint Federal-State Floodplain and Erosion Mitigation Commission for the State of Alaska, S. 247, to authorize the Secretary of the Interior to assist in the planning, design, and construction of the Tumalo Irrigation District Water Conservation Project in Deschutes County, Oregon, S. 648, to amend the Reclamation States Emergency Drought Relief Act of 1991 to extend the authority for drought assistance, S. 819, to authorize the Secretary of the Interior to reallocate costs of the Pactola Dam and Reservoir, South Dakota, to reflect increased demands for municipal, industrial, and fish and wildlife purposes, S. 891, to extend the water service contract for the Ainsworth Unit, Sandhills Division, Pick-Sloan Missouri Basin

Program, Nebraska, and S. 1338, to require the Secretary of the Interior, acting through the Bureau of Reclamation and the United States Geological Survey, to conduct a study on groundwater resources in the State of Alaska, after receiving testimony from John W. Keys III, Commissioner, Bureau of Reclamation, and Leslie Holland-Bartels, U.S. Geological Survey, both of the Department of the Interior; Edgar Blatchford, Alaska Department of Community and Economic Development, Anchorage; and Elmer McDaniels, Tumalo Irrigation District, Bend, Oregon.

DIESEL EMISSIONS REDUCTION ACT

Committee on Environment and Public Works: Subcommittee on Clean Air, Climate Change, and Nuclear Safety concluded a hearing to examine S. 1265, to make grants and loans available to States and other organizations to strengthen the economy, public health, and environment of the United States by reducing emissions from diesel engines, after receiving testimony from Wayne Nastri, Regional Administrator, Region 9—Pacific Southwest Region, Environmental Protection Agency; Joseph P. Koncelik, Ohio Environmental Protection Agency, Columbus; Judge Margaret Keliher, Dallas County Commissioner's Court, Dallas, Texas; Michael S. Cross, Cummins, Inc., Columbus, Indiana; Conrad G. Schneider, Brunswick, Maine, on behalf of the Clean Air Task Force; Timothy J. Regan, Emissions Control Technology Association, Washington, D.C.; and Stuart Nemser, Compact Membrane Systems, Inc., Wilmington, Delaware.

NORTH AMERICAN BORDER SECURITY

Committee on Foreign Relations: Committee concluded a hearing to examine North American cooperation on border security, after receiving testimony from Senators McCain, Cornyn, and Kennedy; Representative Harris; David V. Aguilar, Chief, U.S. Border Patrol, Customs and Border Protection, Department of Homeland Security; Perrin Beatty, Canadian Manufacturers and Exporters, Ottawa; and Jorge

Castaneda, former Foreign Minister of Mexico, Mexico City.

FEDERAL FINANCIAL REPORTING

Committee on Homeland Security and Governmental Affairs: Subcommittee on Federal Financial Management, Government Information, and International Security concluded an oversight hearing to examine truth and transparency in Federal financial reporting, focusing on challenges Federal agencies face in meeting the requirements of the Improper Payments Information Act of 2002, as well as incentives for improved reporting, and elimination of improper payments in the Federal government, after receiving testimony from McCoy Williams, Director, Financial Management and Assurance, Government Accountability Office; Linda M. Combs, Controller, Office of Federal Financial Management, Office of Management and Budget; Tim Hill, Director, Office of Financial Management, Centers for Medicare and Medicaid Services, Department of Health and Human Services; and Kate Coler, Deputy Under Secretary of Agriculture, Food, Nutrition, and Consumer Services.

MUSIC LICENSING REFORM

Committee on the Judiciary: Subcommittee on Intellectual Property held a hearing to examine music licensing reform issues, focusing on legal online music services, and equitable compensation of creators and copyright holders, receiving testimony from Marybeth Peters, Register of Copyrights, U.S. Copyright Office, Library of Congress; Rob Glaser, RealNetworks, Inc., Seattle, Washington, on behalf of the Digital Media Association; Rick Carnes, Songwriters' Guild of America, Nashville, Tennessee; Ismael Cuebas, Trans World Entertainment Corporation, Albany, New York, on behalf of the National Association of Recording Merchandisers; Glen Barros, Concord Music Group, Beverly Hills, California; Del R. Bryant, Broadcast Music, Inc., New York, New York; and David Israelite, National Music Publishers' Association, Washington, D.C.

Hearing recessed subject to the call.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 57 public bills, H.R. 3204–3260; 1 private bill, H.R. 3261; and 7 resolutions, H. Con. Res. 206–207; and H. Res. 356–360, were introduced. **Pages H5739–41**

Additional Cosponsors:

Pages H5741–42

Reports Filed: Reports were filed today as follows:

H.R. 2385, to make permanent the authority of the Secretary of Commerce to conduct the quarterly financial report program, amended (H. Rept.

109–164); and H.R. 3100, to authorize measures to deter arms transfers by foreign countries to the People's Republic of China, (H. Rept. 109–165).

Page H5739

Speaker: Read a letter from the Speaker wherein he appointed Representative Burgess to act as speaker pro tempore for today.

Page H5639

Chaplain: The prayer was offered today by Rabbi David Greene, Chabad-Lubavitch in Rochester, Minnesota.

Page H5641

Recess: The House recessed at 9:22 a.m. and reconvened at 10 a.m.

Page H5641

Suspensions: The House agreed to suspend the rules and pass the following measures:

Excluding from consideration as income certain payments under the national flood insurance program: H.R. 804, amended, to exclude from consideration as income certain payments under the national flood insurance program;

Pages H5646–49

NASA and JPL 50th Anniversary Commemorative Coin Act: H.R. 68, amended, to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration and the Jet Propulsion Laboratory; and

Pages H5649–55

Commending the State of Kuwait for granting women important political rights: Debated on Monday, July 11: H. Res. 343, commending the State of Kuwait for granting women certain important political rights, by a $\frac{2}{3}$ yeas-and-nays vote of 420 yeas with none voting "nay", Roll No. 368.

Pages H5676–77

Suspension—Failed: The House failed to agree to suspend the rules and pass the following measure:

Providing that the House will focus on removing barriers to competitiveness of the U.S. economy: H.R. 352, providing that the House of Representatives will focus on removing barriers to competitiveness of the United States economy, by a $\frac{2}{3}$ yeas-and-nays vote of 242 yeas to 177 nays, Roll No. 367.

Pages H5655–61, H5676

Occupational Safety and Health Small Business Day in Court Act of 2005: The House passed H.R. 739, to amend the Occupational Safety and Health Act of 1970 to provide for adjudicative flexibility with regard to the filing of a notice of contest by an employer following the issuance of a citation or proposed assessment of a penalty by the Occupational Safety and Health Administration, by a yeas-and-nays vote of 256 yeas to 164 nays, Roll No. 369.

Pages H5677–86, H5706–07

Pursuant to H. Res. 351, the texts of H.R. 740, Occupational Safety and Health Review Commission Efficiency Act of 2005, H.R. 741, Occupational Safety and Health Independent Review of OSHA Citations Act of 2005, and H.R. 742, Occupational Safety and Health Independent Review of OSHA Ci-

tations Act of 2005, were appended to the engrossment of H.R. 739 and the bills H.R. 740, 741, and 742 were laid on the table.

Page H5709

Also pursuant to H. Res. 351, the title of H.R. 739 was conformed to reflect the addition of the texts of H.R. 740, H.R. 741, and H.R. 742. Conformed so as to read: to amend the Occupational Safety and Health Act of 1970 to provide for adjudicative flexibility with regard to the filing of a notice of contest by an employer following the issuance of a citation or proposed assessment of a penalty by the Occupational Safety and Health Administration, to provide for greater efficiency at the Occupational Safety and Health Review Commission, to provide for judicial deference to conclusions of law determined by the Occupational Safety and Health Review Commission with respect to an order issued by the Commission, and to provide for the award of attorneys fees and costs to small employers when such employers prevail in litigation prompted by the issuance of a citation by the Occupational Safety and Health Administration.

H. Res. 351, the rule providing for consideration of the bill was agreed to by a recorded vote of 224 yeas to 189 nays, Roll No. 366, after agreeing to order the previous question by a yeas-and-nays vote of 223 yeas to 191 nays, Roll No. 365.

Pages H5661–76

Occupational Safety and Health Review Commission Efficiency Act of 2005: The House passed H.R. 740, to amend the Occupational Safety and Health Act of 1970 to provide for greater efficiency at the Occupational Safety and Health Review Commission, by a yeas-and-nays vote of 234 yeas to 185 nays, Roll No. 370.

Pages H5686–92, H5707

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Education & the Workforce, now printed in the bill, was adopted.

H. Res. 351, the rule providing for consideration of the bill was agreed to by a recorded vote of 224 yeas to 189 nays, Roll No. 366, after agreeing to order the previous question by a yeas-and-nays vote of 223 yeas to 191 nays, Roll No. 365.

Pages H5661–76

Occupational Safety and Health Independent Review of OSHA Citations Act of 2005: The House passed H.R. 741, to amend the Occupational Safety and Health Act of 1970 to provide for judicial deference to conclusions of law determined by the Occupational Safety and Health Review Commission with respect to an order issued by the Commission, by a yeas-and-nays vote of 226 yeas to 197 nays, Roll No. 371.

Pages H5692–98, H5708

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Education & the Workforce, now printed in the bill, was adopted.

H. Res. 351, the rule providing for consideration of the bill was agreed to by a recorded vote of 224 yeas to 189 nays, Roll No. 366, after agreeing to

order the previous question by a yea-and-nay vote of 223 yeas to 191 nays, Roll No. 365. **Pages H5661–76**

Occupational Safety and Health Independent Review of OSHA Citations Act of 2005: The House passed H.R. 742, to amend the Occupational Safety and Health Act of 1970 to provide for the award of attorneys' fees and costs to small employers when such employers prevail in litigation prompted by the issuance of a citation by the Occupational Safety and Health Administration, by a yea-and-nay vote of 235 yeas to 187 nays, Roll No. 372. **Pages H5698–H5706**

H. Res. 351, the rule providing for consideration of the bill was agreed to by a recorded vote of 224 ayes to 189 noes, Roll No. 366, after agreeing to order the previous question by a yea-and-nay vote of 223 yeas to 191 nays, Roll No. 365. **Pages H5661–76**

Senate Message: Message received from the Senate today appears on page H5642.

Quorum Calls—Votes: Seven yea-and-nay votes and one recorded vote developed during the proceedings of today and appear on pages H5674–75, H5675–76, H5676, H5676–77, H5706–07, H5707, H5708 and H5708–09. There were no quorum calls.

Adjournment: The House met at 9 a.m. and adjourned at 10:05 p.m.

Committee Meetings

U.S. COUNTERNARCOTICS PROGRAMS

Committee on Appropriations: Subcommittee on Foreign Operations, Export Financing, and Related Programs held a hearing on U.S. Counternarcotics Programs. Testimony was heard from the following officials of the Department of State: Ambassador Nancy Powell, Acting Assistant Secretary, Bureau for International Narcotics Control and Law Enforcement; and Jim Kunder, Assistant Administrator, USAID, Bureau for Asia and the Near East.

CUSTOMS AND BORDER PROTECTION, DETENTION AND REMOVAL OPERATIONS

Committee on Appropriations: Subcommittee on Homeland Security held a hearing on Customs and Border Protection, Detention and Removal Operations. Testimony was heard from the following officials of the Department of Homeland Security: David Aguilar, Chief, U.S. Border Patrol; and Leonnard Kovensky, Acting Assistant Director, Detention and Removal Operations, Immigration and Customs Enforcement.

SPACE ACQUISITION

Committee on Armed Services: Subcommittee on Strategic Forces held a hearing on space acquisition. Testimony was heard from GEN Lance W. Lord, USAF, Commander, U.S. Air Force Space Command, Department of Defense; Peter Rostan, Director, Advanced Science and Technology, National Reconnaissance Office; Robert Levin, Director, Acquisition and Sourcing Management, GAO; and A. Thomas

Young, former Chairman, Defense Science Board, Department of Defense.

COORDINATION AMONG FEDERAL YOUTH DEVELOPMENT PROGRAMS

Committee on Education and the Workforce: Subcommittee on Select Education held a hearing entitled "Coordination Among Federal Youth Development Programs." Testimony was heard from Michael J. O'Grady, Assistant Secretary, Planning and Evaluation, Department of Health and Human Services; Richard G. Moore, Criminal and Juvenile Justice Planning Division, Department of Human Rights, State of Iowa; and public witnesses.

NATIONAL FLOOD INSURANCE PROGRAM

Committee on Financial Services: Subcommittee on Housing and Community Opportunity held a hearing entitled "Flood Map Modernization and the Future of the National Flood Insurance Program." Testimony was heard from David I. Maurstad, Acting Mitigation Division Director and Federal Insurance Administrator, Emergency Preparedness and Response Directorate, Department of Homeland Security; William O. Jenkins, Director, Homeland Security and Justice, GAO; and public witnesses.

THREAT CONVERGENCE AT THE BORDER

Committee on Government Reform, Subcommittee on Criminal Justice, Drug Policy and Human Resources held a hearing entitled "Threat Convergence at the Border: How Can We Improve the Federal Effort to Dismantle Criminal Smuggling Organizations?" Testimony was heard from Richard M. Stana, Director, Homeland Security and Justice, GAO.

PROJECT BIOSHIELD

Committee on Homeland Security: Subcommittee on Emergency Preparedness, Science and Technology held a hearing entitled "Project BioShield: Linking Bioterrorism Threats and Countermeasure Procurement to Enhance Terrorism Preparedness." Testimony was heard from Stewart Simonson, Assistant Secretary, Office of Public Health Emergency Preparedness, Department of Health and Human Services; the following officials of the Department of Homeland Security: John Vitko, Jr., Director, Biological Countermeasures Portfolio, Directorate of Science and Technology; and Karen T. Morr, Acting Assistant Secretary, Office of Information Analysis, Information Analysis and Infrastructure Protection Directorate; and public witnesses.

NUCLEAR FUEL REPROCESSING—ECONOMIC ASPECTS

Committee on Science: Subcommittee on Energy held a hearing on Economic Aspects of Nuclear Fuel Reprocessing. Testimony was heard from public witnesses.

BRIEFING—INTELLIGENCE OVERVIEW

Permanent Select Committee on Intelligence: Subcommittee on Intelligence Policy met in executive

session to receive a Briefing on Intelligence Overview. Testimony was heard from departmental witnesses.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, p. D 722)

S. 714, to amend section 227 of the Communications Act of 1934 (47 U.S.C. 227) relating to the prohibition on junk fax transmissions. Signed on July 9, 2005. (Public Law 109–21).

COMMITTEE MEETINGS FOR WEDNESDAY, JULY 13, 2005

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: to hold open hearings to examine the investigation into FBI allegations of detainee abuse at the Guantanamo Bay, Cuba Detention Facility; to be followed by closed hearings in SR–222, 9:30 a.m., SD–106.

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine money laundering and terror financing issues in the Middle East, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: Subcommittee on Aviation, to hold hearings to examine the financial stability of airlines, 10 a.m., SR–253.

Committee on Environment and Public Works: Subcommittee on Fisheries, Wildlife, and Water, to hold hearings to examine the Endangered Species Act and incentives for private landowners, 9:30 a.m., SD–406.

Committee on Homeland Security and Governmental Affairs: to hold hearings to examine the Federal role regarding chemical facility security, 9:30 a.m., SD–562.

Committee on the Judiciary: to hold hearings to examine habeas corpus proceedings and issues of actual innocence, 9:30 a.m., SD–226.

House

Committee on Armed Services, hearing on national security implications of the possible merger of the China National Offshore Oil Corporation with Unocal Corporation, 10 a.m., 2118 Rayburn.

Committee on Education and the Workforce, Subcommittee on 21st Century Competitiveness, to mark up H.R. 609, College Access and Opportunity Act of 2005, 10:30 a.m., 2175 Rayburn.

Committee on Financial Services, hearing entitled “Treasury’s Report to Congress on the Terrorism Risk Insurance Act (TRIA),” 2 p.m., 2128 Rayburn.

Committee on Government Reform, Subcommittee on Federal Workforce and Agency Organization, hearing entitled “From Bureaucrats to Plutocrats: Can Entrepreneurialism Work in the Federal Government?” 2 p.m., 2154 Rayburn.

Committee on Homeland Security, Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity, hearing entitled “Leveraging Technology to Improve Aviation Security,” 2 p.m., 2212 Rayburn.

Subcommittee on Prevention of Nuclear and Biological Attack, hearing entitled “Engineering Bio-Terror Agents: Lessons from the Offensive U.S. and Russian Biological Weapons Programs,” 10 a.m., B–318 Rayburn.

Committee on the Judiciary, to mark up the following: H.R. 2965, Federal Prison Industries Competition in Contracting Act of 2005; H.R. 3199, USA PATRIOT and Terrorism Prevention Reauthorization Act of 2005; and H.R. 1502, Civil Liberties Restoration Act of 2005, 10 a.m., 2141 Rayburn.

Committee on Resources, Subcommittee on National Parks and the Subcommittee on Forests and Forest Health, joint hearing entitled “Motorized Recreational Use on Federal Lands,” 2 p.m., 1324 Longworth.

Committee on Small Business, hearing entitled “Small Business Development Centers: New Offerings for a New Economy,” 2 p.m., 2360 Rayburn.

Committee on Veterans’ Affairs, Subcommittee on Disability Assistance and Memorial Affairs, to mark up H.R. 3200, Servicemembers’ Group Life Insurance Enhancement Act of 2005, 10:30 a.m., 334 Cannon.

Permanent Select Committee on Intelligence, executive, to consider the USA PATRIOT and Terrorism Prevention Reauthorization Act of 2005, 10 a.m., H–405 Capitol.

Joint Meetings

Commission on Security and Cooperation in Europe: to receive a briefing regarding the political and business implications of the prosecution and imprisonment of Russian Yukos Oil Chairman and CEO, Mikhail Khodorkovsky, 2 p.m., SD–192.

Next Meeting of the SENATE

9:30 a.m., Wednesday, July 13

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, July 13

Senate Chamber

Program for Wednesday: Senate will continue consideration of H.R. 2360, Homeland Security Appropriations.

House Chamber

Program for Wednesday: Consideration of Suspensions: (1) H.R. 2385, to make permanent the authority of the Secretary of Commerce to conduct the quarterly financial report program; (2) H.R. 2113, John F. Whiteside Joliet Post Office Building Designation Act; (3) H.R. 2183, Vincent Palladino Post Office Designation Act; (4) H.R. 2630, J.M. Dietrich Northeast Annex Designation Act; (5) H.R. 1220, Veterans' Compensation Cost-of-Living Adjustment Act of 2005; (6) H.R. 3100, East Asia Security Act of 2005; and (7) H. Con. Res. 191, Commemorating the 60th anniversary of the conclusion of the war in the Pacific and honoring veterans of both the Pacific and Atlantic theaters of the Second World War.

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