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House of Representatives

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Ever faithful and Almighty God, be with the people of London as again they surround victims of terrorist attacks and their families.

We in America call upon You, the God of all consolation, so that we in turn may offer consolation to all those who grieve and are thrown into a pool of confusion and fear.

You alone, Lord, can touch the conscience of the terrorist and the ''would-be'' terrorist. Enlighten their minds to see the blazing evil of self-destruction and change their hearts, that they may know within themselves the contradictions against Your law of life and love.

May the tensions of our times and the common vulnerability felt by so many become the occasion for people all over the world to unite in a solidarity that renews human hearts and justice, peace, and compassion.

In recent days, Members of Congress have been writing expressions of sympathy and promises of prayer in a commemorative book to be sent to London. Today, Lord, we are moved beyond words and offer saddened hearts to You as prayerful sacrifice for our brothers and sisters.

Be with us and be with them, that we may respond rightly now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. CONAWAY led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER. The Chair will entertain up to ten 1-minutes on each side.

DEMOCRATS SHOULD CARE MORE ABOUT POLICY THAN POLITICS

(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, let me read my colleagues something that a Member of this Chamber told the press recently. She said, ''It is essential for us to take down their numbers; to take down their numbers on Social Security; and to take down their numbers on credibility. If you're the contender, if you're the challenger, you are not going to go up against the leader at full strength. You have to take them down first and then you have to move out in a positive way. I feel very confident about the fact that we've taken down their brand.''

I do not know about my colleagues, but in challenging times like these, I want leaders who care more about ideas and progress than partisan party politics and spin and negative attacks.

DELTA AIRLINES' TROUBLES REMINDS US OF NEED TO PRESERVE SOCIAL SECURITY

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

Mr. EMANUEL. Mr. Speaker, here we go again. Today's Wall Street Journal reports that Delta Airlines executives have warned that the airline's current turnaround plan may be futile and that avoiding chapter 11 will soon be impossible.

In other words, we may soon add Delta to the list of bankrupt airlines and Delta's employees to the list of those whose pension plans are now going to be bailed out by the taxpayers at PBGC.

That should serve as a stark reminder of what is at stake in this debate about the future of Social Security.

Delta Airlines' news is yet another example of America's retirement insecurity. Now we should go ask those Delta employees what they think of Social Security.

For airline employees, steel industry employees, and probably the future of auto industry employees, Social Security is the linchpin to their retirement.

It may come as a shock to some in this Chamber, but the American people like the security that comes with Social Security. They reject the idea of doing to Social Security what is now happening to their private retirement plans. And, most of all, they reject the privatization of one of the most successful programs in the Nation's history.

Mr. Speaker, this debate is about more than the solvency of Social Security; it is about the financial security of every American.

CAFTA: AN IMPORTANT TOOL IN THE LONG-TERM SOLUTION TO ILLEGAL IMMIGRATION

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

Mr. CONAWAY. Mr. Speaker, passing the Central American Free Trade Agreement will not necessitate any changes in U.S. immigration law or U.S. visa policy. Congressional power

over immigration policy will go unchanged when this important trade agreement takes effect.

However, CAFTA will help prevent illegal immigration in the long run by improving economic conditions in the Central American countries. By stimulating their economy and creating jobs, the tide of illegal immigrants from these nations will decrease.

Most individuals and families who come to the United States legally and illegally are simply seeking economic opportunity. The best long-term solution to illegal immigration can be achieved by encouraging economic freedom, as well as sustained growth, and the creation of sufficient opportunities and securities in their respective homelands.

I support CAFTA because it will create new economic opportunities domestically and internationally by eliminating tariffs, opening markets, permitting transparency, and establishing state-of-the-art rules for 21st-century commerce. By supporting and passing trade agreements such as CAFTA, the United States allows for greater economic incentives and opportunities in other countries. In turn, we will reduce the number of immigrants attempting to enter the United States illegally.

CAFTA is a trade agreement providing great opportunities for all nations involved.

TIME TO FUND PUBLIC TRANSIT SECURITY FUNDING

(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, this morning, another set of apparently coordinated attacks took place on the London subway and bus system. So, once again, our thoughts and prayers are with the people of London, and our minds should be riveted back here in the United States: Madrid should have been our wake-up call; the bombings in London should have been our reminder.

How much longer must we wait for this Congress to act to secure the over 14 million Americans who use a public transit system every day to get to work? What are the consequences in the loss of lives and the economic ripple effect upon an attack on such a system?

And instead of acting on a wake-up call, the Congress seems to be hitting the snooze button. In fact, we seem to be moving backwards. Just last week, the Senate voted to cut transit security funding by one-third. How many warnings do we need before we take action? And who among us will be satisfied to say, well, we did not act fast enough, when someone we know, some constituent, some family member dies in a transit attack?

INCREASING PATIENT SAFETY

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

Mr. MURPHY. Mr. Speaker, last week new data was released in Pennsylvania which found more than 11,000 patients acquired infections that resulted in 1,500 deaths and $2 billion in additional charges. These are new numbers for only one State and are almost half of the previous estimate for infection costs nationwide where tens of thousands of deaths and tens of billions of dollars are spent on infections and errors.

When staff are encouraged to immediately report safety concerns, it saves lives and money. For example, at Allegheny General Hospital in Pittsburgh, when staff were encouraged to bring attention to medical staff errors, it resulted in a 90 percent decrease in infections and half a million dollars in savings annually just in intensive care units.

Congress owes it to the American people to improve the quality of health care in this country. The Patient Safety and Quality Improvement Act, of which I am a cosponsor, will increase legal protections for providers who disclose errors and a step in the right direction towards achieving this goal.

I would urge my colleagues to visit my Web site at Murphy.house.gov to learn more about improving errors and improving patient safety.

BREACH OF NATIONAL SECURITY

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

Ms. LEE. Mr. Speaker, our government has the solemn responsibility to protect our Nation from terrorism, as today, again, we pray for the people of London.

Our ability to do that was undermined, quite frankly, 2 years ago when the identity of one of our CIA agents whose work helps keep weapons of mass destruction out of the hands of terrorists was exposed.

This breach of our national security was not really an accident. This agent's name was leaked in an act that an unnamed administration official described as revenge, political retribution against her husband for having dared to point out that the administration had knowingly distorted the evidence of Iraq's weapons of mass destruction.

It is now clear that President Bush's close adviser, Karl Rove, was involved in this breach of our Nation's security, and he should go. If the administration wants to have any credibility at all when they say that they want to protect the American people, then they should fire Karl Rove and anyone else who was involved in compromising our national security for petty political gain.

DREDGING OF SABINE-NECHES RIVERWAY CRITICAL FOR COMMERCE AND MILITARY

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

Mr. POE. Mr. Speaker, the Sabine-Neches Riverway between Texas and Louisiana is the main shipping channel for two Texas ports in Beaumont and Port Arthur. These are energy ports and military displacement ports.

One-third of the military cargo going to and from Iraq and Afghanistan goes through this channel. The port of Beaumont has already loaded or unloaded more pieces of military cargo than any other commercial port in the United States. The port also is lined with numerous petrochemical plants and refineries. Shipments of oil, jet fuel, and liquified natural gas enter the United States through this channel. Eleven percent of the Nation's gasoline goes through this port.

But there is a problem. The Corps of Engineers does not have enough money to keep the channel dredged, so silt is creeping into the channel, ships are now having to travel the riverway without being fully loaded or they will drag bottom. To keep from dragging bottom, ships are now being loaded with one foot less amount of energy or fuel. One foot difference costs Americans $30 million a year in gasoline prices, or 3 cents a gallon more.

The channel must be dredged or our energy situation will suffer and the consumer will pay more for gasoline. The channel must be dredged for strategic reasons so that we can get our troops the military equipment they deserve.

Congress just authorized $23 billion of foreign aid. Maybe the Sabine-Neches Riverway Authority needs to apply for this foreign aid to get the more than $13 million it needs to maintain this American channel. Mr. Speaker, this ought not to be.

HEALTH CARE EQUALITY AND ACCOUNTABILITY ACT

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

Ms. SOLIS. Mr. Speaker, this morning I would like to announce that the Democratic Tri-Caucus on Health Care is going to be convening a meeting in Chicago, Illinois. This is the Hispanic Caucus, the Black Caucus, and the Asian Caucus of the Democratic Party that will be meeting to talk about health care access.

Principally, we will be discussing a piece of legislation that we are going to be reintroducing known as the Health Care Equality and Accountability Act. It will expand health care coverage through Medicaid and the State Health Insurance Children's Program. It will remove language and cultural barriers. It will improve workforce diversity by allowing for different

community folks from our districts to be a part of the health care profession. It will also improve funded programs to help reduce health care disparities such as chronic illnesses, asthma, diabetes, and obesity.

It will improve data collection in our respective communities with respect to race, ethnicity, and language and promote accountability through the Office of Civil Rights and the Office of Minority Health at the Department of Health and Human Services. Lastly, it would help to strengthen health care institutions that serve minority populations.

We look forward to visiting our friends in Chicago, Illinois.

DEMOCRATS' TRACK RECORD: RAISE TAXES

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

Mr. DOOLITTLE. Mr. Speaker, the inevitable insolvency of Social Security is not a new problem. Since the program began in 1935, the number of workers per retiree has slipped from 40 to just three today. And unless Congress acts, the system will be completely bankrupt by the year 2041.

□ 1015

In light of these facts Republicans have put forth a variety of proposals to make Social Security remain solvent for future generations. But up to this point, Democrats have chosen to oppose our good faith efforts and insist that indeed there is no problem. The minority party's only solution to saving Social Security is the same solution they have applied to this problem for the past 68 years, to raise your taxes. On 50 separate occasions when faced with critical decisions to shore up Social Security, Democrats have resorted to either raising the payroll tax rate or the minimum taxable wage. It is clear their tax hikes have done nothing more than mask Social Security's inadequacies and postpone real and lasting solutions.

KARL ROVE

(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, today Karl Rove continues to walk around the White House with the highest of security clearances. What does that say to our covert CIA agents risking their lives around the world? When Karl Rove became a top level White House employee, he took an oath to abide by the guidelines included in a briefing book called the Standard Form 3112. This form says, and I am quoting, ''Before confirming the accuracy of what appears in the public source, the signer of SF 312 must confirm, through an authorized official, that the information has, in fact, been declassified. If it has not, confirmation of its accuracy is also an unauthorized disclosure.''

Rove signed this form promising to abide by the rules. Clearly, he broke these rules when he told Reporter Matthew Cooper that Joseph Wilson's wife worked for the CIA.

Furthermore, he also broke the rule when he confirmed this same information for reporter Robert Novak. It is outrageous that Rove continues to have access to top secret information.

RU–486 KILLS WOMEN

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

Mr. SMITH of New Jersey. Mr. Speaker, the FDA issued a stern warning on Tuesday about the dangers to women from RU–486, the abortion drug the Clinton administration aggressively pushed through approval without proving its safety. Not only is RU–486 baby pesticide, killing unborn children up to 7 weeks, it is poison to the women themselves. Licensed by the Population Council, manufactured in the PRC, and widely disbursed by Planned Parenthood, at least five women have died in the U.S. after taking this dangerous drug. As a result of these women's deaths and serious concerns that many more women have died as well—underreporting is a serious problem—new drug labeling will warn women that serious danger of sepsis and blood infection can occur.

Because RU–486 was rushed to approval by the Clinton administration using the expedited FDA subpart H process, which is supposed to be used for HIV/AIDS and other life-threatening diseases, numerous safety concerns were suppressed, trivialized and overlooked. The Clinton FDA approval process was a gross sham. The approval of RU–486 is a scandal that is today killing women. The FDA must pull this dangerous drug and Congress must pass Holly's Law.

TAX REFORM

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

Mr. BURGESS. Mr. Speaker, maybe we can cool things off by talking about a little tax reform. What if we had a tax reform proposal that would immediately eliminate the marriage penalty, repeal the death tax, abolish the punitive alternative minimum tax, eliminate capital gains taxes and allow for immediate expensing for business and capital equipment?

Well, in fact we have such reform. In case you missed it yesterday, in the Washington Times Steve Forbes talks about Americans deserve a flat tax, and believes that the stage is set for fundamental tax reform via the vehicle known as the flat tax. Now, fortunately Members of this body do not have to wait. They can cosponsor H.R. 1040 introduced last March that would provide for a flat tax which is voluntary to be available to the American people as soon as it is signed into law. It is basically a measure of trusting the American people and giving them a choice to opt into a voluntary pro growth system. It does encourage investment and savings for the first time in a long time in this country. I think it is reasonable to provide another option to the American people.

Mr. Forbes concludes his article yesterday saying America has a great future. The flat tax will help us achieve it. I believe it is time to trust the American people and allow that to happen.

HOMELAND SECURITY

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I think it is appropriate this morning, now, 2 weeks to the date, that we again offer our sympathy to the people of England and particularly the City of London. Today we will rise to the floor to again discuss and debate ways of securing this land. But I feel that as Americans we know each other. We understand rhetoric versus action. It saddens me to stand here and to acknowledge that Democrats over the last years and myself as a member of the Homeland Security Committee have joined those leaders of this issue, that we have asked repeatedly for actual resources to ensure the Nation's railroads and light rail systems and bus systems, the very systems that our tourists who come to this capital of the United States utilize every single day. And time after time after time after time we have been rebuked, rejected and ignored by the Republican majority when it comes to giving resources to protecting the Nation's rail system. Yet we can give high taxes, but we cannot protect those who need to be protected. We need to do something and we need to do it now.

HONORING ARKANSAS' PARENTS OF THE YEAR

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

Mr. BOOZMAN. Mr. Speaker, this Sunday is Parents Day, an annual day commemorating the contribution parents make to our society. Parents Day provides an opportunity to recognize and promote parenting as a central vocation for our families and communities.

In 1994 Congress passed a resolution establishing the fourth Sunday of every July as Parents Day. According to the resolution, Parents Day is established for recognizing, uplifting and supporting the role of parents and rearing of children.

And in that vein I would like to recognize one truly special set of parents,

Mike and Becky Kneeland of Van Buren, Arkansas. They will be receiving Arkansas' Parents of the Year Award this Sunday, and I am honored to be able to recognize them on the House floor today.

Mr. Speaker, I ask my colleagues to please join me in congratulating the Kneelands and all the other wonderful parents across the country. Their efforts and sacrifices are molding the future of this Nation, and parents like the Kneelands are setting a wonderful example for all of us.

PATRIOT ACT

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

Mr. UDALL of New Mexico. Mr. Speaker, I rise to speak out today on the leadership's abuse of power on the PATRIOT Act. We bring the PATRIOT Act to the floor today under a closed process. Many amendments, good solid bipartisan amendments, were denied. I offered two amendments with broad support. They were denied.

The first created a strengthened civil liberties board called for by the 9/11 Commission. This board would protect our constitutional freedoms. The second, the Right to Read Act, would protect library patrons from arbitrary searches. It would bring the judiciary into the equation to protect our freedoms.

I believe that we can bring terrorists to justice and still protect our constitutional freedoms, but we will not do it under this process today. This process of not allowing debate on an amendment is deeply flawed. It runs roughshod over our rights. The leadership should be ashamed.

PATRIOT ACT

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

Mr. KELLER. Mr. Speaker, reauthorizing the PATRIOT Act today is literally a matter of life or death because it is helping us to win the war on terrorism. Since we passed the PATRIOT Act in 2001 we have convicted 212 terrorists and $136 million in terrorist assets have been frozen. Passing the PATRIOT Act is purely a matter of common sense.

Is it not common sense that we give law enforcement the same tools to go after terrorists as they now have to go after Mafia dons and drug dealers?

Is it not common sense that we can share data between the intelligence community and law enforcement now?

Is it not common sense that we track deadly terrorists even though they cross jurisdictional lines or switch cell phones?

The worst thing that the critics can say about the PATRIOT Act is that supposedly law abiding citizens will have their bookstore and library habits monitored. That is a totally bogus allegation. You must go before a Federal judge, get a court order and prove that it is a matter of international terrorism. How many times has that happened since we passed the PATRIOT Act? Exactly zero, according to our Attorney General.

I urge my colleagues to vote ''yes'' on the PATRIOT Act.

ELECTION REFORM

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

Mrs. JONES of Ohio. Mr. Speaker, I just completed a panel discussion with Harper's Weekly about what happened in Ohio in election reform, and I just want to bring to the attention of the American public once again the need for this House to pass legislation that will provide for electoral reform, no excuse absentee balloting, holiday voting so that people can get to the ballot box and vote, an assurance that the head of a company who is involved in the process of computer machines will not have the ability to be the cochair of the campaign of someone running for office, the assurance that the Secretary of State cannot be Secretary of State and then have the responsibility of being a cochair of a campaign.

Elections are so important in our country. We go across the world trying to assure democracy and freedom across the world. We need to make sure that we assure that every vote counts in the United States of America. I ask my colleagues to join me in signing on to the Count Every Vote legislation as well as supporting the same legislation in the U.S. Senate authored by Senator HILLARY RODHAM CLINTON.

MEDICARE PART D

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

Mr. GINGREY. Mr. Speaker, I rise today in strong support of Medicare Part D, the new prescription drug benefit Congress passed as part of the Medicare Modernization Act of 2003.

Mr. Speaker, if our seniors cannot afford their medications their health is going to suffer. That is why it is hugely important to provide our seniors with affordable drug coverage under Medicare, and CMS has projected savings of up to 75 percent off many drug prices for Medicare Part D enrollees.

Seniors can begin signing up for the Part D program on November 15. We hope to enroll 28 million seniors by May of 2006, making it the largest signup for a new program since the introduction of Medicare and Medicaid.

That is why we are going to need the help of our whole community local senior centers, commissions on aging, friends, families, pastors, volunteers and community leaders.

Mr. Speaker, I encourage anyone who wants to learn more about Medicare Part D, the prescription drug option, to call 1–800–MEDICARE or visit the Web site, www.medicare.gov. Our seniors deserve affordable prescription drugs and Part D will be a great benefit to their well-being.

□ 1030

PROVIDING FOR CONSIDERATION OF H.R. 3199, USA PATRIOT AND TERRORISM PREVENTION REAUTHORIZATION ACT OF 2005

Mr. GINGREY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 369 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 369

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3199) to extend and modify authorities needed to combat terrorism, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and the amendments made in order by this resolution and shall not exceed two hours, with one hour and 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary and 30 minutes equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendments recommended by the Committee on the Judiciary and the Permanent Select Committee on Intelligence now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute printed in part A of the report of the Committee on Rules accompanying this resolution. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. Notwithstanding clause 11 of rule XVIII, no amendment to that amendment in the nature of a substitute shall be in order except those printed in part B of the report of the Committee on Rules. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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

Mr. GINGREY. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 369 is a structured rule that provides 2 hours of general debate; 1 hour and 30 minutes is equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary and 30 minutes equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence. It waives all points of order against consideration of the bill.

Further, it provides that in lieu of the amendments recommended by the Committee on the Judiciary and the Permanent Select Committee on Intelligence now printed in the bill, the amendment in the nature of a substitute printed in part A of the Committee on Rules report shall be considered as the original bill for the purpose of amendment and shall be considered as read. It waives all points of order against the amendment in the nature of a substitute printed in part A of the Committee on Rules report.

It makes in order only those amendments printed in part B of the Committee on Rules report which may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

It waives all points of order against the amendments printed in part B of the Committee on Rules report, and it provides one motion to recommit with or without instructions.

Mr. Speaker, I rise this somber day in support of both House Resolution 369 and the underlying bill, H.R. 3199, the USA PATRIOT and Terrorism Prevention Reauthorization Act of 2005. Mr. Speaker, I would first like to extend my condolences and prayers to the people of Britain who once again have fallen prey to terrorist bombs. I remain confident in not only the resolve of the British Government led by Tony Blair, but also the resolve of the British people to stand firm against these cowards.

As we consider our own measures against terrorism today, let us not forget our commitment to not only the protection of our homeland but also the protection of our allies. I would like to take this opportunity to thank the gentleman from Wisconsin (Mr. SENSENBRENNER), the distinguished chairman of the Committee on the Judiciary and the author of H.R. 3199, and, of course, the ranking member, the gentleman from Michigan (Mr. CONYERS).

I would also like to thank the chairman of the Permanent Select Committee on Intelligence, the gentleman from Michigan (Mr. HOEKSTRA), and the ranking member, the gentlewoman from California (Ms. HARMAN), for their leadership on such an important piece of legislation.

After 4 years of thorough hearings and extensive oversight, H.R. 3199 represents a collaborative effort to fine-tune our law enforcement needs and to ensure the continuation of necessary protections created by the 2001 USA PATRIOT Act. Additionally, through its important oversight role, this Congress has also demonstrated a clear commitment to achieving the essential and proper balance between necessary protective measures and our cherished civil liberties.

Mr. Speaker, like most legislation considered before this House, H.R. 3199 is not perfect; and in an ideal world, it would not be necessary. However, today's world is sadly far from ideal and America faces a grave threat from a cowardly enemy that operates under the cover of shadows biding its time with the intent to kill innocent people in the name of an ideology of hate. These murdering terrorists lack any sense of decency. They have absolutely no respect for either human life or the rule of law.

Therefore, it is imperative that this Congress act decisively and deliberately to update and extend those statutes guaranteeing law enforcement has every tool it needs to combat these terrorists and bring them to justice.

When Congress first enacted the USA PATRIOT Act in 2001, it did so of course in response to the attacks of 9/11. Congress included in this legislation many sunset provisions to ensure an opportunity to review and address the effectiveness of these additional law enforcement capabilities after their enactment. Having performed these necessary reviews with substantial bipartisan involvement and testimony, both the Committee on the Judiciary and the Permanent Select Committee on Intelligence have produced a bill today that will strengthen our ability to fight the war on terrorism here at home.

Since the events of 9/11, our American law enforcement and intelligence operations, along with our international partners, have identified and disrupted over 150 terrorist threats and cells with the help of the tools provided by the USA PATRIOT Act. Additionally, H.R. 3199 reflects a continued need of law enforcement to respond to an ever-changing technological landscape.

Mr. Speaker, terrorists are not relying on courier pigeons and rotary telephones to coordinate their acts of destruction. While cellular telephones and the Internet make our everyday lives simpler, they also provide terrorists with new opportunities to move quickly among the shadows while still communicating with their counterparts. Therefore, H.R. 3199 will make sure law enforcement and intelligence authorities still have the ability to track terrorists through the use of multipoint or roving wire taps that follow the terrorists rather than the telephone.

Additionally, H.R. 3199 will allow the law enforcement, intelligence, and national defense community to communicate and coordinate among each other to protect the American people and our national security. Unnecessary barriers should never be allowed to compromise American safety. For the most part, the USA PATRIOT Act did not create any new law enforcement capabilities, but rather extended techniques that we were using against mobsters and drug dealers to terrorists. If law enforcement can use these tools to catch some street-corner dope pusher, then it should be allowed to use these tools against suspected terrorists.

Mr. Speaker, I must also say that I have heard from many people back home in the 11th District of Georgia who express some concerns about this legislation. While they want our law enforcement to have the tools they need, they remain cautious, even dubious of additional government power.

To that point I recently received a letter from David Nahmias. Mr. Nahmias is a United States Attorney for the Northern District of Georgia. With respect to the USA PATRIOT Act he wrote: ''From my perspective as a prosecutor on the front lines of the fight against terrorism, it is difficult to overstate how important the USA PATRIOT Act has been to the government's ability to preserve and protect our Nation's liberty in the face of continuing terrorist threats.''

His Deputy U.S. Attorney is my good friend, Jim Martin. With over 25 years' experience as a Federal prosecutor, he also assured me in a private conversation of the success of and the need to preserve the PATRIOT Act.

Mr. Nahmias goes on to write how the provisions from this act aided in recovering a 13-year-old girl who had been lured and held captive by a man she met online.

Mr. Speaker, like many of my colleagues, including the distinguished chairman of the Committee on the Judiciary, I am also concerned and in all honesty extremely hesitant to grant additional powers to the government. However, I believe that we in this Congress will continue to remain vigilant, continue to execute necessary and thorough oversight so that our constitutionally protected civil liberties will never be jeopardized or diminished in the fight to stop terrorism and to protect the American people.

That said, I would like to emphasize that since its enactment, there have been zero, and let me repeat zero,

verified instances of civil liberty abuses under the USA PATRIOT Act found by the Inspector General of the Justice Department. And I firmly hope as we move forward with H.R. 3199 and we continue to operate under the PATRIOT Act that that statistic will remain intact.

Mr. Speaker, I would again like to thank the gentleman from Wisconsin (Chairman SENSENBRENNER); the gentleman from Michigan (Mr. CONYERS), the ranking member; the gentleman from Michigan (Chairman HOEKSTRA); and the ranking member, the gentlewoman from California (Ms. HARMAN), all for their dedicated work and commitment to both the liberties of the American people and the needs of law enforcement and the intelligence community. Their efforts on this crucial issue are laudable, indeed, heroic, and they are to be commended.

I remain confident that this Congress will continue to stay on top of our security needs and continue to work for a stronger, freer America.

I want to encourage all of my colleagues to support this rule and the underlying bill for the sake of a secure Nation and the safety of the American people.

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

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

(Ms. SLAUGHTER asked and was given permission to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, permit me first to say this morning that our thoughts and prayers are with our friends in London who today are coping with what seems to be a second terrorist attack in 2 weeks. Thankfully, the causalities appear to be minimal. And my colleagues and I in this House offer our most sincere hope that no one in London will have to suffer this pain again associated with the abominable actions taken 2 weeks ago and unsuccessfully attempted again today.

I would like to thank the gentleman from Georgia (Mr. GINGREY) for yielding me the customary 30 minutes.

Mr. Speaker, I rise today in defense of nothing less than our national security, but national security is not just about protecting our borders. It is also about protecting our freedoms.

All of my colleagues understand that the PATRIOT Act has provided the law enforcement agencies with many valuable tools which facilitate their work in the struggle against terrorism. But with these new tools comes a very real danger that the liberty we seek to protect could be easily compromised in the overzealous pursuit of greater security. This struggle strikes at the heart of the debate over the legislation before us today. And while the restrictive rule we are debating this morning has allowed us to improve the PATRIOT Act in several important ways, the leadership has chosen to prohibit open debate in consideration of the most sensitive, controversial, and important issues that surround this bill.

□ 1045

I would also add that today we are considering the 32nd rule this year that has either been closed or severely restricted. It is ironic that on consideration of a bill which seeks to protect our freedoms, our freedom to debate and amend the legislation has been strictly curtailed, as is too often the case in this body.

Mr. Speaker, when the PATRIOT Act was passed in 2001, 16 provisions were set to expire in 5 years because some of them could possibly be used to violate the very freedoms our young men and women in uniform too often die to protect. These provisions provide the executive branch of this government with unprecedented powers of search, seizure and surveillance, too often without the due process we are guaranteed under our Constitution.

By party line votes, the Republicans on the Committee on Rules at the direction of the leadership refused to allow consideration of critical amendments that address these issues, and there are four particular issues I want to discuss this morning, reforms which Democrats believe are critical.

First, we are not considering a provision to allow people who are not terrorists to challenge the government when the FBI wants to sift through their personal information, including their private medical records. But we should be.

Second is the fact that the important work of the Permanent Select Committee on Intelligence was cast aside by the House leadership. The version of the bill voted out of the committee on a near unanimous vote in that committee included a provision which allowed for a sunset review of the Lone Wolf provision of this bill, which was not included in the final version.

We are also not considering an amendment that would properly restrict the government's ability to come into your home when you are not there and execute a warrant, and even remove property without notifying you until later, if at all, an officially sanctioned breaking and entering if you will. Now, that remains perfectly legal under this bill because the Republican leadership would not allow the amendments to change it.

But perhaps most importantly, we are not even allowed to consider an amendment that would require Congress to do its job and fulfill our responsibility to the American people by going back and taking a look at these laws every few years because the leadership decided that none of them can be considered today by the Congress, even though they deal with the most sensitive and important security and civil liberty issues we face in this country today.

The chairman of the Committee on the Judiciary stated last night in the Committee on Rules that sunset review is not necessary in the future because he and his staff are providing all the oversight needed of the Justice Department, the FBI, and the PATRIOT Act. With all due respect to the esteemed chairman, I do not think that is enough of a safeguard for the American people to accept in this case. After all, we will not have the benefit of his leadership and wisdom forever, and this Congress has a duty to consider and provide for the future. Our ability to ensure the proper oversight and protection of liberty must be larger in scope than the career or judgment of a single individual.

Also, agencies have proven to be more responsive to congressional oversight when a sunset review is looming on the horizon. The chairman has even acknowledged that the Justice Department has been uncooperative in his attempts to conduct the appropriate reviews and oversight of the bill thus far.

We have evidence which suggests, in contrast to information coming out of the Justice Department, that many of these measures have resulted in the violation of the civil liberties of American citizens. In addition, we understand that some of the extended search and seizure powers used by the law enforcement are apparently not being used for their intended purpose, which is strictly to fight terrorism, and that is unacceptable.

Whether this information is true or not, the fact remains that an honest discrepancy exists, and that is reason enough to ensure proper congressional oversight and why we should include sunset provisions in the bill. The Republicans support sunset review for the EPA, it is in the President's 2006 budget, but not for the PATRIOT Act. The idea of these measures was always that they would be temporary, and yet they are seeking to make them last forever.

Mr. Speaker, forever is an awful long time. We would do well to remember that they were passed into law in the frantic weeks after September 11, hastily, without our understanding of their potential impact or benefit, and that is why we created a sunset review in the first place and why we need a sunset review as long as these incredible powers are in place.

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

Mr. GINGREY. Mr. Speaker, may I inquire how much time I have remaining?

The SPEAKER pro tempore (Mr. REHBERG). The gentleman from Georgia has 20 minutes remaining.

Mr. GINGREY. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN), a member of the committee.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, if this rule is adopted, the House of Representatives will consider the extension of the USA PATRIOT Act. The ultimate fate of this legislation will determine how effective we will be in investigating the

clandestine activities of terrorist organizations and in preventing catastrophic events in the future.

There is, Mr. Speaker, no greater or more solemn responsibility that we have as representatives of the American people. And, frankly, I have been astonished at the characterization of the bill and the record of the Justice Department. As a member of the committee and the subcommittee of jurisdiction, the Subcommittee on Crime of the Committee on the Judiciary, I have spent countless hours going over the records, including looking at top secret reports that are lodged with this Congress, and I will state for the record I can find no evidence of a violation of civil liberties. And I would suggest any Member who comes to the floor be very careful about suggesting that there are, without evidence.

That is a criticism of our Department of Justice, that is a criticism of our investigative agencies and our intelligence agencies that is not borne out by the record. I think we should make that very clear, particularly today when we have another instance, presumably, in London, of what we are facing. This is serious business, and allegations that are easily thrust in this body, in my judgment, are irresponsible.

I authored the amendment in the Committee on the Judiciary to require two sunsets of the two most controversial provisions in this bill, but I did not do that based on any suggestion there is any record of a violation of civil liberties. I did that because, it seems to me, it was an indication to the public from us that we would consider doing effective oversight, which we have done.

Some have suggested in 1-minutes this morning that there is something wrong with the process here. I do not understand that. Now, I have been absent for 16 years, but I can recall how things were done 20 years ago. In the Committee on the Judiciary, with respect to this bill, the bill was available on a Friday. We marked it up on a Wednesday. I can recall being a member of that committee when I was in the minority when we received the bill on the midnight before we were supposed to consider things. This is hardly a wrong or improper process.

Mr. Speaker, we considered over 50 amendments in the Committee on the Judiciary. We on the majority side were willing to stay there for several more days. It was the minority who made the motion to call the previous question and withdrew consideration of more amendments on their side. This is a structured bill that has something on the order of 20 amendments available, covering many of the issues that people are concerned about. I would hardly suggest that we are moving with undue dispatch here or that somehow we are not considering this in proper order.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Maryland (Mr. HOYER), the minority whip.

Mr. HOYER. Mr. Speaker, I rise in opposition to this rule, but before I speak on the rule itself, let me say to our friends in Great Britain, one of our strongest allies in the fight against terrorism, we are with you. We empathize with the pain that has been visited upon you once again. We are in this fight against terrorists together.

Everybody on this floor views themselves and acts as a patriot on behalf of America, its values, and its people. All 435 Members of this House. They will see things differently as we consider this bill, but they are all 100 percent committed to defeating terrorism, to ferreting out terrorists, to getting them off our streets, out of our country and incarcerated, as they should be. Make no mistake about the commonality of that commitment. I know that the Members of this House on both sides of the aisle are united in that commitment.

Today, on this House floor the American people will see no division in our willingness to do what is necessary to fight terrorism. What they will see today, however, Mr. Speaker, is an abuse of power by the Republican majority, which has deliberately and purposefully chosen to stifle a full debate on this critical legislation.

I voted for the PATRIOT Act. I think we need to reauthorize the sections involved, but we ought to look at them carefully. A Republican rule that has been offered today is nothing less, and I use my words carefully, than a craven failure of our congressional oversight responsibility on legislation that involves the government's power to intrude on the lives of Americans. We must protect Americans, we must confront terrorists, but we must also ensure our constitutional values.

Every single year, Mr. Speaker, this Congress reauthorizes the Department of Defense programs. This reauthorization process allows us to assess, reexamine, and to recalibrate our defense policies to changing circumstances. Today, however, we are being asked to give up that oversight responsibility and permanently authorize many sections of this bill.

Now, let me make it clear to the public that the overwhelming majority of the PATRIOT Act is in law right now and will not be affected by this legislation. Sixteen sections only are the subject of this legislation. We are being asked to extend two provisions, particularly one that involves roving wiretaps, and the other dealing with the FBI's power to demand business records for 10 years.

Democrats have suggested we ought to sunset these provisions. Why are you afraid to have a vote on the floor of the House of Representatives on that provision? Why are you fearful? Why do you fear the democratic process? I do not know.

The Sanders amendment. You failed to offer that, yet 238 Members of this House, just days ago, voted for that provision. Why are you afraid to have another vote on the floor? Are you afraid you cannot get your Members to change their minds? Are you afraid of the democratic process in this, the people's House? Do you undermine that democracy which we confront terrorists for doing?

My friends, this rule is not consistent with the open democratic process in adopting one of the most important bills that we will consider. I agree with the gentleman from California. That is why I voted for the PATRIOT Act, to give law enforcement the capability and assurance we could confront and catch terrorists and protect Americans in our country, but we should have come with a better rule. It is lamentable that we did not.

Mr. GINGREY. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. Mr. Speaker, I thank the gentleman from Georgia for yielding me this time.

Mr. Speaker, about 9 or 10 months ago, a constituent of mine approached me back home and he said, Howard, we have got to get rid of this PATRIOT Act. I said, give me one example of how the PATRIOT Act has adversely affected you. He said, well, I cannot do that. I said, give me an example of how the PATRIOT Act has adversely affected anyone known to you. He said, well, I cannot do it. I said, you are not helping me.

I am afraid, Mr. Speaker, that this is how the PATRIOT Act has been portrayed: Accusations of compromising our freedoms, but virtually no hard facts or evidence to support these accusations. And at the conclusion of our conversation, my constituent said to me, well, I guess maybe I have heard wrong information. I said, well, if you cannot come forward with anything other than just rank hearsay that is unsupported, I am going to have to embrace your conclusion.

The Subcommittee on Crime, Terrorism and Homeland Security hosted nine public hearings. The full House Committee on the Judiciary, furthermore, hosted three public hearings. Now, this is one dozen public hearings, Mr. Speaker, where the PATRIOT Act was the beneficiary or the target of an exhaustive, deliberate examination, in detail.

□ 1100

Are we thoroughly and completely safe today? No. Are we safer today than we were prior to 9/11? Unquestionably.

One of those reasons, Mr. Speaker, in my opinion, is the presence of the PATRIOT Act. The PATRIOT Act has indeed broadened the parameters through which and under which law enforcement and public safety officers are allowed to work.

Compromising freedoms? No evidence of it. The hearings indicated no abuse on the part of the Federal Government, the U.S. Government, to protect us. I have the fear that one of these days these evil people driven by fanaticism

will attack us again, but they have not since 9/11; and I think for that we should all be very thankful, and I think for that we should attribute some of that to the presence of the PATRIOT Act.

I urge the passage of this rule, Mr. Speaker. Again I thank the gentleman from Georgia for having yielded time to me.

Ms. SLAUGHTER. Mr. Speaker, I yield 3½ minutes to the gentleman from Massachusetts (Mr. MCGOVERN), a member of the Rules Committee.

Mr. MCGOVERN. I thank the gentlewoman for yielding me this time.

Mr. Speaker, I rise today in opposition to this restrictive rule, and I rise in opposition to the underlying bill. Protecting our homeland from another terrorist attack is among the most important priorities we face. We must support our law enforcement officials by providing them with the proper resources and modern technologies to combat terrorism. There is a delicate balance that must be maintained between security and liberty. I believe that this bill sacrifices too much of our liberty.

I know there is a lot of anguish in the House today about this bill. This morning's incidents on the London subway only serve to heighten that anxiety. But democracy takes courage, Mr. Speaker. It takes the courage not to abandon our most deeply held principles. It takes the courage not to subject our citizens to unwarranted intrusions into their privacy. It takes the courage to say to the terrorists, You will not succeed in changing our way of life.

Mr. Speaker, I hear all the time from all types of people that 9/11 has changed everything. I hope not, Mr. Speaker. I hope that those terrible attacks have not served to undermine our Constitution, to weaken our respect for civil liberties, to chip away at the values that not only make this country unique but also make us a beacon of hope for the rest of the world. While the government should be provided with the necessary resources to protect the homeland, it should not be given a free pass to threaten and abuse the rights and liberties of our own citizens. Safeguards are key, and Congress in its vital function of oversight is one of government's most important safeguards.

Many of the provisions in the PATRIOT Act were sunsetted back in 2001 so that Congress could evaluate and fix them if necessary. These time limits on certain provisions serve as critical checks on the executive branch. They serve as a reminder that Congress is paying attention and that if the new powers are abused, they will not be renewed. We know from our own history that abuses of law enforcement powers are all too common. We must remember the wiretaps and secret surveillance on leaders in the civil rights and antiwar movements, and we must vow to never let those abuses happen again.

Some of the powers granted to the executive branch in this bill are simply too broad: secret surveillance of library and bookstore records; roving wiretaps; sneak-and-peek searches; and overly broad subpoena power. However, I realize there is little chance of removing the majority of these dangerous provisions from this bill. At the very least, I urge my colleagues to fulfill their responsibilities and vote to sunset all of these provisions again for a short period of time.

Further, since the PATRIOT Act was adopted, Congress has received far too little information about its uses. How can we make these provisions permanent when the Department of Justice, FBI, and other government agencies will not report to Congress or the American people how these provisions are being implemented?

Mr. Speaker, privacy is not a convenient luxury. It is a fundamental right. We need a bill that achieves the appropriate balance between liberty and security, a bill that combats terrorism vigilantly, but that is also consistent with the rights and liberties provided in the Constitution of the United States. In my opinion, this bill is not it. I fear that if this bill becomes law, a part of our tree of liberty will die.

I urge my colleagues to oppose this restrictive rule, and I urge my colleagues to oppose the legislation.

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

In reference to a comment made a little bit earlier, not by the previous speaker but by the distinguished minority whip concerning his concern over the fact that the Sanders amendment was not made in order, I want to point out the bipartisan amendment by the gentleman from California (Mr. SCHIFF) and the gentleman from Arizona (Mr. FLAKE), that is amendment No. 59 that was made in order and that will be debated later on this afternoon, stating that the director of the FBI must personally approve any library or bookstore request for records by the FBI under section 215.

Mr. Speaker, I yield 2 minutes to the gentlewoman from West Virginia (Mrs. CAPITO), my colleague on the Rules Committee.

Mrs. CAPITO. Mr. Speaker, I thank my colleague on the Rules Committee for yielding me this time, and I would like to say this is a good debate not only that we are having right now but that we will have throughout the day on a very important act, that being the USA PATRIOT Act. I rise today in support of the rule and the underlying legislation.

The USA PATRIOT and Terrorism Prevention Reauthorization Act of 2005 provides America with the necessary tools to protect our homeland from terrorist threats while maintaining our cherished freedoms. I would like to say in discussion on what occurred in the Rules Committee, the minority asked that we extend the debate on the PATRIOT Act to 2 hours, and we are going to be seeing that later this afternoon. I think the PATRIOT Act is debated every day in the Halls not only of Congress but workplaces, certainly law enforcement officers; and I think all of us are trying to strike that balance between protecting personal liberties and protecting the homeland. Times have changed.

In this bill that we are about to consider, we will be considering an amendment that I am putting forth. The amendment that I wish to address is extremely timely today, unfortunately, for those living in Great Britain in that it will reform the wrecking trains statute of 1940 to impose greater penalties for those who seek to terrorize individuals on mass transportation, particularly trains. We are seeing this morning the news out of London that another attack has been orchestrated, although I did not see the details of exactly who and what is accountable for that. But it sends shivers down the spine, I think, of every American knowing the pain and suffering that is going on in London as we speak.

It is important in this amendment that I am going to be offering to realize that current legal practices are not punitive enough to be any kind of a deterrent to anybody who is considering a massive or a large attack on trains or mass transportation. So I think we can agree that more stringent penalties would be in order.

I support this rule, I support the debate that we are going to see going forth, and I support the reauthorization of the PATRIOT Act.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from California (Ms. MATSUI), a member of the Rules Committee.

(Ms. MATSUI asked and was given permission to revise and extend her remarks.)

Ms. MATSUI. Mr. Speaker, the PATRIOT Act was passed in October 2001 in response to the horrendous terrorist attacks on our country. Its aim was to give the women and men of our law enforcement community the authority and tools needed to prevent future attacks and save and secure the lives of American citizens.

There is no question, Mr. Speaker, that many of the provisions of the PATRIOT Act have been useful to law enforcement and have helped to prevent terrorist attacks and secure our Nation. But we must also be vigilantly aware that some of the provisions of the PATRIOT Act have the potential to be abused and violate the civil liberties of innocent American citizens, the same citizens it is meant to protect. Congress understood this when it passed the PATRIOT Act and required that 16 provisions of the act be made to sunset, forcing us to revisit them.

I am very proud to be standing here today with the opportunity to debate the fine balance that must be struck between security and civil liberties. The acts of September 11 were not the

only events in our history where our Nation's leaders were asked to strike this balance. During World War II, under the banner of security, the civil liberties of 120,000 Japanese Americans vanished. I clearly know how deeply this affected my parents, both American citizens born and raised in this country.

Mr. Speaker, once again we are in a time of crisis. I implore all of us to proceed with caution. It is this type of bill, one that affects the most cherished rights we have as Americans, that requires constant and vigilant oversight by Congress. That is our duty. The surest way to ensure this oversight is to place sunsets on those provisions of the legislation that can be abused. Unfortunately, this bill places sunsets on only two of the original 16 provisions, making the rest permanent.

I also have concern about what this measure does not address, the ability to secure library records and allow sneak-and-peek searches. These provisions are wrought with great potential for abuse. Mr. Speaker, the civil liberties of the American people are too important and the potential for abuse too great for us not to place sunsets on all of the 16 provisions. Like our Constitution, our liberties are a symbol of America. The freedoms in our country are known throughout the world. What we do today sends a message throughout the world. We here in this body have a sacred responsibility to protect what our Nation stands for. We are certainly responsible for the safety of this Nation, but we are also certainly responsible for shaping the laws that determine what it means to be an American.

Mr. Speaker, all of us agree that we must do all we can to secure and protect the United States, but we must also be mindful of those rights and privileges upon which this great Nation was founded.

Mr. GINGREY. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the distinguished chairman of the Rules Committee.

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

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule and the underlying legislation, the USA PATRIOT Act. I want to thank and congratulate my colleague from Georgia for his fine management of this very important rule. We obviously are at a critical juncture in our Nation's history. September 11 changed the world for all of us here, and it changed the rest of the world. Obviously, what happened 2 weeks ago today in London made a big change for them and what is going on at this moment in London brought about a big change for them. We have made a commitment that, because of the fact that we are in the midst of a global war on terror, we need to do everything within our power to redouble our efforts to ensure that we win that global war on terror.

We passed the PATRIOT Act, Mr. Speaker, 6 weeks after September 11 of 2001. At that time, I was very insistent on the need for sunset provisions. In fact, I remember going at it with our former colleague, now the Director of Central Intelligence, Porter Goss. He was not a strong proponent of sunset provisions at that time. And I said: we are so close to the tragic day of September 11 that it is absolutely essential that we ensure that we are doing the right thing with this legislation. And we are obviously passing it under the immediate shadow of September 11, and so it seems to me that it is the right thing for us to do to sunset the provisions here.

□ 1115

We have gone through this nearly 5-year period, and we have looked for the issue that my colleague the gentlewoman from Sacramento (Ms. MATSUI) raised as the number one priority concern, the civil liberties of the American people.

I consider myself a small ''l'' libertarian Republican. I am very, very committed to the civil liberties of all the American people, and I believe, just as my colleagues have said, that that is at the core of what the United States of America is all about. I believe passionately that protecting our homeland and protecting civil liberties are not mutually exclusive.

The PATRIOT Act that we have before us is a very responsible measure. We do have sunset provisions remaining intact for two very important provisions after 10 years. Some argue that is too long, but we have those maintained. But we have to realize that if we are going to deal with this challenge, uncertainty is something that people in law enforcement cannot live with.

If we had seen failure, if we had seen violations of civil liberties, then I believe that making modifications would be appropriate, but we continue to have report after report saying there are no instances of civil liberties being violated.

Let me make a statement about this rule. This is obviously a very delicate issue. We had 47 amendments that were submitted to us in the Committee on Rules, and I am very proud of the fact that we were able to work with our colleagues addressing concerns that they raised.

The primary committee of jurisdiction here is the Committee on the Judiciary. We all know that. The Permanent Select Committee on Intelligence shares very important jurisdiction as well, and I understand that. I know there was concern that was raised last night in the Committee on Rules on the so-called ''Lone Wolf amendment'' that was addressed, a desire to have it sunsetted by the gentleman from Florida (Mr. HASTINGS). The Committee on Rules chose to comply with the request of the primary committee of jurisdiction, the Committee on the Judiciary, on this issue.

But now having looked at this rule with 47 amendments, nearly half of the amendments that were submitted to us, 11 of the amendments that are made in order under this rule are either amendments offered by Democrats or offered by Democrats and Republicans, bipartisan amendments, and 10 of the amendments that are made in order are offered by Republicans. So I believe that we have got a good balance on a very important critical issue that must be addressed.

I believe that the PATRIOT Act itself is actually looking out for America, it is not looking after Americans. That is something that we need to realize as part of the very important goal here. I believe this measure will go a long way towards protecting our homeland and ensuring the civil liberties of every single American.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. HARMAN), the ranking member of the Permanent Select Committee on Intelligence.

Ms. HARMAN. Mr. Speaker, I thank the ranking member for yielding me time.

Mr. Speaker, as many have said, we are all watching events unfold in London this morning, hoping that this is not another gruesome act of terrorism. If they can strike twice in the heart of London, a city on high alert, then just think what they might try to do in any city in America. That is why we need tough tools here at home to uncover terror cells and disrupt their plans.

The PATRIOT Act modernizes law enforcement's tools to uncover those plots. Most of the act is not objectionable, but it is far from perfect, and there are several key provisions that allow the government to engage in unnecessarily broad searches and surveillance of innocent Americans. That is why I strongly believe we should mend it, not end it.

The Permanent Select Committee on Intelligence tried to mend it, but the Committee on Rules did not make any of our amendments in order. Nine of us offered responsible, common-sense amendments:

To establish the traditional FISA standard for search warrants and trap and trace/pen register authorities, to ensure that the government cannot seize your personal records unless they are related to a foreign power;

To tighten the ability of the FBI to conduct roving wiretaps, to ensure that only terror suspects and their enablers, not innocent Americans, are wiretapped;

To re-sunset the key provisions in the act in another 4 years to assure accountability and effective congressional oversight, and specifically to sunset the Lone Wolf provision, enacted only 8 months ago, in 2010;

Finally, to prohibit the FBI from using the broad FISA powers to get

bookstore or library documentary records, a provision which passed this House last month on a strong bipartisan vote.

Mr. Speaker, the Hastings amendment to sunset the Lone Wolf provision was accepted by the chairman of our committee, the gentleman from Michigan (Mr. HOEKSTRA). He accepted the amendment and it passed on a bipartisan vote. The gentleman from Florida (Mr. HASTINGS) is a valued member of the Committee on Rules, but his own committee stripped out his amendment in the base bill and did not even allow him to offer it on the floor.

This is about intelligence. The Committee on Rules should not be able to block the will of Democrats and Republicans on the Permanent Select Committee on Intelligence to improve the PATRIOT Act.

Mr. Speaker, this rule undermines the will of the House and blocks us from mending and improving critical tools in this era of terror.

Mr. GINGREY. Mr. Speaker, I am proud to yield 2 minutes to the gentleman from Arizona (Mr. FLAKE), who will speak about one of the bipartisan amendments made in order under this rule.

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

Mr. Speaker, I just want to say that I am often critical of this process and have been known to be critical of the Committee on Rules on particular bills that have come through, but I have to say with this process and with the committee on which I sit, the Committee on the Judiciary, we have seen a very transparent, open process. We have had a series of 12 hearings over the past year, and we had a markup that went over 12 hours in which we considered more than 50 amendments, I believe, there.

I was successful, with a few of my Democrat colleagues, in attaching a few amendments at that time. I believe there are four that have my name on it that have been approved for today. A few of them have to do with Section 215.

Mr. Speaker, I am not unsympathetic to the concerns that the gentleman from Vermont (Mr. SANDERS) has. I in fact voted for his amendment on the floor the other day with regard to 215 and library and bookstore searches and sales. I believe that we have addressed it sufficiently in this bill in the amendments that will be offered.

We will offer an amendment later, myself and the gentleman from California (Mr. SCHIFF), that will require the Director of the FBI to actually sign off on any request for documents from a bookstore or library. That will help substantially.

We also have another amendment to 215 we did in committee that clarifies it to make sure you can consult your lawyer, not just to respond to the order, but to challenge it as well. We have various other amendments that have been approved today, national security letters on the so-called delayed notification that have already been approved.

I look forward to this process. I hope my colleagues will support this rule. I know it is a tough job the Committee on Rules has. I have worked, frankly, with a lot more Democrats than I have with Republicans on this issue over the past year. We formed the PATRIOT Act Reform Caucus, and a lot of us have worked very hard on these issues, and I am pleased to say that many of these amendments have been approved and will be offered today.

Mr. Speaker, I would encourage my colleagues to support the rule.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Mississippi (Mr. THOMPSON), the ranking member of the Committee on Homeland Security.

Mr. THOMPSON of Mississippi. Mr. Speaker, I appreciate the gentlewoman from New York yielding me time.

Mr. Speaker, I rise in opposition to this rule. Frederick Douglass once said, ''The life of a nation is secure only while the nation is honest, truthful and virtuous.''

I have heard a lot of comments the last few weeks from folks saying this bill is needed for the war on terrorism. The way they talk about it sounds like our Nation might fall to pieces without it.

As the ranking member on the Committee on Homeland Security and someone who has seen firsthand what our government is and is not doing to keep us safe at home, I am here to set the record straight. The bill today is about eliminating the sunsets of a handful of provisions in the PATRIOT Act and the 9/11 bill. Some of these provisions are untested and we do not know how helpful they are because the President has not provided information. Others, such as the library snooping provision, have never even been used, according to the administration. How good of a terrorism fighting tool is it if it has not been part of our war on terror yet?

I am disappointed that our colleagues on the other side of the aisle refused to allow an amendment offered to extend the sunsets for a few years. Extending them will allow the President to use them, but at the same time hold them accountable for their use. The sunsets are critical in keeping this administration honest and truthful in its efforts to protect our Nation.

Anyway, is the goal here today to protect Americans from terrorism at home? The attack on London 2 weeks ago was a wake-up call, yet the administration did not expand our own Nation's efforts to protect our transit system. The Nation lacks a transportation security plan for protecting its 30 million daily commuters. It was due in Congress 3 months ago. Today London was attacked again.

It is time for the administration to stop hitting the snooze button. Let us give transit security the attention it needs. Let us not confuse the bill today with the real efforts to protect our Nation against terrorism. If we ask Americans, they will prefer Congress to protect subways or buses.

Mr. Speaker, let us get it right. Let us protect Americans at home from real terrorist threats.

Mr. GINGREY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Speaker, in the entire realm of human history there exists periods of time when evil people bent on destroying good, wholesome, wonderful ways of life get enough power to try to do that and to create chaos and to literally try to send us into a dark age. It happens where books are burned and people live in squalor and fear, and it has happened where al Qaeda has gotten a stronghold. We cannot let that happen here.

Now, as a former judge and appellate judge, chief justice, I am very sensitive to the issues of due process, but we are in a war. Going back to the Civil War when Lincoln suspended the writ of habeas corpus, it is in the Constitution, ''The privilege of writ of habeas corpus shall not be suspended unless when in cases of rebellion or invasion the public safety may require it.'' He felt it did. We have not suspended writs of habeas corpus, even though we are in a war for our very existence.

Now, there has been oversight. There will be oversight, because many of us are deeply concerned about our safety and about our liberties.

So when the minority whip says, and he says he chooses his words carefully, and he says that this represents a craven, and I know I may look stupid, but I know what ''craven'' means, he says this represents a craven failure of our oversight responsibilities, then it tells me there might be a craven failure of his recognizing the oversight that we have conducted.

I have been there. There have been 11 hearings and 35 witnesses. We have delved deeply into this. Among Republicans, we have been deeply divided. We have taken each other on.

I wanted sunsets. We have got sunsets on the two most controversial provisions. We do not have to wait 10 years, even though that is what the sunset provision says. We can come back before then. But I am grateful, I am glad for the amendments we were able to inject on providing for an attorney and allowing for appeal under 215.

Anyway, the gentleman across the aisle says if this is approved, part of our tree of liberty will die. I think it is quite clear, if we do not approve this, American people will die. If you do not believe it, go look at the reports, as I have.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY), the head of the Progressive Caucus.

Ms. WOOLSEY. Mr. Speaker, I rise in strong opposition to and utter disgust

with this bill. Just as a bad movie is often followed by an even worse sequel, so it is with the PATRIOT Act.

PATRIOT II does nothing to correct the major flaws in the original legislation. Basic civil liberties continues to be in jeopardy. The bill expands police powers, it continues to authorize invasive violations of our medical records, our library borrowing habits and other private affairs. PATRIOT II restricts freedom, instead of expanding it.

The irony is cruel, Mr. Speaker. In defense of freedom, we are undermining freedom. I believe many of my colleagues voted for the original PATRIOT Act because of the sunset provisions, because they were assured this was a temporary measure for extraordinary times.

□ 1130

Now, all but two of the sunsets have been stripped from the bill, and those two come only after 10 years. So now we know the truth: the PATRIOT Act was never intended as an emergency, post-9/11 action; as a matter of fact, it is not limited to terrorism. It appears now that its authors were always interested in a permanent clampdown on civil liberties.

This bill is constitutional graffiti, Mr. Speaker. Patriotism means affirming and celebrating the values that have made America strong for more than 2 centuries. Legislation that violates several constitutional amendments has no business calling itself the PATRIOT Act.

I urge my colleagues to oppose this restrictive rule and the overall bill.

Mr. GINGREY. Mr. Speaker, I am proud to yield 45 seconds to the gentleman from Florida (Mr. FEENEY), a member of the Committee on the Judiciary.

Mr. FEENEY. Mr. Speaker, I rise to support the rule. I will tell my colleagues that over the last 8 months, we have had between 12 and 13 hearings in the Committee on the Judiciary and some 35 witnesses over an extended period of time; and 50 members of the Committee on the Judiciary have had a chance to not just question those witnesses, but to go back in the secure intelligence records, which I have done, and review all the FISA reports and the other information that is very sensitive and an important part of our oversight.

We have considered some 50 different amendments as part of this extensive hearing process. Today we will be debating all day on the PATRIOT Act and into the evening. We will consider some 20 other proposed amendments.

The fact of the matter is, Congress has done a very diligent job balancing civil liberties during this time of great national threat. We watch and pray for our friends in Britain as we do this, but we do it only after serious and thoughtful consideration.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Speaker, I thank the gentlewoman from New York for yielding me this time.

Mr. Speaker, I rise in strong opposition to this rule and to the underlying legislation. I rise in opposition not just because an important amendment that I offered, along with the gentleman from Michigan (Mr. CONYERS), the gentleman from Texas (Mr. PAUL), the gentleman from New York (Mr. NADLER), the gentleman from New Mexico (Mr. UDALL), and the gentlewoman from California (Ms. ESHOO) was not accepted by the Committee on Rules, but because this very same amendment has already been passed on the floor of this House by a 51-vote margin just a few weeks ago.

On June 15, by a vote of 238–187, this body voted overwhelmingly for the exact same amendment which would stop the FBI and other government agencies from going into our libraries and book stores without probable cause. We voted on that by a 238–187 vote; and now, a few weeks later, this provision is not included in the bill, and the Republican leadership has refused to allow the Members to even vote on it.

This, my friends, is an outrageous abuse of power and denies the majority of Members here the right to put into the bill what they want. There is no excuse for that. If you wanted to speak against it, let it come up, argue against it. But it has passed once; it will likely pass again. But the Republican leadership has not allowed that issue to be debated.

This whole discussion about the USA PATRIOT Act deals with two issues. Number one, every Member of this body is pledged to do everything that he or she can to protect the American people from the horrendous scourge of terrorism, but some of us have more confidence in our law enforcement agencies and the American people than others do. We believe that we can fight terrorism and protect the American people without undermining the basic constitutional rights which make us a free country.

Let all of us remember that in the 1940s innocent Japanese Americans, without any pretext, were herded into internment camps. In the 1960s, a President of the United States had a file on him, President Kennedy, by the FBI. In the 1960s, Martin Luther King, Jr., who some of us consider to be one of the great heroes of the 20th century, was hounded and investigated by the FBI.

The issue today is how do we effectively fight terrorism, but do it in a way which protects the constitutional rights which make us a free country.

I urge a ''no'' vote on the rule.

Mr. GINGREY. Mr. Speaker, I would point out to the gentleman that since his amendment passed on June 15, Great Britain has been attacked twice, so circumstances have changed.

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

Mr. GINGREY. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Speaker, we understand what happened today. Tell me why you will not allow that amendment to come up for a vote, despite the fact that the majority of the Members support it.

Mr. GINGREY. Mr. Speaker, reclaiming my time, I continue to reserve the balance of my time for the purpose of closing.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2½ minutes to the gentleman from Idaho (Mr. OTTER).

Mr. OTTER. Mr. Speaker, I appreciate the leadership that we are getting on this.

This is a very difficult time for me because I have been a Republican all my life, and one of the things that I have fought for more than anything else is fairness. Do I always agree with one side or the other? Not always. My entire political career I have spent trying to just maintain balance.

The interesting thing that was brought up earlier in the debate, as I watched it from my office on this rule, was that the very thing that the PATRIOT Act is supposed to give to this country, that the proponents of it say gives to this country, is being denied on this floor today, and it is being denied because I think people are afraid to be exposed to the truth.

John Stuart Mill one time said, in certain occasions, there are people that are unfit for liberty. Let us not prove to ourselves because of temporary panic or momentary discouragement or in a fit of enthusiasm for an individual, we are suddenly unworthy of our Founding Fathers' efforts in order to provide liberty to the folks first, not from the government, but from our birthright.

So I am embarrassed to be on this side of the aisle from this aspect today. Certainly, I know that there are well-intended people on both sides, and I tried to work out a lot of things on both sides of this aisle on the PATRIOT Act. But I can tell my colleagues that with this rule and the lack of full and complete discussion, we have put a gag rule, the same gag rule that the FBI and the CIA and the NSA or any other government agent can put on the folks at the library or down at your local business and say, I want all of those records, but you are not allowed to use them.

So it is unfortunate that we have come to this. It is unfortunate that we have come to this time at this moment, because we have done so much and we have so many reasons to be proud. But this is a very embarrassing moment when we are afraid to confront the truth and the full and unabashed debate on a subject that is so dear to us as this deserves.

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

Mr. Speaker, I am going to ask for a ''no'' vote on the previous question so that I can amend the rule and allow

the House to consider the Sanders amendment that was rejected in the Committee on Rules last night on a straight party-line vote. I might also add that the extraordinarily important Otter amendment on the egregious sneak-and-peak law was voted down on a 9 to 4 vote last night.

This amendment would exclude booksellers and libraries from the scope of section 215 of the PATRIOT Act, which allows law enforcement to conduct broad searches of the records of bookstores and libraries without demonstrating probable cause, and it forbids libraries and bookstore owners from even telling their patrons that their records have been searched.

Mr. Speaker, an identical version of this amendment was passed in the House a month ago during consideration of the Science, State, Justice, and Commerce Appropriations bill. By a substantial vote of 238 to 187, the Members of this body expressed their support for the provisions of the Sanders amendment. It is clear that the PATRIOT Act's provisions on the search of library and bookstore records are overly broad and undermine our basic constitutional rights. For the sake of civil liberties and the privacy rights of our fellow citizens, this House needs to debate the Sanders amendment.

I want to emphasize that a ''no'' vote will not stop the House from considering the PATRIOT Act reauthorization bill, and it will not block any amendment made in order under this rule. But a ''yes'' vote will block the House from considering the Sanders amendment.

Please vote ''no'' on the previous question.

Mr. Speaker, I ask unanimous consent to print the text of the amendment immediately prior to the vote on the previous question.

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

There was no objection.

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

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

I rise again in support of this rule and in recognition of the importance of the underlying bill.

This debate has clearly demonstrated exactly what is at stake. This House has an opportunity to ensure that law enforcement has the ordinary, but necessary, tools to fight terrorism.

We cannot, Mr. Speaker, and will not return to a situation that binds the hands of our intelligence and law enforcement communities. We cannot and we will not allow an ever-adapting and determined enemy to gain the advantage because our law enforcement did not have the necessary tools.

The USA PATRIOT Act and Terrorism Prevention Reauthorization Act will allow us to continue to make inroads into terrorist cells and operations. The goal has been and will continue to be to prevent another attack.

In 2001, the House joined together in a bipartisan way to pass the USA PATRIOT Act with 357 for, 66 against. This House must come together again to pass H.R. 3199 and continue to fight against those who would seek to destroy us.

The legislative process for this bill has been both thorough and fair. Republicans, Democrats, Department of Justice, the ACLU, and various other organizations have been able to speak freely and openly during the development of this bill.

I believe, Mr. Speaker, the final product is solid and it will serve as an important framework to fight terrorism, protect civil liberties, and, ultimately, strengthen America.

I want to encourage my colleagues to support both the rule and the underlying bill.

Mr. CONYERS. Mr. Speaker, today, I rise in protest of Rules Committee's refusal to make the Sanders library amendment in order.

Just last month, this body passed an amendment that would have barred funds from being spent on the controversial 215 orders against libraries and bookstores. It simply would have protected the reading habits of our own citizens from government snooping.

It passed by a vote of 238–187. I cannot protest enough that we are not debating and voting on this amendment again.

Section 215 allows a secret court to issue secret orders to anyone to turn over anything. It need not even be directed at a suspected terrorist.

Mr. SANDERS and I introduced an amendment that would have exempted library and bookstore reading records from these secret orders. The FBI still would have been able to get a regular warrant for reading records. However, the administration doesn't even want to have to show any criminal activity before it starts digging into our reading records. It wants a free pass, and I will not willingly give it to them.

Consider this: the American Library Association has confirmed that the government, under some authority, has gone to a library, and asked for a list of everyone who checked out a book on Osama bin Laden. Clearly, in the wake of the September 11 attacks, many innocent people are checking out books on Osama bin Laden. And therefore, many innocent people had their right to privacy violated by our own government.

And there may be thousands more. We know that nearly 200 libraries have been contacted by local and Federal officers since 9/11. We must demand that they show some wrong doing on behalf of library patrons before they dive into their personal habits.

Let me also note that we tried to offer an amendment to increase the safety and security of our Nation's ports, rails, and mass transit systems by providing those segments of the transportation industry with the necessary tools and resources to reduce identified risks and vulnerabilities, but were shut down by the majority. The American people deserve these improvements, but the majority party will not even let us vote on the issue. In light of today's bombing incident in London, it is all the more objectionable that the majority would foreclose critical amendments for the Patriot Act reauthorization on the floor.

Mrs. MALONEY. Mr. Speaker, I rise in opposition to this restrictive rule.

I am disappointed that this rule is preventing many of us from even offering amendments that are very important to any discussion of the Patriot Act.

Yesterday I went to the Rules Committee seeking an opportunity to offer two amendments.

One that dealt with the Privacy and Civil Liberties Oversight Board that was created by the Intelligence Reform and Terrorism Prevention Act.

It was the third such time that I, in a bipartisan way with Congressmen SHAYS and TOM UDALL, that we have sought the opportunity to debate this issue, but each time the Committee has not made it in order.

I don't understand why this body refuses to even discuss this issue.

If our amendment was made in order, it would:

1. Give the Board subpoena power. Currently the board needs the permission of the Attorney General to issue a subpoena.

2. Create the Board as an independent agency in the executive branch. Currently the board is in the Executive Office of the President.

3. Require that all 5 members of the Board be confirmed by the Senate. Currently only the Chair and the Vice Chair will be confirmed.

4. Require that no more than 3 members can be from the same political party.

5. Set a term for Board members at 6 years. Currently members will serve at the pleasure of the President.

6. Create the chairman as a full-time member of the Board.

7. Restore the qualifications of Board members that were originally included in the Senate bill.

8. Restore reporting requirements to Congress.

9. Require each executive department or agency with law enforcement or antiterrorism functions—should designate a privacy and civil liberties officer.

The reason why we sought to offer this amendment is because the Civil Liberties board that we have right now does not have the teeth it needs to do its job. In fact, the board that we have right now has never even met and we are still waiting on confirmation of the Chair and the Vice Chair.

As we fight to prevent future terrorist attacks, we must also protect the rights we are fighting for.

The 9/11 Commission got it exactly right when they wrote:

> We must find ways of reconciling security with liberty, since the success of one helps protects the other. . . . If our liberties are curtailed, we lose the values we are struggling to defend.

This is why we need a robust board.

That is why this body at the very least should be allowed to have this discussion.

My other amendments dealt with humanitarian relief that we owe the victims of the attacks of September 11, 2001.

This amendment was also offered in a bipartisan manner with my colleague from New York, PETER KING.

Temporary relief for non-citizens, who were here legally or not, was included in the original Patriot Act.

I could think of no better time than now, during reauthorization of the act that gave many temporary relief, to make this relief permanent.

The Maloney/Peter King amendment, provides adjustment in immigration status to ''an alien lawfully admitted for permanent residence'' and a stay of removal to the surviving spouses and children of individuals who died in the terrorist attacks of September 11, 2001.

To receive this adjusted status, the individual must be either lawfully present or be deemed a beneficiary of the September 11th Victims Compensation Fund.

These families have already suffered once, suffering the loss of a loved-one in the attacks of 9/11, we should not prolong their suffering.

This body should have made this amendment in order. This body should be taking up the important issues that surround this bill.

Instead, we have a restrictive rule.

All we are requesting is an honest debate and unfortunately this rule does not provide this.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to join many of my colleagues in strongly opposing the restrictive rule set forth on H.R. 3199, the ''USA PATRIOT and Terrorism Prevention Reauthorization Act of 2005.'' As you know, in light of the world we live in now, this is a very important piece of legislation. Having such a rule truly goes too far and limits the protections of the American people. There were many important and relevant amendments that were not ruled in order and I believe this could prove to be detrimental in the end. I must also express my dismay with the fact an amendment by my good friend, Mr. CONYERS, was not ruled in order. This amendment, which centers on rail and port security, should have been allowed in. Both rail and port security are areas we as a country need to focus more attention on particularly after what took place in London 2 weeks ago and apparently another incident has taken place this morning.

Let me take a moment to discuss an important amendment of mine that was not ruled in order. My amendment 141, dealing with racial profiling, would have required the Inspector General to appoint an official to produce a report to the House and Senate Judiciary Committees showing a statistical breakdown of the race, nationality, or ethnic background of the subject of orders issued by the Court under Section 107. Every day, across the country, people of color are the victims of racial profiling and law enforcement brutality. Skin color and national origin are seen by some law enforcement agents as a cause for suspicion and a reason to violate people's rights. As a matter of policy and law, this body must use this very clear opportunity to set the record straight with respect to exercising good faith law enforcement practices. This amendment would have made that sentiment a reality.

Before closing, I am pleased to see that my ''Safe Haven'' amendment was ruled in order. This amendment seeks to allow the attachment of property and the enforcement of a judgment against a judgment debtor that has engaged in planning or perpetrating any act of domestic or international terrorism under the ''forfeiture clause'' of 18 U.S.C. 981. The legislation, as drafted, fails to deal with the current limitation on the ability to enforce civil judgments by victims and family members of victims of terrorist offenses. There are several examples of how the current administration has sought to bar victims from satisfying judgments obtained against the Government of Iran, for example. The administration barred the Iran hostages that were held from 1979–1981 from satisfying their judgment against Iran. In 2000, the party filed a suit against Iran under the terrorist State exception to the Foreign Sovereign Immunity Act. While a Federal district court held Iran to be liable, the U.S. Government intervened and argued that the case should be dismissed because Iran had not been designated a terrorist state at the time of the hostage incident and because of the Algiers Accords—that led to the release of the hostages, which required the U.S. to bar the adjudication of suits arising from that incident. As a result, those hostages received no compensation for their suffering.

The text of the amendment previously referred to by Ms. SLAUGHTER is as follows:

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

''SEC. 2. Notwithstanding any other provision of this resolution the amendment specified in section 3 shall be in order as though printed after the amendment numbered 20 in the report of the Committee on Rules if offered by Representative Sanders of Vermont or a designee. That amendment shall be debatable for 60 minutes equally divided and controlled by the proponent and an opponent.

''SEC. 3. The amendment referred to in section 2 is as follows:

At the end of section 8 add the following new subsection:

(e) LIBRARY AND BOOKSELLER RECORDS.—Section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) is amended by adding at the end the following new subsection:

''(g)(1) No application may be made under this section with either the purpose or effect of searching for, or seizing from, a bookseller or library documentary materials (except for records of Internet use) that contain personally identifiable information concerning a patron of a bookseller or library.

''(2) Nothing in this subsection shall be construed as precluding a physical search for documentary materials referred to in paragraph (1) under other provisions of law, including under section 303.

''(3) In this subsection:

''(A) The term 'bookseller' means any person or entity engaged in the sale, rental or delivery of books, journals, magazines or other similar forms of communication in print or digitally.

''(B) The term 'library' has the meaning given that term under section 213(2) of the Library Services and Technology Act (20 U.S.C. 9122(2)) whose services include access to the Internet, books, journals, magazines, newspapers, or other similar forms of communication in print or digitally to patrons for their use, review, examination or circulation.

''(C) The term 'patron' means any purchaser, renter, borrower, user or subscriber of goods or services from a library or bookseller.

''(D) The term 'documentary materials' means any document, tape, or other communication created by a bookseller or library in connection with print or digital dissemination of a book, journal, magazine, newspaper, or other similar form of communication.

''(E) The term 'personally identifiable information' includes information that identifies a person as having used, requested or obtained specific reading materials or services from a bookseller or library.''.

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

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

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

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

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

The Sergeant at Arms will notify absent Members.

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

The vote was taken by electronic device, and there were—yeas 224, nays 197, not voting 12, as follows:

[Roll No. 401]

YEAS—224

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

Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—197

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

NOT VOTING—12

Andrews
Brady (TX)
Brown (SC)
Crowley
Cubin
Gerlach
Hastings (FL)
Hinojosa
Hyde
Ortiz
Pascrell
Rogers (KY)

□ 1205

Mr. SCOTT of Georgia changed his vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. ADERHOLT). The question is on the resolution.

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

RECORDED VOTE

Mr. GINGREY. 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 196, answered ''present'' 3, not voting 10, as follows:

[Roll No. 402]

AYES—224

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

NOES—196

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

ANSWERED ''PRESENT''—3

Otter
Paul
Rohrabacher

NOT VOTING—10

Andrews
Brown (SC)
Crowley
Cubin
Gutierrez
Hastings (FL)
Hinojosa
Hyde
Ortiz
Pascrell

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1217

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.

Mr. ANDREWS. Mr. Speaker, I regret that I missed two votes on July 21, 2005. Had I been present I would have voted ''no'' on rollcalls 401 and 402.

PERSONAL EXPLANTION

Mr. ORTIZ. Mr. Speaker, I was unable to vote during the following rollcall votes. Had I been present I would have voted as indicated below. Rollcall vote No. 401—"no"; rollcall vote No. 402—"no."

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3199.

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

There was no objection.

USA PATRIOT AND TERRORISM PREVENTION REAUTHORIZATION ACT OF 2005

The SPEAKER pro tempore. Pursuant to House Resolution 369 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3199.

The Chair designates the gentleman from Florida (Mr. PUTNAM) as chairman of the Committee of the Whole, and requests the gentleman from Oregon (Mr. WALDEN) to assume the chair temporarily.

□ 1220

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3199) to extend and modify authorities needed to combat terrorism, and for other purposes, with Mr. WALDEN of Oregon (Acting Chairman) in the chair.

The Clerk read the title of the bill.

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

General debate shall not exceed 2 hours, with 1 hour and 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary and 30 minutes equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence.

The gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 45 minutes and the gentleman from Michigan (Mr. HOEKSTRA) and the gentlewoman from California (Ms. HARMAN) each will control 15 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume, and I rise in strong support of H.R. 3199, the USA PATRIOT and Terrorism Prevention Reauthorization Act of 2005.

Mr. Chairman, the attacks of September 11, 2001, tragically affirmed the urgency of updating America's laws to address the clear and present danger presented by international terrorism. On that day, foreign terrorists maliciously and without provocation attacked the United States, murdered thousands of our citizens, and destroyed symbols of our freedom in a failed effort to break the spirit and resolve of the American people.

We must also recall that these terrorists exploited historic divisions between America's law enforcement and intelligence communities that had limited the dissemination of vital and timely information and increased America's vulnerability to terrorist attack.

In the wake of the 9/11 atrocities, broad bipartisan majorities in both Houses of Congress passed the PATRIOT Act that lowered the wall that prohibited our law enforcement and intelligence communities from effectively sharing information, and to enhance investigatory tools necessary to assess, detect, and prevent future terrorist attacks. U.S. law enforcement and intelligence authorities have utilized the expanded information sharing provisions contained in the PATRIOT Act to gain critical knowledge of the attentions of foreign-based terrorists before they occur, while preempting gathering terrorist threats at home.

While the PATRIOT Act and other anti-terrorism initiatives have helped avert additional attacks on our soil, that threat has not receded. Exactly 2 weeks ago, innocent citizens in London were murdered in a series of ruthlessly coordinated attacks. Earlier today, it appears, the London subway system came under renewed attack. Last year, the Madrid bombings brought unprecedented terror to the people of Spain, and ongoing terrorist operations around the globe demonstrate the imperative for continued vigilance.

When the House Committee on the Judiciary reported the PATRIOT Act in October 2001, I pledged to rigorously examine its implementation and the conduct of the war against terrorism. In my words and in my actions as committee Chair, I have maintained this commitment and emphasized the importance of better protecting our citizenry from terrorist attack while, at the same time preserving the values and liberties that distinguish us as Americans. The legislation we consider today reflects this careful balance.

H.R. 3199 is based upon 4 years of comprehensive bipartisan oversight consisting of hearing testimony, Inspector General reports, briefings, and oversight letters. Since April of this year alone, the committee has received testimony from 35 witnesses during 12 hearings on the PATRIOT Act. This extensive hearing and oversight record has demonstrated that the PATRIOT Act has been an effective tool against terrorists and other criminals. Of no less importance, and notwithstanding the vague and general suspicion expressed by some of its detractors, the record shows that there is no evidence whatsoever that the PATRIOT Act has been abused to violate Americans' civil liberties. None whatsoever.

To further allay concerns expressed by some, this bill makes important revisions to section 215 of the PATRIOT Act, which pertains to business records obtained through the Foreign Intelligence Surveillance Act, or FISA. I would note that section 215 is probably the most misunderstood and deliberately misrepresented provision of the PATRIOT Act. H.R. 3199 clarifies that the information likely to be obtained through a FISA warrant must relate to foreign intelligence information not concerning a U.S. person, or must be information pertaining to an ongoing international terrorism investigation or clandestine intelligence activities. The legislation also explicitly clarifies that a section 215 order will issue only ''if the judge finds that the requirements have been met,'' and provides a judicial review process to authorize the court to set aside a section 215 order that has been challenged. Contrary to the unfounded allegations of some, there is no evidence that a single section 215 order has been served on any library since the PATRIOT Act was passed in October of 2001.

The Committee on the Judiciary last week conducted a nearly 12-hour markup of this legislation, at which 43 amendments were offered and debated. The reported version of this legislation extends for 10 years the sunset on sections 206 and 215 of the PATRIOT Act.

Section 206 pertains to roving wiretaps under FISA. This crucial provision updates the law to reflect contemporary communications technology by making a suspected terrorist, rather than a communications device, the proper target of a wiretap. This sunset provision was approved by the committee by an overwhelming bipartisan vote of 26 to 2. However, while the legislation sets expiration dates on certain provisions of the PATRIOT Act, congressional oversight of the entire PATRIOT Act must be perpetual.

Let me conclude with the following point: For too long opponents of the PATRIOT Act have transformed it into a grossly distorted caricature that bears no relationship whatsoever to the legislation itself. The PATRIOT Act has been misused by some as a springboard to launch limitless allegations that are not only unsubstantiated but are false and irresponsible. Our constituents expect and deserve substantive consideration of this vital issue, and I hope that today's debate reflects the bipartisan seriousness that this issue demands.

Mr. Chairman, the security of the American people is the most solemn responsibility of all entrusted to the Congress. Passage of the USA PATRIOT and Terrorism Prevention Reauthorization Act of 2005 is vital to maintaining the post-9/11 law enforcement intelligence reforms that have reduced America's vulnerability to terrorist attack. We must never return to the pre-

9/11 mindset that ignores the painful lessons of that day as well as the tragic experiences of our friends and allies.

I would urge my colleagues on both sides of the aisle to support this vital legislation.

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

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

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

Mr. CONYERS. Ladies and gentlemen of the House, let me say from the outset that every Member of this body wants to make sure that law enforcement officials have the tools they need to protect the American people from terrorism. I also know that all of us want to make sure that we protect our civil liberties and freedoms as we fight terrorists anywhere in the world and in this country as well.

□ 1230

I support the majority of the 166 provisions of the PATRIOT Act. In fact, in the first original PATRIOT Act, I helped write many of them in a version of the bill that passed the Committee on the Judiciary 36–0, but a bill we never saw after it left the Committee on the Judiciary. It was replaced in the middle of the night in the Committee on Rules.

I did it, I wrote the provisions because I believe as technology changes, our laws need to keep up and change as well. I believe our law enforcement officials need to be able to talk with one another and connect the dots to prevent terrorist attacks.

In some sense this is not really about the PATRIOT Act, the debate that is going on here, or even most of the 16 provisions scheduled to sunset this year. It is about four areas that are subject to abuse and need greater checks and balances, and I would like to suggest what they are.

First, the business records, 215, allows the FBI to obtain any record considered relevant to an investigation. This includes library books, medical records, and bookstore purchases. The provision has been difficult to oversee since targets of FBI investigations under the law are not permitted to tell anybody about it, even their lawyer. The Department of Justice and the chairman of the Committee on the Judiciary say that this provision has never been used on libraries and bookstores. However, the American Library Association has reported that more than 200 requests for library records have been made since September 11.

Now, concerning national security letters, the second very serious issue here, which allows the FBI to obtain financial, telephone, Internet and other records relevant to any intelligence investigation without judicial approval. Again, this is for any intelligence investigation, which means it does not even have to deal with terrorism, or even a crime. Like section 215, recipients are forever prevented from telling anyone they received a letter under penalty of law. Thank goodness a New York Federal court struck down this provision as unconstitutional. Shame on an administration that keeps using it anyway.

Third, under section 213, the government can sneak and peek into your business, your office, your car, your home, anywhere, even if there is no emergency. This means the government can break into your home and search it without telling you. It was not in the bill originally reported by the Committee on the Judiciary and was slipped in by the Department of Justice or the administration when the bill was first written a few years back. This provision has been subject to exceedingly widespread abuse. It has been used more than 240 times, and it has been delayed sometimes for over a year before anybody can be told what happened, that they were broken into, they were burglarized, they had things taken out of their home.

Worse yet, only 10 percent of these uses had anything to do with terrorism, which is the whole purpose of the PATRIOT Act.

Finally, it is clear to me that we need to have additional sunsets in this legislation. What is wrong with sunsets? That is why we are here, because the bill is being sunsetted in more than a dozen ways. If we have learned anything over the last 4 years, the only thing that makes the administration give us any information on oversight on the use of these new powers was the sunset provision.

We have also learned of abuses during our oversight that has led to us making modifications. Given this history, it simply makes no sense to make these provisions permanent or near permanent. And 10 years is not a sunset; 10 years is semi-permanent.

The lessons of September 11 and London, and even today in London, are that if we allow law enforcement to do their work free of political interference, give them adequate resources and modern technologies, we can protect our citizens without intruding on our liberties.

We all fight terrorism, but we need to fight it the right way consistent with our Constitution and in a manner that serves as a model for the rest of the world. I believe that the committee-passed legislation that is on the floor right now does not meet that test. As such, it does not warrant passage until it is corrected.

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

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I strongly support the USA PATRIOT Act of 2005. The continued threat of a terrorist attack in the United States and this month's terrorist attacks in London remind us of the need to prevent, investigate, and prosecute all terrorist acts.

The PATRIOT Act was a long-overdue measure that enhanced our ability to collect crucial intelligence information on the global terrorist network. It passed by a margin of 98–1 in the Senate and by a margin of 357–66 in the House.

Even the American Civil Liberties Union last April said, ''Most of the voluminous PATRIOT Act is actually unobjectionable from a civil liberties point of view. The law makes important changes that give law enforcement agents the tools they need to protect against terrorist attacks.''

Many of the tools of the act provided to law enforcement officials have been used for decades to fight organized crime and drug dealers. They have been reviewed and approved by the courts and found constitutional. For instance, prior to the PATRIOT Act, the FBI could get a wiretap to investigate the Mafia, but they could not get one to investigate terrorists. Well, what is good for the Mob should be good for terrorists.

America is a safer country today than before September 11 because of the PATRIOT Act. Giving the Department of Justice, the Central Intelligence Agency, and the FBI information-sharing powers enabled law enforcement officials to disrupt terrorist cells in New York, Oregon, Florida, and Virginia. Since September 11, 2001, over 200 people charged with crimes stemming from international terrorist investigations have been convicted or have pled guilty. The PATRIOT Act helped also investigate and apprehend an individual who in Texas threatened to attack a mosque.

Mr. Chairman, our success in preventing another attack on the American homeland would have been much less likely without the PATRIOT Act. Law enforcement and intelligence agencies must continue to have the powers they need to protect all Americans.

Mr. CONYERS. Mr. Chairman, I yield 4½ minutes to the gentleman from Virginia (Mr. BOUCHER), a distinguished member of the Committee on the Judiciary.

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

Mr. BOUCHER. Mr. Chairman, I thank the gentleman for yielding me this time and commend him on his previous eloquent statement.

I rise this afternoon in opposition to this measure which would perpetuate the invasions of civil liberties that are embedded within the 4-year-old PATRIOT Act. I have deep concerns about many provisions of the original law, such as the use of the appropriately named sneak-and-peek warrants that allow secret searches of homes with delayed notification to the homeowner that a search has occurred. The secret search can be in almost any kind of investigation, and the notification to the

person whose premises are searched can be delayed almost indefinitely.

But I am going to focus my remarks this afternoon on the two provisions of the original law which I think cause the deepest civil liberties invasion and which the measure before us does not, in my opinion, appropriately reform.

In my view, the single most troubling provision confers on law enforcement the ability to use so-called national security letters. No prior review by a court is required. The FBI can issue a national security letter and then demand records from a business or from another record custodian. There is no requirement that the object of the search be an agent of a foreign power. The only requirement is that the seizure be relevant to a terrorism investigation, but there is no procedure by which a court would make that finding of relevance before the seizure occurs. Frankly, there is no meaningful way through the use of this provision to ensure that privacy and fundamental civil liberties are protected. It is the unilateral ability of law enforcement to issue these letters and seize records without prior court review that I find to be the most troubling.

I would note that one Federal court has found the section 505 national security letter provisions to be an abridgement of both the first and the fourth amendments to the U.S. Constitution. The bill before us does nothing to address this egregious provision or limit its use in any way.

Secondly, I strongly oppose the PATRIOT Act's grant to law enforcement of the ability to go to the Foreign Intelligence Surveillance Court and obtain an order permitting the seizure of library, bookstore, bank, or medical records of a person who is not even the subject of an investigation. Moreover, the library or other institution is barred from telling its customer that his records have been seized. All law enforcement has to do is say to the court that there is a reasonable expectation that foreign intelligence about a non-U.S. person will be obtained or that the information is relevant to an ongoing investigation and the records can be seized. Virtually anyone could have their records seized. You could be sitting in a concert near someone who is a suspected foreign agent, and potentially your records could be seized. You would never learn that seizure has occurred.

While the custodian of the records could challenge the seizure, the library, the hospital, the bookstore, or the bank in possession of those records has a lot less incentive to spend resources hiring a lawyer in order to resist the seizure than would the person whose records are about to be seized; but that person, the real party of interest, never knows that the seizure is about to occur.

The House recently voted by a margin of 238–187 to bar enforcement of this overly broad provision, but the bill before us with minor changes perpetuates it and, I think, in an inappropriate way.

Mr. Chairman, there is no need to short-circuit our normal processes that are designed to protect privacy and protect civil liberties. Law enforcement could go before a court and present evidence of probable cause that a crime has been committed, and by that showing obtain the records that it needs in both of these situations. These powers conferred by the original PATRIOT Act under sections 505 and 515 are designed primarily for the convenience of law enforcement, but mere convenience should not be a reason for a deep abridgement of privacy and individual rights.

The protection of our freedoms does not require surrender of our long-held civil liberties. For these reasons, I oppose the measure before us, and I urge others to do so.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself 1 minute.

The gentleman from Virginia (Mr. BOUCHER) is sincere in his opposition to this bill, and I respect that. However, neither the national security letter scheme nor the delayed notification scheme were authorized for the first time by the PATRIOT Act. That was legislation that was in place prior to October 2001 when the original PATRIOT Act was passed and signed into law by the President.

What the PATRIOT Act did in both national security letters as well as in delayed notification warrants was simply to extend to anti-terrorism investigations authorities that already existed and up until that time had been found constitutional in investigations such as Mafia investigations, racketeering investigations, and drug-trafficking investigations.

□ 1245

So these complaints were not caused by the PATRIOT Act. They were caused by existing legislation, and we should deal with that, not in the context of this bill but elsewhere.

Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. Mr. Chairman, I thank the gentleman from Wisconsin for yielding me this time.

Mr. Chairman, I will reiterate what has been previously said this date about the PATRIOT Act, and I do so for emphasis.

The first point I want to emphasize is the assurance that the House Committee on the Judiciary and the Crime, Terrorism, and Homeland Security Subcommittee did not give the PATRIOT Act a mere wink and a nod. We, in fact, hosted 12 public hearings; three before the full committee, nine before our subcommittee. It was exhaustive, it was deliberate, it was thorough. So this matter was not accelerated and rushed through by any means, as some people seem to believe.

I mentioned during the rule debate earlier, Mr. Chairman, about a constituent of mine who complained about the PATRIOT Act but he had no specifics. He said he had heard it was bad, but he could give me no specifics where in any way civil liberties had been compromised or abused.

There has been some talk about sunsetting provisions of the act; 216 and 206 will, in fact, be sunsetted. But in these two instances, Mr. Chairman, there was no evidence of abuse or any violation at all, but these two were sunsetted because, among the other sections in the act, these two seemed to attract most of the controversy. So these are the two that stood out controversially but, I reiterate, still no evidence of abuse.

I think we in the Committee on the Judiciary have done a thorough job of exhausting and deliberating a very, very important act, and I believe that one reason why we have not been attacked subsequently from 9/11 is because of the presence of the PATRIOT Act. We expanded the provisions under which law enforcement and public safety officers must operate and must stay within, and as a result we are better for it.

Mr. CONYERS. Mr. Chairman, I yield 4 minutes to the gentleman from New York (Mr. NADLER), who has headed the Constitution Subcommittee.

Mr. NADLER. Mr. Chairman, war has been declared on this country by the Islamic terrorists, and we must protect the citizens of this country. The PATRIOT Act was an attempt in some respects to do this.

But before commenting on the specifics of the PATRIOT Act, I would be derelict if I did not mention that the majority party in this House and the Bush administration have really been derelict by not dealing more directly with the threats that we face. The biggest threats we face are sabotage, bombings in our mass transit systems, sabotage of our chemical farms, our nuclear plants that could kill thousands of people, yet we do not see funds to deal with this.

It is easy to be demagogic. The Bush administration does not want to throw money at the problem; they want to throw rhetoric at the problem. So we have the PATRIOT Act. I wish we had real measures to protect our mass transit systems, to protect our vulnerable infrastructure, to protect us against what happened in London again this morning.

The PATRIOT Act was an attempt to do several things, some of which were very necessary. Breaking down the wall between intelligence and police information was very necessary and was in the PATRIOT Act and is not before us today because most of the PATRIOT Act is not before us today. Most of the PATRIOT Act is permanentized. It is permanent law. But when we are expanding police powers and when we are expanding surveillance powers, the power of government to pry into the private affairs, the books, the records, the medical histories of individual citizens, sometimes it may be necessary

for security to do so. But it endangers liberty, and that has to be balanced. We should always be nervous about expanding police and surveillance powers, and that is one of the greatest weaknesses of this bill.

We were only able to pass the PATRIOT Act 4 years ago because most, not all but most of the sections of the PATRIOT Act that expanded the powers of the police to pry into the privacy of ordinary Americans, to go into their home, into their papers, into their Internet records, their telephone records, their bank records, were sunsetted.

So what? What is the point of sunsetting? It means that every 4 years at least Congress has to look at that again, has to revisit it, has to have oversight and determine whether those powers are being abused. Mr. SENSENBRENNER says they are not being abused. He knows. The Justice Department said so. They said, We are not abusing it. Glad to hear it. But every 4 years we should have to look into it and ask are these powers being abused? Should it be fine tuned? Should they be narrowed? Have we made the right balance between security and liberty?

This bill eliminates those sunsets, except for two, which it makes 10-year sunsets.

We have had 4 years since the PATRIOT Act was enacted. We did not do any oversight in this House until 6 months ago. Why? Because of the sunset. If it had not been for the sunsetting, we would not have had the oversight. We must have that oversight and we should have had all of these things sunsetted, continued another 4 years, another 4 years.

Secondly, Members have heard about section 215. The powers granted in section 215 of the PATRIOT Act, which is hardly modified by this bill, to look into anybody's library and medical records in secret and not tell anybody that they have done so, not tell the person whose records are pried into is a very disturbing invasion of liberty, and amendments to limit it were not made in order. Section 505 of the bill, which enables any FBI agent, any FBI field office director, to issue a national security letter to let them go and see their Internet records, their phone records, and so forth without even going to a judge and telling them it is relevant to a national security investigation is wrong, and it was declared unconstitutional by a federal court. The amendments to make this constitutional, to say that they have to at least allow for judicial review and to sunset the gag order were not made in order.

The CHAIRMAN. The gentleman's time has expired.

Mr. NADLER. This should be defeated for those reasons because it is not a proper balance between security and liberty.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Members are reminded to heed the gavel.

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I thank the gentleman for yielding me this time.

This is an important day for us today, not just because of the explosions that have taken place in London today or those that took place several weeks ago, but rather because of 9/11 and our response to that wake-up call of the war on terrorism.

The Preamble to the United States Constitution posits that both the provision for the common defense and the need to secure the blessings of liberty are central to the constitutional order.

Freedom presumes security. The converse is equally true. In the delicate balance of these important interests. Our concern for liberty must not discount the consequences of a failure to keep Americans secure from another terrorist attack. While it is important to avoid hyperbole on such a serious matter, the very nature of American life and the traditional regard for liberty could itself be threatened. It is, therefore, imperative that principles that we take an oath to uphold not be reduced to empty platitudes. Rather, they must be applied to the facts which confront us in the war on terrorism.

The 12 oversight hearings conducted by the Committee on the Judiciary produced no evidence of abuse relating to the act itself. I hope other Members have taken the time to go to the Permanent Select Committee on Intelligence, as I have, to review the documents that are filed pursuant to the PATRIOT Act by the Justice Department, to see for themselves whether or not they have found any evidence of abuse. I did that. Those are available to any Member who wants to go over there as long as they make arrangements. And I keep hearing time and time again that, even though the Justice Department has not found any abuses, they are out there. It reminds me of those people who used to find communists under every bed: We know they are out there, we know they are there somewhere.

And I have heard on the floor people reciting: Well, the IG for the Justice Department has not found them, we have not found them, but we know they are there. Certainly our debate should be above that.

The provisions contained in the chairman's bill and the amendments adopted by the Committee on the Judiciary provide additional protections against any possible abuse in the future. The sunset of section 206 dealing with roving wiretaps and section 215, which has been referred to, was adopted by the full committee. The bill specifically requires that the government meet a relevant standard when applying for a court order for records of U.S. citizens under 215. Remember, it is an application to a court for an order. We have put in the statute the relevant standard, which was the practice we were told, but people wanted more. We have put that in there.

The chairman's bill, coupled with an amendment adopted by the full committee, explicitly provides that the subject of a court order under section 215 would have the right to consult with an attorney with respect to the order. The amendment at committee clarified that a recipient of such an order could disclose this information not only to comply with the order but to challenge it.

On these and other parts of this bill, we have done the work in the committee to deal with the problems that have been suggested.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, to the gentleman from California (Mr. DANIEL E. LUNGREN), I am preparing a list of 10 instances of where there have been abuses that have been reported.

ABUSES OF THE USA PATRIOT ACT

(Prepared by the House Judiciary Democratic Staff)

While some have suggested that no abuses have occurred under the USA PATRIOT Act, the simple truth is that it appears that abuses have indeed occurred. The following are examples:

SECTION 215, SEIZURE OF RECORDS OR ''ANY TANGIBLE THING''

Since 9/11, the American Library Association found that libraries have received over 200 formal and informal requests for materials, including 49 requests from federal officers.

SECTION 218, COORDINATING CRIMINAL AND INTELLIGENCE INVESTIGATIONS

Abuse in the Brandon Mayfield case: The FBI used Section 218 to secretly break into his house, download the contents of four computer drives, take DNA evidence and take 355 digital photographs. Though the FBI admits Mr. Mayfield is innocent, they still will not divulge the secret court order to him, or allow him to defend himself in court. It is unclear how the search was for any reason but to find evidence incriminating Mr. Mayfield.

SECTION 805, MATERIAL SUPPORT FOR TERRORISM

Section 805 has been found UNCONSTITUTIONAL by three separate courts. The 9th Circuit found the provision prohibiting ''personnel'' and ''training'' was overly vague. The Central California District Court found the provisions prohibiting ''expert advice and assistance'' was overly vague. A New York District Court found the provisions prohibiting ''personnel'' and acting as a ''quasi-employee'' overly vague. In each instance, the courts found COMPLETELY LEGAL ACTIVITIES would violate Section 805.

Abuse in Lynne Stewart case: A District Court threw out charges of materials support against Lynne Stewart, holding that the law makes ANY action by a lawyer in support of an alleged foreign terrorist client illegal, including providing legal advice.

Abuse in Sami Al-Hussayen case: A federal jury in Idaho acquitted University of Idaho graduate student Al-Hussayen on all charges of providing material support for a terrorist organization by running a website for the Islamic Assembly of North America. Importantly, this group is NOT on the list of foreign terrorist organizations, and the links

posted by Al-Hussayen were available on the GOVERNMENT'S own website.

SECTION 213, ''SNEAK AND PEEK'' SEARCHES

In a July 5, 2005 letter to Rep. Bobby Scott, DOJ said Section 213 had been used 153 times as of 1/31/2005; ONLY EIGHTEEN (11.8%) uses involved terrorism investigations. Thus, ALMOST 90% of ''sneak and peek'' warrants were used in ordinary criminal investigations: 97 warrants were used in drug investigations and 38 were used in other criminal investigations.

Abuse of delays: In April 2005, DOJ said 90-day delays are common, and that delays in notification have lasted for as long as 180 days. In May 2003, DOJ said its longest delay was 90 days.

Abuse of delays for ''unspecified times'': Delays may be sought for an unspecified duration, including until the end of the investigation. In one such case, the delay lasted 406 DAYS.

Abuse of delay extensions: In May 2003, DOJ reported it had asked for 248 delay notification extensions, including multiple extension requests for a single warrant, and that the courts had granted EVERY SINGLE REQUEST.

Abuse of ''catch-all provision'': In an April 4, 2005 letter to Chairman Sensenbrenner, DOJ reports 92 out of 108 (85%) sneak and peek warrants were justified because notification would ''seriously jeopardize the investigation'' and in 28 instances that was the sole ground for delaying notice.

SECTION 505, NATIONAL SECURITY LETTERS

Section 505 has been found UNCONSTITUTIONAL. The Southern District of New York held Section 505 violated the 1st and 4th Amendments. Section 505 places a prior restraint on free speech with its gag order, and it prevents due process by barring the recipient's access to the courts. Specifically, an Internet Service Provider was unconstitutionally coerced to divulge information about e-mail activity and web surfing on its system, and the ISP was then gagged from disclosing this abuse to the public.

SECTION 411, REVOCATION OF VISAS

Abuse in Tariq Ramadan case: Professor Ramadan's visa to teach at Notre Dame was revoked upon charges that he supported terrorism; Notre Dame, Scotland Yard, and Swiss intelligence all agree the charges were groundless.

Abuse in Dora Maria Tellez case: Nicaraguan Professor Tellez was denied her visa to teach at Harvard due to her association with the Sandinistas in the 1980s, where she helped to overthrow a brutal dictator whom the U.S. supported.

PROTECTION MASS TRANSIT

Oddly, New York law enforcement has begun using the provision of the PATRIOT Act that protects against attacks on mass transit to forcefully kick homeless persons out of the New York train stations.

Mr. CONYERS. Mr. Chairman, I yield 4 minutes to the gentleman from Virginia (Mr. SCOTT), a subcommittee ranking member.

Mr. SCOTT of Virginia. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, we live in a democracy where we respect checks and balances. The PATRIOT Act is part of a pattern of lacking checks and balances. Military tribunals, not part of the PATRIOT Act but part of a pattern of reduced checks and balances. Military tribunals were presented with no public trials, no presumption of innocence, no guilt beyond a reasonable doubt. Secret evidence could be used, no judicial review.

Part of that pattern is the enemy combatant where the administration designates someone as an enemy combatant, can arrest them and hold them indefinitely without charges, never having an opportunity to contest the allegations.

We have seen material witnesses, people arrested under the material witness laws, held indefinitely, no charges.

That is the context that we are considering the PATRIOT Act. Those are not in the PATRIOT Act, but we are considering the PATRIOT Act in that context.

We considered a bill on the same day of the second bombing in Great Britain with no money for port security, no money to secure our rails or bus transportation, no money for first responders.

Mr. Chairman, I oppose this bill, frankly not so much for what is in the bill but for what is not in the bill, what we are not going to do today. We can have plenty of privacy without threatening security, and we missed an opportunity to require standards for wiretaps and ''sneak and peak'' searches. We missed an opportunity to require probable cause of a crime before invading people's privacy. We missed the opportunity to limit these provisions and extraordinary powers to terrorism.

Ninety percent of the ''sneak and peak'' searches have nothing to do with terrorism. Remember that when the government invades one's privacy, it is not robots and computers; it is government employees who may be neighbors looking at one's medical records, listening to their private conversations, sneaking and peaking into their homes without their knowledge or consent. The PATRIOT Act gives broad expansive powers to government agents to invade privacy.

The major check on any abuse in the act has been the sunset provisions. Provisions will expire if they are abused. During our deliberations, we got a lot of cooperation on those provisions that are sunsetting. When asked information on those, we got the information. Some of it came in right before the hearing, but because of the sunset we got a lot of cooperation. Because of the sunset we found no abuses in the libraries. That is because of the sunset. Although government agencies have gone to at least 200 libraries for information, that has not been abused because they know if they abused it they would lose the benefit of that provision.

□ 1300

Medical records have not been abused. There has not been any unnecessary sharing of sensitive information of a personal nature. We have not run criminal investigations without probable cause using the provisions of the PATRIOT Act. They could have, because of the broad discretion in the bill, but they did not, because of the sunset.

Without the sunset provision, the abuse could take place. Fourteen of the 16 sunset provisions are removed, and the two that are left, 10-year sunsets, which will get us through this administration, clean through the next Presidential term and most of the way through the next.

Mr. Chairman, we need to defeat this bill, go back to the Committee on the Judiciary and establish a much better piece of legislation that will protect our privacy and ensure our safety.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. FEENEY).

Mr. FEENEY. Mr. Chairman, I thank the distinguished chairman for yielding me time.

Mr. Chairman, I note that since the 9/11 attacks, in part we all know due to the PATRIOT Act, there have been no new attacks on America. I also think Americans ought to know there is a bookstore in London, in the Leeds section, called the Iqra Bookstore; and among the books that Iqra Learning Center sells are extremist Muslim materials. We now believe that three out of four of the terrorists that attacked London 2 weeks ago and killed 56 people visited frequently this bookstore. If the British authorities had known about the possible link and had a 215 clause, the main clause being attacked by the opponents of the PATRIOT Act, perhaps there would be 56 people alive today.

So all the scare tactics can be done away with, all the hysterical allegations. Every American needs to know that this 215, which has been referred to as the library provision, nowhere mentions libraries. But what 215 does do is say a Federal judge must make findings before any warrant would ever be issued. This can only affect non-Americans in the first place, or Americans would only be affected if there is an ongoing terrorism or intelligence investigation.

Mr. Chairman, every American needs to know that unless there is an ongoing terror or intelligence investigation, unless a judge makes a decision, no American can ever be affected.

To the extent that we want to create safe harbors, either in bookstores or libraries or anywhere else by eliminating 215, we ought to be candid with Americans. We ought to be candid about the fact that we expect and are going to sit back as London-type bombings take place on our subways and bus systems.

We may not be able to prevent the next attack, but as long as Americans' liberties are protected by a judge ahead of time, as long as this is a reasonable provision affecting only non-Americans or during an intelligence or ongoing terrorism investigation, it is absolutely appropriate. I would not be doing my duty as a Congressman to not fight for 215 to be reenacted. We have added some protections. Everybody

who receives one of these warrants is guaranteed to see a lawyer, and, if they want to, challenge the warrant.

Mr. CONYERS. Mr. Chairman, I yield 4 minutes to the gentlewoman from California (Ms. ZOE LOFGREN), a distinguished member of the Committee on the Judiciary.

Ms. ZOE LOFGREN of California. Mr. Chairman, after 9/11, I worked on the drafting of the PATRIOT Act in the committee and in the weekend drafting session, and I voted for the act on the floor. I think it is important to know that most of what is in the PATRIOT Act is not actually before us today. It is only the 16 provisions that are so-called sunsetted, which means that we need to review them and renew them, that are actually before the House today.

First and foremost, as the Justice Department said in their letter to me today, the most important thing in the PATRIOT Act is to help remove the legal barriers that prevented law enforcement and intelligence officers from sharing information so they could, so-called, ''connect the dots.'' That is important. There are other important things in the act.

I think it is worth noting that there are some things that disturb Americans that are happening in the United States relative to the arrest of American citizens and the holding of American citizens without charge, without access to counsel; but they have nothing whatsoever to do with the PATRIOT Act. They are not in the PATRIOT Act, no matter how concerned we might be about them.

I believe, however, that even though there are important components to the PATRIOT Act, there are some things that deserve more attention and more fine-tuning than they have received in this bill.

For example, section 505 of the act grants law enforcement the authority to issue national security letters, which are essentially administrative subpoenas, for all sorts of personal records about anyone without judicial oversight. These records include telephone and Internet records, financial documents and consumer records.

In addition, we enhanced this section in subsequent legislation to ensure that even more records could be subpoenaed from travel agencies, pawn brokers, casinos, car dealers and more; but all of this is without oversight of a court.

Prior to the act, national security letters could only be used to get records when there was reason to believe that the subject of the record was an agent of a foreign power. Not only did the PATRIOT Act remove the requirement that the subject of the record is a foreign power; it lowered the standard by which those records could be obtained to the relevancy standard.

We have not had meaningful oversight, in my opinion, on this provision of the act. Assuming that law enforcement does need the ability to get some of these records, and I do not dispute that, we do need to have some standards in place. As has been mentioned by the gentleman from Virginia (Mr. BOUCHER), one court has already struck down this section of the act as violative of the Constitution.

We know from our inquiry to the Justice Department that this provision has been used hundreds of times. We got six pages back of redacted records, but we really do not know the full impact; and we need to know more than we do today before we allow this sweeping tool to be renewed.

I also want to mention section 215 of the act. I believe that it may be important to obtain certain records, as has been outlined. But, again, we need to have a standard that is beyond relevancy.

So the question here really is about balance. We need to prevent terrorism, we all agree on that; but we also need to protect and defend the Constitution that has served us so well. So I would urge that we have the oversight that we will need by having some sunsets, and particularly taking a look at the national security letter. We do not need to violate our Constitution to keep our country safe.

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. PENCE).

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

Mr. PENCE. Mr. Chairman, I thank the distinguished chairman for yielding me time, and especially I rise to thank the gentleman from Wisconsin (Chairman SENSENBRENNER) for his tireless efforts on behalf of the security and the liberty of the American people in developing this reauthorizing legislation.

Today in London we have seen yet again the work of terrorists on the soil of a freedom-loving people. The explosions in that city today, while less lethal than a few weeks ago, follow the deadly attacks that took place on July 7, and the anguish in London is a vivid reminder of why we cannot relent in taking the steps necessary to defend our homeland from a present terrorist threat.

We all lived through September 11. I was here at the Capitol that day. I saw the evil of our enemies written in the smoke rising above the Pentagon. And we are reminded yet today that their desire to do such violence in our homeland and in the homeland of our allies is real.

The PATRIOT Act is essential to our continued success in the war on terror here at home. In the last 4 years under the PATRIOT Act, we have seen a great increase in the ability of law enforcement officials to investigate and track terrorists. For example, aided by provisions of the PATRIOT Act, law enforcement officials in Ohio were able to arrest Iyman Faris, an Ohio truck driver who authorities said plotted attacks on the Brooklyn Bridge and a central Ohio shopping mall. In 2003, he pleaded guilty to charges of aiding and abetting terrorism and conspiracy, acknowledging that he had met with Osama bin Laden in the year 2000 at an al Qaeda training camp and then was provided assistance by al Qaeda. He is currently serving a 20-year prison sentence.

While 16 provisions of the PATRIOT Act are set to expire at the end of this year, the threat of terrorism to our families and our cities will not. Therefore, the USA PATRIOT and Terrorism Prevention Reauthorization Act of 2005 is as necessary today as the PATRIOT Act was when it was originally signed into law in October of 2001.

This reauthorization legislation does make permanent 14 of the 16 sections from the original PATRIOT Act that were set to expire this year. But under the bill, those sections of the act that have caused the greatest concern in the hearts of many millions of Americans are set to sunset, sections 206 and 215, within 10 years, thanks to the leadership of this committee and of this Congress.

The concerns that have been raised about abuses simply have not been borne out. With over 4 years of oversight hearings and six Department of Justice Inspector General reports, there is no evidence of abuse under the PATRIOT Act.

I know what the people of London are feeling today. I felt it that day, September 11, and my heart and my prayers go out to them. I am absolutely convinced that what we have done in this country in a bipartisan way has contributed mightily to the fact that there has not been another major terrorist event in our Nation since that awful day.

The PATRIOT Act and the elements which we will reauthorize today are central to the ongoing victory in the war on terror, and I urge its adoption.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 4 minutes to the gentleman from California (Mr. BERMAN), a senior member of the Committee on the Judiciary.

Mr. BERMAN. Mr. Chairman, I thank our wonderful ranking member for yielding me this time.

Mr. Chairman, I voted for the PATRIOT Act in 2001. I abstained in the Committee on the Judiciary this year because I was hoping that some of my concerns could be addressed through a rule that would allow some of these issues to be brought to the floor. But I am very disappointed to say that the rule that was adopted for this very important bill is designed to look like it is fair, because it allows a number of amendments, but those amendments are either so sweeping that they will never get anywhere near and should not get a majority of the House to vote for them, or they tinker on the edges of some critical issues.

There are, to my way of thinking, two critical things that need to be

done; and this rule does not allow them to be done. One is addressing the issue of sunsets.

The chairman bemoans the fact that out in the Nation so many people have such a misunderstanding of what the PATRIOT Act does or does not do. He may feel it is because of the bad motives of the people who talk about it. I would suggest it comes from this fundamental conflict between our desire for enhanced security and our love and commitment for continued liberty.

So people read about detentions of people without being indicted or without any deportation proceedings against them and wonder what is going on; and he is right, many of the things we have read about have nothing whatsoever to do with the PATRIOT Act. But part of the reason why the chairman can say we had such rigorous oversight, 10 hearings on this subject, continued letters from the chair and the ranking member pushing for information from the Justice Department, is because of the sunsets.

The failure of the rule to make the sunsets in order is a tremendous failure, not that all of them need to be reenacted, but on key sections at a time that is relevant for what the American people want, which is within the next 4 or 5 years there should be a chance to have those provisions sunsetted.

I want to get to just as fundamental an issue, to my way of thinking and that is the issue of the standards for secret orders from FISA courts that allow our law enforcement agencies to pursue terrorist investigations and break up terrorist cells.

Prior to the PATRIOT Act, and even under the SAFE Act, we have a standard which does not give law enforcement enough tools to gather the information through a carefully developed investigation to find out who the future terrorists are, who the people who might be planning terrorist attacks are.

Under the existing law, you have much too broad a standard. You are allowing orders that are not based on criminal information to be issued by FISA courts, required to be issued by FISA courts, allowing any kind of tangible records to be seized, whether or not they are pertaining to a specific person, if it is connected with, or, in the case of the base bill here, relevant to a terrorist investigation.

□ 1315

An amendment that the gentleman from Massachusetts (Mr. DELAHUNT) and the gentlewoman from California (Ms. HARMAN) and I proposed the Committee on Rules did not allow to come into the rule which would have provided the proper balance. It would have dealt with the limitations that are imposed on law enforcement by too restrictive a standard and, at the same time, clarify that even if it has not yet been misused, it is wrong to provide such a broad standard that records can be swept up that have no connection whatsoever with any relevant target of any terrorist investigation.

The Senate Committee on the Judiciary this morning unanimously passed the standard that we see on this chart. The standard says, if the target of the FISA order or the national security letter is an agent of a foreign power or is in contact with or known to an agent of a foreign power, a definition which deals with all the hypotheticals provided by my friend, the gentleman from California (Mr. DANIEL E. LUNGREN), in criticizing the SAFE Act and pre-PATRIOT Act standard, it provides every hypothetical created that I have heard about with the ability to be pursued under FISA orders. Why were we not allowed to vote on this? Why would the Senate Committee on the Judiciary unanimously pass that sensible correction in the PATRIOT Act and this body not be even allowed to debate and vote on it?

For these reasons, I am going to be forced to vote ''no'' on this bill for the lack of opportunity to sunset key provisions like the lone-wolf provision, like the issue of national security letters to provide a forcing mechanism for oversight and for our failure to deal with the overly broad standard in the existing law and in the base bill. I hope when it comes back from the conference committee, that we will have a more balanced product that I will be able to support.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I sit here and listen to this debate, and I have been through a number of the 12-or-so hearings that we have had in the Committee on the Judiciary on the PATRIOT Act; and I want to compliment this Congress, this bipartisan Congress, that met almost with a sense of urgency and almost a sense of emergency to write this PATRIOT Act just 3-plus years ago.

And throughout all of those hearings, we needed to put security in place, we needed to be able to access information. One of the standards was, why can we not access information in an international terrorist investigation as we can in a criminal investigation? We set higher standards here in this Congress rather than lower standards and, still, the debate comes back.

But I am astonished and amazed and pleased and in admiration by the work done by this Congress to put this language in this PATRIOT Act that has withstood all legitimate criticism. It has protected people's rights. There is not a name of an individual who had their rights violated by the PATRIOT Act. We have had the hearings, and we have had serious deliberation. I hope we have a serious consideration of these amendments and final passage of a very good PATRIOT Act.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I hope we can characterize this debate in the manner that it should be, particularly as we rise in the backdrop of the tragedy of London, England.

Might I say that even though we would have preferred, many of us as Democrats, a lengthier time for debate in committee, I want to thank the gentleman from Michigan (Mr. CONYERS) and the gentleman from Wisconsin (Mr. SENSENBRENNER) for the ongoing debate and allowing for amendments over a period of time to discuss the PATRIOT Act.

It should be commented on that this is not a definition of patriotism, of who is more patriotic than the next person, for the underlying bill exists. But there also should be some concerns about limiting overreach and overbroadness, with Americans understanding one of the issues that we are debating today, and that is the very premise of civil liberties juxtaposed against the responsibility of fighting the war on terror.

I would have hoped my colleagues could have fought the war on terror by enhancing and making sure that the agencies responsible for sharing intelligence are really doing that. We find that that is not the case. Whether it is the FBI, the CIA, or other counterterrorism groups, they can do a better job. That certainly helps to stop terrorist acts.

Then, I would have hoped my colleagues would have supported an increased funding, which has not been done by the majority, on rail security and port security and, of course, the idea of insuring our buses and other public transportation modes. These are also components of making sure that we are safe.

But the reason why we raise the question today about the PATRIOT Act is that 14 provisions are being made permanent. Mr. Chairman, even though it is a different story, the Voter Rights Act in 1965, which goes to the core of our democracy, was sunsetted; and it has to be reauthorized. We only argue that it is important to reauthorize or to sunset so that we can have these debates, so that the American people can understand the limitation of their rights or the enhancement of their rights.

For example, I think my colleagues would be troubled by the fact that we know that the FBI could get any tangible record by a rubber stamp by what we call FISA and that the showing would only be relevance. I have signed probable cause warrants as a judge, and you have to ask hard questions when a policeman comes in late at night to go into your home.

We also know that these items can be used against Americans, not just a foreign power, or the national security letters that the FBI can get financial, telephone, Internet, and consumer

goods records relevant to intelligence investigations, not just against agents of foreign powers, but against Americans. Or what about the sneak-and-peek provision that allows someone to come into your home and take anything, of course, called search and seizure, without notice, suggesting that it is involved in an investigation, and most of you would not know, most of America would not know that this is not limited to terrorism. But it is far-reaching; it could be anyone.

So the question on debate today, I hope that we can center it around the question of restraint, but yet be vigorous in our fight for the war on terror. I hope that we will have that opportunity, and I hope as well that in the amendment that I offer that we will be able to say that if you are impacted by a terrorist act, that you can sue and enforce your civil judgement, and I hope to have mutual support on that.3

Mr. Chairman, I join my many colleagues, many victims of terrorism, and many victims of racial and religious profiling in opposing this legislation, H.R. 3199, for several reasons. First, we never have been given the facts necessary to fully evaluate the operation of the underlying bill, the USA PATRIOT Act. Second, there are numerous provisions in both the expiring and other sections of the PATRIOT Act that have little to do with combating terrorism, intrude on our privacy and civil liberties, and have been subject to repeated abuse and misuse by the Justice Department. Third, the legislation does nothing to address the many unilateral civil rights and civil liberties abuses by the administration since the September 11 attacks. Finally, the bill does not provide law enforcement with any additional real and meaningful tools necessary to help our Nation prevail in the war against terrorism. Since 2002, 389 communities and 7 States have passed resolutions opposing parts of the PATRIOT Act, representing over 62 million people. Additionally, numerous groups ranging the political spectrum have come forward to oppose certain sections of the PATRIOT Act and to demand that Congress conduct more oversight on its use, including the American Civil Liberties Union, American Conservative Union, American Immigration Lawyers Association, American Library Association, Center for Constitutional Rights, Center for Democracy and Technology, Common Cause, Free Congress Foundation, Gun Owners of America, Lawyers' Committee for Civil Rights, National Association for the Advancement of Colored People (NAACP), National Association of Criminal Defense Lawyers, People for the American Way, and numerous groups concerned about immigrants' rights. I sit as Ranking Democrat on the Subcommittee on Immigration, Border Security, and Claims. Of particular concern to me are a number of immigration-related provisions that cast such a broad net to allow for the detention and deportation of people engaging in innocent associational activity and constitutionally protected speech and that permit the indefinite detention of immigrants and non-citizens who are not terrorists.

Among these troubling provisions are those that:

Authorize the Attorney General (AG) to arrest and detain non-citizens based on mere suspicion, and require that they remain in detention ''irrespective of any relief they may be eligible for or granted.'' (In order to grant someone relief from deportation, an immigration judge must find that the person is not a terrorist, a criminal, or someone who has engaged in fraud or misrepresentation.) When relief from deportation is granted, no person should be subject to continued detention based merely on the Attorney General's unproven suspicions.

Require the AG to bring charges against a person who has been arrested and detained as a ''certified'' terrorist suspect within 7 days, but the law does not require that those charges be based on terrorism-related offenses. As a result, an alien can be treated as a terrorist suspect despite being charged with only a minor immigration violation, and may never have his or her day in court to prove otherwise.

Make material support for groups that have not been officially designated as ''terrorist organizations'' a deportable offense. Under this law, people who make innocent donations to charitable organizations that are secretly tied to terrorist activities would be presumed guilty unless they can prove they are innocent. Restrictions on material support should be limited to those organizations that have officially been designated terrorist organizations.

Deny legal permanent residents readmission to the U.S. based solely on speech protected by the First Amendment. The laws punish those who ''endorse,'' ''espouse,'' or ''persuade others to support terrorist activity or terrorist organizations.'' Rather than prohibiting speech that includes violence or criminal activity, these new grounds of inadmissibility punish speech that ''undermines the United States' efforts to reduce or eliminate terrorist activity.'' This language is unconstitutionally vague and overbroad, and will undeniably have a chilling effect on constitutionally protected speech.

Authorize the AG and the Secretary of State to designate domestic groups as terrorist organizations and block any noncitizen who belongs to them from entering the country. Under this provision, the mere payment of membership dues is a deportable offense. This vague and overly broad language constitutes guilt by association. Our laws should punish people who commit crimes, not punish people based on their beliefs or associations.

In addition, the current administration has taken some deeply troubling steps since September 11. Along with supporting the USA PATRIOT Act, it has initiated new policies and practices that negate fundamental due process protections and jeopardize basic civil liberties for non-citizens in the United States. These constitutionally dubious initiatives undermine our historical commitment to the fair treatment of every individual before the law and do not enhance our security. Issued without Congressional consultation or approval, these new measures include regulations that increase secrecy, limit accountability, and erode important due process principles that set our Nation apart from other counties.

I co-sponsored the Civil Liberties Restoration Act (CLRA), reintroduced from the 108th Congress by Representatives HOWARD BERMAN (D–CA) and WILLIAM DELAHUNT (D–MA), that seeks to roll back some of these egregious post-9/11 policies and to strike an appropriate balance between security needs and liberty interests. The CLRA would secure due process protections and civil liberties for non-citizens in the U.S., enhance the effectiveness of our nation's enforcement activities, restore the confidence of immigrant communities in the fairness of our Government, and facilitate our efforts at promoting human rights and democracy around the world.

While every step must be taken to protect the American public from further terrorist acts, our government must not trample on the Constitution in the process and on those basic rights and protections that make American democracy so unique.

My ''safe havens'' amendment that was made in order by the Committee on Rules relates to the civil forfeiture provision of 18 U.S.C. 981 and would add a section that would allow civil plaintiffs to attach judgments to collect compensory damages for which a terrorist organization has been adjudged liable.

It seeks to allow victims of terrorism who obtain civil judgment for damages caused in connection with the acts to attach foreign or domestic assets held by the United States Government under 18 U.S.C. 981(G). Section 981(G) calls for the forfeiture of all assets, foreign or domestic, of any individual, entity, or organization that has engaged in planning or perpetrating any act of domestic or international terrorism against the United States, citizens or residents of the United States.

The legislation, H.R. 3199, as drafted, fails to deal with the current limitation on the ability to enforce civil judgments by victims and family members of victims of terrorist offenses. There are several examples of how the current Administration has sought to bar victims from satisfying judgments obtained against the government of Iran, for example.

In the Sobero case, a U.S. national was beheaded by Abu Sayyaf, an Al-Qaeda affiliate, leaving his children fatherless. The Administration responded to this incident by sending 1,000 Special Forces officers to track down the perpetrators, and the eldest child of the victim was invited to the State of the Union Address. Abu Sayyaf's funds have been seized and are held by the U.S. Treasury at this time. The family of the victim should have access to those funds, at the very least, at the President's discretion.

Similarly, the Administration barred the Iran hostages that were held from 1979–1981 from satisfying their judgment against Iran. In 2000, the party filed a suit against Iran under the terrorist State exception to the Foreign Sovereign Immunity Act. While a federal district court held Iran to be liable, the U.S. Government intervened and argued that the cause should be dismissed because Iran had not been designated a terrorist state at the time of the hostage incident and because of the Algiers Accords—that led to the release of the hostages, which required the U.S. to bar the adjudication of suits arising from the incident. As a result, those hostages received no compensation for their suffering.

Similarly, American servicemen who were harmed in a Libyan sponsored bombing of the La Belle disco in Germany were obstructed from obtaining justice for the terrorist acts they suffered. While victims of the attack pursued settlement of their claims against the Libyan government, the Administration lifted sanctions against Libya without requiring as a condition the determination of all claims of American

victims of terrorism. As a result of this action, Libya abandoned all talks with the claimants. Furthermore, because Libya was no longer considered a state sponsor of terrorism, the American servicemen and women and their families were left without recourse to obtain justice. The La Belle victims received no compensation for their suffering.

In addition, a group of American prisoners who were tortured in Iraq during the Persian Gulf war were barred from collecting their judgment from the Iraqi government. Although the 17 veterans won their case in the District Court of the District of Columbia, the Administration argued that the Iraqi assets should remain frozen in a U.S. bank account to aid in the reconstruction of Iraq. Claiming that the judgment should be overturned, the Administration deems that rebuilding Iraq is more important than recompensing the suffering of fighter pilots who, during the 12-year imprisonment, suffered beatings, burns, and threats of dismemberment.

Finally, the World Trade Center victims were barred from obtaining judgment against the Iraqi government. In their claim against the Iraqi government, the victims were awarded $64 million against Iraq in connection with the September 2001 attacks. However, they were rebuffed in their efforts to attach the vested Iraqi assets. While the judgment was sound, the Second Circuit Court of Appeals affirmed the lower court's finding that the Iraqi assets, now transferred to the U.S. Treasury, were protected by U.S. sovereign immunity and were unavailable for judicial attachment.

While the PATRIOT Act may not deserve all of the ridicule that is heaped against it, there is little doubt that the legislation has been repeatedly and seriously misused by the Justice Department. Consider the following:

It's been used more than 150 times to secretly search an individual's home, with nearly 90 percent of those cases having had nothing to do with terrorism.

It was used against Brandon Mayfield, an innocent Muslim American, to tap his phones, seize his property, copy his computer, spy on his children, and take his DNA, all without his knowledge.

It's been used to deny, on account of his political beliefs, the admission to the United States of a Swiss citizen and prominent Muslim Scholar to teach at the Notre Dame University.

It's been used to unconstitutionally coerce an internet service provider to divulge information about e-mail activity and web surfing on its system, and then to gag the provider from even disclosing the abuse to the public.

Because of gag restrictions, we will never know how many times its been used to obtain reading records from library and book stores, but we do know that libraries have been solicited by the Department of Justice—voluntarily or under threat of the PATRIOT Act—for reader information on more than 200 occasions since September 11.

It's been used to charge, detain and prosecute a Muslim student in Idaho for posting Internet website links to objectionable materials, even though the same links were available on the U.S. Government's web site.

Even worse than the PATRIOT Act has been the unilateral abuse of power by the Administration. Since September 11, our government has detained and verbally and physically abused thousands of immigrants without time limit, for unknown and unspecified reasons, and target tens of thousands of Arab-Americans for intensive interrogations and immigration screenings. All this serves to accomplish is to alienate Muslim and Arab Americans—the key groups to fighting terrorism in our country—who see a Justice Department that has institutionalized racial and ethnic profiling, without the benefit of a single terrorism conviction.

Nor it is helpful when our government condones the torture of prisoners at home and abroad, authorizes the monitoring of mosques and religious sties without any indication of criminal activity, and detains scores of individuals as material witnesses because it does not have evidence to indict them. This makes our citizens less safe not more safe, and undermines our role as a beacon of democracy and freedom.

Right now, H.R. 3199 is the most appropriate and timely vehicle in which to address this issue and allow U.S. victims of terrorism to obtain justice from terrorist-supporting or terrorist-housing nations. Mr. Chairman, I oppose this legislation and ask my colleagues work to negotiate real fixes to the sunsetted provisions.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume, and I yield to the gentleman from Michigan (Mr. SCHWARZ).

Mr. SCHWARZ of Michigan. Mr. Chairman, I thank the chairman for this opportunity to address the PATRIOT Act. We must especially make sure our law enforcement and intelligence agencies have the resources they need to arrest, detain, and interrogate those who would do us harm before the deadly acts are committed.

I am very cognizant of the concerns brought to me by many of my constituents in Michigan regarding the PATRIOT Act. They have a concern which I believe we all share, that any legislation we pass to combat and prevent terror should not infringe upon the rights we cherish as Americans, the very same freedoms the terrorists themselves seek to destroy.

I appreciate the gentleman letting me inquire about these provisions in the bill that you have reported out of committee.

Mr. SENSENBRENNER. Mr. Chairman, reclaiming my time, I am pleased that this bill and the USA PATRIOT Act will continue to protect civil liberties, while also providing law enforcement the tools they need to fight terrorists intent on harming Americans.

I yield further to the gentleman from Michigan.

Mr. SCHWARZ of Michigan. Mr. Chairman, section 215 of the PATRIOT Act pertains to the government's abilities to gain access to what we commonly refer to as business records, records compiled by a business or an institution pertaining to a customer or visitor to that entity. This provision has come to be known as the ''library provision'' because many librarians and civil libertarians are concerned that this provision of the PATRIOT Act could authorize the government to pour through the library records of everyday private citizens.

Now, it is my understanding that your version of the bill has added protections to ensure that law-abiding citizens and residents of the United States do not see their cherished civil liberties violated. Specifically, the bill states that no search can be conducted unless, I repeat, unless a Federal judge impaneled at the Foreign Intelligence Surveillance Court makes a finding that the information likely to be obtained concerns an ongoing investigation; repeat, an ongoing investigation to prevent international terrorism, and that that investigation is geared toward gathering foreign intelligence.

Mr. SENSENBRENNER. Mr. Chairman, reclaiming my time, yes, that is an accurate reading of the bill.

I further yield to the gentleman from Michigan (Mr. SCHWARZ).

Mr. SCHWARZ of Michigan. Mr. Chairman, I thank the gentleman. Is it also the case that the recipient of such an order, such as a business or video store, is allowed to consult a lawyer and to contest these orders, and that judges are authorized to review such challenge? In other words, we are not devolving to the executive branch powers of the judicial branch?

Mr. SENSENBRENNER. Mr. Chairman, further reclaiming my time, again, that is an accurate reading of the bill. I further yield to the gentleman from Michigan.

Mr. SCHWARZ of Michigan. Mr. Chairman, I thank the gentleman for his time. I have, and I hope the American people have, an accurate understanding of the safeguards put in place by the USA PATRIOT Act.

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

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts (Mr. DELAHUNT), a former prosecutor and a member of the Committee on the Judiciary.

Mr. DELAHUNT. Mr. Chairman, I want to comment and express my appreciation for the remarks of the gentleman from Iowa (Mr. KING) when he suggested that this has been a good process. We have significant disagreements, and they are healthy disagreements, I would add.

But I think he made the point. There is no one, no Democrat and no Republican who wants to reconstruct that metaphorical wall that prevented the sharing of information. I do not know of anyone on either side. And that was the key and the linchpin, I would suggest, of the success of the PATRIOT Act.

Now, some have suggested that there has been no abuse discovered by the Department of Justice, and I will accept that premise. But I would also put forth that the reality of the sunsets were an encouragement on the part of the Department of Justice to ensure full compliance with the law as it was then written. If you will, one could argue that it served as a deterrence,

that it encouraged good behavior; and that is why some of us here on this side of the aisle are so passionate about the issue of sunsets.

It is my understanding that this morning in the Senate Committee on the Judiciary, there were a number of sunsets on various provisions that were approved, and they were full-year sunsets. I dare say, if various amendments relative to sunsets had been allowed and made in order, this debate could have been cut in half in terms of the time.

I also want to speak to the issue of library records. My good friend and colleague on the committee, the gentleman from Florida (Mr. FEENEY), talked about some using the library provision, if you will, as a red herring. Well, the reality is that library records under section 215 can be gleaned under section 215. Yes, according to the Attorney General, it has never been used, which just leads me to ask the question, well, why do we need it? But, yes, it ought to be a concern.

I would further suggest that in terms of if there is no concern about libraries, if it is a red herring, why does the first amendment that we will consider that was made in order have to do with the issue?

Mr. SENSENBRENNER. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I certainly want to thank the gentleman from Wisconsin (Chairman SENSENBRENNER) for putting together this excellent extension and reauthorization of the USA PATRIOT Act.

Mr. Chairman, America faced a new kind of enemy on September 11, one that mercilessly attacked civilians on our own shores. In response, the Congress, I was not here at the time, passed the PATRIOT Act to give law enforcement agents appropriate tools to fight the new war on terror.

Today, we have a great opportunity to send a strong message of support for several provisions of this bill which would have expired on December 1.

I specifically want to mention the library section. For some reason, section 215 has come to be known as that.

□ 1330

Actually, it is one that allows law enforcement officers to gain access to business records. Why would we not want to have library records and bookstore records be available if there is a suspected terrorist? By doing so, we would only be making bookstores and libraries sanctuaries for these terrorists. The purpose of this legislation was when it was originally created and now as we extend it to protect Americans. We cannot afford to make libraries and bookstores havens for those bent on harming U.S. citizens.

Opponents have waged a campaign of misinformation. Recently, some Members on the other side have actually admitted that it has not been abused. We want to make sure that Americans are protected. For that reason, I fully support the reauthorization of the expiring PATRIOT Act, and I thank the gentleman from Wisconsin (Chairman SENSENBRENNER) for his work on this issue.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Chairman, I too rise in support of this bill. We have had some great debate, 11 hearings, and I appreciate my friend the gentleman from Massachusetts' point about Section 215, but the gentleman from Florida (Mr. FEENEY) is right. I mean, library records are being used as a red herring. We have seen over and over that libraries have been used by terrorists and this will help address that. The thing is so far that provision of 215 has not been used with regard to libraries. But if a terrorist is using that information, as a former judge, I would not hesitate if the information were there, raising probable cause. But there are safeguards in 215. There is a court. There is a judge reviewing.

I was terribly concerned about the right to an attorney not being in there. That is being amended to include that. I was concerned about not having a provision for appealing that power under 215. That has been added and amended. And so we are coming to a great bill here, and it has come about through great debate, back and forth.

And I would also point out though, with regard to the London bombings and the further activity today, you know, our hearts and prayers go out to our friends across the ocean. But we cannot lose sight of the fact either, we have not had one yet here, not since 9/11. And if you are in a position to review top secret records, you will see that this has been used effectively.

And as far as 215 and the passion my friend, the gentleman from Massachusetts (Mr. DELAHUNT), had about we have got to have a sunset, good news. The sunset is in here for 206 and 215. So I am proud to rise in support. I have had great concerns about some areas. They are being addressed. We do have some sunsets to provide some protection, and I am proud that this administration has not abused any of these until we can get these holes filled.

The Acting CHAIRMAN (Mr. SWEENEY). The Chair will advise Members that the gentleman from Wisconsin (Mr. SENSENBRENNER) has 16 minutes remaining. The gentleman from Michigan (Mr. CONYERS) has 11 minutes remaining.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Chairman, I rise today in very strong support of the renewal of the USA PATRIOT Act. These changes that were enacted in response to the horrific terrorist attacks on our Nation of September 11, 2001 provided critical tools to our law enforcement in bringing the terrorists to justice and to stopping future attacks, and the result of this law cannot be disputed. Worldwide we have captured or killed nearly two-thirds of the al Qaeda's top leadership. We have broken up terrorist cells in Buffalo, in Seattle, in Portland, Northern Virginia and in Detroit, my home State of Michigan.

These tools have been critical in gathering knowledge on the activities and the targets of the terrorists. These tools have assisted in dismantling the terrorist financial network. And as I meet with constituents in my district they are continually saying what are we doing to help fight the terrorists?

However, I have never heard from one man or woman in my district who has said that their constitutional rights have been violated by any aspect of the PATRIOT Act. And while I care deeply about protecting the civil rights of law abiding Americans, I do not care one iota about the civil rights of terrorists bent on destroying our way of life.

Just yesterday over 300 Members of this House voted for an amendment that supported the capture and the detention and the interrogation of international terrorists.

Mr. Chairman, today we face a new type of enemy, an enemy who preys on the innocent, an enemy who lives in the shadows, an enemy whose tactics are the tactics of cowards. And as we saw in London on July 11 and as we are seeing again today, the terrorists are still out there targeting the murder of the innocent. And in fact I will predict that other countries will follow the lead of America and what we are doing on the floor of this House today as they enact similar protections for their citizens against these murderers. And now is not the time to take away tools that law enforcement needs to protect us. Now is the time to send a message to the terrorists that the we are not backing down from the fight.

I urge my colleagues to support this legislation.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Ms. WATERS), a distinguished member of the Judiciary Committee.

Ms. WATERS. Mr. Chairman, I rise in strong opposition to H.R. 3199, the U.S. PATRIOT and Terrorism Prevention Reauthorization Act. This act grants the government overbroad and even unconstitutional powers that have not been adequately addressed.

The PATRIOT Act is misleading American citizens and causing them to forfeit their civil liberties in the interest of what has become a political war on terrorism. At the same time, the President's war on terrorism fails to fund protection for our transportation systems, our ports and, still today, uninspected cargo is being placed in the belly of the airplanes of all of our airlines.

Yet we continue in this act to violate the privacy of our citizens with section 505, the National Security Letters section of the PATRIOT Act, which allows

law enforcement to demand detailed information about an individual's private records without judicial review, without the individual ever being suspected of a crime, without a requirement that law enforcement notify the individual that they are the subject of an investigation.

Furthermore, this section contains an automatic permanent gag order on the recipient of a national security letter, not even allowing the recipient to consult with an attorney. And this act is very confusing. In one section of the law, 215, they can get an attorney. In section 505 they cannot. I do not know what we are doing here today.

Mr. Chairman, this power represents a clear violation of the fourth amendment against unreasonable search and seizure, as well as threatening speech protected under the first amendment. In fact, a U.S. district judge struck down section 505 in a case involving the government's collection of sensitive customer records from Internet service providers without judicial oversight. The judge found that the government seizure of these records constituted an unreasonable search and seizure under the fourth amendment, and found the broad gag provision to be an unconstitutional prior restraint on free speech.

To address this, I proposed an amendment that would have provided the recipients of national security letters that would allow them to consult with their attorneys and any person that was necessary to produce the required records. This amendment would not have greatly changed the real meaning of section 505. It was simply a common sense amendment that would have provided some legal recourse and balance for the recipients of national security letters. However, the amendment was not made in order.

Mr. Chairman, what makes this country so great is our respect and protection of individual rights and civil liberties, and we must continue to provide adequate safeguards and protection to these rights. While I agree that our national security is a top concern, we must find the appropriate balance.

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. MCCAUL).

Mr. MCCAUL of Texas. Mr. Chairman, I want to thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for his leadership on this important legislation, and I rise today in support of this bill.

I served in the Justice Department before and after 9/11. I led the Department's counterterrorism efforts in the United States Attorney's Office in the State of Texas. I worked with the Joint Terrorism Task Forces fighting this war on terror in the trenches. I know firsthand that this PATRIOT Act provides the necessary tools to win this war on terror at home.

Significantly, the PATRIOT Act tore down the wall between the criminal division and the intelligence side of the house. Prior to this it was dysfunctional. The left hand literally did not know what the right was doing. The 9/11 Commission reported this wall may have contributed to 9/11. An FBI agent testified that efforts to conduct a criminal investigation into two of the hijackers were blocked due to concerns over the wall. Frustrated, he wrote to the FBI headquarters and he said, some day someone will die. And wall or not, the public will not understand why we were not more effective at throwing every resource we had at certain problems. Let us hope that the national security law unit will then stand behind their decisions, especially since the biggest threat to us now is Osama Bin Laden.

Today, thanks to the PATRIOT Act, this wall has come down. It helps us connect the dots by removing the legal barriers that prevented law enforcement and the Intelligence Community from sharing information.

But the PATRIOT Act provides many other tools for law enforcement in this war on terrorism. It updates the law to the technology of today. The PATRIOT Act also takes laws which have long applied in drug cases and organized crime cases and applies them to the terrorists, such as the roving wiretaps, such as the delayed notification for searches. It makes no sense for us to apply these laws only in drug cases and not in the most important cases affecting our national security, cases involving terrorists. And contrary to critics' assertions, the Justice Department cannot do anything without court supervision. The U.S. PATRIOT Act does not abrogate the role played by the judiciary in the oversight of the activities of Federal law enforcement.

And while we are talking about libraries, let us not forget al Qaeda operative Mohammed Babar who used a computer in a library and when asked after he was arrested why, he said because the libraries will scrub the hard drives.

I can envision no bigger national security mistake than to go back to the way things were. We owe it to the citizens of this country to reauthorize the PATRIOT Act, for if we do not and another terrorist attack occurs on our shores we will surely all be held accountable.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina (Mr. WATT), the chairman of the Congressional Black Caucus and a distinguished member of the Judiciary Committee.

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

Mr. Chairman, I suspect that the American people do not realize just how much the process of legislating is about reacting to events that take place around us. When something like Enron happens, we react to that. When accounting scandals happen, we react to it. When the events of 9/11 occurred, we obviously reacted to those events. And quite often when we react, we are looking for an appropriate new balance that takes into account some outrageous activity that took place.

And so when we passed the PATRIOT Act originally, our effort was to try to find a new security balance for people here in our country, and we thought we had done a tremendous job of doing that in the Judiciary Committee, only to find that the Rules Committee, which did not even have any jurisdiction over the matter or had any hearings about the matter, took the bill, rewrote it, brought it to the floor and struck a completely different balance between the rights of government on one hand and law enforcement and the rights of individuals on the other hand.

□ 1345

I voted against the original PATRIOT Act, and I still believe that the balance that was struck in that bill was inappropriate. I think the balance that we have struck in this bill is not the appropriate balance. And a number of my colleagues have said that, well, there have not been any abuses by law enforcement of the powers that we gave them. But the truth of the matter is that depends on how you define an abuse. And I do not like to define an abuse as something outrageous.

If we wait on something outrageous to happen, then we will react back in the opposite direction of against government and law enforcement in unreasonable ways, just as we are reacting in favor of law enforcement now.

So here are a couple of statistics that you need to know about: the American Library Association found that libraries have received over 200 formal and informal requests for materials including 49 requests from Federal officers. Well, maybe they did not find anything. Maybe that was not an abuse that people are going to get outraged about, but I think that is outrageous.

In section 213 it talks about sneak-and-peek searches. In a letter to the gentleman from Virginia (Mr. SCOTT), the Department of Justice said on July 5, 2005 that that section had been used 153 times as of January 2005. Only 18 of those times were the uses for terrorism investigations.

Well, what is happening with the other 80 percent is in my estimation an abuse of this provision because we passed the law so that we could make it easier for law enforcement to get to terrorists. The law is being used in ways that, but for the events of 9/11 and the terrorism that occurred, we would not have accepted as residents of this country.

I just think we have struck the wrong balance. We need to sunset this bill again for a shorter period of time, and I hope my colleagues will take that into account and vote against it.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I rarely disagree with my friend from North Carolina (Mr. WATT), but I want to take some time to correct the record.

The delayed notification or so-called ''sneak-and-peek'' warrants were authorized in the late seventies for purposes of racketeering and drug-trafficking investigations and were held constitutional by the Supreme Court in the early eighties as not violative of the fourth amendment.

What the PATRIOT Act did was expand this previously existing authority to terrorism investigations. So if the PATRIOT Act never existed, the 18 instances where the delayed-notification warrants were used for terrorism investigations would have been illegal. But all of the other investigations that the gentleman from North Carolina referred to would have been legal under existing practice which have been held constitutional.

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

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I rise in reluctant opposition to this bill.

In 2001 after an attack on the United States and the slaughter of innocent civilians, this Congress passed the PATRIOT Act, which I supported at that time. It gave our investigative agencies a wide variety of special powers to fight terrorism and to win this war on terrorism. However, these powers were not to be permanent. They were designed to help us win the war, not to change our country permanently.

Now we have the PATRIOT Act being handed to us again, but instead it is being handed to us in a permanent form. You do not make policy for the United States Government protecting the rights and freedoms of our people in an extraordinary time as this, a time of war, and then mandate it so it is going to be the rule of our country once we live in peacetime.

Our country was founded on the idea of limited government and individual liberty. I gladly supported PATRIOT I. Now they have taken all but two of the sunset provisions which would make those extraordinary new powers that we gave the government lapse once we have peace in this country.

Any real patriot will vote against this expansion of government at the expense of the individual even when peacetime comes.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself 1½ minutes to rebut my good friend from California.

Mr. Chairman, effective oversight is a function of effective congressional leadership and not as a result of legislative sunsets. If we restricted oversight to legislative sunsets, only about 5 percent of the laws that we pass are sunset, and most of those are appropriations bills.

Now, the gentleman from California (Mr. ROHRABACHER) is the chairman of an oversight subcommittee on the Committee on International Relations. I do not see any sunsets coming on bills coming out of the Committee on International Relations because I have faith in the gentleman from California's (Mr. ROHRABACHER) being able to do effective oversight.

The Committee on the Judiciary has done a huge amount of oversight. We have had extensive hearings. There has been more process and more hearings and more witnesses on more sides of the issue on the PATRIOT Act than practically any other piece of legislation that I have faced in my 26-plus years as a Member of Congress.

Thirty-five witnesses, 12 hearings, oversight letters, responses, inspectors general reports. I wish I had brought all of the paper that has come about as a result of the Committee on the Judiciary's oversight, because it would stack this high off the table here in the House Chamber.

Mr. Chairman, the following is a listing of the oversight activities so that the American public and everybody can see that this committee has done its job. It has done its job effectively, and it has made sure that the civil liberties of the people of this country have not been infringed upon.

HEARING CHRONOLOGY: HOUSE JUDICIARY COMMITTEE CONSIDERATION OF THE USA PATRIOT ACT, AS OF JUNE 21, 2005

FULL COMMITTEE CONSIDERATION

June 10, 2005: Full Committee—Oversight Hearing on the Reauthorization of the USA PATRIOT Act: Carlina Tapia-Ruano, First Vice-President of the American Immigration Lawyers Association (Minority witness); Dr. James J. Zogby, President of the Arab American Institute (Minority witness); Deborah Pearlstein, Director of Human Rights First (Minority witness); and Chip Pitts, Chair of the Board of Amnesty International USA.

June 8, 2005: Full Committee—Oversight Hearing on the Reauthorization of the USA PATRIOT Act: Deputy Attorney General James B. Corney.

April 6, 2005: Full Committee—Oversight Hearing on the Department of Justice, The Use of the Law Enforcement Authorities Granted under the USA PATRIOT Act: Attorney General Alberto Gonzales.

SUBCOMMITTEE CONSIDERATION

May 26, 2005: Crime, Terrorism, and Homeland Security Subcommittee—Oversight Hearing on Material Witness Provisions of the Criminal Code and the Implementation of the USA PATRIOT Act: Section 505 that Addresses National Security Letters, and Section 804 that Addresses Jurisdiction over Crimes Committed at U.S. Facilities Abroad: Chuck Rosenberg, Chief of Staff to the Deputy Attorney General of the Department of Justice (Majority witness); Matthew Berry, Counselor to the Assistant Attorney General of the Department of Justice (Majority witness); Gregory Nojeim, Acting Director of the Washington Legislative Office of the American Civil Liberties Union (Minority witness); and Shayana Kadidal, Staff Attorney, Center for Constitutional Rights (Minority witness).

May 10, 2005: Crime, Terrorism, and Homeland Security Subcommittee—Oversight Hearing on the Prohibition of Material Support to Terrorists and Foreign Terrorist Organizations and on the DOJ Inspector General's report on Civil Liberty Violations under the USA PATRIOT Act: Honorable Glenn Fine, Inspector General of the Department of Justice (Majority witness); Honorable Gregory G. Katsas, Deputy Assistant Attorney General, Civil Division of the Department of Justice (Majority witness); Barry Sabin, Chief of the Counterterrorism Section of the Criminal Division of the Department of Justice (Majority witness); and Ahilan Arulanantham, Staff Attorney for the American Civil Liberties Union of Southern California (Minority witness).

May 5, 2005: Crime, Terrorism, and Homeland Security Subcommittee—Oversight Hearing on Section 212 of the USA PATRIOT Act that Allows Emergency Disclosure of Electronic Communications to Protect Life and Limb: Honorable William Moschella, Assistant Attorney General, Office of Legislative Affairs, U.S. Department of Justice (Majority witness); Willie Hulon, Assistant Director of the Counterterrorism Division, Federal Bureau of Investigation (Majority witness); Professor Orrin Kerr, Professor of Law at the George Washington University Law School (Majority witness); and James X. Dempsey, Executive Director of the Center for Democracy and Technology (Minority witness).

May 3, 2005: Crime, Terrorism, and Homeland Security Subcommittee—Oversight Hearing on Sections 201, 202, 213, and 223 of the USA PATRIOT Act and Their Effect on Law Enforcement Surveillance: Honorable Michael J. Sullivan, U.S. Attorney for the District of Massachusetts (Majority witness); Chuck Rosenberg, Chief of Staff to the Deputy Attorney General (Majority witness); Heather Mac Donald, John M. Olin fellow at the Manhattan Institute (Majority witness); and the Honorable Bob Barr, former Representative of Georgia's Seventh District (Minority witness).

April 28, 2005: Crime, Terrorism, and Homeland Security Subcommittee—Oversight Hearing—Section 218 of the USA PATRIOT Act—If it Expires will the ''Wall'' Return?: Honorable Patrick Fitzgerald, U.S. Attorney for the Northern District of lllinois (Majority witness); David Kris, former Associate Deputy Attorney General for the Department of Justice (Majority witness); Kate Martin, Director of the Center for National Security Studies (Minority witness); and Peter Swire, Professor of Law at Ohio State University (Minority witness).

April 28, 2005: Crime, Terrorism, and Homeland Security Subcommittee—Oversight Hearing—Have sections 206 and 215 improved FISA Investigations? (Part II): Honorable Kenneth L. Wainstein, U.S. Attorney for the District of Columbia (Majority witness); James Baker, Office for Intelligence Policy and Review, U.S. Department of Justice (Majority witness); Robert Khuzami, former Assistant United States Attorney in the United States Attorney's Office for the Southern District of New York (Majority witness); and Greg Nojeim, the Associate Director and Chief Legislative Counsel of the American Civil Liberties Union's Washington National Office (Minority witness).

April 26, 2005: Crime, Terrorism, and Homeland Security Subcommittee—Oversight Hearing—Have sections 204, 207, 214 and 225 of the USA PATRIOT Act. and Sections 6001 and 6002 of the Intellience Reform and Terrorism Prevention Act of 2004, improved FISA Investigations? (Part I): Honorable Mary Beth Buchanan, United States Attorney for the Western District of Pennsylvania (Majority witness); James Baker, Office for Intelligence Policy and Review, U.S. Department of Justice (Majority witness); and Suzanne Spaulding, Managing Director, the Harbour Group, LLC (Minority witness).

April 21, 2005: Crime, Terrorism, and Homeland Security Subcommittee—Oversight Hearing on Crime, Terrorism, and the Age of Technology—Section 209: Seizure of Voice-Mail Messages Pursuant to Warrants; Section 217: Interception of Computer Trespasser Communications: and Section 220: Nationwide Service of Search Warrants for

Electronic Evidence: Laura Parsky, Deputy Assistant Attorney General of the Criminal Division, U.S. Department of Justice (Majority witness); Steven M. Martinez, Deputy Assistant Director of the Cyber Division, Federal Bureau of Investigation (Majority witness); James X. Dempsey, Executive Director of the Center for Democracy and Technology (Majority witness as a favor to Minority); and Peter Swire, Professor of Law, Mortiz College of Law, the Ohio State University (Minority witness).

April 19, 2005: Crime, Terrorism, and Homeland Security Subcommittee—Oversight Hearing on Sections 203 (b) and (d) of the USA PATRIOT Act and their Effect on Information Sharing: Barry Sabin, Chief of the Counterterrorism Section of the Criminal Division of the Department of Justice (Majority witness); Maureen Baginski, Executive Assistant Director of FBI Intelligence (Majority witness); Congressman Michael McCaul (Majority witness); and Timothy Edgar, the National Security Policy Counsel for American Civil Liberties Union (Minority witness).

Witnesses (alphabetical)

1. Arulanantham, Ahilan T.—Staff Attorney, American Civil Liberties Union
2. Baker, James A.—Counsel for Intelligence Policy, Department of Justice *testified twice
3. Baginski, Maureen—Executive Assistant Director for the Office of Intelligence, Federal Bureau of Investigation
4. Barr, Bob—Former Member of Congress, Atlanta, Georgia
5. Berry, Matthew—Counselor to the Assistant Attorney General, United States Department of Justice
6. Buchanan, Mary Beth—United States Attorney, Western District of Pennsylvania
7. Comey, James B.—Deputy Attorney General, United States Department of Justice
8. Dempsey, Jim—Executive Director, Center for Democracy and Technology *testified twice
9. Edgar, Timothy—National Security Policy Counsel, American Civil Liberties Union
10. Fine, Glenn A.—Inspector General, United States Department of Justice
11. Fitzgerald, Patrick—U.S. Attorney, Northern District of Illinois
12. Gonzales, Alberto—Attorney General of the United States
13. Hulon, Willie T.—Assistant Director of Counterterrorism Division, Federal Bureau of Investigation
14. Kadidal, Shayana—Staff Attorney, Center for Constitutional Rights
15. Katsas, Gregory—Deputy Assistant Attorney General, United States Department of Justice
16. Kerr, Orin S.—Associate Professor of Law, The George Washington University
17. Khuzami, Robert S.—Former Assistant U.S. Attorney, Southern District of New York
18. Kris, David—Vice President for Corporate Compliance, Time Warner Corporation
19. Mac Donald, Heather—John M. Olin Fellow, The Manhattan Institute
20. Martin, Kate—Director, Center for National Security Studies
21. Martinez, Steven M.—Deputy Assistant Director of Cyber Division, Federal Bureau of Investigation
22. McCaul, Michael—U.S. Representative & former Chief of Counterterrorism and National Security for the U.S. Attorney's Office in Western Judicial District of Texas
23. Moschella, William—Assistant Attorney General, United States Department of Justice
24. Nojeim, Gregory T.—Associate Director/Chief Legisaltive Counsel, American Civil Liberties Union *testified twice
25. Parsky, Laura H.—Deputy Assistant Attorney General, Department of Justice
26. Pearlstein, Deborah—Director, U.S. Law and Security Program
27. Pitts, Chip—Chair of the Board, Amnesty International USA
28. Rosenberg, Chuck—Chief of Staff to Deputy Attorney General, United States Department of Justice *testified twice
29. Sabin, Barry—Chief of the Counterterrorism Section for the Criminal Division, Department of Justice *testified twice
30. Spaulding, Suzanne—Managing Director, the Harbour Group, LLC
31. Sullivan, Michael—United States Attorney, District of Massachusetts
32. Swire, Peter—Professor of Law, Ohio State University *testified twice
33. Tapia-Ruano, Carlina—First Vice President, American Immigration Lawyers Association
34. Wainstein, Kenneth L.—Interim U.S. Attorney, District of Columbia
35. Zogby, Dr. James J.—President, Arab American Institute

Government Witnesses

1. Baker, James A.—Counsel for Intelligence Policy, Department of Justice *testified twice
2. Baginski, Maureen—Executive Assistant Director for the Office of Intelligence, Federal Bureau of Investigation
3. Berry, Matthew—Counselor to the Assistant Attorney General, United States Department of Justice
4. Buchanan, Mary Beth—United States Attorney, Western District of Pennsylvania
5. Comey, James B.—Deputy Attorney General, United States Department of Justice
6. Fine, Glenn A.—Inspector General, United States Department of Justice
7. Fitzgerald, Patrick—U.S. Attorney, Northern District of Illinois
8. Gonzales, Alberto—Attorney General of the United States
9. Hulon, Willie T.—Assistant Director of Counterrorism Division, Federal Bureau of Investigation
10. Katsas, Gregory—Deputy Assistant Attorney General, United States Department of Justice
11. Martinez, Steven M.—Deputy Assistant Director of Cyber Division, Federal Bureau of Investigation
12. Moschella, William—Assistant Attorney General, United States Department of Justice
13. Parsky, Laura H.—Deputy Assistant Attorney General, Department of Justice
14. Rosenberg, Chuck—Chief of Staff to Deputy Attorney General, United States Department of Justice *testified twice
15. Sabin, Barry—Chief of the Counterterrorism Section for the Criminal Division, Department of Justice *testified twice
16. Sullivan, MichaeL—United States Attorney, District of Massachusetts
17. Wainstein, Kenneth L.—Interim U.S. Attorney, District of Columbia

Witnesses Testifying in Their Capacity as Former Government Officials

1. Khuzami, Robert S.—Former Assistant U.S. Attorney, Southern District of New York
2. McCaul, Michael—U.S. Representative & former Chief of Counterterrorism and National Security for the U.S Attorney's Office in Western Judicial District of Texas

Non-Government Witnesses

1. Arulanantham, Ahilan T.—Staff Attorney, American Civil Liberties Union
2. Barr, Bob—Former Member of Congress, Atlanta, Georgia
3. Dempsey, Jim—Executive Director, Center for Democracy and Technology *testified twice
4. Edgar, Timothy—National Security Policy Counsel, American Civil Liberties Union
5. Kadidal, Shayana—Staff Attorney, Center for Constitutional Rights
6. Kerr, Orin S.—Associate Professor of Law, The George Washington University
7. Kris, David—Vice President for Corporate Compliance, Time Warner Corporation
8. Mac Donald, Heather—John M. Olin Fellow, The Manhattan Institute
9. Martin, Kate—Director, Center for National Security Studies
10. Nojeim, Gregory T.—Associate Director/Chief Legisaltive Counsel, American Civil Liberties Union *testified twice
11. Pearlstein, Deborah—Director, U.S. Law and Security Program
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13. Spaulding, Suzanne—Managing Director, the Harbour Group, LLC
14. Swire, Peter—Professor of Law, Ohio State University *testified twice
15. Tapia-Ruano, Carlina—First Vice President, American Immigration Lawyers Association
16. Zogby, Dr. James J.—President, Arab American Institute

Organizations represented

1. American Civil Liberties Union (*3 different witnesses)
2. Center for Democracy and Technology
3. Center for Constitutional Rights
4. Time Warner Corporation
5. The Manhattan Institute
6. Center for National Security Studies
7. U.S. Law and Security Program
8. Amnesty International USA
9. the Harbour Group, LLC
10. American Immigration Lawyers Association
11. President, Arab American Institute

*Not sure how to classify Universities that have professors testifying, since their testimony does not necessarily reflect the views of the institution. Also, was Barr representing anyone?

OVERSIGHT: HOUSE JUDICIARY COMMITTEE OVERSIGHT OF THE USA PATRIOT ACT

OVERSIGHT THROUGH LETTERS TO THE DEPARTMENT OF JUSTICE

House Judiciary Committee sent the Attorney General, John Ashcroft, a letter on June 13, 2002, with 50 detailed questions on the implementation of the USA PATRIOT Act. The questions were a result of extensive consultation between the majority and minority Committee counsel. Assistant Attorney General, Daniel Bryant, responded to Chairman Sensenbrenner and Ranking Member Mr. Conyers on July 26, 2002, providing lengthy responses to 28 out of the 50 questions submitted. On August 26, 2002, Mr. Bryant sent the responses to the remaining questions, after sending responses to six of the questions to the House Permanent Select Committee on Intelligence. Then, on September 20, 2002, Mr. Bryant sent the minority additional information regarding the Department of Justice's responses to these questions.

On April 1, 2003, Chairman Sensenbrenner and Ranking Member Mr. Conyers sent a second letter to the Department of Justice with additional questions regarding the use of pre-existing authorities and the new authorities conferred by the USA PATRIOT Act. Once again, the questions were the product of bipartisan coordination by Committee counsel. Acting Assistant Attorney General, Jamie E. Brown, responded with a May 13, 2003 letter that answered the questions she deemed relevant to the Department of Justice and forwarded the remaining questions to the appropriate officials at the Department of Homeland Security. On June 13, 2003,

the Assistant Secretary for Legislative Affairs at the Department of Homeland Security, Pamela J. Turner, sent responses to the forwarded questions.

On November 20, 2003, Chairman Sensenbrenner and Congressman Hostettler, Chairman of the Subcommittee on Immigration, Border Security, and Claims, sent a letter to the Comptroller General of the Government Accountability Office (GAO) requesting a GAO study of the implementation of the USA PATRIOT Act anti-money laundering provisions. This report was released on June 6, 2005.

OVERSIGHT THROUGH HEARINGS

On May 20, 2003, the Committee's Subcommittee on the Constitution held an oversight hearing entitled, ''Anti-Terrorism Investigations and the Fourth Amendment After September 11th: Where and When Can Government Go to Prevent Terrorist Attacks.''

On June 5, 2003, the Attorney General testified before the full Committee on the Judiciary at an oversight hearing on the United States Department of Justice. Both the hearing on May 20 and the hearing on June 5 discussed oversight aspects of the USA PATRIOT Act.

OVERSIGHT THROUGH BRIEFINGS

The Subcommittee on Crime, Terrorism, and Homeland Security of this Committee requested that officials from the Department of Justice appear and answer questions regarding the implementation of the USA PATRIOT Act. In response to our request, the Department of Justice gave two separate briefings to Members, counsel, and staff:

During the briefing held on August 7, 2003, Department officials covered the long-standing authority for law enforcement to conduct delayed searches and collect business records, as well as the effect of the USA PATRIOT Act on those authorities.

During the second briefing, held on February 3, 2004, the Department of Justice discussed its views of S. 1709, the ''Security and Freedom Ensured (SAFE) Act of 2003'' and H.R. 3352, the House companion bill, as both bills proposed changes to the USA PATRIOT Act.

The Department of Justice has also provided three classified briefings on the use of the Foreign Intelligence Surveillance Act (FISA) under the USA PATRIOT Act for Members of the Judiciary Committee:

On June 10, 2003, October 29, 2003, and June 7, 2005 the Justice Department provided these briefings.

The Department also provided a law enforcement sensitive briefing on FISA to the House Judiciary Committee Members and staff on March 22, 2005.

Mr. CONYERS. Mr. Chairman, I yield 15 seconds to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. I would suggest that we do not have to sunset all the legislation going through this Congress, but we have to pay particular attention to that legislation that affects the civil liberties of our people. And if we are going to in some way expand the power of government over our people in time of war because it is necessary, that should be sunsetted once the war is over. By permanently changing America, we are not furthering the cause of freedom in this country.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentlewoman from Wisconsin (Ms. BALDWIN), a former member of the Committee on the Judiciary.

Ms. BALDWIN. Mr. Chairman, I rise today to oppose H.R. 3199. As the gentleman just mentioned, I was a member of the Committee on the Judiciary on September 11, 2001. And in the weeks that followed, I joined my colleagues in committee to carefully craft a bill to give law enforcement personnel additional and powerful tools to fight terror. But as many of you recall, the work product of our committee was rejected at the eleventh hour in favor of a far more expansive act which has continued to raise concerns among those who cherish our constitutional liberties.

Through the PATRIOT Act and other anti-terrorism measures, we have become a country that permits secret surveillance, secret searches, denial of court review, monitoring of conversations between citizens and their attorneys, and searching of library and medical records of citizens. This does not sound like America to me.

Mr. Chairman, reauthorization of this act is an opportunity; it is an opportunity to restore the checks and balances that must exist in a free society. I urge my colleagues to vote ''no'' to allow us that chance.

Mr. CONYERS. Mr. Chairman, I yield the balance of my time to the distinguished gentleman from Massachusetts (Mr. MEEHAN).

Mr. MEEHAN. Mr. Chairman, September 11 made it clear that the world had changed, that our law enforcement and intelligence agencies needed to change accordingly.

Democrats and Republicans agreed on the need to update the tools necessary for law enforcement to address the threat of terrorism on American soil. What started as an effort to protect our country from terror has become a virtually uncontrolled vehicle for government to invade the privacy of every American.

It was with that possibility in mind that the Congress included in the PATRIOT Act a provision requiring a review after a few years to determine which parts should be retained, which parts should be modified, and which should be repealed. It is evident to me and to many Americans that the PATRIOT Act is inadequate in its protection of civil liberties.

Section 206's blanket, roving wiretaps, section 213's sneak-and-peek searches, and section 215's expansive power allowing the government to obtain any piece of information on any American are just three examples of how the PATRIOT Act is out of control.

Last week, the Committee on the Judiciary met to address these and other issues in an attempt to bring back some balance to the law enforcement power and civil liberties. Democrats on the committee offered dozens of amendments in an attempt to control this bill and bring balance to it. Virtually every single one of these amendments was rejected on a party-line vote. Most troubling was the extension of sunsetted provisions that should have been allowed to expire or at least require reauthorization in the next 4 years.

Periodically revisiting the PATRIOT Act is a good thing. To preserve our commitment to making the best and most up-to-date assessment of our law enforcement and intelligence policies, we should include more, not fewer, sunsets and make them shorter, not longer.

The PATRIOT Act was an effort to answer the most difficult question our democracy faces: How much freedom are we willing to give up to feel safe? Too much freedom, giving up too much power given to the Justice Department.

Today we are asking not to hinder the pursuit of terrorists, but to return some sanity and balance to the law.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, we have heard another attack on delayed notification or sneak-and-peek warrants. Let me tell you what has happened earlier this month. A U.S. district judge in Washington State executed or authorized a delayed-notification warrant to look into a building on the U.S. side of the northern border. And what was discovered but a rather sophisticated tunnel between Canada and the United States to smuggle contraband, and perhaps terrorists, through the border and into this country without being detected by our border patrol.

Using a delayed-notice search warrant, the DEA and other agents entered the home on July 2 to examine the tunnel. Shortly thereafter, a U.S. district judge authorized the installation of cameras and listening devices in the home to monitor the activities in the home.

Using these twice, Federal, State and local law enforcement officials observed multiple trips by three defendants through the tunnel carrying large hockey bags or garbage bags. These bags were loaded into a van on the U.S. side and driven south for delivery.

Ninety-three pounds of marijuana were found in these bags when the Washington State Patrol stopped the car. That never would have happened without a delayed-notification warrant. And if they can bring 93 pounds of marijuana in, they can bring terrorists in as well.

These warrants are good. They protect us. They ought to be kept.

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

The Acting CHAIRMAN (Mr. SWEENEY). The gentleman from Michigan (Mr. HOEKSTRA) and the gentlewoman from California (Ms. HARMAN) each will control 15 minutes of debate from the Permanent Select Committee on Intelligence.

The Chair recognizes the gentleman from Michigan (Mr. HOEKSTRA).

□ 1400

Mr. HOEKSTRA. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. ROGERS), the only

former FBI member on the Permanent Select Committee on Intelligence.

Mr. ROGERS of Michigan. Mr. Chairman, I thank the gentleman for yielding me this time and for his great work on this, and I want to thank my friends on the Democrat side of the aisle for the work they have given for the PATRIOT Act. Thanks for at least bringing this debate up.

Mr. Chairman, as a former FBI agent, I had occasion to work some pretty bad folks in the City of Chicago in working organized crime and public corruption. I developed the sources for wiretaps and applied wiretaps for things like murder and extortion, gambling, prostitution, racketeering, child pornography.

There was a case of a child pornographer who was producing child pornography tapes where we used the legal system, a legal instrument, through due process of law, to get records that we needed from businesses, from his home, from other places to make sure that we could find the entire network of distribution of criminals who were preying on our children. America said something interesting. The people of America said, you know, Agent Rogers, at the time we trust you, but we trust our Constitution more, so you have to follow the law. You have to follow the Constitution even to go after these child molesters and people who are promoting child pornography, people who are involved in murder and racketeering. And we did, and we used the law as we knew it to put somebody in jail.

We said if a child molester goes into the library and sits down next to your child, there is going to be no safe haven in America. We are going to use due process according to the Constitution and make sure our children, our libraries, our personnel are safe. We used that before the PATRIOT Act got here.

I worked a bombing case where they were trying to sell bombs to individuals who were blowing up other gangsters; gangsters blowing up gangsters and gangsters blowing up strip clubs and other things to gain influence over them. We used all the processes, including a delayed search warrant, because we needed to know who they were getting their materials from. We used due process under the Constitution and we brought them to justice. And America is grateful for that, and it made an impact. And we never, ever, ever once deviated from the Constitution.

This whole debate is almost ridiculous, Mr. Chairman. All we do in the PATRIOT Act is say, look, if we can go after child molesters sitting in the library and bombers who we need to sneak and peak on a warrant, we ought to be able to go after terrorists. That is all the PATRIOT Act did. There is no subversion of the Constitution, no suspension of the Constitution.

Mr. Chairman, it is maddening to me that somebody in America and in England and around the world is getting up in the morning thinking, I am going to kill somebody in an act of terror, and that we somehow fiddle while Rome is burning and argue should it be 10 years or 5 years on a renewal or a sunset. This is ridiculous. We have people who are committed to killing Americans today. We are at war. This bill helps protect America and does not suspend the Constitution of the United States.

For those who argue there are some emergency powers in here, you are wrong. You should get up and argue against the criminal code every day on this floor, and you should put in bills to remove our ability as agents of the FBI to do that. You do not because it is legal and it is proper under our Constitution.

Mr. Chairman, we must support this act. We must do it today for the future safety of the United States of America.

Ms. HARMAN. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, the London attacks this morning, be they copycat terrorism or yet another al Qaeda attempt, are one more reminder of how vulnerable we are. We need effective tools to combat terrorism. The terrorist threat is real, and if we are going to demand that the FBI uncover terror cells in the U.S., we need to give them the tools to do that.

The al Qaeda organization that attacked us on 9/11 has changed. It is no longer a top-down centralized terror group planning acts from overseas. Instead, we face a loose network of homegrown terror cells, or what I call franchise terrorism. Their attacks draw inspiration from al Qaeda, but they act independently, making it tougher to disrupt their plans.

I want to make two points about the PATRIOT Act. First, it gave law enforcement some important new legal authorities. But new legal authorities, Mr. Chairman, on their own, will not protect us from terrorism. We need to shift priorities, to develop better strategies and devote greater resources to protect our soft targets, like rail, subways, and ports, and that we have not yet done.

Second, on the issue of reauthorizing the 16 provisions that are sunsetting, my view is ''mend it, don't end it.'' The PATRIOT Act was passed 45 days after 9/11, with little debate. We were bracing for more terror. The invasion of Afghanistan had begun and Capitol Hill was hit with anthrax attacks. Congress did a fairly decent job, and I supported the bill, but we can do better.

We should reauthorize the PATRIOT Act, which modernized law enforcement tools, but we should clarify and tailor the authorities so that the government does not have a license to engage in fishing expeditions for your personal information or conduct FBI surveillance on innocent Americans.

The bill on the floor today is better than the original PATRIOT Act. And if some of the amendments we will consider pass, it will be even better. But my colleagues on the Permanent Select Committee on Intelligence will describe in a moment amendments which we offered in committee and before the Committee on Rules. Those amendments are solid, moderate, and bipartisan, and they should be able to be debated today. The good news is that the Senate Judiciary Committee, on a bipartisan basis, has just reported a bill that includes many of them. That bill, I hope, will serve as the model in conference committee. That bill could have been the House bill.

In conclusion, protecting America from terrorism is not a Democrat or Republican issue, it is an American issue. As I have often said, the terrorists are not going to check our party registration before they blow us up. So when we defend America, let us forget party labels and focus on what will provide security and liberty for the American people. Balancing liberty and security is not a zero sum game. You either get more of both or less. The American people deserve more of both.

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

Mr. HOEKSTRA. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. CUNNINGHAM), a member of the committee.

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

I listened to my colleagues on the committee, the gentlewoman from California (Ms. HARMAN), the gentleman from Massachusetts (Mr. DELAHUNT), and also the gentleman from California (Mr. ROHRABACHER), and they have legitimate concerns. I do not think there is anybody in this body on either side of this issue that does not have concerns. I would like to see, in particular, a sunset provision, although I do not know what the timing should be. God willing, there should be a day we will not need a PATRIOT Act, and it is easier to vote it back than it is to get rid of it.

Mr. Chairman, 26 nations have been attacked by al Qaeda, and we just saw today England, but look at France and Japan. It also tells us the United States is behind in its security for our mass rail and bus transportation systems, not just aviation but those as well.

Let me cite an example of what happened before 9/11 and how the PATRIOT Act, in my opinion, would have stopped an event, not just may have.

Agencies knew of an outspoken extremist group. They were outspoken in support of Osama bin Laden before 9/11, and they were outspoken about their ethnic intolerance and raising money for al Qaeda. Agencies like CIA, FBI and law enforcement had thousands of leads and limited manpower. Their primary issue at the time was getting out two agents in a foreign country that were under extreme conditions. They were concerned also about if they questioned this group that they would be taken to court on profiling. The rhetoric was there, but no action. The FBI and the CIA were limited in their ability to check out this group.

Mr. Chairman, this particular group was the group that was training in Arizona, the pilots and the crews that flew into New York City, that flew into the Pentagon, and that crashed in Pennsylvania. Mohammed Atta is another example. His roommate, the limitations that our agencies had on questioning him, he knew about the 9/11 bombings, is another reason why I think that we need this act.

I am conflicted, just like my colleague, the gentlewoman from California (Ms. HARMAN) and others, because there are things that all of us are concerned about. But Khalid Sheik Mohammed is the guy who planned 9/11. We caught this rascal. His replacement was a guy named Abu al-Libbi, and we caught that rascal. And some of the documents showed that it is only a matter of time, Mr. Chairman, until this country is hit, so we must be diligent. This act helps us do that, and weighing the concerns and is the reason I think all of us need to support the PATRIOT Act.

Ms. HARMAN. Mr. Chairman, it is my pleasure to yield 2 minutes to the gentleman from Texas (Mr. REYES), a member of our committee.

Mr. REYES. Mr. Chairman, I thank the gentlewoman for yielding me this time on this very important issue. I also rise, like my colleagues, understanding that we face a situation that is potentially very dangerous, especially given the events of this morning again in London. But I also think it is important and prudent that we craft legislation that protects our country not just from the terrorists but also from abuses.

I rise today, Mr. Chairman, to express my disappointment with this House for not allowing my fellow colleague on the Permanent Select Committee on Intelligence, the gentleman from Florida (Mr. HASTINGS), to offer an amendment which is important to H.R. 3199, the USA PATRIOT Act reauthorization. His amendment would have extended until 2010 the sunset date of section 6001 of the Intelligence Reform and Terrorism Prevention Act, also known as the ''Lone Wolf'' provision. Instead, the bill before us makes that provision permanent. It has only been in effect for 7 months, which is, in my opinion, an inadequate amount of time for the government and the public to assess the impact this significant expansion of government authorities has.

We are having this debate today, Mr. Chairman, because 4 years ago Congress had the wisdom to include sunset provisions in the PATRIOT Act. These sunsets are key to ensuring individual rights and liberties as well as allowing Congress to continue to evaluate the effectiveness of this act.

Mr. Chairman, I understand the need for this legislation, and I will support the passage today. However, I hope that my colleagues understand that if we are to continue much further down this road we may be doing irreparable damage to civil liberties in this country without sunset provisions.

Mr. HOEKSTRA. Mr. Chairman, I yield 3 minutes to the gentlewoman from New Mexico (Mrs. WILSON), another member of the committee.

Mrs. WILSON of New Mexico. Mr. Chairman, I thank the gentleman for yielding me this time and for his leadership on this issue.

Over the last several months, the Committee on the Judiciary has had numerous oversight hearings, as has the House Permanent Select Committee on Intelligence, to look at the PATRIOT Act and see where we need to improve it and what we need to do to extend the expiring provisions.

My colleague from southern California said that we should have sunsets on this because once we have peace we should not have these provisions. Once the war is over. Once the war is over.

The war against foreign terrorists and spies will not end, any more than the police's efforts to combat organized crime or drug kingpins. The tools that we have put into the PATRIOT Act are identical to the tools that law enforcement have had for a long time in criminal cases, but we did not have those authorities in foreign intelligence and counterterrorism cases.

There are plenty of myths about the PATRIOT Act, and I think we need to put a few of them to rest. One of them is the myth that the local sheriff can go into your library and find out what you have been reading. They cannot. Under the PATRIOT Act, they need a court order in order to get any business records or library records or anything else, under the supervision of a Federal judge. And it has to be as part of a foreign terrorist investigation or counterintelligence investigation against foreign spies. It is directed not against Americans but against those who might come to this country to do us harm.

The most important thing that the PATRIOT Act did was to break down the walls between law enforcement and intelligence to be able to share information across that wall in order to protect us before the attack comes. The intention of the PATRIOT Act is to prevent the next terrorist attack, instead of just letting the FBI gather the criminal evidence to convict somebody after thousands more have died.

□ 1415

We need to reauthorize this act, and we also collectively as Americans need to dispel the myths about the act and make some important strengthening of the act so that in the future it can continue to protect us.

Ms. HARMAN. Mr. Chairman, I yield 1½ minutes to the gentleman from Iowa (Mr. BOSWELL), a valued member of the Permanent Select Committee on Intelligence and the only one of us successful enough to get his language adopted in the bill before us today.

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

Mr. BOSWELL. Mr. Chairman, I thank the gentlewoman for yielding me this time to discuss this very important issue.

The PATRIOT Act has sparked important discussion about protecting ourselves from terrorists and protecting our civil liberties. It is clear we can make reforms to better ensure we are giving law enforcement all of the tools they need while maintaining the appropriate safeguards to protect the very freedoms we cherish.

Last week as the ranking member of the Subcommittee on Human Intelligence with the gentleman from California (Mr. CUNNINGHAM) as the chairman, I was able to include a reform so the PATRIOT Act ensures greater judicial oversight of government wiretaps. The so-called John Doe roving wiretaps are a critical tool in our efforts to fight terrorism because they allow surveillance when neither the target's identity nor location of the interception is known.

This amendment allows these wiretaps to continue, but requires the government to report back to the courts with an explanation of the facts and circumstances surrounding the rationale of the wiretap. This will allow greater oversight of the wiretaps without impeding the government's need to obtain information on potential terrorist plots quickly. If we focus on commonsense reforms, we can protect our communities from terrorists, and we can protect our civil liberties.

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

Ms. HARMAN. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. ESHOO), a member of the Permanent Select Committee on Intelligence.

(Ms. ESHOO asked and was given permission to revise and extend her remarks.)

Ms. ESHOO. Mr. Chairman, I thank the distinguished ranking member for yielding me this time.

One of the most prudent things, in my view, that Congress did in passing the original PATRIOT Act was to sunset certain provisions, thus ensuring that a future Congress would review and revise them and have a very healthy and sobering debate. Rather than sunsetting these provisions again, this bill makes permanent 14 of the 16 provisions set to expire without addressing the important civil liberty issues.

I am somewhat taken aback as I listen to different parts of the debate on the floor. One would think that the Constitution is something that can be set aside when it is not convenient to follow. The Constitution is the soul of our Nation. There are magnificently written constitutions around the world, but their countries do not heed their constitution. The American people take our Constitution seriously.

And so this debate, not allowing the sunsets in the future, I think is very, very important to bring up today. The

bill continues to allow the FBI to get financial, telephone, Internet and consumer records relevant to an intelligence investigation without judicial approval.

Prior to the PATRIOT Act, these requests had to be directed at agents of a foreign power. Under the PATRIOT Act, they can be used against anyone, including American citizens.

The bill continues to allow the FBI to execute a search and seizure warrant without notifying the target of a warrant for 6 months if it is deemed that providing advance notice would interfere with the investigation. This section is not limited to terrorism investigations and is not scheduled to sunset.

The bill does not sufficiently address the issues in section 206 which deal with the roving John Doe wiretaps. Under the PATRIOT Act, the FBI can obtain a warrant and intelligence investigations without identifying the person or the phone in question.

This bill dose nothing to protect library records and bookstore receipts. I offered an amendment in the Intelligence Committee to modify Section 215 of the PATRIOT Act to prohibit the FBI from using this section to obtain library circulation records, library patron lists, book sales records, or book customer lists, but the amendment was not allowed by the Rules Committee.

In conclusion, the American people love and cherish their liberties, and they want and deserve to be safe. I think we can do both. I do not believe this bill does both. We need a better bill.

Mr. HOEKSTRA. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. CHOCOLA).

Mr. CHOCOLA. Mr. Chairman, I appreciate the gentleman yielding me this time.

Over the past 3 years, the PATRIOT Act has played a key role in the prevention of terrorist attacks right here in the United States. Prior to the PATRIOT Act, the ability of government agencies to share information with each other was limited, which kept investigators from fully understanding what terrorists might be planning and to prevent their attacks.

The U.S. Attorney for the Northern District of Indiana, Joseph Van Bokkelen, explained, ''If an assistant U.S. Attorney learned through the use of a grand jury that there was a planned terrorist attack in northern Indiana, he or she could not share that information with the CIA.''

The PATRIOT Act brought down the wall separating intelligence agencies from law enforcement and other entities charged with protecting the Nation from terrorism. It has given law enforcement the tools they need to investigate terrorist activities while striking a delicate balance between preventing another attack and preserving citizens' constitutional rights. And to date, there has not been one verified case of civil liberties abuse.

Mr. Chairman, I urge my colleagues to join me in supporting the reauthorization of the PATRIOT Act and to give our government the tools it needs to succeed in the war on terrorism.

Ms. HARMAN. Mr. Chairman, I yield 1½ minutes to the gentleman from New Jersey (Mr. HOLT), another valued member of our committee.

Mr. HOLT. Mr. Chairman, I rise in opposition to the PATRIOT Act. Even if all of the amendments before us today are passed, it will not bring this bill into the shape that it should be.

We worked on this in the Permanent Select Committee on Intelligence. I am sorry to say that most of our reasonable amendments were voted down on a party-line basis. But to make matters worse, even those improvements made in the Permanent Select Committee on Intelligence did not find their way through the Committee on Rules to the floor. So I remain deeply concerned about what this bill does to the American people.

The police and prosecution powers of government are among the most important powers for preserving life and liberty, but they are also among the most fearsome. Section 213, the so-called sneak-and-peek searches, it would allow investigators to come into your home, my home, take pictures, seize personal items, and when they discover they have made a mistake, there is no time in which they have to notify you that they have been there. One does not have to be a paranoid to be concerned that somebody has been in your house.

Members might say it only applies to terrorists; it does not apply to law-abiding citizens like you and me. Well, tell that to Brandon Mayfield, tell that to the Portland attorney who was detained by investigators under the PATRIOT Act. Now, the FBI in that case apologized, but this is something that hits home, and we have a responsibility to preserve the freedoms of people at home.

Mr. Chairman, I rise today in opposition to the reauthorization of the PATRIOT Act. As you know, the PATRIOT Act was passed in the aftermath of the attacks of September 11, 2001. The Act was an immediate reaction to the state of shock the country was in—being drafted, briefly debated, approved, and signed into law by October 26, 2001, just weeks after the attacks. At the time I, and many other Members of Congress, voted for the Act under the condition that a number of the provisions contained within it would sunset and thus would need to be reviewed and reauthorized.

The police and prosecution powers of the government are important and necessary to preserving life and liberty, but they are also the most fearsome powers of government and, if abused, can rob us of life and liberty. For generations, thousands upon thousands of people have come to America's shores to be free of the oppressive hand of authorities in other countries, to be free of the fear of the knock on the door in the middle of the night, to be free of the humiliation and costs and stigma of inappropriate investigations.

As the only Member of Congress from New Jersey, a state which suffered great loss on September 11th, on the House Permanent Select Committee on Intelligence, I looked forward to working within the committee during our mark up of the PATRIOT Act to address a number of valid concerns that have arisen over the last few years about the sun-setting provisions. However, most of the important amendments that were offered were defeated on party lines. And what we did accomplish—the improvements we made—did not make it through the Rules Committee for consideration on the floor.

I remain deeply concerned about many of the provisions in the PATRIOT Act as reported to the House, but I would like to specifically discuss two of them. I am deeply troubled by Section 213, which will be permanently reauthorized by this legislation. The so called ''sneak and peek'' searches allow federal agents to literally go in to your home, my home, anyone's home and conduct a secret search. Investigators can take pictures and even seize personal items or records and unbelievably they do not need to tell you about it for an indefinite period of time. When they discover they made a mistake or they discover you are not engaged in terrorist actions, they are under no obligation to ever let you know promptly.

Another provision of the PATRIOT Act, Section 215, allows investigators broad access to any record without probable cause of a crime. This means that investigators can review your deeply personal medical records and also library records without telling you about it and without any probable reason to do it. Investigators under Section 215 would be able to access all the medical records at a local hospital with only the indication that there may be potentially valuable records contained therein. In other words, most of the records searched are of innocent people, but because there is a terrorist investigation underway or a terrorists records might be somewhere in the batch, they get swept up in the search.

These provisions and many others have a deep impact on the freedoms and civil liberties all Americans. Some will say we need these provisions to track down terrorist and build cases against them. But what goes unsaid is that these provisions will also be used against people who have committed no crime and who are completely innocent. It is because of this that the PATRIOT Act must be understood as affecting all of us. A small number of unnecessary intrusions can have a broadly chilling effect. Proponents of the Patriot bill before us will say that it is directed at terrorists, not law abiding citizens, but they should try to tell that to Mr. Brandon Mayfield of Portland, Oregon.

Brandon Mayfield, a Portland attorney, was detained by investigators last year as a material witness under authority granted by the PATRIOT Act. They alleged that his finger prints were found on a bag linked to the terrorist bombings in Madrid, Spain last year. More so called evidence was collected when his residence was searched, without his knowledge, under Section 213 of the Act. However, the investigators were wrong. The FBI has issued an apology for his wrongful detention. But this is no conciliation for a lawyer and Muslim American whose reputation was tarnished by this investigation, made possible by the overly-broad powers granted under the PATRIOT Act. How can we allow this to happen in America? Of course, some mistakes will occur, but this bill strikes the wrong balance and makes those errors more likely.

In 2001, I voted in favor of the PATRIOT Act with reservations, and my reservations have only increased over time. At the time, I said that in the anxious aftermath of the attacks of September 11, 2001, we were likely to get wrong the balance between freedom and security. I insisted on a sunset clause so that the law would expire after several years and Congress would adjust the balance. Because those sunsets were adopted we have an opportunity to revisit this important legislation today. Unfortunately, the Majority has prevented many amendments which have bipartisan support from being offered. These amendments would have helped restore the proper balance between freedom and security that the bill gets wrong. And they would have provided the important sunsets that would force review of the bill in four years.

James Madison, speaking in 1788 before the Virginia Convention (not all that far from where we are today) explained what I believe is the unanswered problem with the PATRIOT Act. He said, "I believe there are more instances of the abridgement of the freedom of the people by gradual and silent encroachments of those in power than by violent and sudden usurpations." As Madison said over 200 years ago, the liberty and freedoms we as Americans cherish are being eroded today not at the barricade, but in the library, and at our local doctor's office. It is for this reason that I urge my colleagues to vote "no" on the PATRIOT Act.

Mr. HOEKSTRA. Mr. Chairman, I yield 1 minute to the gentleman from Kansas (Mr. TIAHRT), a member of the Permanent Select Committee on Intelligence.

Mr. TIAHRT. Mr. Chairman, I thank the gentleman for his leadership on this action as well as others that involve the Permanent Select Committee on Intelligence.

I want to remind Members why we are here. We are here because the PATRIOT Act will sunset. It will sunset so we can see if there were any violations of civil liberties during the time it was in effect, which will be approximately 4 years by the end of this year.

There were over 7,000 alleged violations filed by the American Civil Liberties Union, as Members heard before from the gentleman from Indiana. However, we have no violations of civil liberties under the PATRIOT Act. Of those 7,000 allegations, some were under other parts of the law, but none under the PATRIOT Act. So what we are talking about in this bill is sort of splitting hairs.

We have heard comments about how there is no judicial oversight for what is going on. There is judicial oversight for almost everything involved in the PATRIOT Act with few exceptions, like national security letters, which does require a certification of relevance before they move forward.

We use these tools in the PATRIOT Act so we can catch terrorists and prevent acts of violence against American citizens. We use these same tools in other parts of the law, like when we are trying to find patent infringement, when we are trying to catch organized criminals, when we are trying to stop drug trafficking. This is a good law. I hope my colleagues will support it. It does protect civil liberties, and we should pass it.

Ms. HARMAN. Mr. Chairman, to the last speaker, I agree it is good, but I think it could be a lot better.

Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. RUPPERSBERGER), the former rookie of our committee.

Mr. RUPPERSBERGER. Mr. Chairman, we are all watching what is happening in London; and with that backdrop, we are discussing reauthorizing the PATRIOT Act today. We are all committed to finding and fighting terrorists. No one party, Democrats or Republicans, has exclusivity over this issue. We are all for stopping terrorists and protecting our citizens.

While we are all committed to this fight, it is still our congressional duty to exercise our oversight responsibilities. We can do this effectively with sunset provisions. Sunset provisions hold Congress accountable for reexamining and determining the effectiveness and impact of the PATRIOT Act.

As a member of the Permanent Select Committee on Intelligence, I hold this oversight responsibility as one, if not my most, important function. Let me say up front that I think the PATRIOT Act provides essential tools for law enforcement authorities that were not available before the 9/11 attacks. These tools are essential to identifying and tracking terrorists inside the United States.

The House Permanent Select Committee on Intelligence held two open hearings for the PATRIOT Act. These hearings led me to conclude that the PATRIOT Act, while good, is not perfect. Additional time is needed to assess many of these provisions' effectiveness and impact on civil liberties, and that is why we need to call for sunsets.

It is clear to me that we still face serious threats and we need some of the powers of the PATRIOT Act. Sunset provisions are important because they allow for review and oversight. Oversight allows us to protect civil liberties; but more importantly, it allows us to enhance law enforcement tools to keep pace with the terrorists.

Mr. HOEKSTRA. Mr. Chairman, I yield 1 minute to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, the Cold War is over and the world is a more dangerous place. The strategy that we used to have of containment, react and mutually assured destruction went out the window on 9/11. Lord, it probably went out earlier, we just did not get it.

We need now to be able to detect in order to prevent, and our intelligence community needs the capability and the tools so they can detect and prevent.

We are not going to be able to harden a subway site, a bus station, a train station. We can have more people, dogs, cameras, lights, we can do a lot of things to help, but we cannot stop it unless we have the tools. We do not want to use the criminal means to go after terrorists because you have to wait until the crime has been committed. We want to prevent not a crime from being committed; we want to prevent a terrorist attack from being committed. So give them the tools.

The PATRIOT Act does it. We have seen it operate for 4 years. It has been amazing how well it has operated.

When people talk about libraries, why in the world would we want to make a library a free terrorist zone? We allow our forces to go in for a crime in a library. Why should they not be allowed to go in for a terrorist issue?

Ms. HARMAN. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, the devastation of 9/11 shook our collective consciousness to the core; but it should not have shattered the foundation that defines who we are as a people and serves as a beacon of individual rights and liberties throughout the world.

Our Nation has been able to overcome the challenges of the past by proving to ourselves and to the world around us that our rights and our values are the indispensable conditions of being an American. If we allow the threat of fear and terror to undermine our civil liberties, we will have failed not only the Founding Fathers who bestowed upon us the philosophical foundations of this great Nation, but more importantly, we will have failed the future of America as the last great hope of mankind.

□ 1430

Mr. Chairman, an unforeseen consequence of these infringements on American citizens' civil liberties is the erosion of our standing as the international leader of the rights of people. With each fundamental mistreatment of our own citizenry, we broadcast an image around the world that will, in fact, come back to haunt us. We will become what we deplore: a hypocritical pseudo-democracy of freedoms granted from the government down instead of from the people up.

Mr. Chairman, do not rewrite our precious Bill of Rights. Vote against this bill just as our Founding Fathers would have.

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

Ms. HARMAN. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Chairman, I thank the gentlewoman for yielding me this time.

Mr. Chairman, I voted for the first PATRIOT Act, and I strongly supported the creation of the Homeland Security Department and have voted for every large increase in intelligence, homeland security funding, and defense funding.

But I am very troubled here. I am very troubled by the fact that we are

eliminating the sunsets. I am very troubled by the fact that the administration and the leadership here are just going full steam ahead without listening to the very sincere problems that many of us have with the erosion of civil liberties. I do not think we should be trying to save our freedom by killing the safeguards that keep our liberties. These are very serious issues.

The FBI can get a court order to demand confidential medical and financial records and gag their doctor or banker from telling them. They can even search people's homes and not tell them until weeks or months later. We have had many colleagues talk about the problems with library records and bookstore records. These are very serious civil liberties problems.

And it is not on the abstract. There are people like me who support a strong defense. There are people like me who support strong intelligence and homeland security funding. But this is a balancing act, and my fear is that we have gone too far.

The administration should listen to us, have a moderate bill, have sunsets, and then we could all vote for this bill.

Ms. HARMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as prior speakers on our side have made clear, we should be mending it, not ending it. That is my view under this legislation.

Mr. Chairman, I yield the balance of my time to the gentlewoman from California (Ms. PELOSI), minority leader and my predecessor as ranking member on the Permanent Select Committee on Intelligence.

Ms. PELOSI. Mr. Chairman, I thank the gentlewoman for yielding me this time, and I salute her for her extraordinary leadership on issues relating to the national security of our country, her excellent leadership as the ranking member on the Permanent Select Committee on Intelligence, and her important comments today.

I also salute the gentleman from Michigan (Mr. CONYERS) and commend him for being such a guardian of our Constitution. Mr. Chairman, we take an oath of office to protect and defend the Constitution. No one is more committed to that oath than the gentleman from Michigan (Mr. CONYERS). I thank him for his tremendous leadership.

I join them and each and every one of our colleagues in expressing our admiration for the people of Great Britain for their strength and their courage. Together our two nations will defeat terrorism, and we will do so by pursuing real security measures and by providing law enforcement the tools they need.

Mr. Chairman, as we close debate on this important bill, I want to thank again the gentleman from Michigan (Mr. CONYERS), the gentlewoman from California (Ms. HARMAN), and so many other colleagues on both sides of the aisle for their thoughtful consideration of this very important matter. I am very impressed by the comments of the gentleman from Virginia (Mr. BOUCHER), who has contributed enormously to this debate.

Our first responsibility to the American people is to provide for the common defense, to protect and defend the American people. In doing so, we must also protect and defend the Constitution, as I mentioned. We must pursue real security measures that prevent terrorism. We must make a strong commitment to homeland security. And we cannot, because of any negligence in terms of protecting the American people in terms of homeland security, take it out on their civil liberties.

Our Founding Fathers in their great wisdom understood the balance between security and liberty. They lived at a time when security was all about homeland security. The war was fought on our shores and continued into the War of 1812 here. And so they knew that in order to have a democracy and to have freedom and to have liberty and to ensure it and to protect the people, they had to create that balance.

Today we are considering the extension of certain provisions of the USA PATRIOT Act. I want to add my voice to those who have made it clear to this body that the PATRIOT Act is the law of the land. Ninety percent of it is in the law. About 10 percent of it, 16 provisions, are what we are considering today. They are the provisions that were considered controversial 4 years ago when the bill was passed. And because they were controversial, in a bipartisan way, these provisions were sunsetted. There was a limit to how long they would be in effect. I supported the bill because of these sunset provisions and because of the rigorous oversight that was promised.

We have not seen that oversight. It simply has not happened in an effective way. And today there is an attempt on the part of the Republicans to eliminate the sunset of 14 of the 16 provisions and on the two remaining provisions to have a sunset of 10 years. That is a very, very long day when you are curtailing the liberties of the American people.

I again listened intently to the gentleman from Virginia (Mr. BOUCHER) when he described in detail the serious constitutional issues concerning section 505, national security letter orders, by which government possesses power to seize citizens' medical and other personal records without notice, without the ability to challenge these orders, and without meaningful time limitations. And for this reason, I will join the gentleman from Virginia (Mr. BOUCHER) in opposing this legislation but with the hope that it will be improved in conference and then, when it comes back to this body, that we will be able to all support a PATRIOT Act extension that protects the American people, gives law enforcement the tools they need without seriously curtailing the privacy and civil liberties of the American people.

I think it is important to note that the bill before us fails to ensure accountability. Again, when Congress voted for this 4 years ago, Members clearly understood that it would be accompanied by strong congressional oversight so that the implementation would not violate our civil liberties. In fact, the Attorney General has admitted that the information on its use of the PATRIOT Act has not been forthcoming to Congress in a timely manner. If not for the sunset provisions, there is no doubt that Congress would not have even received insufficient information we have received to date.

Today we are deciding whether the government will be accountable to the people, to the Congress, and to the courts for the exercise of its power. It is about whether broad surveillance powers that intrude on Americans' privacy rights contain safeguards and actually materially enhance security to target terrorists and those who wish to harm the United States, not needlessly intrude on the constitutional rights of innocent and law-abiding American citizens.

Unfortunately, Republicans refused to permit amendments that would have extended the sunset by 4 years and created sunsets for the national security letter provisions to ensure that these provisions would never be abused. Perhaps they thought that these amendments would have been too appealing to the many Members of this House on the Republican side who are strong supporters of privacy rights for the American people and they did not want these amendments to pass. For whatever reason, the American people are not well served by not having as open a debate with the opportunity for these sunset provisions to be considered. These amendments should have been considered as a minimum part of any effort to improve the PATRIOT Act and this bill.

USA today said in an editorial: ''Congress has an opportunity to . . . ensure'' that these provisions ''remain temporary, the best way to monitor the law's use and keep law enforcement accountable.''

We have a duty to protect the American people from terrorism but also to protect law-abiding citizens from unaccountable and unchallengeable government power over their personal lives, their personal records, and their thoughts. Because I believe this bill fails to meet these objectives, as I said, I will oppose it today with the hope that there will be an improved bill coming from the conference committee.

Again, our Founding Fathers left us with the ever present challenge of finding the balance between security and liberty. It is the story of America. We must honor their legacy in however we vote today. I would hope that even those who support the bill do so in the hope that it will come back a better bill from conference. All Members should honor their oath of office and

carry out their duty to protect and defend our Nation while protecting and defending our Constitution and our civil liberties.

I thank all who have participated in this very important debate and hope that at the end of the day, and I hope it is not a day with a very long sunset, but at the end of the day that we can all get behind a PATRIOT Act extension that does respect the civil liberties of the American people.

Again, I remind my colleagues, the PATRIOT Act is the law. The sunsetted provisions are what are being considered today. The sunsets, by and large, have been removed or extended to such an extent that they do not even matter, and we can do better. We have an obligation to do better for the American people.

Mr. HOEKSTRA. Mr. Chairman, as we close general debate on the U.S. PATRIOT Act, I yield 1 minute to the gentleman from Wisconsin (Mr. SENSENBRENNER), the author of the bill, chairman of the Committee on the Judiciary.

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

After listening to the speech of the distinguished minority leader, I have reached the conclusion she has not read the bill. She has not looked at the oversight that the Committee on the Judiciary has done over the last 3½ years.

We have an oversight record of bipartisan letters sent to the Justice Department, Inspector General's reports, and hearings that have a stack of paper that is about 2 feet high. In this bill we have had 12 hearings with 35 witnesses, people who have come from all over the spectrum; and 13 of the 16 sections of the PATRIOT Act that are sunsetted are not controversial. The three controversial sections, two of them are sunsetted; the third one, as a result of some of the testimony, has been amended, and that is the delayed notification warrants.

The fact of the matter remains that no federal court has found that any of the 16 sunsetted sections are unconstitutional, and the Inspector General, who is required by the PATRIOT Act itself to report to the Congress twice a year, has not found any civil liberties violations.

Let us stick to the facts. Let us stick to the result of the oversight. Let us stop the hyperbole. And let us stop the scare tactics that seem to surround the debate of those who are opposed to this law for whatever purpose.

Mr. HOEKSTRA. Mr. Chairman, I yield myself the balance of my time.

The greatest responsibility of the intelligence community is to protect our country from attack. Today's debate should flow from this simple premise which should not be controversial, contentious, or partisan.

The 9/11 attacks have led us to war, to war with an unconventional enemy that hides literally around the globe. The full energies of the intelligence community are directed to finding and monitoring that enemy abroad, but our most pressing and immediate concern is with those foreign terrorists who may be even closer to home, those within the borders of the United States. The USA PATRIOT Act has provided basic and fundamental tools to investigators to help them find foreign spies and terrorists who may seek to harm our Nation.

The continued acts of alleged terrorism in London today should continue to highlight the urgency of these efforts and the critical nature of the PATRIOT Act authorities. Within days of the first London bombings, British authorities were able to rapidly identify the bombers and follow their trail to other terrorists. The PATRIOT Act would be essential to do the same in the United States to investigate or prevent an attack.

□ 1445

By now, you have all seen the chilling photograph of the very first group of London bombers to gather in a rail station. In the United States the authorities of the PATRIOT Act likely would have been used to obtain that photograph.

In the London investigation, there has been extensive cooperation between the London Metropolitan Police and the British intelligence agencies. In the United States, that cooperation would not be possible without the PATRIOT Act.

British investigators then obtained leads from a terrorist phone to tie them to the coconspirators of the first group of bombers. In the United States, the authorities of the PATRIOT Act likely would have been used to obtain those records.

Mr. Chairman, our counterterrorism investigators in the intelligence community can do truly remarkable work to find terrorists and to piece together the puzzle of their networks, but to do that they need modern legal authorities to deal with modern threats.

Behind all the rhetoric, the PATRIOT Act is simple, sensible, reasonable and necessary. I urge all Members to support the intelligence community in its effort to fight terrorism. Support this bill and keep America safe.

Ms. KILPATRICK of Michigan. Mr. Chairman, I rise today to oppose H.R. 3199, the USA PATRIOT and Terrorism and Prevention Reauthorization Act. I want to emphasize at the outset that I share the concern of my House colleagues that it is essential to protect our Nation and its citizens from terrorists seeking to harm our homeland and its citizens. I agree with my colleagues that no safe harbor should be available to terrorists. There should be no doubt that I wholeheartedly support enabling law enforcement officials with the authority to surveil and prosecute terrorists. But it is critical that we resist the temptation to develop laws that assault the constitutional protections afforded to Americans.

I am alarmed about the scope of a number of provisions in the bill that are likely to lead to the abuse of personal freedoms enjoyed by Americans. Section 215, Seizure of Records, causes me great concern. This provision allows the FBI, based on the premise of conducting a terror investigation, to obtain any record, after receiving approval from a secret Foreign Intelligence Surveillance Act, FISA, Court. My concern is that law enforcement agencies can engage in such activity without meeting the standard legal threshold of ''probable cause'', thereby leading to potential cases of abuse.

I am also very concerned about the ability of law enforcement agencies to conduct ''Roving John Doe Wiretaps''. Under this scenario, criminal investigators can obtain wire tap authority to employ devices that roam with someone who has been designated as involved in terrorist activity; that device can be attached to an instrument that can be transported through multiple jurisdictions.

Section 213 that allows for ''Sneak and Peek'' authority related to searches and seizures. This is a provision that allows for run-of-the-mill criminal investigations to be employed while conducting the war on terrorism. The problem with this provision is that 90 percent of the searches are used for drug and fraud cases and not for terrorism. I am concerned about the lack of oversight that could apply to these types of investigations.

I recognize that some of the provisions of the PATRIOT Act have served a useful purpose and are scheduled to end. The process of reviewing provisions and determining whether to extend them allows the House to evaluate the effectiveness and appropriations of the provisions. Two of the provisions in this bill are now being scheduled to extend for 10 years as opposed to the 4 years in the expiring legislation. In this scenario, a flawed provision could extend 6 years beyond the normal time frame. Fourteen sections of H.R. 3199 bill will become permanent, and will have virtually no oversight.

I continue to have great reservations about the use of National Security Letters, NSLs. National Security Letters are applicable within Section 505. The NSLs deny individuals due process by barring targets of investigations access to court and the right to challenge the NSLs. The NSLs allows institutions, i.e. banks, Internet Service Providers, ISPs, to divulge critical information about individuals under investigation. Private information about an individual can be shared with law enforcement, but the organization would be ''gagged'' from revealing its efforts. This is a terribly flawed and wrong process.

Mr. Chairman, I content that it is essential to protect the constitutional rights of American citizens as we engaged in the ongoing war on terrorism. I urge my colleagues to stand up for the Bill of Rights and resist the temptation to curtail those rights in our collective pursuits to develop legislation to counter the threats posed by terrorists. My review of H.R. 3199 causes my great concern that we are undermining the civil liberties of Americans. I stand as a patriot for America and our Constitution, and in opposition to H.R. 3199. I urge my colleagues to join my in defeating this measure. I support sending this over-reaching legislation back to committee, and ask the Judiciary Committee to come back with a better bill that does not shed our civil liberties that are guaranteed in the Constitution. It is vital that we

address terrorism specifically, while simultaneously ensuring that these statutory provisions continued to be forced to comply with the legal threshold of probable cause.

Mr. DEFAZIO. Mr. Chairman, as we learned here on 9/11 and in London today and on 7/7, we must crack down on terrorism, and we must ensure that law enforcement officials have the tools they need to assess, detect and prevent future terrorist attacks. However, I don't believe we have to shred the Constitution and Bill of Rights in order to fight terrorism. We must be vigilant that the rights and liberties we are fighting to protect are not jeopardized in the name of the war against terrorism. Regrettably, H.R. 3199, the USA PATRIOT Act and Terrorism Prevention Reauthorization Act, does not provide adequate protections for the civil liberties of law abiding citizens and I must rise in opposition to the bill.

When the House considered the original USA PATRIOT Act in 2001, I expressed concerns with the bill both for substantive and procedural reasons. And, unfortunately, I have both substantive and procedural concerns with this reauthorization bill, as well.

With that said, I support a number of provisions in H.R. 3199. Law enforcement officials need tools to find and track domestic criminals and international terrorists. Federal law has not kept pace with emerging technological and communications systems, so I support judicially approved wire-taps to obtain email communications and internet records related to potential terrorist offenses.

I also support provisions which authorize law enforcement officials to share information with foreign intelligence officials. Allow judicially approved wire-taps on cell phones and disposable cell phones, permit judicially approved seizure of voice mail and not make permanent the provision making it a federal crime to provide material support to terrorists, among other meritorious provisions.

However, as I mentioned earlier, I also have very serious concerns with a number of other provisions in the bill. Many of the provisions in the bill that expand law enforcement authority to conduct domestic intelligence gathering, either do not require judicial review, or require that law enforcement only assert relevance to an investigation, rather than show probable cause that the information is relevant to a terrorist investigation. These expanded powers go a long way toward tearing down protections that were put in place in the post-Watergate era when we learned of presidential abuses of domestic intelligence-gathering against individuals because of political affiliation or citizen activism.

I am particularly concerned with a provision authorizing national security letters, NSL's, which allow law enforcement officials unlimited access to business and personal records without any sort of judicial oversight. This provision is extraordinarily broad and intrusive and could apply to any tangible records on any and all Americans whether or not they are suspected of a terrorist act. Prior to the Patriot Act, NSL's could be used to get records only when there was ''reason to believe'' someone was an agent of a foreign power. Now they are issued simply when an agent asserts that it could be relevant to an investigation. According to the Department of Justice, this new power has been used hundreds of times since the USA PATRIOT Act was signed into law in 2001. A Federal court has found this authority to be in violation of the 1st and 4th amendments of the Constitution, but the administration continues to use it, and this bill would sanction this extraordinary expansion of unchecked governmental authority.

I am also concerned that the bill extends the government's so-called ''sneak and peek'' authority which allows the government to conduct secret searches and seizure of property without notice, in violation of the 4th amendment. This authority has also been used hundreds of times since enactment of the USA PATRIOT Act, including against Brandon Mayfield in Portland who was suspected of being involved in the Madrid bombings. Mr. Mayfield was later exonerated of all charges related to the bombings because it was shown that the FBI based its investigation on incomplete and faulty information. But his life was changed forever as a result of the investigation and intrusive searches, and under this bill, it could happen to other law abiding citizens.

I am disturbed that the bill extends many of these controversial provisions either permanently or up to 10 years, even though Congress has not been properly provided information on the sue of many provisions of the Act to date. Without that information, it is difficult to know how this new law enforcement authority is being used, whether it's necessary at all, or whether it needs to be modified to protect the civil rights and liberties of law abiding citizens. We know of some abuses that have occurred under the act, like the Mayfield case. However, the Administration has refused to provide information on some of the most broad and intrusive powers under the Act, and the bill should provide for adequate disclosure and proper oversight of these provisions, but it doesn't.

Finally, I am concerned that the bill is being brought up with limited debate and amendments. I am particularly concerned that the Republican leadership refused to allow a vote on an amendment to remove library and bookstore records from Sec. 215 of the Act, which grants law enforcement officials the authority to seize business records without notification. A similar amendment was approved by the House of Representatives earlier this summer by an overwhelming vote of 238–187.

I would like to be able to support this bill, and as I said earlier, I support a number of provisions in the bill. I also believe we could have reached an agreement on protections to address most of my concerns with the bill by providing for judicial review and shorter-sunset provisions. Unfortunately, the leadership chose to bring a bill to the floor which simply gives too much broad, intrusive and unchecked authority to the federal government, and does not provide for adequate legislative oversight of how these powers are being used, therefore, I cannot support the bill. I hope the Senate and conference committee will address these concerns.

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise in opposition to H.R. 3199, the reauthorization of 16 expiring sections of the PATRIOT Act, which weakens the safeguards currently in place to protect innocent Americans from sweeping searches and surveillance by the government.

I am not opposed to the original PATRIOT Act. In fact, I supported the original bill passed in 2001 because it included provisions which were legitimately needed by law enforcement in order to better pursue terrorists. Commonsense improvements have been made to update our intelligence and law enforcement capabilities, and to reflect modern-day realities. These will remain intact, and today's vote will not affect such core provisions of the PATRIOT Act. Whether or not H.R. 3199 passes, 90 percent of the PATRIOT Act will continue to be enforced.

My objection, however, is that H.R. 3199 retains numerous objectionable provisions of the PATRIOT Act that intrude on our privacy and civil liberties, have been subject to repeated abuse and misuse by the Justice Department, and have little to do with combating terrorism. This legislation does nothing to address the many unilateral civil rights and civil liberties abuses by the administration since the September 11 attacks. Nor does the bill provide law enforcement with any additional real and meaningful tools necessary to help our Nation prevail in the war against terrorism.

Since 2002, 389 communities, including Los Angeles, have passed resolutions opposing parts of the PATRIOT Act, representing over 62 million people. This outcry from America is due to the repeated and serious misuse of the legislation by the Justice Department. Consider that the PATRIOT Act has been used more than 150 times to secretly search an individual's home, with nearly 90 percent of those cases having had nothing to do with terrorism. It was used against Brandon Mayfield, an innocent Muslim American, to tap his phones, seize his property, copy his computer files, spy on his children, and take his DNA, all without his knowledge. Furthermore, because of gag restrictions, we will never know how many times it has been used to obtain the reading records of average Americans from libraries and bookstores.

H.R. 3199 also extends or makes permanent 16 provisions of the PATRIOT Act concerning the government's expanded surveillance authorities, which are otherwise scheduled to sunset on December 31, 2005. It is simply irresponsible to make these provisions permanent when there continues to be wide spread concern that these sections of the PATRIOT Act can lead to violations of individual civil liberties, as well as tread on our country's professed support of basic civil rights for all individuals. Preserving a 4-year sunset for these 16 provisions in the PATRIOT Act is one of Congress's strongest mechanisms for maintaining oversight and accountability over expanded government controls that could potentially undermine civil rights and civil liberties. We are talking about critical issues that will set the precedence for the rights of people in our country for many years to come.

The Intelligence Committee tried to offer sensible amendments to the bill, but was denied by the Republican-controlled Rules Committee. One amendment would have tightened the ability of the FBI to conduct roving wiretaps to ensure that only terror suspects—not innocent Americans—are wire-tapped. Another amendment would have included the sunset provisions originally in the PATRIOT Act to promote accountability and congressional oversight. A final amendment would have prohibited the FBI from using the broad powers to get bookstore or library documentary records about any patron.

Even though some in our government may claim that civil liberties must be compromised in order to protect the public, we must be wary

of what we are giving up in the name of fighting terrorism. Striking the right balance is a difficult, but critically important task. History has taught us to carefully safeguard our civil liberties—especially in times of fear and national outrage.

The lessons of September 11 are that if we allow law enforcement to do their work free of political interference, if we give them adequate resources and modern technologies, we can protect our citizens without intruding on our liberties. We all want to fight terrorism, but we need to fight it the right way, consistent with the Constitution, and in a manner that serves as a model for the rest of the world. Unfortunately, H.R. 3199 does not meet those tests and, without the critical safeguards of sunset provisions, does not warrant reauthorization.

Mr. DELAY. Mr. Chairman, I rise in strong support of the reauthorization and extension of the USA PATRIOT Act, the provisions of which have protected the American people and our soil from terrorism since their enactment 4 years ago.

The PATRIOT Act has been instrumental to our prosecution of the war on terror since 9/11, and, specifically, instrumental to the prosecution of terrorists who have threatened our homeland.

Our law enforcement and intelligence communities have vigorously and appropriately used the PATRIOT Act to investigate, charge, and prosecute terrorists.

Five terrorist cells in Buffalo, Detroit, Seattle, Portland, and northern Virginia have been disbanded. Terrorists around the world have been brought to justice. The notorious wall between law enforcement and intelligence gathering organizations has been broken down. Prosecutors and investigators have been given more tools to go after terrorists without the outdated redtape that, prior to 9/11, always hamstrung such efforts. Loopholes have been closed, safe-havens have been shut, and the war in being won. Meanwhile, civil liberties are being protected.

Opponents of the PATRIOT Act suggest that we have an either/or choice when it comes to safety and civil liberties, but the PATRIOT Act—the ultimate legislative boogeyman for conspiracy theorists—has worked exactly as the American people were told it would be.

To date, 4 years after Big Brother supposedly imposed this draconian usurpation of liberty on the American people, no one has suggested a single instance of a single person's civil liberties being violated.

This point bears repeating: on one, not the Justice Department, not the ACLU, not even moveon.org has produced evidence of a single, verifiable PATRIOT Act civil liberties abuse.

It just hasn't happened.

Neither has the government's abuse of the PATRIOT Act's ''delayed notification search warrants,'' which since the Act's passage have comprised fewer than 2 of every 1,000 search warrants sought by the Justice Department.

The USA PATRIOT Act, then, Mr. Speaker, has been a boon to the law enforcement and intelligence community, a crushing blow to our terrorist enemies—212 more of whom, I repeat, are now behind bars—and a protector of security and freedom to the American people.

Of course, this law should be re-examined. That's why we've subjected it to such vigorous scrutiny: Six Inspector General reports; 12 Committee hearings, just since this April; 41 witnesses, 15 of whom were called by the Democrats; 43 proposed amendments in Committee, 8 of which were approved.

The American people have had ample opportunity to witness the PATRIOT Act in action, and in the 4 years since its passage, our Nation has been safer, our civil liberties more secure than ever, and our enemies have been hunted, caught, and prosecuted.

We are winning the war on terror, and the PATRIOT Act is a big reason why.

I urge all members to protect the American people, protect civil liberties, and extend the PATRIOT Act.

Mr. PORTER. Mr. Chairman, I rise today to express my support for the PATRIOT Act. As we all learned on September 11, 2001, terrorists will use any and all means available to them to attack the United States of America.

Since its passage following the September 11 attacks, the PATRIOT Act has played a key role in a number of successful operations to protect innocent Americans from terrorists. The PATRIOT Act removed major legal barriers that prevented the law enforcement, intelligence, and national defense communities from talking and coordinating their work to protect the American people and our national security. Now FBI Agents, Federal prosecutors, and intelligence officials can protect our communities by ''connecting the dots'' to uncover terrorist plots before they are completed. Simply put, the PATRIOT Act allows the United States to become proactive, rather than reactive.

Mr. Chairman, the simple truth is that while key provisions of the PATRIOT Act are set to expire, as we have learned twice in the past two weeks from events in Great Britain the terrorist threat that faces the world will not expire.

Southern Nevada is visited by over 35 million people each year; many of these tourists are our friends from foreign countries. Unfortunately we have learned that mixed in with these friendly tourists are some who wish to inflict harm on our Nation. This sentiment is supported by the fact that we now know that planning meetings of the 9/11 hijackers took place in Las Vegas.

While this may not be a perfect bill, I do believe that the legislation before us today reflects a compromise that includes the proper balance between security and privacy to face the challenges of the current world we live in as well as the necessary safeguards to protect our fellow citizens against an over-encroaching government.

I understand and appreciate the privacy concerns that have been expressed by many and will continue to protect civil rights and insist that the proper and regular oversight exists when possible infringements on Americans' civil rights are concerned.

Mr. HONDA. Mr. Chairman, I rise today in opposition to H.R. 3199, the USA PATRIOT and Terrorism Prevention Reauthorization Act of 2005. While Congress should be revising the flawed aspects of the PATRIOT Act, we are instead poised to make permanent the provisions that were supposed to sunset at the end of this year.

My fear is that the actions of our government pursuant to the PATRIOT Act amount to nothing short of a taking, not a taking of property, rather of our rights and our liberties. For example, the House Judiciary Committee Democrats have uncovered the following regarding the Act:

It has been used more than 150 times to secretly search an individual's home, with nearly 90 percent of those cases having had nothing to do with terrorism.

It was used against Brandon Mayfield, an innocent Muslim American, to tap his phones, seize his property, copy his computer files, spy on his children, and take his DNA, all without his knowledge.

It has been used to deny, on account of his political beliefs, the admission to the United States of a Swiss citizen and prominent Muslim Scholar to teach at Notre Dame University.

It has been used to unconstitutionally coerce an Internet Service Provider to divulge information about e-mail activity and web surfing on its system, and then to gag that Provider from even disclosing the abuse to the public.

It has been used to charge, detain and prosecute a Muslim student in Idaho for posting Internet website links to objectionable materials, even though the same links were available on the U.S. Government's web site.

These are just a few of the incidents we know of, yet they are enough to raise plenty of concerns in my mind. Because of gag restrictions, we will never know how many times it has been used to obtain reading records from libraries and bookstores, but we do know that libraries have been solicited by the Department of Justice—voluntarily or under threat of the PATRIOT Act—for reader information on more than 200 occasions since the 9/11 terrorist attacks.

Rather than making the provisions in question permanent, we should be reviewing and amending the most intrusive of these provisions that are subject to the sunset clause such as:

Sec. 215: Secret searches of personal records, including library records. The bill does not provide a standard of individual suspicion so that the court that examines these extraordinary requests can ensure personal privacy is respected, and also falls short by failing to correct the automatic, permanent secrecy order.

Sec. 206: ''Roving'' wiretaps in national security cases without naming a suspect or telephone. The bill does nothing to correct this overbroad provision of the Patriot Act that allows the government to get ''John Doe'' roving wiretaps—wiretaps that fail to specify the target or the device. The bill also does not include any requirement that the government check to make sure its ''roving'' wiretaps are intercepting only the target's conversations.

The Patriot Act originally had sunsets on some provisions so we could reexamine the extraordinary powers that were given to the executive branch, in a calmer atmosphere. Instead we are here today ignoring the more troubling provisions such as: the ''delayed notice'' of a search warrant, the intrusive ''national security letters'' power of the FBI, and the overbroad definition of domestic terrorism.

There is no more difficult task I have as a legislator than balancing the nation's security with our civil liberties, but this task is not a zero sum game. By passing a bill that largely ignores the most serious abuses of the PATRIOT Act, that ignores the abuse of power by the Bush Administration, and which fails to give adequate resources and money to those on the ''front line'' in the fight against terrorism.

Ms. DELAURO. Mr. Chairman, there is no greater responsibility of government than to protect its people from harm. That was the intent of the PATRIOT Act—legislation authored a month after the September 11th attacks 4 years ago. And like any bill quickly passed into law, particularly one this expansive, the PATRIOT Act has worked well in some respects, but less so in others, and in some cases, with unintended consequences. All that is understandable, but making the entire bill work well with the benefit of 4 years hindsight ought to be the challenge before us today.

But this legislation is not the entire PATRIOT Act passed into law 4 years ago—it is only 16 provisions of that law, most of which were set to expire or sunset. This year, we are failing to consider some of the most ineffective and overreaching provisions of the PATRIOT Act. We are making only the most modest changes to others. And, in the case of the so-called ''sneak and peek'' provision, we are actually making matters worse.

Indeed, under this bill, judges can order searches or seizures without telling the targets for up to 6 months after the search. This bill also expands authority to access medical records and bookstore and library records. And even though it allows recipients of such subpoenas to consult an attorney, there is no requirement that law enforcement show that the information they are seeking is even part of a terrorism investigation.

And while this provision will be revisited again in 10 years, almost all the others are made permanent—access to e-mail and Internet records, wiretap authority, the disclosure of Internet records in emergencies, the use of search warrants to seize voice mail. These are all fundamental matters of privacy—privacy we would all agree terrorists are not entitled to, but the average American is.

By insisting 14 of the 16 expiring provisions in this bill be made permanent, we are essentially abdicating our responsibility as Members of Congress to make sure we strike the right balance of giving law enforcement the tools they need to catch terrorists while still upholding the basic rights to which every American is entitled.

Mr. Chairman, this bill is a matter of security—of homeland security, national security and the security of every American's right to privacy. Let us honor our obligations and uphold each of those responsibilities.

Mr. DINGELL. Mr. Chairman, I rise in strong opposition to H.R. 3199. This bill does very little other than to make permanent, onerous sections of an onerous law.

Four years ago, Congress passed and the President signed into law the USA PATRIOT Act. Substituted in the dark of night, the Administration's bill was inserted as the final bill and became law with very little Congressional deliberation or consideration. I was appalled by the process we used then and am only slightly more comforted now.

We are considering making 14 of the 16 provisions in the PATRIOT Act permanent, and making the other 2 provisions semi-permanent. Are we going to yield more of our institutional power by granting the permanency of these provisions? We must remain vigilant against terrorism, but we must also remain vigilant against abuses of power that curtail Americans' civil liberties in a time of war.

Mr. Chairman, I have heard a lot during the last four years that we will not yield to the terrorists. That we will fight tyranny with freedom and democracy, and the power of our ideas will prevail. I agree.

Yet, today, we are considering limiting American freedoms by extending these sections of the PATRIOT Act permanently. As a former prosecutor, I understand the need for tools to prosecute those who would do us harm. However, the law that was passed four years ago and the bill we consider today go too far.

We must provide commonsense tools to prosecutors, but we must weigh the important needs to safeguard liberty. We must not make these temporary provisions permanent while we remain at war. What will generations to come think when they have seen we have permanently lowered the bar in protecting their civil liberties?

Mr. Chairman, I am reminded of a very wise saying by one of our founding fathers, Benjamin Franklin. He said ''They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety.''

I will vote against this bill and urge my colleagues to do the same.

Mr. FARR. Mr. Chairman, I rise in strong opposition to the PATRIOT and Terrorism Prevention Reauthorization bill. This bill tramples on the Bill of Rights in the name of patriotism.

To be patriotic means to be loyal and devoted to one's country. As Thomas Paine once said, ''It is the duty of the Patriot to protect his country from his government.'' We are all Patriots today in the finest sense of the word, but just because some of us want to ensure that Congress retains its legislative oversight over these draconian provisions, some will call us unpatriotic. To quote Thomas Jefferson, ''Dissent is the highest form of patriotism''.

While not one of us in the Chamber takes lightly our Oath to protect and defend the United States, the permanent extension of the Patriot Act, as the expense of our civil liberties, will not in and of itself make our country safer.

I voted against the original PATRIOT Act that was hastily passed in October 2001. The same concerns regarding the abuse of power still exist. With such broad, sweeping provisions as roving wire taps and sneak and peek searches, Congress must retain its ability to exercise legislative oversight to ensure the civil liberties of the people are upheld. The provisions of the misnamed Patriot Act should be reauthorized periodically, not made permanent.

This Administration consistently hides behind the fear of terrorism to achieve their legislative agenda. In this case, they are trying to convince the American people that giving up their civil liberties is necessary to combat terrorism. My constituents remain unconvinced. In my district, the local governments of Pacific Grove, Salinas, Santa Cruz, and Watsonville, California have all passed resolutions expressing their concerns with the anti-privacy and anti-liberty portions of the Patriot Act.

Mr. Chairman, homeland security means protecting the civil rights of Americans.

Mr. UDALL of New Mexico. Mr. Chairman, almost four years ago, our country was traumatized by the vicious attacks on September 11, 2001. We will never forget that day or the days immediately following the attacks, and once it became clear who was behind the attacks and what their motives were, we realized that we were facing a threat unlike any other. In the years since, we have seen these senseless attacks continue on our allies across the world. As a former state attorney general, I fully understand the need to balance the security of our nation and the liberties of our citizens. The gravity of the situation is not lost on me, or any of my colleagues in this chamber.

On October 24, 2001, a justified sense of urgency resulted in an unjustifiably rushed vote on the PATRIOT Act. Many members had outstanding questions about the bill, which the Rules Committee put in place of another bill that had been passed by the Judiciary Committee. In the years since that bill passed, over 374 cities, towns, and counties in 43 states have passed resolutions expressing concern about the PATRIOT Act or an extension of it. In New Mexico alone, ten cities and four counties have passed resolutions. I have received over 3,000 letters and emails from constituents on this issue, and I have met with hundreds of constituents in my district to discuss the PATRIOT Act in town hall meetings. I have found that Americans of all stripes share my concerns about the Act.

The long awaited House floor debate of this bill has arrived. Many of my colleagues and I are eager to make some commonsense changes to this law, and to bring to light our concerns. Unfortunately, the bill before us today is just more of the same. It gives blanket reauthorization to the bill with only very minor improvements. All but two of the expiring provisions are made permanent, and 10-year sunsets are applied to Sections 206 and 215, the roving wiretaps provision and the ''library provision,'' respectively. All amendments brought to the Rules Committee that would have shortened the sunset period, so that Congress could continue to conduct important oversight and review of this legislation, were not allowed a vote on the floor.

I brought two amendments to the Rules Committee, both of which were rejected. The first, sponsored by Representative BERNIE SANDERS, would have reined in what is probably the most notorious provision in this bill—Section 215. This section grants law enforcement authorities unprecedented powers to search, or order the search of, library and bookstore records without probable cause or the need for search warrants. Because these surveillance powers were cast so broadly and the law prohibits them from revealing to the subject that an investigation is occurring, librarians, storeowners and operators are left in an impossible position. Just one month ago, this House passed an amendment to the FY06 Science-State-Justice-Commerce bill denying funding for this section. Why, then, does the majority insist on giving this section a blanket renewal for 10 years? Librarians and library and bookstore patrons in my district will have a difficult time understanding why their concerns have not been heard by the House leadership. Moreover, in July 2003, the American Civil Liberties Union filed a case against the Department of Justice over Section 215 in a Federal District Court in Detroit, Michigan. Despite promises by the judge that she would issue a prompt ruling, the ruling is still pending two years later. I am very concerned that this ruling has not yet been issued.

I also brought to the Rules Committee, along with Representative CAROLYN MALONEY and Representative CHRIS SHAYS, an amendment that would strengthen the Privacy and

Civil Liberties Board created in last year's intelligence reform bill. Unfortunately, in its current form, the Board does not have the tools to adequately do its job. My amendment would have changed the Civil Liberties Board to be an independent agency within the Executive Branch, have true subpoena power, make full and frequent reports to Congress, have access to information through privacy and civil liberties officers, and have fair composition. It is our responsibility to ensure that the Executive Branch has checks and balances, and I am disappointed that this amendment was not allowed a vote today.

I must also express my grave concern about a section of the bill that was not given a sunset, and thus has not been given the debate that I believe it deserves. Section 213, known as the ''sneak and peek'' provision, allows federal agents to search homes and businesses without giving notice for months. Changes to this section should have been included in the bill before us.

Mr. Chairman, I will vote against this bill today not because I oppose the PATRIOT Act in its entirety, but because I do not believe this bill represents the will of the people or their representatives. I think that if we were allowed a vote on an amendment to Section 215, for example, a majority of members would probably support it. And I think many members here would feel more comfortable attaching four-year sunsets to the expiring provisions than permanently reauthorizing them. But we will not be given that chance today.

In their final report, the 9/11 Commissioners brilliantly stated, ''The choice between security and liberty is a false choice,'' and that ''if our liberties are curtailed, we lose the values that we are struggling to defend.'' We must continue to encourage debate on this law, the events leading up to its passage, and the long-term implications. Because the bill before us today does not reflect this need, I will oppose it.

Mr. NEUGEBAUER. Mr. Chairman, I rise today in support of the USA PATRIOT Act. Nearly four years ago and shortly after terrorists maliciously killed thousands of Americans on September 11, 2001, Congress passed the PATRIOT Act. This act provides law enforcement officials the tools they need to save lives and protect this country from future terrorist attacks. Today, we are at a critical point as Congress considers extending 16 important provisions of the law.

I have looked carefully at the law and I have heavily weighed the constitutional questions some have raised. In the end, I wholeheartedly support all 16 provisions. I believe that the tools provided under the law are consistent with our long cherished values and consistent with our rights under the Constitution.

I especially support the provisions which take important steps to ensure information sharing and cooperation among government agencies. By providing these necessary tools, the PATRIOT Act builds a culture of prevention and makes certain that our government's resources are dedicated to defending the safety and security of the American people.

For decades, terrorists have waged war against freedom, democracy, and U.S. interests. Now America is leading the global war against terrorism. As President Bush has said, ''Free people will set the course of history.''

Mr. CUMMINGS. Mr. Chairman, I rise in opposition to this bill, the USA PATRIOT and Intelligence Reform Reauthorization Act of 2005, H.R. 3199.

Mr. Chairman, after the tragic events of September 11, every American knows, in every nuance of the truism, that freedom is not free. I firmly believe that in order to have security in our homeland we must have a reasonable expectation of infringement of some of our civil liberties. The stakes are too high to maintain a pre-9/11 mentality and the threats of terrorism are too real. However, this bill crosses the reasonableness threshold by abrogating rights guaranteed under the Constitution without a corresponding increase in the real tools law enforcement needs to fight the war on terrorism.

I believe that we should focus on securing our homeland, not by infringing on civil liberties as outlined in the PATRIOT Act—but, by securing our rail and transit systems, by securing our ports and waterways systems, by securing our airspace, and by refining our intelligence organizations for maximum outcomes, just to name a few. But I digress.

Subsequent to passage of the USA PATRIOT Act, a hastily devised bill brought to the floor 45 days after 9/11, I received many letters from my constituents who applauded my voting against its passage. While they were opposed to the bill, many were comforted by the fact that the provisions would sunset and Congress would take a closer look when clearer heads might prevail. As the sunset date approached for the more troubling PATRIOT Act provisions, I received even more letters concerned about the prospect of extending or making permanent the more intrusive aspects of the USA PATRIOT Act.

I also received reports from people who believed that their rights had been unduly violated under the PATRIOT Act. That is why I held a PATRIOT Act Town hall earlier this ear to further examine the extent of the problem.

Mr. Speaker, let me give you an example reported to my office.

Some months ago, a Maryland-based engineer of Iranian descent was at work when the State Police showed up at his employer's doorstep and started questioning him. Without explaining the reason for their interrogation, they asked him where he had gone to school, where he had lived, how many times he traveled internationally and whether he had ever rented a car.

Then, they demanded that he hand over his laptop—equipment that belonged to his employer—and, after some haggling, they took the device without ever obtaining a warrant.

Later, the engineer (whom I'll call ''Mr. L'') was told that a former police officer had seen a group of people who ''looked Middle Eastern'' driving around an airport and ''acting suspicious.''

Fortunately, Mr. L had proof that he was nowhere near the airport during the time in question. He has since been cleared of any wrongdoing.

Yet, Mr. L. remains convinced that his professional reputation has been seriously damaged, and in all likelihood, he is correct.

Far too many Americans of ethnic descent can relate to Mr. L's story of being accused of wrongdoing based only upon a racial or ethnic ''profile.'' Although our U.S. Constitution protects us against unreasonable searches and seizures, we know that this guarantee has not always been uniformly assured.

Sadly, the governmental intrusion into Mr. L's life seems to be one of these cases. It was an erosion of his personal freedom clearly allowed under the PATRIOT Act, which as Americans the rest of us take lightly at our peril. Mr. L's story is not unique; the danger his experience illustrates is not limited to Islamic Americans; and the erosion of our freedom is not confined to investigations of terrorism.

Mr. Speaker, the expressed purpose of the PATRIOT Act was to assure that U.S. law enforcement agencies would possess the legal tools that they said they needed to protect us from acts of terrorism. From the time of its initial passage, however, there has been serious concern that the wider police powers granted to our law enforcement agents by the legislation—as well as other assertions of executive power by the Bush Administration—were not adequately balanced by sufficient constitutional safeguards.

The purposes of this bill are the same and it suffers from the same infirmities as its predecessor. As the Dissenting Views to Accompany H.R. 1399 reports, and I paraphrase, ''there are numerous provisions in both the expiring and other sections of the USA Patriot Act that have little to do with combating terrorism, that intrude on our privacy and civil liberties and that have been repeatedly abused and misused by both the Justice Department and the Administration.''

These include, but are not limited to, the inadequate judicial oversight permitted by this bill and the roving wiretaps targeting innocent Americans—Americans not involved in terrorism in any way. Further, the ''sneak and peak'' provisions authorize federal agents to enter our homes, search them and even seize our property, notifying us only after the fact.

It should come as no surprise that since 2002, 389 communities and seven States representing over 62 million people have passed resolutions opposing parts of the USA-PATRIOT Act. It may come as a surprise however, that groups ranging the political spectrum from the ACLU to Gun Owners of America are equally opposed to many sections of the bill. They are concerned, like my constituents and many other citizens around the country, that the PATRIOT Act has been used more than 150 times to secretly search an individual's home, with nearly 90 percent of those cases having nothing to do with terrorism.

They are concerned that the PATRIOT Act has been used to coerce an internet service provider to divulge information about e-mail activity and websurfing of its members.

They are concerned that it has been used on innumerable occasions to obtain reading records from libraries and bookstores—and that on at least 200 occasions has been used to solicit reader information from libraries.

They are concerned that they may be next for these unreasonable intrusions.

Yet we never had a discourse on these issues. Unfortunately, again the House process has been distorted to leave us to consider a one-sided partisan bill. Instead of thoughtfully considering the tough questions like: how much governmental power is truly required to protect us and what constitutional freedoms are we going to leave in place for our children and generations yet to be born, we consider a partisan bill of which the Minority members inform they never received the facts necessary to fully evaluate.

For this and other reasons, I decided to cosponsor the bipartisan bill spearheaded by

BUTCH OTTER and BERNIE SANDERS, the Security and Freedom Ensured Act of 2005, H.R. 1526, the SAFE Act.

Among other corrections to the PATRIOT Act, this bill would require ''specific and articulable facts'' (rather than a more generalized suspicion) that a suspect is an agent of a foreign power when the government wishes to seize records. It would require a far more detailed justification before ''roving wiretaps'' could be utilized and it would protect our library and bookstore records from unwarranted inspection.

In addition, H.R. 1526 would re-define the new crime of ''domestic terrorism'' in far more narrow terms, making it clear that our traditional freedom to assemble and challenge governmental action must not be chilled.

Although this bill does not resolve every concern about the USA PATRIOT Act, I believe it represents a better beginning for the House debate than the bill under consideration. Democrats and Republicans alike are seeking to better protect the freedom of Americans—without reducing our ability to protect ourselves against terrorist threats.

Since September 11, Americans have learned to accept some additional intrusions into our privacy as the price that we must pay to protect ourselves. Yet, we must also remain vigilant.

Mr. L.'s experience should be a lesson to us all. As we defend freedom against foreign terrorism and promote freedom abroad, we must be ever-mindful not to destroy the freedoms that make us America.

Mr. STARK. Mr. Chairman. I rise in strong opposition to H.R. 3199, the USA PATRIOT and Terrorism Prevention Reauthorization Act, because I swore to uphold the Constitution. The PATRIOT Act clearly violates all Americans' Fifth Amendment right to due process and Fourth Amendment guarantee against unreasonable search and seizure, among others. If the Government takes our rights away in order to supposedly defend them, what are we even fighting for?

Using the PATRIOT Act over the last four years, the Bush Administration has monitored meetings of citizens who dare to criticize their government. It has searched homes without warrants and listened in on phone conversations without any reasonable justification.

If this is the price of security, now is a fair time to ask: what security have we gained? The terrorist who mailed anthrax to the U.S. Capitol and shut down a Senate office building for two weeks is still at large, but a University of Connecticut graduate student who studies anthrax in Petri dishes was charged with bioterrorism. The cargo that rides aboard almost every commercial flight remains unsecured, but a New Jersey man faces up to 20 years in prison under the PATRIOT Act for looking at star's with his seven year old daughter because he shone a laser beam on an airplane.

I am proud to represent one of the most diverse congressional districts in the country. The people of the 13th District know that your ethnicity, religion or country of origin is not indicative of your commitment to community—or anything else, for that matter. That's why cities across the East Bay were among the first in the nation to pass resolutions condemning the PATRIOT Act. I stand with them in support of those actions.

Mr. Chairman, searching my constituents' homes and not telling them, collecting information about what they read, and tracking their e-mail and web usage is a war on liberty to create a false sense of security. To paraphrase one of our founding fathers, Ben Franklin, the nation that sacrifices liberty for security deserves neither. I urge my colleagues to join me in opposing this unpatriotic act.

Mr. OXLEY. Mr. Chairman, anyone who was serving in Congress on September 11, 2001, will never forget the day. We watched television in horror as the World Trade Center collapsed, and then were rushed out of the U.S. Capitol when Flight 77 crashed into the Pentagon. President Bush immediately challenged us to provide U.S. citizens with protections against the new threat of worldwide terrorism, and within weeks we responded with the USA PATRIOT Act.

As Chairman of the House Financial Services Committee, I was proud to help author the antiterrorist financing provisions in the Act. My committee has held numerous oversight hearings on the implementation of the provisions since then. I can report progress. More than $147 million in assets have been frozen and roughly $65 million seized since 9/11. The U.S. has broken up suspected terrorist financing networks, including one in my home state of Ohio. Our terrorist financing tools were further augmented by the intelligence reform act approved in the wake of the 9/11 Commission report.

As a former FBI agent, I have found other parts of the PATRIOT Act just as vital in the defense of our freedoms. As we have been reminded by the two rounds of bombings in London, the reality of terrorism remains very much with us. The toll that these attacks take is so terrible that the only acceptable approach is to prevent them in the first place. To that end, today we are working to make permanent 14 of the 16 expiring provisions of the PATRIOT Act.

I would note that one of the two provisions being extended for only ten years rather than permanently concerns the use of ''roving wiretaps.'' As one of the only Members of Congress who has conducted undercover surveillance, I can tell you now that the need for this authority will not go away. Tying intercept authority to an individual rather than a particular communication device is simply common sense in this era of throwaway cell phones and e-mail. Sunsetting this authority sends the wrong message to our law enforcement agencies: it indicates that our trust in them is incomplete at a time when their services have never proven more important. They should have our full support and every reasonable tool we can give them to help fight the Global War on Terror.

The PATRIOT Act has been a success and we are safer for it. The law has come under misguided criticism from some quarters, and I am constantly answering questions from my congressional district in response to myths surrounding the Act. There is absolutely no evidence that the PATRIOT Act has been used to violate Americans' civil liberties. Congress recognizes the delicate balance between deterring terrorists and preserving our precious freedoms. I feel confident in saying that terrorists make no such distinction. I support the reauthorization of the PATRIOT Act and hope that we can continue to work on remaining issues—including making the roving wiretap provision permanent.

Mr. BLUMENAUER. Mr. Chairman, the PATRIOT Act was enacted in the wake of the 9/11 terrorist attacks, rushed through the House as a suspension bill the day after it was introduced. This process didn't permit the public, let alone Congress, to fully understand it.

The original bill was rewritten in the Rules Committee instead of the bipartisan bill that was unanimously passed out of the Judiciary Committee. Luckily, there were a few sunset provisions that were intended to help keep people honest and evaluate the impacts on the public.

We have now been fighting the war on terror longer than World War II with no end in sight. The policy decisions we make affect the lives of everyday Americans. It is important to keep these policies narrowly focused on items that are necessary for dealing with terrorism and today's modern communication developments while not encroaching on American's fundamental rights. This version is a missed opportunity to narrow the provisions and time limit their applications.

The good news is the public is becoming more aware and involved. Thirteen municipalities in Oregon, including Portland, have already passed resolutions expressing their opposition to the PATRIOT Act.

It seems that the majority of Congress has at least some reservations about this bill. There were more ''no'' votes than four years ago and a bipartisan effort to provide more checks and balances is growing. The Senate version will be better, making it likely that the fiscal legislation will be an improvement over the existing law.

I will continue working to give voice to the concerns and the experiences of Oregonians, as together we fight against terrorism and protect the rights of each American.

Mr. SHUSTER. Mr. Chairman, I rise today in support of the renewal of the USA PATRIOT and Terrorism Prevention Reauthorization Act of 2005 and strongly encourage my colleagues to join me in supporting this important tool in the war on terror. It is vital that we continue to provide the resources and necessary tools that allow for our law enforcement agents in all communities to search out terrorists wherever they may hide among us.

The continued success of the war on terrorism strongly depends upon our law enforcement and counter-terrorism officers being able to adapt and improve as our ever evolving enemies present new threats. Al Qaeda has shown that they will use various tactics to kill innocent civilians, we must be able to effectively prevent each attack regardless of what form it is to come in. In order to do that, we must have numerous tools to track suspects and gather detailed information about possible attacks. Additionally, we must be able to effectively use this information to bring would-be attackers to justice before they have a chance to strike.

We must also remain diligent in dismantling the terrorist financial network. To date, many of the provisions of the PATRIOT Act have allowed our law enforcement agencies to designate 40 terrorist organizations, freeze $136 million in assets around the world, and charge more than 100 individuals in judicial districts throughout the country with terrorist financing-related crimes. Taking away their resources is an important method of decapitating and slowing the growth of many of these terror networks.

To date, the PATRIOT Act has been an extremely effective weapon in the war on terror. We cannot allow the terrorists to find any safe havens in this nation. This will continue to be a long and hard fight to protect and defend our homeland against this ruthless and fanatical enemy, but with the necessary tools to root them out wherever they may hide, I am certain we will continue to be victorious. I would again strongly encourage my colleagues to join me in supporting the USA PATRIOT Act and Terrorism Prevention Reauthorization Act of 2005.

Mr. LEVIN. Mr. Chairman, the fight against terrorism is very serious business and we need to give law enforcement the tools it needs to prevent terrorist attacks against the American people. When the Congress approved the PATRIOT Act four years ago, we recognized that the serious nature of the threat required giving law enforcement broad new powers to help prevent it. But we were wise enough to also recognize that under our Constitution, laws and traditions, such broad power requires checks and balances as well as continuous congressional oversight to ensure that this power is not abused.

I voted for the PATRIOT Act four years ago. I support most of the 166 provisions of the PATRIOT Act; indeed, today's debate has nothing to do with the vast majority of these provisions, which are already the permanent law of the land. The bill before the House today concerns only the 16 provisions of the PATRIOT Act subject to sunset—the provisions that have the most serious potential impact on the fundamental liberties of innocent Americans if they are abused. These 16 provisions involve the power of the government to enter and search people's homes without notice, to tap people's communications with roving wiretaps, and obtain people's library and health records. Because these provisions touch on the most basic liberties of citizens, we included sunsets so Congress would be required to revisit them. The sunsets balance the extraordinary powers given to law enforcement with oversight and accountability. More than that, the sunsets give Congress the opportunity to regularly review the PATRIOT Act and fine-tune it to adapt to changing circumstances.

The bill before the House takes away the sunset provisions for 14 of these sensitive provisions, and sets ineffectively long ten-year sunsets for the other two provisions. In so doing, this bill throws assured oversight and accountability out the window.

Let me say this. Many of us voted for the PATRIOT Act four years ago with the assurances that there would be meaningful oversight by Congress. For much of the past four years, the rigorous oversight we were promised simply didn't happen. It has only been in the last few months, as the sunset dates approached, that Congress has asked questions, and held the Administration's feet to the fire to provide basic information about how the PATRIOT Act is being implemented. Now the Majority proposes to discard the sunset provisions. The experience of the last four years shows that without sunsets, there is no oversight and no accountability.

I had hoped that the serious shortcomings in this bill could be corrected on the Floor today, but the Majority has blocked a number of important amendments Democrats sought to offer. I believe that many of these amendments would have been adopted had they been put to a vote. It didn't have to be this way. I understand that the Senate Judiciary Committee has unanimously approved its own version of the PATRIOT Act today that contains many of the improvements that the House Leadership denied us the opportunity to debate. I regret that the Leadership of the House has not embraced a similar bipartisan process.

I will vote for the motion to recommit the bill, which would correct the most serious shortfalls in the legislation; in particular, the lack of sunsets of key provisions—sunsets that were contained in the original PATRIOT Act.

I will therefore oppose passage of this legislation today in the hope that the bipartisan Senate Judiciary Committee's version will prevail in the Senate.

Mr. VAN HOLLEN. Mr. Chairman, I rise to explain my decision to vote against this version of the PATRIOT Act. This has not been an easy decision. Some of the provisions that are being reauthorized in this bill provide law enforcement officials with important tools that may be helpful in detecting and disrupting terrorist activities. I support those provisions. Other provisions, however, fail to provide adequate safeguards to ensure that the privacy rights of innocent citizens are protected. It is very important that, in our effort to defend the liberties that Americans cherish, we not enact measures that erode the very freedoms we seek to protect. We can ensure that the government has the necessary surveillance powers without sacrificing the privacy rights of Americans. Indeed, many amendments to the PATRIOT Act were proposed in both the Judiciary Committee and the Rules Committee to address legitimate concerns. Unfortunately, many of these amendments were either rejected or blocked from coming up for a vote.

In the aftermath of September 11, 2001, it is essential that we strengthen our ability to detect, deter, and disrupt terrorist activities. Many provisions in the PATRIOT Act accomplish this objective in a balanced way. Other provisions, however, leave citizens vulnerable to unchecked, unwarranted, and potentially abusive invasions of privacy. I am hopeful that the Senate will address these shortcomings in the House bill so that, at the end of the day, we can enact a balanced bill that protects both our security and the rights and liberties we seek to secure.

We can do better. I look forward to continuing to work with my colleagues—both Democrats and Republicans—to develop a bill of which we can all be proud and which can be a true testament to American patriots and to the Constitution we all seek to uphold and defend.

Mr. CARDIN. Mr. Chairman, I rise in support of H.R. 3199, the USA PATRIOT and Terrorism Prevention Reauthorization Act of 2005.

Following the terrorist attacks on September 11, 2001, Congress undertook a review of Bush Administration proposals to strengthen our laws relating to counterterrorism. Congress passed the Patriot Act in October 2001—which I supported—recognizing that it needed to give law enforcement the proper tools to effectively combat new terrorist threats. The law took account of new changes in technology that are used by terrorists, such as cell phones, the Internet, and encryption technologies.

The original Act gives federal officials greater authority to track, intercept, and share communications, both for law enforcement and foreign intelligence gathering purposes. It vests the Secretary of the Treasury with regulatory powers to combat corruption of U.S. financial institutions for foreign money laundering purposes. It seeks to further close our borders to foreign terrorists and to detain and remove those within our borders. It creates new crimes, new penalties, and new procedural efficiencies for use against domestic and international terrorists. Indeed, the PATRIOT Act gives federal prosecutors many of the same tools to use against terrorists that Congress has already granted them to use against drug traffickers, for example.

The original Act also creates judicial safeguards for e-mail monitoring and grand jury disclosures; recognizes innocent owner defenses to forfeiture; and entrusts enhanced anti-money laundering powers to those regulatory authorities whose concerns include the well being of our financial institutions.

Congress did not grant all of the authority the President sought in the first Patriot Act, and sunsetted much of the Act's authority in 2005. Many of the wiretapping and foreign intelligence amendments sunset on December 31, 2005. The sunset provisions require Congressional oversight because Congress must take an affirmative action to keep these provisions in effect. I believe that Congress should exercise greater oversight of the use of new authority under the PATRIOT Act, as I have some misgivings about the Administration's use of the new powers under the PATRIOT Act.

Over the past few years I have continued to insist on greater oversight by Congress of the Justice Department as it executes its new powers. I am pleased that the Committee includes sunsets for two provisions: access to business and other records, and roving wiretaps. I support additional sunsets for other provisions in this legislation such as the "sneak and peek" provision which allows delayed notification for search warrants—and I am hopeful that the House will ultimately adopt the additional sunsets approved by the Senate Judiciary Committee when this bill returns from conference committee.

I am disappointed that the House leadership did not make in order amendments that would have: exempted library and bookstore records from Foreign Intelligence Surveillance Act (FISA) searches; reformed the roving wiretap authority in FISA cases to contain the same privacy safeguards as roving wiretaps in criminal cases; established the traditional FISA standards for search warrants; required individual suspicion for records orders; allowed citizens to challenge secrecy orders in records requests; and extended the sunset clauses for numerous other provisions of the Patriot Act.

I voted in favor of a number of bipartisan amendments to limit the Justice Department's power and increase Congressional and judicial oversight of the executive branch, including: requiring the FBI Director to personally approve searches of library or bookstore records; additional reporting to courts by law enforcement when they change surveillance locations under a "roving wiretap"; allowing recipients of National Security Letters to consult with an attorney and challenge the letters in court; and increasing reporting requirements and making it more difficult to obtain "sneak and peak"

search warrants, which entail secret searches of homes and offices with delayed notice.

We must not repeat the mistakes of the past, when the United States sacrificed the civil rights of particular individuals or groups in the name of security. Whether in times of war or peace, finding the proper balance between government power and the rights of the American people is a delicate and extremely important process. It is a task that rightly calls into play the checks and balances that the Founders created in our system of government. All three branches of government have their proper roles to play in making sure the line is drawn appropriately, as we upheld our oaths to support the Constitution.

I support H.R. 3199 but I hope as this legislation works its way through Congress, we will include sunsets on the provisions we are reauthorizing, so that Congress will continue to oversee the executive branch's use of these new powers.

Mr. LARSON of Connecticut. Mr. Chairman, I rise today disappointed at the missed opportunity for the House to strike a reasonable balance within the PATRIOT Act that empowers law enforcement and protects civil liberties. There is more to protecting American's security than peeking into people's reading habits or medical records. Protecting America means securing our ports and borders, supporting our first responders, and ensuring that our transit systems, nuclear power plants and schools are safe from those who seek to do us harm. Frankly, Americans are still at risk. There are large gaps that still remain in critical areas that leave Americans vulnerable to the threat of terrorism. For example:

Our greatest threat remains an attack by a weapon of mass destruction. But funding for cooperative threat reduction programs to secure unaccounted for nuclear material in the former Soviet Union have remained stagnant since 9/11, taking a backseat to other priorities like expanding tax cuts and privatizing Social Security.

There are almost 2,000 fewer border inspectors and agents than were called for in the 2001 PATRIOT Act. The hard truth is we need more. Of the 2,000 border patrol agents called for in the Intelligence Reform Act, the Republican majority has funded only 500 this year. This leaves our borders dangerously unprotected.

Funding for first responder programs, our front line defense against terrorists at home, has dropped 27 percent in the past three years, from a high of $3.3 billion in 2003 to $2.4 billion in 2006—funds which help our towns and cities hire, train and equip our police, firefighters and medical responders.

While 32 million Americans use public transportation every day, we have spent only $250 million on transit since 9/11, compared to the $18.2 billion we've spent on aviation. This leaves our buses, trains, subways, highways and bridges dangerously vulnerable to the kind of attacks we saw in London.

Almost four years after 9/11, only five percent of incoming cargo containers are inspected for hazardous materials. Ninety-five percent of American trade comes through our 361 seaports every year, yet there is no dedicated funding steam for port security. Despite the threat, the President requested no money for port security in FY 2006.

Every day, Americans are asked to empty their pockets, remove their shoes and have their baggage inspected before boarding an airplane. However, most of the cargo loaded onto passenger and cargo airplanes still goes uninspected.

Protecting America is not a partisan issue, it is a matter of priorities. This version of the PATRIOT Act may be slightly improved over the last one, but let's not take our eye off the ball. There is still much more to be done to protect America. Either we take real action to close our security gaps, or the terrorists will find them and exploit them.

The debate today is not about the key issues that will really protect America. It is not even about the whole PATRIOT Act. It is about the reauthorization of 16 highly controversial provisions of the original PATRIOT Act scheduled to expire at the end of the year.

This sunset was critical to earn support for such sweeping legislation, when in the shadow of the September 11th terrorist attack, the Administration pushed Congress to quickly pass legislation that would provide vast new powers to law enforcement. The sunset provisions would ensure Congress would be able to take a closer look how this authority was implemented and at its effectiveness of balancing security and liberty.

I was hopeful that that an open amendment process would allow the House to address the many concerns of the Members of this House and the American public have with the PATRIOT Act. Unfortunately, the House Majority has chosen to prohibit an open debate and consideration on the most sensitive and controversial issues surrounding this bill. In fact, most of the amendments they have allowed to be considered have very little to do with the provisions that are up for reauthorization. This means some of the most controversial provisions of the bill would become permanent, including Section 213, the ''sneak and peek'' provision that allows secret searches and seizures. Only two of the most controversial provisions, such as Section 215, the ''library provision'' that allows access to library and bookstore records, credit card information, medical records and employment histories, would be allowed to be reexamined, but not for another 10 years. Amendments that could have strengthened the protection of privacy and civil liberties that could have made this a better bill were prohibited from even being considered or debated.

The single most alarming part of this bill is that it would remove the protection of sunsets to most of the PATRIOT Act. Oversight, review and debate are all the result of a healthy democracy. We should not be afraid to improve that the PATRIOT Act every two or four years. Revisiting the PATRIOT Act is a good thing. Congressional oversight over one of the most fundamental challenges of our time would not hinder our society but enhance it.

The 9/11 Commission warned, ''the terrorists have used our open society against us. In wartime, government calls for greater powers, and then the need for those powers recedes after the war ends. This struggle will go on. Therefore, while protecting our homeland, Americans should be mindful of threats to vital personal and civil liberties. This balancing is no easy task, but we must constantly strive to keep it right.'' This bill does not keep it right. The American public deserves better, they deserve security and liberty. I stand with Benjamin Franklin who said, ''he who would trade liberty for some temporary security, deserves neither liberty nor security.'' Congress' record should match its rhetoric. Protecting America from terrorism means inspecting cargo on passenger planes, inspecting cargo in our ports, securing unaccounted nuclear material in the former Soviet Union and providing our first responders with the resources they need to be our first line of defense in the war on terror. Protecting America is about real priorities that can and will protect the homeland, which unfortunately are not part of the bill before us today.

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

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

In lieu of the amendments recommended by the Committee on the Judiciary and the Permanent Select Committee on Intelligence printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute printed in part A of House Report 109–178. That amendment shall be considered read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 3199

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 ''USA PATRIOT and Terrorism Prevention Reauthorization Act of 2005''.

SEC. 2. REFERENCES TO USA PATRIOT ACT.

A reference in this Act to the USA PATRIOT ACT shall be deemed a reference to the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001.

SEC. 3. USA PATRIOT ACT SUNSET PROVISIONS.

(a) IN GENERAL.—Section 224 of the USA PATRIOT ACT is repealed.

(b) SECTIONS 206 AND 215 SUNSET.—Effective December 31, 2015, the Foreign Intelligence Surveillance Act of 1978 is amended so that sections 501, 502, and 105(c)(2) read as they read on October 25, 2001.

SEC. 4. REPEAL OF SUNSET PROVISION RELATING TO INDIVIDUAL TERRORISTS AS AGENTS OF FOREIGN POWERS.

Section 6001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3742) is amended by—

(1) striking subsection (b); and

(2) striking ''(a)'' and all that follows through ''Section'' and inserting ''Section''.

SEC. 5. REPEAL OF SUNSET PROVISION RELATING TO SECTION 2332B AND THE MATERIAL SUPPORT SECTIONS OF TITLE 18, UNITED STATES CODE.

Section 6603 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3762) is amended by striking subsection (g).

SEC. 6. SHARING OF ELECTRONIC, WIRE, AND ORAL INTERCEPTION INFORMATION UNDER SECTION 203(B) OF THE USA PATRIOT ACT.

Section 2517(6) of title 18, United States Code, is amended by adding at the end the following: ''Within a reasonable time after a disclosure of the contents of a communication under this subsection, an attorney for the Government shall file, under seal, a notice with a judge whose order authorized or approved the interception of that communication, stating the fact that such contents

were disclosed and the departments, agencies, or entities to which the disclosure was made.''.

SEC. 7. DURATION OF FISA SURVEILLANCE OF NON-UNITED STATES PERSONS UNDER SECTION 207 OF THE USA PATRIOT ACT.

(a) ELECTRONIC SURVEILLANCE.—Section 105(e) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(e)) is amended—

(1) in paragraph (1)(B), by striking '', as defined in section 101(b)(1)(A)'' and inserting ''who is not a United States person''; and

(2) in subsection (2)(B), by striking ''as defined in section 101(b)(1)(A)'' and inserting ''who is not a United States person''.

(b) PHYSICAL SEARCH.—Section 304(d) of such Act (50 U.S.C. 1824(d)) is amended—

(1) in paragraph (1)(B), by striking ''as defined in section 101(b)(1)(A)'' and inserting ''who is not a United States person''; and

(2) in paragraph (2), by striking ''as defined in section 101(b)(1)(A)'' and inserting ''who is not a United States person''.

(c) PEN REGISTERS, TRAP AND TRACE DEVICES.—Section 402(e) of such Act (50 U.S.C. 1842(e)) is amended—

(1) by striking ''(e) An'' and inserting ''(e)(1) Except as provided in paragraph (2), an''; and

(2) by adding at the end the following new paragraph:

''(2) In the case of an application under subsection (c) where the applicant has certified that the information likely to be obtained is foreign intelligence information not concerning a United States person, an order, or an extension of an order, under this section may be for a period not to exceed one year.''.

SEC. 8. ACCESS TO CERTAIN BUSINESS RECORDS UNDER SECTION 215 OF THE USA PATRIOT ACT.

(a) ESTABLISHMENT OF RELEVANCE STANDARD.—Subsection (b)(2) of section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) is amended by striking ''to obtain'' and all that follows and inserting ''and that the information likely to be obtained from the tangible things is reasonably expected to be (A) foreign intelligence information not concerning a United States person, or (B) relevant to an ongoing investigation to protect against international terrorism or clandestine intelligence activities.''.

(b) CLARIFICATION OF JUDICIAL DISCRETION.—Subsection (c)(1) of such section is amended to read as follows:

''(c)(1) Upon an application made pursuant to this section, if the judge finds that the application meets the requirements of subsections (a) and (b), the judge shall enter an ex parte order as requested, or as modified, approving the release of records.''.

(c) AUTHORITY TO DISCLOSE TO ATTORNEY.—Subsection (d) of such section is amended to read as follows:

''(d)(1) No person shall disclose to any person (other than a qualified person) that the United States has sought or obtained tangible things under this section.

''(2) An order under this section shall notify the person to whom the order is directed of the nondisclosure requirement under paragraph (1).

''(3) Any person to whom an order is directed under this section who discloses that the United States has sought to obtain tangible things under this section to a qualified person with respect to the order shall inform such qualified person of the nondisclosure requirement under paragraph (1) and that such qualified person is also subject to such nondisclosure requirement.

''(4) A qualified person shall be subject to any nondisclosure requirement applicable to a person to whom an order is directed under this section in the same manner as such person.

''(5) In this subsection, the term 'qualified person' means—

''(A) any person necessary to produce the tangible things pursuant to an order under this section; or

''(B) an attorney to obtain legal advice with respect to an order under this section.''.

(d) JUDICIAL REVIEW.—

(1) PETITION REVIEW PANEL.—Section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended by adding at the end the following new subsection:

''(e)(1) Three judges designated under subsection (a) who reside within 20 miles of the District of Columbia, or if all of such judges are unavailable, other judges of the court established under subsection (a) as may be designated by the Presiding Judge of such court (who is designated by the Chief Justice of the United States from among the judges of the court), shall comprise a petition review panel which shall have jurisdiction to review petitions filed pursuant to section 501(f)(1).

''(2) Not later than 60 days after the date of the enactment of the USA PATRIOT and Terrorism Prevention Reauthorization Act of 2005, the court established under subsection (a) shall develop and issue procedures for the review of petitions filed pursuant to section 501(f)(1) by the panel established under paragraph (1). Such procedures shall provide that review of a petition shall be conducted ex parte and in camera and shall also provide for the designation of an Acting Presiding Judge.''.

(2) PROCEEDINGS.—Section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) is further amended by adding at the end the following new subsection:

''(f)(1) A person receiving an order to produce any tangible thing under this section may challenge the legality of that order by filing a petition in the panel established by section 103(e)(1). The Presiding Judge shall conduct an initial review of the petition. If the Presiding Judge determines that the petition is frivolous, the Presiding Judge shall immediately deny the petition and promptly provide a written statement of the reasons for the determination for the record. If the Presiding Judge determines that the petition is not frivolous, the Presiding Judge shall immediately assign the petition to one of the judges serving on such panel. The assigned judge shall promptly consider the petition in accordance with procedures developed and issued pursuant to section 103(e)(2). The judge considering the petition may modify or set aside the order only if the judge finds that the order does not meet the requirements of this section or is otherwise unlawful. If the judge does not modify or set aside the order, the judge shall immediately affirm the order and order the recipient to comply therewith. A petition for review of a decision to affirm, modify, or set aside an order by the United States or any person receiving such order shall be to the court of review established under section 103(b), which shall have jurisdiction to consider such petitions. The court of review shall immediately provide for the record a written statement of the reasons for its decision and, on petition of the United States or any person receiving such order for writ of certiorari, the record shall be transmitted under seal to the Supreme Court, which shall have jurisdiction to review such decision.

''(2) Judicial proceedings under this subsection shall be concluded as expeditiously as possible. The judge considering a petition filed under this subsection shall provide for the record a written statement of the reasons for the decision. The record of proceedings, including petitions filed, orders granted, and statements of reasons for decision, shall be maintained under security measures established by the Chief Justice of the United States in consultation with the Attorney General and the Director of National Intelligence.

''(3) All petitions under this subsection shall be filed under seal, and the court, upon the government's request, shall review any government submission, which may include classified information, as well as the government's application and related materials, ex parte and in camera.''.

SEC. 9. REPORT ON EMERGENCY DISCLOSURES UNDER SECTION 212 OF THE USA PATRIOT ACT.

Section 2702 of title 18, United States Code, is amended by adding at the end the following:

''(d) REPORT.—On an annual basis, the Attorney General shall submit to the Committees on the Judiciary of the House and the Senate a report containing—

''(1) the number of accounts from which the Department of Justice has received voluntary disclosures under subsection (b)(8); and

''(2) a summary of the basis for disclosure in those instances where—

''(A) voluntary disclosure under subsection (b)(8) was made to the Department of Justice; and

''(B) the investigation pertaining to those disclosures was closed without the filing of criminal charges.''.

SEC. 10. SPECIFICITY AND NOTIFICATION FOR ROVING SURVEILLANCE AUTHORITY UNDER SECTION 206 OF THE USA PATRIOT ACT.

(a) INCLUSION OF SPECIFIC FACTS IN APPLICATION.—Section 105(c)(2)(B) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(c)(2)(B)) is amended by striking ''where the Court finds'' and inserting ''where the Court finds, based upon specific facts provided in the application,''.

(b) NOTIFICATION OF SURVEILLANCE OF NEW FACILITY OR PLACE.—Section 105(c)(2) of such Act is amended—

(1) in subparagraph (C), by striking ''and'' at the end;

(2) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(E) that, in the case of electronic surveillance directed at a facility or place that is not known at the time the order is issued, the applicant shall notify a judge having jurisdiction under section 103 within a reasonable period of time, as determined by the court, after electronic surveillance begins to be directed at a new facility or place, and such notice shall contain a statement of the facts and circumstances relied upon by the applicant to justify the belief that the facility or place at which the electronic surveillance is or was directed is being used, or is about to be used, by the target of electronic surveillance.''.

SEC. 11. PROHIBITION ON PLANNING TERRORIST ATTACKS ON MASS TRANSPORTATION.

Section 1993(a) of title 18, United States Code, is amended—

(1) by striking ''or'' at the of paragraph (7);

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

(3) by inserting after paragraph (7) the following:

''(8) surveils, photographs, videotapes, diagrams, or otherwise collects information with the intent to plan or assist in planning any of the acts described in the paragraphs (1) through (7); or''.

SEC. 12. ENHANCED REVIEW OF DETENTIONS.

Section 1001 of the USA PATRIOT ACT is amended by—

(1) inserting ''(A)'' after ''(1)''; and

(2) inserting after ''Department of Justice'' the following: '', and (B) review detentions of persons under section 3144 of title 18, United States Code, including their length, conditions of access to counsel, frequency of access to counsel, offense at issue, and frequency of appearance before a grand jury''.

SEC. 13. FORFEITURE.

Section 981(a)(1)(B)(i) of title 18, United States Code, is amended by inserting ''trafficking in nuclear, chemical, biological, or radiological weapons technology or material, or'' after ''involves''.

SEC. 14. ADDING OFFENSES TO THE DEFINITION OF FEDERAL CRIME OF TERRORISM.

Section 2332b)(g)(5)(B)(i) of title 18, United States Code, is amended—

(1) by inserting '', 2339D (relating to military-type training from a foreign terrorist organization)'' before '', or 2340A'' ; and

(2) by inserting ''832 (relating to nuclear and weapons of mass destruction threats),'' after ''831 (relating to nuclear materials),''.

SEC. 15. AMENDMENTS TO SECTION 2516(1) OF TITLE 18, UNITED STATES CODE.

(a) PARAGRAPH (c) AMENDMENT.—Section 2516(1)(c) of title 18, United States Code, is amended—

(1) by inserting ''section 37 (relating to violence at international airports), section 175b (relating to biological agents or toxins)'' after ''the following sections of this title:'';

(2) by inserting ''section 832 (relating to nuclear and weapons of mass destruction threats), section 842 (relating to explosive materials), section 930 (relating to possession of weapons in Federal facilities),'' after ''section 751 (relating to escape),'';

(3) by inserting ''section 1114 (relating to officers and employees of the United States), section 1116 (relating to protection of foreign officials), sections 1361–1363 (relating to damage to government buildings and communications), section 1366 (relating to destruction of an energy facility), '' after ''section 1014 (relating to loans and credit applications generally; renewals and discounts),'';

(4) by inserting ''section 1993 (relating to terrorist attacks against mass transportation), sections 2155 and 2156 (relating to national-defense utilities), sections 2280 and 2281 (relating to violence against maritime navigation),'' after ''section 1344 (relating to bank fraud),''; and

(5) by inserting ''section 2340A (relating to torture),'' after ''section 2321 (relating to trafficking in certain motor vehicles or motor vehicle parts),''.

(b) PARAGRAPH (p) AMENDMENT.—Section 2516(1)(p) is amended by inserting '', section 1028A (relating to aggravated identity theft)'' after ''other documents''.

(c) PARAGRAPH (q) AMENDMENT.—Section 2516(1)(q) of title 18 United States Code is amended—

(1) by inserting ''2339'' after ''2232h''; and

(2) by inserting ''2339D'' after ''2339C''.

SEC. 16. DEFINITION OF PERIOD OF REASONABLE DELAY UNDER SECTION 213 OF THE USA PATRIOT ACT.

Section 3103a(b)(3) of title 18, United States Code, is amended—

(1) by striking ''of its'' and inserting '', which shall not be more than 180 days, after its''; and

(2) by inserting ''for additional periods of not more than 90 days each'' after ''may be extended''.

The Acting CHAIRMAN. No amendment to the amendment in the nature of a substitute is in order except those printed in part B of the report. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

It is now in order to consider amendment No. 1 printed in House Report 109–178.

It is now in order to consider amendment No. 2 printed in House Report 109–178.

AMENDMENT NO. 2 OFFERED BY MR. FLAKE

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. FLAKE:

At the end of section 8 add the following new subsection:

(e) FBI DIRECTOR REQUIRED TO APPLY FOR ORDER OF PRODUCTION OF RECORDS FROM LIBRARY OR BOOKSTORE.—Section 501(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(a)) is amended—

(1) in paragraph (1), by striking ''The Director'' and inserting ''Subject to paragraph (3), the Director''; and

(2) by adding at the end the following new paragraph:

''(3) In the case of an application for an order requiring the production of tangible things described in paragraph (1) from a library or bookstore, the Director of the Federal Bureau of Investigation shall not delegate the authority to make such application to a designee.''.

The Acting CHAIRMAN. Pursuant to House Resolution 369, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I offer this amendment with my colleague the gentleman from California (Mr. SCHIFF), a Democrat.

Mr. Chairman, this amendment simply states that the Director of the FBI must personally approve any library or bookstore request for records by the FBI under section 215 of the PATRIOT Act. This amendment provides a higher standard for the use of section 215 by the FBI.

At a minimum, what it will prevent I think is some kind of fishing expedition that might be undertaken by an overzealous agent or official at the Bureau. Having the Director of the FBI sign off on the request, it also sends a signal to the library and bookstore owners that a request for information from the FBI is well thought out and comes from the highest level.

This amendment compliments other amendments I have offered in the Committee on the Judiciary, two of which were accepted by the chairman and the committee. Those were: With regard to section 215, we clarified that if there is an inquiry, you not only as a respondent have access to an attorney to respond to the inquiry, but also to challenge it. The other had to do with another section in committee. We will stick with this one.

With these two amendments on 215 combined, I think we have provided strong protections for the contested section of the PATRIOT Act. There has been a lot of attention, as has been noted here, across the country at this provision, which has been termed the library provision. It obviously has a lot more to do than with libraries. Libraries are not even mentioned in it. But we see the need to make protections to be sure that no overzealous agent at the FBI or anybody goes and searches somebody's library records or bookstore purchases. So that is what this amendment is prepared to do.

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

Mr. SCOTT of Virginia. Mr. Chairman, I ask unanimous consent to control the time in opposition, although I am not in opposition.

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

There was no objection.

Mr. SCOTT. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Chairman, I rise in support of the amendment, but I do not believe it is a good enough cure to make this sick legislation well.

I believe that most of what America needs to know about the PATRIOT Act is reflected in its deceptive title. Its authors deliberately designed a name to question the patriotism of anyone who questions them. Are you for patriotism, or are you against patriotism? Are you with America, or are you against America?

The American patriots who declared our independence in 1776 were true patriots who risked their lives in order to secure our liberties.

True patriots defend liberty.

Real patriots do not surrender our freedom, unless there is absolutely no other way to protect our lives.

Patriots demand accountability, restraint, and judicial review of encroachments on the freedoms that make our country unique.

While some portions of this proposed renewal of the PATRIOT Act strike the right balance, other provisions simply strike out. We must balance the demands of keeping our Nation secure with the freedoms that we cherish. We must not sacrifice our democracy in a misguided attempt to save it.

Wrapping this collection of misguided policies under the rubric ''the PATRIOT Act'' is a true mark of how really weak the underlying arguments are for this measure.

Surely we can secure our families' safety without becoming more like a police state, which would deny the freedoms that define us as Americans.

The dangerous road to government oppression begins one step at a time. It does not all happen at once. This bill, I believe, is a step in the wrong direction, a step in the direction of suppressing our freedoms. I believe that it

is very important that we patriotically preserve our liberties and freedoms as Americans by rejecting the measure in its current form.

Mr. SCHIFF. Mr. Chairman, although not in opposition, I ask unanimous consent to control the balance of the time in opposition to the amendment.

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

There was no objection.

Mr. SCHIFF. Mr. Chairman, I yield myself such time as I may consume.

Mr. FLAKE. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. SCHIFF), the cosponsor of the amendment.

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

Mr. SCHIFF. Mr. Chairman, I rise today to urge my colleagues to support the Flake-Schiff amendment, which would make an important change to section 215 if it is ever used in the library or bookstore context. This amendment is substantially similar to one I offered in the Committee on the Judiciary with the gentlewoman from California (Ms. WATERS), but one I agreed to withdraw in order to work with the gentleman from Arizona (Mr. FLAKE) in a bipartisan fashion on a proposal for consideration on the House floor.

I am sure that every Member of Congress has heard from their constituents regarding this very provision of the PATRIOT Act. Even if possibly based on misplaced fears, some of the public are now apprehensive about going to their local library or bookstore.

Our amendment would not prevent law enforcement from investigating alleged terrorist activity wherever it may occur. It creates no safe haven for terrorists. Instead, our amendment would aim to restore some measure of public confidence that this provision will not be abused.

The Flake-Schiff amendment says that vis-a-vis the records that pose the greatest concern for all of our constituents, library records or bookstore records, the existing authority which allows lower level FBI agents to seek those records should be significantly amended.

If our amendment is adopted, only the FBI Director himself or herself can approve such an order for an investigation to protect against international terrorism or clandestine intelligence activities.

As of the latest public disclosure, the Justice Department has reported that section 215 has never been used in a library. The fact, however, that this provision may never have been used in a library to date does not alter the fact that it affects the behavior of all of our constituents who are concerned that their records may one day be the subject of a search.

Given the sensitivity of this section, I believe it is worthwhile and necessary to make changes to existing law and that this added protection is warranted.

During the Committee on the Judiciary markup last week, I offered an additional amendment to section 215 that would have lifted the prohibition on disclosure when a United States citizen was impacted and when the investigation had concluded if there was no good cause to continue to prohibit the disclosure. Unfortunately, this amendment was rejected on party lines.

The Flake-Schiff amendment will still make another important and needed change. I believe it makes very good sense for the FBI Director and the Director alone to make the decision, and not to delegate it away. The bipartisan PATRIOT Act proposal in the Senate makes a similar change, restricting this authority to the FBI Director or Deputy Director. I think our amendment provides an even stronger safeguard and strikes a balance that will restore a measure of public confidence in this area.

Before closing, Mr. Chairman, I want to take a moment to discuss the Sanders amendment and other efforts to make important changes to section 215. While I am appreciative that the Committee on Rules made the Flake-Schiff amendment in order, I am disappointed that the Sanders amendment was not also made in order. I believe that this House and the American people are better served if all proposals are duly and fairly considered on the House floor.

As you know, last month the House decisively adopted the Sanders amendment during consideration of the Science, State, Justice and Commerce appropriations bill. I supported that amendment, which prohibited the use of funds for a section 215 search of a library record patron list, book sale record or book customer list.

The Sanders amendment, however, did not amend the underlying PATRIOT law, which I believe we must do as a first step. We must permanently limit the statutory authorization to use section 215 in libraries and bookstores. The Sanders amendment also made no changes to the ability to search library computer and Internet records.

I expect and encourage the gentleman from Vermont (Mr. SANDERS) to bring his amendment before the House floor each year to further limit the use of section 215 with respect to specific lists and records in libraries and bookstores. But, for now, since the amendment only applies for 1 year and only applies to specific items in the library, I think it is important and necessary for the House to pass this broader and permanent change to the PATRIOT Act.

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

Mr. FLAKE. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. PENCE), a valued member of the Committee on the Judiciary

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

Mr. PENCE. Mr. Chairman, I thank the gentleman from Arizona for yielding me time. I thank the gentleman from Arizona (Mr. FLAKE) and the gentleman from California (Mr. SCHIFF) for their tireless advocacy of the liberties of the American people, and I rise in strong support of the bipartisan Flake-Schiff amendment.

President Harry Truman, I am told, had a plaque on his desk that simply read ''The buck stops here.'' It seems to me that the Flake-Schiff amendment is all about saying that when it comes to that sacred relationship that the American people feel between their local library and their local bookstore, that the FBI Director himself or herself must be directly involved if that relationship is to be intruded upon in the name of an investigation into the war on terror.

The Flake-Schiff amendment requires the Director of the FBI to personally approve any library or bookstore request for records under section 215 of the PATRIOT Act. Currently the law permits a designee of the Director whose rank cannot be lower than an Assistant Special Agent in Charge to approve section 215 orders, and that will change.

Also under this amendment, the Director of the FBI cannot delegate the duty to personally approve a section 215 request for library and bookstore records. This amendment, as the gentleman from Arizona (Mr. FLAKE) said earlier, will prevent section 215 from being abused or used in a fishing expedition intruding upon the privacy of ordinary Americans in the name of the war on terror.

Again I quote President Harry Truman's famous plaque or missive, ''The buck stops here.'' The Flake-Schiff amendment is simply about saying if the war on terror demands it, when it comes to intruding upon that sacred relationship between the American people and a bookstore or a library, we have to have those who are of the highest accountability in our political system to answer to that.

I strongly support the Flake-Schiff amendment and the commonsense underpinning that brings it to the floor today, and urge its passage.

Mr. SCHIFF. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Ms. ZOE LOFGREN).

Ms. ZOE LOFGREN of California. Mr. Chairman, I will certainly vote for this amendment, but I fear that it does not fully solve the problem that has been identified by many. Before the PATRIOT Act, the government could obtain only limited records from hotels, storage facilities and car rental companies, and only if those documents pertained to an agent of a foreign power.

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Now, the government can seek any records from anyone as long as it is relevant to an investigation. The FISA

court does not really have any discretion to deny these requests and, once they are granted, they are subject to a gag order.

Now, the Justice Department has told us that they have never once used section 215 relative to libraries, and I have no reason to disbelieve them; but the American Library Association reports that they have received 200 formal or informal requests for materials, presumably under some other section of the law, perhaps grand jury subpoenas, I do not know.

The fact is that Americans are aware of this issue, and I believe this is having a chilling effect on first amendment rights in terms of reading and speaking.

I believe it is important that government have the opportunity to obtain records when it is necessary to fight terrorism. I do believe, however, that the relevance standard is too low.

I also believe that when the House that previously approved a carve-out for identifiable information from libraries it spoke about the chilling impact. I believe we have a better way to get these records and also to untrouble readers.

So while I will support the amendment, it falls short of what is necessary.

Mr. FLAKE. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. DANIEL E. LUNGREN), another member of the Committee on the Judiciary.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in support of the Flake-Schiff amendment.

This is another effort in our continuation to support section 215 in all of its aspects, with the protections that I think are reasonable that allow us to take into consideration some of the concerns that people have expressed, even though there have been no examples, I repeat, no examples of abuses under this act.

The Justice Department has told us they have not used this section in the area of libraries. Therefore, I hope they would not object to the gentleman's amendment, because this is going to be used very, very seldom, based on past history. Yet, it is relevant, and we already discussed the ways in which it may be relevant to terrorism cases.

So I would hope that we would have strong support for this amendment, recognizing that this, along with the other changes that we have added to section 215, will allow us to have this still be utilized and utilized in a way that is not undone, as I thought the amendment that we had on the floor just a few weeks ago would have done so.

This is a commonsense amendment. I hope we will get unanimous support for it.

Mr. SCHIFF. Mr. Chairman, it is my pleasure to yield 1 minute to the gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. Mr. Chairman, I rise in support of this amendment on two grounds.

First, I think it moves us in the right direction. I have said several times on this floor today about the PATRIOT Act that we should mend it, not end it. This does tighten section 215, which has probably been, more than any other section in the PATRIOT Act, the subject of intense worry for outside groups and especially those who use libraries.

But, second, I support it because of the process involved. The gentleman from Arizona (Mr. FLAKE) and the gentleman from California (Mr. SCHIFF) have worked on a bipartisan basis to craft something they could both support and to persuade the leadership of the Committee on the Judiciary and the Committee on Rules to embrace it. This is what we should see more of, and I wish we were seeing more of it in connection with this bill.

Finally, the gentlewoman from California (Ms. ZOE LOFGREN) does make important points. There is an even better way to amend section 215, and that way has just been embraced unanimously, obviously on a bipartisan basis, by the Senate Committee on the Judiciary, and that is to connect section 215 orders to specific facts which show the target is connected to an agent of a foreign power. That would be best; and, hopefully, we will get there before this bill becomes law.

Mr. FLAKE. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary.

Mr. SENSENBRENNER. Mr. Chairman, I believe this amendment is a good one because it centralizes responsibility in the hands of the Director of the FBI in signing off on 215 applications for bookstore and library records.

But in the context of the overall debate, what I think is missing from this debate is not whether there is a potential for abuse by the Justice Department, but whether there is an actual record of abuse. And there has been no record of abuse by the Justice Department with bookstores and libraries. They have publicly responded repeatedly that they have not used the 215 order to look at the records of people checking out books or buying books at either bookstores or libraries.

Now, what this bill does is it makes an improvement to the law where there is a specific method of contesting a 215 order by the recipient. But to say that all of these records should be exempt from law enforcement scrutiny is to turn our bookstores and libraries into a sanctuary. We cannot allow that to happen.

Mr. SCHIFF. Mr. Chairman, I yield 30 seconds to the distinguished ranking member of the Subcommittee on Crime, the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Chairman, there are a lot of problems with section 215. This amendment does not take care of many of them; but by requiring the FBI Director to personally approve the warrant, that will significantly reduce the chance that there will be abuses.

So far as the ability to contest these, it is very unlikely that someone receiving one of these warrants will go through the cost of actually contesting it for someone else's rights. There are no attorneys' fees allowed in these proceedings, and it is just more likely that they will just give up somebody's information.

This requirement will reduce the chances that there will be abuses; and although it does not solve all the problems, it will reduce the abuses, and, therefore, I will be voting for it.

Mr. FLAKE. Mr. Chairman, I yield myself 1 minute. I just wanted to say that the gentleman from Indiana (Mr. PENCE) brought up the point that the buck stops here, and that is what we are really trying to do with the FBI Director, to ensure that that person is in charge and there is less likely to be a fishing expedition by a lower-ranking official. When you combine that with what we already have in law, which is a requirement that the FBI Director report to Congress every 6 months about the use of this statute, you really have a strong provision and strong protections.

Think of it: you have the FBI Director himself, or herself, saying, I want to use this authority for this specific purpose, and then having to report that every 6 months to Congress. I think we really have curtailed the possibility for abuse.

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

Mr. SCHIFF. Mr. Chairman, I want to return the courtesy extended by my friend, and I am happy to yield 3 minutes to the gentleman from Arizona (Mr. FLAKE) to be subsequently yielded as he chooses.

The Acting CHAIRMAN (Mr. HASTINGS of Washington). Without objection, the gentleman from Arizona (Mr. FLAKE) has an additional 3 minutes.

There was no objection.

Mr. FLAKE. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. ISSA), another member of the Committee on the Judiciary.

Mr. ISSA. Mr. Chairman, I thank the gentleman from Arizona for yielding me this time, and I thank the gentleman from California (Mr. SCHIFF).

I have the distinction of being one of the few members on the Committee on the Judiciary who is not an attorney, and I got a little applause on that, I think. But I came to Congress from the business of automobile security. The one thing I know about what we are dealing with in terrorism is that if you leave an open window on an automobile, no amount of security will protect you. If you leave the automobile or your home unlocked, no security system will protect you.

There is absolutely no doubt that we must protect America. To do so, we have to be able to go anywhere and never take anything completely off the table.

I believe that this amendment allows us to guarantee that there are no safe havens for terrorists while, at the same time, we will protect the privacy and the fair expectation that there will not be unreasonable rifling through the records at libraries or, for that matter, I hope, anywhere else under this act.

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

Let me just conclude by thanking the chairman of the Committee on the Judiciary, the gentleman from Wisconsin (Mr. SENSENBRENNER), for running a fair and thorough process.

Much has been said about these things being rushed through. I can tell my colleagues that over the past 12 months or so, we have had 12 hearings on this subject, 35 witnesses. We have gone through this very thoroughly. On each of these sections that we are dealing with, we heard excellent testimony from the administration, from other witnesses, from experts in the field; and that is why these amendments have been crafted. We have sought to protect the civil liberties of Americans every bit as much as we can here, while offering effective tools for the war on terrorism, giving the administration the tools that they need to fight this war.

I am persuaded that we have done well with this section, with section 215, that we have put the protections that we need in place; and I would urge my colleagues to support this amendment.

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

Mr. SCHIFF. Mr. Chairman, I am delighted to yield 15 seconds to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Chairman, I just want to make the simple point that the amendment that was offered that was not made in order by myself, the gentlewoman from California (Ms. HARMAN), and the gentleman from California (Mr. BERMAN) would not have allowed, under any circumstances, a safe haven anywhere for terrorists. It was a different approach. The standards were higher. I think that is an important point to make as a matter of record.

Mr. SCHIFF. Mr. Chairman, I yield myself such time as I may consume.

I want to conclude by thanking my colleague, the gentleman from Arizona (Mr. FLAKE) for his work on this issue.

The fact that the library provision has not been used as of the last public disclosure does not affect the fact that many Americans are concerned about their expectation of privacy when they go to the library, when they check out books on family matters, on health matters, on other matters. They do not want to fear that the government may be scrutinizing what they are reading. And because this has an impact on the behavior of Americans, on the freedom to use libraries, it is an important issue, merely that fear.

This amendment, I think, takes a small, but important, step to provide at least the confidence to the people of this country that no less than the Director of the FBI himself or herself can authorize the use of this provision for library and bookseller records. I think it is an important step forward. I hope we make further progress.

Mr. Chairman, I urge support for the amendment.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

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

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona (Mr. FLAKE) will be postponed.

It is now in order to consider amendment No. 3 printed in House Report 109–178.

AMENDMENT NO. 3 OFFERED BY MR. ISSA

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. ISSA:

Page 10, line 23, strike ''within a reasonable period of time, as determined by the court,'' and insert ''at the earliest reasonable time as determined by the court, but in no case later than 15 days,''.

Page 11, line 6, after ''surveillance'' insert the following: ''and shall specify the total number of electronic surveillances that have been or are being conducted under the authority of the order''.

The Acting CHAIRMAN. Pursuant to House Resolution 369, the gentleman from California (Mr. ISSA) and a Member opposed each will control 10 minutes.

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

Mr. ISSA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the threat we face as Americans today is all too real. The recent bombings in London could have happened on American soil, and it is only through the vigilance of our many law enforcement entities that we can combat this occurrence.

The PATRIOT Act, as it was originally adopted, contains many needed tools to fight those who would harm us here in America. One of those tools was the expansion of roving wiretap authority. This vital tool allowed us to reach out and touch those who had discovered that using a new cell phone every day would have gotten around existing wiretap laws. It did not take the terrorists long to realize that, and it would not take them long if that ceased to exist for them to begin using that technique prior to the PATRIOT Act.

We made America safer when we expanded these surveillance authorities, because now law enforcement can continue to monitor a terrorist's activity without undue interruption. But this new authority must be balanced with our fundamental civil liberties.

It is not that law enforcement has ever misused the roving wiretap provision. I repeat: law enforcement has not been, through our oversight, seen to have abused the roving wiretap provision. However, this is such a serious, serious potential that we must take all measures necessary to ensure that it will not be in the future.

For that reason, I seek to amend H.R. 3199 to add a level of judicial oversight not in the current bill. The current bill gives the issuing court blanket discretion on when law enforcement must report back on a roving wiretap. My amendment requires law enforcement to report back to the court within 15 days of using the roving aspect of the warrant. My amendment also requires law enforcement to report on the total number of electronic surveillances that have been conducted.

These are simple steps that will help guard against possible abuses in the future, while doing nothing to hamper the value of the roving wiretap.

Mr. Chairman, I thoroughly appreciate the opportunity to offer this amendment; but I also want to comment that we have, as a committee, worked like never before on a bipartisan basis to dramatically improve a law when it came to civil liberties that already had good teeth when it came to the security of our people.

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

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Mr. SCOTT of Virginia. Mr. Chairman, I ask unanimous consent to claim the time in opposition, although I will not oppose the amendment.

The Acting CHAIRMAN (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman, this involves a roving wiretap, and I think you have to put these in perspective. You can get one of these roving wiretaps under the Foreign Intelligence Surveillance Act without any probable cause that a crime has been committed. You are just getting foreign intelligence. It does not have to be a crime. It does not have to be terrorism. It could be negotiations on a trade deal, anything that will help foreign intelligence, you can get one of these roving wiretaps. So you are starting off without probable cause of a crime.

And also, you can start off without it being the primary purpose of the wiretap, which suggests if it is not the primary purpose, what is the primary purpose? So there is a lot of flexibility and potential for abuse in these things.

There are also some gaps. You can get one of these roving wiretaps against a person, or in some cases, if you know which phone people are using, you can get a John Doe warrant. And there are actually gaps in it where you are not sure which phone, you are not sure which person, you kind of get authority to just kind of wiretap in the area. And so this kind of reporting I think is extremely important.

We have, for example, asked several people, if you get a roving wiretap and foreign intelligence was not the primary purpose, what was the primary purpose? We have had high officials suggest, well, running a criminal investigation would be the primary purpose, which means you are running a criminal investigation without probable cause of a crime being committed. And you get these roving wiretaps. You put a roving wiretap.

I have had amendments that have been defeated in committee which would require what is called ascertainment. When you put the bug there you have got to ascertain that the target is actually there doing the talking, not somebody else using the same phone. Those amendments have been defeated.

And so we need some oversight. And these reports will go a long way in making sure that you are not abusing, you are not listening in on the wrong people, you are not putting these bugs where they do not need to be. You started off with no probable cause. You are not abusing the roving aspect, putting wiretaps everywhere where they do not need to be. I think this kind of review can go a long way in reducing the potential of abuse, using the FISA wiretaps for criminal investigations without probable cause, listening in to the wrong people and a lot of other problems that can occur with the roving wiretaps.

And I thank the gentleman from California (Mr. ISSA). Although it does not solve all of the problems, it solves a lot of them and I thank the gentleman for offering the amendment.

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

Mr. ISSA. Mr. Chairman, it is with great pleasure that I yield 2 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the entire Judiciary Committee.

Mr. SENSENBRENNER. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in support of his amendment. And let me say first that the amendment that was made by the PATRIOT Act to allow a Federal judge, and only a Federal judge, to authorize a roving wiretap simply brought the law up to where the technology has gone because before the PATRIOT Act was passed you could not get an effective wiretap order on a cell phone. So the terrorists and the drug smugglers and the racketeers simply conducted their business on cell phones because you could not determine whether or not the cell phone was actually being used within the district in which the Federal court that issued the roving wiretap order sat.

So by passing the PATRIOT Act we were able to get the Justice Department the authority to ask a Federal judge to give a wiretap order against the cell phone or any communications device that might be used by the target. And that gets around the disposable cell phone issue.

The Issa amendment merely states that the judge has to be notified at the earliest reasonable time, but no later than 15 days after a roving wiretap order directs surveillance at a location not known at the time when the wiretap order was issued. And this increases judicial supervision and accountability and protects the civil liberties of the American people.

Now, earlier today both the minority leader and her deputy, the minority whip, were talking about the fact that there has been no oversight done by the Judiciary Committee over the PATRIOT Act. That, frankly, insults what both Democrats and Republicans have done on oversight of the PATRIOT Act on a bipartisan basis. Right here is the result of the oversight that the Judiciary Committee has done in the last 3½ years on this law. This is a stack of paper that is almost 2 feet high. I doubt that any other committee of Congress has done as much oversight on a single law as my committee has done on the PATRIOT Act.

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, just to acknowledge that as the chairman has indicated, some of these roving wiretaps do put us into the 21st century with the use of cell phones and disposable cell phones. So the roving wiretap is necessary. But it needs oversight. And I think this amendment will go a long way to making sure that that process is not abused.

Mr. Chairman, I yield 1½ minutes to the gentleman from Iowa (Mr. BOSWELL).

Mr. BOSWELL. Mr. Chairman, I thank the gentleman for yielding me the time. I also thank the gentleman from California (Mr. ISSA) for this amendment. This section of the PATRIOT Act authorizes expansive authority for John Doe roving wiretaps, taps of phones and computers when neither the location nor the identity of the target are known.

The Issa amendment further improves the amendment that I offered during the Intelligence Committee markup of the PATRIOT Act reauthorization bill. My amendment, I am pleased to say, was unanimously accepted by the entire committee and is included in the base bill before the House today.

The Issa amendment appropriately defines the term ''reasonable period for filing return'' as not more than 15 days. It assures the Foreign Intelligence Surveillance Court, we often call it the FISA court, will receive information related to John Doe roving wiretaps in a timely manner by removing any ambiguity associated with the term ''reasonable.'' It makes it clear to every FBI agent, DOJ lawyer and judge from the start, this is a 15-day limit on providing the court with information related to John Doe roving wiretaps. This is a good fix to a good provision that further strengthens the amendment to the PATRIOT Act.

I urge my colleagues to support this amendment. I thank the gentleman from California for offering it.

Mr. SCOTT of Virginia. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Ms. ZOE LOFGREN), a member of the Judiciary Committee.

Ms. ZOE LOFGREN of California. Mr. Chairman, I support this amendment although it does not make some of the changes recommended by Mr. SCOTT in committee about ascertainment and minimization that we believe are important. It would allow for the requirement of oversight, which I think is important. The chairman has said many times that hearings have been held. They were, but they were basically held since April. We do have a tendency to postpone our work until it must be done.

One of the things that I hope we will take a look at that has not been discussed is section 209 relative to obtaining electronic information with a subpoena. That is a routine matter that caused no concern because it stored electronic data and that is not new law.

The reason why we need to look at it before 10 years from now is that as technology changes and all telephone communication becomes Voice Over Internet Protocol, theoretically every phone call would be subject to seizure by subpoena, which is not something I think any of us would agree we intend to do. That should be a wiretap standard and it may drift down to a subpoena standard. That is why we need oversight, not because there is a bad guy out there necessarily, but because the technology is going to change and change swiftly and potentially very much alter what we think we are doing here today.

Mr. SCOTT of Virginia. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. DELAHUNT), a member of the Judiciary Committee.

Mr. DELAHUNT. I thank the gentleman for yielding me this time.

Mr. Chairman, I want to associate myself with the remarks of the gentlewoman from California (Ms. ZOE LOFGREN). And I also want to address the issue of oversight. And let me be very clear. The chairman has been most aggressive when it comes to oversight, and I want to publicly commend him, not just in terms of the PATRIOT Act, but many other issues that are within the jurisdiction of the Judiciary Committee.

However, this is not about this particular chairman. It is about the responsibility of future members of the

Judiciary Committee to exercise that responsibility. And I have a concern about oversight because, let us be honest, it is not easy dealing with the executive branch. We have all had that experience. We reach conclusions, but we really do not know.

I can remember when the chairman himself discussed issuing a subpoena to bring the former Attorney General, Mr. Ashcroft, before the committee to provide us information on the so-called heavy guidelines. That is what was necessary.

Just recently, I read where the vice chair of the Government Reform Committee, looking into the expenditures of monies involving the development for the Fund of Iraq, expressed frustration with the lack of cooperation coming from the Pentagon.

I have served on an invitation basis under Chairman DAN BURTON investigating the misconduct of the FBI in the Boston office, and again, it required the threat of a contempt petition to gain information from the Department of Justice. If we need to go that far then to exercise our oversight constitutional responsibility, it is not an easy job to do. So that is why all of the discussions today about oversight are framed in that context.

Mr. ISSA. Mr. Chairman, I yield myself such time as I may consume.

I want to assure the gentlewoman from California that her concerns on electronic data and the fact that in an era of VOIP that we do have to look at that. I serve with the gentlewoman in California on many of the caucuses that deal with that. I look forward to both in Judiciary and, quite candidly, in other committees of jurisdiction here in the Congress to continue to work on properly identifying and modernizing how that is going to be interpreted. I think it is beyond the scope of the PATRIOT Act today, but it certainly is not beyond the Congress to have to bring things up to snuff, and I look forward to working with the gentlewoman from California.

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

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

Mr. ISSA. Mr. Chairman, I yield myself such time as I may consume.

I will just close quickly in thanking the chairman, the ranking member, the staffs for the hard work that led to the underlying bill, but also to this particular amendment. This was done on a bipartisan basis. There was give and take.

Over on the Senate side there is a companion that is somewhat similar that has, I believe, a 7-day timeline, and undoubtedly we will work together in conference to reconcile those two. But the good work done on a bipartisan basis in the House has led to what I believe is the right compromise, although I certainly will work with the other body.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. ISSA).

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

Mr. ISSA. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California (Mr. ISSA) will be postponed.

□ 1530

The Acting CHAIRMAN (Mr. HASTINGS of Washington). It is now in order to consider amendment No. 4 printed in House Report 109–178.

AMENDMENT NO. 4 OFFERED BY MRS. CAPITO

Mrs. CAPITO. Mr. Chairman, I offer an amendment.

The Acting Chairman. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mrs. CAPITO:

Add at the end the following:

SEC.____. ATTACKS AGAINST RAILROAD CARRIERS AND MASS TRANSPORTATION SYSTEMS.

(a) IN GENERAL.—Chapter 97 of title 18, United States Code, is amended by striking sections 1992 through 1993 and inserting the following:

"§ 1992. Terrorist attacks and other violence against railroad carriers and against mass transportation systems on land, on water, or through the air

''(a) GENERAL PROHIBITIONS.—Whoever, in a circumstance described in subsection (c), knowingly—

''(1) wrecks, derails, sets fire to, or disables railroad on-track equipment or a mass transportation vehicle;

''(2) with intent to endanger the safety of any person, or with a reckless disregard for the safety of human life, and without the authorization of the railroad carrier or mass transportation provider—

''(A) places any biological agent or toxin, destructive substance, or destructive device in, upon, or near railroad on-track equipment or a mass transportation vehicle; or

''(B) releases a hazardous material or a biological agent or toxin on or near any property described in subparagraph (A) or (B) of paragraph (3);

''(3) sets fire to, undermines, makes unworkable, unusable, or hazardous to work on or use, or places any biological agent or toxin, destructive substance, or destructive device in, upon, or near any—

''(A) tunnel, bridge, viaduct, trestle, track, electromagnetic guideway, signal, station, depot, warehouse, terminal, or any other way, structure, property, or appurtenance used in the operation of, or in support of the operation of, a railroad carrier, without the authorization of the railroad carrier, and with intent to, or knowing or having reason to know such activity would likely, derail, disable, or wreck railroad on-track equipment;

''(B) garage, terminal, structure, track, electromagnetic guideway, supply, or facility used in the operation of, or in support of the operation of, a mass transportation vehicle, without the authorization of the mass transportation provider, and with intent to, or knowing or having reason to know such activity would likely, derail, disable, or wreck a mass transportation vehicle used, operated, or employed by a mass transportation provider; or

''(4) removes an appurtenance from, damages, or otherwise impairs the operation of a railroad signal system or mass transportation signal or dispatching system, including a train control system, centralized dispatching system, or highway-railroad grade crossing warning signal, without authorization from the railroad carrier or mass transportation provider;

''(5) with intent to endanger the safety of any person, or with a reckless disregard for the safety of human life, interferes with, disables, or incapacitates any dispatcher, driver, captain, locomotive engineer, railroad conductor, or other person while the person is employed in dispatching, operating, or maintaining railroad on-track equipment or a mass transportation vehicle;

''(6) commits an act, including the use of a dangerous weapon, with the intent to cause death or serious bodily injury to any person who is on property described in subparagraph (A) or (B) of paragraph (3), except that this subparagraph shall not apply to rail police officers acting in the course of their law enforcement duties under section 28101 of title 49, United States Code;

''(7) conveys false information, knowing the information to be false, concerning an attempt or alleged attempt that was made, is being made, or is to be made, to engage in a violation of this subsection; or

''(8) attempts, threatens, or conspires to engage in any violation of any of paragraphs (1) through (7);

shall be fined under this title or imprisoned not more than 20 years, or both.

''(b) AGGRAVATED OFFENSE.—Whoever commits an offense under subsection (a) of this section in a circumstance in which—

''(1) the railroad on-track equipment or mass transportation vehicle was carrying a passenger or employee at the time of the offense;

''(2) the railroad on-track equipment or mass transportation vehicle was carrying high-level radioactive waste or spent nuclear fuel at the time of the offense;

''(3) the railroad on-track equipment or mass transportation vehicle was carrying a hazardous material at the time of the offense that—

''(A) was required to be placarded under subpart F of part 172 of title 49, Code of Federal Regulations; and

''(B) is identified as class number 3, 4, 5, 6.1, or 8 and packing group I or packing group II, or class number 1, 2, or 7 under the hazardous materials table of section 172.101 of title 49, Code of Federal Regulations; or

''(4) the offense results in the death of any person;

shall be fined under this title or imprisoned for any term of years or life, or both. In the case of a violation described in paragraph (2) of this subsection, the term of imprisonment shall be not less than 30 years; and, in the case of a violation described in paragraph (4) of this subsection, the offender shall be fined under this title and imprisoned for life and be subject to the death penalty.

''(c) CIRCUMSTANCES REQUIRED FOR OFFENSE.—A circumstance referred to in subsection (a) is any of the following:

''(1) Any of the conduct required for the offense is, or, in the case of an attempt, threat, or conspiracy to engage in conduct, the conduct required for the completed offense would be, engaged in, on, against, or affecting a mass transportation provider or railroad carrier engaged in or affecting interstate or foreign commerce.

''(2) Any person travels or communicates across a State line in order to commit the offense, or transports materials across a State line in aid of the commission of the offense.

''(d) DEFINITIONS.—In this section—

''(1) the term 'biological agent' has the meaning given to that term in section 178(1);

''(2) the term 'dangerous weapon' means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, including a pocket knife with a blade of more than 2½ inches in length and a box cutter;

''(3) the term 'destructive device' has the meaning given to that term in section 921(a)(4);

''(4) the term 'destructive substance' means an explosive substance, flammable material, infernal machine, or other chemical, mechanical, or radioactive device or material, or matter of a combustible, contaminative, corrosive, or explosive nature, except that the term 'radioactive device' does not include any radioactive device or material used solely for medical, industrial, research, or other peaceful purposes;

''(5) the term 'hazardous material' has the meaning given to that term in chapter 51 of title 49;

''(6) the term 'high-level radioactive waste' has the meaning given to that term in section 2(12) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(12));

''(7) the term 'mass transportation' has the meaning given to that term in section 5302(a)(7) of title 49, except that the term includes school bus, charter, and sightseeing transportation;

''(8) the term 'on-track equipment' means a carriage or other contrivance that runs on rails or electromagnetic guideways;

''(9) the term 'railroad on-track equipment' means a train, locomotive, tender, motor unit, freight or passenger car, or other on-track equipment used, operated, or employed by a railroad carrier;

''(10) the term 'railroad' has the meaning given to that term in chapter 201 of title 49;

''(11) the term 'railroad carrier' has the meaning given to that term in chapter 201 of title 49;

''(12) the term 'serious bodily injury' has the meaning given to that term in section 1365;

''(13) the term 'spent nuclear fuel' has the meaning given to that term in section 2(23) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(23));

''(14) the term 'State' has the meaning given to that term in section 2266;

''(15) the term 'toxin' has the meaning given to that term in section 178(2); and

''(16) the term 'vehicle' means any carriage or other contrivance used, or capable of being used, as a means of transportation on land, on water, or through the air.''.

(b) CONFORMING AMENDMENTS.—

(1) The table of sections at the beginning of chapter 97 of title 18, United States Code, is amended—

(A) by striking ''**RAILROADS**'' in the chapter heading and inserting ''**RAILROAD CARRIERS AND MASS TRANSPORTATION SYSTEMS ON LAND, ON WATER, OR THROUGH THE AIR**'';

(B) by striking the items relating to sections 1992 and 1993; and

(C) by inserting after the item relating to section 1991 the following:

''1992. Terrorist attacks and other violence against railroad carriers and against mass transportation systems on land, on water, or through the air.''.

(2) The table of chapters at the beginning of part I of title 18, United States Code, is amended by striking the item relating to chapter 97 and inserting the following:

''97. Railroad carriers and mass transportation systems on land, on water, or through the air ..... 1991''.

(3) Title 18, United States Code, is amended—

(A) in section 2332b(g)(5)(B)(i), by striking ''1992 (relating to wrecking trains), 1993 (relating to terrorist attacks and other acts of violence against mass transportation systems),'' and inserting ''1992 (relating to terrorist attacks and other acts of violence against railroad carriers and against mass transportation systems on land, on water, or through the air),'';

(B) in section 2339A, by striking ''1993,''; and

(C) in section 2516(1)(c) by striking ''1992 (relating to wrecking trains),'' and inserting ''1992 (relating to terrorist attacks and other acts of violence against railroad carriers and against mass transportation systems on land, on water, or through the air),''.

The Acting CHAIRMAN. Pursuant to House Resolution 369, the gentlewoman from West Virginia (Mrs. CAPITO) and the gentleman from Virginia (Mr. SCOTT) each will control 5 minutes.

The Chair recognizes the gentlewoman from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, millions of Americans travel to work, school and other activities aboard trains, buses, planes, and other forms of mass transportation. Our railways are also a primary method of shipping raw materials and manufactured goods across the country.

The openness of our rail and mass transportation network makes it a target for terrorists who would attack our Nation. The network is also a target for people to make empty threats or disable on-track materials. These actions put rail employees and passengers at risk. Threats and sabotage against railways also harm interstate commerce by causing delays on important transportation corridors.

Richard Reid, now known as the Shoe Bomber, actually had a charge against him dismissed because current law does not explicitly define an airplane as a vehicle for the purpose of prosecuting. This amendment would change that and bring updated and uniform protections to all forms of railroad carriers and mass transportation providers.

My amendment establishes penalties of up to 20 years for a person who knowingly wrecks, derails, or sets fire to a rail or mass transportation vehicle or knowingly disables on-track equipment or signals. The same penalty applies for conspiracy or threats against a rail or mass transportation system.

The penalty is increased with life imprisonment with death-penalty eligibility if an attack results in the death of a person.

My amendment allows the courts to consider an attack against a train carrying hazardous materials as an aggravated circumstance. The amendment includes a 30-year minimum sentence for an attack on a train carrying high-level radioactive waste or spent nuclear fuel.

I first offered this amendment last October in the wake of the terrorist attack against the rail system in Madrid. The House passed this amendment on the 9/11 Commission Implementation Act, but it was removed in conference with the Senate. The tragic attacks on London on July 7 and another attack there earlier today have demonstrated again the dangers facing rail and transit systems in the U.S. and throughout the world.

We must not wait for another attack here at home to modernize our criminal penalties for attacks and sabotage against our transportation system.

Mr. SENSENBRENNER. Mr. Chairman, will the gentlewoman yield?

Mrs. CAPITO. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I am pleased to support the gentlewoman's amendment and believe that it is an important consolidation in the criminal law relative to attacks against mass transportation systems.

First, we should not have different crimes and different penalties depending upon which type of mass transportation system is attacked. We should have uniform penalties and uniform definitions of criminal activity so someone who attacks a railroad will get the same penalty as someone would in a similar attack against a subway system or a bus or an airplane.

Secondly, I think we have to broaden the definition of what is ''attacked'' to make sure that attacks against support systems for mass transportation systems are treated the same way as an attack against the transportation system itself. We should not have a lesser penalty if you put a bomb in the station than if you blow up a train while it is crossing a bridge over a big gorge.

And I also think we ought to ensure that terrorists who attack these systems are punished with appropriate severity. The gentlewoman's amendment does all of these things, and I would urge its support and unanimous adoption by the House.

Mrs. CAPITO. Reclaiming my time, I thank the gentleman for his support.

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

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, as it has been indicated, this amendment involves a lot of new definitions. It would be helpful if we had considered this in committee where we could have gotten the definitions straight.

This is a complex rewrite of two different sections, 18 U.S.C. 1992 and 1993, which involve wrecking trains and attacks on mass transportation systems.

First, it involves mandatory minimums, and we know from our committee deliberations that the Judicial Conference writes us a letter every time we consider a new mandatory minimum to remind us that mandatory minimums violate common sense. If it is a commonsense sentence, it should

be applied. If it is not a commonsense sentence, it has to be applied anyway.

In addition to that, there are problems with the death penalties in the bill. It would allow death penalties for conspiracy. That offers up constitutional questions. It also would create new death penalties even in States that do not include a death penalty.

Mr. Chairman, if we are going to deal with attacks on mass transit, it would be helpful if we would put the money into port security and rail security and bus security and fund those resources. That would go a long way in making us more secure. Having four amendments like this when we have insufficient time to deliberate is not substantially as helpful as the money would have been in making us more secure.

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

Mrs. CAPITO. Mr. Chairman, I yield myself such time as I may consume. I would like to respond to the gentleman from Virginia (Mr. SCOTT). I appreciate his comments.

The mandatory minimums in this amendment do not apply to threats or conspiracies. A person found guilty of a threat or conspiracy could face a sentence up to 20 years. A 30-year mandatory sentence is required for someone who attacks a train carrying nuclear fuel and high-level radioactive waste. Quite frankly, I think that is extremely appropriate and severe, and what we are trying to do here is create these statutes as a deterrent.

Certainly I agree we need to put money into port security around the Nation, and we are doing that; but we need to go at this problem of terrorism with a full frontal attack.

I would like to say when we considered this, this amendment has been around for about a year. We considered it last year and the gentleman from Virginia (Mr. SCOTT) asked that we consider it in the PATRIOT Act and that is what we are dealing with today. So I think it is appropriate.

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

Mr. SCOTT of Virginia. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. CONYERS), the ranking member of the Committee on the Judiciary.

Mr. CONYERS. Mr. Chairman, I thank the gentleman from Virginia (Mr. SCOTT) for yielding me time.

Could I ask the gentleman from Virginia (Mr. SCOTT) or the gentleman from Massachusetts (Mr. DELAHUNT), is this not kind of unusual? There have been no hearings and we are combining the death penalty by putting together two substantial terrorist crimes, section 1992 and 1993.

Well, maybe I should ask the author of the bill, if he is on the floor, why this has not had committee consideration.

Mr. SCOTT of Virginia. Mr. Chairman, will the gentleman yield?

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

Mr. SCOTT of Virginia. Mr. Chairman, I would say that it would have been extremely helpful if we could have considered that. We could have got the definition straight, and we could have considered it in a more deliberative process rather than trying to deal with it here on the floor where we have some constitutional questions such as the death penalty for conspiracy.

Mr. CONYERS. Right. Is the author of the amendment here?

I was wondering if this was sent over to the chairman of the committee at some earlier point in time.

Mrs. CAPITO. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentlewoman from West Virginia.

Mrs. CAPITO. Yes. This is the identical amendment that was considered last year in October, and it was also passed in the House Intelligence Reauthorization Act that we passed. So this amendment has been considered several times in this House.

Mr. CONYERS. Reclaiming my time, I am sorry I was not on the committee the day they had the hearing, but normally death penalty matters are not brought to the floor this way. Normally I thought it was the jurisdiction of the Subcommittee on Criminal Justice in the Committee on the Judiciary of the House that would be considering this matter.

The Acting CHAIRMAN. The gentlewoman from West Virginia (Mrs. CAPITO) has 30 seconds remaining. The gentleman from Virginia (Mr. SCOTT) has the right to close.

Mrs. CAPITO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would say in closing this has been considered in the past. It has passed. It passed on a voice vote last October. I think in view of what is happening to the mass transit systems around the world, we have heard a lot of hue and cry about helping to protect our mass transit systems in this country. And I think by making standard criminal penalties, we are going a step in the right direction to use these penalties as a deterrence to terrorism on our mass transit and rail systems. I urge passage of the amendment.

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself 10 seconds. I say that we need money for port security and rail security funding.

Mr. Chairman, I yield the balance of my time to the gentlewoman from California (Ms. ZOE LOFGREN).

Ms. ZOE LOFGREN of California. Mr. Chairman, I would just note that we have spent since 9/11 only a couple hundred million dollars in homeland security to secure our rail systems. That is the real problem here. We spent nearly $25 billion on air security and a couple of hundred million on rail.

I would also not that although I do not oppose the death penalty, I doubt very much the death penalty is going to deter the suicide bombers. I think we need to look at not deterrents but at actually preventing the terrorists from harming Americans by protecting the systems and putting our money where our mouth is and in securing these rail systems which we have failed to do.

As my colleague on the Committee on the Judiciary knows, I also serve on the Committee on Homeland Security. We are well aware of how deficient our efforts have been in this regard. That is the crux of this problem, not threatening suicide bombers with the death penalty.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from West Virginia (Mrs. CAPITO).

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

Mrs. CAPITO. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from West Virginia (Mrs. CAPITO) will be postponed.

It is now in order to consider amendment No. 5 printed in House Report 109–178.

AMENDMENT NO. 5 OFFERED BY MR. FLAKE

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. FLAKE:

At the end of the bill, insert the following:

SEC. ___. JUDICIAL REVIEW OF NATIONAL SECURITY LETTERS.

Chapter 223 of title 18, United States Code, is amended—

(1) by inserting at the end of the table of sections the following new item:

''3511. Judicial review of requests for information.''

; and

(2) by inserting after section 3510 the following:

''§ 3511. Judicial review of requests for information

''(a) The recipient of a request for records, a report, or other information under section 2709(b) of this title, section 625(a) or (b) or 626(a) of the Fair Credit Reporting Act, section 1114(a)(5)(A) of the Right to Financial Privacy Act, or section 802(a) of the National Security Act of 1947 may, in the United States district court for the district in which that person or entity does business or resides, petition for an order modifying or setting aside the request. The court may modify or set aside the request if compliance would be unreasonable or oppressive.

''(b) The recipient of a request for records, a report, or other information under section 2709(b) of this title, section 625(a) or (b) or 626(a) of the Fair Credit Reporting Act, section 1114(a)(5)A) of the Right to Financial Privacy Act, or section 802(a) of the National Security Act of 1947, may petition any court described in subsection (a) for an order modifying or setting aside a nondisclosure requirement imposed in connection with such a request.

''(1) If the petition is filed within one year of the request for records, a report, or other information under section 2709(b) of this title, section 625(a) or (b) or 626(a) of the Fair Credit Reporting Act, section 1114(a)(5)(A) of

the Right to Financial Privacy Act, or section 802(a) of the National Security Act of 1947, the court may modify or set aside such a nondisclosure requirement if it finds that there is no reason to believe that disclosure may endanger the national security of the United States, interfere with a criminal, counterterrorism, or counterintelligence investigation, interfere with diplomatic relations, or endanger the life or physical safety of any person. The certification made at the time of the request that disclosure may endanger of the national security of the United States or interfere with diplomatic relations shall be treated as conclusive unless the court finds that the certification was made in bad faith.

''(2) If the petition is filed one year or more after the request for records, a report, or other information under section 2709(b) of this title, section 625(a) or (b) or 626(a) of the Fair Credit Reporting Act, section 1114(a)(5)(A) of the Right to Financial Privacy Act, or section 802(a) of the National Security Act of 1947, the issuing officer, within ninety days of the filing of the petition, shall either terminate the nondisclosure requirement or re-certify that disclosure may result a danger to the national security of the United States, interference with a criminal, counterterrorism, or counterintelligence investigation, interference with diplomatic relations, or danger to the life or physical safety of any person. In the event or re-certification, the court may modify or set aside such a nondisclosure requirement if it finds that there is no reason to believe that disclosure may endanger the national security of the United States, interfere with a criminal, counterterrorism, or counterintelligence investigation, interfere with diplomatic relations, or endanger the life or physical safety of any person. The re-certification that disclosure may endanger of the national security of the United States or interfere with diplomatic relations shall be treated as conclusive unless the court finds that the re-certification was made in bad faith. If the court denies a petition for an order modifying or setting aside a nondisclosure requirement under this paragraph, the recipient shall be precluded for a period of one year from filing another petition to modify or set aside such nondisclosure requirement.

''(c) In the case of a failure to comply with a request for records, a report, or other information made to any person or entity under section 2709(b) of this title, section 625(a) or (b) or 626(a) of the Fair Credit Reporting Act, section 1114(a)(5)(A) of the Right to Financial Privacy Act, or section 802(a) of the National Security Act of 1947, the Attorney General may invoke the aid of any court of the United States within the jurisdiction in which the investigation is carried on or the person or entity resides, carries on business, or may be found, to compel compliance with the request. The court may issue an order requiring the person or entity to comply with the request. Any failure to obey the order of the court may be punished by the court as contempt thereof. Any process under this section may be served in any judicial district in which the person or entity may be found.

''(d) In all proceedings under this section, subject to any right to an open hearing in a contempt proceeding, the court must close any hearing to the extent necessary to prevent an unauthorized disclosure of a request for records, a report, or other information made to any person or entity under section 2709(b) of this title, section 625(a) or (b) or 626(a) of the Fair Credit Reporting Act, section 1114(a)(5)(A) of the Right to Financial Privacy Act, or section 802(a) of the National Security Act of 1947. Petitions, filings, records, orders, and subpoenas must also be kept under seal to the extent and as long as necessary to prevent the unauthorized disclosure of a request for records, a report, or other information made to any person or entity under section 2709(b) of this title, section 625(a) or (b) or 626(a) of the Fair Credit Reporting Act, section 1114(a)(5)(A) of the Right to Financial Privacy Act, or section 802(a) of the National Security Act of 1947.

''(e) In all proceedings under this section, the court shall, upon the Federal Government's request, review the submission of the Government, which may include classified information, ex parte and in camera.''.

SEC. ____. CONFIDENTIALITY OF NATIONAL SECURITY LETTERS.

(a) Section 2709(c) of title 18, United States Code, is amended to read:

''(c) PROHIBITION OF CERTAIN DISCLOSURE.—

''(1) If the Director of the Federal Bureau of Investigation, or his designee in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director, certifies that otherwise there may result a danger to the national security of the United States, interference with a criminal, counterterrorism, or counterintelligence investigation, interference with diplomatic relations, or danger to the life or physical safety of any person, no wire or electronic communications service provider, or officer, employee, or agent thereof, shall disclose to any person (other than those to whom such disclosure is necessary in order to comply with the request or an attorney to obtain legal advice with respect to the request) that the Federal Bureau of Investigation has sought or obtained access to information or records under this section.

''(2) The request shall notify the person or entity to whom the request is directed of the nondisclosure requirement under paragraph (1).

''(3) Any recipient disclosing to those persons necessary to comply with the request or to an attorney to obtain legal advice with respect to the request shall inform such person of any applicable nondisclosure requirement. Any person who receives a disclosure under this subsection shall be subject to the same prohibitions on disclosure under paragraph (1).''.

(b) Section 625(d) of the Fair Credit Reporting Act (15 U.S.C. 1681u(d)) is amended to read:

''(d) CONFIDENTIALITY.—

''(1) If the Director of the Federal Bureau of Investigation, or his designee in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director, certifies that otherwise there may result a danger to the national security of the United States, interference with a criminal, counterterrorism, or counterintelligence investigation, interference with diplomatic relations, or danger to the life or physical safety of any person, no consumer reporting agency or officer, employee, or agent of a consumer reporting agency shall disclose to any person (other than those to whom such disclosure is necessary in order to comply with the request or an attorney to obtain legal advice with respect to the request) that the Federal Bureau of Investigation has sought or obtained the identity of financial institutions or a consumer report respecting any consumer under subsection (a), (b), or (c), and no consumer reporting agency or officer, employee, or agent of a consumer reporting agency shall include in any consumer report any information that would indicate that the Federal Bureau of Investigation has sought or obtained such information on a consumer report.

''(2) The request shall notify the person or entity to whom the request is directed of the nondisclosure requirement under paragraph (1).

''(3) Any recipient disclosing to those persons necessary to comply with the request or to an attorney to obtain legal advice with respect to the request shall inform such persons of any applicable nondisclosure requirement. Any person who receives a disclosure under this subsection shall be subject to the same prohibitions on disclosure under paragraph (1).''.

(c) Section 626(c) of the Fair Credit Reporting Act (15 U.S.C. 1681v(c)) is amended to read:

''(c) CONFIDENTIALITY.—

''(1) If the head of a government agency authorized to conduct investigations or, or intelligence or counterintelligence activities or analysis related to, international terrorism, or his designee, certifies that otherwise there may result a danger to the national security of the United States, interference with a criminal, counterterrorism, or counterintelligence investigation, interference with diplomatic relations, or danger to the life or physical safety of any person, no consumer reporting agency or officer, employee, or agent of such consumer reporting agency, shall disclose to any person (other than those to whom such disclosure is necessary in order to comply with the request or an attorney to obtain legal advice with respect to the request), or specify in any consumer report, that a government agency has sought or obtained access to information under subsection (a).

''(2) The request shall notify the person or entity to whom the request is directed of the nondisclosure requirement under paragraph (1).

''(3) Any recipient disclosing to those persons necessary to comply with the request or to any attorney to obtain legal advice with respect to the request shall inform such persons of any applicable nondisclosure requirement. Any person who receives a disclosure under this subsection shall be subject to the same prohibitions on disclosure under paragraph (1).''.

(d) Section 1114(a)(5)(D) of the Right to Financial Privacy Act (12 U.S.C. 3414(a)(5)(D)) is amended to read:

''(D) PROHIBITION OF CERTAIN DISCLOSURE.—

''(i) If the Director of the Federal Bureau of Investigation, or his designee in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director, certifies that otherwise there may result a danger to the national security of the United States, interference with a criminal, counterterrorism, or counterintelligence investigation, interference with diplomatic relations, or danger to the life or physical safety of any person, no financial institution, or officer, employee, or agent of such institution, shall disclose to any person (other than those to whom such disclosure is necessary in order to comply with the request or an attorney to obtain legal advice with respect to the request) that the Federal Bureau of Investigation has sought or obtained access to a customer's or entity's financial records under paragraph (5).

''(ii) The request shall notify the person or entity to whom the request is directed of the nondisclosure requirement under paragraph (1).

''(iii) Any recipient disclosing to those persons necessary to comply with the request or to an attorney to obtain legal advice with respect to the request shall inform such persons of any applicable nondisclosure requirement. Any person who receives a disclosure under this subsection shall be subject to the same prohibitions on disclosure under paragraph (1).''.

(e) Section 802(b) of the National Security Act of 1947 (50 U.S.C. 436(b)) is amended to read as follows:

''(b) PROHIBITION OF CERTAIN DISCLOSURE.—

''(1) If an authorized investigative agency described in subsection (a) certifies that otherwise there may result a danger to the national security of the United States, interference with a criminal, counterterrorism, or counterintelligence investigation, interference with diplomatic relations, or danger to the life or physical safety of any person, no governmental or private entity, or officer, employee, or agent of such entity, may disclose to any person (other than those to whom such disclosure is necessary in order to comply with the request or an attorney to obtain legal advice with respect to the request) that such entity has received or satisfied a request made by an authorized investigative agency under this section.

''(2) The request shall notify the person or entity to whom the request is directed of the nondisclosure requirement under paragraph (1).

''(3) Any recipient disclosing to those persons necessary to comply with the request or to an attorney to obtain legal advice with respect to the request shall inform such persons of any applicable nondisclosure requirement. Any person who receives a disclosure under this subsection shall be subject to the same prohibitions on disclosure under paragraph (1).''.

SEC. ___. VIOLATIONS OF NONDISCLOSURE PROVISIONS OF NATIONAL SECURITY LETTERS.

Section 1510 of title 18, United States Code, is amended by adding at the end the following:

''(e) Whoever knowingly violates section 2709(c)(1) of this title, sections 625(d) or 626(c) of the Fair Credit Reporting Act (15 U.S.C. 1681u(d) or 1681v(c)), section 1114(a)(3) or 1114(a)(5)(D) of the Right to Financial Privacy Act (12 U.S.C. 3414(a)(3) or 3414(a)(5)(D)), or section 802(b) of the National Security Act of 1947 (50 U.S.C. 436(b)) shall be imprisoned for not more than one year, and if the violation is committed with the intent to obstruct an investigation or judicial proceeding, shall be imprisoned for not more than five years.''.

SEC. ___. REPORTS.

Any report made to a committee of Congress regarding national security letters under section 2709(c)(1) of title 18, United States Code, sections 625(d) or 626(c) of the Fair Credit Reporting Act (15 U.S.C. 1681u(d) or 1681v(c)), section 1114(a)(3) or 1114(a)(5)(D) of the Right to Financial Privacy Act (12 U.S.C. 3414(a)(3) or 3414(a)(5)(D)), or section 802(b) of the National Security Act of 1947 (50 U.S.C. 436(b)) shall also be made to the Committees on the Judiciary of the House of Representatives and the Senate.

The Acting CHAIRMAN. Pursuant to House Resolution 369, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am offering this amendment with my good friend, the gentleman from Massachusetts (Mr. DELAHUNT). I want to assure my colleagues that this amendment has nothing to do with exporting freedom to Cuba. We have teamed up on a few of those items. We are also teaming up with other Members of the PATRIOT Act Reform Caucus, the gentleman from Idaho (Mr. OTTER) and the gentleman from New York (Mr. NADLER), on this amendment.

The Flake-Delahunt-Otter-Nadler amendment provides critical reforms to national security letters. We have heard a lot about this today.

First, this amendment specifies that the recipient of a national security letter may consult with an attorney and may also challenge national security letters in court. A judge may throw out the national security letter by request of the government ''if compliance would be unreasonable or oppressive to the recipient of the national security letter.''

The amendment also allows the recipient to challenge the nondisclosure requirement in the national security letter request. A judge could modify or remove the nondisclosure requirement of the national security letter ''if it finds that there is no reason to believe that disclosure may endanger the national security of the United States, interfere with criminal counterterrorism or counterintelligence investigation, interfere with diplomatic relations, or endanger the life or physical safety of any person.''

Another important reform to this amendment is that it modifies the nondisclosure requirements so that recipients may tell individuals whom they work with about the national security letter request in order to comply with the national security request.

The amendment also contains penalties for individuals who violate the nondisclosure requirements of a national security letter and requires that reports on national security letters by Federal agencies to Congress must also be sent to the House and Senate Committees on the Judiciary so we can exercise proper oversight.

□ 1545

Mr. Chairman, I would like to thank again the gentleman from Wisconsin (Mr. SENSENBRENNER) and his staff in helping to write and to work with me on this amendment. It is important to strengthening the rights of average American citizens who receive these national security letters, and I urge my colleagues to accept this amendment.

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

Mr. FLAKE. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I thank the gentleman for yielding to me, and, Mr. Chairman, I rise in support of the amendment offered by the gentleman from Arizona (Mr. FLAKE).

One of the things that the bill did in section 215 was to provide a procedure for challenging a section 215 order. What this does is it codifies procedures for challenging the receipt of national security letters, and I think that this is a step in the right direction.

Let me say that a national security letter is never issued to the target of an investigation. A place where it would be issued would be to get records that are in the custody of someone who may have information relative to the target of the investigation. For example, it appears that one of the people who was involved in the London bombing 2 weeks ago studied at the University of North Carolina. To get the records of this person's attendance at the University of North Carolina would be a subject of a national security letter. Now, I do not know whether one has been issued or one has not been, but that is an example of the type of information that the NSLs are used for.

This is a good amendment, Mr. Chairman, and I support it.

Mr. FLAKE. I reserve the balance of my time.

Mr. NADLER. Mr. Chairman, I ask unanimous consent to claim the time in opposition to the amendment, though I am in support of the amendment.

The Acting CHAIRMAN (Mr. HASTINGS of Washington). Without objection, the gentleman from New York (Mr. NADLER) is recognized for 10 minutes.

There was no objection.

Mr. NADLER. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Chairman, I thank the gentleman for yielding me this time, and I applaud the cosponsors of this particular amendment because it is a significant amendment.

As it was indicated, under the PATRIOT Act the FBI can merely assert at this point in time that records are relevant to an intelligence investigation. That can be just simply about foreign policy objectives. In addition, it added a permanent nondisclosure requirement which, if violated, imposed severe sanctions on the recipient of the so-called national security letter.

This was truly a profound expansion of government power where the subject of the order need not be suspected of any involvement in terrorism whatsoever, where there was no judicial review, where there was no statutory right to challenge, and where the order gags the recipient from telling anyone about it. A Federal District Court in New York has already ruled that the national security letters for communication records, as amended by the PATRIOT Act, are unconstitutional because they are coercive and violate the fourth amendment prohibition against unreasonable searches and the first amendment as a result of the gag order.

This amendment, I would submit, attempts to salvage the use of national security letters in intelligence investigations so as to comply with constitutional standards. It gives the recipient of a national security letter his day in court. He can consult a lawyer. A judge can reject or modify the FBI demand upon a finding that compliance would be unreasonable or oppressive.

The recipient can also seek to modify or set aside the gag order if the court makes certain findings that it was unnecessary. The amendment goes further to modify the nondisclosure requirement so that the recipients can tell other people with whom they work about the demand so that they can comply with the order.

As I suggested, the current law is of dubious constitutionality, and I would suggest this amendment would permit appropriate use of so-called national security letters that would not only pass constitutional muster but would be sound policy. It also, I believe, strikes a more reasonable balance between privacy and freedom on the one hand and national security on the other with only a negligible burden imposed on the government, and so I urge passage.

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

Mr. NADLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, section 505 is one of the most, perhaps the most egregious provision of the PATRIOT Act, and it provides essentially, as was said before, that any Director of an FBI field office can issue a national security letter directing the production of financial, telephone, Internet and other records, period, without a court order, without any judicial approval, and there is no provision for going to courts to oppose that. The person whose privacy it is sought to invade never knows about it because it is directed to a third party; namely, the Internet service provider, the telephone company, or whoever. Furthermore, they are prevented by the gag order provision of section 505 from ever telling the person whose privacy is affected or anyone else about this.

The Federal Court in New York has ruled it unconstitutional for two reasons. One, you cannot issue this kind of what amounts to an intrusive search warrant without any judicial approval or provision for getting judicial approval. That is a violation of the fourth amendment. And, two, the gag order, the nondisclosure provision, was ruled as a prior restraint on speech, the first amendment.

This amendment, which I am pleased to cosponsor, is an attempt to solve these problems. It goes a considerable distance towards solving these problems. I do not think it solves all the problems. It does not make section 505 acceptable or even, in my opinion, constitutional, but it goes a good distance towards doing that.

It solves the first problem by saying that you can get a national security letter without going to court, but the recipient can go to court to quash it. That is a minimum standard that ought to be adhered to. This amendment does that, and I am very pleased it does that. It allows the recipient of a national security letter to ask that the gag order be set aside, and it sets limits on the gag order and says it has to be renewed after a certain time period and you have to apply to a court to extend it.

It fails, in my opinion, in that second provision to reach constitutional status by saying that the showing the government has to make to get an extension of the gag order, the affidavit by the government officer asking for the extension, shall be treated as conclusive unless the court finds that certification was made in bad faith. So that is not really up to the judgment of the judge, and I do not think that would satisfy the court on the first amendment. But it goes a long way, as I said, toward making this less egregious a violation of civil liberties and towards making it more constitutional. I do not think it goes far enough but it is a step forward.

It also does not deal with the fact that section 505 should be sunsetted. Because section 505, like some of the other sections we have talked about, is a great expansion of surveillance and police powers, and it may be a necessary one, although I do not agree with that, but even if it is necessary we should be nervous about the expansion of surveillance and police powers and we should revisit that and force Congress to revisit it through using a sunset every so often.

So this amendment goes a considerable distance in the right direction. It does not go far enough, in my opinion, to solve the problems with section 505, but it does go several steps in the right direction, and I commend the sponsor for introducing it, the main sponsor for drafting it, and I support the amendment.

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

Mr. FLAKE. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN), a member of the Committee on the Judiciary.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in support of this amendment.

Mr. Chairman, national security letters are sort of a strange beast. It is kind of difficult to figure out what they are. They are sort of like administrative subpoenas, but they are not actually administrative subpoenas. They are limited in their scope. NSLs do not allow the FBI to read the contents of communications but rather the records of communication. That may seem like a legal nicety, but it is a major difference. The Supreme Court has recognized those kinds of differences.

Nonetheless, the recipients of these, while the Justice Department has told us that they allow them to talk to their lawyers, if you look at the statute as it exists now there seems to be a question about that. This amendments makes its explicit. Also, currently under the law, there is no enforcement mechanism when they do issue a national security letter. This amendment allows such an enforcement mechanism by going to a court.

So in a very real sense this amendment both protects those who would receive one of these letters, and if they object to it they can go to an attorney, they can fight it, and it also gives the government a means of attempting to try and secure compliance with it. So in both instances, I think what we have done is give a little more regularity to it. We have given it a little terra firma here, and for that reason I support it and would urge my colleagues to do the same.

Mr. NADLER. Mr. Chairman, how much time do I have remaining?

The Acting CHAIRMAN. The gentleman from New York has 3 minutes remaining.

Mr. NADLER. Mr. Chairman, I yield the balance of my time to the gentleman from Michigan (Mr. CONYERS), the distinguished ranking member on the committee.

Mr. CONYERS. Mr. Chairman, I thank the gentleman for yielding me this time, the floor manager who is, I think, supporting the amendment, but he gives some very compelling arguments against the amendment.

Let me pick up from there. The major problem is that under this amendment the FBI can still compel personal records of anyone if they are relevant to an investigation, even if the person whose records they seek is not suspected of criminal or terrorist activities.

Is that correct? May I ask the author of this bill whether or not that is true? Is it not true that the FBI can still compel personal records even if a person is not suspected of any criminal or terrorist activities?

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

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

Mr. FLAKE. Mr. Chairman, what the PATRIOT Act did was to move or to change the standard to relevance. There has to be a finding of relevance. If it is relevant to an investigation, then it is in my view proper they should be able to compel records.

Mr. CONYERS. Reclaiming my time, Mr. Chairman, what is new then? We have got the law now, we have the amendment here.

Well, let me ask you this. Is the national security letter still unconstitutional under the court ruling?

Mr. FLAKE. Mr. Chairman, if the gentleman will continue to yield, there is a disagreement on what the court was actually ruling on, whether they were ruling on the access to counsel or, my understanding of it, whether or not the request itself was unconstitutional. If that is the case, let the legal process take its course.

But I think what we need to do here is make sure that the agencies have the tools they need, offering the protections we are offering here.

Mr. CONYERS. So we do not know what the court was doing. It is not clear, depending on what someone's interpretation is.

Well, let me ask you this. The amendment allows the recipient to challenge the letter in court, but it can be quashed only if compliance would be unreasonable or oppressive to the recipient?

□ 1600

Mr. FLAKE. Mr. Chairman, if the gentleman would continue to yield, we are offering in this amendment additional protections. We are ensuring that those who receive these letters, and we have in other amendments as well, have access to counsel, not only to respond to the inquiry, but also to challenge in court.

Mr. CONYERS. Mr. Chairman, I thank the gentleman.

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

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

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

Mr. BERMAN. I think underlying the gentleman from Michigan's question, is this not about the difference between the FBI and law enforcement using a national security letter to ask a bank to give it the financial records of all of its customers versus asking the bank to give it the financial records of the specific individuals it suspects might be involved or that it is interested in? I think that is at the heart of the question of the standard. That is why relevance to a terrorist investigation is not an adequate standard. You want the focus on something specific, rather than all of the bank's records of everybody who uses that bank. You want the people who might have had contact with the terrorist or suspected terrorist.

Mr. FLAKE. Mr. Chairman, part of what we have done in this amendment is offer individuals the opportunity to challenge the scope of the request. So whether or not it applies to them or additional people is challengeable through this amendment. That is part of what we are doing here.

Mr. BERMAN. Mr. Chairman, if the gentleman would continue to yield, that requires the bank, not the customers who had nothing to do with anything, to make the challenge.

Mr. FLAKE. The bank can make the challenge itself. The bank can challenge the scope. They are the recipient of the national security letter.

Mr. BERMAN. The bank is, not the customers of the bank.

Mr. FLAKE. That is correct.

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

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

Mr. CONYERS. Mr. Chairman, I would ask the gentleman from Arizona if he feels that this cures the problem, or does he have some of the reluctance that the gentleman from New York, a co-author of the amendment, has about it not going far enough.

Mr. FLAKE. Mr. Chairman, I have a great deal of respect for the gentleman from New York. I tend not to be as concerned as he is at this point. I share many of his concerns about the overall PATRIOT Act, and we have worked to put many of the amendments in place to put ourselves at rest. I thank him for his involvement. We have had great involvement from both sides of the aisle here.

These amendments that I am offering today, virtually all of them, are offered with Democrat support and cosponsorship. My name is not even at the top of some of them. We have had good cooperation. I feel good about this amendment, about the protection we have offered here, and also to ensure that in cases where it is needed, we offer additional tools for compliance with these requests as well. I am pleased with the amendment. I urge my colleagues to support it.

Mr. CONYERS. Mr. Chairman, if the gentleman would continue to yield, and we do not have any more time over here, that is why we are using this process. But does the gentleman know there are new criminal penalties in this part of 505 now added as a result of this amendment?

Mr. FLAKE. Yes.

Mr. CONYERS. Mr. Chairman, I thank the gentleman for his information.

Mr. FLAKE. Mr. Chairman, reclaiming my time, I just want to say in closing, this has been a collaborative process. I appreciate those who have worked with us, and again my appreciation goes to the chairman of the committee for having such a thorough process and allowing us to have amendments. As I mentioned, we had a markup that lasted over 12 hours. Many of these amendments were discussed at length, as were other amendments. I appreciate that and urge support of the amendment.

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

The Acting CHAIRMAN (Mr. HASTINGS of Washington). The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

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

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona (Mr. FLAKE) will be postponed.

It is now in order to consider amendment No. 6 printed in House Report 109–178.

AMENDMENT NO. 6 OFFERED BY MS. WATERS

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Ms. WATERS:
Add at the end the following:

SEC. 17. DEFENSE AGAINST GAG ORDERS.

A person who has received a non-disclosure order in connection with records provided under the provisions of law amended by sections 215 and 505 of the USA PATRIOT Act may not be penalized for a disclosure if the disclosing person is mentally incompetent or under undue stress, or for a disclosure made because of a threat of bodily harm or a threat to discharge the disclosing person from employment. In order to avoid the penalty, the disclosing person must notify the Federal Bureau of Investigation immediately of the existence of the circumstance constituting the exemption.

The Acting CHAIRMAN. Pursuant to House Resolution 369, the gentlewoman from California (Ms. WATERS) and the gentleman from Wisconsin (Mr. SENSENBRENNER) each will control 10 minutes.

The Chair recognizes the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have this amendment that I place before this body. It is an amendment that talks about gag orders. It talks about a provision of law both in sections 215 and 550 that does not allow one who is the target of an investigation or one who has assisted the FBI in gaining records, access to records, to talk about the investigation, to let people know they have been contacted, or that they in some way have been involved in assisting the authorities in seeking information.

This amendment of mine is a very, very simple amendment that talks about what happens to someone who is under a gag order who may, through no fault of their own, place themselves in danger of being harmed or being killed because someone finds out that they have been involved, they are involved in the investigation in some way, and they are threatened by the person who discovers that they have been involved in the investigation; or what happens to someone who is employed at a particular business where they give the FBI access to information. The employer wants to know did they give out information, they cannot tell them, they get fired from their job.

So I have raised the question about this gag order of what happens when someone is placed in a position through no fault of their own that they have to give up information. And someone may argue that in one section of the law, 215, they have the right to get a lawyer and this could be included in the information that they share with the lawyer that would attempt to get them out from under the gag order. But we know that there is nothing in 215 or 550 specifically that would protect this person under the gag order.

Mr. Chairman, what I am attempting to do, and in the scheme of things perhaps it is not that important because we have a PATRIOT Act, PATRIOT Act II, that will basically extend two sections of the PATRIOT Act for 10 years, sections 206 and 215, access to businesses and other records and roving wiretaps; and we have these 14 other sections of the PATRIOT Act that are made permanent.

I suppose my colleagues and the people of America should be worried about

all of this, all of what is being done in this PATRIOT Act in the name of fighting terrorism. People should be wondering whether or not they are being asked to give up their civil liberties, if they are being led by the people that they elect to protect them to undermine their own civil liberties.

This is not simply about the gag order under 215 or 550. This is about gagging Americans, period. This is about saying shut up, do not tell me what the Constitution guarantees you, we do not want to hear that. We want you to understand that there are enough people in power who believe that in order to exercise the power as they see it, they have a right to undermine the Constitution of the United States of America. Not only do they believe it, but they are selling it to you based on fear and intimidation.

So my amendment in the scheme of things is not that important to try and protect a person or some persons. My amendment really is about giving me a platform to talk about how America and American citizens are being gagged, how we are being told that no matter that folks have really fought for this Constitution, no matter that we really had some true times when we have had to stand up for the Constitution, and even go to war to protect the Constitution. We are now being led to believe that anything that is done, and that is what this PATRIOT Act is all about, it goes beyond what anybody should have to expect in order to fight terrorism.

This PATRIOT Act is not in the best interest of Americans. There are those on the other side of the aisle who have gotten up today and said I talked to a constituent who complained about the PATRIOT Act and I said to that constituent how have you been harmed, and the constituent could not explain it.

It is not about whether or not I feel my rights have been denied or not. It is about whether or not the children of this Nation, the children of the future, it is about whether all Americans are being denied their civil liberties because they have been led into the support of a PATRIOT Act that really just flies in the face of the Constitution of the United States of America.

And so when I talk about the gag orders and I reference them in order to frame an amendment or to have this platform to talk about this PATRIOT Act, it is really about whether or not I am talking about all Americans being gagged in a very, very clever and sophisticated way.

There are those who will not oppose this PATRIOT Act because they do not want to be considered unpatriotic. I stand here in the Congress of the United States questioning the wisdom of my colleagues on the PATRIOT Act, and I dare anyone to say I am unpatriotic because I do it. I do it because I am patriotic, and I live in an America that has taught me that there is a Constitution that demands we as American citizens question our government, that we do not allow our government to do anything that they want to do.

I have been elected by the people, and I could be a part of this charade of the government doing whatever we want to do in the name of so-called terrorism, but I do not see myself as an elected official nor do I see myself simply as a citizen that believes that the government is right in everything that it does.

Because I do not believe that, I dare to question those on the other side of the aisle and those on this side of the aisle. I dare those who would wish to stand up and challenge me and charge me with not being patriotic because I do so to get up here and debate me now on patriotism.

And I will tell Members what patriotism is all about. Patriotism is about a Constitution and a democracy that says America is different from everybody else and that we have come through a time and a history that has taught us that if you are to have a democracy, you must have certain guarantees, and those guarantees are embodied in the Constitution that guarantees us freedom of speech, freedom of movement, freedom of religion, and freedom of privacy. Those are the things that we should hold dear and we should fight to protect and we should hold onto with everything that we have, with every ounce of energy that we have.

Nobody, no elected official, no so-called leader is so smart they should tell the American people do not worry about it, give up your rights and give up your freedom, I know better than you. I hope that somewhere in America, in some fourth and fifth grade out there, there are teachers who are watching the debate on the PATRIOT Act. I hope that these are the teachers who are teaching the Constitution of the United States and the history of this Constitution, about how it evolved and how it developed; and I hope they will teach them about the amendments to the Constitution that strengthen it to make sure that we embody in this Constitution all that may not have been thought about in the original framing of it by way of amendment.

I hope that the teachers are able to say watch the debate on the floor of the Congress of the United States so that you can understand that there are some intrusions that are taking place today with the PATRIOT Act that fly in the face of the Constitution.

□ 1615

I want you to be aware of it because when you leave this class, when you grow up to be whatever it is you are going to be, I expect that no matter where you are, whether you are in the United States, abroad, no matter where you are, you know how to stand up and fight for the Constitution of the United States that guarantees certain rights and privacies that are now being intruded upon with this kind of act.

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

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think every Member of this Congress, liberal or conservative, Republican or Democrat, takes seriously the oath that we took at the beginning of this Congress to preserve, protect, and defend the Constitution of the United States against all enemies, foreign and domestic.

The amendment that the gentlewoman from California has introduced is going to make it very difficult to conduct any type of criminal or terrorist investigation using a national security letter because it basically eviscerates the nondisclosure rules that national security letters and literally all other tools in criminal investigations have attached to them.

I think the last thing in the world the American public wants to see is if somebody gets a national security letter or a grand jury subpoena or testifies before the grand jury, something in the newspaper that says that John Doe is being investigated. And if John Doe is really involved in criminal or terrorist activities, that is going to be a tip-off that the feds are on the heels of John and maybe he ought to flee the country or do other things to eliminate the evidence that would be used to convict that person of the crime that he has either committed or a crime that he is in a conspiracy with others to commit.

Let me say that by their very nature national security letters involve our national security, and the national security letters are usually not issued against the targets of investigations but to get records that would establish evidence that could be used against the target of the investigation. And if that evidence that was being collected ended up being disclosed and became a matter of discourse in the public press, I do not know how law enforcement would be able to complete its investigation to go after those that are suspected of criminal or terrorist activities.

But let me say there is another aspect to the gentlewoman's amendment that I think is really bad policy and can really hurt somebody who is innocent. Because of the nature and threat of terrorism, when there is a tip that is sent to law enforcement, law enforcement is obligated to investigate it. Now, that tip might be false. That tip might be a malicious tip by a personal enemy against the person who had information given to law enforcement. But, nonetheless, law enforcement has got to proceed. And if they do their investigation and issue national security letters and find out that the person that the tip was lodged against is up to absolutely no criminal or terrorist activity, if that person's name gets in the newspaper, their reputation is destroyed even though they are innocent. So I think that the amendment of the

gentlewoman from California is one that will end up leaking information about an investigation of someone who may be guilty but also leaking information about an incomplete investigation of someone where the evidence would exonerate them before that exoneration has been established. And that is why, either way we see it, the gentlewoman's amendment is bad news and should be rejected.

Ms. LEE. Mr. Chairman, I rise in strong support of the Waters' Amendment and in strong opposition to H.R. 3199, the USA PATRIOT and Intelligence Reform Act of 2005.

''National security letters'' subpoena personal records including telephone, internet, financial and consumer documents, but almost all records are included in this category.

The Waters' Amendment protects the rights of those individuals who are mentally incompetent, under undue stress, at risk for bodily harm or losing their employment from being forced to disclose information.

It is an honest attempt to reinstate some balance to protect those who are among the most vulnerable under this legislation.

But the underlying bill, Mr. Chairman, like the original PATRIOT Act, continues to trample on civil liberties. But this bill goes further. It makes fourteen of the most egregious components of the PATRIOT Act permanent. This is outrageous.

This bill damages fundamental freedoms:

by invading medical privacy

by allowing the FBI to search in any location showing minimal justification

by allowing for sneak and peak, national security letters, and roving ''John Doe'' wire tap provisions

by forcing libraries to police their patrons (an act that this body just voted to overturn I might add)

and by stripping Congress of the right to review and amend these provisions.

These all are examples that blatantly undermine our constitution and do nothing to make us safer.

Mr. Chairman, all of us understand the need to balance civil liberties with national security. And we can do this without sacrificing one for the other.

Mr. Chairman, simply said, this bill is absolutely overreaching. The Waters amendment protects the rights of those who are the overlooked victims of national security letters—upholding the constitution is patriotic, even in times of national security crises.

Mr. SMITH of Texas. Mr. Chairman, we should oppose this amendment.

First, we are revisiting an issue that we just covered in the Flake/Delahunt/Otter/Nadler amendment—protections for recipients of a National Security Letter, which is an administrative subpoena used in terrorism investigations or in covert Intelligence activities. They are a necessary and critical tool in our fight against terrorism.

Current laws prohibit the recipient of a National Security Letter from disclosing the fact that they received it. This amendment creates a safe haven for individuals who tell others that they received a National Security Letter, by prohibiting them from being punished for violating the order not to tell.

Non-disclosure orders prevent others being investigated for involvement in terrorist activities from being alerted to that investigation. If a person knows he is being investigated, he may destroy evidence, tell others with whom he is working about the investigation, and flee the country.

While I understand the motive behind not punishing mentally incompetent individuals or those under duress, the law already allows for that through the use of an affirmative defense.

Any amendment that makes it easier to tip off terrorists to the fact that they are being investigated is irresponsible and should not be supported. The Waters amendment should be opposed.

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

The Acting CHAIRMAN (Mr. HASTINGS of Washington). The question is on the amendment offered by the gentlewoman from California (Ms. WATERS).

The amendment was rejected.

The Acting CHAIRMAN. It is now in order to consider amendment No. 7 printed in House Report No. 109–178.

AMENDMENT NO. 7 OFFERED BY MR. DELAHUNT

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. DELAHUNT:

Add at the end the following:

SEC. 9. DEFINITION FOR FORFEITURE PROVISIONS UNDER SECTION 806 OF THE USA PATRIOT ACT.

Section 981(a)(1)(G) of title 18, United States Code, is amended by striking ''section 2331'' each place it appears and inserting ''2332b(g)(5)(B)''.

The Acting CHAIRMAN. Pursuant to House Resolution 369, the gentleman from Massachusetts (Mr. DELAHUNT) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, again, this is an amendment. My cosponsors are the gentleman from Idaho (Mr. OTTER) and the gentleman from Arizona (Mr. FLAKE).

But, again, let me begin by saying this is not about Cuba. So let us make that very clear. This is about domestic terrorism and the definition of domestic terrorism. And while it does not create a new crime under the PATRIOT Act, the definition triggers an array of expanded governmental authorities, including enhanced civil asset seizure powers. It is so broadly defined that it could include acts of civil disobedience because they may involve acts that endanger human life, one of the elements that goes into the definition of domestic terrorism.

For example, they could implicate anti-abortion protesters who illegally block access to federal clinics, which could be interpreted by a liberal activist Attorney General as endangering the lives of those seeking abortions, or environmental protesters who trespass on private land and climb trees to prevent logging, which could be interpreted by a conservative activist Attorney General as endangering their own lives or the lives of the loggers. Since such actions are usually undertaken to influence government policy, another of the elements that go into the definition of domestic terrorism, such activities could be treated in such a way as to have severe unintended consequences, particularly with regard to the government seizure of property and/or assets.

For example, any property used to facilitate the acts, such as a church basement, or property affording a source of influence over the group, like a bank account of a major donor to a direct action anti-abortion group, could be seized without any criminal conviction and without a prior hearing notice under section 806, which is implicated into the PATRIOT Act.

This amendment curbs those unintended consequences and possibilities and appropriately limits the qualifying offenses for domestic terrorism to those that constitute a Federal, substantive crime of terrorism, instead of any Federal or State crime. It also limits the definition to actions that are actually intended to influence government policy on a civilian population by coercion or intimidation, instead of the current standard that the actions ''appear to be intended'' to have that effect.

I would conclude by reminding my colleagues on the Committee on the Judiciary that this amendment is drawn from the version of the PATRIOT Act that was unanimously approved by the Committee on the Judiciary in October of 2001, and I urge its passage.

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

Mr. SENSENBRENNER. Mr. Chairman, I ask unanimous consent to claim the time in opposition, even though I am not in opposition to the amendment.

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

There was no objection.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I believe that this is a good amendment and ought to be supported. It makes important changes to the reference in the forfeiture statute to the definition of international terrorism from the definition of domestic terrorism.

There are various definitions of terrorism under Federal law. In title XVIII there has been a confusion over a new definition created in the USA PATRIOT Act for domestic terrorism. That provision is supposed to be used for administrative procedures such as nationwide searches, but another part of the PATRIOT Act, section 806, uses the reference for asset forfeiture, which is more of a penalty. This has raised

concerns about those who exercise their first amendment rights. As a result, groups from both sides of the political spectrum have wanted to change the definition of domestic terrorism.

The amendment fixes the problem by changing the reference in section 806, asset forfeiture, to the definition of a Federal crime of terrorism under section 2332b(g)(5)(B) instead, which lists specific crimes that constitute terrorism. Thus the more general definition may still be used for administrative purposes and the more narrow definition for penalties and criminal prosecutions.

I believe that this is a good amendment.

Mr. Chairman, I yield such time as he may consume to the gentleman from Arizona (Mr. FLAKE).

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

Let me just briefly thank the gentleman from Massachusetts for working on this amendment. In the committee, with regard to other bills that we have considered, one having to do with providing a death penalty for terrorist criminals, this issue came up as well. ''Domestic terrorism,'' is that too broad a term and how should it be applied? If one causes injury to a Federal building by mistake, are they then subject to these fines? And nobody really believes that the death penalty would be imposed in that case; however, the threat of something like that is out there, acts as a form of intimidation to people from engaging in lawful protest. So the overly broad definition does come up as a problem sometimes, and in this case it comes up as a problem when it has to do with seizure of assets.

So I thank the gentleman for bringing this amendment forward. I am glad to join him and I am glad the chairman has articulated so well the need for this amendment.

Mr. DELAHUNT. Mr. Chairman, I yield myself such time as I may consume.

I thank the chairman for his support, and I thank the gentleman from Arizona in helping draft this particular amendment, and I particularly appreciate the example that he enumerated.

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

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

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

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

Mr. DELAHUNT. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts (Mr. DELAHUNT) will be postponed.

The Acting CHAIRMAN. It is now in order to consider amendment No. 8 printed in House Report 109–178.

AMENDMENT NO. 8 OFFERED BY MR. FLAKE

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. FLAKE:

Add at the end the following:

SEC. 17. LIMITATION ON AUTHORITY TO DELAY NOTICE.

(a) IN GENERAL.—Section 3103a(b)(1) of title 18, United States Code, is amended by inserting '', except if the adverse results consists only of unduly delaying a trial'' after ''2705''.

(b) REPORTING REQUIREMENT.—Section 3103a of title 18, United States Code, is amended by adding at the end the following:

''(c) REPORTS.—On an annual basis, the Administrative Office of the United States Courts shall report to the Committees on the Judiciary of the House of Representatives and the Senate the number of search warrants granted during the reporting period, and the number of delayed notices authorized during that period, indicating the adverse result that occasioned that delay.''.

The Acting CHAIRMAN. Pursuant to House Resolution 369, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am offering this amendment today with the gentleman from Idaho (Mr. OTTER), my fellow co-chairman of the PATRIOT Act Reform Caucus.

This amendment addresses two important issues regarding delayed notification of the so-called sneak-and-peek searches. The amendment removes the clause that allows judges, when deciding whether initially to grant a sneak-and-peek search, to allow it for the reason that it would unduly delay a trial to notify the target of the search. This amendment strikes ''unduly delaying a trial'' because we believe it is too low a standard to allow for a delayed notification search under the adverse impact clause of section 2705 of title XVIII.

□ 1630

This amendment also requires on an annual basis that the Administrative Office of the Courts must report to the House and Senate Judiciary Committees on the number of search warrants granted and the number of delayed notices authorized. The AOC would also be required to indicate the cause of delay in each instance. This important information will help improve Congress' oversight role on delayed notification for so-called sneak-and-peak searches in the future by providing Members with this information on an annual basis.

Again, I want to thank the gentleman from Wisconsin (Chairman SENSENBRENNER) and his staff for once again working to address the concerns we had on delayed notification. I urge my colleagues to accept this amendment.

Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Chairman, I support this amendment. I do not think that there should be a delayed notification warrant excuse for unduly delaying a trial, but we have heard an awful lot about delayed notification warrants here. Let me again repeat the fact that delayed notification warrants were not created by the PATRIOT Act when it was passed 3½ years ago. It was existing law for drug-trafficking and racketeering investigations, and the PATRIOT Act only expanded it to include terrorism investigations.

Mr. Chairman, I would like to give Members today a very vivid pictorial example on how these warrants work. Using a delayed notification search warrant, the DEA and other Federal agents entered a home along the border between Washington State and Canada on July 2, 2005, because there was information that the first-ever tunnel under the border between Canada and the United States has being used for drug trafficking.

What did they find? They found a very sophisticated tunnel, and took a picture of it. There were various camera devices and listening devices that the agents put into this tunnel, and they ended up finding that the tunnel had been used to transport 93 pounds of marijuana from Canada into the United States.

This is a picture of the U.S. entrance to the tunnel on our side of the border, very close to Canada. It probably is best described as the U.S. exit. But on the Canadian side of the border the entrance to the tunnel was in a building. So the contraband was stored in this building, was put into the tunnel, taken underneath the border and exited in the United States.

Now, the tunnel that I showed in the first picture was big enough to smuggle terrorists across the border, should it be used for that purpose. All this ended up being exposed as a result of a delayed notification warrant. The amendment is a good one; so are delayed notification warrants.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I ask unanimous consent to claim the time in opposition, although I am not opposed to the amendment.

The Acting CHAIRMAN (Mr. HASTINGS of Washington). Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, let me first of all continue to remind my colleagues and remind America that juxtaposed along this debate today is an existing Bill of Rights that is embedded in our Constitution. It obviously says there is the right to a trial by jury, the right to due process, the right to association, the right to freedom of speech. So as we have been debating through the day, I

appreciate the tone of my colleagues, because on both sides of the aisle we have raised concerns about overreach and over-breadth when it comes to denying or eliminating the rights and freedoms of Americans.

Mr. Chairman, I would have hoped that we would have had the opportunity to debate an amendment on section 213 that would have sunsetted it; not eliminated it, but sunsetted it.

I heard in earlier debates that none of these provisions have been found unconstitutional by Federal courts. Let me remind the chairman that this legislation is barely, barely, 3 years old. In fact, I would argue that it is not sufficient time to know the extensiveness of the over-breadth on this legislation.

Mr. Chairman, I rise to compliment the gentleman from Arizona (Mr. FLAKE) and the gentleman from Idaho (Mr. OTTER) for at least working to find some limitations on a section that allows the FBI to execute a search and seizure warrant, again in violation of one of our prime tenets of the Constitution, the fourth amendment, without notifying the owner for 6 months, if providing advance notice would interfere with the investigation. How broad can that be, to suggest if it is not where it would intrude on the investigation.

Mr. Chairman, as a local sitting judge, I spent many a night, 11, 12 o'clock at night, hearing from undercover police officers who were in fact searching for a search warrant, one to be signed by this judge. I listened to probable cause statements, PC statements. I would argue vigorously that none of that took an excessive amount of time. The probing that was allowed at that time, I believe, was a good firewall to protect the rights, the innocent rights, of Americans.

Last night we saw on the news media a recounting of a tragic incident that occurred with out-of-control bounty hunters, many times used by local law enforcement. This is not exactly the same issue; but upon going into a home or insisting that someone was someone who was not someone, a woman who was innocent was dragged down to the courthouse or to jail. Unfortunately, she called the police when the bounty hunter came and the police insisted she was the right person. She was not. That is just an example of what happens with overreach.

So this particular amendment that requires reporting on an annual basis of the Administrative Office of the Courts to the Committees on the Judiciary in the House and Senate gives us a limited way for oversight, the number of search warrants during the reporting period and the number of delayed notices authorized in the period, indicating the adverse result that occasioned that delay, a mere bringing to the attention of those of us who have the responsibilities of oversight as to what is happening out there.

The difficulty with this amendment, however, is it leaves us with no action, because section 213 does not have a sunset provision. Because it continues to exist, we then have no way to respond as to whether or not there is overreach.

I emphasize to my colleagues, again, that we are all in the business of fighting terror. In the backdrop of the incidents in London 2 weeks ago and today, we recognize we are united around that issue. But I have never talked to any American who concedes they cannot balance their civil liberties and freedom with the idea of fighting in a war on terror.

I would hope simply that we would have the opportunity to debate this further and recognize that this body has gone on record, particularly by its work in CJS funding, where we offered not to fund section 213. I hope my colleagues will support this amendment, but recognize the dilemma we are in.

Mr. FLAKE. Mr. Chairman, I yield 2½ minutes to the gentleman from Idaho (Mr. OTTER).

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

Mr. OTTER. Mr. Chairman, in my rush to get over here, I had not realized that the chairman had already accepted this amendment, and I thank the chairman for that. But there are a couple of thoughts that I would like to add to the discussion that have already been provided.

Mr. Chairman, I thank my colleague, the gentleman from Arizona (Mr. FLAKE), who is cochair of the PATRIOT Act Caucus with myself. I know the gentleman from Arizona (Mr. FLAKE) and the chairman worked very hard in committee to make sure that they came out with a product that would at least not be as bad as it was when we first passed it in 2001. I thank the gentleman from Arizona (Mr. FLAKE) and also the gentleman from Wisconsin (Chairman SENSENBRENNER).

Mr. Chairman, I rise in support of this amendment, and I appreciate the opportunity to discuss this issue today as we engage in one of the most important debates that we will have during the 109th Congress—that is, how to ensure that neither our national security nor the individual liberties guaranteed by our Constitution are sacrificed to the threat of terrorism.

The amendment we are offering today narrows the scope of so-called "sneak-and-peek" delayed notification search warrants and reins in the far-reaching power that we hastily gave the federal government in the frightening and chaotic days following the 9/11 attacks. We have often heard that "sneak and peek" warrants were used before the passage of the USA PATRIOT Act, and I recognize that the courts have upheld their use in limited and extraordinary circumstances.

However, it deeply disturbs me that in codifying this practice we did not employ the notification procedure upheld by most courts before the PATRIOT Act or practice due caution in an effort to protect our Fourth Amendment rights. Instead, we took this already questionable practice and made it the standard rather than the exception.

Our amendment today is an important step toward reinstituting those precious checks and balances that make this a valuable tool for protecting security instead of a threat to the liberties that are given by our Creator, recognized by the Framers and embodied in our Constitution.

One of my basic concerns with the way that sneak-and-peek was crafted under the PATRIOT Act is the extraordinarily broad list of situations in which the power can be used. Section 213 of this Act lists circumstances, including threat to life and destruction of evidence, in which notification of the execution of a search warrant may be delayed. I understand that these are extreme situations which may call for extraordinary tools. However, the last provision of this list is so vague, so broad, and so all-encompassing that it essentially expands the use of this tool to any investigation in which it would be easier for law enforcement to deny suspects the Constitutional right of notification.

Our amendment today takes one of the first steps toward rectifying this serious flaw in the original PATRIOT Act language by eliminating part of this "catch-all" provision. In addition, it includes reporting language so that we in Congress know when delayed notification is requested and in what circumstances it is used. Armed with this knowledge, we will be better able to conduct proper oversight to ensure that this tool is used to protect personal freedoms while it advances the cause of preventing and prosecuting terrorism.

In the Fourth Amendment, the Framers endorsed the principle that it is the government's role to protect our right to individual privacy, not to encroach upon it. This idea of individual rights—that each person is created uniquely and with certain inalienable rights that government cannot take away—is the most basic expression of who we are as a nation and a people.

That is why it is so vital that this amendment becomes law. While I confess that I would have liked to see stronger language protecting our Fourth Amendment rights included as part of this bill, I am pleased that with this amendment we have the opportunity to reinstate some of the constitutional safeguards that were compromised during passage of the PATRIOT Act.

Such a move would strengthen rather than weaken our ability to fight against those who wish to destroy the essence of what it means to be an American.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentlewoman's courtesy in permitting me to speak on this amendment. I am pleased with the efforts that are under way here on the floor to help try to deal with the shape of the PATRIOT Act. This is a critical discussion.

We have been fighting the war on terror longer than we fought World War II, and it appears to be that this is going to be in the American landscape for as far into the future as we can see.

This amendment helps get a handle on the sneak-and-peak provisions. Section 213, which authorizes the sneak-

and-peak investigation, is not restricted to terrorists or terrorism offenses. It may be used in connection with any Federal crime, including misdemeanors. The PATRIOT Act did not establish oversight standards for these investigations.

The public has a right to know how these activities are being undertaken. We saw one of these searches in Oregon go sideways and devastate the life of a local attorney. Brandon Mayfield was jailed for 2 weeks as his name was leaked to the media, falsely linking him to the Madrid bombing. Now this man is suing the FBI; but he will never, never be able to clear his name.

I appreciate what my friends, the gentleman from Arizona (Mr. FLAKE) and the gentleman from Idaho (Mr. OTTER), have attempted to do here, narrowing the application and providing more information to Congress. This is critical. I would hope we would be able to push the limits a little further. I am very apprehensive about this, but we are involved with a process that is very important for Congress.

As I mentioned, this is what we see for as long as the eye can view. In 2001, just days after 9/11, we rushed through a bill that simply cast aside the important by-products that were developed by the Committee on the Judiciary on a bipartisan basis. I am hopeful that this is going to give us a chance to work together to deal with the important security provisions.

Nobody wants America at risk; but it is important that we narrow provisions, wherever possible, that we have appropriate sunset provisions and that we are monitoring carefully. It is critical both for the civil liberties of Americans and for developing the right tools to fight terrorism.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 1½ minutes to the gentleman from Michigan (Mr. CONYERS), the distinguished ranking member of the Committee on the Judiciary, and thank him for his constant moral compass on civil liberties and civil rights for the American people.

Mr. CONYERS. I thank my colleague from Texas for yielding me time.

Mr. Chairman, I would like to just point out that this is another one of the famous half-loaf amendments that we are being peppered with this afternoon.

The amendment leaves ''interferes with an investigation'' open, but it does take away ''when it would delay a trial.'' We get half a loaf here again, so I cannot oppose the amendment, because it did make some improvement. After all, what is progress, even if it may be slow?

But at the same time, this may be a nonterrorist provision within the PATRIOT Act, because we already have a provision for secret searches for terrorists. So letting this section expire altogether would not interfere with secret searches for terrorists at all.

What we found out in our examination, the staff examination, is that 90 percent of the uses of the sneak-and-peak authority have been for nonterrorism cases. It seems to me that this amendment goes along in that same direction.

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

□ 1645

Ms. JACKSON-LEE of Texas. Mr. Chairman, it is my great pleasure to yield 1½ minutes to the gentleman from Rhode Island (Mr. LANGEVIN), a former attorney general of the great State of Rhode Island.

Mr. LANGEVIN. Mr. Chairman, I thank the gentlewoman for yielding me this time.

I rise in support of the Flake-Otter sneak-and-peek amendment to drop this provision. Keeping America safe is not a partisan issue; but, unfortunately, several provisions of H.R. 3199 are.

Now, we could have had a bipartisan solution that extends the provisions that are effective and modifies those that need changes. This amendment addresses one of those changes by preventing the use of sneak-and-peek searches when the sole purpose of the delayed notification is to postpone a trial. The current provision is too broad, and this amendment would limit these searches to terrorism cases.

Now, I recognize the need for our laws to keep pace with new technology and a changing world, and I am committed to ensuring that our law enforcement has the tools they need to keep our Nation safe. However, providing these tools need not come at the expense of the liberties and freedoms that we hold so dear. If we cede these, we have already given up the very values the terrorists are trying to destroy.

I look forward to working with my colleagues to make many changes to H.R. 3199 to fight terrorism and to protect our freedoms. I urge the Senate to take a more bipartisan approach to the renewal of the USA PATRIOT Act, and I hope that they are more open to sunsets which require Congress to review the act, extend what is working, and change what is not. Sunsets would make the bill better, but the rule does not permit us to vote on this important modification.

I hope my colleagues will join me in supporting this responsible amendment.

Mr. FLAKE. Mr. Chairman, I yield myself the remaining time to conclude briefly, simply to say that the distinguished ranking minority member of the committee, the gentleman from Michigan (Mr. CONYERS), mentioned that the amendment represents half a loaf, and I will freely concede that it does. Rarely do you get an amendment to a bill that represents the full loaf.

But I should point out that in committee we considered another half-a-loaf amendment, if you will, to section 213; and that amendment by myself and the gentleman from New York (Mr. NADLER) clarified or, not clarified, but actually put in some false stops with regard to delayed notification searches where you have to appear before a judge after 80 days to justify delayed notifications. After 90-day increments beyond that time, you have to appear again and justify that search as well. That is the other half a loaf.

We have also had many other amendments in committee, and here on the floor, that could be considered half a loaf. With that, I think we got a pretty good product in the end, and that is what we are seeking to have here.

I would urge support of the amendment.

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

The Acting CHAIRMAN (Mr. HASTINGS of Washington). The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

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

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona (Mr. FLAKE) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in part B of House Report 109–178 on which further proceedings were postponed, in the following order: amendment No. 2 offered by Mr. FLAKE of Arizona; amendment No. 3 offered by Mr. ISSA of California; amendment No. 4 offered by Mrs. CAPITO of West Virginia; amendment No. 5 offered by Mr. FLAKE of Arizona; amendment No. 7 offered by Mr. DELAHUNT of Massachusetts; amendment No. 8 offered by Mr. FLAKE of Arizona.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 OFFERED BY MR. FLAKE OF ARIZONA

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 402, noes 26, not voting 5, as follows:

[Roll No. 403]

AYES—402

Abercrombie	Akin	Andrews
Ackerman	Alexander	Baca
Aderholt	Allen	Baird

Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hobson
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
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
Obey
Olver
Ortiz
Osborne
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
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)

NOES—26

Bachus
Biggert
Bonilla
Bono
Burton (IN)
Buyer
Calvert
Cole (OK)
Davis (KY)
Hoekstra
Hostettler
Johnson, Sam
Lewis (CA)
Linder
Myrick
Oxley
Price (GA)
Renzi
Rogers (MI)
Sessions
Shadegg
Souder
Thomas
Thornberry
Tiahrt
Walsh

NOT VOTING—5

Brown (SC)
Cox
Hastings (FL)
Hinojosa
Miller (FL)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. HASTINGS of Washington) (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1711

Mr. BUYER, Mrs. BONO, Messrs. HOEKSTRA, ROGERS of Michigan, LEWIS of California, COLE, CALVERT, WALSH, SESSIONS, Mrs. MYRICK, Messrs. PRICE of Georgia, BACHUS, OXLEY and THOMAS changed their vote from ''aye'' to ''no.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. MILLER of Florida. Mr. Chairman, on rollcall No. 403, I was unavoidably detained. Had I been present, I would have voted ''aye.''

AMENDMENT NO. 3 OFFERED BY MR. ISSA

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. ISSA) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 406, noes 21, not voting 6, as follows:

[Roll No. 404]

AYES—406

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Calvert
Camp
Cannon
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Herseth
Higgins
Hinchey
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup

Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—21

Bachus
Biggert
Bonilla
Bono
Buyer
Cantor
Cole (OK)
Davis (KY)
DeLay
Everett
Hefley
Hunter
Johnson, Sam
Linder
Oxley
Rogers (MI)
Shuster
Souder
Thornberry
Tiahrt
Westmoreland

NOT VOTING—6

Brown (SC)
Burton (IN)
Cox
Hastings (FL)
Hinojosa
Ros-Lehtinen

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. HASTINGS of Washington) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1720

Mr. INGLIS of South Carolina changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 4 OFFERED BY MRS. CAPITO

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from West Virginia (Mrs. CAPITO) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 362, noes 66, not voting 5, as follows:

[Roll No. 405]

AYES—362

Ackerman
Aderholt
Akin
Alexander
Andrews
Baca
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Fattah
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hobson
Hoekstra
Holden
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Meek (FL)
Melancon
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Otter
Oxley
Pallone
Pascrell
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sanchez, Loretta
Sanders
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Walden (OR)
Walsh
Wamp
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—66

Abercrombie
Allen
Baldwin
Becerra
Blumenauer
Brown (OH)
Capuano
Carson
Clay
Cleaver
Conyers
Costello
Cummings
Davis (IL)
DeGette
Delahunt
Farr
Filner
Frank (MA)
Grijalva
Gutierrez
Hinchey
Holt
Honda
Jackson (IL)
Johnson, E. B.
Kucinich
Lee
Lewis (GA)
Markey
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meeks (NY)
Michaud
Mollohan
Moore (WI)
Nadler
Neal (MA)
Olver
Owens
Pastor
Paul
Payne
Rangel
Rush
Sabo
Sánchez, Linda T.
Schakowsky
Scott (VA)
Serrano
Slaughter
Stark
Tierney
Towns
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Woolsey

NOT VOTING—5

Brown (SC)
Cox
Hastings (FL)
Hinojosa
Saxton

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1729

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MR. FLAKE

The Acting CHAIRMAN (Mr. HASTINGS of Washington). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 394, noes 32, not voting 7, as follows:

[Roll No. 406]

AYES—394

Abercrombie
Ackerman
Akin
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—32

Aderholt
Bachus
Barton (TX)
Bonner
Bono
Cantor
Conyers
Cubin
Everett
Franks (AZ)
Hall
Hostettler
Hunter
Hyde
Johnson, Sam
Kilpatrick (MI)
LaHood
Lee
Lewis (CA)
Linder
McKinney
Oxley
Rogers (AL)
Rogers (MI)
Ryun (KS)
Sessions
Shadegg
Souder
Thornberry
Tiahrt
Westmoreland
Whitfield

NOT VOTING—7

Brown (SC)
Cox
Hastings (FL)
Hinojosa
Johnson (CT)
Mica
Taylor (NC)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1736

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 7 OFFERED BY MR. DELAHUNT

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. DELAHUNT) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 418, noes 7, not voting 8, as follows:

[Roll No. 407]

AYES—418

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Bonilla
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hobson
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver

Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
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)

NOES—7

Bono
Cantor
Cubin
Hayes
Hunter
Rogers (MI)
Saxton

NOT VOTING—8

Boehner
Brown (SC)
Brown, Corrine
Cox
Gohmert
Hastings (FL)
Hinojosa
Hoekstra

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1743

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 8 OFFERED BY MR. FLAKE

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 407, noes 21, not voting 5, as follows:

[Roll No. 408]

AYES—407

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—21

Barton (TX)
Bonilla
Bono
Cantor
Cole (OK)
Davis (KY)
Hayworth
Hostettler
Hunter
Knollenberg
Linder
Oxley
Renzi
Rogers (MI)
Sessions
Shadegg
Shuster
Souder
Thornberry
Tiahrt
Westmoreland

NOT VOTING—5

Brown (SC)
Cox
Gohmert
Hastings (FL)
Hinojosa

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. HASTINGS of Washington) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1750

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PUTNAM) having assumed the chair, Mr. HASTINGS of Washington, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3199) to extend and modify authorities needed to combat terrorism, and for other purposes, had come to no resolution thereon.

SURFACE TRANSPORTATION EXTENSION ACT OF 2005, PART IV

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that the Committees on Transportation and Infrastructure, Ways and Means, Science,

and Resources be discharged from further consideration of the bill (H.R. 3377) to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill as follows:

H.R. 3377

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 ''Surface Transportation Extension Act of 2005, Part IV''.

SEC. 2. ADVANCES.

(a) IN GENERAL.—Section 2(a)(1) of the Surface Transportation Extension Act of 2004, Part V (23 U.S.C. 104 note; 118 Stat. 1144; 119 Stat. 324; 119 Stat. 346; 119 Stat. 379) is amended by striking '', and the Surface Transportation Extension Act of 2005, Part III'' and inserting ''the Surface Transportation Extension Act of 2005, Part III, and the Surface Transportation Extension Act of 2005, Part IV''.

(b) PROGRAMMATIC DISTRIBUTIONS.—

(1) SPECIAL RULES FOR MINIMUM GUARANTEE.—Section 2(b)(4) of such Act (119 Stat. 324; 119 Stat. 346; 119 Stat. 379) is amended by striking ''$2,268,000,000'' and inserting ''$2,301,370,400''.

(2) EXTENSION OF OFF-SYSTEM BRIDGE SETASIDE.—Section 144(g)(3) of title 23, United States Code, is amended by striking ''July 21'' inserting ''July 27''.

(c) AUTHORIZATION OF CONTRACT AUTHORITY.—Section 1101(1)(1) of the Transportation Equity Act for the 21st Century (118 Stat. 1145; 119 Stat. 324; 119 Stat. 346; 119 Stat. 379) is amended by striking ''$27,563,412,240 for the period of October 1, 2004, through July 21, 2005'' and inserting $27,968,968,718 for the period of October 1, 2004, through July 27, 2005.

(d) LIMITATION ON OBLIGATIONS.—Section 2(e) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1146; 119 Stat. 324; 119 Stat. 346; 119 Stat. 379) is amended—

(1) in paragraph (1)—

(A) by striking ''July 21'' and inserting ''July 27'';

(B) by striking '', and the Surface Transportation Extension Act of 2005, Part III'' and inserting ''the Surface Transportation Extension Act of 2005, Part III, and the Surface Transportation Extension Act of 2005, Part IV''; and

(C) by striking ''80.8 percent'' and inserting ''82.2 percent''; and

(2) in paragraph (2)—

(A) by striking ''July 21, 2005, shall not exceed $28,107,000,000'' and inserting ''July 27, 2005, shall not exceed $28,520,554,600''; and

(B) by striking ''$517,590,000'' and inserting ''$525,205,602''; and

(3) in paragraph (3) by striking ''July 21'' and inserting ''July 27''.

SEC. 3. ADMINISTRATIVE EXPENSES.

Section 4(a) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1147; 119 Stat. 325; 119 Stat. 346; 119 Stat. 379) is amended by striking ''$285,139,440'' and inserting ''$289,334,862''.

SEC. 4. OTHER FEDERAL-AID HIGHWAY PROGRAMS.

(a) AUTHORIZATION OF APPROPRIATIONS UNDER TITLE I OF TEA–21.—

(1) FEDERAL LANDS HIGHWAYS.—

(A) INDIAN RESERVATION ROADS.—Section 1101(a)(8)(A) of the Transportation Equity Act for the 21st Century (112 Stat. 112; 118 Stat. 1147; 119 Stat. 325; 119 Stat. 346; 119 Stat. 379) is amended—

(i) in the first sentence by striking ''$222,750,000 for the period of October 1, 2004, through July 21, 2005'' and inserting ''$226,027,450 for the period of October 1, 2004, through July 27, 2005''; and

(ii) in the second sentence by striking ''$10,530,000'' and inserting ''$10,684,934''.

(B) PUBLIC LANDS HIGHWAYS.—Section 1101(a)(8)(B) of such Act (112 Stat. 112; 118 Stat. 1148; 119 Stat. 325; 119 Stat. 346; 119 Stat. 379) is amended by striking ''$199,260,000 for the period of October 1, 2004, through July 21, 2005'' and inserting ''$202,191,828 for the period of October 1, 2004, through July 27, 2005''.

(C) PARK ROADS AND PARKWAYS.—Section 1101(a)(8)(C) of such Act (112 Stat. 112; 118 Stat. 1148; 119 Stat. 325; 119 Stat. 346; 119 Stat. 379) is amended by striking ''$133,650,000 for the period of October 1, 2004, through July 21, 2005'' and inserting ''$135,616,470 for the period of October 1, 2004, through July 27, 2005''.

(D) REFUGE ROADS.—Section 1101(a)(8)(D) of such Act (112 Stat. 112; 118 Stat. 1148; 119 Stat. 326; 119 Stat. 346; 119 Stat. 379) is amended by striking ''$16,200,000 for the period of October 1, 2004, through July 21, 2005'' and inserting ''$16,438,360 for the period of October 1, 2004, through July 27, 2005''.

(2) NATIONAL CORRIDOR PLANNING AND DEVELOPMENT AND COORDINATED BORDER INFRASTRUCTURE PROGRAMS.—Section 1101(a)(9) of such Act (112 Stat. 112; 118 Stat. 1148; 119 Stat. 326; 119 Stat. 346; 119 Stat. 379) is amended by striking ''$113,400,000 for the period of October 1, 2004, through July 21, 2005'' and inserting ''$115,068,520 for the period of October 1, 2004, through July 27, 2005''.

(3) CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.—

(A) IN GENERAL.—Section 1101(a)(10) of such Act (112 Stat. 113; 118 Stat. 1148; 119 Stat. 326; 119 Stat. 346; 119 Stat. 379) is amended by striking ''$30,780,000 for the period of October 1, 2004, through July 21, 2005'' and inserting ''$31,232,884 for the period of October 1, 2004, through July 27, 2005''.

(B) SET ASIDE FOR ALASKA, NEW JERSEY, AND WASHINGTON.—Section 5(a)(3)(B) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1148; 119 Stat. 326; 119 Stat. 346; 119 Stat. 379) is amended—

(i) in clause (i) by striking ''$8,100,000'' and inserting ''$8,219,180'';

(ii) in clause (ii) by striking ''$4,050,000'' and inserting ''$4,109,590''; and

(iii) in clause (iii) by striking ''$4,050,000'' and inserting ''$4,109,590''.

(4) NATIONAL SCENIC BYWAYS PROGRAM.—Section 1101(a)(11) of the Transportation Equity Act for the 21st Century (112 Stat. 113; 118 Stat. 1148; 119 Stat. 326; 119 Stat. 346; 119 Stat. 379) is amended by striking ''$21,465,000 for the period of October 1, 2004, through July 21, 2005'' and inserting ''$21,780,827 for the period of October 1, 2004, through July 27, 2005''.

(5) VALUE PRICING PILOT PROGRAM.—Section 1101(a)(12) of such Act (112 Stat. 113; 118 Stat. 1148; 119 Stat. 326; 119 Stat. 346; 119 Stat. 379) is amended by striking ''$8,910,000 for the period of October 1, 2004, through July 21, 2005'' and inserting ''$9,041,098 for the period of October 1, 2004, through July 27, 2005''.

(6) HIGHWAY USE TAX EVASION PROJECTS.—Section 1101(a)(14) of such Act (112 Stat. 113; 118 Stat. 1148; 119 Stat. 326; 119 Stat. 346; 119 Stat. 379) is amended by striking ''$4,050,000 for the period of October 1, 2004, through July 21, 2005'' and inserting ''$4,109,590 for the period of October 1, 2004, through July 27, 2005''.

(7) COMMONWEALTH OF PUERTO RICO HIGHWAY PROGRAM.—Section 1101(a)(15) of the Transportation Equity Act for the 21st Century (112 Stat. 113; 118 Stat. 1149; 119 Stat. 326; 119 Stat. 346; 119 Stat. 379) is amended by striking ''$89,100,000 for the period of October 1, 2004, through July 21, 2005'' and inserting ''$90,410,980 for the period of October 1, 2004, through July 27, 2005''.

(8) SAFETY GRANTS.—Section 1212(i)(1)(D) of such Act (23 U.S.C. 402 note; 112 Stat. 196; 112 Stat. 840; 118 Stat. 1149; 119 Stat. 326; 119 Stat. 346; 119 Stat. 379) is amended by striking ''$405,000 for the period of October 1, 2004, through July 21, 2005'' and inserting ''$410,959 for the period of October 1, 2004, through July 27, 2005''.

(9) TRANSPORTATION AND COMMUNITY AND SYSTEM PRESERVATION PILOT PROGRAM.—Section 1221(e)(1) of such Act (23 U.S.C. 101 note; 112 Stat. 223; 118 Stat. 1149; 119 Stat. 327; 119 Stat. 346; 119 Stat. 379) is amended by striking ''$20,250,000 for the period of October 1, 2004, through July 21, 2005'' and inserting ''$20,547,950 for the period of October 1, 2004, through July 27, 2005''.

(10) TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION.—Section 188 of title 23, United States Code, is amended—

(A) in subsection (a)(1) by striking subparagraph (G) and inserting the following:

''(G) $106,849,340 for the period of October 1, 2004, through July 27, 2005.'';

(B) in subsection (a)(2) by striking ''$1,620,000 for the period of October 1, 2004, through July 21, 2005'' and inserting ''$1,643,836 for the period of October 1, 2004, through July 27, 2005''; and

(C) in the item relating to fiscal year 2005 in table contained in subsection (c) by striking ''$2,106,000,000'' and inserting ''$2,136,986,800''.

(11) NATIONAL SCENIC BYWAYS CLEARINGHOUSE.—Section 1215(b)(3) of the Transportation Equity Act for the 21st Century (112 Stat. 210; 118 Stat. 1149; 119 Stat. 327; 119 Stat. 346; 119 Stat. 379) is amended—

(A) by striking ''$1,215,000'' and inserting ''$1,232,877''; and

(B) by striking ''July 21'' and inserting ''July 27''.

(b) AUTHORIZATION OF APPROPRIATIONS UNDER TITLE V OF TEA–21.—

(1) SURFACE TRANSPORTATION RESEARCH.—Section 5001(a)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 419; 118 Stat. 1149; 119 Stat. 327; 119 Stat. 346; 119 Stat. 379) is amended by striking ''$83,430,000 for the period of October 1, 2004, through July 21, 2005'' and inserting ''$84,657,554 for the period of October 1, 2004, through July 27, 2005''.

(2) TECHNOLOGY DEPLOYMENT PROGRAM.—Section 5001(a)(2) of such Act (112 Stat. 419; 118 Stat. 1149; 119 Stat. 327; 119 Stat. 346; 119 Stat. 379) is amended by striking ''$40,500,000 for the period of October 1, 2004, through July 21, 2005'' and inserting ''$41,095,900 for the period of October 1, 2004, through July 27, 2005''.

(3) TRAINING AND EDUCATION.—Section 5001(a)(3) of such Act (112 Stat. 420; 118 Stat. 1150; 119 Stat. 327; 119 Stat. 346; 119 Stat. 379) is amended by striking ''$16,200,000 for the period of October 1, 2004, through July 21, 2005'' and inserting ''$16,438,360 for the period of October 1, 2004, through July 27, 2005''.

(4) BUREAU OF TRANSPORTATION STATISTICS.—Section 5001(a)(4) of such Act (112 Stat. 420; 118 Stat. 1150; 119 Stat. 327; 119 Stat. 346; 119 Stat. 379) is amended by striking ''$25,110,000 for the period of October 1, 2004, through July 21, 2005'' and inserting ''$25,479,458 for the period of October 1, 2004, through July 27, 2005''.

(5) ITS STANDARDS, RESEARCH, OPERATIONAL TESTS, AND DEVELOPMENT.—Section 5001(a)(5) of such Act (112 Stat. 420; 118 Stat. 1150; 119 Stat. 327; 119 Stat. 346; 119 Stat. 379) is amended by striking ''$89,100,000 for the period of October 1, 2004, through July 21, 2005'' and inserting ''$90,410,980 for the period of October 1, 2004, through July 27, 2005''.

(6) ITS DEPLOYMENT.—Section 5001(a)(6) of such Act (112 Stat. 420; 118 Stat. 1150; 119 Stat. 327; 119 Stat. 346; 119 Stat. 379) is amended by striking ''$98,820,000 for the period of October 1, 2004, through July 21, 2005'' and inserting ''$100,273,996 for the period of October 1, 2004, through July 27, 2005''.

(7) UNIVERSITY TRANSPORTATION RESEARCH.—Section 5001(a)(7) of such Act (112 Stat. 420; 118 Stat. 1150; 119 Stat. 328; 119 Stat. 346; 119 Stat. 379) is amended by striking ''$21,465,000 for the period of October 1, 2004, through July 21, 2005'' and inserting ''$21,780,827 for the period of October 1, 2004, through July 27, 2005''.

(c) METROPOLITAN PLANNING.—Section 5(c)(1) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1150; 119 Stat. 328; 119 Stat. 346; 119 Stat. 379) is amended by striking ''$176,175,000 for the period of October 1, 2004, through July 21, 2005'' and inserting ''$178,767,165 for the period of October 1, 2004, through July 27, 2005''.

(d) TERRITORIES.—Section 1101(d)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 111; 118 Stat. 1150; 119 Stat. 328; 119 Stat. 346; 119 Stat. 379) is amended by striking ''$29,484,000 for the period of October 1, 2004, through July 21, 2005'' and inserting ''$29,917,815 for the period of October 1, 2004, through July 27, 2005''.

(e) ALASKA HIGHWAY.—Section 1101(e)(1) of such Act (118 Stat. 1150; 119 Stat. 328; 119 Stat. 346; 119 Stat. 379) is amended by striking ''$15,228,000 for the period of October 1, 2004, through July 21, 2005'' and inserting ''$15,452,058 for the period of October 1, 2004, through July 27, 2005''.

(f) OPERATION LIFESAVER.—Section 1101(f)(1) of such Act (118 Stat. 1151; 119 Stat. 328; 119 Stat. 346; 119 Stat. 379) is amended by striking ''$405,000 for the period of October 1, 2004, through July 21, 2005'' and inserting ''$410,959 for the period of October 1, 2004, through July 27, 2005''.

(g) BRIDGE DISCRETIONARY.—Section 1101(g)(1) of such Act (118 Stat. 1151; 119 Stat. 328; 119 Stat. 346; 119 Stat. 379) is amended—

(1) by striking ''$81,000,000'' and inserting ''$82,191,800''; and

(2) by striking ''July 21'' and inserting ''July 27''.

(h) INTERSTATE MAINTENANCE.—Section 1101(h)(1) of such Act (118 Stat. 1151; 119 Stat. 328; 119 Stat. 346; 119 Stat. 379) is amended—

(1) by striking ''$81,000,000'' and inserting ''$82,191,800''; and

(2) by striking ''July 21'' and inserting ''July 27''.

(i) RECREATIONAL TRAILS ADMINISTRATIVE COSTS.—Section 1101(i)(1) of such Act (118 Stat. 1151; 119 Stat. 328; 119 Stat. 346; 119 Stat. 379) is amended by striking ''$607,500 for the period of October 1, 2004, through July 21, 2005'' and inserting ''$616,439 for the period of October 1, 2004, through July 27, 2005''.

(j) RAILWAY-HIGHWAY CROSSING HAZARD ELIMINATION IN HIGH SPEED RAIL CORRIDORS.—Section 1101(j)(1) of such Act (118 Stat. 1151; 119 Stat. 328; 119 Stat. 346; 119 Stat. 379) is amended—

(1) by striking ''$4,252,000'' and inserting ''$4,315,069'';

(2) by striking ''$202,500'' and inserting ''$205,480''; and

(3) by striking ''July 21'' each place it appears and inserting ''July 27''.

(k) NONDISCRIMINATION.—Section 1101(k) of such Act (118 Stat. 1151; 119 Stat. 328; 119 Stat. 346; 119 Stat. 379) is amended—

(1) in paragraph (1) by striking ''$8,100,000 for the period of October 1, 2004, through July 21, 2005'' and inserting ''$8,219,180 for the period of October 1, 2004, through July 27, 2005''; and

(2) in paragraph (2) by striking ''$8,100,000 for the period of October 1, 2004, through July 21, 2005'' and inserting ''$8,219,180 for the period of October 1, 2004, through July 27, 2005''.

(l) ADMINISTRATION OF FUNDS.—Section 5(l) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1151; 119 Stat. 329; 119 Stat. 346; 119 Stat. 379) is amended—

(1) by striking ''and section 4 of the Surface Transportation Extension Act of 2005, Part III'' and inserting ''section 4 of the Surface Transportation Extension Act of 2005, Part III, and section 4 of the Surface Transportation Extension Act of 2005, Part IV''; and

(2) by striking ''and section 4(a) of the Surface Transportation Extension Act of 2005, Part III'' and inserting ''section 4(a) of the Surface Transportation Extension Act of 2005, Part III, and section 4(a) of the Surface Transportation Extension Act of 2005, Part IV''.

(m) REDUCTION OF ALLOCATED PROGRAMS.—Section 5(m) of such Act (118 Stat. 1151; 119 Stat. 329; 119 Stat. 346; 119 Stat. 379) is amended—

(1) by striking ''and section 4 of Surface Transportation Extension Act of 2005, Part III'' and inserting ''section 4 of the Surface Transportation Extension Act of 2005, Part III, and section 4 of the Surface Transportation Extension Act of 2005, Part IV'';

(2) by striking ''and section 4 of the Surface Transportation Extension Act, Part III'' the first place it appears and inserting ''section 4 of the Surface Transportation Extension Act, Part III, and section 4 of the Surface Transportation Extension Act, Part IV''; and

(3) by striking '', and section 4 of the Surface Transportation Extension Act, Part III'' the second place it appears and inserting ''section 4 of the Surface Transportation Extension Act of 2005, Part III, and section 4 of the Surface Transportation Extension Act, Part IV''.

(n) PROGRAM CATEGORY RECONCILIATION.—Section 5(n) of such Act (118 Stat. 1151; 119 Stat. 329; 119 Stat. 346; 119 Stat. 379) is amended by striking '', and section 4 of the Surface Transportation Extension Act, Part III'' and inserting ''section 4 of the Surface Transportation Extension Act of 2005, Part III, and section 4 of the Surface Transportation Extension Act, Part IV''.

SEC. 5. EXTENSION OF HIGHWAY SAFETY PROGRAMS.

(a) CHAPTER 1 HIGHWAY SAFETY PROGRAMS.—

(1) SEAT BELT SAFETY INCENTIVE GRANTS.—Section 157(g)(1) of title 23, United States Code, is amended by striking ''$90,720,000 for the period of October 1, 2004, through July 21, 2005'' and inserting ''$92,054,794,521 for the period of October 1, 2004, through July 27, 2005''.

(2) PREVENTION OF INTOXICATED DRIVER INCENTIVE GRANTS.—Section 163(e)(1) of such title is amended by striking ''$89,100,000 for the period of October 1, 2004, through July 21, 2005'' and inserting ''$90,410,958,900 for the period of October 1, 2004, through July 27, 2005''.

(b) CHAPTER 4 HIGHWAY SAFETY PROGRAMS.—Section 2009(a)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 337; 118 Stat. 1152; 119 Stat. 329; 119 Stat. 346; 119 Stat. 379) is amended by striking ''$133,650,000 for the period of October 1, 2004, through July 21, 2005'' and inserting ''$135,616,438,356 for the period of October 1, 2004, through July 27, 2005''.

(c) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—Section 2009(a)(2) of such Act (112 Stat. 337; 118 Stat. 1152; 119 Stat. 329; 119 Stat. 346; 119 Stat. 379) is amended by striking ''$58,320,000 for the period of October 1, 2004, through July 21, 2005'' and inserting ''$59,178,082,192 for the period of October 1, 2004, through July 27, 2005''.

(d) OCCUPANT PROTECTION INCENTIVE GRANTS.—Section 2009(a)(3) of such Act (112 Stat. 337; 118 Stat. 1152; 119 Stat. 329; 119 Stat. 346; 119 Stat. 379) is amended by striking ''$16,200,000 for the period of October 1, 2004, through July 21, 2005'' and inserting ''$16,438,356,164 for the period of October 1, 2004, through July 27, 2005''.

(e) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES INCENTIVE GRANTS.—Section 2009(a)(4) of such Act (112 Stat. 337; 118 Stat. 1153; 119 Stat. 329; 119 Stat. 346; 119 Stat. 379) is amended by striking ''$32,400,000 for the period of October 1, 2004, through July 21, 2005'' and inserting ''$32,876,712,329 for the period of October 1, 2004, through July 27, 2005''.

(f) NATIONAL DRIVER REGISTER.—

(1) FUNDING.—Section 2009(a)(6) of such Act (112 Stat. 338; 118 Stat. 1153; 119 Stat. 330; 119 Stat. 346; 119 Stat. 379) is amended by striking ''$2,916,000 for the period of October 1, 2004, through July 21, 2005'' and inserting ''$2,958,904,110 for the period of October 1, 2004, through July 27, 2005''.

(2) CONTRACT AUTHORITY.—Funds made available by the amendments made by paragraph (1) and by section 5(f) of the Surface Transportation Extension Act of 2005 (119 Stat. 330; 119 Stat. 346; 119 Stat. 379) shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

SEC. 6. FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION PROGRAM.

(a) ADMINISTRATIVE EXPENSES.—Section 7(a)(1) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1153; 119 Stat. 330; 119 Stat. 346; 119 Stat. 379) is amended by striking ''$208,154,425 for the period of October 1, 2004, through July 21, 2005'' and inserting ''$211,682,467 for the period of October 1, 2004, through July 27, 2005''.

(b) MOTOR CARRIER SAFETY ASSISTANCE PROGRAM.—Section 31104(a)(8) of title 49, United States Code, is amended to read as follows:

''(8) Not more than $138,904,110 for the period of October 1, 2004, through July 27, 2005.''.

(c) INFORMATION SYSTEMS AND COMMERCIAL DRIVER'S LICENSE GRANTS.—

(1) AUTHORIZATION OF APPROPRIATION.—Section 31107(a)(6) of such title is amended to read as follows:

''(6) $16,438,356 for the period of October 1, 2004, through July 27, 2005.''.

(2) EMERGENCY CDL GRANTS.—Section 7(c)(2) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1153; 119 Stat. 330; 119 Stat. 346; 119 Stat. 379) is amended—

(A) by striking ''July 21'' and inserting ''July 27''; and

(B) by striking ''$808,219'' and inserting ''$821,918''.

(d) CRASH CAUSATION STUDY.—Section 7(d) of such Act (118 Stat. 1154; 119 Stat. 330; 119 Stat. 346; 119 Stat. 379) is amended—

(1) by striking ''$808,219'' and inserting ''$821,918''; and

(2) by striking ''July 21'' and inserting ''July 27''.

SEC. 7. EXTENSION OF FEDERAL TRANSIT PROGRAMS.

(a) ALLOCATING AMOUNTS.—Section 5309(m) of title 49, United States Code, is amended—

(1) in the matter preceding subparagraph (A) of paragraph (1) by striking ''July 21, 2005'' and inserting ''July 27, 2005'';

(2) in paragraph (2)(B)(iii)—

(A) in the heading by striking ''JULY 21, 2005'' and inserting ''JULY 27, 2005'';

(B) by striking ''$8,424,000'' and inserting ''$8,547,000''; and

(C) by striking ''July 21, 2005'' and inserting ''July 27, 2005'';

(3) in paragraph (3)(B)—

(A) by striking ''$2,430,000'' and inserting ''$2,465,754''; and

(B) by striking ''July 21, 2005'' and inserting ''July 27, 2005''; and

(4) in paragraph (3)(C)—

(A) by striking ''$40,500,000'' and inserting ''$41,095,900''; and

(B) by striking ''July 21, 2005'' and inserting ''July 27, 2005''.

(b) FORMULA GRANTS AUTHORIZATIONS.—Section 5338(a) of title 49, United States Code, is amended—

(1) in the heading to paragraph (2) by striking ''JULY 21, 2005'' and inserting ''JULY 27, 2005'';

(2) in paragraph (2)(A)(vii)—

(A) by striking ''$2,793,483,000'' and inserting ''$2,795,000,000''; and

(B) by striking ''July 21, 2005'' and inserting ''July 27, 2005'';

(3) in paragraph (2)(B)(vii) by striking ''July 21, 2005'' and inserting ''July 27, 2005''; and

(4) in paragraph (2)(C) by striking ''July 21, 2005'' and inserting ''July 27, 2005''.

(c) FORMULA GRANT FUNDS.—Section 8(d) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1155; 119 Stat. 331; 119 Stat. 346; 119 Stat. 379) is amended—

(1) in the heading by striking ''JULY 21, 2005'' and inserting ''JULY 27, 2005'';

(2) in the matter preceding paragraph (1) by striking ''July 21, 2005'' and inserting ''July 27, 2005'';

(3) in paragraph (1) by striking ''$3,928,459'' and inserting ''$3,986,261'';

(4) in paragraph (2) by striking ''$40,500,000'' and inserting ''$41,095,900'';

(5) in paragraph (3) by striking ''$79,052,761'' and inserting ''$79,100,000'';

(6) in paragraph (4) by striking ''$209,819,203'' and inserting ''$210,000,000''; and

(7) in paragraph (5) by striking ''$5,629,500'' and inserting ''$5,712,330''.

(d) CAPITAL PROGRAM AUTHORIZATIONS.—Section 5338(b)(2) of title 49, United States Code, is amended—

(1) in the heading by striking ''JULY 21, 2005'' and inserting ''JULY 27, 2005'';

(2) in subparagraph (A)(vii)—

(A) by striking ''$2,263,265,142'' and inserting ''$2,309,000,366''; and

(B) by striking ''July 21, 2005'' and inserting ''July 27, 2005''; and

(3) in subparagraph (B)(vii) by striking ''July 21, 2005'' and inserting ''July 27, 2005''.

(e) PLANNING AUTHORIZATIONS AND ALLOCATIONS.—Section 5338(c)(2) of title 49, United States Code, is amended—

(1) in the heading by striking ''JULY 21, 2005'' and inserting ''JULY 27, 2005'';

(2) in subparagraph (A)(vii)—

(A) by striking ''$48,546,727'' and inserting ''$49,546,681''; and

(B) by striking ''July 21, 2005'' and inserting ''July 27, 2005''; and

(3) in subparagraph (B)(vii) by striking ''July 21, 2005'' and inserting ''July 27, 2005''.

(f) RESEARCH AUTHORIZATIONS.—Section 5338(d)(2) of title 49, United States Code, is amended—

(1) in the heading by striking ''JULY 21, 2005'' and inserting ''JULY 27, 2005'' ;

(2) in subparagraph (A)(vii)—

(A) by striking ''$37,385,434'' and inserting ''$39,554,804''; and

(B) by striking ''July 21, 2005'' and inserting ''July 27, 2005'';

(3) in subparagraph (B)(vii) by striking ''July 21, 2005'' and inserting ''July 27, 2005''; and

(4) in subparagraph (C) by striking ''July 21, 2005'' and inserting ''July 27, 2005''.

(g) ALLOCATION OF RESEARCH FUNDS.—Section 8(h) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1156; 119 Stat. 332; 119 Stat. 346; 119 Stat. 379) is amended—

(1) in the heading by striking ''JULY 21, 2005'' and inserting ''JULY 27, 2005'';

(2) in the matter preceding paragraph (1) by striking ''July 21, 2005'' and inserting ''July 27, 2005'';

(3) in paragraph (1) by striking ''$4,252,500'' and inserting ''$4,315,070'';

(4) in paragraph (2) by striking ''$6,682,500'' and inserting ''$6,780,824''; and

(5) in paragraph (3)—

(A) by striking ''$3,240,000'' and inserting ''$3,287,672''; and

(B) by striking ''$810,000'' and inserting ''$821,918''.

(h) UNIVERSITY TRANSPORTATION RESEARCH AUTHORIZATIONS.—Section 5338(e)(2) of title 49, United States Code, is amended—

(1) in the heading by striking ''JULY 21, 2005'' and inserting ''JULY 27, 2005'';

(2) in subparagraph (A)—

(A) by striking ''$4,060,000'' and inserting ''$4,131,508''; and

(B) by striking ''July 21, 2005'' and inserting ''July 27, 2005'';

(3) in subparagraph (B) by striking ''July 21, 2005'' and inserting ''July 27, 2005''; and

(4) in subparagraphs (C)(i) and (C)(iii) by striking ''July 21, 2005'' and inserting ''July 27, 2005''.

(i) ALLOCATION OF UNIVERSITY TRANSPORTATION RESEARCH FUNDS.—

(1) IN GENERAL.—Section 8(j) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1157; 119 Stat. 332; 119 Stat. 346; 119 Stat. 379) is amended—

(A) in the matter preceding subparagraph (A) of paragraph (1) by striking ''July 21, 2005'' and inserting ''July 27, 2005'';

(B) in paragraph (1)(A) by striking ''$1,620,000'' and inserting ''$1,643,836'';

(C) in paragraph (1)(B) by striking ''$1,620,000'' and inserting ''$1,643,836''; and

(D) in paragraph (2) by striking ''July 21, 2005'' and inserting ''July 27, 2005'' .

(2) CONFORMING AMENDMENT.—Section 3015(d)(2) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5338 note; 112 Stat. 857; 118 Stat. 1157; 119 Stat. 332; 119 Stat. 346; 119 Stat. 379) is amended by striking ''July 21, 2005'' and inserting ''July 27, 2005''.

(j) ADMINISTRATION AUTHORIZATIONS.—Section 5338(f)(2) of title 49, United States Code, is amended—

(1) in the heading by striking ''JULY 21, 2005'' and inserting ''JULY 27, 2005'' ;

(2) in subparagraph (A)(vii)—

(A) by striking ''$52,780,000'' and inserting ''$53,709,604''; and

(B) by striking ''July 21, 2005'' and inserting ''July 27, 2005''; and

(3) in subparagraph (B)(vii) by striking ''July 21, 2005'' and inserting ''July 27, 2005''.

(k) JOB ACCESS AND REVERSE COMMUTE PROGRAM.—Section 3037(l) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5309 note; 112 Stat. 391; 118 Stat. 1157; 119 Stat. 333; 119 Stat. 346; 119 Stat. 379) is amended—

(1) in paragraph (1)(A)(vii)—

(A) by striking ''$81,027,500'' and inserting ''$82,739,750''; and

(B) by striking ''July 21, 2005'' and inserting ''July 27, 2005'';

(2) in paragraph (1)(B)(vii) by striking ''July 21, 2005'' and inserting ''July 27, 2005''; and

(3) in paragraph (2) by striking ''July 21, 2005, not more than $8,100,000'' and inserting ''July 27, 2005, not more than $8,219,180''.

(l) RURAL TRANSPORTATION ACCESSIBILITY INCENTIVE PROGRAM.—Section 3038(g) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note; 112 Stat. 393; 118 Stat. 1158; 119 Stat. 333; 119 Stat. 346; 119 Stat. 379) is amended—

(1) by striking paragraph (1)(G) and inserting the following:

''(G) $5,712,330 for the period of October 1, 2004, through July 27, 2005.''; and

(2) in paragraph (2)—

(A) by striking ''$1,407,375'' and inserting ''$1,428,082''; and

(B) by striking ''July 21, 2005'' and inserting ''July 27, 2005''.

(m) URBANIZED AREA FORMULA GRANTS.—Section 5307(b)(2) of title 49, United States Code, is amended—

(1) in the heading by striking ''JULY 21, 2005'' and inserting ''JULY 27, 2005''; and

(2) in subparagraph (A) by striking ''July 21, 2005'' and inserting ''July 27, 2005''.

(n) OBLIGATION CEILING.—Section 3040(7) of the Transportation Equity Act for the 21st Century (112 Stat. 394; 118 Stat. 1158; 119 Stat. 333; 119 Stat. 346; 119 Stat. 379) is amended—

(1) by striking ''$6,229,759,760'' and inserting ''$6,335,343,944''; and

(2) by striking ''July 21, 2005'' and inserting ''July 27, 2005''.

(o) FUEL CELL BUS AND BUS FACILITIES PROGRAM.—Section 3015(b) of the Transportation Equity Act for the 21st Century (112 Stat. 361; 118 Stat. 1158; 119 Stat. 333; 119 Stat. 346; 119 Stat. 379) is amended—

(1) by striking ''July 21, 2005'' and inserting ''July 27, 2005''; and

(2) by striking ''$3,928,500'' and inserting ''$3,986,000''.

(p) ADVANCED TECHNOLOGY PILOT PROJECT.—Section 3015(c)(2) of the Transportation Equity Act for the 21st Century (49 U.S.C. 322 note; 112 Stat. 361; 118 Stat. 1158; 119 Stat. 334; 119 Stat. 346; 119 Stat. 379) is amended—

(1) by striking ''July 21, 2005'' and inserting ''July 27, 2005,''; and

(2) by striking ''$4,050,000'' and inserting ''$4,100,000''.

(q) PROJECTS FOR NEW FIXED GUIDEWAY SYSTEMS AND EXTENSIONS TO EXISTING SYSTEMS.—Subsections (a), (b), and (c)(1) of section 3030 of the Transportation Equity Act for the 21st Century (112 Stat. 373; 118 Stat. 1158; 119 Stat. 334; 119 Stat. 346; 119 Stat. 379) are amended by striking ''July 21, 2005'' and inserting ''July 27, 2005''.

(r) NEW JERSEY URBAN CORE PROJECT.—Subparagraphs (A), (B), and (C) of section 3031(a)(3) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2122; 118 Stat. 1158; 119 Stat. 334; 119 Stat. 346; 119 Stat. 379) are amended by striking ''July 21, 2005'' and inserting ''July 27, 2005''.

(s) LOCAL SHARE.—Section 3011(a) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5307 note; 118 Stat. 1158; 119 Stat. 334; 119 Stat. 346; 119 Stat. 379) is amended by striking ''July 21, 2005'' and inserting ''July 27, 2005''.

SEC. 8. SPORT FISHING AND BOATING SAFETY.

(a) FUNDING FOR NATIONAL OUTREACH AND COMMUNICATIONS PROGRAM.—Section 4(c)(7) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(c)) is amended to read as follows:

''(7) $8,219,180 for the period of October 1, 2004, through July 27, 2005;''.

(b) CLEAN VESSEL ACT FUNDING.—Section 4(b)(4) of such Act (16 U.S.C. 777c(b)(4)) is amended to read as follows:

''(4) FIRST 300 DAYS OF FISCAL YEAR 2005.—For the period of October 1, 2004, through July 27, 2005, of the balance of each annual

appropriation remaining after making the distribution under subsection (a), an amount equal to $66,500,000, reduced by 82 percent of the amount appropriated for that fiscal year from the Boat Safety Account of the Aquatic Resources Trust Fund established by section 9504 of the Internal Revenue Code of 1986 to carry out the purposes of section 13106(a) of title 46, United States Code, shall be used as follows:

''(A) $8,219,180 shall be available to the Secretary of the Interior for 3 fiscal years for obligation for qualified projects under section 5604(c) of the Clean Vessel Act of 1992 (33 U.S.C. 1322 note).

''(B) $6,480,000 shall be available to the Secretary of the Interior for 3 fiscal years for obligation for qualified projects under section 7404(d) of the Sportfishing and Boating Safety Act of 1998 (16 U.S.C. 777g–1(d)).

''(C) The balance remaining after the application of subparagraphs (A) and (B) shall be transferred to the Secretary of Transportation and shall be expended for State recreational boating safety programs under section 13106 of title 46, United States Code.''.

(c) BOAT SAFETY FUNDS.—Section 13106(c) of title 46, United States Code, is amended—

(1) by striking ''$4,050,000'' and inserting ''$4,100,000''; and

(2) by striking ''$1,620,003'' and inserting ''$1,643,836''.

SEC. 9. EXTENSION OF AUTHORIZATION FOR USE OF TRUST FUNDS FOR OBLIGATIONS UNDER TEA–21.

(a) HIGHWAY TRUST FUND.—

(1) IN GENERAL.—Paragraph (1) of section 9503(c) of the Internal Revenue Code of 1986 is amended—

(A) in the matter before subparagraph (A), by striking ''July 22, 2005'' and inserting ''July 28, 2005'',

(B) by striking ''or'' at the end of subparagraph (M),

(C) by striking the period at the end of subparagraph (N) and inserting '', or'',

(D) by inserting after subparagraph (N) the following new subparagraph:

''(O) authorized to be paid out of the Highway Trust Fund under the Surface Transportation Extension Act of 2005, Part IV.'', and

(E) in the matter after subparagraph (O), as added by this paragraph, by striking ''Surface Transportation Extension Act of 2005, Part III'' and inserting ''Surface Transportation Extension Act of 2005, Part IV''.

(2) MASS TRANSIT ACCOUNT.—Paragraph (3) of section 9503(e) of such Code is amended—

(A) in the matter before subparagraph (A), by striking ''July 22, 2005'' and inserting ''July 28, 2005'',

(B) in subparagraph (K), by striking ''or'' at the end of such subparagraph,

(C) in subparagraph (L), by inserting ''or'' at the end of such subparagraph,

(D) by inserting after subparagraph (L) the following new subparagraph:

''(M) the Surface Transportation Extension Act of 2005, Part IV,'', and

(E) in the matter after subparagraph (M), as added by this paragraph, by striking ''Surface Transportation Extension Act of 2005, Part III'' and inserting ''Surface Transportation Extension Act of 2005, Part IV''.

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Subparagraph (B) of section 9503(b)(6) of such Code is amended by striking ''July 22, 2005'' and inserting ''July 28, 2005''.

(b) AQUATIC RESOURCES TRUST FUND.—

(1) SPORT FISH RESTORATION ACCOUNT.—Paragraph (2) of section 9504(b) of the Internal Revenue Code of 1986 is amended by striking ''Surface Transportation Extension Act of 2005, Part III'' each place it appears and inserting ''Surface Transportation Extension Act of 2005, Part IV''.

(2) BOAT SAFETY ACCOUNT.—Subsection (c) of section 9504 of such Code is amended—

(A) by striking ''July 22, 2005'' and inserting ''July 28, 2005'', and

(B) by striking ''Surface Transportation Extension Act of 2005, Part III'' and inserting ''Surface Transportation Extension Act of 2005, Part IV''.

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Paragraph (2) of section 9504(d) of such Code is amended by striking ''July 22, 2005'' and inserting ''July 28, 2005''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(d) TEMPORARY RULE REGARDING ADJUSTMENTS.—During the period beginning on the date of the enactment of the Surface Transportation Extension Act of 2003 and ending on July 27, 2005, for purposes of making any estimate under section 9503(d) of the Internal Revenue Code of 1986 of receipts of the Highway Trust Fund, the Secretary of the Treasury shall treat—

(1) each expiring provision of paragraphs (1) through (4) of section 9503(b) of such Code which is related to appropriations or transfers to such Fund to have been extended through the end of the 24-month period referred to in section 9503(d)(1)(B) of such Code, and

(2) with respect to each tax imposed under the sections referred to in section 9503(b)(1) of such Code, the rate of such tax during the 24-month period referred to in section 9503(d)(1)(B) of such Code to be the same as the rate of such tax as in effect on the date of the enactment of the Surface Transportation Extension Act of 2003.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WOMEN'S CAUCUS MEETS WITH IRAQI WOMEN

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

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I would like the Members of Congress to recognize the fact we have some visitors from Iraq, some Iraqi women who are here to learn how to put together a Constitution for Iraq. These are women who have been involved in the government, very, very brave women. The Women's Caucus met with them today and pledged our full support to a free and democratic Iraq, and one that we can all be proud of in the future and that certainly will reflect the great work that our military has done to help create a democracy in Iraq.

We ended our meeting with lifting glasses of water and toasting to democracy.

PROVIDING SUPPORT TO IRAQI WOMEN IN GOVERNMENT

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

Ms. SOLIS. Mr. Speaker, I rise to acknowledge some guests that have visited us today, and I am proud to stand with my colleagues from both sides of the aisle. The Women's Caucus of the U.S. Congress had a meeting earlier today, along with Iraqi women who represent their government, members of the Provisional Assembly.

We met to talk about reforms that are much needed in their Constitution and respect for women's rights, and I am happy and pleased that our Members stood with them today and also were in the presence of the State Department who brought these courageous women here.

These women are in need of our support. Their Constitution, as we were told, is fluid. It is changing. They need protections, they need assistance, and we have pledged our help, along with our colleagues from the other side of the aisle, to do as much as we can to provide support so they can continue with these reforms that are so sorely needed.

Their Constitution has changed. When we were first told upon their first visit here that they would be represented well in government, that their rights would be reinstated, they would be able to attend to their careers, we know that has changed. There is now a different edict that is coming about; and we would like to stand tall and firm with our colleagues in Iraq, the Iraqi women, and send that message to their government as well as to our government.

Mrs. CAPPS. Mr. Speaker, will the gentlewoman yield?

Ms. SOLIS. I yield to the gentlewoman from California.

Mrs. CAPPS. Mr. Speaker, I want to acknowledge this is a very strong bipartisan effort on behalf of the Congress, the Women's Caucus and the Iraqi Women's Military Caucus as well. We acknowledge their presence here.

PERSONAL EXPLANATION

Mr. CROWLEY. Mr. Speaker, on the morning of Thursday, July 21, 2005, this morning, I was not in Washington due to personal business and was therefore unable to vote.

If I were here, I would have voted ''no'' on rollcall vote 401; and ''no'' on rollcall vote 402.

USA PATRIOT AND TERRORISM PREVENTION REAUTHORIZATION ACT OF 2005

The SPEAKER pro tempore. Pursuant to House Resolution 369 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3199.

□ 1757

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3199) to extend and modify authorities needed to combat terrorism, and for other purposes, with Mr. HASTINGS of Washington (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, amendment No. 8 printed in part B of House Report 109–178, offered by the gentleman from Arizona (Mr. FLAKE), had been disposed of.

It is now in order to consider amendment No. 9 printed in House Report 109–178.

AMENDMENT NO. 9 OFFERED BY MR. BERMAN

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. BERMAN:

Add at the end the following:

SEC. 17. REPORT BY ATTORNEY GENERAL.

(a) REPORTS ON DATA-MINING ACTIVITIES.—

(1) REQUIREMENT FOR REPORT.—The Attorney General shall collect the information described in paragraph (2) from the head of each department or agency of the Federal Government that is engaged in any activity to use or develop data-mining technology and shall report to Congress on all such activities.

(2) CONTENT OF REPORT.—A report submitted under paragraph (1) shall include, for each activity to use or develop data-mining technology that is required to be covered by the report, the following information:

(A) A thorough description of the data-mining technology and the data that will be used.

(B) A thorough discussion of the plans for the use of such technology and the target dates for the deployment of the data-mining technology.

(C) An assessment of the likely efficacy of the data-mining technology in providing accurate and valuable information consistent with the stated plans for the use of the technology.

(D) An assessment of the likely impact of the implementation of the data-mining technology on privacy and civil liberties.

(E) A list and analysis of the laws and regulations that govern the information to be collected, reviewed, gathered, and analyzed with the data-mining technology and a description of any modifications of such laws that will be required to use the information in the manner proposed under such program.

(F) A thorough discussion of the policies, procedures, and guidelines that are to be developed and applied in the use of such technology for data-mining in order to—

(i) protect the privacy and due process rights of individuals; and

(ii) ensure that only accurate information is collected and used.

(G) A thorough discussion of the procedures allowing individuals whose personal information will be used in the data-mining technology to be informed of the use of their personal information and what procedures are in place to allow for individuals to opt out of the technology. If no such procedures are in place, a thorough explanation as to why not.

(H) Any necessary classified information in an annex that shall be available to the Committee on the Judiciary of both the Senate and the House of Representatives.

(3) TIME FOR REPORT.—The report required under paragraph (1) shall be—

(A) submitted not later than 180 days after the date of enactment of this Act; and

(B) updated once a year to include any new data-mining technologies.

(b) DEFINITIONS.—In this section:

(1) DATA-MINING.—The term ''data-mining'' means a query or search or other analysis of 1 or more electronic databases, where—

(A) at least 1 of the databases was obtained from or remains under the control of a non-Federal entity, or the information was acquired initially by another department or agency of the Federal Government for purposes other than intelligence or law enforcement;

(B) the search does not use a specific individual's personal identifiers to acquire information concerning that individual; and

(C) a department or agency of the Federal Government is conducting the query or search or other analysis to find a pattern indicating terrorist or other criminal activity.

(2) DATABASE.—The term ''database'' does not include telephone directories, information publicly available via the Internet or available by any other means to any member of the public without payment of a fee, or databases of judicial and administrative opinions.

The Acting CHAIRMAN. Pursuant to House Resolution 369, the gentleman from California (Mr. BERMAN) and a Member opposed each will control 5 minutes.

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

REQUEST FOR MODIFICATION TO AMENDMENT NO. 9 OFFERED BY MR. BERMAN

Mr. BERMAN. Mr. Chairman, I ask unanimous consent that my amendment be modified by the modification at the desk.

The Acting CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to Amendment No. 9 by Mr. BERMAN:

In lieu of the matter proposed to be inserted as section 17(a)(2)(H), insert the following:

''(H) Any necessary classified information, other than intelligence sources and methods, in a classified annex that shall be available to the Committee on the Judiciary of both the House and the Senate, the House Permanent Select Committee on Intelligence, and the Senate Select Committee on Intelligence.

(I) Any information that would reveal intelligence sources and methods shall be available in a classified annex to the House Permanent Select Committee and the Senate Select Committee on Intelligence.''

The Acting CHAIRMAN. Is there objection to the modification offered by the gentleman from California?

Mr. SAXTON. Reserving the right to object, Mr. Chairman, I am in strong opposition to the underlying amendment, and I also have great concerns about the unanimous consent request.

Mr. Chairman, I believe the unanimous consent request is designed to make minimal changes in the underlying amendment. I also believe that the unanimous consent request is designed to make the bill less objectionable to some Members and thereby encourage them to vote for it.

□ 1800

I am so opposed to the underlying amendment that I am therefore opposed to the unanimous consent request.

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

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

Mr. BERMAN. Mr. Chairman, I thank the gentleman for yielding to me.

Basically, this is an amendment supported, I am happy to say, by the chairman of the Committee on the Judiciary, that simply does one thing: It requires the Attorney General to report to Congress once a year on a survey that it seeks from other agencies of the Federal Government surveying data-mining technologies in use or in development at federal departments and agencies. The modification that I seek simply makes clear that, first of all, any classified information will be submitted in a classified annex and, secondly, that any information regarding data-mining technologies that deals with the sources, intelligence sources and methods, will be available only in the annex to the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence; in other words, that to the extent this survey produces anything which should either be classified or deals with sources and methods, the traditional procedures for where that material goes will be maintained.

Mr. SAXTON. Mr. Chairman, further reserving the right to object, I appreciate the gentleman's explanation. The underlying amendment makes unnecessary disclosure of very sensitive information. It is burdensome upon each of the departments that it requires this disclosure to be brought forward, and as a matter of fact, the explanation that the gentleman just gave saying that makes it only available to HPSCI and SSCI, the two intelligence committees, does not include the Committee on Armed Services, which has great responsibility for military defense intelligence.

So I do object, Mr. Chairman.

The Acting CHAIRMAN. Objection is heard.

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

Mr. BERMAN. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I have indicated to the body what my intention was, and it will be my intention and one to be part of the legislative history that we will ensure that, before this bill becomes law, information about sources and methods go just where they have always gone. The Committee on Armed Services does not get this information. Only the Permanent Select Committee on Intelligence gets this information. The gentleman was wrong in his characterization.

Secondly, this imposes absolutely no burden on any other agency of government other than the Attorney General and the Justice Department. It lays out information that the Attorney General should seek from other agencies. It imposes no obligation on those agencies to respond. It does not encumber any sources or funds they do not want to spend, and it simply asks the Attorney General to then compile

whatever information those agencies have chosen to provide to the Attorney General into a report which will be sent public in the case of information which is not sensitive and classified in an annex classified where it does involve such information.

There is not one word in this bill that imposes a single mandate on any other federal agency. The only obligation on the Attorney General is to seek this information from the other agencies. There are no sanctions. There are no mandates. There is no compulsion.

The reason, I would suggest to this body, that we will hear some people raising concerns is because the Justice Department has misrepresented the obligations of both it and other agencies under this amendment.

The need for this amendment is that we have wasted millions and millions of dollars on implementing database-mining activities which, when they became public, produced such an outrage they were canceled. We are trying to get an early start, show the people that these efforts are protected, that they are targeted at sensitive information.

We could have introduced a bill or offered an amendment to ban data mining. We did not do that. There is legislation to do that. We do not want to tie the hands of our security agencies in gathering this information. We simply want to provide a logical mechanism to gather the information so that the American people can feel more comfortable that what is being done is protected.

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

Mr. HOEKSTRA. Mr. Chairman, I rise, reluctantly, to claim the time in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Michigan (Mr. HOEKSTRA) is recognized for 5 minutes.

Mr. HOEKSTRA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the amendment.

Earlier this afternoon my colleague and I talked about potential ways to fix this amendment, and I think that we reached a consensus as to perhaps how we could address the issues that we were concerned about from an intelligence standpoint. But with the lack of the unanimous consent request being accepted and also as we went through the process this afternoon, we found out that a number of other chairmen also had concerns about this amendment and how it might impact the various government agencies that they had responsibilities for. Those include the gentleman from California (Chairman HUNTER) from the Committee on Armed Services, the gentleman from Ohio (Chairman OXLEY) from the Committee on Financial Services, the gentleman from Virginia (Chairman TOM DAVIS) from the Committee on Government Reform, and the gentleman from Illinois (Chairman HYDE) from the Committee on International Relations.

But specifically what happens here, the amendment in its base form, I think, provides a potential to tip off terrorists to our intelligence activities. It undermines terrorism investigations and perhaps will disclose our intelligence sources and methods. The amendment requires every federal department or agency publicly to report about its information gathering. It requires exhaustive and detailed reporting on how information is collected from public and certain government databases and what kind of information is collected and how it will be used.

In many contexts this report will be a reasonable effort to protect privacy interests. In the intelligence and terrorism context, however, this amendment threatens to seriously undermine our national security interests.

I have a great degree of confidence that, as we move forward, we will be able to reach accommodation. We just could not do it this afternoon with the number of other committees that also had expressed concerns with this amendment.

I look forward to working with my colleague, to working with our other chairmen to put this amendment in a proper context. Right now it would be foolish to potentially tip off al Qaeda, other terrorist groups by providing them with any information, with providing them a detailed roadmap of the sources and methods we are using to find them and follow their activities.

At this time in this format, this amendment is unwise, potentially harmful to our national security, and I reluctantly urge our Members to oppose it.

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

Mr. BERMAN. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin (Mr. SENSENBRENNER), chairman of the Committee on the Judiciary.

Mr. SENSENBRENNER. Mr. Chairman, I rise in support of the Berman-Delahunt amendment. All it does is require a report to Congress on data mining by agencies.

Let me say why this is important. At the end of the last decade, before 9/11 and before the PATRIOT Act was even considered, the FBI had set up a data-mining operation that went far beyond criminal and intelligence investigations and compromised the privacy of literally millions of Americans, and this was done without the knowledge of the Congress of the United States, and it was only as a result of the fact that it did not work and they wasted all of this money that the Congress found out about it.

So I think that before any of the agencies go down this route, there ought to be at least a tip-off to the Members of Congress. I grant the Members that the amendment probably is not properly drafted and we can fix this in conference, and I appreciate the commitment of the chairman of the Permanent Select Committee on Intelligence to do that, but I do not think we should turn it down and send a message to the agencies that they can data mine all they want and we are not going to do anything about it.

Mr. HOEKSTRA. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. Mr. Chairman, I thank the chairman for yielding me this time.

Mr. Chairman, I think we can meet some of the concerns expressed so far without adopting this amendment.

Let us just back up for just a second. There is a lot of individual information somewhere in the country in little pieces. The challenge we have in the war on terrorism is looking around for those pieces that matter and trying to fit them together. That is really what data mining is. It is looking at various databases and coming up with the relevant pieces of information and helping us to form a picture about what really happens.

There has been some misunderstanding and I think some undue controversy about that for we will never get all those pieces of information together without these tools that help us do so. To the extent this amendment adds additional reporting requirements and sends a message that we want to discourage them in various agencies from using those tools, I think, does a disservice.

Maybe there are some protections that we can come up with that help address the concerns of the chairman of the Committee on the Judiciary, but I think to simply add more reporting requirements and have these people filling out more paperwork when they really ought to be figuring out who the terrorists are and what they are up to is a misuse of their time.

Mr. BERMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in the course of yielding to my next speaker, I just want to remind the body it is one report, once a year, with anything that would tip off anybody about anything that we would not want to happen to be in a classified form, even in the amendment form without modification.

Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. HARMAN), ranking member of the Permanent Select Committee on Intelligence.

Ms. HARMAN. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in support of his amendment. As the chairman of the Permanent Select Committee on Intelligence just said, we did try to work out a unanimous consent request. We agreed among us, but, sadly, others in this body did not agree.

The chairman of the Committee on the Judiciary is right. This is a modest amendment that will yield good information so that we will proceed to do data mining in an efficient way consistent with protecting the civil liberties of law-abiding Americans. That

is all it does. It requires only the Justice Department to prepare a report, not the Defense Department and not other departments in the government.

So my view is that we should vote for this amendment now and perfect it later. I agree with the chairman of the Committee on the Judiciary. It will help us do data mining the right way, and America will be safer for it.

Mr. HOEKSTRA. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. HUNTER), the chairman of the Committee on Armed Services.

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

I want to join with the chairman of the Permanent Select Committee on Intelligence in opposing this amendment and just making the point that sources and methods are important. His analysis and the analysis of his experts and ours is that this would indeed compromise those capabilities.

I think it is a real mistake to pass this amendment. I would hope the House votes it down.

Mr. BERMAN. Mr. Chairman, I yield myself 15 seconds.

The cynicism sometimes stuns me. I offered an amendment to ensure that sources and methods only go to the Permanent Select Committee on Intelligence, and a member of the Committee on Armed Services objects, and then the chairman says we are not protecting sources and methods so he has to oppose it.

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

□ 1815

Mr. HOEKSTRA. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, as I indicated earlier, the Berman amendment would potentially undermine the intelligence community's ability in the current form to collect information on terrorists by tipping the terrorists off to our sources and methods.

The amendment would require disclosure of data mining sources and methods used to collect information on terrorists and contains no exemption for national security purposes.

The House has worked to increase the use of open source and other information against foreign terrorists and others who seek to harm the United States. The amendment applies onerous reporting requirements that could dramatically restrict the use of such technologies to use such resources to discover and respond to terrorist activities.

Finally, it would divert scarce government resources away from the most critical fight that we have today, the fight against terror.

Join me, the gentleman from California (Mr. HUNTER), the gentleman from (Mr. OXLEY), the gentleman from Virginia (Mr. TOM DAVIS), and the gentleman from Illinois (Mr. HYDE) in opposing this amendment; not the direction the amendment wants to go, but in the way this amendment is crafted at this time and in this bill.

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

Mr. BERMAN. Mr. Chairman, I yield the balance of my time to the gentleman from Massachusetts (Mr. DELAHUNT), the cosponsor of this amendment.

The Acting CHAIRMAN (Mr. HASTINGS of Washington). The gentleman from Massachusetts (Mr. DELAHUNT) is recognized for 45 seconds.

Mr. DELAHUNT. Mr. Chairman, this has absolutely nothing to do whatsoever with sending messages about terrorism. It is trying to find out what is happening in the Federal Government today, and we do not know. We have heard a lot today about oversight and accountability. That is what we are trying to do here.

Remember the so-called Total Information Program that was the brainchild of the former National Security Administrator that we funded to the tune of $170 million, and then defunded it? It was too late. We wasted $170 million. That is what this is about. It is providing the tools to the United States Congress to do its constitutional job of oversight.

Mr. Chairman, do you know what? We do not know what is happening. That is the real secret as far as the American people are concerned. We stumble on these things.

Mr. OXLEY. Mr. Chairman, I rise in opposition to the amendment. I am particularly concerned about the burdens the amendment would place on two law enforcement entities within the jurisdiction of Committee on Financial Services. Under this amendment, both the Office of Foreign Assets Control (OFAC) and the Financial Crimes Enforcement Network (FinCen), which are components of the Treasury Department that are on the front lines of our country's efforts to detect and combat terrorist financing, would be required to divert already scarce resources away from law enforcement in order to comply with the amendment's overly broad and unrealistic reporting requirements. Instead of monitoring suspicious financial activity and following money trails that can lead investigators to terrorist plots like the ones we have seen in recent days in London, OFAC and FinCen would need to interpret undefined and ambiguous terms used in the amendment such as ''specific individual's personal identifiers'' or engage in analyzing all laws and regulations governing various types of information in question.

The Committee I chair has extensive experience in the financial services area with regimes that permit individuals to ''opt out'' of information sharing arrangements. Such regimes require careful balancing of personal privacy and law enforcement and national security priorities and cannot be drafted on the fly without extensive consultation with all interested parties. This amendment, in my judgment, falls far short of the mark. I urge a ''no'' vote.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. BERMAN).

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

Mr. BERMAN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California (Mr. BERMAN) will be postponed.

It is now in order to consider amendment No. 10 printed in House Report 109–178.

AMENDMENT NO. 10 OFFERED BY MR. DANIEL E. LUNGREN OF CALIFORNIA

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. DANIEL E. LUNGREN of California:

Add at the end the following:

SEC. _____. INTERCEPTION OF COMMUNICATIONS.

Section 2516(1) of title 18, United States Code, is amended—

(1) in paragraph (c)—

(A) by inserting before ''section 201 (bribery of public officials and witnesses)'' the following: ''section 81 (arson within special maritime and territorial jurisdiction),'';

(B) by inserting before ''subsection (d), (e), (f), (g), (h), or (i) of section 844 (unlawful use of explosives)'' the following: ''subsections (m) or (n) of section 842 (relating to plastic explosives),''; and

(C) by inserting before ''section 1992 (relating to wrecking trains)'' the following: '', section 930(c) (relating to attack on federal facility with firearm), section 956 (conspiracy to harm persons or property overseas),''; and

(2) in paragraph (j)—

(A) by striking ''or'' before ''section 46502 (relating to aircraft piracy)'' and inserting a comma after ''section 60123(b) (relating to the destruction of a natural gas pipeline''; and

(B) by inserting '', the second sentence of section 46504 (relating to assault on a flight crew with dangerous weapon), or section 46505(b)(3) or (c) (relating to explosive or incendiary devices, or endangerment of human life, by means of weapons on aircraft)'' before of ''title 49''.

The Acting CHAIRMAN. Pursuant to House Resolution 369, the gentleman from California (Mr. DANIEL E. LUNGREN) and a Member opposed will each control 10 minutes.

The Chair recognizes the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a fairly straightforward amendment. This amendment deals with the predicate for the use of wiretaps under the Federal Code.

Current law may not authorize the use of electronic surveillance in criminal investigations of certain other crimes that terrorists are likely to commit. This amendment would fill in a gap in the law by adding six other predicates for the electronic surveillance and monitoring under 18 U.S.C. 2516(1).

While we were considering this bill in committee, the gentleman from California (Mr. SCHIFF) had an amendment which added a number of offenses to the wiretap statute. They went all the way from fraud and misuse of visas and violence at international airports, to offenses relating to torture, offenses relating to terrorist attacks against mass transportation, offenses of military-type training from foreign terrorists, offenses related to explosive materials.

There are a number of others that I believe should be in that same category that, unfortunately, we did not include when we considered his amendment. This proposed language would permit the interception by wire or by oral surveillance if the interception would provide evidence of six different types of crimes:

One, arson within special maritime and territorial jurisdiction;

Two, offenses relating to plastic explosives;

Three, offenses related to attack on Federal facility with firearm;

Four, conspiracy to harm persons or property overseas;

Five, offenses relating to assault on a flight crew with dangerous weapon;

Six, offenses related to explosive or incendiary devices, or endangerment of human life, by means of weapons on an aircraft.

This amendment does nothing, nothing whatsoever, to affect the standard of obtaining a wiretap. That remains the same. Rather, it merely takes offenses which have a nexus with terrorism and gives law enforcement the additional investigative tool to undercover evidence of their commissions through a wire or oral surveillance.

The ability of law enforcement to intercept communications related to these terrorism-related offenses is a critical aspect of the effort, not only of uncovering evidence of the most dangerous life-threatening activity, but also in strengthening our ability to apprehend these perpetrators before they inevitably strike again.

That is probably the major focus of our efforts with this bill; that is, how do we apprehend these perpetrators before they strike? Such surveillance will better enable law enforcement to be proactive in preventing future terrorist attacks.

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

Mr. DANIEL E. LUNGREN of California. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I support the gentleman's amendment and I hope we can adopt it fairly quickly. What this amendment does is simply add the following predicates to allow law enforcement to go to a judge to seek a wiretap order: Crimes of terrorism such as arson, plastic explosives, attacks on a Federal facility with firearms, and conspiracy to harm persons or property overseas.

I think all of these are legitimate predicates. I would hope the gentleman's amendment is adopted, and thank him for yielding.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Chairman, I ask unanimous consent to claim the time in opposition, but I am not opposed to the amendment.

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

There was no objection.

The Acting CHAIRMAN. The gentleman from Virginia (Mr. SCOTT) is recognized for 10 minutes.

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this expands the wiretap authority, but it limits the expansion to cases of terrorism. I would say to the gentleman from California and to the chairman, if the rest of the bill had been limited to terrorism, we would not have to be sitting up here arguing half the night.

I agree with the gentleman, we want to be tough on terrorism, but we don't want to open up the entire criminal code to these very expansive powers. So in this case, I think it is an appropriate expansion of the wiretap because it is limited to terrorism, and I thank the gentleman for the amendment.

Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Ms. ZOE LOFGREN).

Ms. ZOE LOFGREN of California. Mr. Chairman, I would like to concur with the comments made by the ranking member, the gentleman from Virginia (Mr. SCOTT), and to thank my colleague from California for the amendment, and just note that as I read through it and agreed with this, and I thank the gentleman for offering the amendment, it occurs to me that there are a few other items that perhaps should have been included, and I am hopeful that the committee might, we do not have a sunset, but we might actually spend some time scrubbing the code and making sure that we have scooped them all up in an appropriate way.

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

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I ask for an aye vote, and I yield back the balance of my time.

The Acting CHAIRMAN (Mr. SIMPSON). The question is on the amendment offered by the gentleman from California (Mr. DANIEL E. LUNGREN).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 11 printed in House Report 109–178.

AMENDMENT NO. 11 OFFERED BY MR. SCHIFF

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. SCHIFF:

Add at the end the following:

TITLE ____—REDUCING CRIME AND TERRORISM AT AMERICA'S SEAPORTS

SEC. __01. SHORT TITLE.

This title may be cited as the ''Reducing Crime and Terrorism at America's Seaports Act of 2005''.

SEC. __02. ENTRY BY FALSE PRETENSES TO ANY SEAPORT.

(a) IN GENERAL.—Section 1036 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking ''or'' at the end;

(B) by redesignating paragraph (3) as paragraph (4); and

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

''(3) any secure or restricted area of any seaport, designated as secure in an approved security plan, as required under section 70103 of title 46, United States Code, and the rules and regulations promulgated under that section; or'';

(2) in subsection (b)(1), by striking ''5 years'' and inserting ''10 years'';

(3) in subsection (c)(1), by inserting '', captain of the seaport,'' after ''airport authority''; and

(4) by striking the section heading and inserting the following:

''§ 1036. Entry by false pretenses to any real property, vessel, or aircraft of the United States or secure area of any airport or seaport''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 47 of title 18 is amended by striking the matter relating to section 1036 and inserting the following:

''1036. Entry by false pretenses to any real property, vessel, or aircraft of the United States or secure area of any airport or seaport.''.

(c) DEFINITION OF SEAPORT.—Chapter 1 of title 18, United States Code, is amended by adding at the end the following:

''§ 26. Definition of seaport

''As used in this title, the term 'seaport' means all piers, wharves, docks, and similar structures, adjacent to any waters subject to the jurisdiction of the United States, to which a vessel may be secured, including areas of land, water, or land and water under and in immediate proximity to such structures, buildings on or contiguous to such structures, and the equipment and materials on such structures or in such buildings.''.

(d) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 1 of title 18 is amended by inserting after the matter relating to section 25 the following:

''26. Definition of seaport.''.

SEC. __03. CRIMINAL SANCTIONS FOR FAILURE TO HEAVE TO, OBSTRUCTION OF BOARDING, OR PROVIDING FALSE INFORMATION.

(a) OFFENSE.—Chapter 109 of title 18, United States Code, is amended by adding at the end the following:

''§ 2237. Criminal sanctions for failure to heave to, obstruction of boarding, or providing false information

''(a)(1) It shall be unlawful for the master, operator, or person in charge of a vessel of the United States, or a vessel subject to the jurisdiction of the United States, to knowingly fail to obey an order by an authorized Federal law enforcement officer to heave to that vessel.

''(2) It shall be unlawful for any person on board a vessel of the United States, or a vessel subject to the jurisdiction of the United States, to—

''(A) forcibly resist, oppose, prevent, impede, intimidate, or interfere with a boarding or other law enforcement action authorized by any Federal law or to resist a lawful arrest; or

''(B) intentionally provide materially false information to a Federal law enforcement officer during a boarding of a vessel regarding the vessel's destination, origin, ownership, registration, nationality, cargo, or crew.

''(b) Whoever violates this section shall be fined under this title or imprisoned for not more than 5 years, or both.

''(c) This section does not limit the authority of a customs officer under section 581 of the Tariff Act of 1930 (19 U.S.C. 1581), or any other provision of law enforced or administered by the Secretary of the Treasury or the Secretary of Homeland Security, or the authority of any Federal law enforcement officer under any law of the United States, to order a vessel to stop or heave to.

''(d) A foreign nation may consent or waive objection to the enforcement of United States law by the United States under this section by radio, telephone, or similar oral or electronic means. Consent or waiver may be proven by certification of the Secretary of State or the designee of the Secretary of State.

''(e) In this section—

''(1) the term 'Federal law enforcement officer' has the meaning given the term in section 115(c);

''(2) the term 'heave to' means to cause a vessel to slow, come to a stop, or adjust its course or speed to account for the weather conditions and sea state to facilitate a law enforcement boarding;

''(3) the term 'vessel subject to the jurisdiction of the United States' has the meaning given the term in section 2 of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903); and

''(4) the term 'vessel of the United States' has the meaning given the term in section 2 of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903).''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 109, title 18, United States Code, is amended by inserting after the item for section 2236 the following:

''2237. Criminal sanctions for failure to heave to, obstruction of boarding, or providing false information.''.

SEC. __04. USE OF A DANGEROUS WEAPON OR EXPLOSIVE ON A PASSENGER VESSEL.

Section 1993 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting '', passenger vessel,'' after ''transportation vehicle'';

(B) in paragraphs (2)—

(i) by inserting '', passenger vessel,'' after ''transportation vehicle''; and

(ii) by inserting ''or owner of the passenger vessel'' after ''transportation provider'' each place that term appears;

(C) in paragraph (3)—

(i) by inserting '', passenger vessel,'' after ''transportation vehicle'' each place that term appears; and

(ii) by inserting ''or owner of the passenger vessel'' after ''transportation provider'' each place that term appears;

(D) in paragraph (5)—

(i) by inserting '', passenger vessel,'' after ''transportation vehicle''; and

(ii) by inserting ''or owner of the passenger vessel'' after ''transportation provider''; and

(E) in paragraph (6), by inserting ''or owner of a passenger vessel'' after ''transportation provider'' each place that term appears;

(2) in subsection (b)(1), by inserting '', passenger vessel,'' after ''transportation vehicle''; and

(3) in subsection (c)—

(A) by redesignating paragraph (6) through (8) as paragraphs (7) through (9); and

(B) by inserting after paragraph (5) the following:

''(6) the term 'passenger vessel' has the meaning given that term in section 2101(22) of title 46, United States Code, and includes a small passenger vessel, as that term is defined under section 2101(35) of that title.''.

SEC. __05. CRIMINAL SANCTIONS FOR VIOLENCE AGAINST MARITIME NAVIGATION, PLACEMENT OF DESTRUCTIVE DEVICES.

(a) PLACEMENT OF DESTRUCTIVE DEVICES.—Chapter 111 of title 18, United States Code, as amended by subsection (a), is further amended by adding at the end the following:

''§ 2282A. Devices or dangerous substances in waters of the United States likely to destroy or damage Ships or to interfere with maritime commerce

''(a) A person who knowingly places, or causes to be placed, in navigable waters of the United States, by any means, a device or dangerous substance which is likely to destroy or cause damage to a vessel or its cargo, cause interference with the safe navigation of vessels, or interference with maritime commerce (such as by damaging or destroying marine terminals, facilities, or any other marine structure or entity used in maritime commerce) with the intent of causing such destruction or damage, interference with the safe navigation of vessels, or interference with maritime commerce shall be fined under this title or imprisoned for any term of years, or for life; or both.

''(b) A person who causes the death of any person by engaging in conduct prohibited under subsection (a) may be punished by death.

''(c) Nothing in this section shall be construed to apply to otherwise lawfully authorized and conducted activities of the United States Government.

''(d) In this section:

''(1) The term 'dangerous substance' means any solid, liquid, or gaseous material that has the capacity to cause damage to a vessel or its cargo, or cause interference with the safe navigation of a vessel.

''(2) The term 'device' means any object that, because of its physical, mechanical, structural, or chemical properties, has the capacity to cause damage to a vessel or its cargo, or cause interference with the safe navigation of a vessel.''.

(2) CONFORMING AMENDMENT.—The table of sections for chapter 111 of title 18, United States Code, as amended by subsection (b), is further amended by adding after the item related to section 2282 the following:

''2282A. Devices or dangerous substances in waters of the United States likely to destroy or damage ships or to interfere with maritime commerce.''.

(b) VIOLENCE AGAINST MARITIME NAVIGATION.—

(1) IN GENERAL.—Chapter 111 of title 18, United States Code as amended by subsections (a) and (c), is further amended by adding at the end the following:

''§ 2282B. Violence against aids to maritime navigation

''Whoever intentionally destroys, seriously damages, alters, moves, or tampers with any aid to maritime navigation maintained by the Saint Lawrence Seaway Development Corporation under the authority of section 4 of the Act of May 13, 1954 (33 U.S.C. 984), by the Coast Guard pursuant to section 81 of title 14, United States Code, or lawfully maintained under authority granted by the Coast Guard pursuant to section 83 of title 14, United States Code, if such act endangers or is likely to endanger the safe navigation of a ship, shall be fined under this title or imprisoned for not more than 20 years.''.

(2) CONFORMING AMENDMENT.—The table of sections for chapter 111 of title 18, United States Code, as amended by subsections (b) and (d) is further amended by adding after the item related to section 2282A the following:

''2282B. Violence against aids to maritime navigation.''.

SEC. __06. TRANSPORTATION OF DANGEROUS MATERIALS AND TERRORISTS.

(a) TRANSPORTATION OF DANGEROUS MATERIALS AND TERRORISTS.—Chapter 111 of title 18, as amended by section __05, is further amended by adding at the end the following:

''§ 2283. Transportation of explosive, biological, chemical, or radioactive or nuclear materials

''(a) IN GENERAL.—Whoever knowingly transports aboard any vessel within the United States and on waters subject to the jurisdiction of the United States or any vessel outside the United States and on the high seas or having United States nationality an explosive or incendiary device, biological agent, chemical weapon, or radioactive or nuclear material, knowing or having reason to believe that any such item is intended to be used to commit an offense listed under section 2332b(g)(5)(B), shall be fined under this title or imprisoned for any term of years or for life, or both.

''(b) DEATH PENALTY.—If the death of any individual results from an offense under subsection (a) the offender may be punished by death.

''(c) DEFINITIONS.—In this section:

''(1) BIOLOGICAL AGENT.—The term 'biological agent' means any biological agent, toxin, or vector (as those terms are defined in section 178).

''(2) BY-PRODUCT MATERIAL.—The term 'by-product material' has the meaning given that term in section 11(e) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(e)).

''(3) CHEMICAL WEAPON.—The term 'chemical weapon' has the meaning given that term in section 229F(1).

''(4) EXPLOSIVE OR INCENDIARY DEVICE.—The term 'explosive or incendiary device' has the meaning given the term in section 232(5) and includes explosive materials, as that term is defined in section 841(c) and explosive as defined in section 844(j).

''(5) NUCLEAR MATERIAL.—The term 'nuclear material' has the meaning given that term in section 831(f)(1).

''(6) RADIOACTIVE MATERIAL.—The term 'radioactive material' means—

''(A) source material and special nuclear material, but does not include natural or depleted uranium;

''(B) nuclear by-product material;

''(C) material made radioactive by bombardment in an accelerator; or

''(D) all refined isotopes of radium.

''(8) SOURCE MATERIAL.—The term 'source material' has the meaning given that term in section 11(z) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(z)).

''(9) SPECIAL NUCLEAR MATERIAL.—The term 'special nuclear material' has the meaning given that term in section 11(aa) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(aa)).

''§ 2284. Transportation of terrorists

''(a) IN GENERAL.—Whoever knowingly transports any terrorist aboard any vessel within the United States and on waters subject to the jurisdiction of the United States or any vessel outside the United States and

on the high seas or having United States nationality, knowing or having reason to believe that the transported person is a terrorist, shall be fined under this title or imprisoned for any term of years or for life, or both.

''(b) DEFINED TERM.—In this section, the term 'terrorist' means any person who intends to commit, or is avoiding apprehension after having committed, an offense listed under section 2332b(g)(5)(B).''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 111 of title 18, United States Code, as amended by section __05, is further amended by adding at the end the following:

''2283. Transportation of explosive, chemical, biological, or radioactive or nuclear materials.
''2284. Transportation of terrorists.''.

SEC. __07. DESTRUCTION OF, OR INTERFERENCE WITH, VESSELS OR MARITIME FACILITIES.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 111 the following:

''CHAPTER 111A—DESTRUCTION OF, OR INTERFERENCE WITH, VESSELS OR MARITIME FACILITIES

''Sec.
''2290. Jurisdiction and scope.
''2291. Destruction of vessel or maritime facility.
''2292. Imparting or conveying false information.

''§ 2290. Jurisdiction and scope

''(a) JURISDICTION.—There is jurisdiction, including extraterritorial jurisdiction, over an offense under this chapter if the prohibited activity takes place—

''(1) within the United States and within waters subject to the jurisdiction of the United States; or

''(2) outside United States and—

''(A) an offender or a victim is a national of the United States (as that term is defined under section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)); or

''(B) the activity involves a vessel of the United States (as that term is defined under section 2 of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903).

''(b) SCOPE.—Nothing in this chapter shall apply to otherwise lawful activities carried out by or at the direction of the United States Government.

''§ 2291. Destruction of vessel or maritime facility

''(a) OFFENSE.—Whoever intentionally—

''(1) sets fire to, damages, destroys, disables, or wrecks any vessel;

''(2) places or causes to be placed a destructive device, as defined in section 921(a)(4), destructive substance, as defined in section 31(a)(3), or an explosive, as defined in section 844(j) in, upon, or near, or otherwise makes or causes to be made unworkable or unusable or hazardous to work or use, any vessel, or any part or other materials used or intended to be used in connection with the operation of a vessel;

''(3) sets fire to, damages, destroys, or disables or places a destructive device or substance in, upon, or near, any maritime facility, including any aid to navigation, lock, canal, or vessel traffic service facility or equipment;

''(4) interferes by force or violence with the operation of any maritime facility, including any aid to navigation, lock, canal, or vessel traffic service facility or equipment, if such action is likely to endanger the safety of any vessel in navigation;

''(5) sets fire to, damages, destroys, or disables or places a destructive device or substance in, upon, or near, any appliance, structure, property, machine, or apparatus, or any facility or other material used, or intended to be used, in connection with the operation, maintenance, loading, unloading, or storage of any vessel or any passenger or cargo carried or intended to be carried on any vessel;

''(6) performs an act of violence against or incapacitates any individual on any vessel, if such act of violence or incapacitation is likely to endanger the safety of the vessel or those on board;

''(7) performs an act of violence against a person that causes or is likely to cause serious bodily injury, as defined in section 1365(h)(3), in, upon, or near, any appliance, structure, property, machine, or apparatus, or any facility or other material used, or intended to be used, in connection with the operation, maintenance, loading, unloading, or storage of any vessel or any passenger or cargo carried or intended to be carried on any vessel;

''(8) communicates information, knowing the information to be false and under circumstances in which such information may reasonably be believed, thereby endangering the safety of any vessel in navigation; or

''(9) attempts or conspires to do anything prohibited under paragraphs (1) through (8),

shall be fined under this title or imprisoned not more than 30 years, or both.

''(b) LIMITATION.—Subsection (a) shall not apply to any person that is engaging in otherwise lawful activity, such as normal repair and salvage activities, and the transportation of hazardous materials regulated and allowed to be transported under chapter 51 of title 49.

''(c) PENALTY.—Whoever is fined or imprisoned under subsection (a) as a result of an act involving a vessel that, at the time of the violation, carried high-level radioactive waste (as that term is defined in section 2(12) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(12)) or spent nuclear fuel (as that term is defined in section 2(23) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(23)), shall be fined under this title, imprisoned for a term up to life, or both.

''(d) DEATH PENALTY.—If the death of any individual results from an offense under subsection (a) the offender shall be punished by death or imprisonment for any term or years or for life.

''(e) THREATS.—Whoever knowingly imparts or conveys any threat to do an act which would violate this chapter, with an apparent determination and will to carry the threat into execution, shall be fined under this title or imprisoned not more than 5 years, or both, and is liable for all costs incurred as a result of such threat.

''§ 2292. Imparting or conveying false information

''(a) IN GENERAL.—Whoever imparts or conveys or causes to be imparted or conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act that would be a crime prohibited by this chapter or by chapter 111 of this title, shall be subject to a civil penalty of not more than $5,000, which shall be recoverable in a civil action brought in the name of the United States.

''(b) MALICIOUS CONDUCT.—Whoever knowingly, or with reckless disregard for the safety of human life, imparts or conveys or causes to be imparted or conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt to do any act which would be a crime prohibited by this chapter or by chapter 111 of this title, shall be fined under this title or imprisoned not more than 5 years.''.

(c) CONFORMING AMENDMENT.—The table of chapters at the beginning of title 18, United States Code, is amended by inserting after the item for chapter 111 the following:

''111A. Destruction of, or interference with, vessels or maritime facilities ..... 2290''.

SEC. __08. THEFT OF INTERSTATE OR FOREIGN SHIPMENTS OR VESSELS.

(a) THEFT OF INTERSTATE OR FOREIGN SHIPMENTS.—Section 659 of title 18, United States Code, is amended—

(1) in the first undesignated paragraph—

(A) by inserting ''trailer,'' after ''motortruck,'';

(B) by inserting ''air cargo container,'' after ''aircraft,''; and

(C) by inserting '', or from any intermodal container, trailer, container freight station, warehouse, or freight consolidation facility,'' after ''air navigation facility'';

(2) in the fifth undesignated paragraph, by striking ''in each case'' and all that follows through ''or both'' the second place it appears and inserting ''be fined under this title or imprisoned not more than 15 years, or both, but if the amount or value of such money, baggage, goods, or chattels is less than $1,000, shall be fined under this title or imprisoned for not more than 5 years, or both'' ; and

(3) by inserting after the first sentence in the eighth undesignated paragraph the following: ''For purposes of this section, goods and chattel shall be construed to be moving as an interstate or foreign shipment at all points between the point of origin and the final destination (as evidenced by the waybill or other shipping document of the shipment), regardless of any temporary stop while awaiting transshipment or otherwise.''.

(b) STOLEN VESSELS.—

(1) IN GENERAL.—Section 2311 of title 18, United States Code, is amended by adding at the end the following:

''''Vessel'' means any watercraft or other contrivance used or designed for transportation or navigation on, under, or immediately above, water.''.

(2) TRANSPORTATION AND SALE OF STOLEN VESSELS.—

(A) TRANSPORTATION.—Section 2312 of title 18, United States Code, is amended—

(i) by striking ''motor vehicle or aircraft'' and inserting ''motor vehicle, vessel, or aircraft''; and

(ii) by striking ''10 years'' and inserting ''15 years''.

(B) SALE.—Section 2313(a) of title 18, United States Code, is amended—

(i) by striking ''motor vehicle or aircraft'' and inserting ''motor vehicle, vessel, or aircraft''

(ii) by striking ''10 years'' and inserting ''15 years'' .

(c) REVIEW OF SENTENCING GUIDELINES.—Pursuant to section 994 of title 28, United States Code, the United States Sentencing Commission shall review the Federal Sentencing Guidelines to determine whether sentencing enhancement is appropriate for any offense under section 659 or 2311 of title 18, United States Code, as amended by this title.

(d) ANNUAL REPORT OF LAW ENFORCEMENT ACTIVITIES.—The Attorney General shall annually submit to Congress a report, which shall include an evaluation of law enforcement activities relating to the investigation and prosecution of offenses under section 659 of title 18, United States Code, as amended by this title.

(e) REPORTING OF CARGO THEFT.—The Attorney General shall take the steps necessary to ensure that reports of cargo theft collected by Federal, State, and local officials are reflected as a separate category in the Uniform Crime Reporting System, or any

successor system, by no later than December 31, 2006.

SEC. __09. INCREASED PENALTIES FOR NONCOMPLIANCE WITH MANIFEST REQUIREMENTS.

(a) REPORTING, ENTRY, CLEARANCE REQUIREMENTS.—Section 436(b) of the Tariff Act of 1930 (19 U.S.C. 1436(b)) is amended by—

(1) striking ''or aircraft pilot'' and inserting ''aircraft pilot, operator, owner of such vessel, vehicle or aircraft, or any other responsible party (including non-vessel operating common carriers)'';

(2) striking ''$5,000'' and inserting ''$10,000''; and

(3) striking ''$10,000'' and inserting ''$25,000''.

(b) CRIMINAL PENALTY.—Section 436(c) of the Tariff Act of 1930 (19 U.S.C. 1436(c)) is amended—

(1) by striking ''or aircraft pilot'' and inserting ''aircraft pilot, operator, owner of such vessel, vehicle, or aircraft, or any other responsible party (including non-vessel operating common carriers)''; and

(2) by striking ''$2,000'' and inserting ''$10,000''.

(c) FALSITY OR LACK OF MANIFEST.—Section 584(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1584(a)(1)) is amended by striking ''$1,000'' in each place it occurs and inserting ''$10,000''.

SEC. __10. STOWAWAYS ON VESSELS OR AIRCRAFT.

Section 2199 of title 18, United States Code, is amended by striking ''Shall be fined under this title or imprisoned not more than one year, or both.'' and inserting the following:

''(1) shall be fined under this title, imprisoned not more than 5 years, or both;

''(2) if the person commits an act proscribed by this section, with the intent to commit serious bodily injury, and serious bodily injury occurs (as defined under section 1365, including any conduct that, if the conduct occurred in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242) to any person other than a participant as a result of a violation of this section, shall be fined under this title or imprisoned not more than 20 years, or both; and

''(3) if death results from an offense under this section, shall be subject to the death penalty or to imprisonment for any term or years or for life.''.

SEC. __11. BRIBERY AFFECTING PORT SECURITY.

(a) IN GENERAL.—Chapter 11 of title 18, United States Code, is amended by adding at the end the following:

''§ 226. Bribery affecting port security

''(a) IN GENERAL.—Whoever knowingly—

''(1) directly or indirectly, corruptly gives, offers, or promises anything of value to any public or private person, with intent to commit international terrorism or domestic terrorism (as those terms are defined under section 2331), to—

''(A) influence any action or any person to commit or aid in committing, or collude in, or allow, any fraud, or make opportunity for the commission of any fraud affecting any secure or restricted area or seaport; or

''(B) induce any official or person to do or omit to do any act in violation of the lawful duty of such official or person that affects any secure or restricted area or seaport; or

''(2) directly or indirectly, corruptly demands, seeks, receives, accepts, or agrees to receive or accept anything of value personally or for any other person or entity in return for—

''(A) being influenced in the performance of any official act affecting any secure or restricted area or seaport; and

''(B) knowing that such influence will be used to commit, or plan to commit, international or domestic terrorism,

shall be fined under this title or imprisoned not more than 20 years, or both.

''(b) DEFINITION.—In this section, the term 'secure or restricted area' means an area of a vessel or facility designated as secure in an approved security plan, as required under section 70103 of title 46, United States Code, and the rules and regulations promulgated under that section.''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 11 of title 18, United States Code, is amended by adding at the end the following:

''226. Bribery affecting port security.''.

SEC. __11. PENALTIES FOR SMUGGLING GOODS INTO THE UNITED STATES.

The third undesignated paragraph of section 545 of title 18, United States Code, is amended by striking ''5 years'' and inserting ''20 years''.

SEC. __12. SMUGGLING GOODS FROM THE UNITED STATES.

(a) IN GENERAL.—Chapter 27 of title 18, United States Code, is amended by adding at the end the following:

''§ 554. Smuggling goods from the United States

''(a) IN GENERAL.—Whoever fraudulently or knowingly exports or sends from the United States, or attempts to export or send from the United States, any merchandise, article, or object contrary to any law or regulation of the United States, or receives, conceals, buys, sells, or in any manner facilitates the transportation, concealment, or sale of such merchandise, article or object, prior to exportation, knowing the same to be intended for exportation contrary to any law or regulation of the United States, shall be fined under this title, imprisoned not more than 10 years, or both.

''(b) DEFINITION.—In this section, the term 'United States' has the meaning given that term in section 545.''

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 27 of title 18, United States Code, is amended by adding at the end the following:

''554. Smuggling goods from the United States.''.

(c) SPECIFIED UNLAWFUL ACTIVITY.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting ''section 554 (relating to smuggling goods from the United States),'' before ''section 641 (relating to public money, property, or records),''.

(d) TARIFF ACT OF 1990.—Section 596 of the Tariff Act of 1930 (19 U.S.C. 1595a) is amended by adding at the end the following:

''(d) Merchandise exported or sent from the United States or attempted to be exported or sent from the United States contrary to law, or the proceeds or value thereof, and property used to facilitate the receipt, purchase, transportation, concealment, or sale of such merchandise prior to exportation shall be forfeited to the United States.''.

(e) REMOVING GOODS FROM CUSTOMS CUSTODY.—Section 549 of title 18, United States Code, is amended in the 5th paragraph by striking ''two years'' and inserting ''10 years''.

The Acting CHAIRMAN. Pursuant to House Resolution 369, the gentleman from California (Mr. SCHIFF) and a Member opposed each will control 10 minutes.

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

Mr. SCHIFF. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman, earlier this year I introduced the Reducing Crime and Terrorism at America's Seaports Act of 2005 along with my colleague the gentleman from North Carolina (Mr. COBLE), chairman of the Committee on the Judiciary Subcommittee on Crime, Terrorism, and Homeland Security. Our legislation is aimed at filling a gaping hole in our defense against terrorism and making America's ports, passengers and cargos safer.

Today, I offer the text of this important legislation as an amendment to the PATRIOT reauthorization bill, joined by my colleague the gentleman from North Carolina (Chairman COBLE) of the Committee on the Judiciary, as well as the gentleman from Virginia (Mr. FORBES), another colleague on the Committee on the Judiciary.

There are 361 seaports in the United States that serve essential national interests by facilitating the flow of trade and the movement of cruise passengers, as well as supporting the effective and safe deployment of U.S. Armed Forces. These seaport facilities and other marine areas cover some 3.5 million square miles of ocean area and 95,000 miles of coastline.

Millions of shipping containers pass through our ports each month. A single container has room for as much as 60,000 pounds of explosives, 10 to 15 times the amount in the Ryder truck used to blow up the Murrah Federal Building in Oklahoma City. When you consider that a single ship can carry as many as 8,000 containers at one time, the vulnerability of our seaports is alarming.

Many seaports are still protected by little more than a chain link fence and in far too many instances have no adequate safeguards to ensure that only authorized personnel can access sensitive areas of the port. If we allow this system to continue unchecked, it may be only a matter of time until terrorists attempt to deliver a weapon of mass destruction to our doorstep via truck, ship or cargo container.

Strengthening criminal penalties, as the gentleman from North Carolina (Chairman COBLE) and I proposed with our bill and in this amendment, is one way we can make our Nation's ports less vulnerable by filling this hole in our defense against terrorism and making America's ports, passengers and cargo safer.

This amendment makes common sense changes to our criminal laws to deter and prevent terrorist attacks on our ports, our sea vessels, and cracks down on the theft and smuggling of cargo.

I want to be clear, our amendment is intended to go after terrorists, terrorist acts and other dangerous felons. There is no intention to reach accidents or other unintentional acts that might occur at seaports.

A substantially similar bipartisan version of our legislation has already been reported favorably by the Senate Judiciary Committee and is awaiting action by the full Senate.

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

Mr. SENSENBRENNER. Mr. Chairman, I ask unanimous consent claim the time in opposition, even though I am not opposed to the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Wisconsin (Mr. SENSENBRENNER) is recognized for 10 minutes.

There was no objection.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I support this amendment and hope that the committee adopts it. It provides basic and much-needed protections for our Nation's seaports, and it does so by strengthening the criminal code in various areas where our seaports would be vulnerable to either a criminal act or a terrorist act.

Let me state, however, that the Congress has not been sitting idly by since 9/11 on the issue of protecting seaport security. The container security initiative was passed by this Congress several years ago and is being implemented, both in terms of better targeting of containers that come into our ports, as well as security at the ports and screening before the cargo actually arrives. But in terms of people breaking into our ports, perhaps putting bad materials such as bombs or biological or chemical materials in our ports and in the containers in our ports, this is an amendment that is extremely essential.

For that reason, I would urge its adoption.

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

Mr. SCHIFF. Mr. Chairman, I am proud to yield 2 minutes to the gentleman from North Carolina (Mr. COBLE), the chairman of the subcommittee and a lead cosponsor of this amendment. I want to thank the chairman for his important work to bring this issue before the House.

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

Mr. Chairman, I rise in support of the amendment to reduce crime and terrorism at America's seaports. This amendment is long overdue and reflects the hard work and dedication of my colleagues, the gentleman from California (Mr. SCHIFF), the gentleman from Virginia (Mr. FORBES) and the gentleman from Florida (Mr. STEARNS) to an issue of critical importance to our Nation's safety. I want to thank all of them for their effort to this end.

The amendment that we are offering today will protect our seaports by controlling access to seaports on sensitive areas, providing additional authority to the Coast Guard to investigate vessels, prohibiting use of dangerous weapons or explosives on a passenger vessel, protecting Coast Guard navigational aides on waterways, prohibiting transportation of dangerous materials by potential terrorists, prohibiting destruction or interference with vessels or maritime facilities, increasing penalties for illegal foreign shipments on vessels, increasing penalties for noncompliance with manifest requirements, increasing criminal penalties for stowaways on vessels, and, finally, increasing penalties for bribery of port security authorities and officials.

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These measures are much-needed and long overdue. Again, I thank the gentleman from California (Mr. SCHIFF), the gentleman from Virginia (Mr. FORBES), and the gentleman from Florida (Mr. STEARNS).

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. FORBES).

Mr. FORBES. Mr. Chairman, I rise in strong support of the Schiff-Coble-Forbes amendment to H.R. 3199. I also want to thank the gentleman from North Carolina (Mr. COBLE), the chairman of the Subcommittee on Crime, Terrorism, and Homeland Security, as well as the gentleman from California (Mr. SCHIFF), for their important work on this amendment.

Mr. Chairman, the edge of my district is only minutes from the Port of Norfolk, one of the busiest international ports on the east coast of the United States. More than $37 billion worth of goods pass through Norfolk every year to travel on to all of the lower 48 States. Our Nation's seaports are the arteries that keep our Nation's economic heart beating.

But, unfortunately, our ports remain an attractive target to terrorists and criminals. The Interagency Commission on Crime and Security in U.S. Seaports concluded in their report that significant criminal activity is taking place at most of the 12 seaports surveyed by the commission. That activity included drug smuggling, alien smuggling, cargo theft, and export crime.

That is why it is important that the House pass the Schiff-Coble-Forbes amendment. This amendment sends a clear message to terrorists and criminals that we will defend our Nation's ports. This amendment says that there is no loophole or shortcoming in the law that you can hide behind that will allow you to harm our Nation.

Many of my constituents are shocked to learn that it is not a crime for a vessel operator to refuse to stop when ordered to do so by the Coast Guard. If you have spent as much time on the waterways of our harbors as I have, you know there are often only seconds that separate a vessel occupied by terrorists and one of our commercial or naval vessels docked at a pier.

You cannot legally evade the police on our Nation's highways, and the same rule should apply to our Nation's waterways. While the Coast Guard has the authority to use whatever force is reasonably necessary to force a vessel to stop or be boarded, refusal to stop by itself is not currently a crime. That changes today with this amendment.

The amendment we are offering today will further protect our seaports by prohibiting the use of dangerous weapons or explosives on a passenger vessel, prohibiting the transportation of dangerous materials and terrorists, and further increasing penalties for bribery affecting port security.

Mr. Chairman, this amendment is vital to protecting our Nation's ports. I want to express my appreciation for this amendment, and I urge my colleagues to support the amendment.

Mr. SCHIFF. Mr. Chairman, I am happy to yield 2 minutes to the gentleman from Virginia (Mr. SCOTT), the ranking member of the Subcommittee on Crime, Terrorism, and Homeland Security.

Mr. SCOTT of Virginia. Mr. Chairman, I thank the gentleman for yielding me this time. I would like to join my colleague from Virginia in his interest in the security of the Port of Hampton Roads.

Mr. Chairman, this amendment is well drafted to target the problem of port security. It closes an apparent oversight in the fact that it is not a Federal crime for a vessel operator to fail to stop when ordered to do so by a Federal law enforcement officer, and makes it clear that that is a crime. The penalties are increased penalties, but not mandatory minimums, so the increases will make sense.

I will not, however, be supporting the amendment because it has several new death penalties in it. It has death penalties, some of which push the envelope on constitutionality, because some can be imposed even if there is no intent to kill; they are broad enough to even include deaths which result from violating the stowaway statute.

Mr. Chairman, death penalties cannot be a deterrent to suicide bombers, so that part of the bill I think would not be helpful in terms of port security. What we do need in port security is significant increases in funding for port security, funding for bus and rail security, funding for first responders. That is the kind of thing that will make us safer. As to the other parts of the bill, I would like to thank the gentleman from California (Mr. SCHIFF) and the other cosponsors for their hard work in focusing us on port security, which is desperately needed.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. STEARNS).

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

Mr. STEARNS. Mr. Chairman, I thank the distinguished chairman of the full committee for yielding me this time, and I thank the gentleman from North Carolina (Mr. COBLE) for his help here.

I rise, obviously, in support of the Coble-Schiff-Forbes amendment and in favor of the underlying bill. This amendment I think is important to update and improve our seaport security, which obviously is very crucial to protecting America. It also includes three provisions from my bill, H.R. 785, the

cargo theft bill; and it is an issue that I have been concerned about for over 2 years, so I am very pleased that it is part of the bill.

Probably the most important thing with this amendment that we are talking about this evening that it accomplishes is that it requires that cargo theft reports be reflected as a separate category in the Uniform Crime Reporting System, or the UCR, the data collection system that is used by the FBI today, currently, no such category exists in the UCR, which results in ambiguous data and an inability to track and monitor trends.

So I am very pleased that the Committee on the Judiciary incorporated that provision and also raised criminal penalties for cargo theft, which is included in this bill.

As it now stands, Mr. Chairman, punishment for cargo theft is a relative slap on the wrist. Throw in the fact that cargo thieves are tough to catch, and what we have here is a low-risk, high-reward crime that easily entices potential criminals. The sentencing enhancement proposed in this amendment will go a long way in making a career in cargo theft less attractive. So the authors of this amendment are to be commended.

Last, this amendment includes a provision requiring the Attorney General to mandate the reporting of cargo thefts and to create a database containing this information, which will provide a valuable source of information and will allow States and local law enforcement officials to coordinate reports of cargo theft. This information could then be used to help fight this theft in everyday law enforcement.

Mr. Chairman, this is a commonsense cargo theft provision, along with efforts to strengthen our seaport security, vitally effective tools in our war on terrorism. I want to thank my colleagues, particularly my good friend, the gentleman from North Carolina (Mr. COBLE), for their help.

I rise today in support of the Coble/Schiff/Forbes amendment, and in favor of the underlying bill.

This amendment proposes to update and improve our seaport security, which is a crucial element to protecting America.

It also includes three critical provisions from my bill H.R. 785 regarding cargo theft, an issue that I have been concerned about for some time now.

Cargo theft is a problem that has plagued our country for some 30 years, but continues unabated today. It is a problem that travels our highways, threatens our interstate commerce and undermines our homeland security. It is a problem that affects our entire country, costs tens of billions of dollars each year, and demands a Federal response.

There is no doubt that stopping cargo theft and smuggling is a national security issue. We know that terrorists can make a lot of money stealing and selling cargo, not to mention the fact that terrorists have a proven record of using trucks to either smuggle weapons of mass destruction or as an instrument of delivery.

Many of the industries involved in delivering cargo: trucking, shipping, and businesses—are genuinely concerned about how security gaps expose cargo to terrorism. Law enforcement has the same concerns. These groups support this legislation.

That's why the three particular provisions in this amendment relating to cargo theft are so important.

Probably the most important thing this amendment accomplishes is that it requires that cargo theft reports be reflected as a separate category in the Uniform Crime Reporting System, or the UCR, the data collection system that is used by the FBI today. Currently, no such category exists in the UCR, resulting in ambiguous data and the inability to track and monitor trends.

I am also pleased that the provision raising criminal penalties for cargo theft is included in this bill. As it now stands, Mr. Chairman, punishment for cargo theft is a relative slap on the wrist. Throw in the fact that cargo thieves are tough to catch, and what we have here is a low-risk, high-reward crime that easily entices potential criminals. The sentencing enhancements proposed in this amendment will go a long way in making a career in cargo theft less attractive.

And last, this amendment includes a provision requiring the Attorney General to mandate the reporting of cargo thefts, and to create a database containing this information. This database will provide a valuable source of information that would allow State and local law enforcement officials to coordinate reports of cargo theft. This information could then be used to help fight this theft in everyday law enforcement.

These common-sense cargo theft provisions, along with the efforts to strengthen our seaport security, will be vital and effective tools in our war on terror.

Mr. Chairman, I thank my colleagues on the Judiciary Committee for including this language, and I urge this House to pass this amendment and the underlying bill.

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

Mr. SCHIFF. Mr. Chairman, I yield myself such time as I may consume.

I want to take this opportunity to thank the chairman of the full committee, the gentleman from Wisconsin (Mr. SENSENBRENNER), and thank the chairman of the subcommittee. When I offered this originally as stand-alone legislation in connection with another bill as an amendment, the chairman offered to work with me on this further down the line; and every bit true to his word, he has been a great partner to work with on this. I want to thank the gentleman from North Carolina (Chairman COBLE), and I want to thank our esteemed chairman of the full committee for their work on this.

The numbers are quite startling: 141 million ferry and cruise ship passengers, more than 2 billion tons of domestic international freight, and 3 billion tons of oil move through the U.S. seaports. Millions of truck-sized cargo containers are offloaded on to U.S. docks.

As a part of the homeland security authorization bill, the House took some important steps to improve the screening of cargo by expanding the container security initiative and refocusing it based on risk. But the truth is that not every container can be inspected, and we need to use other tools at our disposal to deter and punish those who would use our seaports as a point of attack. I urge support for the amendment.

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

The Acting CHAIRMAN (Mr. SIMPSON). The question is on the amendment offered by the gentleman from California (Mr. SCHIFF).

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

Mr. COBLE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California (Mr. SCHIFF) will be postponed.

It is now in order to consider amendment No. 12 printed in House Report 109–178.

AMENDMENT NO. 12 OFFERED BY MR. COBLE

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. COBLE:

Add at the end the following (and make such technical and conforming changes as may be appropriate):

SECTION 17. PENAL PROVISIONS REGARDING TRAFFICKING IN CONTRABAND CIGARETTES OR SMOKELESS TOBACCO.

(a) THRESHOLD QUANTITY FOR TREATMENT AS CONTRABAND CIGARETTES.—(1) Section 2341(2) of title 18, United States Code, is amended by striking ''60,000 cigarettes'' and inserting ''10,000 cigarettes''.

(2) Section 2342(b) of that title is amended by striking ''60,000'' and inserting ''10,000''.

(3) Section 2343 of that title is amended—

(A) in subsection (a), by striking ''60,000'' and inserting ''10,000''; and

(B) in subsection (b), by striking ''60,000'' and inserting ''10,000''.

(b) CONTRABAND SMOKELESS TOBACCO.—(1) Section 2341 of that title is amended—

(A) in paragraph (4), by striking ''and'' at the end;

(B) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

''(6) the term 'smokeless tobacco' means any finely cut, ground, powdered, or leaf tobacco that is intended to be placed in the oral or nasal cavity or otherwise consumed without being combusted;

''(7) the term 'contraband smokeless tobacco' means a quantity in excess of 500 single-unit consumer-sized cans or packages of smokeless tobacco, or their equivalent, that are in the possession of any person other than—

''(A) a person holding a permit issued pursuant to chapter 52 of the Internal Revenue Code of 1986 as manufacturer of tobacco products or as an export warehouse proprietor, a person operating a customs bonded warehouse pursuant to section 311 or 555 of the Tariff Act of 1930 (19 U.S.C. 1311, 1555), or an agent of such person;

''(B) a common carrier transporting such smokeless tobacco under a proper bill of lading or freight bill which states the quantity, source, and designation of such smokeless tobacco;

''(C) a person who—

''(i) is licensed or otherwise authorized by the State where such smokeless tobacco is found to engage in the business of selling or distributing tobacco products; and

''(ii) has complied with the accounting, tax, and payment requirements relating to such license or authorization with respect to such smokeless tobacco; or

''(D) an officer, employee, or agent of the United States or a State, or any department, agency, or instrumentality of the United States or a State (including any political subdivision of a State), having possession of such smokeless tobacco in connection with the performance of official duties;''.

(2) Section 2342(a) of that title is amended by inserting ''or contraband smokeless tobacco'' after ''contraband cigarettes''.

(3) Section 2343(a) of that title is amended by inserting '', or any quantity of smokeless tobacco in excess of 500 single-unit consumer-sized cans or packages,'' before ''in a single transaction''.

(4) Section 2344(c) of that title is amended by inserting ''or contraband smokeless tobacco'' after ''contraband cigarettes''.

(5) Section 2345 of that title is amended by inserting ''or smokeless tobacco'' after ''cigarettes'' each place it appears.

(6) Section 2341 of that title is further amended in paragraph (2), as amended by subsection (a)(1) of this section, in the matter preceding subparagraph (A), by striking ''State cigarette taxes in the State where such cigarettes are found, if the State'' and inserting ''State or local cigarette taxes in the State or locality where such cigarettes are found, if the State or local government'';

(c) RECORDKEEPING, REPORTING, AND INSPECTION.—Section 2343 of that title, as amended by this section, is further amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''only—'' and inserting ''such information as the Attorney General considers appropriate for purposes of enforcement of this chapter, including—''; and

(B) in the flush matter following paragraph (3), by striking the second sentence;

(2) by redesignating subsection (b) as subsection (c);

(3) by inserting after subsection (a) the following new subsection (b):

''(b) Any person, except for a tribal government, who engages in a delivery sale, and who ships, sells, or distributes any quantity in excess of 10,000 cigarettes, or any quantity in excess of 500 single-unit consumer-sized cans or packages of smokeless tobacco, or their equivalent, within a single month, shall submit to the Attorney General, pursuant to rules or regulations prescribed by the Attorney General, a report that sets forth the following:

''(1) The person's beginning and ending inventory of cigarettes and cans or packages of smokeless tobacco (in total) for such month.

''(2) The total quantity of cigarettes and cans or packages of smokeless tobacco that the person received within such month from each other person (itemized by name and address).

''(3) The total quantity of cigarettes and cans or packages of smokeless tobacco that the person distributed within such month to each person (itemized by name and address) other than a retail purchaser.''; and

(4) by adding at the end the following new subsections:

''(d) Any report required to be submitted under this chapter to the Attorney General shall also be submitted to the Secretary of the Treasury and to the attorneys general and the tax administrators of the States from where the shipments, deliveries, or distributions both originated and concluded.

''(e) In this section, the term 'delivery sale' means any sale of cigarettes or smokeless tobacco in interstate commerce to a consumer if—

''(1) the consumer submits the order for such sale by means of a telephone or other method of voice transmission, the mails, or the Internet or other online service, or by any other means where the consumer is not in the same physical location as the seller when the purchase or offer of sale is made; or

''(2) the cigarettes or smokeless tobacco are delivered by use of the mails, common carrier, private delivery service, or any other means where the consumer is not in the same physical location as the seller when the consumer obtains physical possession of the cigarettes or smokeless tobacco.

''(f) In this section, the term 'interstate commerce' means commerce between a State and any place outside the State, or commerce between points in the same State but through any place outside the State.''.

(d) DISPOSAL OR USE OF FORFEITED CIGARETTES AND SMOKELESS TOBACCO.—Section 2344(c) of that title, as amended by this section, is further amended by striking ''seizure and forfeiture,'' and all that follows and inserting ''seizure and forfeiture, and any cigarettes or smokeless tobacco so seized and forfeited shall be either—

''(1) destroyed and not resold; or

''(2) used for undercover investigative operations for the detection and prosecution of crimes, and then destroyed and not resold.''.

(e) EFFECT ON STATE AND LOCAL LAW.—Section 2345 of that title is amended—

(1) in subsection (a), by striking ''a State to enact and enforce'' and inserting ''a State or local government to enact and enforce its own''; and

(2) in subsection (b), by striking ''of States, through interstate compact or otherwise, to provide for the administration of State'' and inserting ''of State or local governments, through interstate compact or otherwise, to provide for the administration of State or local''.

(f) ENFORCEMENT.—Section 2346 of that title is amended—

(1) by inserting ''(a)'' before ''The Attorney General''; and

(2) by adding at the end the following new subsection:

''(b)(1) A State, through its attorney general, a local government, through its chief law enforcement officer (or a designee thereof), or any person who holds a permit under chapter 52 of the Internal Revenue Code of 1986, may bring an action in the United States district courts to prevent and restrain violations of this chapter by any person (or by any person controlling such person), except that any person who holds a permit under chapter 52 of the Internal Revenue Code of 1986 may not bring such an action against a State or local government.

''(2) A State, through its attorney general, or a local government, through its chief law enforcement officer (or a designee thereof), may in a civil action under paragraph (1) also obtain any other appropriate relief for violations of this chapter from any person (or by any person controlling such person), including civil penalties, money damages, and injunctive or other equitable relief. Nothing in this chapter shall be deemed to abrogate or constitute a waiver of any sovereign immunity of a State or local government against any unconsented lawsuit under this chapter, or otherwise to restrict, expand, or modify any sovereign immunity of a State or local government.

''(3) The remedies under paragraphs (1) and (2) are in addition to any other remedies under Federal, State, local, or other law.

''(4) Nothing in this chapter shall be construed to expand, restrict, or otherwise modify any right of an authorized State official to proceed in State court, or take other enforcement actions, on the basis of an alleged violation of State or other law.

''(5) Nothing in this chapter shall be construed to expand, restrict, or otherwise modify any right of an authorized local government official to proceed in State court, or take other enforcement actions, on the basis of an alleged violation of local or other law.''.

(g) CONFORMING AND CLERICAL AMENDMENTS.—(1) The section heading for section 2343 of that title is amended to read as follows:

''§ 2343. Recordkeeping, reporting, and inspection''.

(2) The section heading for section 2345 of such title is amended to read as follows:

''§ 2345. Effect on State and local law''.

(3) The table of sections at the beginning of chapter 114 of that title is amended—

(A) by striking the item relating to section 2343 and inserting the following new item:

''2343. Recordkeeping, reporting, and inspection.''

; and

(B) by striking the item relating to section 2345 and insert the following new item:

''2345. Effect on State and local law.''.

(4)(A) The heading for chapter 114 of that title is amended to read as follows:

''CHAPTER 114—TRAFFICKING IN CONTRABAND CIGARETTES AND SMOKELESS TOBACCO''.

(B) The table of chapters at the beginning of part I of that title is amended by striking the item relating to section 114 and inserting the following new item:

''114. Trafficking in contraband cigarettes and smokeless tobacco ..... 2341''.

The Acting CHAIRMAN. Pursuant to House Resolution 369, the gentleman from North Carolina (Mr. COBLE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. COBLE).

MODIFICATION TO AMENDMENT NO. 12 OFFERED BY MR. COBLE

Mr. COBLE. Mr. Chairman, I ask unanimous consent to modify the amendment with the modification at the desk.

The Acting CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to Amendment No. 12 offered by Mr. COBLE:

In the matter proposed to be inserted as subsection (b) of section 2346 of title 18, United States Code, by subsection (f) after the period at the end of paragraph (1) insert ''No civil action may be commenced under this paragraph against an Indian tribe or an Indian in Indian country (as defined in section 1151).''.

In the same matter in paragraph (2) insert '', or an Indian tribe'' after ''State or local government'' each place it appears.

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

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

There was no objection.

The Acting CHAIRMAN. Is there objection to the modification?

There was no objection.

Mr. COBLE. Mr. Chairman, I yield myself such time as I may consume.

A ''Dear Colleague'' went out today, and I will share it with my colleagues. It says: ''The Coble amendment attacks tribal sovereignty. The Coble amendment reverses two statutes of Federal Indian policy. Oppose the Coble amendment.''

Well, oftentimes in this body, Mr. Chairman, we engage in semantical wars, and I disagree with the choice of these words; but in any event, we have resolved the differences.

Mr. Chairman, I urge the support of the modified amendment before us to strengthen the Contraband Cigarette Trafficking Act, commonly known as CCTA. Why should this provision be included in the PATRIOT Act, one may ask? Criminal organizations, including terrorist groups, are using contraband cigarettes to fund their organizations. The scam is relatively easy and extremely lucrative. The criminals purchase cigarettes in a State with a low excise tax and then transport them to a high-tax State to sell. Many times they even counterfeit the tax stamps to ensure that the cigarettes appear legitimate. Criminals can make as much as $30 per carton for relatively little effort and risk.

A scheme that was uncovered illustrates the magnitude of this problem. In 2003, a group of Hezbollah operatives were convicted of buying cigarettes in my home State of North Carolina and selling them in Michigan. They were using the proceeds of their operation to fund the activities of Hezbollah. Law enforcement authorities across the Nation believe these types of smuggling operations are a fast-growing problem.

Mr. Chairman, my amendment would enhance the provisions of the CCTA to enable law enforcement to prosecute more of these schemes. First, the amendment would lower the threshold requirements for a violation of the CCTA from 60,000 to 10,000 cigarettes. It would apply the CCTA to smokeless tobacco as well, and impose reporting requirements on those engaging in delivery sales of more than 10,000 cigarettes, or 500 cans of packages of smokeless tobacco within a period of 1 month. Finally, it would authorize State and local governments and certain persons holding Federal tobacco permits to bring causes of action against violators of the CCTA.

We must do everything we can to choke off this source of funding for criminal organizations which, in turn, subsidize terrorist organizations; and I urge adoption of the amendment.

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

Mr. COBLE. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I thank the gentleman from North Carolina for yielding.

Let me say that this amendment has a direct impact on the war against terrorism. When he was testifying on the reauthorization of the PATRIOT Act, Deputy Attorney General James Kolbe testified that the first material support for a terrorism case to be tried before a jury involved a group of Hezbollah operatives who had been operating a massive interstate cigarette smuggling scheme. He also testified that since that prosecution, material support charges have been used against other cigarette smuggling plots in Detroit.

From this information, it is obvious that the terrorists are using cigarette smuggling in order to help finance their activities, and that is why the amendment offered by the gentleman from North Carolina is a good amendment. It fits in with the antiterrorism tools that the PATRIOT Act reauthorizes, and I would urge its support.

I would also say that as a result of the modification that the gentleman from North Carolina has proposed, there is no longer a question of tribal sovereignty. That has been taken care of in the modification. So anybody who has read the ''Dear Colleague'' letter that was sent out earlier today, that is now out of date, and it is about as accurate as last year's calendar.

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

Mr. SCOTT of Virginia. Mr. Chairman, I ask unanimous consent to claim the time in opposition, although I am not opposed to the amendment.

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

There was no objection.

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself such time as I may consume.

I would point out that the comments of the gentleman from North Carolina and the chairman of the committee have outlined the fact that this has been worked out with all of the parties involved, and we have no objection.

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

Mr. COBLE. Mr. Chairman, I yield the balance of my time to the distinguished gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. Mr. Chairman, I want to again thank and recognize the gentleman from Wisconsin (Chairman SENSENBRENNER), the gentleman from North Carolina (Mr. COBLE), and the gentleman from Virginia (Mr. SCOTT) for bringing this amendment forward. I would just like to reiterate and rise in support of this amendment.

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As the gentleman from Wisconsin (Mr. SENSENBRENNER) indicated, this amendment is about stopping terrorists. And as we are deliberating on this bill as a whole and the purpose being to do everything we can to stop terrorism, this amendment speaks right to the point.

As the gentleman from North Carolina (Mr. COBLE) indicated, there are real cases that have been uncovered and have been tried in court in which known terrorist organizations such as Hezbollah have been engaged in the illegal trafficking of cigarettes from low tax states into high tax states using that money to fund their terrorist activities. That is what this amendment does. And as the gentleman from Wisconsin (Mr. SENSENBRENNER) has said, all the modifications make sure that there is no impact on tribal sovereignty.

I urge my colleagues to support this amendment.

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

Mr. SCOTT of Virginia. I yield to the gentleman from North Carolina.

Mr. COBLE. I thank the gentleman from Virginia for yielding.

Mr. Chairman, I will just say that I look forward to working with the chairman of the full committee and the ranking member, as well as the ranking member of the subcommittee to resolve any other issues that may remain in conference.

Mr. CONYERS. Mr. Chairman, I am glad that Mr. COBLE offered language to mitigate concerns over his amendment's impact on tribal sovereignty. As initially drafted, the amendment by Mr. COBLE could have had the unintended effect of targeting tribal governments who are legitimately involved in the retailing of tobacco products. With the help of Mr. COLE and other Members, Mr. COBLE has modified his amendment and has incorporated language that will go a long way to protecting tribal governments and tribal sovereignty. Specifically, a provision stipulating that enforcement against tribes or in Indian country, as defined in Title 18 Section 1151, will not be authorized by the pending bill has been incorporated.

Support for tribal sovereignty is a bi-partisan issue and collectively the Congress will continue to defend that fundamental principal of law. I realize that there are other sections that may need to be fixed as well because there has not been much time to refine the entirety of the Coble provision and that further refinements may be in order once we get to Conference with the Senate on this provision. I understand that the rule of law of enforcement in Indian country will fall to tribal governments and the Federal government will be protected through further amendment and I pledge to work in conference to ensure the rights of tribal governments are fully protected.

Mr. KILDEE. Mr. Chairman, I rise to address the amendment offered by the gentlemen from North Carolina that relates to the Federal Contraband Cigarette Trafficking Act. There is evidence that profits from the illegal sales of tobacco products have been funneled to groups whose interests are inimical to the safety of our country and its people and the Congress should do all we can to ensure that source of revenue is cut off.

However, Indian tribal governments that are legally involved in the retailing of tobacco products are clearly not the types of entities we are targeting with this provision.

As initially drafted, the Coble Amendment would have had the unintended effect of targeting tribal governments who are legitimately involved in the retailing of tobacco products.

With the great help of the gentlemen from Oklahoma (Mr. COLE) I understand an amendment has been incorporated that will go a long way to protecting tribal governments and tribal sovereignty.

I also understand, however, that we have not had much time to refine the entirety of the Coble Amendment and that further refinements need to be made. It is my understanding that the gentlemen from North Carolina has agreed to take up these outstanding issues in conference.

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

The Acting CHAIRMAN (Mr. SIMPSON). The question is on the amendment offered by the gentleman from North Carolina (Mr. COBLE), as modified.

The amendment, as modified, was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 13 printed in House Report 109–178.

AMENDMENT NO. 13 OFFERED BY MR. CARTER

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. CARTER: Add at the end the following:

TITLE ___—TERRORIST DEATH PENALTY ENHANCEMENT

SEC. __01. SHORT TITLE.

This title may be cited as the ''Terrorist Death Penalty Enhancement Act of 2005''.

Subtitle A—Terrorist Penalties Enhancement Act

SEC. __11. TERRORIST OFFENSE RESULTING IN DEATH.

(a) NEW OFFENSE.—Chapter 113B of title 18, United States Code, is amended by adding at the end the following:

''§ 2339E. Terrorist offenses resulting in death

''(a) Whoever, in the course of committing a terrorist offense, engages in conduct that results in the death of a person, shall be punished by death or imprisoned for any term of years or for life.

''(b) As used in this section, the term 'terrorist offense' means—

''(1) a Federal felony offense that is—

''(A) a Federal crime of terrorism as defined in section 2332b(g) except to the extent such crime is an offense under section 1363; or

''(B) an offense under this chapter, section 175, 175b, 229, or 831, or section 236 of the Atomic Energy Act of 1954; or

''(2) a Federal offense that is an attempt or conspiracy to commit an offense described in paragraph (1).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 113B of title 18, United States Code, is amended by adding at the end the following new item:

''2339E. Terrorist offenses resulting in death.''.

SEC. __12. DENIAL OF FEDERAL BENEFITS TO TERRORISTS.

(a) IN GENERAL.—Chapter 113B of title 18, United States Code, as amended by section __11 of this subtitle, is further amended by adding at the end the following:

''§ 2339F. Denial of Federal benefits to terrorists

''(a) An individual or corporation who is convicted of a terrorist offense (as defined in section 2339E) shall, as provided by the court on motion of the Government, be ineligible for any or all Federal benefits for any term of years or for life.

''(b) As used in this section, the term 'Federal benefit' has the meaning given that term in section 421(d) of the Controlled Substances Act, and also includes any assistance or benefit described in section 115(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, with the same limitations and to the same extent as provided in section 115 of that Act with respect to denials of benefits and assistance to which that section applies.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of the chapter 113B of title 18, United States Code, as amended by section __11 of this subtitle, is further amended by adding at the end the following new item:

''2339E. Denial of federal benefits to terrorists.''.

SEC. __13. DEATH PENALTY PROCEDURES FOR CERTAIN AIR PIRACY CASES OCCURRING BEFORE ENACTMENT OF THE FEDERAL DEATH PENALTY ACT OF 1994.

Section 60003 of the Violent Crime Control and Law Enforcement Act of 1994, (Public Law 103–322), is amended, as of the time of its enactment, by adding at the end the following:

''(c) DEATH PENALTY PROCEDURES FOR CERTAIN PREVIOUS AIRCRAFT PIRACY VIOLATIONS.—An individual convicted of violating section 46502 of title 49, United States Code, or its predecessor, may be sentenced to death in accordance with the procedures established in chapter 228 of title 18, United States Code, if for any offense committed before the enactment of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), but after the enactment of the Antihijacking Act of 1974 (Public Law 93–366), it is determined by the finder of fact, before consideration of the factors set forth in sections 3591(a)(2) and 3592(a) and (c) of title 18, United States Code, that one or more of the factors set forth in former section 46503(c)(2) of title 49, United States Code, or its predecessor, has been proven by the Government to exist, beyond a reasonable doubt, and that none of the factors set forth in former section 46503(c)(1) of title 49, United States Code, or its predecessor, has been proven by the defendant to exist, by a preponderance of the information. The meaning of the term 'especially heinous, cruel, or depraved', as used in the factor set forth in former section 46503(c)(2)(B)(iv) of title 49, United States Code, or its predecessor, shall be narrowed by adding the limiting language 'in that it involved torture or serious physical abuse to the victim', and shall be construed as when that term is used in section 3592(c)(6) of title 18, United States Code.''.

SEC. __14. ENSURING DEATH PENALTY FOR TERRORIST OFFENSES WHICH CREATE GRAVE RISK OF DEATH.

(a) ADDITION OF TERRORISM TO DEATH PENALTY OFFENSES NOT RESULTING IN DEATH.—Section 3591(a)(1) of title 18, United States Code, is amended by inserting '', section 2339E,'' after ''section 794''.

(b) MODIFICATION OF AGGRAVATING FACTORS FOR TERRORISM OFFENSES.—Section 3592(b) of title 18, United States Code, is amended—

(1) in the heading, by inserting '', terrorism,'' after ''espionage''; and

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

''(4) SUBSTANTIAL PLANNING.—The defendant committed the offense after substantial planning.''.

SEC. __15. POSTRELEASE SUPERVISION OF TERRORISTS.

Section 3583(j) of title 18, United States Code, is amended in subsection (j), by striking '', the commission'' and all that follows through ''person,'' .

Subtitle B—Prevention of Terrorist Access to Destructive Weapons Act

SEC. __21. DEATH PENALTY FOR CERTAIN TERROR RELATED CRIMES.

(a) PARTICIPATION IN NUCLEAR AND WEAPONS OF MASS DESTRUCTION THREATS TO THE UNITED STATES.—Section 832(c) of title 18, United States Code, is amended by inserting ''punished by death or'' after ''shall be''.

(b) MISSILE SYSTEMS TO DESTROY AIRCRAFT.—Section 2332g(c)(3) of title 18, United States Code, is amended by inserting ''punished by death or'' after ''shall be''.

(c) ATOMIC WEAPONS.—Section 222b.of the Atomic Energy Act of 1954 (42 U.S.C. 2272) is amended by inserting ''death or'' before ''imprisonment for life''.

(d) RADIOLOGICAL DISPERSAL DEVICES.—Section 2332h(c)(3) of title 18, United States Code, is amended by inserting ''death or'' before ''imprisonment for life''.

(e) VARIOLA VIRUS.—Section 175c(c)(3) of title 18, United States Code, is amended by inserting ''death or'' before ''imprisonment for life''.

Subtitle C—Federal Death Penalty Procedures

SEC. __31. MODIFICATION OF DEATH PENALTY PROVISIONS.

(a) ELIMINATION OF PROCEDURES APPLICABLE ONLY TO CERTAIN CONTROLLED SUBSTANCES ACT CASES.—Section 408 of the Controlled Substances Act (21 U.S.C. 848) is amended—

(1) in subsection (e)(2), by striking ''(1)(b)'' and inserting (1)(B);

(2) by striking subsection (g) and all that follows through subsection (p);

(3) by striking subsection (r); and

(4) in subsection (q), by striking paragraphs (1) through (3).

(b) MODIFICATION OF MITIGATING FACTORS.—Section 3592(a)(4) of title 18, United States Code, is amended—

(1) by striking ''Another'' and inserting ''The Government could have, but has not, sought the death penalty against another''; and

(2) by striking '', will not be punished by death''.

(c) MODIFICATION OF AGGRAVATING FACTORS FOR OFFENSES RESULTING IN DEATH.—Section 3592(c) of title 18, United States Code, is amended—

(1) in paragraph (7), by inserting ''or by creating the expectation of payment,'' after ''or promise of payment,'';

(2) in paragraph (1), by inserting ''section 2339E (terrorist offenses resulting in death),'' after ''destruction),'';

(3) by inserting immediately after paragraph (16) the following:

''(17) OBSTRUCTION OF JUSTICE.—The defendant engaged in any conduct resulting in the death of another person in order to obstruct investigation or prosecution of any offense.''.

(d) ADDITIONAL GROUND FOR IMPANELING NEW JURY.—Section 3593(b)(2) of title 18, United States Code, is amended—

(1) by striking ''or'' at the end of subparagraph (C);

(2) by inserting after subparagraph (D) the following:

''(E) a new penalty hearing is necessary due to the inability of the jury to reach a unanimous penalty verdict as required by section 3593(e); or''.

(e) JURIES OF LESS THAN 12 MEMBERS.—Subsection (b) of section 3593 of title 18, United States Code, is amended by striking ''unless'' and all that follows through the

end of the subsection and inserting ''unless the court finds good cause, or the parties stipulate, with the approval of the court, a lesser number.''.

(f) IMPANELING OF NEW JURY WHEN UNANIMOUS RECOMMENDATION CANNOT BE REACHED.—Section 3594 of title 18, United States Code, is amended by inserting after the first sentence the following: ''If the jury is unable to reach any unanimous recommendation under section 3593(e), the court, upon motion by the Government, may impanel a jury under section 3593(b)(2)(E) for a new sentencing hearing.''.

(g) PEREMPTORY CHALLENGES.—Rule 24(c) of the Federal Rules of Criminal Procedure is amended—

(1) in paragraph (1), by striking ''6'' and inserting ''9''; and

(2) in paragraph (4), by adding at the end the following:

''(C) SEVEN, EIGHT OR NINE ALTERNATES.—Four additional peremptory challenges are permitted when seven, eight, or nine alternates are impaneled.''.

Strike section 12.

The Acting CHAIRMAN. Pursuant to House Resolution 369, the gentleman from Texas (Mr. CARTER) and the gentleman from Virginia (Mr. SCOTT) each will control 10 minutes.

The Chair recognizes the gentleman from Texas (Mr. CARTER).

Mr. CARTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of my amendment, the Terrorist Death Penalty Enhancement Act. This measure is a much needed reform for our Federal criminal statutes to ensure that the death penalty is available to deter and punish the most heinous crime in our country. We must remain vigilant and united in sending out one clear message to the terrorists; if you attack our country or threaten our national security and we apprehend you, we will seek the ultimate penalty, the death penalty, against you. This amendment makes needed reforms to ensure that such punishment is carried out and is applied fairly, and is applied swiftly when the facts justify the punishment.

Many of these same provisions were overwhelmingly passed by this House last year as part of the 9/11 Recommendations Implementation Act, but removed during conference with the Senate.

As a former State district judge for over 20 years I have presided over five capital murder cases, three of which resulted in the death penalty. I have a unique perspective on the criminal justice system and I understand the importance of safety and the need for America to be tough on its criminals. We must protect our neighborhoods from the threat of violent crimes which, unfortunately, in today's world, includes the threat of terrorist attacks. Congress must act to protect U.S. citizens from such attacks and to bring justice to those who threaten our freedom.

It is unimaginable to think that a convicted terrorist responsible for American deaths could serve his sentence and be released back on the American streets free to act as he chooses. My straightforward legislation will make any terrorist who kills eligible for the Federal death penalty. This legislation will also deny these same terrorists any Federal benefits they otherwise may be eligible to receive. In my experience as a judge, I have witnessed the death penalty used as an important tool in deterring crime and saving lives. I believe it is also an instrument that can deter acts of terrorism and serves as a tool for prosecutors in negotiating sentences.

First, my amendment adds a new criminal provision to impose the death penalty to any terrorist who, while committing a terrorist offense, engages in conduct that results in the death of an individual.

Second, my amendment provides procedures for the death penalty prosecution of air piracy crimes committed before the 1994 Federal Death Penalty Act.

Third, my amendment treats terrorist offenses similar to treason and espionage cases so that the government need only prove that such offense created a grave risk of death and did not actually result in the death of a person. For example, consider a terrorist attack as we saw today in London, where a terrorist is carrying a deadly weapon, could be a radiological weapon or device, and prior to the total detonation of that bomb killing innocent civilians, he is caught by the authorities and they prevent that attack. Under this bill he could face the ultimate penalty of death.

In addition to these commonsense reforms, my amendment also authorizes the death penalty for killing that results from participation in nuclear weapons and weapons of mass destruction threats against the United States, missile systems to destroy aircraft, atomic weapons under the Atomic Energy Act.

Now, with the authorization of these new death penalties I have added some commonsense clarification to the Federal death penalty which is supported by the Justice Department. Let me highlight three of these.

First, my amendment adds a new statutory aggravating factor for obstruction of justice and in particular the killing of any person which is aimed at obstructing any investigation or prosecution.

Second, my amendment clarifies that juries must reach a unanimous sentencing verdict one way or the other for life imprisonment or for death. If the jury does not reach a unanimous sentencing verdict then the government may seek a new sentencing hearing.

Third, my amendment authorizes a judge to proceed with a death penalty case with less than 12 jurors if the excusal of the 12th juror is justified by good cause. There is simply no reason to make witnesses testify, juries sit again after a long and complex trial when a juror for some reason becomes sick or for some reason is unable to serve.

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

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I rise in opposition to this amendment. It provides for the enactment of extremely controversial provisions which we have had inadequate time to consider. We have not had the opportunity to hear critical testimony on controversial aspects of this bill such as the provision to apply the death penalty to offenses where no death results, the change in alternative jury rules and peremptory challenge rules, another change of the number of jurors needed to impose the death penalty and other changes which could constitute constitutional problems.

Another problem with the bill, it provides for expansion of the Federal death penalty, both for crimes that the supporters of the death penalty might think warrant the death penalty, as well as crimes that most people would not expect to be associated with the most severe of penalties.

This bill does not limit crimes through the death penalty eligibility to the heinous crimes or those who have traditionally been considered severe enough to require either a death penalty or even life without parole.

The bill is so broad that it includes offenses such as those related to protection of computers, property offenses and financial or other material support provisions. Because the bill makes attempts and conspiracies to commit such crimes death penalty eligible, it covers those who may have only had a minor role in the offense. If a death results, even if it was not the specific intended result, anyone who is involved in committing or attempting to commit or conspiring to commit the covert offense would be eligible for the death penalty.

The provisions of this bill create a death penalty liability tantamount to a Federal felony murder rule, and it presents constitutional issues as well as questions of the appropriateness of the death penalty in certain cases.

The provisions of this bill will be duplicative of state jurisdiction laws in many instances and actually conflicting with others. One such conflict would be where a State has chosen not to authorize capital punishment and the Federal Government pursues the death penalty against that State's wishes.

Another concern we always have to consider is expansion of the death penalty when we know that there is a frequent error rate in applying the death penalty. One study showed that 68 percent of the death penalty decisions by the trial court were eventually overturned.

Mr. Chairman, there is another conflict or difficulty that will arise in the efforts to further international cooperation in pursuing suspected terrorists. We are already experiencing difficulties in securing the cooperation of

the rest of the civilized world in bringing terrorists to justice due to our existing proliferation of death penalty offenses when other countries will not extradite criminals to the United States if they will be subject to the death penalty. When we add these difficulties to the other controversial issues as to whether someone who supports an organization's social or humanitarian programs knows that it has been designated as a terrorist organization it can only exacerbate the difficulty and further undermine United States efforts.

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

Mr. CARTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would remind my colleague from Virginia that a legislative hearing was held before the subcommittee on June 30, 2005 on which the Justice Department testified in favor of this bill.

Mr. Chairman, I yield 2½ minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. I thank the gentleman for yielding time.

Mr. Chairman, I rise in support of the gentleman's amendment. The gentleman from Virginia just stated that this amendment is controversial. I am afraid I disagree. I do not believe it is controversial in the least, and I think we will see that when the votes are taken.

Mr. Chairman, we must do everything we can to stop terrorists, and that starts with ensuring that all terrorist acts are punished swiftly and severely. This amendment sends a clear message that we take terrorism seriously, that we understand that terrorist acts are not just crimes. They are acts of war, war against our way of life.

We must not waver in our message to those who wish to threaten the values we hold dear. If a terrorist strikes on our soil we owe it to the victims of an attack to punish those responsible with the heaviest possible penalty, the death penalty. To do less would be a disservice to those who have lost their lives and would send a signal of weakness to those who are willing to use any means necessary to seek our destruction.

The gentleman from Texas (Mr. CARTER) described this amendment very well so I will not run through it in detail. But let me say that this amendment treats acts of terrorism just like treason or espionage because that is what these acts truly are, not only crimes against individuals but crimes against our Nation. Anyone who is thwarted in their attempt to carry out an attack should not be spared the heaviest penalty just because they were caught before they could carry out their heinous intentions.

I was proud to work with the gentleman from Texas (Mr. CARTER) on this issue. I commend him for carrying this amendment forward. It is good work that the gentleman is doing.

I urge my colleagues to support this amendment. It is very important that we send a strong signal to the world that we take these acts seriously, and serious acts deserve serious consequences.

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the sponsor of the amendment mentioned that hearing we had. I would remind him that the hearing was a hearing on habeas corpus, also the same hearing we heard the issue of the question of whether the death penalty deters murder or other crimes, and this bill. We were given one witness to cover all of that. Our witness covered habeas corpus. We did not have the opportunity to invite a witness to discuss this bill and the policy implications of death penalty where no death occurs and alternate jury rules, peremptory challenges, the number of jurors needed to impose a death penalty, all of these death penalties involved.

So to suggest that that was a fair hearing, I think, does not do justice to actually what happened on that day and the consideration of this bill.

Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. ZOE LOFGREN), a member of the committee.

Ms. ZOE LOFGREN of California. Mr. Chairman, many of us, when we think about terrorism, feel exactly the way the proponent of the amendment does, that we want to exert maximum force against the offender. Those who would kill deserve to pay the ultimate price.

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On the other hand, I am aware that there are people in our country and in our Congress who for religious reasons do not believe in the death penalty. The Pope did not believe in the death penalty and, obviously, he was not for terrorism any more than our religious colleagues who have that objection are for terrorism. So I think it is important to state that.

I also want to say I am a member of the Committee on the Judiciary. I have been for 10 years. If there was a hearing in the subcommittee that I am not a member of all well and good, but I think this amendment poses some new things that the full committee would benefit from going through. The reduced number of jurors that is being proposed, the procedural changes that are quite new, I think, deserve the attention of the full committees. It is possible that this measure could run into constitutional problems. And I think we would be better served to sort through that in a thorough way than to expose these elements of the PATRIOT Act to court challenge.

Finally, I would just say as I said before, even though we seek, understandably, retribution against those who would do these horrible crimes, I am just skeptical that imposing the death penalty is going to deter the suicide bombers. Really, what we need to do is to spend the time and the money to take steps to protect ourselves in a more thorough way than we have done since 9/11.

As a member of the Committee on Homeland Security, I am acutely aware, and we are on both sides of the aisle, I can tell you of the shortfallings that we have in our protection against terrorism.

Mr. CARTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased that the President of the United States on two occasions has stated that we need to give our law enforcement authorities all the tools necessary to fight terrorism, and he agreed that he strongly supported the signal of a death penalty to deter this criminal acts, these criminal acts that are imposed upon our society.

When I decided to run for Congress, it was in response to the 9/11 attack after serving for a long time on the judiciary. I am sponsoring this legislation today because in my experience the death penalty does deter crimes, and it is my hope and my prayer that this tool given to our prosecutors and given to our courts and to our engineers will enable us to better protect freedom and protect our citizens from this disaster that lurks in the shadows along with these terrorists that attack our Nation.

I thank the gentleman from Wisconsin (Chairman SENSENBRENNER) for allowing me to offer this amendment and for all the great work that he has done on this reenactment of the PATRIOT Act.

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

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself the balance of my time.

As the gentleman said, we had a little piece of a hearing, but it was not much; and we did not have the opportunity to discuss this bill. It was not marked up in subcommittee or the committee. The committee elected not to make it part of the bill, and I would hope that we would make the same decision and defer this until it can be appropriately considered. I oppose the amendment.

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

The Acting CHAIRMAN (Mr. SIMPSON). The question is on the amendment offered by the gentleman from Texas (Mr. CARTER).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 14 printed in House Report 109–178.

AMENDMENT NO. 14 OFFERED BY MS. HART

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Ms. HART:
Add at the end the following:

TITLE ___COMBATING TERRORISM FINANCING

SECTION __01. SHORT TITLE.

This title may be cited as the ''Combating Terrorism Financing Act of 2005''.

SEC. __02. INCREASED PENALTIES FOR TERRORISM FINANCING.

Section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) is amended—

(1) in subsection (a), by deleting ''$10,000'' and inserting ''$50,000''.

(2) in subsection (b), by deleting ''ten years'' and inserting ''twenty years''.

SEC. __03. TERRORISM-RELATED SPECIFIED ACTIVITIES FOR MONEY LAUNDERING.

(a) AMENDMENTS TO RICO.—Section 1961(1) of title 18, United States Code, is amended—

(1) in subparagraph (B), by inserting ''section 1960 (relating to illegal money transmitters),'' before ''sections 2251''; and

(2) in subparagraph (F), by inserting ''section 274A (relating to unlawful employment of aliens),'' before ''section 277''.

(b) AMENDMENTS TO SECTION 1956(c)(7).—Section 1956(c)(7)(D) of title 18, United States Code, is amended by—

(1) inserting '', or section 2339C (relating to financing of terrorism)'' before ''of this title''; and

(2) striking ''or any felony violation of the Foreign Corrupt Practices Act'' and inserting ''any felony violation of the Foreign Corrupt Practices Act, or any violation of section 208 of the Social Security Act (relating to obtaining funds through misuse of a social security number)''.

(c) CONFORMING AMENDMENTS TO SECTIONS 1956(e) AND 1957(e).—

(1) Section 1956(e) of title 18, United States Code, is amended to read as follows:

''(e) Violations of this section may be investigated by such components of the Department of Justice as the Attorney General may direct, and by such components of the Department of the Treasury as the Secretary of the Treasury may direct, as appropriate, and, with respect to offenses over which the Department of Homeland Security has jurisdiction, by such components of the Department of Homeland Security as the Secretary of Homeland Security may direct, and, with respect to offenses over which the United States Postal Service has jurisdiction, by the Postal Service. Such authority of the Secretary of the Treasury, the Secretary of Homeland Security, and the Postal Service shall be exercised in accordance with an agreement which shall be entered into by the Secretary of the Treasury, the Secretary of Homeland Security, the Postal Service, and the Attorney General. Violations of this section involving offenses described in paragraph (c)(7)(E) may be investigated by such components of the Department of Justice as the Attorney General may direct, and the National Enforcement Investigations Center of the Environmental Protection Agency.''.

(2) Section 1957(e) of title 18, United States Code, is amended to read as follows:

''(e) Violations of this section may be investigated by such components of the Department of Justice as the Attorney General may direct, and by such components of the Department of the Treasury as the Secretary of the Treasury may direct, as appropriate, and, with respect to offenses over which the Department of Homeland Security has jurisdiction, by such components of the Department of Homeland Security as the Secretary of Homeland Security may direct, and, with respect to offenses over which the United States Postal Service has jurisdiction, by the Postal Service. Such authority of the Secretary of the Treasury, the Secretary of Homeland Security, and the Postal Service shall be exercised in accordance with an agreement which shall be entered into by the Secretary of the Treasury, the Secretary of Homeland Security, the Postal Service, and the Attorney General.''.

SEC. __04. ASSETS OF PERSONS COMMITTING TERRORIST ACTS AGAINST FOREIGN COUNTRIES OR INTERNATIONAL ORGANIZATIONS.

Section 981(a)(1)(G) of title 18, United States Code, is amended—

(1) by striking ''or'' at the end of clause (ii);

(2) by striking the period at the end of clause (iii) and inserting ''; or''; and

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

''(iv) of any individual, entity, or organization engaged in planning or perpetrating any act of international terrorism (as defined in section 2331) against any international organization (as defined in section 209 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4309(b)) or against any foreign Government. Where the property sought for forfeiture is located beyond the territorial boundaries of the United States, an act in furtherance of such planning or perpetration must have occurred within the jurisdiction of the United States.''.

SEC. __05. MONEY LAUNDERING THROUGH HAWALAS.

Section 1956 of title 18, United States Code, is amended by adding at the end the following:

''(j) (1) For the purposes of subsections (a)(1) and (a)(2), a transaction, transportation, transmission, or transfer of funds shall be considered to be one involving the proceeds of specified unlawful activity, if the transaction, transportation, transmission, or transfer is part of a set of parallel or dependent transactions, any one of which involves the proceeds of specified unlawful activity.

''(2) As used in this section, a 'dependent transaction' is one that completes or complements another transaction or one that would not have occurred but for another transaction.''.

SEC. __06. TECHNICAL AND CONFORMING AMENDMENTS RELATING TO THE USA PATRIOT ACT.

(a) TECHNICAL CORRECTIONS.—

(1) Section 322 of Public Law 107–56 is amended by striking ''title 18'' and inserting ''title 28''.

(2) Section 5332(a)(1) of title 31, United States Code, is amended by striking ''article of luggage'' and inserting ''article of luggage or mail''.

(3) Section 1956(b)(3) and (4) of title 18, United States Code, are amended by striking ''described in paragraph (2)'' each time it appears; and

(4) Section 981(k) of title 18, United States Code, is amended by striking ''foreign bank'' each time it appears and inserting ''foreign bank or financial institution''.

(b) CODIFICATION OF SECTION 316 OF THE USA PATRIOT ACT.—

(1) Chapter 46 of title 18, United States Code, is amended—

(A) by inserting at the end the following:

''§ 987. Anti-terrorist forfeiture protection

''(a) RIGHT TO CONTEST.—An owner of property that is confiscated under this chapter or any other provision of law relating to the confiscation of assets of suspected international terrorists, may contest that confiscation by filing a claim in the manner set forth in the Federal Rules of Civil Procedure (Supplemental Rules for Certain Admiralty and Maritime Claims), and asserting as an affirmative defense that—

''(1) the property is not subject to confiscation under such provision of law; or

''(2) the innocent owner provisions of section 983(d) apply to the case.

''(b) EVIDENCE.—In considering a claim filed under this section, a court may admit evidence that is otherwise inadmissible under the Federal Rules of Evidence, if the court determines that the evidence is reliable, and that compliance with the Federal Rules of Evidence may jeopardize the national security interests of the United States.

''(c) CLARIFICATIONS.—

''(1) PROTECTION OF RIGHTS.—The exclusion of certain provisions of Federal law from the definition of the term 'civil forfeiture statute' in section 983(i) shall not be construed to deny an owner of property the right to contest the confiscation of assets of suspected international terrorists under—

''(A) subsection (a) of this section;

''(B) the Constitution; or

''(C) subchapter II of chapter 5 of title 5, United States Code (commonly known as the 'Administrative Procedure Act').

''(2) SAVINGS CLAUSE.—Nothing in this section shall limit or otherwise affect any other remedies that may be available to an owner of property under section 983 or any other provision of law.''; and

(B) in the chapter analysis, by inserting at the end the following:

''987. Anti-terrorist forfeiture protection.''.

(2) Subsections (a), (b), and (c) of section 316 of Public Law 107–56 are repealed.

(c) CONFORMING AMENDMENTS CONCERNING CONSPIRACIES.—

(1) Section 33(a) of title 18, United States Code is amended by inserting ''or conspires'' before ''to do any of the aforesaid acts''.

(2) Section 1366(a) of title 18, United States Code, is amended—

(A) by striking ''attempts'' each time it appears and inserting ''attempts or conspires''; and

(B) by inserting '', or if the object of the conspiracy had been achieved,'' after ''the attempted offense had been completed''.

SEC. __07. TECHNICAL CORRECTIONS TO FINANCING OF TERRORISM STATUTE.

Section 2332b(g)(5)(B) of title 18, United States Code, is amended by inserting '')'' after ''2339C (relating to financing of terrorism''.

SEC. __08. CROSS REFERENCE CORRECTION.

Section 5318(n)(4)(A) of title 31, United States Code, is amended by striking ''National Intelligence Reform Act of 2004'' and inserting ''Intelligence Reform and Terrorism Prevention Act of 2004''.

SEC. __09. AMENDMENT TO AMENDATORY LANGUAGE.

Section 6604 of the Intelligence Reform and Terrorism Prevention Act of 2004 is amended [,effective on the date of the enactment of that Act]—

(1) by striking ''Section 2339c(c)(2)'' and inserting ''Section 2339C(c)(2)''; and

(2) by striking ''Section 2339c(e)'' and inserting ''Section 2339C(e)''.

SEC. __10. DESIGNATION OF ADDITIONAL MONEY LAUNDERING PREDICATE.

Section 1956(c)(7)(D) of title 18, United States Code, is amended—

(1) by inserting '', or section 2339D (relating to receiving military-type training from a foreign terrorist organization)'' after ''section 2339A or 2339B (relating to providing material support to terrorists)''; and

(2) by striking ''or'' before ''section 2339A or 2339B''.

The Acting CHAIRMAN. Pursuant to House Resolution 369, the gentlewoman from Pennsylvania (Ms. HART) and the gentleman from Virginia (Mr. SCOTT) each will control 5 minutes.

The Chair recognizes the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of the amendment. Money is a key element of terrorist organizations. If we are to prevent future attacks and continue to dismantle terrorist organizations, we must cut off their access to funding.

In order to thwart terrorists financing, President Bush in September of 2001 signed an executive order freezing the assets of terrorist organizations and their supporters and authorizing the Secretaries of Treasury and State to identify, designate, and freeze the U.S.-based assets that financially facilitate terrorism.

Since then, an unprecedented international effort to freeze terrorism financing has ensued. This has truly been an international effort with 173 nations implementing orders to freeze terrorist assets with more than 100 countries passing new legislation to fight terrorism financing, and 84 countries establishing the Financial Intelligence United to share information helping to combat terrorism.

Terrorist organizations need money, not just to carry out attacks. They especially need funding to continue their operations such as recruiting and training new terrorists and simply supporting their current organizations. One of the most important lessons we have learned is exactly how terrorists and other criminal organizations transmit money through unregulated financial markets.

Like the patchwork of terrorist organizations themselves, terrorism funding does not come from a single source. Terrorism networks are funded through rogue state sponsorship, corrupt charities, and illegitimate businesses fronting as legitimate businesses and using that money for terrorism, also through exploitation of our legitimate markets and financial networks.

Many terrorist organizations use a network known as hawalas to exchange money and finance terrorist activities. These hawalas are an informal exchange in which payments are delivered without money actually being moved. In addition, terrorists engage in criminal activities such as extortion, smuggling and trafficking, credit card and identity fraud, and the narcotics trade to fund their murderous activities.

After September 11, our Federal Government acted aggressively through domestic and international efforts to halt such activities to prevent terrorism financing. Unfortunately, we have learned that these are not enough. My amendment would address some of the loopholes.

One, we increase the penalty for terrorism financing. Under current law, violations only carry a $10,000 fine and a 10-year sentence. My amendment would increase the fine to $50,000 and the sentence to 20 years.

We also update money laundering statutes. They must keep pace to help prevent financing of terrorist activities. As Chancellor Gordon Brown stated last week, prevention of money laundering is the key element of stopping the financing of terrorist groups of the type suspected of planning and carrying out the London bombings.

First, my amendment will add a predicate offense to the money-laundering statutes, such as operating illegal money laundering and transmitting businesses, misuse of Social Security numbers, military-style training of individuals, and a new terrorism financing offense.

My amendment also clarifies the law so that a combination of transactions or parallel transactions can trigger money-laundering statutes.

Mr. Chairman, our PATRIOT Act added a new forfeiture provision for individuals planning or perpetrating the act of terrorism against the United States. My amendment adds a parallel provision for individuals planning or perpetrating an act of terrorism against a foreign state or an international organization acting within the jurisdiction of the United States. This amendment builds on our current laws to address some of the shortfalls in our laws that we have learned about from our law enforcement since 9/11. I encourage my colleagues to support this amendment.

Mr. SENSENBRENNER. Mr. Chairman, will the gentlewoman yield?

Ms. HART. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I rise in support of the amendment and thank the gentlewoman from Pennsylvania (Ms. HART) for yielding to me and for introducing this amendment.

Let me say that this amendment makes important improvements in the financial provisions of the PATRIOT Act with regard to those who try to prevent terrorists from financing their operations. First of all, I think that trying to disrupt the terrorism operation is a legitimate issue to add to the list of predicate offenses covered under the RICO statute.

I am particularly pleased that there are some changes in the law to attempt to get at the informal money-changing operation called hawalas when those hawalas are used to finance terrorist organizations, and more and more money seems to be transferred through the hawalas system; and I am awfully afraid that that is not being done for legitimate purposes, but for the fact that the regular banking operations are under increasing scrutiny when money transfers take place.

So I would strongly support the gentlewoman's amendment, and I would urge the Committee to adopt it. I thank the gentlewoman for yielding to me.

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment emphasizes a point that we are trying to do this on the floor without a mark-up, and it may have many unintended consequences. Despite the name of the title, the title of the amendment is ''Combating Terrorism Financing Act of 2005,'' but if you read the provisions, it is not limited to terrorism financing but for all violations of economic sanctions imposed under the International Emergency Economic Powers Act. I mean, a senior citizen who has traveled to Cuba on a bicycle excursion or a clergy attempting to send humanitarian services or supplies to Cuba could get caught up in this.

It talks about misuse of Social Security numbers so if somebody misuses a Social Security number to get a job, having nothing to do with terrorism, just is cheating to get a job, they could get caught up in this. It raises questions about sending money to your relatives back home. All of this is implicated in this amendment. It obviously covers terrorism, but we do not know what else it covers. People who get caught up in this are looking at 20-year sentences.

Money-laundering statutes are already very broadly written, and this just broadens it even further. I would hope we would defeat the amendment so we could have some time to make sure it could be limited to terrorism financing and just not every violation of the International Emergency Economic Powers Act and other kinds of money-laundering statutes.

We also have had not an opportunity to hear from people that may be involved in this, organizations helping immigrant populations, banks or other agencies that may have an interest in this who we just have not had time to hear from to know what their reaction would be. So I would hope that we would defeat the amendment so we could have more time to consider it.

Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. ZOE LOFGREN).

Ms. ZOE LOFGREN of California. Mr. Chairman, having just seen this amendment for the first time today, there are questions that are raised. I understand what the intent is, and perhaps if this passes we can clarify this in a conference committee; but I wonder about the liabilities of the banking industry that acts innocently to help immigrants transmit funds home.

The banks in California have been encouraged to regularize the remittance program. We talk sometimes about illegal immigration, and that is not anything that any of us approve of; but it is not the same as terrorism, and it is also not the same as those immigrants. It is also a financial services industry.

I do wish we could have heard from the financial services industry on this point because certainly it deserves some clarification. Maybe it does not do what has been suggested. We have had some communications from those who are concerned it does. But I do want to raise that on behalf of the California banking industry that has really stepped up to avoid the fraud and crime that has occurred with remittances before they did.

Mr. SCOTT of Virginia. Mr. Chairman, I yield 1 minute to the gentlewoman from Pennsylvania (Ms. HART).

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

Just to answer a couple of points: what we do in the amendment is to help to provide opportunities for a series of predicate offenses. So what you get is an opportunity to follow through a number of transactions to show that there is money laundering. And we have added a couple of new offenses, but there can be a mixture of some legal and illegal transactions to do that.

So if the concern is that a grandmother transmitting money to her family or the other way around, it is not going to trigger a problem under this amendment. It is very clear that there would have to be a series of transactions that are suspect in order for this law to be triggered; and, obviously, there has to be some suspicion of financing terrorism before law enforcement would move forward with that kind of prosecution.

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Mr. SCOTT of Virginia. Mr. Chairman, I yield 30 seconds to the gentlewoman from California (Ms. ZOE LOFGREN).

Ms. ZOE LOFGREN of California. Mr. Chairman, here is my question. Section 208 of the Social Security Act apparently states it is illegal to use a false Social Security number for activities to obtain employment.

If I am a 14-year-old kid and I go out and make up a Social Security number so I can get a job and pretend I am 18, and I get money for it, have I violated section 208? And if so, if I deal with a bank, is the bank falling afoul of this terrorism statute?

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself such time as I may consume to note that these are the kinds of questions which cause me to hope we would defeat the amendment.

Mr. Chairman, I yield the balance of my time to the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Mr. Chairman, I thank the gentleman for yielding me this time, and I just want to thank the chairman of the Committee on the Judiciary, who supports the amendment, and also the chairman of the Committee on Financial Services, who certainly would have been concerned if the concern of the gentlewoman from California were a legitimate one regarding our language.

It is very clear that there would have to be a series of transactions. That series of transactions would have to lead law enforcement to believe that there is a financing of terrorism.

Mrs. KELLY. Mr. Chairman, I rise in support of this amendment.

Combating terror finance is a nebulous, often difficult aspect of our fight against terrorism. But strength in this area is critical to our overall success in detecting, tracking and stopping terrorist activity.

We've made remarkable progress in this area in the last 4 years in developing and sharpening our tools for combating terror finance. But we still have more work to do.

That's why I created with a number of my colleagues the bipartisan Congressional Anti-Terrorist Financing Task Force, to bring focus on the multitude of policies, agencies and jurisdictions which have a bearing on our effort to combat terror finance.

Like the task force, this amendment offered by my colleague from Pennsylvania is representative of the continuing need for improvement.

It strengthens our ability to detect and disrupt the financial lifelines upon which terrorists rely. It sets out severe penalties for terror financiers and clarifies the authority of law enforcement to investigate and prosecute illicit financial transactions.

Importantly, this measure acknowledges the vulnerability of informal value transfer systems such as hawalas to terrorist finance and money laundering.

This amendment helps the fight against terrorist finance. I encourage my colleagues to support the amendment and the underlying bill.

The Acting CHAIRMAN (Mr. SIMPSON). The question is on the amendment offered by the gentlewoman from Pennsylvania (Ms. HART).

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

Ms. HART. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Pennsylvania (Ms. HART) will be postponed.

It is now in order to consider amendment No. 15 printed in House Report 109–178.

AMENDMENT NO. 15 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Ms. JACKSON-LEE of Texas:

Add at the end the following:

SEC. 17. FORFEITURE.

Section 981(a)(1)(G) of title 18, United States Code, is amended by adding at the end the following:

''(iv) notwithstanding any other provision of law, shall be subject to execution or attachment in aid of execution in order to satisfy such judgment to the extent of any compensatory damages for which such terrorist organization has been adjudged liable.''.

The Acting CHAIRMAN. Pursuant to House Resolution 369, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume and would just note that I am attempting to bring it up at this time and discuss it, at the same time I am looking to work with my chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER), so that we can move this forward.

I might also add that the amendment is now Jackson-Lee-Poe.

PARLIAMENTARY INQUIRY

Mr. SCOTT of Virginia. Mr. Chairman, parliamentary inquiry.

The Acting CHAIRMAN. The gentleman will state his inquiry.

Mr. SCOTT of Virginia. Could the chairman explain which amendment is being considered at this point?

The Acting CHAIRMAN. Amendment No. 15.

Mr. SCOTT of Virginia. Could the Reading Clerk read the amendment?

The Acting CHAIRMAN. Is the gentlewoman from Texas going to ask unanimous consent to modify the amendment?

Ms. JACKSON-LEE of Texas. Yes, I am, Mr. Chairman.

MODIFICATION TO AMENDMENT NO. 15 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I ask unanimous consent that the amendment to be brought up be as modified.

The Acting CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 15 offered by Ms. JACKSON-LEE of Texas:

In lieu of the matter proposed by the amendment, add at the end of the bill the following:

SEC. ___. SENSE OF CONGRESS.

It is a sense of Congress that under title 18 section 981, that victims of terrorists attacks should have access to the assets forfeited.

The Acting CHAIRMAN. Is there objection to the modification offered by the gentlewoman from Texas?

Mr. SENSENBRENNER. Reserving the right to object, let me say that I will not object, because I think this modification is a significant improvement to the original amendment.

I realize that this amendment must be further honed, and I pledge to the gentlewoman from Texas my cooperation to attempt to do that in conference.

Mr. Chairman, I withdraw my reservation of objection.

The Acting CHAIRMAN. Is there objection to the modification offered by the gentlewoman from Texas?

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume; and, as I indicated, this amendment is offered by myself and my colleague, the gentleman from Texas (Mr. POE). I thank the distinguished gentleman from Wisconsin for his cooperation in working to have this amendment be included in the final legislation as it is a sense of Congress amendment that I think makes a very important statement.

The proposal relates to the civil forfeiture provision of 18 U.S.C. 981, and would add a section that would allow civil plaintiffs to attach judgments to collect compensatory damages for which a terrorist organization has been

adjudged liable and from the pool of assets that have been forfeited under section 981.

This is distinctive, Mr. Chairman, because this pertains to circumstances of terrorism but not necessarily in circumstances when we are at war.

My amendment seeks to allow victims of terrorism who obtain civil judgments for damages caused in connection with the acts to attach foreign or domestic assets held by the United States Government under 18 U.S.C. Section 981(G) calls for the forfeiture of all assets, foreign or domestic, of any individual entity or organization that is engaged in planning or perpetrating any act of domestic or international terrorism.

As we look at H.R. 3199, the PATRIOT Act, it misses the opportunity to in fact allow victims to satisfy judgments. That is the key. For example, the Sobero case, where the gentleman from Riverside, California, was beheaded by Abu Sayyaf, leaving his children fatherless. The administration responded to this incident by sending a thousand Special Forces officers to track down the perpetrators, yet the family of this decreased could not claim any compensation for the tragedy that occurred.

The same thing occurred with the Iran hostages, which many of us are familiar with, but are my colleagues aware of the situation with our American servicemen who were harmed in the Libyan-sponsored bombing of the La Belle disco in Germany? They were obstructed from being able to enforce judgments that they received against the terrorist-sponsored attack and the attack that was sponsored by Libya.

In addition, a group of American prisoners tortured in Iraq during the Persian Gulf War were barred from collecting their judgment from the Iraqi government.

I do believe in conference we will have the opportunity to vet this and to work with all the parties concerned to finally bring some relief on this issue. Many Members have attempted to bring about relief in special claims for their particular individual constituents in their particular jurisdictions. Fortunately, in the opportunity we have today, by including this sense of Congress in the PATRIOT Act we will finally get both our debate and we will get action.

Mr. Chairman, I bring attention as well to the World Trade Center bombing victims who were barred from obtaining judgments against the Iraqi government. In their claim against the Iraqi Government, the victims were awarded $64 million against Iraq in connection with the September 20, 2001, attack. However, they were rebuffed in their efforts to attach the vested Iraqi assets. While the judgment rendered was sound, the Second Circuit Court of Appeals affirmed the lower court's finding that the Iraqi assets, now transferred to the U.S. Treasury, were protected by U.S. sovereign immunity and were unavailable for judicial attachment.

One major problem that frustrates the objective of my amendment is the fact that information is not publicly available regarding the amount and or kind of civil forfeitures made to date. So this amendment will allow the full discussion by a sense of Congress of what would be the right process to proceed, balancing the needs of the government, balancing the needs of the victims of terrorism, balancing the question of justice, and, yes, balancing the responsible actions under the PATRIOT Act, protecting us against terrorism but then, when we are victims of terrorism, to give us the opportunity for relief.

I would hope my colleagues would support this amendment so we can carry this forward into conference and be able to provide the kind of leadership necessary for the throngs of victims, those who have already suffered, and we hope not, but for those who may suffer in the future.

I would say that absent this public disclosure of this very substantial information; that is; about the assets, it is very difficult for compensation even to be requested. So I think that we will have an opportunity to address these concerns, balance the needs of the government in its need to protect certain information, and give relief to many Americans.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I have an amendment at the desk that has been made in order by the Committee on Rules, Jackson-Lee No. 42. This proposal relates to the civil forfeiture provision of 18 U.S.C. 981 and would add a section that would allow civil plaintiffs to attach judgments to collect compensory damages for which a terrorist organization has been adjudged liable and from the pool of assets that have been forfeited under Section 981.

My amendment seeks to allow victims of terrorism who obtain civil judgment for damages caused in connection with the acts to attach foreign or domestic assets held by the United States Government under 18 U.S.C. 981(G). Section 981(G) calls for the forfeiture of all assets, foreign or domestic, of any individual, entity, or organization that has engaged in planning or perpetrating any act of domestic or international terrorism against the United States, citizens or residents of the United States.

The legislation, H.R. 3199, as drafted, fails to deal with the current limitation on the ability to enforce civil judgments by victims and family members of victims of terrorist offenses. There are several examples of how the current Administration has sought to bar victims from satisfying judgments obtained against the government of Iran, for example.

In the Sobero case, a U.S. national, Guillermo Sobero of Riverside County, CA, was beheaded by Abu Sayyaf, an Al-Qaeda affiliate, leaving his children fatherless. The Administration responded to this incident by sending 1,000 Special Forces officers to track down the perpetrators, and the eldest child of the victim was invited to the State of the Union Address. Abu Sayyaf's funds have been seized and are held by the U.S. Treasury at this time. The family of the victim should have access to those funds, at the very least, at the President's discretion.

Similarly, the Administration barred the Iran hostages that were held from 1979–1981 from satisfying their judgment against Iran. In 2000, the party filed a suit against Iran under the terrorist State exception to the Foreign Sovereign Immunity Act. While a federal district court held Iran to be liable, the U.S. government intervened and argued that the case should be dismissed because Iran had not been designated a terrorist state at the time of the hostage incident and because of the Algiers Accords—that led to the release of the hostages, which required the U.S. to bar the adjudication of suits arising from that incident. As a result, those hostages received no compensation for their suffering.

Similarly, American servicemen who were harmed in a Libyan sponsored bombing of the La Belle disco in Germany were obstructed from obtaining justice for the terrorist acts they suffered. While victims of the attack pursued settlement of their claims against the Libyan government, the Administration lifted sanctions against Libya without requiring as a condition the determination of all claims of American victims of terrorism. As a result of this action, Libya abandoned all talks with the claimants. Furthermore, because Libya was no longer considered a state sponsor of terrorism, the American servicemen and women and their families were left without recourse to obtain justice. The La Belle victims received no compensation for their suffering.

In addition, a group of American prisoners who were tortured in Iraq during the Persian Gulf War were barred from collecting their judgment from the Iraqi government. Although the 17 veterans won their case in the District Court of the District of Columbia, the Administration argued that the Iraqi assets should remain frozen in a U.S. bank account to aid in the reconstruction of Iraq. Claiming that the judgment should be overturned, the Administration deemed that the Reconstruction effort was more important than recompensing the suffering of fighter pilots who, during their 12 year imprisonment, suffered beatings, burns, and threats of dismemberment.

Finally, the World Trade Center bombing victims were barred from obtaining judgment against the Iraqi government. In their claim against the Iraqi government, the victims were awarded $64 million against Iraq in connection with the September 2001 attacks. However, they were rebuffed in their efforts to attach the vested Iraqi assets. While the judgment rendered was sound, the Second Circuit Court of Appeals affirmed the lower court's finding that the Iraqi assets, now transferred to the U.S. Treasury, were protected by U.S. sovereign immunity and were unavailable for judicial attachment.

One major problem that frustrates the objective of my amendment is the fact that information is not publicly available regarding the amount and/or kind of civil forfeitures made to date. The Executive Branch of our Government has suggested that it has no duty to disclose either the identity of the parties who own civilly forfeited property or the amounts forfeited to date. Absent public disclosure of this very substantive information, it is very difficult for compensation to even be requested—let alone expected for victims of horrific acts of terrorism.

Right now, H.R. 3199 is the most appropriate and timely vehicle in which to address this issue and allow U.S. victims of terrorism to obtain justice from terrorist-supporting or terrorist-housing nations.

The Jackson-Lee Amendment protects terror victims' rights.

Domestic and international terrorism should not be facilitated by barring successful plaintiff-victims from enforcing valid judgments.

In closing, Mr. Chairman, let me thank the chairman of the full committee and the ranking member and the ranking member of the subcommittee for their leadership on this whole entire issue of protecting Americans against terrorism and including in that protection of their civil liberties.

This amendment will not only protect Americans against the dangers of life and limb and the loss of life, but give them relief in our courts. I ask my colleagues to support this amendment sponsored by myself and my colleague, the gentleman from Texas (Mr. POE), a sense of Congress amendment to provide relief to Americans victimized by terrorism.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE), as modified.

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE), as modified, will be postponed.

It is now in order to consider amendment No. 16 printed in House Report 109–178.

AMENDMENT NO. 16 OFFERED BY MR. HYDE

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. HYDE:

Add at the end the following:

SEC. ___. PROHIBITION OF NARCO-TERRORISM.

Part A of the Controlled Substance Import and Export Act (21 U.S.C. 951 et seq.) is amended by inserting after section 1010 the following:

''NARCO-TERRORISTS WHO AID AND SUPPORT TERRORISTS OR FOREIGN TERRORIST ORGANIZATIONS

''SEC. 1010A. (a) PROHIBITED ACTS.—Whoever, in a circumstance described in subsection (c), manufactures, distributes, imports, exports, or possesses with intent to distribute or manufacture a controlled substance, flunitrazepam, or listed chemical, or attempts or conspires to do so, knowing or intending that such activity, directly or indirectly, aids or provides support, resources, or anything of pecuniary value to—

''(1) a foreign terrorist organization; or

''(2) any person or group involved in the planning, preparation for, or carrying out of, a terrorist offense, shall be punished as provided under subsection (b).

''(b) PENALTIES.—Whoever violates subsection (a) shall be fined under this title, imprisoned for not less than 20 years and not more than life and shall be sentenced to a term of supervised release of not less than 5 years.

''(c) JURISDICTION.—There is jurisdiction over an offense under this section if—

''(1) the prohibited drug activity or the terrorist offense is in violation of the criminal laws of the United States;

''(2) the offense or the prohibited drug activity occurs in or affects interstate or foreign commerce;

''(3) the offense, the prohibited drug activity or the terrorist offense involves the use of the mails or a facility of interstate or foreign commerce;

''(4) the terrorist offense occurs in or affects interstate or foreign commerce or would have occurred in or affected interstate or foreign commerce had it been consummated;

''(5) an offender provides anything of pecuniary value to a foreign terrorist organization;

''(6) an offender provides anything of pecuniary value for a terrorist offense that is designed to influence the policy or affect the conduct of the United States government;

''(7) an offender provides anything of pecuniary value for a terrorist offense that occurs in part within the United States and is designed to influence the policy or affect the conduct of a foreign government;

''(8) an offender provides anything of pecuniary value for a terrorist offense that causes or is designed to cause death or serious bodily injury to a national of the United States while that national is outside the United States, or substantial damage to the property of a legal entity organized under the laws of the United States (including any of its States, districts, commonwealths, territories, or possessions) while that property is outside of the United States;

''(9) the offense occurs in whole or in part within the United States, and an offender provides anything of pecuniary value for a terrorist offense that is designed to influence the policy or affect the conduct of a foreign government;

''(10) the offense or the prohibited drug activity occurs in whole or in part outside of the United States (including on the high seas), and a perpetrator of the offense or the prohibited drug activity is a national of the United States or a legal entity organized under the laws of the United States (including any of its States, districts, commonwealths, territories, or possessions); or

''(11) after the conduct required for the offense occurs an offender is brought into or found in the United States, even if the conduct required for the offense occurs outside the United States.

''(d) PROOF REQUIREMENTS.—The prosecution shall not be required to prove that any defendant knew that an organization was designated as a 'foreign terrorist organization' under the Immigration and Nationality Act.

''(e) DEFINITIONS.—In this section, the following definitions shall apply:

''(1) ANYTHING OF PECUNIARY VALUE.—The term 'anything of pecuniary value' has the meaning given the term in section 1958(b)(1) of title 18, United States Code.

''(2) TERRORIST OFFENSE.—The term 'terrorist offense' means—

''(A) an act which constitutes an offense within the scope of a treaty, as defined under section 2339C(e)(7) of title 18, United States Code, which has been implemented by the United States;

''(B) any other act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act.

''(3) TERRORIST ORGANIZATION.—The term 'terrorist organization' has the meaning given the term in section 212(a)(3)(B)(vi) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(vi)).''.

The Acting CHAIRMAN. Pursuant to House Resolution 369, the gentleman from Illinois (Mr. HYDE) and the gentleman from Virginia (Mr. SCOTT) each will control 10 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Chairman, I yield myself 4 minutes, and I am very pleased to offer an amendment to the USA PATRIOT Reauthorization Act which deals with the new reality of overlapping links between illicit narcotics and global terrorism. Evidence of this deadly and emerging symbiotic relationship is overwhelming. My amendment creates a new crime that will address and punish those who would use these illicit narcotics to promote and support terrorism.

The Committee on International Relations recently held a hearing on Afghanistan in which our well-informed Drug Enforcement Administration conservatively estimated that nearly half of the formerly designated foreign terrorist organizations have links to illicit narcotics. It has been widely reported that the Madrid train terrorist bombings were partially financed by hashish money.

In Colombia, the Revolutionary Armed Forces of Colombia and the AUC, which are two of these FTOs, thrive on the drug trade, supporting and sustaining themselves with illicit proceeds. My amendment, recognizing this new and deadly reality, makes it a Federal crime under the Controlled Substance Import and Export Act to engage in drug trafficking that directly or indirectly aids or provides support, resources, or any pecuniary value to a foreign terrorist organization or any person or group planning, preparing for, or carrying out a terrorist offense. The amendment provides very tough penalties, consistent with the serious nature of this crime.

As provided in my amendment, it will no longer be necessary for our overworked DEA and other law enforcement agencies abroad to be looking for a U.S. nexus to illicit drug shipments and drug traffickers who are engaging in this deadly trade which supports global terrorism.

Mr. Chairman, I urge adoption of my amendment which will give the tools to our law enforcement personnel in their ongoing global fight against terrorism.

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

The Acting CHAIRMAN. The Committee will rise informally.

The SPEAKER pro tempore (Mr. SOUDER) assumed the chair.

MESSAGE FROM THE SENATE

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

H.R. 3377. An act to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

The message also announced that the Senate has passed a bill of the following title in which concurrence of the House is requested:

S. 45. An act to amend the Controlled Substances Act to lift the patient limitation on prescribing drug addiction treatments by medical practitioners in group practices, and for other purposes.

The SPEAKER pro tempore. The Committee will resume its sitting.

USA PATRIOT AND TERRORISM PREVENTION REAUTHORIZATION ACT OF 2005

The Committee resumed its sitting.

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this provides mandatory minimums, which we have frequently said if it had come up in committee we would have a letter ready from the Judicial Conference reminding us that mandatory minimums violate common sense, because if the penalty makes sense, it can be imposed; if it does not make sense, it has to be imposed anyway.

This amendment is unnecessarily confusing and duplicative of current law. It is already a crime punishable by 20 years in prison, or life in prison in some circumstances, to provide material support of any kind to a terrorist organization or to support a person in carrying out terrorist acts regardless of how the money came about, whether it was from drug proceeds or otherwise.

If anyone is engaged in drug trafficking of any significance in order to support terrorism, they can already be charged with both a drug offense and the material support of terrorism.

□ 1930

This might, unfortunately, bring in some small-time dealer that did not know what he was doing and all of a sudden he is subjected to 20-year mandatory minimums when he was not much of a dealer at all.

This new crime would substantially broaden the Federal death penalty in ways that might actually violate the Constitution. For example, indirect offenses like conspiracy are generally not death eligible, but financing is more analogous to conspiracy than the direct crimes like hijacking, bombing or murder by drug king, which are already death eligible. Drug trafficking and terrorism crimes already carry numerous penalties for the most egregious offenses, so we do not need them anew in this case.

Mr. Chairman, I hope we defeat this amendment. We did not put it into the bill in committee when we would have had an opportunity to ensure it did not conflict with various other provisions of the law or was unnecessarily duplicative.

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

Mr. HYDE. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Chairman, I thank the distinguished chairman of the Committee on International Relations for yielding me this time and for his continued leadership on narcotics issues as we tackle these questions at the international level.

The preceding speaker said that some of these amounts might be fairly small. Well, in Madrid it probably was fairly small. Spanish authorities have said that the Muslim militant cell exchanged for hashish and cash to fund it. I do not know how much it was. It probably was not a truckload of hashish. It may not have been a big thing, but there are a lot of people dead.

The link between narcotics and terrorism is growing, as the distinguish chairman pointed out; and we have heard the same thing in the drug policy subcommittee, and that is anywhere from slightly below half to slightly over half of the major terrorist organizations in the world are funded by drugs, most likely heroin and hashish, but also cocaine.

As we get better at driving them underground, we are going to see an increase in narcotrafficking and terrorism around the world, as we will see in human trafficking, as well, as we drive this underground.

As far as mandatory minimums, I hope there are mandatory minimums on people funding direct terrorist attacks on the United States. If you are selling drugs, and even inadvertently, and these groups often are hear no evil, see no evil, and they pretend like they are not involved in narcotics trafficking, but as they swap with different cells and work with these cells around the world, I hope they have a mandatory minimum, if they blow up and terrorize America, terrorize London and terrorize Spain. We need stiff penalties.

We need to look for these gaps and these holes so we can go after these groups and break them up. We have had multiple efforts around the world where we see some of these terrorist organizations starting to interact with each other. We need to have conspiracy clauses that enable us, as they start to interconnect from South America, Asia and the Middle Eastern gangs as they swap cocaine for other things and convert and move in the underground market. We need to stay up with how the terrorists are working.

As they start to interconnect, we need laws that can address this, and I commend the chairman from the Committee on International Relations with trying to address this rapidly growing threat in all regions of the world.

I urge this Congress to send a strong message that this needs to be part of the PATRIOT Act as we look at the international efforts and the international connection in the funding of terrorism.

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

Mr. HYDE. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, the Hyde amendment recognizes a new reality in a very real danger that is growing: the deadly mix of drug trafficking and terrorism. It has now been estimated that nearly half of the designated foreign terrorist organizations are involved in the trafficking of illegal drugs. That is illegal drugs that end up on the streets of our cities, the cities of our allies, poisoning the fabric of their society and our society.

Terrorists, like old organized crime syndicates from the past, have recognized that illegally drug trafficking is a valuable source of financing and just another way to threaten our country. The evidence linking these two criminal activities is overwhelming. Terrorists in Afghanistan are now infiltrating and controlling the cultivation of poppy and ultimately heroin. The deadly bombings in Spain were financed through drug money. Hezbollah has been linked to drug trafficking from South America to the Middle East; and of course the Revolutionary Armed Forces of Colombia has long-standing drug trafficking operations which fund their deadly activities.

The Hyde amendment simply creates a new Federal crime for the trafficking of controlled substances which are intended to benefit a foreign terrorist organization or any other terrorist organization and imposes a stiff mandatory minimum penalty of 20 years. It is a serious crime and one that needs to be stopped, and this amendment would do the job.

I would say that those who have some question about mandatory minimum penalties, this is hardly the place to object to them. This is really seriously two crimes: the one of drug trafficking connected with terrorism. It seems to me this would be precisely the place we would support mandatory minimum penalties.

I think we should be thanking the gentleman from Illinois (Mr. HYDE) for bringing this to our attention. Let us remember that since most of the Afghan heroin goes to Europe and not here to the United States, our Justice Department and hard-pressed DEA are very limited in going after the drug dealers and drug lords who facilitate terrorism directed at our troops. They need some nexus to the drugs coming to the USA.

Please join me in supporting the Hyde amendment. It makes sense. Yes, it is tough; but we need to be tough in this circumstance.

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to respond to the suggestion about mandatory minimums. This may be a crime where high sentences may be appropriate; and if they are appropriate in the individual case, they can be applied.

What the mandatory minimum imposes, whether it makes any sense or not, whether it violates common sense, it still has to be applied. That is why we get a letter from the Judicial Conference every time we have a bill before us with mandatory minimums in it, they remind us that the mandatory minimums violate common sense.

We also have the opportunity to review the studies that we have seen that show that mandatory minimums waste taxpayer money, as opposed to other ways that you can sentence.

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

Mr. HYDE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, very briefly, a mandatory minimum sentence covers two crimes. It covers dealing narcotics and facilitating and enabling terrorism. It seems to me a modest sentence of 20 years for those two heinous crimes.

There is a definite link between the illicit narcotics trade and the financing of terrorism. We have taken a focused look at that link, and this is an attempt to disrupt it and destroy it.

The gentleman from Virginia uses the term ''common sense.'' I think it is the utmost of common sense for us to address the flourishing of illicit drug trade and its link with narcoterrorism, so I respectfully hope that the Members will support this amendment.

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

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

The Acting CHAIRMAN (Mr. SIMPSON). The question is on the amendment offered by the gentleman from Illinois (Mr. HYDE).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 17 printed in House Report 109–178.

Mr. SCOTT of Virginia. Mr. Chairman, a Democratic amendment was scheduled next, but I believe that amendment is not going to be offered.

The Acting CHAIRMAN. It is now in order to consider amendment No. 18 printed in House Report 109–178.

AMENDMENT NO. 18 OFFERED BY MR. SESSIONS

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 18 offered by Mr. SESSIONS:

Add at the end the following:

SEC. 17. INTERFERING WITH THE OPERATION OF AN AIRCRAFT.

Section 32 of title 18, United States Code, is amended—

(1) in subsection (a), by redesignating paragraphs (5), (6), and (7) as paragraphs (6), (7), and (8) respectively;

(2) by inserting after paragraph (4) of subsection (a), the following:

''(5) interferes with or disables, with intent to endanger the safety of any person or with a reckless disregard for the safety of human life, anyone engaged in the authorized operation of such aircraft or any air navigation facility aiding in the navigation of any such aircraft;'';

(3) in subsection (a)(8), by striking ''paragraphs (1) through (6)'' and inserting''paragraphs (1) through (7)''; and

(4) in subsection (c), by striking ''paragraphs (1) through (5)'' and inserting ''paragraphs (1) through (6)''.

The Acting CHAIRMAN. Pursuant to House Resolution 369, the gentleman from Texas (Mr. SESSIONS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. SESSIONS).

Mr. SESSIONS. Mr. Chairman, I yield myself such time as I may consume.

I offer a thanks to the gentleman from Wisconsin (Mr. SENSENBRENNER), chairman of the Committee on the Judiciary, and the gentleman from California (Mr. DREIER), chairman of the Committee on Rules, who made in order my request for an amendment.

Mr. Chairman, the PATRIOT Act currently makes it a Federal crime to interfere with any person operating a mass transportation vehicle with the intent to endanger any passenger or with a reckless disregard for the safety of human life.

While this clearly applies to passenger aircraft, it fails to protect other aircraft. The consequences of this oversight were recently exposed by a widely reported New Jersey laser beam incident. On two separate occasions, an individual directed a laser beam at the cockpit of a small passenger airplane and at a Port Authority Police Department helicopter. Such conduct is extremely dangerous, putting aircraft at tremendous risk by startling, distracting, and even blinding pilots. However, when apprehended, this individual was charged only in connection with the airplane. Although equally in danger, the police helicopter did not qualify for mass transportation vehicle protection.

Unfortunately, the New Jersey incident was not an isolated instance. Similar occurrences have happened in Ohio, Texas, Colorado, and Oregon. Pilots nationwide increasingly are reporting laser-beam interference during landing approaches, and although no reports have been terrorist-related to date, there is evidence that terrorists are exploring the use of similar laser tactics as weapons.

Regardless of intent, we must communicate to the public that aircraft interference of any kind is unacceptable and will not be tolerated. It is our duty to give law enforcement the tools it needs to protect pilots, passengers, and civilians on the ground. The PATRIOT Act has taken a first step, and now we must tie up these loose ends.

This amendment would simply extend the existing PATRIOT Act passenger aircraft protections to all aircraft. Just as it is entirely unacceptable to interfere with the pilot of a passenger aircraft, it is equally unacceptable to interfere with a pilot of a government or private aircraft.

Additionally, this amendment would ensure the protection of everyone engaged in the operation of an aircraft from those in the air to those navigating on the ground.

Mr. Chairman, this is a commonsense amendment that will improve aircraft safety. A gap has been exposed in the current law, and now we have an opportunity to fill that gap.

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

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

Mr. SENSENBRENNER. Mr. Chairman, let me say that I think the gentleman from Texas (Mr. SESSIONS) has spotted a loophole in our current law and the vulnerability for aircraft that are not passenger aircraft in nature.

An aircraft that is brought down by a laser will kill people just as dead if they have passengers on it or if it is a cargo plane or general aviation aircraft or a government plane. I think people who shine lasers into cockpits of planes should have to face the music with criminal charges whether the planes are carrying passengers or not, and I think the amendment is a good one and ought to be adopted.

Mr. SESSIONS. Mr. Chairman, reclaiming my time, I appreciate the kind words of the gentleman from Wisconsin and also his words about the need for this body to adopt this amendment.

Mr. Chairman, we owe it to the pilots to offer them every extension of protection possible, and I am asking all of my colleagues to protect aviation in America by supporting this amendment.

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

Ms. ZOE LOFGREN of California. Mr. Chairman, I ask unanimous consent to claim the time in opposition, although I do not oppose the amendment.

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

There was no objection.

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, although I plan to support this amendment to protect aircraft in U.S. airspace, I do want to rise and express my disappointment that the majority refused to accept an amendment that I offered in committee to further protect civilian aircraft.

In committee, I offered an amendment that would punish those who sell dangerous 50 caliber sniper rifles to known terrorists. Unfortunately, some in the majority viewed this as a gun control measure, but it is not. This is a national security issue.

Mr. Chairman, 50 caliber anti-armor sniper rifles are an ideal tool for terrorists because civil aircraft may be vulnerable to them. In fact, even early promotional materials for the 50 caliber rifle reference their threat to civilian aircraft. The promotional material states that the weapon could ''target the compression section of jet engines making it capable of destroying multimillion aircraft with a single hit delivered to a vital area.''

The rifle's brochure goes on to say: ''The cost-effectiveness of the 50 caliber cannot be overemphasized when a round of ammunition purchased for less than $10 can be used to destroy or disable a modern jet aircraft.''

□ 1945

Since 9/11 our country has made great efforts to secure our civilian airplanes and airports. Terrorists will obviously adapt to our tactics; so it is vital that we plan and think ahead.

It does not take a rocket scientist to figure out that if we make it difficult to get weapons on a plane or into an airport, terrorists may look to destroy airplanes from longer distances. That is what the 50 caliber rifle is designed to do. These rifles are accurate at ranges of at least 1,000 yards and even further in the hands of a trained marksman. In essence, these weapons could give a terrorist the ability to take a shot at an aircraft from beyond most airports' security perimeter.

There is already evidence that terrorists have sought these weapons. According to the Violence Policy Center, al Qaeda bought twenty-five 50 caliber anti-armor sniper rifles in the 1980s.

My amendment in the Committee on the Judiciary simply said that if someone sells a 50 caliber sniper rifle to someone who they know is a member of al Qaeda they have broken the law. That amendment was defeated, and I think it is a shame. We should have passed my amendment and made it more difficult for terrorists to get ahold of these weapons. Unfortunately, we did not do so.

I will certainly support the gentleman's amendment but with regret that we did not do more.

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

Mr. SESSIONS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to thank the gentlewoman from California for not only her words in support of this amendment but also thank this body for carefully looking at the provisions and amendments adding to this PATRIOT Act to help keep America safe. I am very proud of this product that we are working on. I would like to ask all my colleagues to support the Sessions amendment.

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

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. SIMPSON). The question is on the amendment offered by the gentleman from Texas (Mr. SESSIONS).

The agreement was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 19 printed in House Report 109–178.

AMENDMENT NO. 19 OFFERED BY MR. PAUL

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 19 offered by Mr. PAUL:
Add at the end the following:

SEC. 17. SENSE OF CONGRESS RELATING TO LAWFUL POLITICAL ACTIVITY.

It is the sense of Congress that the Federal Government should not investigate an American citizen for alleged criminal conduct solely on the basis of the citizen's membership in a non-violent political organization or the fact that the citizen was engaging in other lawful political activity.

The Acting CHAIRMAN. Pursuant to House Resolution 369, the gentleman from Texas (Mr. PAUL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman, this is a straightforward amendment intended to modestly improve the PATRIOT Act, and let me just state exactly what it does. ''It is the sense of Congress that the Federal government should not investigate any American citizen for alleged criminal conduct solely on the basis of citizen's membership in a nonviolent political organization or the fact that the citizen was engaging in other lawful political activity.''

It seems like this should go without saying. I cannot imagine anybody disagreeing with this. But our history shows that there has been abuse in this area. As far back as the Civil War, World War I, and World War II, very often speaking out on political issues were met with law enforcement officials actually charging them with crimes and even having individuals imprisoned. In the 1960s we remember that there was wiretapping of Martin Luther King and other political organizations. In the 1970s we know about the illegal wiretapping and other activities associated with Watergate, and also in the 1990s we are aware of IRS audits of a political and religious organization based only on the fact that they were religious and political.

So this is a restatement of a fundamental principle that should be in our minds and in our law, but I think it is worthwhile to restate. And I do recognize that in the PATRIOT Act they recognize that the first amendment should be protected, and in this case I think it is an additional statement that we should be respectful of people's rights to speak out and not be singled out for political or religious viewpoints.

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

Mr. PAUL. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I thank the gentleman from Texas for yielding.

I support this amendment. I think it merely restates the fact that people who are not involved in criminal or terrorist activities have nothing to fear from the PATRIOT Act. The first amendment protects free speech. It protects political association. As long as the political association is not involved in criminal terrorist activities, we ought to encourage it even if their views are something that we disagree with.

The gentleman from Texas has done a very good service to this bill with this amendment, and I hope it is adopted overwhelmingly.

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

Ms. ZOE LOFGREN of California. Mr. Chairman, I ask unanimous consent to claim the time in opposition, although I do not oppose the amendment.

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

There was no objection.

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield myself such time as I may consume.

I support the amendment. No American should be investigated solely for membership in a nonviolent political organization or for engaging in other lawful political activity. This is important to all of us, but I wanted to note that in California we recently learned of the danger of not living up to the standard.

It has been reported by several media sources that the California National Guard was spying on the Mothers of Dead Soldiers and a group called the Raging Grannies, who are average age 75 years old, who were having a peaceful demonstration on the grounds of the State Capital on Mother's Day. I requested hearings in the Committee on Homeland Security. I have written to the California National Guard regarding this very serious allegation of a breach of first amendment protected activity. Federal funds may have been used.

I will vote for this amendment. It is the right thing, but we also need to have very aggressive investigative action when we hear about allegations of misconduct.

Mr. Chairman, I yield 3 minutes to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ), a member of our committee.

Ms. WASSERMAN SCHULTZ. Mr. Chairman, I thank the gentlewoman from California for yielding me this time.

I rise in support of the Paul amendment and, in addition, in reluctant opposition to H.R. 3199 for several reasons.

Following the terrorist attacks of September 11, I watched as Members of

Congress came together in a bipartisan effort to craft legislation which would, it was argued, strengthen law enforcement's hand in fighting terrorists. Americans from across the political spectrum were willing to sacrifice some of the freedoms we cherish to immediately address security concerns, with the understanding that many provisions would be revisited and the civil liberty protections that we all hold so dear would be addressed.

But by making these provisions permanent, without mandatory congressional review, we placed the very democracy that we hold so dear in jeopardy. When restricting civil liberties, we should be extremely careful about forfeiting those freedoms without reviewing the ongoing need to continue to restrict them.

In these contemporary times, it may be difficult for us to conceive of the barbarous proceedings of the Salem witch trials. Indeed, they continue to perplex and horrify those of us who came later. But imagine if those perceptions and resulting actions were somehow a permanent part of our society today without an opportunity for review as to their validity?

If they were, under the PATRIOT Act's intrusive infringement on America's book purchases and library records, when the most recent episode in the Harry Potter Book series was released last Friday, we would have had hundreds of thousands of children ''burned at the stake.''

And I know this analogy might seem a bit extreme, but that is just how extreme things can become without proper checks and balances when restricting our civil liberties and freedoms, which is why we should support the Paul amendment, because true freedom of expression is an important thing to preserve.

I am hopeful that when this legislation comes back from conference that we will have a product that we can all embrace, but today I will vote for freedom. I will support the Paul amendment and I will vote against final passage of this version of the bill.

Mr. PAUL. Mr. Chairman, I yield myself such time as I may consume.

I appreciate the support for the amendment on both sides. I would like to emphasize the fact that there are real reasons for this concern. There have been reports in the paper of different times when the FBI has actually intimidated some people at national conventions. We are aware of the fact that there are at least reports that federal officials have encouraged local police to actually monitor certain political groups, and we also are aware of the fact that, because of political activity, they have been placed on no-fly lists.

But I think this is all reason for concern because we do not want to give any encouragement to overzealous law enforcement officials. At the same time we do want to have enforcement of the law.

But very briefly, I would like to say that the full thrust of this bill bothers me in the fact that I think we are treating a symptom and we are really not doing dealing with the core problem of why there are suicide terrorists willing to attack us, and I think as long as that is ignored we could pass 10 PATRIOT Acts stronger than ever and it will not solve the problem unless we eventually get to the bottom of what is the cause.

And, quite frankly, I do not believe the cause is because we are free and democratic and wealthy. There is no evidence whatsoever to show that that is the motivation of terrorist attacks. And for us to continue to believe that is the sole reason for attacks, I think we are misled. And we are driven to want to protect our people, which I understand it is well motivated, but it will not solve the problem unless we eventually address that subject of why does it happen. It is not because we are free. And, ironically, in many ways we are making ourselves less free with some of the provisions in this bill.

So I would suggest that ultimately we will have to have another solution because this will not solve all of our problems.

Mr. Chairman, the USA PATRIOT Act and Terrorism Prevention Act (H.R. 3199) in no way brings the PATRIOT Act into compliance with the Constitution or allays concerns that the powers granted to the government in the act will be used to abuse the rights of the people. Much of the discussion surrounding this bill has revolved around the failure of the bill to extend the sunset clauses.

However, simply sunsetting troublesome provisions does not settle the debates around the PATRIOT Act. If the PATRIOT Act is constitutional and needed, as its proponents swear, why were sunset provisions included at all? If it is unconstitutional and pernicious, why not abolish it immediately?

The sunset clauses do perform one useful service in that they force Congress to regularly re-examine the PATRIOT Act. As the people's representatives, it is our responsibility to keep a close eye on the executive branch to ensure it does not abuse its power. Even if the claims of H.R. 3199's supporters that there have been no abuses of PATRIOT Act powers under this administration are true, that does not mean that future administrations will not abuse these powers.

H.R. 3199 continues to violate the constitution by allowing searches and seizures of American citizens and their property without a warrant issued by an independent court upon a finding of probable cause. The drafters of the Bill of Rights considered this essential protection against an overreaching government. For example, Section 215 of the PATRIOT Act, popularly known as the libraries provision, allows Foreign Intelligence Surveillance Courts, whose standards hardly meet the constitutional requirements of the Fourth Amendment, to issue warrants for individual records, including medical and library records. H.R. 3199 does reform this provision by clarifying that it can be used to acquire the records of an American citizen only during terrorist investigations. However, this marginal change fails to bring the section up to the constitutional standard of probable cause.

Requiring a showing of probable cause before a warrant may be issued will in no way hamper terrorist investigations. For one thing, federal authorities would still have numerous tools available to investigate and monitor the activities of non-citizens suspected of terrorism. Second, restoring the Fourth Amendment protections would in no way interfere with the provisions of the PATRIOT Act that removed the firewalls that prevented the government's law enforcement and intelligence agencies from sharing information.

The probable cause requirements will not delay a terrorist investigation. Preparations can be made for the issuance of a warrant in the event of an emergency and allowances can be made for cases where law enforcement does not have time to obtain a warrant. In fact, a requirement that law enforcement demonstrate probable cause may help law enforcement focus their efforts on true threats, thus avoiding the problem of information overload that is handicapping the government's efforts to identify sources of terrorists' financing.

The requirement that law enforcement demonstrate probable cause before a judge preserves the Founders' system of checks and balances that protects against one branch gathering too much power. The Founders recognized that one of the chief dangers to liberty was the concentration of power in a few hands, which is why they carefully divided power among the three branches. I would remind those of my colleagues who will claim that we must set aside the constitutional requirements during war that the founders were especially concerned about the consolidation of power during times of war and national emergencies. My colleagues should also keep in mind that PATRIOT Act powers have already been used in non-terrorism related cases, most notably in a bribery investigation in Nevada.

Mr. Chairman, H.R. 3199 does take some positive steps toward restoring respect for constitutional liberties and checks and balances that the original PATRIOT Act stripped away. However, it still leaves in place large chunks of legislation that threaten individual liberty by giving law enforcement power to snoop into American citizens' lives without adequate oversight. This power is unnecessary to effectively fight terrorism. Therefore, I urge my colleagues to reject this bill.

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

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield myself such time as I may consume.

Although the gentleman from Texas (Mr. PAUL) and I do not always vote together, I think he speaks wisdom this evening on the need to move beyond the narrow confines of this act. Clearly we do need to and we have broken down the walls between law enforcement and the intelligence community so that we can piece together the full picture and connect the dots. We need to do a much better job of protecting America from terrorists by taking those steps we can. He is right to offer this sense of the Congress amendment. We need to have more vigorous action in addition to the sense of the Congress activity.

All of us believe we ought to fight terrorism. Many of us are concerned that we have failed to do the balance of

privacy and the Constitution in some parts of the 16 provisions that are before us this evening.

As we know, most of the PATRIOT Act is actually not before the House of Representatives this evening. It is only 16 provisions, and of those 16 provisions, there are concerns about a few of them. But those are serious concerns, and we believe that those concerns can be dealt with. We are hopeful that, as this process moves forward, that the Senate that has taken these issues of civil liberties more to heart on a bipartisan and I would add unanimous basis may in the end prevail so that those who are troubled by the failure to really deal with some of the constitutional issues will in the end be able to support a bill at least at the end of a conference process.

But I do commend the gentleman for offering his amendment. It does not solve the other problems, but it is the right thing to do, and I look forward to supporting it.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. PAUL).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 20 printed in House Report 109–178.

AMENDMENT NO. 20 OFFERED BY MRS. LOWEY

Mrs. LOWEY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 20 offered by Mrs. LOWEY:

At the end of the bill, insert the following new sections:

SECTION 10. REPEAL OF FIRST RESPONDER GRANT PROGRAM.

Section 1014 of the USA PATRIOT ACT is amended by striking subsection (c).

SEC. 11. FASTER AND SMARTER FUNDING FOR FIRST RESPONDERS.

(a) IN GENERAL.—The Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 361 et seq.) is amended—

(1) in section 1(b) in the table of contents by adding at the end the following:

''TITLE XVIII—FUNDING FOR FIRST RESPONDERS

''1801. Definitions.
''1802. Faster and Smarter Funding for First Responders.
''1803. Covered grant eligibility and criteria.
''1804. Risk-based evaluation and prioritization.
''1805. Task Force on Terrorism Preparedness for First Responders.
''1806. Use of funds and accountability requirements.
''1807. National standards for first responder equipment and training.''.

(2) by adding at the end the following:

''TITLE XVIII—FUNDING FOR FIRST RESPONDERS

''SEC. 1801. DEFINITIONS.

''In this title:

''(1) BOARD.—The term 'Board' means the First Responder Grants Board established under section 1804.

''(2) COVERED GRANT.—The term 'covered grant' means any grant to which this title applies under section 1802.

''(3) DIRECTLY ELIGIBLE TRIBE.—The term 'directly eligible tribe' means any Indian tribe or consortium of Indian tribes that—

''(A) meets the criteria for inclusion in the qualified applicant pool for Self-Governance that are set forth in section 402(c) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458bb(c));

''(B) employs at least 10 full-time personnel in a law enforcement or emergency response agency with the capacity to respond to calls for law enforcement or emergency services; and

''(C)(i) is located on, or within 5 miles of, an international border or waterway;

''(ii) is located within 5 miles of a facility designated as high-risk critical infrastructure by the Secretary;

''(iii) is located within or contiguous to one of the 50 largest metropolitan statistical areas in the United States; or

''(iv) has more than 1,000 square miles of Indian country, as that term is defined in section 1151 of title 18, United States Code.

''(4) ELEVATIONS IN THE THREAT ALERT LEVEL.—The term 'elevations in the threat alert level' means any designation (including those that are less than national in scope) that raises the homeland security threat level to either the highest or second highest threat level under the Homeland Security Advisory System referred to in section 201(d)(7).

''(5) EMERGENCY PREPAREDNESS.—The term 'emergency preparedness' shall have the same meaning that term has under section 602 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195a).

''(6) ESSENTIAL CAPABILITIES.—The term 'essential capabilities' means the levels, availability, and competence of emergency personnel, planning, training, and equipment across a variety of disciplines needed to effectively and efficiently prevent, prepare for, respond to, and recover from acts of terrorism consistent with established practices.

''(7) FIRST RESPONDER.—The term 'first responder' shall have the same meaning as the term 'emergency response provider'.

''(8) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaskan Native village or regional or village corporation as defined in or established pursuant to the Alaskan Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

''(9) REGION.—The term 'region' means—

''(A) any geographic area consisting of all or parts of 2 or more contiguous States, counties, municipalities, or other local governments that have a combined population of at least 1,650,000 or have an area of not less than 20,000 square miles, and that, for purposes of an application for a covered grant, is represented by 1 or more governments or governmental agencies within such geographic area, and that is established by law or by agreement of 2 or more such governments or governmental agencies in a mutual aid agreement; or

''(B) any other combination of contiguous local government units (including such a combination established by law or agreement of two or more governments or governmental agencies in a mutual aid agreement) that is formally certified by the Secretary as a region for purposes of this Act with the consent of—

''(i) the State or States in which they are located, including a multi-State entity established by a compact between two or more States; and

''(ii) the incorporated municipalities, counties, and parishes that they encompass.

''(10) TASK FORCE.—The term 'Task Force' means the Task Force on Terrorism Preparedness for First Responders established under section 1805.

''(11) TERRORISM PREPAREDNESS.—The term 'terrorism preparedness' means any activity designed to improve the ability to prevent, prepare for, respond to, mitigate against, or recover from threatened or actual terrorist attacks.

''SEC. 1802. FASTER AND SMARTER FUNDING FOR FIRST RESPONDERS.

''(a) COVERED GRANTS.—This title applies to grants provided by the Department to States, regions, or directly eligible tribes for the primary purpose of improving the ability of first responders to prevent, prepare for, respond to, mitigate against, or recover from threatened or actual terrorist attacks, especially those involving weapons of mass destruction, administered under the following:

''(1) STATE HOMELAND SECURITY GRANT PROGRAM.—The State Homeland Security Grant Program of the Department, or any successor to such grant program.

''(2) URBAN AREA SECURITY INITIATIVE.—The Urban Area Security Initiative of the Department, or any successor to such grant program.

''(3) LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM.—The Law Enforcement Terrorism Prevention Program of the Department, or any successor to such grant program.

''(b) EXCLUDED PROGRAMS.—This title does not apply to or otherwise affect the following Federal grant programs or any grant under such a program:

''(1) NONDEPARTMENT PROGRAMS.—Any Federal grant program that is not administered by the Department.

''(2) FIRE GRANT PROGRAMS.—The fire grant programs authorized by sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229, 2229a).

''(3) EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE ACCOUNT GRANTS.—The Emergency Management Performance Grant program and the Urban Search and Rescue Grants program authorized by title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195 et seq.); the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 (113 Stat. 1047 et seq.); and the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.).

''SEC. 1803. COVERED GRANT ELIGIBILITY AND CRITERIA.

''(a) GRANT ELIGIBILITY.—Any State, region, or directly eligible tribe shall be eligible to apply for a covered grant.

''(b) GRANT CRITERIA.—The Secretary shall award covered grants to assist States and local governments in achieving, maintaining, and enhancing the essential capabilities for terrorism preparedness established by the Secretary.

''(c) STATE HOMELAND SECURITY PLANS.—

''(1) SUBMISSION OF PLANS.—The Secretary shall require that any State applying to the Secretary for a covered grant must submit to the Secretary a 3-year State homeland security plan that—

''(A) describes the essential capabilities that communities within the State should possess, or to which they should have access, based upon the terrorism risk factors relevant to such communities, in order to meet the Department's goals for terrorism preparedness;

''(B) demonstrates the extent to which the State has achieved the essential capabilities that apply to the State;

''(C) demonstrates the needs of the State necessary to achieve, maintain, or enhance the essential capabilities that apply to the State;

''(D) includes a prioritization of such needs based on threat, vulnerability, and consequence assessment factors applicable to the State;

''(E) describes how the State intends—

''(i) to address such needs at the city, county, regional, tribal, State, and interstate level, including a precise description of any regional structure the State has established for the purpose of organizing homeland security preparedness activities funded by covered grants;

''(ii) to use all Federal, State, and local resources available for the purpose of addressing such needs; and

''(iii) to give particular emphasis to regional planning and cooperation, including the activities of multijurisdictional planning agencies governed by local officials, both within its jurisdictional borders and with neighboring States;

''(F) with respect to the emergency preparedness of first responders, addresses the unique aspects of terrorism as part of a comprehensive State emergency management plan; and

''(G) provides for coordination of response and recovery efforts at the local level, including procedures for effective incident command in conformance with the National Incident Management System.

''(2) CONSULTATION.—The State plan submitted under paragraph (1) shall be developed in consultation with and subject to appropriate comment by local governments and first responders within the State.

''(3) APPROVAL BY SECRETARY.—The Secretary may not award any covered grant to a State unless the Secretary has approved the applicable State homeland security plan.

''(4) REVISIONS.—A State may revise the applicable State homeland security plan approved by the Secretary under this subsection, subject to approval of the revision by the Secretary.

''(d) CONSISTENCY WITH STATE PLANS.—The Secretary shall ensure that each covered grant is used to supplement and support, in a consistent and coordinated manner, the applicable State homeland security plan or plans.

''(e) APPLICATION FOR GRANT.—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, any State, region, or directly eligible tribe may apply for a covered grant by submitting to the Secretary an application at such time, in such manner, and containing such information as is required under this subsection, or as the Secretary may reasonably require.

''(2) DEADLINES FOR APPLICATIONS AND AWARDS.—All applications for covered grants must be submitted at such time as the Secretary may reasonably require for the fiscal year for which they are submitted. The Secretary shall award covered grants pursuant to all approved applications for such fiscal year as soon as practicable, but not later than March 1 of such year.

''(3) AVAILABILITY OF FUNDS.—All funds awarded by the Secretary under covered grants in a fiscal year shall be available for obligation through the end of the subsequent fiscal year.

''(4) MINIMUM CONTENTS OF APPLICATION.—The Secretary shall require that each applicant include in its application, at a minimum—

''(A) the purpose for which the applicant seeks covered grant funds and the reasons why the applicant needs the covered grant to meet the essential capabilities for terrorism preparedness within the State, region, or directly eligible tribe to which the application pertains;

''(B) a description of how, by reference to the applicable State homeland security plan or plans under subsection (c), the allocation of grant funding proposed in the application, including, where applicable, the amount not passed through under section 1806(g)(1), would assist in fulfilling the essential capabilities for terrorism preparedness specified in such plan or plans;

''(C) a statement of whether a mutual aid agreement applies to the use of all or any portion of the covered grant funds;

''(D) if the applicant is a State, a description of how the State plans to allocate the covered grant funds to regions, local governments, and Indian tribes;

''(E) if the applicant is a region—

''(i) a precise geographical description of the region and a specification of all participating and nonparticipating local governments within the geographical area comprising that region;

''(ii) a specification of what governmental entity within the region will administer the expenditure of funds under the covered grant; and

''(iii) a designation of a specific individual to serve as regional liaison;

''(F) a capital budget showing how the applicant intends to allocate and expend the covered grant funds;

''(G) if the applicant is a directly eligible tribe, a designation of a specific individual to serve as the tribal liaison; and

''(H) a statement of how the applicant intends to meet the matching requirement, if any, that applies under section 1806(g)(2).

''(5) REGIONAL APPLICATIONS.—

''(A) RELATIONSHIP TO STATE APPLICATIONS.—A regional application—

''(i) shall be coordinated with an application submitted by the State or States of which such region is a part;

''(ii) shall supplement and avoid duplication with such State application; and

''(iii) shall address the unique regional aspects of such region's terrorism preparedness needs beyond those provided for in the application of such State or States.

''(B) STATE REVIEW AND SUBMISSION.—To ensure the consistency required under subsection (d) and the coordination required under subparagraph (A) of this paragraph, an applicant that is a region must submit its application to each State of which any part is included in the region for review and concurrence prior to the submission of such application to the Secretary. The regional application shall be transmitted to the Secretary through each such State within 30 days of its receipt, unless the Governor of such a State notifies the Secretary, in writing, that such regional application is inconsistent with the State's homeland security plan and provides an explanation of the reasons therefor.

''(C) DISTRIBUTION OF REGIONAL AWARDS.—If the Secretary approves a regional application, then the Secretary shall distribute a regional award to the State or States submitting the applicable regional application under subparagraph (B), and each such State shall, not later than the end of the 45-day period beginning on the date after receiving a regional award, pass through to the region all covered grant funds or resources purchased with such funds, except those funds necessary for the State to carry out its responsibilities with respect to such regional application: *Provided*, That in no such case shall the State or States pass through to the region less than 80 percent of the regional award.

''(D) CERTIFICATIONS REGARDING DISTRIBUTION OF GRANT FUNDS TO REGIONS.—Any State that receives a regional award under subparagraph (C) shall certify to the Secretary, by not later than 30 days after the expiration of the period described in subparagraph (C) with respect to the grant, that the State has made available to the region the required funds and resources in accordance with subparagraph (C).

''(E) DIRECT PAYMENTS TO REGIONS.—If any State fails to pass through a regional award to a region as required by subparagraph (C) within 45 days after receiving such award and does not request or receive an extension of such period under section 1806(h)(2), the region may petition the Secretary to receive directly the portion of the regional award that is required to be passed through to such region under subparagraph (C).

''(F) REGIONAL LIAISONS.—A regional liaison designated under paragraph (4)(E)(iii) shall—

''(i) coordinate with Federal, State, local, regional, and private officials within the region concerning terrorism preparedness;

''(ii) develop a process for receiving input from Federal, State, local, regional, and private sector officials within the region to assist in the development of the regional application and to improve the region's access to covered grants; and

''(iii) administer, in consultation with State, local, regional, and private officials within the region, covered grants awarded to the region.

''(6) TRIBAL APPLICATIONS.—

''(A) SUBMISSION TO THE STATE OR STATES.—To ensure the consistency required under subsection (d), an applicant that is a directly eligible tribe must submit its application to each State within the boundaries of which any part of such tribe is located for direct submission to the Department along with the application of such State or States.

''(B) OPPORTUNITY FOR STATE COMMENT.—Before awarding any covered grant to a directly eligible tribe, the Secretary shall provide an opportunity to each State within the boundaries of which any part of such tribe is located to comment to the Secretary on the consistency of the tribe's application with the State's homeland security plan. Any such comments shall be submitted to the Secretary concurrently with the submission of the State and tribal applications.

''(C) FINAL AUTHORITY.—The Secretary shall have final authority to determine the consistency of any application of a directly eligible tribe with the applicable State homeland security plan or plans, and to approve any application of such tribe. The Secretary shall notify each State within the boundaries of which any part of such tribe is located of the approval of an application by such tribe.

''(D) TRIBAL LIAISON.—A tribal liaison designated under paragraph (4)(G) shall—

''(i) coordinate with Federal, State, local, regional, and private officials concerning terrorism preparedness;

''(ii) develop a process for receiving input from Federal, State, local, regional, and private sector officials to assist in the development of the application of such tribe and to improve the tribe's access to covered grants; and

''(iii) administer, in consultation with State, local, regional, and private officials, covered grants awarded to such tribe.

''(E) LIMITATION ON THE NUMBER OF DIRECT GRANTS.—The Secretary may make covered grants directly to not more than 20 directly eligible tribes per fiscal year.

''(F) TRIBES NOT RECEIVING DIRECT GRANTS.—An Indian tribe that does not receive a grant directly under this section is eligible to receive funds under a covered grant from the State or States within the boundaries of which any part of such tribe is

located, consistent with the homeland security plan of the State as described in subsection (c). If a State fails to comply with section 1806(g)(1), the tribe may request payment under section 1806(h)(3) in the same manner as a local government.

''(7) EQUIPMENT STANDARDS.—If an applicant for a covered grant proposes to upgrade or purchase, with assistance provided under the grant, new equipment or systems that do not meet or exceed any applicable national voluntary consensus standards established by the Secretary, the applicant shall include in the application an explanation of why such equipment or systems will serve the needs of the applicant better than equipment or systems that meet or exceed such standards.

''SEC. 1804. RISK-BASED EVALUATION AND PRIORITIZATION.

''(a) FIRST RESPONDER GRANTS BOARD.—

''(1) ESTABLISHMENT OF BOARD.—The Secretary shall establish a First Responder Grants Board, consisting of—

''(A) the Secretary;

''(B) the Under Secretary for Emergency Preparedness and Response;

''(C) the Under Secretary for Border and Transportation Security;

''(D) the Under Secretary for Information Analysis and Infrastructure Protection;

''(E) the Under Secretary for Science and Technology;

''(F) the Director of the Office for Domestic Preparedness;

''(G) the Administrator of the United States Fire Administration; and

''(H) the Administrator of the Animal and Plant Health Inspection Service.

''(2) CHAIRMAN.—

''(A) IN GENERAL.—The Secretary shall be the Chairman of the Board.

''(B) EXERCISE OF AUTHORITIES BY DEPUTY SECRETARY.—The Deputy Secretary of Homeland Security may exercise the authorities of the Chairman, if the Secretary so directs.

''(b) FUNCTIONS OF UNDER SECRETARIES.—The Under Secretaries referred to in subsection (a)(1) shall seek to ensure that the relevant expertise and input of the staff of their directorates are available to and considered by the Board.

''(c) PRIORITIZATION OF GRANT APPLICATIONS.—

''(1) FACTORS TO BE CONSIDERED.—The Board shall evaluate and annually prioritize all pending applications for covered grants based upon the degree to which they would, by achieving, maintaining, or enhancing the essential capabilities of the applicants on a nationwide basis, lessen the threat to, vulnerability of, and consequences for persons (including transient commuting and tourist populations) and critical infrastructure. Such evaluation and prioritization shall be based upon the most current risk assessment available by the Directorate for Information Analysis and Infrastructure Protection of the threats of terrorism against the United States. The Board shall coordinate with State, local, regional, and tribal officials in establishing criteria for evaluating and prioritizing applications for covered grants.

''(2) CRITICAL INFRASTRUCTURE SECTORS.—The Board specifically shall consider threats of terrorism against the following critical infrastructure sectors in all areas of the United States, urban and rural:

''(A) Agriculture and food.

''(B) Banking and finance.

''(C) Chemical industries.

''(D) The defense industrial base.

''(E) Emergency services.

''(F) Energy.

''(G) Government facilities.

''(H) Postal and shipping.

''(I) Public health and health care.

''(J) Information technology.

''(K) Telecommunications.

''(L) Transportation systems.

''(M) Water.

''(N) Dams.

''(O) Commercial facilities.

''(P) National monuments and icons.

The order in which the critical infrastructure sectors are listed in this paragraph shall not be construed as an order of priority for consideration of the importance of such sectors.

''(3) TYPES OF THREAT.—The Board specifically shall consider the following types of threat to the critical infrastructure sectors described in paragraph (2), and to populations in all areas of the United States, urban and rural:

''(A) Biological threats.

''(B) Nuclear threats.

''(C) Radiological threats.

''(D) Incendiary threats.

''(E) Chemical threats.

''(F) Explosives.

''(G) Suicide bombers.

''(H) Cyber threats.

''(I) Any other threats based on proximity to specific past acts of terrorism or the known activity of any terrorist group.

The order in which the types of threat are listed in this paragraph shall not be construed as an order of priority for consideration of the importance of such threats.

''(4) CONSIDERATION OF ADDITIONAL FACTORS.—The Board shall take into account any other specific threat to a population (including a transient commuting or tourist population) or critical infrastructure sector that the Board has determined to exist. In evaluating the threat to a population or critical infrastructure sector, the Board shall give greater weight to threats of terrorism based upon their specificity and credibility, including any pattern of repetition.

''(5) MINIMUM AMOUNTS.—After evaluating and prioritizing grant applications under paragraph (1), the Board shall ensure that, for each fiscal year—

''(A) each of the States, other than the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands, that has an approved State homeland security plan receives no less than 0.25 percent of the funds available for covered grants for that fiscal year for purposes of implementing its homeland security plan in accordance with the prioritization of needs under section 1803(c)(1)(D);

''(B) each of the States, other than the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands, that has an approved State homeland security plan and that meets one or both of the additional high-risk qualifying criteria under paragraph (6) receives no less than 0.45 percent of the funds available for covered grants for that fiscal year for purposes of implementing its homeland security plan in accordance with the prioritization of needs under section 1803(c)(1)(D);

''(C) the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands each receives no less than 0.08 percent of the funds available for covered grants for that fiscal year for purposes of implementing its approved State homeland security plan in accordance with the prioritization of needs under section 1803(c)(1)(D); and

''(D) directly eligible tribes collectively receive no less than 0.08 percent of the funds available for covered grants for such fiscal year for purposes of addressing the needs identified in the applications of such tribes, consistent with the homeland security plan of each State within the boundaries of which any part of any such tribe is located, except that this clause shall not apply with respect to funds available for a fiscal year if the Secretary receives less than 5 applications for such fiscal year from such tribes under section 1803(e)(6)(A) or does not approve at least one such application.

''(6) ADDITIONAL HIGH-RISK QUALIFYING CRITERIA.—For purposes of paragraph (5)(B), additional high-risk qualifying criteria consist of—

''(A) having a significant international land border; or

''(B) adjoining a body of water within North America through which an international boundary line extends.

''(d) EFFECT OF REGIONAL AWARDS ON STATE MINIMUM.—Any regional award, or portion thereof, provided to a State under section 1803(e)(5)(C) shall not be considered in calculating the minimum State award under subsection (c)(5) of this section.

''SEC. 1805. TASK FORCE ON TERRORISM PREPAREDNESS FOR FIRST RESPONDERS.

''(a) ESTABLISHMENT.—To assist the Secretary in updating, revising, or replacing essential capabilities for terrorism preparedness, the Secretary shall establish an advisory body pursuant to section 871(a) not later than 60 days after the date of the enactment of this section, which shall be known as the Task Force on Terrorism Preparedness for First Responders.

''(b) UPDATE, REVISE, OR REPLACE.—The Secretary shall regularly update, revise, or replace the essential capabilities for terrorism preparedness as necessary, but not less than every 3 years.

''(c) REPORT.—

''(1) IN GENERAL.—The Task Force shall submit to the Secretary, by not later than 12 months after its establishment by the Secretary under subsection (a) and not later than every 2 years thereafter, a report on its recommendations for essential capabilities for terrorism preparedness.

''(2) CONTENTS.—Each report shall—

''(A) include a priority ranking of essential capabilities in order to provide guidance to the Secretary and to the Congress on determining the appropriate allocation of, and funding levels for, first responder needs;

''(B) set forth a methodology by which any State or local government will be able to determine the extent to which it possesses or has access to the essential capabilities that States and local governments having similar risks should obtain;

''(C) describe the availability of national voluntary consensus standards, and whether there is a need for new national voluntary consensus standards, with respect to first responder training and equipment;

''(D) include such additional matters as the Secretary may specify in order to further the terrorism preparedness capabilities of first responders; and

''(E) include such revisions to the contents of previous reports as are necessary to take into account changes in the most current risk assessment available by the Directorate for Information Analysis and Infrastructure Protection or other relevant information as determined by the Secretary.

''(3) CONSISTENCY WITH FEDERAL WORKING GROUP.—The Task Force shall ensure that its recommendations for essential capabilities for terrorism preparedness are, to the extent feasible, consistent with any preparedness goals or recommendations of the Federal working group established under section 319F(a) of the Public Health Service Act (42 U.S.C. 247d–6(a)).

''(4) COMPREHENSIVENESS.—The Task Force shall ensure that its recommendations regarding essential capabilities for terrorism preparedness are made within the context of a comprehensive State emergency management system.

''(5) PRIOR MEASURES.—The Task Force shall ensure that its recommendations regarding essential capabilities for terrorism preparedness take into account any capabilities that State or local officials have determined to be essential and have undertaken since September 11, 2001, to prevent, prepare for, respond to, or recover from terrorist attacks.

''(d) MEMBERSHIP.—

''(1) IN GENERAL.—The Task Force shall consist of 25 members appointed by the Secretary, and shall, to the extent practicable, represent a geographic (including urban and rural) and substantive cross section of governmental and nongovernmental first responder disciplines from the State and local levels, including as appropriate—

''(A) members selected from the emergency response field, including fire service and law enforcement, hazardous materials response, emergency medical services, and emergency management personnel (including public works personnel routinely engaged in emergency response);

''(B) health scientists, emergency and inpatient medical providers, and public health professionals, including experts in emergency health care response to chemical, biological, radiological, and nuclear terrorism, and experts in providing mental health care during emergency response operations;

''(C) experts from Federal, State, and local governments, and the private sector, representing standards-setting organizations, including representation from the voluntary consensus codes and standards development community, particularly those with expertise in first responder disciplines; and

''(D) State and local officials with expertise in terrorism preparedness, subject to the condition that if any such official is an elected official representing one of the two major political parties, an equal number of elected officials shall be selected from each such party.

''(2) COORDINATION WITH THE DEPARTMENT OF HEALTH AND HEALTH SERVICES.—In the selection of members of the Task Force who are health professionals, including emergency medical professionals, the Secretary shall coordinate such selection with the Secretary of Health and Human Services.

''(3) EX OFFICIO MEMBERS.—The Secretary and the Secretary of Health and Human Services shall each designate one or more officers of their respective Departments to serve as ex officio members of the Task Force. One of the ex officio members from the Department of Homeland Security shall be the designated officer of the Federal Government for purposes of subsection (e) of section 10 of the Federal Advisory Committee Act (5 App. U.S.C.).

''(e) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—Notwithstanding section 871(a), the Federal Advisory Committee Act (5 App. U.S.C.), including subsections (a), (b), and (d) of section 10 of such Act, and section 552b(c) of title 5, United States Code, shall apply to the Task Force.

''SEC. 1806. USE OF FUNDS AND ACCOUNTABILITY REQUIREMENTS.

''(a) IN GENERAL.—A covered grant may be used for—

''(1) purchasing or upgrading equipment, including computer software, to enhance terrorism preparedness;

''(2) exercises to strengthen terrorism preparedness;

''(3) training for prevention (including detection) of, preparedness for, response to, or recovery from attacks involving weapons of mass destruction, including training in the use of equipment and computer software;

''(4) developing or updating State homeland security plans, risk assessments, mutual aid agreements, and emergency management plans to enhance terrorism preparedness;

''(5) establishing or enhancing mechanisms for sharing terrorism threat information;

''(6) systems architecture and engineering, program planning and management, strategy formulation and strategic planning, lifecycle systems design, product and technology evaluation, and prototype development for terrorism preparedness purposes;

''(7) additional personnel costs resulting from—

''(A) elevations in the threat alert level of the Homeland Security Advisory System by the Secretary, or a similar elevation in threat alert level issued by a State, region, or local government with the approval of the Secretary;

''(B) travel to and participation in exercises and training in the use of equipment and on prevention activities; and

''(C) the temporary replacement of personnel during any period of travel to and participation in exercises and training in the use of equipment and on prevention activities;

''(8) the costs of equipment (including software) required to receive, transmit, handle, and store classified information;

''(9) protecting critical infrastructure against potential attack by the addition of barriers, fences, gates, and other such devices, except that the cost of such measures may not exceed the greater of—

''(A) $1,000,000 per project; or

''(B) such greater amount as may be approved by the Secretary, which may not exceed 10 percent of the total amount of the covered grant;

''(10) the costs of commercially available interoperable communications equipment (which, where applicable, is based on national, voluntary consensus standards) that the Secretary, in consultation with the Chairman of the Federal Communications Commission, deems best suited to facilitate interoperability, coordination, and integration between and among emergency communications systems, and that complies with prevailing grant guidance of the Department for interoperable communications;

''(11) educational curricula development for first responders to ensure that they are prepared for terrorist attacks;

''(12) training and exercises to assist public elementary and secondary schools in developing and implementing programs to instruct students regarding age-appropriate skills to prevent, prepare for, respond to, mitigate against, or recover from an act of terrorism;

''(13) paying of administrative expenses directly related to administration of the grant, except that such expenses may not exceed 3 percent of the amount of the grant;

''(14) paying for the conduct of any activity permitted under the Law Enforcement Terrorism Prevention Program, or any such successor to such program; and

''(15) other appropriate activities as determined by the Secretary.

''(b) PROHIBITED USES.—Funds provided as a covered grant may not be used—

''(1) to supplant State or local funds;

''(2) to construct buildings or other physical facilities;

''(3) to acquire land; or

''(4) for any State or local government cost sharing contribution.

''(c) MULTIPLE-PURPOSE FUNDS.—Nothing in this section shall be construed to preclude State and local governments from using covered grant funds in a manner that also enhances first responder preparedness for emergencies and disasters unrelated to acts of terrorism, if such use assists such governments in achieving essential capabilities for terrorism preparedness established by the Secretary.

''(d) REIMBURSEMENT OF COSTS.—(1) In addition to the activities described in subsection (a), a covered grant may be used to provide a reasonable stipend to paid-on-call or volunteer first responders who are not otherwise compensated for travel to or participation in training covered by this section. Any such reimbursement shall not be considered compensation for purposes of rendering such a first responder an employee under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).

''(2) An applicant for a covered grant may petition the Secretary for the reimbursement of the cost of any activity relating to prevention (including detection) of, preparedness for, response to, or recovery from acts of terrorism that is a Federal duty and usually performed by a Federal agency, and that is being performed by a State or local government (or both) under agreement with a Federal agency.

''(e) ASSISTANCE REQUIREMENT.—The Secretary may not require that equipment paid for, wholly or in part, with funds provided as a covered grant be made available for responding to emergencies in surrounding States, regions, and localities, unless the Secretary undertakes to pay the costs directly attributable to transporting and operating such equipment during such response.

''(f) FLEXIBILITY IN UNSPENT HOMELAND SECURITY GRANT FUNDS.—Upon request by the recipient of a covered grant, the Secretary may authorize the grantee to transfer all or part of funds provided as the covered grant from uses specified in the grant agreement to other uses authorized under this section, if the Secretary determines that such transfer is in the interests of homeland security.

''(g) STATE, REGIONAL, AND TRIBAL RESPONSIBILITIES.—

''(1) PASS-THROUGH.—The Secretary shall require a recipient of a covered grant that is a State to obligate or otherwise make available to local governments, first responders, and other local groups, to the extent required under the State homeland security plan or plans specified in the application for the grant, not less than 80 percent of the grant funds, resources purchased with the grant funds having a value equal to at least 80 percent of the amount of the grant, or a combination thereof, by not later than the end of the 45-day period beginning on the date the grant recipient receives the grant funds.

''(2) COST SHARING.—

''(A) IN GENERAL.—The Federal share of the costs of an activity carried out with a covered grant to a State, region, or directly eligible tribe awarded after the 2-year period beginning on the date of the enactment of this section shall not exceed 75 percent.

''(B) INTERIM RULE.—The Federal share of the costs of an activity carried out with a covered grant awarded before the end of the 2-year period beginning on the date of the enactment of this section shall be 100 percent.

''(C) IN-KIND MATCHING.—Each recipient of a covered grant may meet the matching requirement under subparagraph (A) by making in-kind contributions of goods or services that are directly linked with the purpose for which the grant is made, including, but not limited to, any necessary personnel overtime, contractor services, administrative costs, equipment fuel and maintenance, and rental space.

''(3) CERTIFICATIONS REGARDING DISTRIBUTION OF GRANT FUNDS TO LOCAL GOVERNMENTS.—Any State that receives a covered grant shall certify to the Secretary, by not later than 30 days after the expiration of the period described in paragraph (1) with respect to the grant, that the State has made

available for expenditure by local governments, first responders, and other local groups the required amount of grant funds pursuant to paragraph (1).

''(4) QUARTERLY REPORT ON HOMELAND SECURITY SPENDING.—The Federal share described in paragraph (2)(A) may be increased by up to 2 percent for any State, region, or directly eligible tribe that, not later than 30 days after the end of each fiscal quarter, submits to the Secretary a report on that fiscal quarter. Each such report must include, for each recipient of a covered grant or a pass-through under paragraph (1)—

''(A) the amount obligated to that recipient in that quarter;

''(B) the amount expended by that recipient in that quarter; and

''(C) a summary description of the items purchased by such recipient with such amount.

''(5) ANNUAL REPORT ON HOMELAND SECURITY SPENDING.—Each recipient of a covered grant shall submit an annual report to the Secretary not later than 60 days after the end of each Federal fiscal year. Each recipient of a covered grant that is a region must simultaneously submit its report to each State of which any part is included in the region. Each recipient of a covered grant that is a directly eligible tribe must simultaneously submit its report to each State within the boundaries of which any part of such tribe is located. Each report must include the following:

''(A) The amount, ultimate recipients, and dates of receipt of all funds received under the grant during the previous fiscal year.

''(B) The amount and the dates of disbursements of all such funds expended in compliance with paragraph (1) or pursuant to mutual aid agreements or other sharing arrangements that apply within the State, region, or directly eligible tribe, as applicable, during the previous fiscal year.

''(C) How the funds were utilized by each ultimate recipient or beneficiary during the preceding fiscal year.

''(D) The extent to which essential capabilities identified in the applicable State homeland security plan or plans were achieved, maintained, or enhanced as the result of the expenditure of grant funds during the preceding fiscal year.

''(E) The extent to which essential capabilities identified in the applicable State homeland security plan or plans remain unmet.

''(6) INCLUSION OF RESTRICTED ANNEXES.—A recipient of a covered grant may submit to the Secretary an annex to the annual report under paragraph (5) that is subject to appropriate handling restrictions, if the recipient believes that discussion in the report of unmet needs would reveal sensitive but unclassified information.

''(7) PROVISION OF REPORTS.—The Secretary shall ensure that each annual report under paragraph (5) is provided to the Under Secretary for Emergency Preparedness and Response and the Director of the Office for Domestic Preparedness.

''(h) INCENTIVES TO EFFICIENT ADMINISTRATION OF HOMELAND SECURITY GRANTS.—

''(1) PENALTIES FOR DELAY IN PASSING THROUGH LOCAL SHARE.—If a recipient of a covered grant that is a State fails to pass through to local governments, first responders, and other local groups funds or resources required by subsection (g)(1) within 45 days after receiving funds under the grant, the Secretary may—

''(A) reduce grant payments to the grant recipient from the portion of grant funds that is not required to be passed through under subsection (g)(1);

''(B) terminate payment of funds under the grant to the recipient, and transfer the appropriate portion of those funds directly to local first responders that were intended to receive funding under that grant; or

''(C) impose additional restrictions or burdens on the recipient's use of funds under the grant, which may include—

''(i) prohibiting use of such funds to pay the grant recipient's grant-related overtime or other expenses;

''(ii) requiring the grant recipient to distribute to local government beneficiaries all or a portion of grant funds that are not required to be passed through under subsection (g)(1); or

''(iii) for each day that the grant recipient fails to pass through funds or resources in accordance with subsection (g)(1), reducing grant payments to the grant recipient from the portion of grant funds that is not required to be passed through under subsection (g)(1), except that the total amount of such reduction may not exceed 20 percent of the total amount of the grant.

''(2) EXTENSION OF PERIOD.—The Governor of a State may request in writing that the Secretary extend the 45-day period under section 1803(e)(5)(E) or paragraph (1) for an additional 15-day period. The Secretary may approve such a request, and may extend such period for additional 15-day periods, if the Secretary determines that the resulting delay in providing grant funding to the local government entities that will receive funding under the grant will not have a significant detrimental impact on such entities' terrorism preparedness efforts.

''(3) PROVISION OF NON-LOCAL SHARE TO LOCAL GOVERNMENT.—

''(A) IN GENERAL.—The Secretary may upon request by a local government pay to the local government a portion of the amount of a covered grant awarded to a State in which the local government is located, if—

''(i) the local government will use the amount paid to expedite planned enhancements to its terrorism preparedness as described in any applicable State homeland security plan or plans;

''(ii) the State has failed to pass through funds or resources in accordance with subsection (g)(1); and

''(iii) the local government complies with subparagraphs (B) and (C).

''(B) SHOWING REQUIRED.—To receive a payment under this paragraph, a local government must demonstrate that—

''(i) it is identified explicitly as an ultimate recipient or intended beneficiary in the approved grant application;

''(ii) it was intended by the grantee to receive a severable portion of the overall grant for a specific purpose that is identified in the grant application;

''(iii) it petitioned the grantee for the funds or resources after expiration of the period within which the funds or resources were required to be passed through under subsection (g)(1); and

''(iv) it did not receive the portion of the overall grant that was earmarked or designated for its use or benefit.

''(C) EFFECT OF PAYMENT.—Payment of grant funds to a local government under this paragraph—

''(i) shall not affect any payment to another local government under this paragraph; and

''(ii) shall not prejudice consideration of a request for payment under this paragraph that is submitted by another local government.

''(D) DEADLINE FOR ACTION BY SECRETARY.—The Secretary shall approve or disapprove each request for payment under this paragraph by not later than 15 days after the date the request is received by the Department.

''(i) REPORTS TO CONGRESS.—The Secretary shall submit an annual report to the Congress by January 31 of each year covering the preceding fiscal year—

''(1) describing in detail the amount of Federal funds provided as covered grants that were directed to each State, region, and directly eligible tribe in the preceding fiscal year;

''(2) containing information on the use of such grant funds by grantees; and

''(3) describing—

''(A) the Nation's progress in achieving, maintaining, and enhancing the essential capabilities established by the Secretary as a result of the expenditure of covered grant funds during the preceding fiscal year; and

''(B) an estimate of the amount of expenditures required to attain across the United States the essential capabilities established by the Secretary.

''SEC. 1807. NATIONAL STANDARDS FOR FIRST RESPONDER EQUIPMENT AND TRAINING.

''(a) EQUIPMENT STANDARDS.—

''(1) IN GENERAL.—The Secretary, in consultation with the Under Secretaries for Emergency Preparedness and Response and Science and Technology and the Director of the Office for Domestic Preparedness, shall, not later than 6 months after the date of enactment of this section, support the development of, promulgate, and update as necessary national voluntary consensus standards for the performance, use, and validation of first responder equipment for purposes of section 1805(e)(7). Such standards—

''(A) shall be, to the maximum extent practicable, consistent with any existing voluntary consensus standards;

''(B) shall take into account, as appropriate, new types of terrorism threats that may not have been contemplated when such existing standards were developed;

''(C) shall be focused on maximizing interoperability, interchangeability, durability, flexibility, efficiency, efficacy, portability, sustainability, and safety; and

''(D) shall cover all appropriate uses of the equipment.

''(2) REQUIRED CATEGORIES.—In carrying out paragraph (1), the Secretary shall specifically consider the following categories of first responder equipment:

''(A) Thermal imaging equipment.

''(B) Radiation detection and analysis equipment.

''(C) Biological detection and analysis equipment.

''(D) Chemical detection and analysis equipment.

''(E) Decontamination and sterilization equipment.

''(F) Personal protective equipment, including garments, boots, gloves, and hoods and other protective clothing.

''(G) Respiratory protection equipment.

''(H) Interoperable communications, including wireless and wireline voice, video, and data networks.

''(I) Explosive mitigation devices and explosive detection and analysis equipment.

''(J) Containment vessels.

''(K) Contaminant-resistant vehicles.

''(L) Such other equipment for which the Secretary determines that national voluntary consensus standards would be appropriate.

''(b) TRAINING STANDARDS.—

''(1) IN GENERAL.—The Secretary, in consultation with the Under Secretaries for Emergency Preparedness and Response and Science and Technology and the Director of the Office for Domestic Preparedness, shall support the development of, promulgate, and regularly update as necessary national voluntary consensus standards for first responder training carried out with amounts

provided under covered grant programs, that will enable State and local government first responders to achieve optimal levels of terrorism preparedness as quickly as practicable. Such standards shall give priority to providing training to—

''(A) enable first responders to prevent, prepare for, respond to, mitigate against, and recover from terrorist threats, including threats from chemical, biological, nuclear, and radiological weapons and explosive devices capable of inflicting significant human casualties; and

''(B) familiarize first responders with the proper use of equipment, including software, developed pursuant to the standards established under subsection (a).

''(2) REQUIRED CATEGORIES.—In carrying out paragraph (1), the Secretary specifically shall include the following categories of first responder activities:

''(A) Regional planning.

''(B) Joint exercises.

''(C) Intelligence collection, analysis, and sharing.

''(D) Emergency notification of affected populations.

''(E) Detection of biological, nuclear, radiological, and chemical weapons of mass destruction.

''(F) Such other activities for which the Secretary determines that national voluntary consensus training standards would be appropriate.

''(3) CONSISTENCY.—In carrying out this subsection, the Secretary shall ensure that such training standards are consistent with the principles of emergency preparedness for all hazards.

''(c) CONSULTATION WITH STANDARDS ORGANIZATIONS.—In establishing national voluntary consensus standards for first responder equipment and training under this section, the Secretary shall consult with relevant public and private sector groups, including—

''(1) the National Institute of Standards and Technology;

''(2) the National Fire Protection Association;

''(3) the National Association of County and City Health Officials;

''(4) the Association of State and Territorial Health Officials;

''(5) the American National Standards Institute;

''(6) the National Institute of Justice;

''(7) the Inter-Agency Board for Equipment Standardization and Interoperability;

''(8) the National Public Health Performance Standards Program;

''(9) the National Institute for Occupational Safety and Health;

''(10) ASTM International;

''(11) the International Safety Equipment Association;

''(12) the Emergency Management Accreditation Program; and

''(13) to the extent the Secretary considers appropriate, other national voluntary consensus standards development organizations, other interested Federal, State, and local agencies, and other interested persons.

''(d) COORDINATION WITH SECRETARY OF HHS.—In establishing any national voluntary consensus standards under this section for first responder equipment or training that involve or relate to health professionals, including emergency medical professionals, the Secretary shall coordinate activities under this section with the Secretary of Health and Human Services.''.

(b) DEFINITION OF EMERGENCY RESPONSE PROVIDERS.—Paragraph (6) of section 2 of the Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 101(6)) is amended by striking ''includes'' and all that follows and inserting ''includes Federal, State, and local governmental and nongovernmental emergency public safety, law enforcement, fire, emergency response, emergency medical (including hospital emergency facilities), and related personnel, organizations, agencies, and authorities.''.

SEC. 12. OVERSIGHT.

The Secretary of Homeland Security shall establish within the Office for Domestic Preparedness an Office of the Comptroller to oversee the grants distribution process and the financial management of the Office for Domestic Preparedness.

SEC. 13. GAO REPORT ON AN INVENTORY AND STATUS OF HOMELAND SECURITY FIRST RESPONDER TRAINING.

(a) IN GENERAL.—The Comptroller General of the United States shall report to the Congress in accordance with this section—

(1) on the overall inventory and status of first responder training programs of the Department of Homeland Security and other departments and agencies of the Federal Government; and

(2) the extent to which such programs are coordinated.

(b) CONTENTS OF REPORTS.—The reports under this section shall include—

(1) an assessment of the effectiveness of the structure and organization of such training programs;

(2) recommendations to—

(A) improve the coordination, structure, and organization of such training programs; and

(B) increase the availability of training to first responders who are not able to attend centralized training programs;

(3) the structure and organizational effectiveness of such programs for first responders in rural communities;

(4) identification of any duplication or redundancy among such programs;

(5) a description of the use of State and local training institutions, universities, centers, and the National Domestic Preparedness Consortium in designing and providing training;

(6) a cost-benefit analysis of the costs and time required for first responders to participate in training courses at Federal institutions;

(7) an assessment of the approval process for certifying non-Department of Homeland Security training courses that are useful for anti-terrorism purposes as eligible for grants awarded by the Department;

(8) a description of the use of Department of Homeland Security grant funds by States and local governments to acquire training;

(9) an analysis of the feasibility of Federal, State, and local personnel to receive the training that is necessary to adopt the National Response Plan and the National Incident Management System; and

(10) the role of each first responder training institution within the Department of Homeland Security in the design and implementation of terrorism preparedness and related training courses for first responders.

(c) DEADLINES.—The Comptroller General shall—

(1) submit a report under subsection (a)(1) by not later than 60 days after the date of the enactment of this Act; and

(2) submit a report on the remainder of the topics required by this section by not later than 120 days after the date of the enactment of this Act.

SEC. 14. REMOVAL OF CIVIL LIABILITY BARRIERS THAT DISCOURAGE THE DONATION OF FIRE EQUIPMENT TO VOLUNTEER FIRE COMPANIES.

(a) LIABILITY PROTECTION.—A person who donates fire control or fire rescue equipment to a volunteer fire company shall not be liable for civil damages under any State or Federal law for personal injuries, property damage or loss, or death caused by the equipment after the donation.

(b) EXCEPTIONS.—Subsection (a) does not apply to a person if—

(1) the person's act or omission causing the injury, damage, loss, or death constitutes gross negligence or intentional misconduct; or

(2) the person is the manufacturer of the fire control or fire rescue equipment.

(c) PREEMPTION.—This section preempts the laws of any State to the extent that such laws are inconsistent with this section, except that notwithstanding subsection (b) this section shall not preempt any State law that provides additional protection from liability for a person who donates fire control or fire rescue equipment to a volunteer fire company.

(d) DEFINITIONS.—In this section:

(1) PERSON.—The term ''person'' includes any governmental or other entity.

(2) FIRE CONTROL OR RESCUE EQUIPMENT.—The term ''fire control or fire rescue equipment'' includes any fire vehicle, fire fighting tool, communications equipment, protective gear, fire hose, or breathing apparatus.

(3) STATE.—The term ''State'' includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Virgin Islands, any other territory or possession of the United States, and any political subdivision of any such State, territory, or possession.

(4) VOLUNTEER FIRE COMPANY.—The term ''volunteer fire company'' means an association of individuals who provide fire protection and other emergency services, where at least 30 percent of the individuals receive little or no compensation compared with an entry level full-time paid individual in that association or in the nearest such association with an entry level full-time paid individual.

(e) EFFECTIVE DATE.—This section applies only to liability for injury, damage, loss, or death caused by equipment that, for purposes of subsection (a), is donated on or after the date that is 30 days after the date of the enactment of this section.

The Acting CHAIRMAN. Pursuant to House Resolution 369, the gentlewoman from New York (Mrs. LOWEY) and a Member opposed each will control 5 minutes.

Mrs. LOWEY. Mr. Chairman, I do not believe there is a Member opposed.

Mr. SENSENBRENNER. Mr. Chairman, I ask unanimous consent to claim the time in opposition, even though I am not opposed to the amendment.

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

There was no objection.

Mrs. LOWEY. Mr. Chairman, I yield 2½ minutes to the gentleman from New York (Mr. SWEENEY) and ask unanimous consent that he be allowed to control that time.

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

There was no objection.

The Acting CHAIRMAN. The Chair recognizes the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this commonsense amendment would simply ensure that the areas in our country facing the

greatest threat receive their fair share of homeland security funds. Recent worldwide attacks against areas with significant critical infrastructure are not wake-up calls, they are fire alarms.

This amendment already has widespread support. The House voted for these same provisions by a vote of 409 to 10 just 10 months ago.

I urge my colleagues to once again support these provisions. Let us take action tonight so that we can allocate our precious resources to those who need them the most.

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

□ 2000

Mr. SWEENEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of this amendment and want to thank my good friend and colleague, the gentlewoman from New York (Mrs. LOWEY). We have worked on a number of things, including this, for quite some time.

Mr. Chairman, 3 years ago I introduced identical legislation that made homeland security funds, first responder funds threat-based. That legislation, I am happy to say, has since been supported overwhelmingly by the 9/11 Commission, the President, and the Secretary of the Department of Homeland Security. We passed an amendment by House vote of 409 to 10 as part of the authorizing language for Department of Homeland Security.

Simply, what this is, and this is not a geographic vote, this is not a political-philosophical vote, it simply says the Department of Homeland Secretary and the Secretary of that Department ought to have the resources and ought to have the flexibility to direct Federal resources where they belong, to direct Federal resources where the threats exist.

So if it is in the subway systems or the rail systems or the aviation system or some other system that the threat actually exists, the Secretary will have the capacity and the tools to indeed take all of the resources that we have as a Nation to protect ourselves.

We owe it to our constituents. It is the highest order of duty here in this body. The gentlewoman from New York (Mrs. LOWEY) and I have worked on this now for a number of years, and I am thrilled we are offering it here. My suspicion is it is going to be accepted here and made part of the PATRIOT Act.

The reason it is part of the PATRIOT Act is the original formula, the current formula that we operate under, was part of the original PATRIOT Act bill that was passed. At that time, we could not have anticipated all of the things we now know to be true as a body. This is rectifying something that was an oversight in the original PATRIOT Act bill. I strongly support that, as I do this bill.

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

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I support this amendment, and just let me give a little bit of the history of this.

The gentleman from New York (Mr. SWEENEY) is correct that the first responder grants were a part of the original PATRIOT Act. We did not know how to divide up the first responder grants properly, so we put a formula in. Well, it ended up that the formula had some anomalies, and it ended up being out of date.

As a result, in the last Congress the Committee on the Judiciary and the Select Committee on Homeland Security worked out an agreement where the formula would be modified, where there would be certain floors for States, a lot of the money would be threat-based and the types of grants were consolidated so that there would be a simpler application process. That bill was passed 409 to 10. There were just a few Members that voted against it. Then it went over to the other body and nothing happened to it.

We have attempted to redo the first responder grants again in this Congress, and there is no hope that the other body will take the stand-alone bill and enact it into law.

By adopting this amendment, we are going to be in a stronger position to actually make the needed changes in the formula law of the United States of America this year without further delay. That is why this amendment should be supported. I would hope that it would have an overwhelming vote.

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

Mrs. LOWEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the gentlemen for their support. I thank them for accepting it. This is a very important amendment. I thank the chairman for his wisdom and for his comments. I am glad we were able to use this as a vehicle to get the job done.

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

The Acting CHAIRMAN (Mr. SIMPSON). The question is on the amendment offered by the gentlewoman from New York (Mrs. LOWEY).

The amendment was agreed to.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in part B of House Report 109–178 on which further proceedings were postponed in the follow order: amendment No. 9 offered by Mr. BERMAN of California; amendment No. 11 offered by Mr. SCHIFF of California; amendment No. 14 by offered by Ms. HART of Pennsylvania; amendment No. 15, as modified, offered by Ms. JACKSON-LEE of Texas.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 9 OFFERED BY MR. BERMAN

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. BERMAN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 261, noes 165, not voting 7, as follows:

[Roll No. 409]

AYES—261

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boozman
Boren
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Cannon
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Coble
Conaway
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crowley
Cuellar
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Farr
Fattah
Feeney
Filner
Fitzpatrick (PA)
Flake
Foley
Ford
Frank (MA)
Gerlach
Gillmor
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Harman
Harris
Hart
Hastings (WA)
Hefley
Hensarling
Herseth
Higgins
Hinchey
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kingston
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Mack
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCotter
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Petri
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Rahall
Rangel
Regula
Reyes
Rohrabacher
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo

Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sherman
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn
Young (AK)

NOES—165

Akin
Alexander
Bachus
Baker
Barrett (SC)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boustany
Brady (TX)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Carter
Castle
Chabot
Chocola
Cole (OK)
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Everett
Ferguson
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gingrey
Granger
Graves
Hall
Hayes
Hayworth
Herger
Hobson
Hoekstra
Hostettler
Hunter
Hyde
Jindal
Johnson (CT)
Johnson, Sam
Keller
Kelly
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCaul (TX)
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Oxley
Pearce
Peterson (PA)
Pitts
Platts
Pombo
Pryce (OH)
Putnam
Radanovich
Ramstad
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Turner
Walsh
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—7

Brown (SC)
Hastings (FL)
Hinojosa
Jefferson
Pickering
Taylor (MS)
Thomas

□ 2030

Ms. FOXX, Messrs. LINCOLN DIAZ-BALART, RADANOVICH, SODREL, BOUSTANY, Mrs. MYRICK, Messrs. GRAVES, MCCRERY, TERRY and Miss MCMORRIS changed their vote from ''aye'' to ''no''.

Messrs. KINGSTON, WALDEN of Oregon, GUTKNECHT, Ms. SOLIS, Mr. SCHWARZ of Michigan, Ms. HARRIS, Mr. ROHRABACHER, Mrs. EMERSON, and Messrs. YOUNG of Alaska, COX and INGLIS of South Carolina changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 11 OFFERED BY MR. SCHIFF

The Acting CHAIRMAN (Mr. SIMPSON). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. SCHIFF) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 381, noes 45, not voting 7, as follows:

[Roll No. 410]

AYES—381

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hobson
Hoekstra
Holden
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Melancon
Menendez
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Walden (OR)
Walsh
Wamp
Watson
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—45

Baldwin
Blumenauer
Conyers
Delahunt
Filner
Frank (MA)
Grijalva
Holt
Jackson (IL)
Jackson-Lee (TX)
Jones (OH)
Kildee
Kilpatrick (MI)
Kucinich
Lee
Lewis (GA)
Markey
McCollum (MN)
McDermott
McGovern
McKinney
Meeks (NY)
Michaud
Millender-McDonald
Miller, George
Mollohan
Moore (WI)
Nadler
Oberstar
Olver
Otter
Owens
Paul
Payne
Sabo
Schakowsky
Scott (VA)
Serrano
Stark
Tierney
Visclosky
Wasserman Schultz
Waters
Watt
Woolsey

NOT VOTING—7

Brown (SC)
Hastings (FL)
Hinojosa
Jefferson
Pickering
Taylor (MS)
Thomas

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised that 2 minutes remain in this vote.

□ 2039

Messrs. KILDEE, BLUMENAUER, DELAHUNT and Ms. MILLENDER-

MCDONALD changed their vote from ''aye'' to ''no''.

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 14 OFFERED BY MS. HART

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Pennsylvania (Ms. HART) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 387, noes 38, not voting 8, as follows:

[Roll No. 411]

AYES—387

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hobson
Hoekstra
Holden
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson-Lee (TX)
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sanchez, Loretta
Sanders
Saxton
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (NC)
Terry
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
Watson
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—38

Baldwin
Blumenauer
Capuano
Carson
Clay
Conyers
Crowley
Cummings
Filner
Frank (MA)
Grijalva
Gutierrez
Holt
Jackson (IL)
Jones (OH)
Kucinich
Lee
Lewis (GA)
Lofgren, Zoe
Markey
McDermott
McGovern
McKinney
Miller, George
Moore (WI)
Paul
Payne
Petri
Sánchez, Linda T.
Schakowsky
Scott (VA)
Serrano
Solis
Stark
Waters
Watt
Wexler
Woolsey

NOT VOTING—8

Brown (SC)
Hastings (FL)
Hinojosa
Jefferson
Lewis (CA)
Pickering
Taylor (MS)
Thomas

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. SIMPSON) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 2046

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 15, AS MODIFIED, OFFERED BY MS. JACKSON-LEE OF TEXAS

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment, as modified, offered by the gentlewoman from Texas (Ms. JACKSON-LEE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 233, noes 192, not voting 9, as follows:

[Roll No. 412]

AYES—233

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bass
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Carnahan
Carson
Case
Castle
Chocola
Clay
Cleaver
Coble
Cole (OK)
Conyers
Costa
Costello
Crowley
Cuellar
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Duncan
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fitzpatrick (PA)
Ford
Fortenberry
Frank (MA)
Frelinghuysen
Gerlach
Gilchrest
Gillmor
Gohmert
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Herseth
Higgins
Hinchey
Hobson
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Mack
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (FL)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Nadler
Napolitano
Neal (MA)
Ney
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Poe
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rogers (KY)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)

Schwarz (MI)	Strickland	Walden (OR)
Scott (GA)	Stupak	Wasserman Schultz
Serrano	Tanner	Waters
Shays	Tauscher	Watson
Sherman	Terry	Watt
Simmons	Thompson (CA)	Waxman
Skelton	Thompson (MS)	Weiner
Slaughter	Tierney	Wexler
Smith (WA)	Towns	Whitfield
Snyder	Udall (CO)	Woolsey
Solis	Udall (NM)	Wu
Spratt	Van Hollen	Wynn
Stark	Velázquez	Young (FL)
Stearns	Visclosky	

NOES—192

Aderholt	Gibbons	Norwood
Akin	Gingrey	Nunes
Bachus	Goode	Osborne
Baker	Goodlatte	Otter
Barrett (SC)	Granger	Oxley
Bartlett (MD)	Graves	Pearce
Barton (TX)	Green (WI)	Pence
Beauprez	Gutknecht	Peterson (MN)
Biggert	Hall	Peterson (PA)
Bishop (UT)	Harris	Petri
Blackburn	Hart	Pitts
Blunt	Hastert	Platts
Boehlert	Hastings (WA)	Pombo
Boehner	Hayes	Porter
Bonilla	Hayworth	Price (GA)
Bonner	Hefley	Pryce (OH)
Bono	Hensarling	Putnam
Boozman	Herger	Radanovich
Boustany	Hoekstra	Regula
Brown-Waite, Ginny	Hostettler	Rehberg
Burgess	Hulshof	Reichert
Burton (IN)	Hyde	Renzi
Buyer	Inglis (SC)	Reynolds
Calvert	Issa	Rogers (AL)
Camp	Istook	Rogers (MI)
Cannon	Jenkins	Rohrabacher
Cantor	Jindal	Ros-Lehtinen
Capito	Johnson, Sam	Royce
Carter	Kanjorski	Ryan (WI)
Chabot	Keller	Ryun (KS)
Chandler	Kelly	Saxton
Clyburn	Kennedy (MN)	Scott (VA)
Conaway	King (IA)	Sensenbrenner
Cooper	King (NY)	Sessions
Cox	Kingston	Shadegg
Cramer	Kline	Shaw
Crenshaw	Knollenberg	Sherwood
Cubin	Kolbe	Shimkus
Culberson	Kuhl (NY)	Shuster
Cunningham	LaHood	Simpson
Davis (AL)	Latham	Smith (NJ)
Davis (KY)	LaTourette	Smith (TX)
Davis, Jo Ann	Lewis (CA)	Sodrel
Deal (GA)	Linder	Souder
DeLay	Lucas	Sullivan
Diaz-Balart, L.	Lungren, Daniel E.	Sweeney
Diaz-Balart, M.	Manzullo	Tancredo
Doolittle	Marchant	Taylor (NC)
Drake	McCrery	Thornberry
Dreier	McHenry	Tiahrt
Ehlers	McHugh	Tiberi
Emerson	McKeon	Turner
English (PA)	McMorris	Upton
Everett	Mica	Walsh
Feeney	Miller (MI)	Wamp
Ferguson	Miller, Gary	Weldon (FL)
Flake	Moran (KS)	Weldon (PA)
Foley	Moran (VA)	Weller
Forbes	Murphy	Westmoreland
Fossella	Murtha	Wicker
Foxx	Musgrave	Wilson (NM)
Franks (AZ)	Myrick	Wilson (SC)
Gallegly	Neugebauer	Wolf
Garrett (NJ)	Northup	Young (AK)

NOT VOTING—9

Brown (SC)	Hinojosa	Pickering
Cardoza	Jefferson	Taylor (MS)
Hastings (FL)	Kirk	Thomas

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised that 2 minutes remain in this vote.

□ 2053

Messrs. SCHWARZ of Michigan, FORD, BERMAN and SHAYS changed their vote from ''no'' to ''aye.''

So the amendment, as modified, was agreed to.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN. The question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LATOURETTE) having assumed the chair, Mr. SIMPSON, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3199) to extend and modify authorities needed to combat terrorism, and for other purposes, pursuant to House Resolution 369, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. BOUCHER

Mr. BOUCHER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BOUCHER. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. BOUCHER moves to recommit the bill H.R. 3199 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendments:

Amend section 3 to read as follows:

SEC. 3. USA PATRIOT ACT SUNSET PROVISIONS.

(a) EXTENSION OF SUNSET.—Section 224 of the USA PATRIOT Act is amended by striking ''December 31, 2005'' and inserting ''December 31, 2009''.

(b) SUNSET OF NEW PROVISIONS.—

(1) IN GENERAL.—Sections 6, 7, 8, 9, and 10 of this Act and the amendments made by such sections shall cease to have effect on December 31, 2009.

(2) EXCEPTION.—With respect to any particular foreign intelligence investigation that began before the date on which the provisions referred to in paragraph (1) cease to have effect, or with respect to any particular offense or potential offense that began or occurred before the date on which such provisions cease to have effect, such provisions shall continue in effect.

Mr. BOUCHER (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Virginia (Mr. BOUCHER) is recognized for 5 minutes.

Mr. BOUCHER. Mr. Speaker, I rise this evening to ask that the House retain its oversight authority by inserting 4-year sunsets into H.R. 3199.

In the past year, we have asked the Department of Justice how it is using the authority granted to it under the PATRIOT Act. Some of our questions simply went unanswered. Other questions were rebuffed, and we were told that the information was classified. And still others were avoided by telling us that the information simply was not available.

However, all of that changed in April of this year when the Justice Department realized that a straight reauthorization of the PATRIOT Act would not happen without serious answers to our reasonable questions. Suddenly, numbers and examples were no longer unavailable. Suddenly, the information we had long been seeking was provided.

I have no doubt that if 16 provisions of the law were not scheduled to sunset at the end of this year, we would still have little information about how these authorities have been used.

Members of the majority have stressed today that the Committee on the Judiciary has held 12 PATRIOT Act hearings in recent months. That extensive inquiry would not have occurred had the sunsets in the law not been in place. For these reasons, we should reinstate the sunsets for an additional 4 years. All 16 of the sunsets that were contained in the original law would be reinserted through this motion to recommit. The FBI will still have all the powers that the bill gives it. It will simply have to come back 4 years from now and answer our legitimate questions about how those powers have been used.

□ 2100

Reinstating the sunsets is about accountability. Our colleagues across the aisle will say that no abuses have occurred by the powers granted to the government under the PATRIOT Act. That point I think is open to debate. I think most would agree that the breadth of many of these provisions creates, at a minimum, the potential for abuse and we, therefore, have an obligation to conduct rigorous oversight to ensure that civil liberties are protected. Inserting the sunset provisions into the law once again will be the way to ensure that we can conduct that vigorous oversight. I urge approval for this motion, which will simply assure that we remain in that strong position.

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

Mr. ROHRABACHER. Mr. Speaker, I rise in support of this motion. After 9/11, the United States Congress gave

our investigative agencies a wide variety of special powers to fight a war on terrorism, an expansion of powers that we would have never approved in peacetime. This included the right to break into homes of American citizens without court order, seize documents, copy computer files, and evidence without ever telling the owner. We gave our agencies, among those other things, the right to wiretap and intercept phone and computer communications without prior cause, and in general we lowered the requirement for lawful searches. I supported this dramatic expansion of Federal power because our country was at war.

In times of emergency, it is responsible to increase the power of our government, yet we recognize that these powers should contain sunset provisions. The first PATRIOT Act had 16 of its sections sunsetted, so after the emergency was over the government would again return to a level consistent to a free society. Our Republic was founded on the idea that the powers of government should be limited. We should not be required to live in peacetime under the extraordinary laws that were passed during times of war and crisis. Emergency powers of investigation should not become the standard once the crisis has passed.

I am seriously concerned about the use of emergency conditions to permanently alter our constitutional legal rights. Until now, the Members of this body have been denied the ability to vote their conscience on the issue of sunsets. Now, each of us will have that opportunity. It is not a Republican vote, it is not a Democrat vote. I support this war on terror and the war on radical Islam. I was here yesterday fighting for a very important provision that put me against my friends on the other side of the aisle. But today I am asking all of my friends, on both sides of the aisle, let us be patriots. Let us stand up for those principles that our Founding Fathers talked about, and that is limiting the power of government.

What we are doing here in this motion to recommit is establishing the sunsets so that 4 years from now, hopefully when we have beaten the terrorists, we can return to normal constitutional protections, and if not, we can reestablish another situation. But, please, let us keep faith with those people who founded our country on limited government and the protection of civil liberties. Vote ''yes'' on this provision.

Mr. SENSENBRENNER. Mr. Speaker, I rise in opposition to the motion to recommit.

Good oversight is done by congressional leadership, not by sunsets. There has been good oversight over the PATRIOT Act right from the beginning. The Committee on the Judiciary has spent a lot of time overseeing the Justice Department, with oversight letters, questions that the gentleman from Michigan (Mr. CONYERS) and I have sent jointly to the Justice Department, Inspector General reports, and this is the result of it: Almost two feet of responses.

And what have these responses said? First of all, there has been no provision, of the 16 sunsetted provisions, that have been found unconstitutional by any Federal court in the Nation. The Inspector General's report has found no civil liberties violations under the PATRIOT Act, and I think that the question we ought to ask ourselves today is whether we should weigh the potential for abuse of this law against the actual record of abuse. There is no actual record of abuse with all of the oversight that we have been doing.

Now, we have had 12 hearings on the PATRIOT Act, the 16 sunsetted provisions. Thirteen of the 16 provisions are noncontroversial. There have not been witnesses that have appeared before the committee that have said that there are problems, and that includes the provision that tore down the wall after 9/11 that prevented the CIA and the FBI from exchanging intelligence information. This motion to recommit will bring that wall back up in 2009. I think we ought to look at the record. We ought to look at the actual record of abuse. There has been none.

Only 5 percent of our legislation is sunsetted. Why sunset legislation where there has been no actual record of abuse and there has been vigorous oversight?

Mr. Speaker, I yield to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Speaker, I am probably the last person expected to speak on behalf of the committee or the leadership in general. I tend to be critical sometimes of committees and the leadership and the process here. But let me tell you, I have watched the process here in the Committee on the Judiciary over the past couple of years on this issue. I have watched us hold hearing after hearing, 12 just in the last several months, 2 in the last Congress, and I have watched us adopt amendment after amendment in committee. We held a 12-hour markup there, a serious markup. I am often critical of the way we do business here, but here I saw it work. We did exercise effective oversight.

Mr. Speaker, nobody loves sunsets like this Arizonan. I was very supportive of the sunsets we had in the bill initially. I am very supportive of the sunset we have, the 10-year sunsets on the two controversial provisions. I think those ought to stand, and I hope they make it through the process. But I have learned on issues like this you do not get everything you want. I did not get every amendment I wanted. I got a few, and a few of the ones we did get were substantive.

We have made amendments to section 215, to section 213. We have tightened up the requirements of national security letters. These are substantive amendments. They are good. Sometimes, as my hero in politics said once, in one book, Barry Goldwater said, ''Politics is nothing more than public business. Sometimes you make the best of a mixed bargain. You don't always get everything you want.''

We got good substantive reform here and we have sunsets. They are a bit longer than I am comfortable with at times, but we have them here. I think we ought to make the best of what we have. It is a good product. I commend the chairman and the others.

And I should say it is not just the Committee on the Judiciary that has gone through this process. The Permanent Select Committee on Intelligence has had hearings as well. They have had a markup process and have worked collaboratively, Democrats and Republicans.

My own amendments, virtually every one of them, had Democrats on them. I have worked with them and we have worked together on this. I helped form the PATRIOT Act Reform Caucus over a year ago. We have worked to make sure these changes have been made. This is a good product. I urge a ''no'' vote on the motion to recommit and ''yes'' on the underlying bill.

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

The SPEAKER pro tempore (Mr. LATOURETTE). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 209, nays 218, not voting 7, as follows:

[Roll No. 413]

YEAS—209

Abercrombie	Cardoza	Doyle
Ackerman	Carnahan	Edwards
Allen	Carson	Ehlers
Andrews	Case	Emanuel
Baca	Chandler	Engel
Baird	Clay	Eshoo
Baldwin	Cleaver	Etheridge
Barrow	Clyburn	Evans
Bartlett (MD)	Conyers	Farr
Bean	Cooper	Fattah
Becerra	Costa	Filner
Berkley	Costello	Ford
Berman	Cramer	Frank (MA)
Berry	Crowley	Gonzalez
Bishop (GA)	Cuellar	Gordon
Bishop (NY)	Cummings	Green, Al
Blumenauer	Davis (AL)	Green, Gene
Boren	Davis (CA)	Grijalva
Boswell	Davis (FL)	Gutierrez
Boucher	Davis (IL)	Harman
Boyd	Davis (TN)	Hefley
Brady (PA)	DeFazio	Herseth
Brown (OH)	DeGette	Higgins
Brown, Corrine	Delahunt	Hinchey
Butterfield	DeLauro	Holden
Capps	Dicks	Holt
Capuano	Dingell	Honda
Cardin	Doggett	Hooley

Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rohrabacher
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—218

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

NOT VOTING—7

Brown (SC)
Hastings (FL)
Hinojosa
Mack
Pickering
Taylor (MS)
Thomas

□ 2125

Mr. BASS changed his vote from ''yea'' to ''nay.''

Mr. SERRANO changed his vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LATOURETTE). The question is on the passage of the bill.

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

RECORDED VOTE

Mr. SENSENBRENNER. 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 257, noes 171, not voting 6, as follows:

[Roll No. 414]

AYES—257

Aderholt
Akin
Alexander
Andrews
Baca
Bachus
Baker
Barrett (SC)
Barrow
Barton (TX)
Bass
Bean
Beauprez
Biggert
Bilirakis
Bishop (GA)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Bradley (NH)
Brady (TX)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Cox
Cramer
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
English (PA)
Etheridge
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Gene
Gutknecht
Hall
Harman
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hobson
Hoekstra
Holden
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lungren, Daniel E.
Marchant
Marshall
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Melancon
Menendez
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Saxton
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Sodrel
Souder
Spratt
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOES—171

Abercrombie
Ackerman
Allen
Baird
Baldwin
Bartlett (MD)
Becerra
Berkley
Berman
Berry
Bishop (NY)
Bishop (UT)
Blumenauer
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardoza
Carson
Clay
Cleaver
Conyers
Costa
Costello
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Duncan
Engel
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Green, Al
Grijalva
Gutierrez
Hinchey
Holt
Honda
Hooley
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Maloney
Manzullo
Markey
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Oberstar
Obey
Olver
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Price (GA)
Price (NC)
Rahall
Rangel
Rohrabacher
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Slaughter
Smith (WA)

Snyder	Towns	Watt
Solis	Udall (CO)	Waxman
Stark	Udall (NM)	Weiner
Strickland	Van Hollen	Wexler
Stupak	Velázquez	Woolsey
Tanner	Visclosky	Wu
Tauscher	Wasserman Schultz	Wynn
Thompson (CA)	Waters	Young (AK)
Thompson (MS)	Watson	
Tierney		

NOT VOTING—6

Brown (SC)	Hinojosa	Taylor (MS)
Hastings (FL)	Pickering	Thomas

□ 2144

Mrs. MCCARTHY and Messrs. BISHOP of New York, ISRAEL, ROTHMAN, SNYDER, and MOORE of Kansas changed their vote from ''aye'' to ''no.''

Mr. TAYLOR of North Carolina changed his vote from ''no'' to ''aye.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 2145

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3199, USA PATRIOT AND TERRORISM PREVENTION REAUTHORIZATION ACT OF 2005

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 3199, the Clerk be authorized to correct section numbers, punctuation, cross-references, and the table of contents, and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill.

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

There was no objection.

ANNOUNCEMENT BY THE COMMITTEE ON RULES REGARDING AMENDMENTS TO H.R. 22, POSTAL ACCOUNTABILITY AND ENHANCEMENT ACT

Mr. DREIER. Mr. Speaker, the Committee on Rules may meet next week to grant a rule which could limit the amendment process for floor consideration of H.R. 22, the Postal Accountability and Enhancement Act.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Committee on Rules in room H–312 of the Capitol by 1 p.m. on Monday, July 25, 2005. Members should draft their amendments to the bill as reported by the Committee on Government Reform on April 13, 2005, which was filed with the House on April 28, 2005.

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

CORRECTING ENROLLMENT OF H.R. 3377, SURFACE TRANSPORTATION EXTENSION ACT OF 2005, PART IV

Mr. PETRI. Mr. Speaker, I ask unanimous consent for the immediate consideration of the concurrent resolution (H. Con. Res. 212) to correct technical errors in the enrollment of the bill H.R. 3377.

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 212

Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill H.R. 3377, the Clerk of the House shall make the following corrections in section 5 of the bill:

(1) In the matter amending section 157(g)(1) of title 23, United States Code, strike ''$92,054,794,521'' and insert ''$92,054,794''.

(2) In the matter amending section 163(e)(1) of such title, strike ''$90,410,958,900'' and insert ''$90,410,958''.

(3) In the matter amending section 2009(a)(1) of the Transportation Equity Act for the 21st Century strike ''$135,616,438,356'' and insert ''$135,616,438''.

(4) In the matter amending section 2009(a)(2) of such Act strike '$59,178,082,192'' and insert ''$59,178,082''.

(5) In the matter amending section 2009(a)(3) of such Act strike ''$16,438,356,164'' and insert ''$16,438,356''.

(6) In the matter amending section 2009(a)(4) of such Act strike ''$32,876,712,329'' and insert ''$32,876,712''.

(7) In the matter amending section 2009(a)(6) of such Act strike ''$2,958,904,110'' and insert ''$2,958,904''.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1376

Mr. BOREN. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1376.

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

There was no objection.

THE GOOD WORK AT GUANTANAMO

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

Mr. PRICE of Georgia. Mr. Speaker, like many Americans, I have heard of some activities at the detention facility at Guantanamo Bay that have given me some concern. Unlike most Americans, I recently had the opportunity to visit Guantanamo and what I saw with my own eyes was not what I had heard.

All Americans can be proud of our servicemen and women who protect us, including those at Guantanamo. They are our moms and our dads, our brothers and our sisters, our sons and our daughters, and they are running a professional, respectful, orderly and clean detention facility that is vital to our security.

The war on terror continues. The men being held at Guantanamo are constantly being evaluated to determine whether their detention should continue. Are they still a threat, or can they provide further information in the war on terror? For each of them the answer is clearly yes.

Mr. Speaker, General Raymond Hood and all members of the Joint Task Force at Guantanamo should be honored and commended for their work and help in protecting all Americans.

PROVIDING HEALTH CARE SECURITY FOR ALL AMERICANS

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

Mrs. BLACKBURN. Mr. Speaker, this evening we have addressed our Nation's homeland security with the reauthorization of the PATRIOT Act, putting the focus where it should be, keeping this Nation safe.

My constituents talk with me not only about homeland security and economic security, but about our health care security.

Mr. Speaker, I would like to commend the gentleman from Texas (Mr. SAM JOHNSON) for the Small Business Health Fairness Act that he has filed. We talk about small businesses buying association health plans, being able to group together to buy health insurance to provide for their small business employees. This is a good idea. It helps bolster our Nation's economic engine, those small businesses.

I commend the gentleman from Texas. I cosponsored his legislation. I look forward to supporting it as he begins to move that to the floor and we keep the focus on security in this great Nation.

PRODUCTION, CONFIDENCE AND THE ECONOMY

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

Ms. FOXX. Mr. Speaker, the impact of the President's ambitious agenda and our work in the House is ensuring that America's economy remains the strongest in the world. In fact, recent economic data shows the economy is providing the momentum necessary to drive steady jobs growth, despite Members of the minority party's attempts to distort our economic agenda.

In the month of June, our robust economy created more than 144,000

jobs. The recent rise in our economy's production reflects the largest surge in utility output in 16 years, and the outlook for our country's growth is sitting well with consumers. The latest Consumer Sentiment Index rose in July as Americans become more and more upbeat about the economy.

Tax cuts proposed by President Bush have helped the economy grow at an annualized pace of more than 3 percent for the last 2 years. The last time the economy performed this well was more than 2 decades ago.

In order to maintain a robust economy, we must work with the President to pass legislation that promotes economic growth, including making his tax cuts permanent, restraining government spending, reducing unnecessary regulation, strengthening retirement security and expanding trade.

There is more work to be done, and we must no longer allow some Democrats to stand in the way of job creation.

THE COST OF CAFTA TO U.S. TAXPAYERS

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

Mr. BROWN of Ohio. Mr. Speaker, the Central American Free Trade Agreement would cost U.S. taxpayers $500 million over the next 10 years, according to estimates released this week by the nonpartisan Congressional Budget Office. The CBO, the arm of Congress that estimates the cost of legislation, also found that revenues to the U.S. Treasury would fall by $4.4 billion over the same 10-year period, $440 million a year.

CAFTA will not just drive up a trade deficit that has gone from $38 billion to $618 billion in a dozen years; it will not just cause more job loss, we have lost 3 million manufacturing jobs in this country in the last 5 years; it is also going to cost taxpayers hundreds of millions of dollars. One more big reason to vote no on the Central American Free Trade Agreement.

RHETORIC IN THE HOUSE OF REPRESENTATIVES

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

Mr. MCDERMOTT. Mr. Speaker, it is hot outside, and we must cool off the rhetoric in this House.

We have had another bombing in London, and yet Members of this House are talking about bombing Muslim holy places. Members are quoted in the press as talking about shooting people in the press who are investigating the Karl Rove incident.

This issue is now on the front page of the Washington Post, just like Watergate was, and there is no place for that kind of inflammatory rhetoric in this House or by the membership of this House.

The Speaker should make it clear that Members have a major impact on the public when they talk in that kind of language. We do not want to be seen to encourage it or in any way say it is all right. Those kinds of things from a Member of Congress are clearly out of place.

I include for printing in the RECORD a story from the Editor & Publisher of a Member of Congress and what has been said in the press today. This must not continue.

REP. KING SAYS RUSSERT AND OTHERS IN MEDIA SHOULD 'BE SHOT,' NOT KARL ROVE

(By E&P Staff)

NEW YORK.—From the transcript of an interview on Tuesday night on MSNBC's ''Scarborough Country,'' between host Joe Scarborough and Congressman PETER KING, a Republican from New York, on the Plame case and the possible leak of the CIA agents name by White House aide Karl Rove.

* * *

Scarborough: The last thing you want to do at a time of war is reveal the identity of undercover CIA agents.

King: No. Joe Wilson, she recommended—his wife recommended him for this. He said the vice president recommended him. To me, she took it off the table. Once she allowed him to go ahead and say that, write his oped in ''The New York Times,'' to have Tim Russert give him a full hour on ''Meet the Press,'' saying that he was sent there as a representative of the vice president, when she knew, she knew herself that she was the one that recommended him for it, she allowed that lie to go forward involving the vice president of the United States, the president of the United States, then to me she should be the last one in the world who has any right to complain.

And Joe Wilson has no right to complain. And I think people like Tim Russert and the others, who gave this guy such a free ride and all the media, they're the ones to be shot, not Karl Rove.

Listen, maybe Karl Rove was not perfect. We live in an imperfect world. And I give him credit for having the guts.

And I really—tell you, Republicans are running for cover. They should be out attacking Joe Wilson. We should throw this back at them with all the nonsense that has been said about George Bush and all the lies that have come out.

Scarborough: Well * * *

King: Let's at least stand by the guy. He was trying to set the record straight for historical purposes and to save American lives. And if Joe Wilson's wife was that upset, she should have come out and said that her husband was a liar, when he was.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. WESTMORELAND). 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.

REASONS TO VOTE NO ON 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, today at 10 o'clock I had the pleasure of being with my good friend the gentleman from Ohio (Mr. BROWN) as we attended an interfaith alliance meeting of religious leaders across this Nation and outside of America, really, because they were from the five Central American countries that are in the CAFTA agreement.

It was quite an impressive ceremony. We had religious leaders that care about justice and freedom and opportunities, and the gentleman from Ohio (Mr. BROWN) and I had a chance to speak. I will tell you that these religious leaders from across this Nation, as well as from the Central American countries, are opposed to CAFTA. I am opposed to CAFTA.

Let me say this: We all agree that we need to have trade relationships with these five Central American countries, but this is not the right agreement. I was so impressed, and I am sure my friend the gentleman from Ohio (Mr. BROWN) will speak pretty soon about this, that these people were so committed to justice and fairness and opportunity, not just for those in Central America, but those here in America.

I think about my home State of North Carolina. We passed NAFTA, which Ross Perot said of in the 1991 debates, ''You know, when we talk about all this NAFTA for Mexico, we are talking about jobs being sucked out of America.''

I will tell you truthfully, in my home State of North Carolina, since 1993 we have lost over 200,000 manufacturing jobs. I know people in my State of North Carolina that have never been able to replace those jobs with the same salary and with the same benefits.

This agreement that is going to be brought to the floor next week is a flawed agreement. We need to send it back to be revisited and redrawn, quite frankly.

But I want to say just in the next couple of minutes that today was such an experience. These people, they want to have justice for American citizens and workers and also those in the five Central American countries. This agreement does not do it.

I can honestly tell you that we only have maybe 25, maybe 26 Republicans that are going to vote no on CAFTA, and it is not that we are against trying to help those in Central America, and we want to help the American workers at the same time, but this agreement is so, so flawed that it will not help those.

What really got to me today when I was listening to these people from Central America, they had to have a translator. A couple of them were ministers and there was one priest from the Central American countries, and two of them had to have translators. They were speaking in English, obviously, for those who cannot speak Spanish. But what they were saying is what are we going to do to the workers making

a $1 an hour, some making less than $1, and where the work environment is so poor? This agreement will do nothing to help improve that.

That is what is flawed about this agreement. It does not help the American worker, it does not help the workers in the five Central American countries. I just hope that we next week in a bipartisan way will do what is right, first for America, and secondly for those countries in Central America, and go back to the table and redraw an agreement that is good for us and good for them.

I will say in closing, Mr. Speaker, that I was so impressed with the attitude today at this interfaith conference, because these people want justice for American workers and workers in Central America, and if we do not as a Congress meet our responsibility and do what is right, then I do not think we are meeting our oaths as we got on this floor and raised our hand and said we will support the Constitution of the United States of America.

I think we need to do what is right. That is why I am hoping that we will next week vote and defeat this CAFTA bill that will come to the floor, if it does come to the floor, and let us go back to the drawing table and let us do what is right. We can make a really good agreement and help those in America and help those in the five countries.

Again, my State of North Carolina has lost over 200,000 manufacturing jobs. People are saying to me, ''Congressman, please, please, defeat the CAFTA agreement when it comes to the floor of the House.''

Mr. Speaker, I will always try to do what I think is right for this country. I want to say thank you to those men and women in uniform in Afghanistan and Iraq and their families, and God bless America.

□ 2200

WHILE ONLY A FEW MAY BE GUILTY, WE ALL ARE RESPONSIBLE

The SPEAKER pro tempore (Mr. WESTMORELAND). Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, this morning I joined my friend, the gentleman from North Carolina (Mr. JONES), to attend a prayer breakfast near the Capitol where more than 50 representatives of the Christian and Jewish faiths issued a national call for reflection on the Central American Free Trade Agreement. The gentleman from North Carolina (Mr. JONES) just described that prayer breakfast, that time of reflection.

Despite deep and broad opposition to the Central American Free Trade Agreement, House leadership has promised to bring the agreement to the floor of the House for a vote next week. As an elected official, as a citizen of our great Nation, that disappoints me. As a Lutheran, as a person of faith, I find this trade agreement violates the tenets of my faith and the tenets of my belief in social justice.

Whether Christian or Jew or Muslim, the Abramaic tradition is rooted in the principles of responsibility to each other as brethren, in doing unto others as you would have them do unto you.

As Christians, we are given the New Testament, which shares with us Christ's teachings of social and economic justice.

As Members of Congress, as Democrats and Republicans, we see firsthand the real and tangible effects of trade policies that contradict those teachings. CAFTA does just that.

We have heard on this floor, we have heard from lobbyists, generally lobbyists that work for the drug companies, the insurance industry, the large banks, the oil companies, the big multinational corporations, we have heard from these lobbyists as they troll the House office buildings, we have heard them say, you should pass CAFTA and do this for the people of Central America. But the diversity of faith that was represented at the prayer breakfast where the gentleman from North Carolina (Mr. JONES) and I were today reflects so well the depth and breadth of opposition to the Central American Free Trade Agreement among religious leaders in the United States and among religious leaders in the Dominican Republic and in the five Central American countries.

We have seen this opposition continue to grow and grow and grow. Workers, small business owners, ranchers, family farmers, Democrats, Republicans, House and Senate Members, Central American legislators, and dozens of Republicans and Democrats on the House side, all share a common message asking not that we do not trade with Central America, not that we do not pass a trade agreement with Central America, but that we defeat this CAFTA and renegotiate a better agreement.

Of course, the faith-based community opposes an agreement that will have devastating effects on millions of worshipers in all seven CAFTA countries, the United States and the six countries in Central America. Abandoned by big corporations and too often abandoned by their own government leaders, the world's poorest people have few to speak on their behalf, with little or no voice of their own.

That is why the church, the synagogue, and the mosque are often the only sources of refuge for millions of workers, millions of poor people. In fact, these religious leaders told us today, these 50 or 60 people of faith who rallied in opposition to this trade agreement that will exploit the poor in Central America and hurt working families and communities in our country, they told us we need a different trade agreement, a trade agreement that will lift up the poor, and a trade agreement that will respect workers in the United States of America.

Mr. Speaker, when the world's poorest people can buy American products and not just make them, then we will know, finally, that our trade policies are working.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Idaho (Mr. OTTER) is recognized for 5 minutes.

(Mr. OTTER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ORDER OF BUSINESS

Mr. GUTKNECHT. I ask unanimous consent that I be able to speak out of order.

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

There was no objection.

HONORING A TRUE AMERICAN HERO: CHIEF WARRANT OFFICER COREY JAMES GOODNATURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, I rise today to honor a true American hero.

Chief Warrant Officer Corey J. Goodnature died protecting our freedoms on June 28, 2005 in eastern Afghanistan when his helicopter was shot down by enemy fire during combat operations.

Corey was a quiet man who was dedicated to serving his country and family. He loved being outdoors. He enjoyed hunting and fishing, and he enjoyed all kinds of activities with his boys. Since childhood, he lived up to the family name, carrying a gentle demeanor, yet a very strong presence. Corey was a devoted husband, a loving father, and a dedicated Night Stalker. Corey served his Nation for 14 years, spending 7 of those doing what he particularly loved: flying helicopters with his fellow Night Stalkers and supporting other Special Forces operations.

Corey graduated from the University of Minnesota with an associate's degree in aerospace engineering and joined the Army in 1991. He served as a parachute rigger at the U.S. Army John F. Kennedy Special Warfare Center in Fort Bragg, North Carolina. He attended the warrant officer basic course at Fort Rucker, Alabama. In 1996, he was assigned to Camp Wheeler in Hawaii. He served in a number of regiments around the country and around the world.

Corey's awards and decorations include the Air Medal, the Senior Army Aviation Badge, the Army Commendation Medal, the Army Achievement Medal, the Army Good Conduct Medal,

the National Defense Service Medal, the Global War on Terrorism Expeditionary Medal, the Global War on Terrorism Service Medal, the Korean Defense Service Medal, the Afghanistan Campaign Medal, the Iraq Campaign Medal, and the Overseas Service Ribbon. He was posthumously awarded the Purple Heart and the Meritorious Service Medal, the Bronze Star, an Air Medal With Valor device, and the Combat Action Badge.

Corey Goodnature was survived by his wife, Lori; his sons, Shea and Brennan; and his parents, Deb and Don Goodnature of Clarks Grove, Minnesota. He had many friends and relatives throughout my district in southern Minnesota.

Mr. Speaker, Corey died doing something that he deeply believed in, and he is a true hero to our Nation, to his family, and to his friends. We are all grateful for Corey's undeniable dedication and sacrifice, as well as those who he served with and died with. This dedication allows all of us to enjoy the freedoms and liberty of this great Nation. The world has suffered a great loss. We lost a great man; and his friends and relatives lost a son, a husband, a father, brother, uncle, Godfather, and loyal friend.

Less than 2 weeks before he died and exactly 1 month before he was buried, Corey sent a simple prayer to his wife, a prayer that I am honored to share with my colleagues today. He wrote: ''Lord, continue to bless Lori and help us to grow and strengthen our bond as a family separated by distance, whether it be me, here, Lori by herself, or Shea and Brennan, wherever life takes them. I believe You have a glorious plan for us, and we honor You as the source of our happiness and success. In Your name we pray, Amen.''

May the Lord of our fathers find His mercy upon Lori and all of the friends and relatives of Corey Goodnature. May He continue to bless America and all the brave Americans who defend her.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Ms. KAPTUR. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from Oregon (Mr. DEFAZIO).

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

There was no objection.

POLITICAL SCANDAL PLAGUES OHIO

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, as those listening might recall, the 2004 Presidential election was decided in Ohio, my home State, and the margin in the Presidential race was razor thin. But if you have been paying attention to Ohio newspapers of late, you know that there is a broad and widening major political scandal in Ohio that relates to the last election. People who have paid attention to Ohio or live in Ohio can read about it on the Web site of our local newspaper; the toledoblade.com is the site.

But what this concerns is that the highest elected officials in Ohio, starting with the Governor of Ohio, the Attorney General of Ohio, the auditor of Ohio, the Secretary of State of Ohio, were all in receipt of campaign contributions from an individual who is now charged with diverting millions of dollars from the State of Ohio's Workers' Compensation trust fund for personal use and for political use. There is a grand jury that has been empaneled in Ohio now involving the northern and southern districts of Ohio, looking at the diversion of some of these dollars to the Bush campaign. It is a broad and widening scandal, as I have said.

Then, today, the Secretary of State of Ohio is mentioned in articles that were published by the Cleveland Plain Dealer and by the Columbus Dispatch in our capital city, and I will just read a couple of the lines: The Board of Elections of our capital city, and that, of course, is Columbus, Ohio, the Franklin County Board docked its executive director a month's pay for accepting $10,000 in his office last year from a consultant from the voting machine company Diebold, with which we have had so many fights over the last 2 years, trying to get verified, auditable paper trails in those voting machines.

Now, it appears that that company, through its consultant, actually walked into the office of the director of the Board of Elections and wrote a check for $10,000, which the director of the board was a little reluctant to accept, but said, well, why don't you write it out to the local political party, the Republican Party of Columbus Ohio, Franklin County, which was done.

Well, now, this has been all discovered, and the investigation of what has transpired with the Secretary of State's office and Diebold and this County Board of Elections is being investigated.

One of our State senators from Ohio, Senator Teresa Fedor, has sent a letter to the Office of the United States Attorney in northern Ohio requesting a formal investigation of Ohio Secretary of State Kenneth Blackwell regarding possible violations of Federal law, including, but not limited to, the Hobbs Act, regarding improper dealings between the Secretary of State's office and Diebold Election Systems, or their agents.

She goes on, and I will place the full letter in the RECORD, to ask the Inspector General to look at a series of conflict of interest questions here and the gravity of pay-to-play allegations, to determine whether Mr. Blackwell, the Secretary of State, violated Federal law by accepting campaign contributions in exchange for official acts. Because, Mr. Speaker, if you look at what has been happening in Ohio, there has absolutely been a preference for the Diebold machines; there have been delays, there have been all kinds of efforts made to advantage one company over other companies.

I want to place some of these news articles in the RECORD tonight. Also, there is a huge court case pending between a company called ESS, which is another company that has voting machines, and Diebold Corporation. That is in the courts. Our Secretary of State is saying, oh, you have to pick these machines, you have to pick the Diebold machines; they are the only machines that we have certified without giving other machines an equal chance.

What is interesting about this is that Ohio has received $136,552,794 over the last 2 years to purchase these machines, so there is Federal taxpayer dollars involved, and another $44,616,967 for training of election officials. None of those training dollars have been spent, but $136 million has gone out for hardware in a very narrow process where one company has been so very advantaged.

So I just wanted to draw people's attention to what is going on in the State of Ohio, to the ongoing court case, to the false deadlines set by our Secretary of State, now by the investigation that has been requested by our very high-ranking senators of the U.S. Attorney in Ohio, and I commend listeners to the toledoblade.com Web site to the developing political scandal in the State of Ohio.

[From the Blade Columbus Bureau, July 19, 2005]

ELECTIONS CHIEF PUNISHED FOR TAKING CHECK

FRANKLIN COUNTY OFFICIAL ACCEPTED $10,000 ON BEHALF OF GOP FROM DIEBOLD CONSULTANT

(By Jim Provance)

COLUMBUS.—The Franklin County Board of Elections yesterday docked its executive director a month's pay for accepting a 10,000 check in his office last year from a Diebold Inc. consultant seeking county business.

Matt Damschroder accepted the check on behalf of the county Republican Party.

He came forward after a Diebold competitor, Nebraska-based Election Systems & Software, sought to depose him as part of a lawsuit alleging special treatment for Diebold on the part of Ohio Secretary of State Kenneth Blackwell.

Mr. Blackwell plans to seek the GOP nomination for governor in 2006.

His office denied any connection between campaign contributions and his decisions affecting Diebold.

Diebold's device has the only computerized touch-screen machine so far to win state certificatlon for its paper-receipt backup system.

Such a system was mandated last year by the Ohio General Assembly.

Franklin County Prosecutor Ron O'Brien had suggested that Mr. Damschroder be fired. He would not confirm yesterday that an investigation was under way.

According to Mr. Damschroder, political consultant Pasquale ''Pat'' Gallina, who works for consultants Celebrezze & Associates, walked uninvited into his office in January, 2004, on the day the board was considering a contract for voter-registration software. He offered to make out a check to him on the spot.

Mr. Damschroder said he instead accepted a ''voluntary'' contribution to the county GOP. A former executive director for the party, Mr. Damschroder accepted the check even though the law prohibits using government property for political business.

''I don't believe I committed a crime,'' he said. ''I think I did something that would best be described as a lapse of judgment and clearly in the gray area . . . The biggest thing I wish I had done was throw the guy out on that day he came in and certainly not have taken physical receipt of the contribution.''

The county has joined the ES&S lawsuit, which seeks to break Diebold's monopoly on touch-screen machines available to counties.

Celebrezze & Associates is on a monthly retainer for Diebold.

''Any contribution he made was on behalf of Celebrezze & Associates and of his own volition,'' said Diebold spokesman Mike Jacobsen. ''Diebold had no knowledge of any such contribution.

''Diebold does not condone any political contributions made on its behalf, implied or otherwise,'' he said. ''In particular, our company's ethics policy restricts political contributions since June, 2004.''

That policy was, in part, a reaction to a letter authored by Walden O'Dell. chief executive officer of Diebold, Inc., of North Canton, Ohio. In the letter, Mr. O'Dell promised to help deliver Ohio to President George Bush, triggering a firestorm during the presidential election campaign.

The Lucas County Board of Elections has selected Diebold to supply its touch-screen machines. A review of filings with the county elections bureau by the county Republican and Democratic parties revealed no contributions from Mr. Gallina.

In a phone conversation that took place a year after the contribution to the party, Mr. Damschroder said Mr. Gallina bragged that he had been given $50,000 to Blackwell interests and worked with Blackwell campaign adviser Norm Cummings to position Diehold for state business.

''I have never asked, accepted, received, or was offered any money [from Mr. Gallina], period,'' Mr. Cummings said.

Mr. Gallina, of Reynoldsburg, could not be reached for comment, but he told the Associated Press there was no $50,000 contribution for Mr. Blackwell and that the $10,000 to the county party was his own money.

Mr. Gallina has given a total of $8,000 to Mr. Blackwell's campaigns since 1998, according to records filed with the secretary of state. Also in January, 2004, he gave $10,000 to Citizens for Tax Reform, a Blackwell-backed group that unsuccessfully sought to force repeal of a temporary penny-on-the-dollar sales-tax surcharge enacted in 2003.

Blackwell spokesman Carlo LoParo said Mr. Blackwell made several decisions adverse to Diebold, negotiating contracts at first with four manufacturers of touch-screen and optical-scan voting machines to give counties a menu from which to choose.

Later, after lawmakers enacted the requirement for the voter-verified paper audit trail, Mr. Blackwell took all touch-screen devices, including Diebold's, off the table because none had been certified as meeting the new mandate.

Mr. Blackwell later reversed position when Diebold's receipt-equipped machine won federal and state approval.

''It wasn't the secretary of state who forwarded the VVPAT requirement,'' Mr. LoParo said. ''It wasn't the secretary of state who prevented vendors from meeting that requirement. From the beginning, this process has been transparent and fair.''

Sen. Teresa Fedor (D., Toledo) yesterday urged U.S. Attorney Gregory White to investigate Mr. Blackwell's dealing with Diebold.

''We need to get to the bottom of this,'' she said. ''I don't care if it was $50,000 or $5, you're not supposed to be able to buy influence in America.''

Mr. Damschroder said the loss of 30 days' pay will cost him $11,220. William Anthony, Jr., chairman of the Franklin County elections board and that county's Democratic Party, said the board believes there was no criminal intent on Mr. Damschroder's part.

As for Mr. Gallina, Mr. Anthony said, ''If somebody gives you a check for $10,000, I guess they would want something.''

THE OHIO STATE SENATE,
Cleveland, Ohio, June 18, 2005.

GREGORY WHITE, Esq.,
Assistant U.S. Attorney, Office of the U.S. Attorney, Cleveland, Ohio.

DEAR ATTORNEY WHITE: I am contacting you to ask that you be in a formal investigation of Ohio Secretary of State J. Kenneth Blackwell and his cabinet regarding possible violations of the federal law, including, but not limited to, The Hobbs Act, 18 U.S.C. Sec. 1951. Questions have been raised by both The Columbus Dispatch and The Cleveland Plain Dealer regarding possible improper dealings between the Secretary of State's office and Diebold Election Systems and/or their agents.

The Hobbs Act was meant to prohibit corruption by elected officials. As you know, the Act prohibits ''obtaining the property from another, with his consent . . . under color of official right.'' 18 U.S.C. Sec. 1951(b)(2). The United States Supreme Court has held that an elected official violates the Hobbs Act if the ''public official has obtained a payment to which he was not entitled, knowing that the payment was made in return for official acts.'' Evans v. United States, 112 S. Ct. 1881, 1889 (1992). The Court went on to say that ''the offense is completed at the time when the public official receives a payment in return for his agreement to perform specific official acts; fulfillment of the quid pro quo is not an element of the offense.'' Id.

According to Franklin County Board of Elections Executive Director Matthew Damschroeder, officials or agents of Diebold Election Systems, including lobbyist Pasquale Gallina, allegedly made a deal with Secretary of State Blackwell, and/or his associates, that Diebold would receive a substantial or exclusive rights to supply electronic voting machines to the State of Ohio in exchange for a substantial donation to ''Blackwell's political interests.'' If this is, in fact, what happened, it appears to be a clear violation of federal law. Even if no quid pro quo existed, Mr. Gallina's alleged $10,000 payment to ''Citizens for Tax Repeal,'' of which Blackwell is Honorary Chair, raises significant conflict of interest questions.

Because of the gravity of these ''pay-to-play'' allegations, I urge your office to fully investigate to determine whether Mr. Blackwell violated federal law by accepting campaign contributions in exchange for official acts. This immediate investigation is necessary to fully protect the taxpayers of Ohio and the sanctity of government procurement in the State. If these allegations are true, no business in the country can trust that they will have fair dealings with Ohio. Thank you for your attention to this important matter and please do not hesitate to contact me with any questions or concerns you may have.

Sincerely,

TERESA FEDOR,
State Senator, 11th District.

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.)

JOE WILSON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GOHMERT) is recognized for 5 minutes.

Mr. GOHMERT. Mr. Speaker, in the last few weeks, once again, there has been no shortage of a man named Mr. Joe Wilson on television. Who is Mr. Joe Wilson? Why would he want to use false claims to attack this Bush administration?

Mr. Joe Wilson endorsed Senator JOHN KERRY in October of 2003. According to media sources, Mr. Joe Wilson contributed $2,000 to the Kerry campaign in the same year. The Boston Globe has reported that Mr. Wilson spoke to the Kerry campaign at least once a week during the campaign.

□ 2215

Well, he himself has even said that he advised the Kerry campaign on foreign policy. So now this Kerry supporter and adviser is on television pointing fingers at the administration he despises.

Now, during my tenure as a judge, credibility of witnesses could usually be judged by seeking to learn if the witness had a bias. Obviously this witness has quite a bias. It has also been reported that he and his wife supported Albert Gore for President against George W. Bush in 2000. The motive for bias seems to deepen.

The press has reported Mr. Joe Wilson was, in fact, the last U.S. diplomat to meet with Saddam Hussein in 1991. He was also the envoy sent to Africa to investigate reports that the Iraqi President had tried to buy nuclear material there. Was it possible he hated President Bush so much that it got in the way of his ability to assess the facts and actions and motives of his old acquaintance, Mr. Saddam Hussein?

Perhaps his intentions were loyal to the security of the United States in 1991, but if that is the case, while serving as an official envoy to Niger, as he claims, it appears he brazenly spoke out publicly against our own administration.

The Senate Intelligence Committee found that Mr. Wilson's report, ''rather than debunking intelligence about purported uranium sales to Iraq, actually

bolstered the case for most intelligence analysis.'' So now it appears that, like his favorite former presidential candidate, Mr. Wilson is flip-flopping.

The typically softspoken Senator PAT ROBERTS, chair of the Senate Select Committee on Intelligence, was harsh in his condemnation. ''Time and again Joe Wilson told anyone who would listen that the President had lied to the American people, that the Vice President had lied and that he had debunked the claim that Iraq was seeking uranium from Africa. Not only did he not debunk the claim he actually give some intelligence analysts even more reason to believe that it may be true.'' ROBERTS went on to say that it was important for the Intelligence Committee to declare that much of what Wilson said had no basis in fact.

Contrary to what he has said publicly, Mr. Wilson's wife, a CIA employee, did recommend him to serve as envoy in 2002.

It appears obvious that neither Mr. Wilson nor his wife had conducted themselves properly in the best interest of this country. Why would a former ambassador privately report inaccurate facts about Iraqi officials potential dealings with business men in Niger? Why would his wife float his name to serve as envoy on this trip if they wanted to stay out of the public eye?

I have come to know people after they retired from being covert agents of the government. It seems that the best covert agents are the kind of people who go into a room, and when you look around that room, you do not notice them. They blend in. They keep their names off lists so they do not make contributions, especially to political figures. They keep a low profile. They certainly avoid having their picture put in popular magazines. It really appears that the Wilsons' disdain for this administration will likely go down as one of the greats in history. But they have been so blinded to something we would call the truth.

Some of our colleagues across the aisle and Senate Democrats down the hall have embraced this man on little credibility in efforts to harm this administration that is determined to protect us from evil men with evil motivations desiring to destroy our way of life. Their rhetoric is based on two news stories—both of which appear to exonerate Rove.

The facts are simple:

Joe Wilson said the Vice President sent him to Niger and that his report was shown to the Vice President.

The Senate Select Committee on Intelligence confirmed that Rove was right and Wilson was wrong: The Vice President didn't send Wilson anywhere.

Karl Rove then discouraged a reporter from writing a false story that was based on a false premise promulgated by a lying or blindly prejudiced Mr. Joe Wilson.

The main questions now on the matter should be what else has Joe Wilson lied about and why is anyone putting him on television?

Perhaps if recommending a blindly prejudiced man to go to Niger to do critical research for our country is any indication as to Mr. Wilson's wife's judgment, then maybe it is a good thing she has not been trying to be covert for several years.

A FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has agreed to without amendment concurrent resolutions of the House of the following titles:

H. Con. Res. 202. Concurrent resolution permitting the use of the Rotunda of the Capitol for a ceremony to honor Constantino Brumidi on the 200th anniversary of his birth.

H. Con. Res. 212. Concurrent resolution to correct technical errors in the enrollment of the bill H.R. 3377.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested.

S. 544. An act 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 effect patient safety.

The message also announced that the Senate has agreed to a concurrent resolution of the following title in which concurrence of the House is requested:

S. Con. Res. 212. Concurrent resolution to correct technical errors in the enrollment of the bill H.R. 3377.

The SPEAKER pro tempore (Mr. WESTMORELAND). Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

(Mr. SCHIFF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. PALLONE. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from California (Mr. SCHIFF).

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

There was no objection.

31ST ANNIVERSARY OF TURKEY'S ILLEGAL OCCUPATION OF CYPRUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, yesterday July 20 marked the 31st anniversary of an illegal and inexcusable act by Turkey. Thirty-one years ago yesterday Turkish military forces illegally invaded Cyprus, forcing nearly 200,000 Greek Cypriots from their homes. And these Greek Cypriots became refugees in their own country and have remained refugees for the past 3 decades.

Mr. Speaker, the U.N. Security Council resolved in both 1974 and 1975 that the Turkish occupiers had to facilitate the safe return of all refugees to their homes. For 31 years, Turkish-Cypriot leader Rauf Denktash has defiantly refused to abide by these U.N. resolutions.

Furthermore, in December of 1996 the European Court of Human Rights ruled that refugee Titina Loizidou be given access to her property in the occupied territory. And once again this court ruling was met with defiance from the Turkish occupiers.

After waiting for 2 years for Turkey to comply, Loizidou then went back to the European Court again and this time asking that the Turkish government compensate her for the property. The European Court ruled the Turkish government should pay Loizidou 458,000 Cyprus pounds. And it has now been 7 years and the Turkish government still refuses to comply.

Mr. Speaker, Turkey's intransigence is unacceptable and must come to an end. Earlier this year I joined the gentleman from Florida (Mr. BILIRAKIS) and the gentlewoman from New York (Mrs. MALONEY), the co-chairs of the Congressional Caucus on Hellenic Issues, in introducing legislation that would put this House on record in support of the European Court's decisions and expressing our desire that the Court hear more cases regarding illegal seizures of Cypriot property by the Turkish Cypriot regime. Turkey's refusal to comply with these court decisions should not go unnoticed by this House, and that is why it is important that we pass this important resolution.

Mr. Speaker, Cypriot-Americans are among the refugees that are being denied access to their property by Turkey. Since these Americans cannot return to their illegally seized property, I believe these Cypriot-Americans should be allowed to seek financial remedies with either the current inhabitants of their land or the Turkish government itself.

So earlier this year I introduced the bipartisan American Owned Property in Occupied Cyprus claims Act. The legislation authorizes the President to initiate a claims program under which the claims of U.S. nationals who Turkey has excluded from their property can be judged before the Foreign Claims Settlement Commission. If this commission determined that Cypriot-Americans should be compensated for their property, negotiations would then take place between the United States and Turkey to determine the proper compensation. My legislation would also empower U.S. District courts to hear causes of action against either the individuals who now occupy those properties or the Turkish government.

Passage of this legislation is particularly crucial today as reports show sharp increases in the number of unlawful investments of occupied properties and a construction boom on land

that continues to be owned by approximately 170,000 Greek-Cypriots, many of whom are now U.S. citizens. The source of this disturbing trend is the decision of the Turkish occupation regime to permit current possessors of property to transfer such property to third parties. And today there is a mistaken impression among buyers of such properties that unlawful investments in occupied territories will be safeguarded in the future.

As a result, a secondary market involving transactions in legal properties has arisen, as illegal occupiers of the land have begun to sell their alleged ownership to third parties, including corporations and Europeans.

Now, Mr. Speaker, these actions only exacerbate the difficult property issues that must be addressed before the Cyprus issue can be solved. And it is important that in looking at this conflict, both the United States and the United Nations do not forget Turkey's 30-year defiance of U.N. court decisions relating to the illegal seizure of property. Some 200,000 refugees have waited 31 years to either return to their homes or to receive proper compensation. And, Mr. Speaker, it is my hope that direct negotiations will begin again soon, and that we can finally end Turkey's 31-year illegal occupation of Cyprus.

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.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. POE. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from Georgia (Mr. NORWOOD).

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

There was no objection.

RICHARD REID

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, as a former criminal court judge, I always thought it was necessary and important at sentencing to let the defendant know and the victim know what society thought of the criminal behavior. I know the gentleman from Texas (Mr. GOHMERT) who is here and the gentleman from Texas (Mr. CARTER) also did the same thing when they sentenced individuals.

Judge William Young of the United States District Court sentenced the so-called shoe bomber who took a shoe and made a bomb out of it and got on an airplane. He sentenced this terrorist and did a similar thing, letting the defendant know what society thought of his criminal behavior.

Prior to sentencing, as all judges do, Judge Young asked Richard Reid if he had anything to say. First he admitted his guilt and then, for the record, he pledged his allegiance to Osama bin Laden, to Islam and to the religion of Allah, and defiantly stated in open court, ''I think I will not apologize for my actions,'' and told the Court, ''I am at war with this country.''

Judge Young then delivered the following statement. ''Mr. Richard Reid, hearken now to the sentence the Court imposes on you. Court has found you guilty of all crimes committed and sentences you to first, 3 life sentences, 4, 20 year sentences stacked, which means that is 80 years, 1 30-year sentence and one $2 million.'' He also ordered restitution to the victim and to American Airlines.

Then he told the defendant the following: The life sentences are real life sentences, so I need to go no further. These are fair and just sentences. It is a righteous sentence. Let me explain to you this, Mr. Reid. We are not afraid of you or any of your terrorist co-conspirators. We are Americans. We have been through the fire before. Here in court we deal with individuals as individuals and care for individuals as individuals. As human beings we reach out for justice.

You are not an enemy combatant. You are a terrorist. You are not a soldier in any war. You are just a terrorist. To give you that reference, to call you a soldier gives you far too much stature in this court. If you think you are a soldier, you are not. You are just a terrorist. And we do not negotiate with terrorists. We do not meet with terrorists. We do not sign documents with terrorists. We hunt them down one by one and bring them to justice.

You are a big fellow now but you are not that big. You are no warrior. I have known warriors. You are just a terrorist, a species of criminal that is guilty of multiple murders or attempted murders. In a very real sense, State Trooper Santiago had it right when you were first taken off that plane and into custody and you wondered where the press was and where the TV cameras were and he said to you, you are no big deal.

Well, sir, you are no big deal. I have listened respectfully to what you have had to say and I ask you to search in your heart and ask yourself what sort of hate led you to do what you are guilty of and that you admit to being guilty of doing. And I have an answer for you. It may not satisfy you, but as far as I am concerned, in this entire record it comes as close to understanding as I know.

It seems to me you hate the one thing that is most precious to me and to our country. You hate freedom. You hate our freedom, our individual freedom, our individual freedom to live as we choose, to come as we go, to believe or not to believe. And here in this society the very wind carries freedom. It carries it everywhere from sea to shining sea and even across the seas. It is because we prize individual freedom so much that you are here in this beautiful courtroom. So that everyone can see, truly see that justice is administered fairly, individually and discretely. It is for freedom's sake that your lawyers are striving so vigorously on your behalf and have filed these appeals.

We Americans are all about freedom. Because we all know that this is the way we treat you, Mr. Reid, it is the measure of our own liberties. Make no mistake though. It is yet true that we bear any burden, pay any price to preserve our freedoms. Look around this courtroom. Mark it well. The world is not going to long remember what you or I say here. Day after tomorrow it will be forgotten, but this however will long endure. Here in this courtroom and courtrooms all across America the American people will gather to see that justice, individual justice, not war, individual justice is in fact being done. The very President of the United States, through his officers will have to come into the courtrooms and lay out evidence on which specific matters can be judged and juries of citizens will gather and judge all individuals.

And finally, Mr. Reid, you see that flag? That is the flag of the United States of America. That flag will fly there long after this is all forgotten. That flag stands for freedom. It stands for justice. It always has, it always will.

Mr. Officer, that has the defendant in custody, take him away.

Judge Young, you are to be commended for such words.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

(Mr. EMANUEL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. MCDERMOTT. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from Illinois (Mr. EMANUEL).

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

There was no objection.

THE DEFINITION OF A PATRIOT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, the definition of a patriot is someone who

proudly supports and defends his or her country and its way of life. Today we patriots rose to vote against this bill because we want to defend the American way of life. The way to do that is to restore some of the civil liberties taken away during the panic after 9/11.

□ 2230

Freedom in America does not mean granting the government unlimited and unchecked powers to snoop into private lives without any counterbalance. Yet 4 years ago, we were presented with a massive bill in the middle of the night. Fear governed and government suspended basic American freedoms guaranteed by the Constitution. A sunset provision was the only thing that kept our American way of life from sunsetting.

Today we need to reclaim liberty and freedom and rename this act the Act of Patriotism. We can defend liberty without destroying freedom. We can make America safer without making America afraid. We can shoulder the burden of security without falling under the yoke of oppression. We cannot and we must not be afraid any longer.

We were afraid not long ago, and it set America on a terrible course where we willingly suspended the rule of law to be governed by the rule of fear: be afraid; be very afraid. And we were. We feared so much that in the PATRIOT Act we embraced national secrecy instead of national security. We granted broad sweeping powers to the government and removed the checks and balances that have made Americans free for 200 years.

At a time like this with the stakes so high, we should look back on history and learn. America has faced grave threats and perilous times before. We did so by defending American values, not by dismantling American principles.

At a time like this we should recall and heed the words expressed by our Founders. The geniuses who envisioned a Nation of free people, free expression and freedom knew that the hard work for America was not in crafting liberty, but in preserving it. What they wrote 200 years ago sounds like it was penned and delivered in this Chamber on this very day. Just listen:

''But a Constitution of government once changed from freedom can never be restored. Liberty, once lost, is lost forever.'' Those are the words of John Adams in a letter on July 17, 1775.

Another quote: ''However weak my country may be, I hope we shall never sacrifice our liberties.'' Alexander Hamilton wrote that on December 13, 1790.

And another quote: ''Every government degenerates when trusted to the rulers of the people alone. The people themselves, therefore, are the only safe depositories.'' Thomas Jefferson was the author in 1781.

You cannot get any advice any better than that written by people who risked torture and death to pursue liberty.

We have our marching orders, and we could not be any clearer. We cannot let fear govern who we are and what we stand for. We cannot let fear become the 28th amendment to the United States Constitution. Yet, that is precisely the grave danger facing America today.

The signs are everywhere. Without your knowledge, investigators can search your home or your office, copy records and photographs. Without your knowledge, the government can look at your medical records as if an x-ray will reveal your political ideology.

Without your knowledge, the government can access your library records and listen to roving wiretaps. And the threshold for all of this is unseen and unknown. A nameless, faceless person somewhere in the government can decide you are suspicious. The color of your skin or the accent of your voice could tip the scales.

They say no. But we do not know. How could we know? Everything is secret.

This climate of fear has produced arrogance which has led to an inevitable abuse of power. So a Republican committee chairman thinks nothing of turning off the microphones as if freedom of speech is governed by an off and on switch, as if liberty and justice for all is controlled by one man banging his gavel.

We have gone too far, and it is time to trade in fear and embrace fearlessness because that is what America is. We have gone too far, and it is time to restrain government because in this country the people rule and history teaches that absolute power corrupts absolutely.

We have gone too far, and it is time to stop fear-mongering and start protecting liberty. We do not need to destroy America's founding principles in order to defeat America's latest enemy. Do not let fear rule America and distort it into a country we do not even recognize.

Four years ago we put sunset provisions in the PATRIOT Act. It is time to put them back in and restore the checks and balances that keep America free.

The SPEAKER pro tempore (Mr. WESTMORELAND). Under a previous order of the House, the gentleman from California (Mr. HUNTER) is recognized for 5 minutes.

(Mr. HUNTER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. CUNNINGHAM) is recognized for 5 minutes.

(Mr. CUNNINGHAM addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. CORRINE BROWN) is recognized for 5 minutes.

(Ms. CORRINE BROWN of Florida addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

(Ms. FOXX addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

PATRIOT ACT PROTECTIONS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes as the designee of the majority leader.

Mr. KING of Iowa. Mr. Speaker, I appreciate the opportunity to control the time on the leadership hour here tonight.

As you know, and I hope a lot of America knows, last week and this week we have been through some intense debates on the PATRIOT Act. Last week as a member of the Committee on the Judiciary, I sat in on a 12-hour mark-up and some 40 amendments that came from the minority party. We hammered out a bill from the Committee on the Judiciary that we brought to the floor of this Congress here today for a long debate. And in this long debate we saw bipartisan support, a number of constructive amendments from both sides, and a bipartisan vote of 257 to 171.

We passed the PATRIOT Act off the floor of this House of Representatives and will send it over to the Senate for their consideration and deliberations and a conference committee to resolve any differences we might have. We will bring it back to each Chamber so we can extend the PATRIOT Act and preserve the safety and liberty of the American people.

Mr. Speaker, I cannot help but comment on the remarks that were made by the gentleman from Washington (Mr. MCDERMOTT) who spoke just ahead of me and the allegation that the Republican committee chairman can think nothing of turning off the lights and shutting off the debate in the Committee on the Judiciary.

I was there that day and I am there every day hopefully standing up to defend the Constitution and fighting for freedom and fighting for the safety of the American people.

I will tell you that the gentleman from Wisconsin (Chairman SENSENBRENNER) runs that committee as good as any chairman I have served under or with in any level of government, be it in the State government or here in Congress. He announces the rules. He lives by the rules. He enforces the rules on us and on himself. When the time is up, the time is up and the gavel comes down and we move on to give another

individual an opportunity to speak on the issue.

If it was run any other way, we would not have that kind of an even-handedness that we have on the Committee on the Judiciary. And the day that was addressed by the gentleman from Washington (Mr. MCDERMOTT) was a day that had all Democrat witnesses. It was a hearing that was requested by them. They all signed a document demanding the hearing. Some of them that signed the letter did not show up, but we did; and we listened to the testimony all day long. The chairman followed the rules and when the hearing was over, the gavel came down. The committee hearing was adjourned and the microphones were shut off and the lights were shut off.

And I can tell you the gavel has come down on me. My microphone had been shut off. The lights have been shut off while I am standing there talking in the room. We follow the rules for Republicans and Democrats alike. I never felt an ounce of offense at that. I thought it was even handed, it was well balanced; and I think that the minority party is looking for something to, I will say, criticize and attack the most effective Members in this Congress.

We have this opportunity tonight to review what we have done with the PATRIOT Act and help clarify some of the murky issues that have been, I will say, demagogued here on the PATRIOT Act and our debate on the floor and also in committee. And there are a number of Members that are here tonight that know that there is more to be said. And hopefully when we finish this tonight we will put the lid on the PATRIOT Act here in Congress and let the Senate take it up and give it back to the American people as it appropriately ought to be.

To start this off for his perspective, I am honored to be here tonight with a gentleman from Texas (Mr. CARTER) who I always considered my wing man on the Committee on the Judiciary, the gentleman from Texas (Mr. CARTER).

Mr. CARTER. Mr. Speaker, I thank my colleague from Iowa for yielding to me. Mr. Speaker, I too would like to address the comments that were made here just recently in this House just briefly.

We keep hearing this tirade that there is someone that is taking away liberty, taking away freedom in this country with the PATRIOT Act. And you heard the comments that they can go into all of your records and they do not tell you about it. As if just any old ordinary policeman or FBI agent could go out there with no control whatsoever and search your home, search your records and so forth. And they give that impression to the American public by their statements here tonight.

Nothing could be further from the truth. And they know that nothing could be further from the truth because they sat through the 12-hour hearing that was held in the Committee on the Judiciary. They examined every one of these various sections that we have gone through tonight in heavy detail, and they know that there certainly are provisions where somebody oversees whether there is, in fact, probable cause for a search warrant to be issued. A judge makes that decision. That is the same judge that makes the decision in every case of a search warrant in the history of the United States. This is how we do search warrants. And he makes that decision.

What they are trying to make an inference on is they have this thing they call a sneak-and-peek warrant that they have entitled it. And they say that so it sounds like I said the other night, like we are talking about some kind of Peeping Tom.

That is not it at all. This is a device that has been used in criminal justice for many, many years. It is very simple, Mr. Speaker. This is not complex stuff. I will give you an example.

We have a warrant that says that in a drug case there is a suspicion that there is a methamphetamine speed lab in a certain building, and they have someone who gives them good evidence to that effect. They present it to the judge. He finds there is probable cause to believe there is a speed lab and stored drugs in the certain location. He sets out specifically in that warrant what exactly they are to go look for. And they go and they look, and sure enough there is a speed lab in that building. Sure enough there are drugs and the ingredients for making more drugs in that building. But they also discover there is no one there. And what are we trying to do here?

We are trying to get these drugs off the street, and we are trying to catch the people that are poisoning our children. And that is what the criminal justice system is trying to do in that case. And so they back off. They back off and they watch and they wait, so the perpetrators, and hopefully from top to bottom, from the mules that deliver it to the king pins that finance it, are somehow connected with that lab. And when they have gathered that evidence as a result of this look at this building maybe in a day, maybe a little longer, they come in and they seize them on the premises. They have the evidence, and they get convictions from top to bottom and get this vermin off the streets of America.

Now, if we use this to get the vermin off the streets of America that are doing drugs and poisoning our children, why in the world would we not use that same tool to get the enemies of America who are embedded, in many instances, in our country off the street and keep them from killing innocent American citizens?

Mr. Speaker, there is nothing more vile on Earth than the terrorists, absolutely nothing. They have no credibility in any way, form, or fashion because they are not human beings enough to fight a real fight with somebody that can fight back. You never see these terrorists out there trying to get in a knock down drag out punch out one-on-one with anybody. They hide and sneak and skulk up and down alleys and plant bombs and kill innocent human beings who they do not even know or care about. And they kill them by the hundreds and occasionally, like in the World Trade Center, by the thousands.

Just today, praise God, a faulty bomb did not go off entirely in Great Britain. We are still waiting to find out the damage that was done. Again, Great Britain, the United Kingdom, has been attacked by these terrorists.

Mr. Speaker, what is wrong with the picture that I have just painted to fight these terrorists? I say there is nothing wrong with it. It has been a procedure used by the law forever. And yet we hear from someone that it paints the picture as if somebody is totally walking all over people's rights without any warrant.

You never heard him say, they get a warrant to go in and look at your records. They get a warrant and go in and look at your premises. You did not hear that spoken from the other side here tonight. So the American public gets deceived into thinking that there are police officers and law enforcement officers walking all over their rights. That is not the case. It is the same way we always have handled it. We have a search warrant.

□ 2245

It just infuriates me, having worked in the courts for 20 years, for people to step up and make statements that hide the real truth of the matter with regard to the procedures we use in our courts. I am proud to have been a judge for 20 years. I am proud of the American judicial system. I am proud of the law enforcement officers that every day put their lives in harm's way. I am proud of the lawyers fighting terror in this country right now. Just like our soldiers in Iraq and Afghanistan, those brave men and women that put their lives on the line, our law enforcement officers put their lives on the line, too, fighting these horrible vermin right here in our country. I am offended, and I think we should all be really suspicious of someone who gives us only a partial truth and not the whole story.

I would be glad to have anybody look at my library records. Who cares what is in your library records? But you do care when you find out that terrorists go to libraries because they believe, sometimes truly and sometimes falsely, that if they get on a computer at a library that every day they clean the hard drive of that computer. They know if they seize their computer back home they might be able to find out they were talking to al Qaeda and to their operatives overseas. But if they go to the public library and use that computer and it gets erased every day, who is going to know?

Well, I tell you who is going to know. The law enforcement officer that executes that warrant and examines that hard drive to find out that they were doing that. They should not be able to hide in one of our greatest institutions, a public library. Benjamin Franklin, one of the founders of this country, gave us the concept of the public library in the United States. Why should our enemies think they can hide in a public library on a computer or in the stacks reading their bomb manuals and we cannot find out about it, especially when we have gone through the proper ordinary procedures that every court goes through to be able to seek those records.

And, in fact, there are more procedures in the PATRIOT Act protecting those records than there would be if you went to a grand jury and got a grand jury subpoena to get the exact same information. So let us not have partial stories told here in this House tonight. Let us have the whole story. And the whole story is we have taken and given to the intelligence community and those who are defending us from terrorists the same tools we have given to law enforcement over the years to protect us from the vermin that would destroy us from within. Now we can use it against our enemies from without who are hiding within our country to protect the American citizens so that people can get up and go to work in the morning and raise their children and go to the park at night and not be afraid that some creep is going to blow up the means of transportation that they are on.

That, Mr. Speaker, is what a patriot in this country ought to be concerned about. That is what I think we have done here tonight. We have reaffirmed the tools of the war against terror within the United States and given our law enforcement officers weapons just like those rifles that our soldiers are carrying in Afghanistan that will protect our freedom.

We should never be ashamed for what we did here today. We should be proud. And I am proud that a bipartisan effort passed through this House of Representatives. I think that we can count the numbers and we will see that that is the truth, as the gentleman from Iowa (Mr. KING) said.

Mr. Speaker, I thank my colleague for allowing me to have a chance to stand up here for just a few minutes. I do want to point out one more thing before I stop. I served on that Committee on the Judiciary for 2 years, and I served side-by-side with my colleague here, the gentleman from Iowa. In fact, we were partners right there at each other's elbow. I can tell you that the chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER) runs a perfectly tight ship in his committee. When he says the rules are going to be abided by, they are abided by.

I will also say this. I will defy anybody to check the record. He never gave a member of the Republican matter one extra second in their time limit, but he constantly gave extra time to the minority. And almost every day I served on that committee, they would ask for additional time and he granted it. I personally have asked for additional time on that committee and he did not allow me to have that additional time. I think his reason is clear. We are the majority. We know the rules. We should get our job done within the time limit. And I respected him for it.

But the facts are, they have had advantages in that committee and they are in here crying like we did not treat them fairly. Mr. Speaker, that is not true.

I had better calm down here and thank my friend from Iowa and give him the opportunity to talk for a while, and I thank my colleagues for being patient with me.

Mr. KING of Iowa. Mr. Speaker, I appreciate the presentation of the gentleman from Texas here tonight and his service here in the Congress. In the time we have served together on the committee I came to know the gentleman's ability, and the way that the gentleman has spoken to the issue of Chairman SENSENBRENNER and how he handles that committee, the gentleman and I share that belief and respect for the way he has handled it.

We have a PATRIOT Act that has passed the floor of this Congress tonight because of the way it has been handled through that committee. And it will protect Americans for a long, long time to come.

Mr. CARTER. It is, and it is something we should be very proud of, and I am personally proud and I know the gentleman is too.

Mr. KING of Iowa. I certainly am.

I want to move along in this discussion and celebrate this accomplishment here today and look forward to a future where we have more confidence in our security and safety and the ability to ferret out these terrorists before they hit us. That is the key to the PATRIOT Act. Not to just put resources in place to clean up the disaster, but preempting the disaster and being there to cuts it off before it happens.

One of the people, Mr. Speaker, who has worked with some of the disasters, worked with health care and the safety of the people, and a gentleman who also handled the PATRIOT Act with regard to the Committee on Rules, a professional absolutely in his own right, the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I thank the gentleman from Iowa and it is indeed a pleasure to be spending a little of the time with him this evening.

Of course, the gentlemen that are on the Committee on the Judiciary and those who have been in the justice system and the judiciary, the gentleman from Texas (Mr. CARTER), my good friend who just spoke, they understand this PATRIOT Act I think far better, Mr. Speaker, than most of the Members of this body, certainly than this Member, this physician Member. But as the gentleman from Iowa pointed out, I did have the opportunity today as a member of the Committee on Rules to carry the rule on this reauthorization of the PATRIOT Act.

In the hearing before the Committee on Rules Members had an opportunity to come before the committee, just as they did in the markup during the Committee on the Judiciary hearings, that were so fairly conducted by Chairman SENSENBRENNER. And the same thing basically, Mr. Speaker, occurred under the leadership of my chairman, the gentleman from California (Mr. DREIER). It was a fair and balanced hearing. There were some 47 amendments that were requested. About half of them were granted with an opportunity to be discussed on this floor. Five were Democrat amendments and six amendments were cosponsored by Republican and Democrat. So it was a very bipartisan rule, and I think the essence of fairness.

Mr. Speaker, I would just mention one in particular, and that amendment this evening was approved before we finally had our final vote and approved the reauthorization of the PATRIOT Act in an overwhelming fashion, and that was the Flake-Schiff amendment, No. 59, that basically states that the director of the FBI must personally approve any library or book store request for records by the FBI under section 215.

Section 215 is exactly what the gentleman from Texas (Mr. CARTER) was just talking about, this ability to look at business records. I do not know how this became known as the library provision, but in fact no United States citizen since the PATRIOT Act was enacted has had their library records looked at. My colleague from Texas pointed out the importance, however, of being able to do that when you are dealing with a potential terrorist. And the Flake-Schiff amendment makes that even tighter, such that the director of the FBI must personally approve any library or book store request for records by the FBI under section 215.

Earlier this evening, before we started this special order hour, during the 5-minute special orders, Mr. Speaker, we heard the gentleman from Washington say that in the PATRIOT Act we have replaced the rule of law with the rule of fear. I have heard other Members on the other side of the aisle say in one of the amendments, in fact, Mr. Speaker, on the motion to recommit with instructions it was said, well, let us go back and let us have a sunset on all of these provisions so that in 4 years we can go back to the norm.

Well, my colleagues, I want to tell you right now, from the standpoint of this Member, I like the new norm. I do not want to go back to the old norm. I do not think we can afford to ever do that in this country. We are in a different world and we have got to deal with these terrorists.

We have heard the other side talk about, well, let us put more money behind homeland security, and we need to make sure that we check every train and every bus and every bit of cargo at every port in this country. I am all for that, whatever we can afford to do, but the point is, as we know from what just happened again today in London, you cannot stop these people at that point. You have to get to them before they get to that point. That is what the PATRIOT Act is all about. And it is not, Mr. Speaker, giving up our personal civil liberties to protect our citizens.

I think that we have struck a fair balance, and I commend the Members on both sides of the aisle on the Committee on the Judiciary that worked through the chairman and ranking member. The same thing with the Permanent Select Committee on Intelligence that worked through this bill. They are heroes. And I think today we came together in a bipartisan fashion and we reauthorized an act that has taken us almost 4 years to finalize.

And the proof is in the pudding. They have not struck us in this country yet. I feel very good about this bill, and I do not think we have sacrificed anybody's freedoms. Maybe inconvenienced people, yes. I am willing to put up with some inconveniences for the safety of my children and my grandchildren, and I think everybody in this chamber should feel that way. And most of us today.

Mr. Speaker, I wish to thank again the gentleman from Iowa for bringing this special order tonight in such a timely fashion, on the day we did reauthorize the PATRIOT Act, as amended, and it will, hopefully, take us many more years before we have anything like what happened to us on 9/11. And so with that, I yield back to the gentleman from Iowa.

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from Georgia (Mr. GINGREY) for his wise words, and I would like to associate myself with those remarks, particularly with the philosophy that we have a new norm; that we will not be going back to an old norm. The old norm allowed for a wall of separation between intelligence and prosecution, and that may have been the wall of separation that allowed the September 11 terrorists to attack us.

So the PATRIOT Act has removed that wall and allowed for that cooperation and that sharing of information and records, and I believe that has been part of the reason why we have not had a terrorist attack in this country since September 11. This reauthorization that took place in this Congress today, and hopefully will make its way to the President's desk fairly soon, is an authorization for the new norm, the norm where we will be with our intelligence people, with our FBI, and using our resources far more wisely than we were before.

But, Mr. Speaker, not a single piece of the PATRIOT Act allows the law enforcement people to access any data or information or anyone's private records in any fashion with more latitude than exists already in a criminal investigation prior to the passage of the PATRIOT Act. It is true today that there are more protections in the PATRIOT Act for civil liberties than there are for criminal investigations on the domestic side. It will stay that way, and in fact we have even expanded those protections.

Mr. Speaker, joining us tonight is the gentlewoman from Tennessee (Mrs. BLACKBURN), who has brought a real talent to this Congress and someone who I really enjoy working with and look up to and admire for the energy she brings to this task. Mr. Speaker, I yield such to her for her comments tonight.

Mrs. BLACKBURN. Mr. Speaker, I thank the gentleman from Iowa. He has done such a wonderful job on the Committee on the Judiciary. I had the opportunity to serve with him on that committee last Congress, and I appreciate his wisdom, his expertise, and just his common sense way of approaching legislation.

So often he will say that he was out on his tractor thinking about this, that, or the other, and let me tell you what I think. I think there are many of my constituents in Tennessee that certainly relate to how he goes about that thinking process, and we appreciate that.

□ 2300

Mr. Speaker, we did pass the PATRIOT Act today and reauthorize that. We did this with bipartisan support. I would remind the body this is one in a continuing string of items of legislation that have been passed with bipartisan support in this body. Whether it be bankruptcy reform or extension of the death tax, the energy bill or the highway bill, I could go on and on. Supplemental budget, the REAL ID Act, we have done it with bipartisan support.

I think there is a reason that the minority votes with the leadership of this House and the majority on our agenda, and it is because the leadership of this House is in touch with what the American people think, what is on their mind, what they are focusing on.

One of the things that we know that they are focusing on is security, whether it be moral security or economic security or health care security or homeland security; and our focus today has been on homeland security.

The gentleman from Iowa (Mr. KING) is right, today with bipartisan support we reauthorized the PATRIOT Act. We did it with good reason. We did it because it is a cornerstone and an important part of fighting and winning the war on terror. And winning is something we have to be certain we do.

Now, there are a couple of points that I did want to make, and I appreciate the gentleman yielding me this time. We heard quite a bit of bravado today about abuses, and we have a poster here. The PATRIOT Act, section 223 of the PATRIOT Act allows individuals to sue the Federal Government for money damages if a Federal official discloses sensitive information without authorization. Number of lawsuits filed against the government: zero. And the source on this is the Department of Justice.

One of my colleagues earlier said let us look at the PATRIOT Act by the numbers. This is a pretty important piece to remember. This is there for a reason, and it is important.

Here are some more PATRIOT Act facts by the numbers. One of the things that I would like to call attention to is the third point. Since the attacks on 9/11, the people arrested by the Department of Justice as a result of international terrorism investigations, 395; convictions, 212. This is so important for us to keep in mind because this shows the PATRIOT Act is working. There is a reason for this. There is a reason that we have that.

The gentleman from Iowa (Mr. KING) has talked about, and the gentleman from Texas talked about, the libraries and the importance of having access to the library records. The other night as we were discussing the PATRIOT Act, we talked about you had to have a court order. It is not just the ability to go in and say let me look at So-and-So's records. There is a process. It is the same process which has been in place for years. When we were looking at drug kings and racketeering, our Federal agents would use those powers at that point, always going to a judge, always receiving that permission.

But we know and we have had testimony given that some of the suspected 9/11 hijackers actually went in and used public libraries. We do not want our public libraries to become safe havens for terrorists. Those are the reasons for those provisions.

All in all the PATRIOT Act is one of those items that will add to achieving the security that we want here in our homes, in our communities, in our schools, in our public places and gathering places. It is another tool that can be used by our intelligence community, our defense community, and our law enforcement community to be certain they gather information and have the ability to share information that is necessary to keep this Nation safe.

I again thank the members of the Committee on the Judiciary, and I thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for the excellent work that was done on this bill, bringing it to the floor; and I thank the members who voted and supported and worked in a bipartisan manner to see this finished today.

Mr. KING of Iowa. Mr. Speaker, I thank the gentlewoman from Tennessee (Mrs. BLACKBURN).

A number of other subjects pop to mind as I listened to the gentlewoman from Tennessee. One of them is with sunsets. That has been a subject matter here in this debate and throughout

the markup last week, that is, the argument that we should sunset the PATRIOT Act so we force hearings so we can have legitimate oversight, and that oversight comes back on a regular basis.

The argument against that is we have had 3½ years of demagoguery on the PATRIOT Act and not a single lawsuit has been filed, even though there is a special provision, section 223 of the code, that provides for a person to seek redress of damages if they have been violated by the PATRIOT Act. Not a single lawsuit has been filed.

Section 215, looking into bookstore records and library records and the computer records in the public library, that major subject matter that has been brought before our national discussion board and on the Web for now several years, not a single time has the PATRIOT Act been used to look in bookstores or library records. But we want to preserve the ability to do that with law enforcement investigations. We know that the 9/11 terrorists did use the libraries, and we know that one of the optimum drop points for spies and surveillance and intelligence work is a library. You can write a note, put it in a certain page in a library book, put the book back on the shelf, and walk out of the library. That is the drop. And the pickup is the person that comes behind, knows the name of the book and picks up that information.

We must maintain that ability to look into libraries and bookstores, and we must also maintain appropriate government oversight responsibility. We preserved a couple of sunsets in the PATRIOT Act; but the fact remains, if the majority or minority party determines that they want to have hearings, if they are hearing complaints from their constituents, if there are complaints that are being filed or lawsuits being filed, we can call for hearings at any time, whether majority or minority, and get those hearings and get that public oversight and make the appropriate changes. I accept that. It is our responsibility to do.

One of the other points is the NSL, the national security letter. The argument is that could be used without appropriate oversight. In fact, the national security letter does not allow any FBI officer to read any documents and search into any telephone records or financial records except for the fact that it lets them look at the record of the records, the record of potential financial records or computer records to see if there is a pattern. If the pattern is there, then they have to go forward to get the warrant; and that warrant under the PATRIOT Act has a higher standard than under a criminal investigation.

That covers some of the things that have been an issue. We have quite a group of people here tonight. I am feeling a little out of place. I have a judge on my right, a judge on my left, and a judge behind me. When I look at these three judges, if I were actually King, I would appoint them all to the Supreme Court; but since I cannot, I yield to the gentleman from Texas (Mr. GOHMERT) for his remarks.

Mr. GOHMERT. Mr. Speaker, if the gentleman does not mind, I would like to have a dialogue. I would like to have a ''quadolog'' with our other colleagues here. I think we could have a good discussion because something good happened today. It was not just today; it was not just the hours and hours we spent on debate on this issue today. It was not just the 12 hours that we had during markup, or the hearings. I thought it was 11, the chairman said we had 12 hearings. I knew it was a lot. Or the dozens of witnesses we had on the PATRIOT Act, the oversight, the review of what needed to be.

□ 2310

But I do not now how it struck the gentlemen, but I think most of them were in here when the gentleman from Washington (Mr. MCDERMOTT) was making a floor speech just earlier tonight and he made the comment that we need to stop fear mongering. He told us to stop fear mongering. I do not know what news he is watching, but I do not think we have to say anything about fear. We are trying to fear, like that fine President Roosevelt did, ''nothing to fear but fear itself,'' but we do have to deal with people who do want to destroy us. And the news even this very day shows what demagoguery that is, to tell us to stop fear mongering when we have terrorists bent on our destruction, they are blowing up the subways, trying to blow up subways. In London those people have done a great job of resilience and trying to stand tall and firm through these crises. And we could have an attack tomorrow. I know the gentleman from Washington is on the Committee on the Judiciary with me at the current time. I do not know if my colleagues had a chance to go by and look at the top secret documents. I have had people say, Well, I would tell you, but I would have to kill you. They told me that if I told anybody that did not have the clearance then they would kill me for telling somebody else.

So, anyway, we cannot go into that stuff, but we can say that we know they have stopped terrorists by use of the PATRIOT Act. It has been used to keep Americans alive. That is not fear mongering. That is looking at the facts and just calling it like it is.

And I would like to point out, with all the mess that gets thrown into the air, there has been bipartisan debate. There has been rigorous debate. There are people on the other side of the aisle with whom I disagree. The gentleman from Massachusetts (Mr. DELAHUNT) and I have had some rigorous discussions, debate. He has never lied to me, and he has been very honest and forthcoming. I voted for one of his amendments today, and the gentleman from California (Mr. BERMAN), one of his amendments today. And the truth is on the PATRIOT Act, there were six Democrat amendments that we took up today. Five of them passed. I do not know about my colleagues here, but I voted for five of them. I thought they were good amendments. There was one person that surprised me. Normally that particular Democratic congressman does not have all that good amendments and had a good one today. One of the things I like about being a Republican is the freedom we have. We can read the amendments, we can determine whether it is a good idea or not, and vote for it.

So I did not know the gentleman's feelings, but he had to notice there was bipartisan support and the Republicans were open to good ideas.

Mr. KING of Iowa. Mr. Speaker, reclaiming my time, I appreciate the gentleman's remarks on this. And I have read some of those records associated with the PATRIOT Act investigations. And, in fact, I read some of those records throughout an investigation I am somewhat familiar with, and if we read through that carefully with the idea of what this would have been like without the payment PATRIOT Act, what would we have had for information? I think with many of those investigations, it would easy to make the case that we would have had a disaster at the other end rather than an arrest and prosecution at the other end of that. So to preempt this is what we need to be doing, and I am absolutely all for that.

I cannot resist marking that the individual that accused us of fear mongering is also the individual that went to Iraq and surrendered before we liberated the Iraqis and the individual who refused to put his hand over his heart when he led Pledge of Allegiance here one morning to open the House Chamber for the day. So I would put that only within that contest. I do not what drives that kind of thought process.

I am very proud of the patriots we have in this Congress, and they are on both sides of the aisle. They just seem to be in a bigger number over here where we have the majority at the present time.

Mr. GOHMERT. Mr. Speaker, if the gentleman would continue to yield, being a Republican has allowed me to take issue with people I have deep respect for.

On this very Patriot Act, I have had some severe concerns. I am grateful that we had Democratic and Republican amendments that fixed the concerns that I was concerned about. And I believe with the sunset provisions we have, which of course it is a little bit different than what the Senate came out; so there will be some debate. There will be some give and take, but we will sunset provisions coming out of conference.

But through this process I talked personally with the Attorney General. He contacted me, Alberto Gonzales. I have great respect for him. He had been

on our Supreme Court there in Texas. He is a good man and he works for a great President. We have had frank discussions. There were things we disagreed on. I have talked with the Assistant Attorney General, the Deputy Attorney General. I talked to the White House legislative liaison on these issues. We have been able to have a great debate, and we have come to a meeting of the minds on most of the things we disagreed about.

But I tell my colleagues I appreciate the freedom we have had to work on this because it is not about Democrats or Republicans. We are talking about the future of the United States of America, and I appreciate the dedication and the massive debates we have had on this.

And sometimes it scares me the way we make laws and we see each other running through the halls to try to get back to another hearing and vote on some issues. But we have done something good for America. And there is always room for improvement. There are always things we can do better. I do not know about my colleagues, but to talk about not doing or our job with oversight, as long as I am on the Committee on the Judiciary, we are going to do keep doing oversight. That is our job. We are going to do it.

Mr. KING of Iowa. Mr. Speaker, reclaiming my time, I think the gentleman has brought out an important point here. And that is that this debate was envisioned to produce a product that brought view points in from each side and a properly functioning legislative process. Whether it be a city council or county supervisors or the State legislature or the United States Congress, we have an open debate and we put our ideas out there, and as the ideas get debated, the amendments are offered. Some are successful and some are defeated and some are negotiated. And, in fact, we negotiated the sunset to be a 10-year sunset. Some people thought it ought to be considerably sooner than that. Some thought we ought to split the difference out to a 4 or 5 year. Some people thought we should not have sunsets, and I was actually among those. And yet the negotiation came down to a 10-year sunset. That was a compromise that would get the ball moving down the field, and that is what we resolved on that particular issue. But when we reach that static position when each side makes their case in a legitimate open debate and we arrive at that center position that we can all live with, then we move forward. And that is something that has been classic in the reauthorization of the PATRIOT Act, and that has been how the debate has brought us all together to the middle so that we could have this bipartisan vote of 257 votes here to reauthorize the PATRIOT Act.

Mr. GOHMERT. Mr. Speaker, will the gentleman further yield?

Mr. KING of Iowa. I yield to the gentleman from Texas.

Mr. GOHMERT. Mr. Speaker, I think it is interesting here when we look at this to note: Since the attacks of 9/11, the number of individuals arrested by the Department of Justice as a result of international terrorism investigations, 395. That is 395 that there was probable cause to believe were trying to do us harm, trying to destroy our way of life, and some of those have been very recent. And the PATRIOT Act, as the gentleman has said, wow, what a help to find these people before they kill fine innocent Americans.

The number of those individuals convicted, we are not talking about indicted and we are not talking about probable cause. We are talking about beyond a reasonable doubt. Two hundred and twelve of them have already been convicted. And the former judges here with us, they know that probably some of those that were convicted were because some of the others that were arrested and charged turned evidence and helped them out on those convictions.

So it is doing its job. We may have another attack tomorrow. But thank God it will not be because we did not give the law enforcement and the intelligence community what they needed to try to protect us.

And one thing I would like to add about that too. We know historically that evil people try to destroy good wholesome ways of life. They just do. Evil is around in the world. But thank God. Over the years there have been dark ages, there have been periods when people have been subverted and put into real terrible situations .

□ 2320

We have seen it even in the present day. But I thank God I live in a country where we are determined not to let that happen here, not now, not on our watch.

Mr. KING of Iowa. Mr. Speaker, I am happy to yield to another judge from Texas, the gentleman from Texas (Mr. POE).

Mr. POE. Mr. Speaker, I appreciate the gentleman from Iowa yielding, and I appreciate his passion for the Constitution. The gentleman is very familiar with that sacred document and the history of the document, and the gentleman, as he does always, carries a copy of it in his pocket in case somebody wants to read it. As a former judge, I appreciate the fact that the gentleman is beholden to the Constitution.

I was just counting up the years of judicial service between the gentleman from Texas (Mr. GOHMERT) and the gentleman from Texas (Mr. CARTER) and myself. The three of us have been on the bench with over 50 years of judicial experience.

Having served in Houston for over 22 years, I tried only criminal cases. I tried about 25,000 felony cases, numerous death penalty cases, and they were all criminal cases. I say that because the PATRIOT Act deals with crime, it deals with international terrorists. As judges, we dealt with local terrorists.

The Constitution is that sacred document that we have always been sworn to uphold. I think my record, as well as these two judges' records, speaks pretty clearly that we are strong law-and-order judges, if we can use that phrase. People that were convicted in my court, they were held to a high standard and there were consequences for those actions. Some of them are serving long sentences even tonight.

But also I, too, am a very strong supporter of the Constitution, especially the Bill of Rights. Some people think that a former law-and-order judge or a law-and-order judge is not a person who supports the Constitution. That is just not true. The first 10 amendments, the Bill of Rights, make us really a unique type of country because we show the worth of the individual.

The PATRIOT Act, some have been concerned about the allegations in the PATRIOT Act, whether or not it puts a dent in those Bill of Rights. I have studied the document, including the amendments tonight that were passed. I think all of those amendments and the document itself proves a point, that in this country we can have civil rights, individual liberty, and we can have security. We can have both.

History has always shown that people, all people throughout the world, were willing to give up freedom in the name of security, democratic countries and non-democratic countries. But in this country, we, through the PATRIOT Act, are continuing to show we can have both, we can have security and we can have civil liberties.

The PATRIOT Act does support that. I do not believe there has been one provision of the PATRIOT Act that has gone to court for judicial review that has been found unconstitutional. I think that is worth noting, that not one section has been found unconstitutional.

The PATRIOT Act calls for judicial review, as all of our laws should call for judicial review, and to make sure that judges throughout the land review the action of law enforcement. That is the standard of conduct in this country, it always has been and it always will be. The PATRIOT Act supports that.

So I am quite a supporter of the PATRIOT Act, especially as it has passed the House, as the gentleman from Iowa (Mr. KING) says, with bipartisan support. It is something that is necessary.

There has been a lot of scare tactics that have been used and rhetoric about the PATRIOT Act, but the bottom line is the people who commit crimes against us need to fear the rule of law, need to fear the consequences for violating our safety and our freedom.

In this country we do have a lot of freedom, but yet we take a lot of precautions. Most folks tonight are doing the same thing before they went into their homes. Wherever they are in the United States, they probably locked the doors. They probably put chains on the front door and deadbolts. Some

people sleep with bars on their windows. We do that because of crime, of local criminals, outlaws and terrorists. That is a way that we have chosen to live because of the nature of criminal conduct in this country.

I think the PATRIOT Act is a statement that we are not going to live in fear, we are not going to live in terror, and we are not going to be afraid of those people who threaten us in remote portions of the world and come to try to make us continue to be imprisoned in our own homes, in our actions each day.

So I think this act goes a long way in making sure that we have freedom in this country and that we have liberty in this country and that we have security in this country, to let people know, woe be to you if you choose to commit a crime against the people of the United States, because this act gives law enforcement the ability to track those people down, hunt those people down and bring them to justice. That is really what the Constitution is about.

So I want to thank the gentleman from Iowa for yielding, and I will yield back to the gentleman from Iowa.

Mr. KING of Iowa. Mr. Speaker, reclaiming my time, I thank the gentleman from Texas, and I appreciate the contributions here tonight.

I would like to take us back a little bit and recap what has happened here in the last 3½ going on 4 years, and that is that, yes, we were attacked from within and the vulnerabilities that are inherent in a free society were exploited by people that came here and people who have a hatred for our freedom and a hatred for anyone whom they declare to be a infidel. Their number one and number two targets, preferred targets, are Jews first and Christians second, but western civilization is their main enemy.

That thought process, that cult, that barbarism, is bred around the world in regions where they are taught in madrassas to hate anyone not like them, to kill anyone not like them.

There are something like 16,000 madrassas, hate teaching schools, just in Pakistan alone, and if you look at those schools around Saudi Arabia and if you look at the funding stream that runs around the world, that network is what brought al Qaeda into the United States for that September 11th attack, that network is what attacked London on July 7, and that may be the network that also attacked London today, although we do not have the records in today. It is part of the network that attacked Spain on that March 11 day that changed the political destiny of Spain and caused them to make a decision to pull their troops out of Iraq.

The worldwide war that we are up against, the PATRIOT Act addresses it domestically so that our FBI and our CIA, our domestic investigators and our terrorism investigators will cooperate together.

They will be able to do roving wiretaps in an era when trading cell phones on the run is almost a normal procedure. We do not go back to a landline any longer and go home to make our phone calls. Our phone is with us. Our communication is where we are, and we have to have an act that catches up with technology and allows for roving wiretaps.

We have to be able to look at some financial records and some credit card records and maybe some bookstore and library records to see the pattern. If the pattern justifies a warrant to go in and take a deeper look, then a Federal judge will have to provide that warrant, a higher standard than if it were a regular criminal investigation.

We need all of these tools to preempt the terrorist attacks on us in this country, and those tools so far have been part of the reason why we have not been attacked again. Many of us believe though that those attacks are inevitable, and I am one of those people, and I think they will be worse next time. I think we need all of these tools and more.

By looking around the world also, the President's doctrine, the Bush doctrine that he laid out several weeks after the September 11, 2001, attacks, that the media just caught up with after he gave his second inaugural address here last January, the Bush doctrine of promoting freedom and liberty around the world, is that free people never go to war against never free people. That would be consistent with the history of this country.

So in Iraq and in Afghanistan we have created the habitat for freedom, and the Afghanis have gone to the polls and voted and the Iraqis have gone to the polls and voted and helped select their leaders and are directed their national destiny and established a climate and culture where there is a growing desire for freedom.

If that freedom can continue to take root, and if that freedom can be contagious across the Arab world, from Afghanistan to Iraq and Saudi Arabia and Egypt and Syria and Jordan and the Middle Eastern countries all across the region, if freedom can be manifested there and take root in establishing the fashion that it is here, the way it is with our brothers in Great Britain, then there is a climate there that does not breed terrorists any longer. We will have eliminated the habitat for terror by replacing that habitat of a radical Islamic society with that of freedom and democracy.

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Now, that does not solve all the problems. If that happens, we also know that from the London bombs, that we have second generation terrorists, sons of moderate Muslims that travel and establish themselves within Great Britain, and these children were either born there or naturalized there, but they were taught in a moderate Muslim, peaceful society, and yet they still found their Madrassas in the mosques and they still bought into the culture of death, and they still blew themselves and 56 or so Londoners up and wounded however many others.

These terrorists, these radical Islamists, according to Benazir Bhutto, a former Prime Minister of Pakistan, told me there are not very many, perhaps 10 percent, are sympathetic to al Qaeda, but of about 1.2 or 1.3 billion Muslims in the world, 10 percent is 120 million to 130 million. I call that a lot; not ''not very many,'' but quite a lot of potential either terrorists or terrorist supporters and sympathizers, and we cannot kill them all and we do not want to, but we have to defend ourselves from them.

Mr. Speaker, the Jahadists that are killing Londoners and Americans and Spanish and other Muslims around the world, these terrorist attacks that are taking place, they are parasites that live amongst the host, the Islamists. The terrorists are the parasites; the hosts is Muslim, the Muslim religion. So they feed off of the host, they travel with the host and on the host, they are funded through the host, through the mosques, so they can go anywhere in the world and find themselves a small core, a cell of sympathizers, a sleeper cell, and the network of funding is collected around the world, and the networks of communications and the network of training and where the training camps are all can be fed through the network of the Muslim religion.

I will call upon moderate Islam, if you exist out there, and I believe you do, then cleanse thy selves, rid yourselves of this parasite. We cannot do that for you. We can work with you and we can cooperate with you, but until you do, there will not be peace in this world, there will not be safety in this world, and there will not be an end to this war on terror.

Mr. Speaker, I am happy to yield to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Speaker, I thank it is worth noting that these people who are bent on our destruction are so consumed with evil and hatred that they would blow up sweet little innocent Iraqi children. They are not just killing Americans, they will kill anybody that stands in their way. And the only thing these people in Iraq, we have met them, we have talked to them, they want to be, they want to live. Yet, they are so consumed with hatred they would blow those innocent people up, Muslims themselves, and they blow them up so treacherously.

I believe that all of us here share the same passion. Mr. Speaker, I do not want people at home in America to think, well, they think they have done it all, now that they have passed the PATRIOT Act. This is an ongoing thing. The price of liberty is eternal vigilance. It is an ongoing battle that we fight here for America.

But another thing that we have to take up is securing our borders. This is one of the tools, securing our borders will be another, and I think the gentleman shares my passion that that is

another thing we have to take up, it is another thing we have to do to protect America. I am proud to stand, to sit, to debate, to be on the same side with the gentleman.

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman, His Honor, Judge GOHMERT, and Judge POE from Texas, Judge CARTER from Texas, the gentlewoman from Tennessee, and the gentlewoman from Georgia (Mr. GINGREY), all of us who have participated in this tonight. We have had an opportunity to discuss the PATRIOT Act and kind of put the final frosting on the cake here in the House, I hope, and maybe bring a better and more objective perspective to the PATRIOT Act for the American people, Mr. Speaker.

So we have a long road ahead of us. We will work with the PATRIOT Act to provide the maximum amount of domestic security and will continue the Bush doctrine to eliminate the habitat that breeds terrorists around the world. We are going to ask for the rest of the countries in the world to shut off the funding, shut off the training, shut off the feed mechanism that funds these terrorists. We are going to ask the moderate Islam to purge the parasites from your midst; you are the only ones that can do it. We are going to take a look at our borders, both north and south, and we are going to slow down that human river of about 3 million illegals that poor across there, that huge haystack of humanity that, amongst that 3 million or so, are hundreds and perhaps thousands of terrorists, certainly thousands of criminals that prey upon Americans.

Mr. Speaker, if we can all get that done by the end of the 109th Congress, I am going to take the day off.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. CORRINE BROWN of Florida, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

(The following Members (at the request of Mr. KING of Iowa) to revise and extend their remarks and include extraneous material:)

Mr. GUTKNECHT, for 5 minutes, today.

Ms. FOXX, for 5 minutes, today and July 25.

Mr. JONES of North Carolina, for 5 minutes, July 25, 26, 27, and 28.

Mr. NORWOOD, for 5 minutes, July 22.

Mr. GOHMERT, for 5 minutes, today.

Mr. POE, for 5 minutes, today.

Mr. KOLBE, for 5 minutes, July 22.

Mr. CONAWAY, for 5 minutes, July 25.

SENATE BILL REFERRED

A bill of the senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 544. An act 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 effect patient safety; to the Committee on Energy and Commerce.

ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker.

H.R. 3377. An act to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

A BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on July 19, 2005 he presented to the President of the United States, for his approval, the following bill.

H.R. 3332. To provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 35 minutes p.m.), the House adjourned until tomorrow, Friday, July 22, 2005, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2943. A letter from the RMA, Administrator, Department of Agriculture, transmitting the Department's final rule — Common Crop Insurance Regulations; Nursery Crop Insurance Provisions (RIN: 0563-AB80) received July 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2944. A letter from the Deputy Commandant for Installations and Logistics, USMC, Department of Defense, transmitting notice of the decision to convert the Transportation Operations and Maintenance Services functions at Marine Corps Base, Camp Lejeune, North Carolina to contractor performance, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

2945. A letter from the Acting Secretary of the Air Force, Department of Defense, transmitting notification that the Average Procurement Unit Cost for the Global Hawk System Program exceeds the Acquisition Program Baseline values by more than 15 percent, pursuant to 10 U.S.C. 2433(e)(1); to the Committee on Armed Services.

2946. A letter from the Deputy Assistant Secretary for Infrastructure Analysis, Department of the Army, transmitting certified materials supplied to the Defense Base Closure and Realignment Commission, pursuant to Public Law 101–510, section 2903(c)(6) and 2914(b)(1); to the Committee on Armed Services.

2947. 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)(6) and 2914(b)(1); to the Committee on Armed Services.

2948. 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)(6) and 2914(b)(1); to the Committee on Armed Services.

2949. 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)(6) and 2914(b)(1); to the Committee on Armed Services.

2950. 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)(6) and 2914(b)(1); to the Committee on Armed Services.

2951. 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)(6) and 2914(b)(1); to the Committee on Armed Services.

2952. 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)(6) and 2914(b)(1); to the Committee on Armed Services.

2953. 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)(6) and 2914(b)(1); to the Committee on Armed Services.

2954. 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)(6) and 2914(b)(1); to the Committee on Armed Services.

2955. 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)(6) and 2914(b)(1); to the Committee on Armed Services.

2956. 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)(6) and 2914(b)(1); to the Committee on Armed Services.

2957. 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)(6) and 2914(b)(1); to the Committee on Armed Services.

2958. 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)(6) and 2914(b)(1); to the Committee on Armed Services.

2959. 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)(6) and 2914(b)(1); to the Committee on Armed Services.

2960. 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)(6) and 2914(b)(1); to the Committee on Armed Services.

2961. 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)(6) and 2914(b)(1); to the Committee on Armed Services.

2962. 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)(6) and 2914(b)(1); to the Committee on Armed Services.

2963. 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)(6) and 2914(b)(1); to the Committee on Armed Services.

2964. 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)(6) and 2914(b)(1); to the Committee on Armed Services.

2965. A letter from the Secretary, Department of Energy, transmitting a report concerning plutonium storage at the Savannah River Site, located near Aiken, South Carolina, pursuant to Public Law 107–314, section 3183; to the Committee on Armed Services.

2966. A letter from the Director, Naval Reactors, transmitting copies of the Naval Nuclear Propulsion Program's latest report on environmental monitoring and radiologicial waste disposal, worker radiation exposure, and occupational safety and health, as well as a report providing an overview of the Program; to the Committee on Armed Services.

2967. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the Board's semiannual Monetary Policy Report pursuant to Pub. L. 106-569; to the Committee on Financial Services.

2968. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on transactions involving U.S. exports to Mexico, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

2969. A communication from the Director, President of the United States, transmitting a supplemental update of the Budget for the fiscal years 2005 through 2010, pursuant to 31 U.S.C. 1106(a); to the Committee on the Budget.

2970. A letter from the Assistant Deputy Secretary, OII, Department of Education, transmitting the Department's final rule — Innovation for Teacher Quality (RIN: 1855-AA04) received July 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2971. A letter from the Asst. Gen. Counsel, Div. of Regulatory Services, OSDFS, Department of Education, transmitting the Department's final rule — Grants to States to Improve Management of Drug and Violence Prevention Programs —— received July 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2972. A letter from the Asst. Gen. Counsel, Div. of Regulatory Services, OSDFS, Department of Education, transmitting the Department's final rule — Grants for School-Based Student Drug-Testing Programs —— received July 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2973. A letter from the Secretary, Department of Energy, transmitting the Department's Annual Report for the Strategic Petroleum Reserve, covering calendar year 2004, pursuant to 42 U.S.C. 6245(a); to the Committee on Energy and Commerce.

2974. A letter from the Asst. Gen. Counsel for Legislation and Regulatory Law, OPIA, Department of Energy, transmitting the Department's final rule — Guidelines for Voluntary Greenhouse Gas Reporting (RIN: 1901-AB11) received May 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2975. A letter from the Attorney, NHTSA, Department of Transportation, transmitting the Department's final rule — Vehicles Built in Two or More Stages [Docket No. NHTSA-99-5673] (RIN: 2127-AE27) received March 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2976. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of Navy's Proposed Letter(s) of Offer and Acceptance (LOA) to Japan for defense articles and services (Transmittal No. 05-23), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

2977. A letter from the Director, Internation Cooperation, Department of Defense, transmitting a copy of Transmittal No. 06-05 which informs you of our intent to sign a Memorandum of Understanding (MOU) between the United States, Australia, Canada, Finland, Kuwait, Spain, and Switzerland concerning a Cooperative Framework for the F/A-18 Program, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

2978. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles that are firearms controlled under category I of the United States Munitions List sold commercially to the Government of Belgium (Transmittal No. DDTC 012-05), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

2979. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of major defense articles or defense services sold commercially to Australia (Transmittal No. DDTC 007-05), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

2980. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule — Amendments to the International Traffic in Arms Regulations: Various — received June 13, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

2981. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the determination for authorizing the use in fiscal year 2004 and fiscal year 2005 of Economic Support Funds in order to provide support for Middle East Partnership Initiative (MEPI) programming in Libya; to the Committee on International Relations.

2982. 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.

2983. 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.

2984. A letter from the Chairman, Broadcasting Board of Governors, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2004 to March 31, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2985. A letter from the Secretary, Department of the Treasury, transmitting two Semiannual Reports which were prepared separately by Treasury's Office of Inspector General (OIG) and the Treasury Inspector General for Tax Administration (TIGTA) for the period ended March 31, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2986. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2987. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2988. 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.

2989. A letter from the Chairman, International Trade Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2004 through March 31, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

2990. A letter from the Chairman and General Counsel, National Labor Relations Board, transmitting the semiannual report on the activities of the Office of Inspector General of the National Labor Relations Board for the period October 1, 2004 through March 31, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

2991. A letter from the Chairman, National Science Board, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2004 through March 31, 2005, pursuant to 5 U.S.C.

app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2992. A letter from the Director, Peace Corps, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2004 through March 31, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2993. A letter from the Chairman, Postal Rate Commission, transmitting the FY 2004 annual report on International Mail Costs, Revenues and Volumes, pursuant to 39 U.S.C. 3663(a) Public Law 105–277; to the Committee on Government Reform.

2994. A letter from the Inspector General Liaison, Selective Service System, transmitting the semiannual report in accordance with the Inspector General Act of 1978, as amended, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2995. A letter from the Administrator, Small Business Administration, transmitting the semiannual report of the Office of Inspector General for the period October 1, 2004 through March 31, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2996. A letter from the Assistant Secretary, Land and Minerals Management, OSM, Department of the Interior, transmitting the Department's final rule — Pennsylvania Regulatory Program [PA-124-FOR] received May 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2997. A letter from the Special Trustee for American Indians, Department of thie Interior, transmitting the Department's final rule — Deposit of Proceeds from Lands Withdrawn for Native Selection (RIN: 1035-AA04) received June 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2998. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer [Docket No. 041110317-4364-02; I.D. 061505C] received June 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2999. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries [Docket No. 041221358-5065-02; I.D. 121504A] (RIN: 0648-AR56) received April 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3000. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Vermilion Snapper Rebuilding Plan [Docket No. 050228048-5144-02; I.D. 021705A] (RIN: 0648-AS19) received June 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3001. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; Western Pacific Pelagic Fisheries; American Samoa Longline Limited Entry Program [Docket No. 040628196-5130-02; I.D. 061704A] (RIN: 0648-AQ92) received June 17, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3002. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; Costal Pelagic Species Fisheries; Annual Specifications [Docket No. 041130335-5154-02; I.D. 112404B] (RIN: 0648-AS17) received July 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3003. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; 2005 Management Measures [Docket No. 050426117-5117-01; I.D. 042505C] (RIN: 0648-AS58) received June 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3004. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — 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 [Docket No. 050209033-5033-01; I.D. 053105G] (RIN: 0648-AS97) received June 13, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3005. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Spiny Dogfish Fishery [Docket No. 050302053-5112-02; I.D. 022805C] (RIN: 0648-AS24) received May 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3006. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Pacific Halibut Fisheries; Oregon Sport Fisheries [Docket No. 050125016-5097-02; I.D. 061605B] received July 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3007. A letter from the Fishery Policy Analyst, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Recreational Measures for the Summer Flounder, Scup, and Black Sea Bass Fisheries, Fishing Year 2005 [Docket No. 050304059-5416-02; I.D. 022805D] (RIN: 0648-AS21) received June 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3008. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pollock from the Aleutian Islands Subarea to the Bering Sea Subarea [Docket No. 041126332-5039-02; I.D. 061405B] received June 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3009. A letter from the Assistant Administrator, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — 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 [Docket No. 050209033-5033-01; I.D. 053105G] (RIN: 0648-AS97) received June 17, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3010. A letter from the Acting Director, Office of Sustainable Fishery, NHFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Closure of the 2005 Deep-Water Grouper Commercial Fishery [I.D. 060705B] received June 17, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3011. A letter from the Assistant Administrator, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Lifting Trade Restrictive Measures [Docket No. 050228049-5122-02; I.D. 021105C] (RIN: 0648-AT05) received May 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3012. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #1 — Adjustment of the Commercial Fisheries from the Cape Falcon, Oregon to the Oregon-California Border [Docket No. 040429134-4135-01; I.D. 050405D] received May 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3013. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer [Docket No. 041110317-4364-02; I.D. 051805B] received May 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3014. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Mackeral, Squid, and Butterfish Fisheries; Adjustment of the Quarter III Quota Allocation for Loligo Squid [Docket No. 041221358-5065-02; I.D. 062205A] received July 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3015. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Tilefish Fishery; Quota Harvested for Full-time Tier 2 Category [Docket No.010319075-1217-02; I.D. 061705A] received July 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3016. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Northeast Multispecies Fishery; 2005 Trip Authorization for Closed Area II Yellowtail Flounder Special Access Program [Docket No. 050314072-5126-02; I.D. 062305E] received July 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3017. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 051105C] received May 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3018. A letter from the Deputy Assistant Administrator for Regualtory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens

Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Haddock Incidental Catch Allowance for the 2005 Atlantic Herring Fishery; Emergency Fishery Closure Due to the Presence of the Toxin that Causes Paralytic Shellfish Poisoning; Correction [Docket No. 050629171-5171-01; I.D. 070105A] (RIN: 0648-AT51) received July 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3019. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Amendment 15 [Docket No. 050309066-5164-02; I.D. 030105D] (RIN: 0648-AS53) received July 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3020. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; License Limitation Program for the Scallop Fishery [Docket No. 050325082-5165-02; I.D. 031705E] (RIN: 0648-AS90) received July 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3021. A letter from the Acting Director, Office of Sustainable Fisheries, MNFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Specifications and Management Measures; Inseason Adjustments [Docket No. 040830250-5062-03; I.D. 062705B] received July 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3022. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's fiinal rule — Fisheries of the Exclusive Economic Zone Off Alaska; Rock Sole in the Bering Sea and Aleutian Islands Managment Area [Docket No. 041126332-5039-02; I.D. 062705A] received July 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3023. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; ''Other Flatfish'' in the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 062905B] received July 13, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3024. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; ''Other Flatfish'' in the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 062905A] received July 13, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3025. A letter from the Secretary, Department of Energy, transmitting an annual report concerning operations at the Naval Petroleum Reserves for fiscal year 2004, pursuant to 10 U.S.C. 7431; jointly to the Committees on Armed Services and Energy and Commerce.

3026. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled, ''Physician Referrals to Speciality Hospitals,'' in response to Section 507(c)(2) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, Pub. L. 108-173; jointly to the Committees on Energy and Commerce and Ways and Means.

3027. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification to Congress regarding the Incidental Capture of Sea Turtles in Commercial Shrimping Operations, pursuant to Public Law 101–162, section 609(b); jointly to the Committees on Resources and Appropriations.

3028. A letter from the Chairman, Labor Member, and Management Member, Railroad Retirement Board, transmitting the 2005 annual report on the financial status of the railroad unemployment insurance system, pursuant to 45 U.S.C. 369; jointly to the Committees on Transportation and Infrastructure and Ways and Means.

3029. A letter from the Secretary, Department of Health and Human Services, transmitting a report, entitled ''The Coordination of Provider Education Activities provided through Medicare Contractors in order to Maximize the Effectiveness of Federal Education for Providers of Services and Supplers'' in response to Section 921(a) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, Pub. L. 108-173; jointly to the Committees on Ways and Means and Energy and Commerce.

3030. A letter from the Chairman, Labor Member, and Management Member, Railroad Retirement Board, transmitting a report on the actuarial status of the railroad retirement system, including any recommendations for financing changes, pursuant to 45 U.S.C. 231f–1; jointly to the Committees on Ways and Means and Transportation and Infrastructure.

3031. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the report required by Section 7202(d) of the Intelligence Reform and Terrorism Prevention Act of 2004, regarding the establishment of the interagency Human Smuggling and Trafficking Center (HSTC); jointly to the Committees on International Relations, the Judiciary, Homeland Security, and Intelligence (Permanent Select).

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. POMBO: Committee on Resources. H.R. 2130. A bill to amend the Marine Mammal Protection Act of 1972 to authorize research programs to better understand and protect marine mammals, and for other purposes (Rept. 109–180). 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. GINGREY (for himself and Mr. SMITH of Texas):

H.R. 5. A bill to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FLAKE (for himself and Mr. DELAHUNT):

H.R. 3372. A bill to improve and promote compliance with international intellectual property obligations and to defend United States intellectual property interests from suspension of benefits abroad, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LOBIONDO (for himself, Mrs. LOWEY, Mr. TANNER, Mr. WAMP, Mr. SIMMONS, Mr. REYES, Mr. HOLT, Mr. HOLDEN, Mr. SAXTON, Mr. PASCRELL, Mr. LYNCH, Mr. ACKERMAN, Mr. ROTHMAN, Mr. BRADY of Pennsylvania, Mr. EHLERS, Mr. HINCHEY, Mr. MENENDEZ, Mr. DAVIS of Alabama, Mr. SHUSTER, Mr. MCNULTY, Mr. BONNER, Mr. CHANDLER, Mr. HIGGINS, Mr. BERRY, Ms. SCHWARTZ of Pennsylvania, Mr. WALSH, Mr. PLATTS, Mr. ENGEL, Mr. KANJORSKI, Mr. DELAHUNT, Mr. MORAN of Virginia, Mr. MCHUGH, Mr. MCINTYRE, Mr. GRAVES, Mr. PORTER, Mr. GERLACH, Mr. LARSON of Connecticut, Mr. PAUL, Mr. PALLONE, Mr. BOEHLERT, Mr. KILDEE, Mr. CAPUANO, Mr. DENT, Mr. FITZPATRICK of Pennsylvania, and Mr. SMITH of New Jersey):

H.R. 3373. A bill to extend the 50 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility and to establish the National Advisory Council on Medical Rehabilitation; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LATOURETTE (for himself and Ms. HOOLEY):

H.R. 3374. A bill to provide for the uniform and timely notification of consumers whose sensitive financial personal information has been placed at risk by a breach of data security, to enhance data security safeguards, to provide appropriate consumer mitigation services, and for other purposes; to the Committee on Financial Services.

By Ms. PRYCE of Ohio (for herself, Mr. CASTLE, and Mr. MOORE of Kansas):

H.R. 3375. A bill to amend the Fair Credit Reporting Act to provide for secure financial data, and for other purposes; to the Committee on Financial Services.

By Mr. THOMAS:

H.R. 3376. A bill to amend the Internal Revenue Code of 1986 to make technical corrections, and for other purposes; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska:

H.R. 3377. A bill to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Ways and Means, Resources, and Science, 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. BAIRD (for himself, Mr. MORAN of Virginia, Mr. RUPPERSBERGER, and Mr. LIPINSKI):

H.R. 3378. A bill to provide comprehensive reform regarding medical malpractice; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, 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. DAVIS of Illinois:

H.R. 3379. A bill to amend part E of title IV of the Social Security Act to promote safe and permanent homes for foster children; to the Committee on Ways and Means.

By Mr. DAVIS of Illinois (for himself and Ms. JACKSON-LEE of Texas):

H.R. 3380. A bill to amend part E of title IV of the Social Security Act to provide Federal support and assistance to children living with guardians and kinship caregivers, and for other purposes; 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 Ms. DELAURO (for herself, Mr. MCGOVERN, Mr. LANTOS, Ms. SCHAKOWSKY, Ms. WOOLSEY, Mr. DEFAZIO, Mr. ROHRABACHER, Mr. PASTOR, Mr. SANDERS, Mr. LARSON of Connecticut, and Mr. MOORE of Kansas):

H.R. 3381. A bill to amend the Immigration and Nationality Act with respect to the admission of L-1 intra-company transferee nonimmigrants; to the Committee on the Judiciary.

By Mr. HASTINGS of Florida:

H.R. 3382. A bill to provide state and local governments with financial assistance that will increase their ability and effectiveness in monitoring convicted sex offenders by developing and implementing a program using global positioning systems to monitor convicted sexual offenders or sexual predators released from confinement; to the Committee on the Judiciary.

By Mr. HENSARLING:

H.R. 3383. A bill to promote commercial aviation service and economic development in the Dallas/Fort Worth region; to the Committee on Transportation and Infrastructure.

By Mr. JINDAL:

H.R. 3384. A bill to make permanent marriage penalty relief; to the Committee on Ways and Means.

By Mr. SAM JOHNSON of Texas (for himself, Mr. NEAL of Massachusetts, Mr. MCCRERY, Mr. JEFFERSON, Mr. RAMSTAD, Mr. SHAW, Mrs. JOHNSON of Connecticut, Mr. ENGLISH of Pennsylvania, Ms. ZOE LOFGREN of California, Mr. SIMMONS, Mr. HONDA, Mr. MCCAUL of Texas, Mr. PAUL, and Mr. GERLACH):

H.R. 3385. A bill to amend the Internal Revenue Code of 1986 to make the credit for prior year minimum tax liability refundable for individuals after a period of years, to require returns with respect to certain stock options, and for other purposes; to the Committee on Ways and Means.

By Mr. RYUN of Kansas:

H.R. 3386. A bill to suspend temporarily the duty on certain footwear with open toes or heels; to the Committee on Ways and Means.

By Mr. RYUN of Kansas:

H.R. 3387. A bill to suspend temporarily the duty on certain work footwear; to the Committee on Ways and Means.

By Mr. RYUN of Kansas:

H.R. 3388. A bill to suspend temporarily the duty on certain women's footwear; to the Committee on Ways and Means.

By Mr. RYUN of Kansas:

H.R. 3389. A bill to suspend temporarily the duty on certain footwear for girls; to the Committee on Ways and Means.

By Mr. RYUN of Kansas:

H.R. 3390. A bill to suspend temporarily the duty on certain protective footwear; to the Committee on Ways and Means.

By Mr. RYUN of Kansas:

H.R. 3391. A bill to suspend temporarily the duty on certain athletic footwear; to the Committee on Ways and Means.

By Mr. RYUN of Kansas:

H.R. 3392. A bill to suspend temporarily the duty on certain footwear with open toes or heels; to the Committee on Ways and Means.

By Mr. RYUN of Kansas:

H.R. 3393. A bill to suspend temporarily the duty on certain work footwear; to the Committee on Ways and Means.

By Mr. RYUN of Kansas:

H.R. 3394. A bill to suspend temporarily the duty on certain work footwear; to the Committee on Ways and Means.

By Mr. RYUN of Kansas:

H.R. 3395. A bill to suspend temporarily the duty on certain work footwear; to the Committee on Ways and Means.

By Mr. SMITH of Washington (for himself, Mr. PETRI, Mr. PAYNE, and Mr. MCDERMOTT):

H.R. 3396. A bill to facilitate lasting peace, democracy, and economic recovery in Somalia; to the Committee on International Relations.

By Mr. SWEENEY:

H.R. 3397. A bill to amend title 49, United States Code, to enhance security at general aviation airports in the United States; to the Committee on Homeland Security.

By Mr. TERRY:

H.R. 3398. A bill to amend the Internal Revenue Code of 1986 to make permanent the deduction for corporate donations of scientific property and computer technology; to the Committee on Ways and Means.

By Mr. TERRY:

H.R. 3399. A bill to amend the Internal Revenue Code of 1986 to make permanent the welfare-to-work credit; to the Committee on Ways and Means.

By Mr. TERRY:

H.R. 3400. A bill to amend the Internal Revenue Code of 1986 to make permanent the option of including combat pay when computing earned income; to the Committee on Ways and Means.

By Mr. WILSON of South Carolina (for himself, Mr. DAVIS of Tennessee, Mr. NORWOOD, Mr. WESTMORELAND, Mr. RADANOVICH, Mr. MCCOTTER, Mr. SCOTT of Georgia, Mr. MILLER of Florida, Mr. SPRATT, Mr. BURTON of Indiana, and Mr. FORTUÑO):

H.R. 3401. A bill to amend title 32, United States Code, to improve the readiness of State defense forces and to increase military coordination for homeland security between the States and the Department of Defense; to the Committee on Armed Services.

By Mr. YOUNG of Alaska:

H. Con. Res. 212. Concurrent resolution to correct technical errors in the enrollment of the bill H.R. 3377; considered and agreed to.

By Mr. DINGELL (for himself, Mr. RANGEL, Mr. STARK, Mr. BROWN of Ohio, Mr. LEWIS of Georgia, Mr. DOGGETT, Mr. THOMPSON of California, Mr. EMANUEL, Mr. WAXMAN, Mr. PALLONE, Mr. STRICKLAND, Ms. DEGETTE, Mrs. CAPPS, Mr. ALLEN, Mr. DAVIS of Florida, Ms. BALDWIN, Ms. PELOSI, Mr. GONZALEZ, Mr. DAVIS of Illinois, Mrs. CHRISTENSEN, Mr. MCDERMOTT, Mr. OBEY, Mr. LANTOS, Mr. SCHIFF, Ms. WATSON, Ms. NORTON, Mr. FARR, Mr. GUTIERREZ, Ms. KAPTUR, Mr. BOUCHER, Mr. ENGEL, Mrs. MALONEY, Mr. PAYNE, Mr. MCGOVERN, Mr. MORAN of Virginia, Mr. MEEK of Florida, Mr. BERMAN, Ms. MATSUI, Mr. JEFFERSON, Mr. DAVIS of Tennessee, Ms. ROYBAL-ALLARD, Mr. OBERSTAR, Mr. UDALL of Colorado, Mr. MCNULTY, Ms. WASSERMAN SCHULTZ, Mr. CARNAHAN, Mr. BISHOP of Georgia, Mr. KILDEE, Mr. LEVIN, Mr. GEORGE MILLER of California, Mr. LARSON of Connecticut, Mr. SKELTON, Mr. CARDIN, Mr. ROSS, Ms. BORDALLO, Mr. FRANK of Massachusetts, Mr. HOLDEN, Mr. MENENDEZ, Ms. ZOE LOFGREN of California, Ms. LINDA T. SÁNCHEZ of California, Mr. MICHAUD, Mr. LYNCH, Mr. VAN HOLLEN, Mr. MOORE of Kansas, Mr. REYES, Mr. ACKERMAN, Mr. GRIJALVA, Mr. FILNER, Mr. KENNEDY of Rhode Island, Mr. ORTIZ, Mr. MEEHAN, Mr. STUPAK, Ms. KILPATRICK of Michigan, Mr. NADLER, Ms. LEE, Mrs. JONES of Ohio, Mr. KUCINICH, Mr. SPRATT, Mr. MARSHALL, Mr. AL GREEN of Texas, Mr. SCOTT of Virginia, Mr. ETHERIDGE, Mr. CLEAVER, Mr. RYAN of Ohio, Mr. COSTELLO, Ms. HARMAN, Mr. DICKS, Mr. POMEROY, Mr. TANNER, and Ms. SOLIS):

H. Con. Res. 213. Concurrent resolution expressing the sense of Congress concerning the vital role of Medicare in the health care system of our Nation over the last 40 years; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOODE (for himself, Mr. JONES of North Carolina, and Mr. GOHMERT):

H. Con. Res. 214. Concurrent resolution revising the concurrent resolution on the budget for fiscal year 2006; to the Committee on the Budget.

By Mr. WAXMAN (for himself, Mr. DINGELL, Mr. BROWN of Ohio, Mr. PALLONE, Mr. STRICKLAND, Ms. DEGETTE, Mrs. CAPPS, Mr. ALLEN, Mr. DAVIS of Florida, Ms. BALDWIN, Ms. PELOSI, Mr. RANGEL, Mr. STARK, Mr. LEWIS of Georgia, Mr. DOGGETT, Mr. THOMPSON of California, Mr. EMANUEL, Mr. GONZALEZ, Mr. DAVIS of Illinois, Mrs. CHRISTENSEN, Mr. MCDERMOTT, Mr. OBEY, Mr. LANTOS, Mr. SCHIFF, Ms. WATSON, Ms. NORTON, Mr. FARR, Mr. GUTIERREZ, Ms. KAPTUR, Mr. BOUCHER, Mr. ENGEL, Mrs. MALONEY, Mr. PAYNE, Mr. MCGOVERN, Mr. MORAN of Virginia, Mr. MEEK of Florida, Mr. BERMAN, Ms. MATSUI, Mr. JEFFERSON, Mr. DAVIS of Tennessee, Ms. ROYBAL-ALLARD, Mr. OBERSTAR, Mr. UDALL of Colorado, Mr. MCNULTY, Ms. WASSERMAN SCHULTZ, Mr. CARNAHAN, Mr. BISHOP of Georgia, Mr. KILDEE, Mr. LEVIN, Mr. GEORGE MILLER of California, Mr. LARSON of Connecticut, Mr. SKELTON, Mr. CARDIN, Mr. ROSS, Ms. BORDALLO, Mr. FRANK of Massachusetts, Mr. HOLDEN, Mr. MENENDEZ, Ms. ZOE LOFGREN of California, Ms. LINDA T. SÁNCHEZ of California, Mr. MICHAUD, Mr. LYNCH, Mr. VAN HOLLEN, Mr. MOORE of Kansas, Mr. REYES, Mr. ACKERMAN, Mr. GRIJALVA, Mr. FILNER, Mr. KENNEDY of Rhode Island, Mr. ORTIZ, Mr. MEEHAN, Mr. STUPAK, Ms. KILPATRICK of Michigan, Mr. NADLER, Ms. LEE, Mrs. JONES of Ohio, Mr. KUCINICH, Mr. SPRATT, Mr. MARSHALL, Mr. AL GREEN of Texas, Mr. SCOTT of Virginia, Mr. ETHERIDGE, Mr. CLEAVER, Mr. RYAN of Ohio, Mr.

COSTELLO, Ms. HARMAN, Mr. DICKS, Ms. SOLIS, and Mr. POMEROY):

H. Con. Res. 215. Concurrent resolution expressing the sense of the Congress with respect to the importance of Medicaid in the health care system of our Nation; to the Committee on Energy and Commerce.

By Mr. KUHL of New York (for himself, Mr. BOEHLERT, Mr. LEWIS of California, Mr. MCCAUL of Texas, Mr. ENGLISH of Pennsylvania, Mr. DAVIS of Kentucky, Mr. BROWN of South Carolina, Mr. SIMMONS, Mr. GRAVES, Mr. DOOLITTLE, Mr. SHUSTER, Ms. MILLENDER-MCDONALD, Mr. CALVERT, Mr. ADERHOLT, Mr. LEWIS of Georgia, Mr. DUNCAN, Mr. FOSSELLA, Mr. WALSH, Ms. GINNY BROWN-WAITE of Florida, Mr. WESTMORELAND, Mr. SHERWOOD, Mrs. DRAKE, Mr. KIRK, Mr. MANZULLO, Mr. PRICE of Georgia, Mr. MARCHANT, Mr. HOLDEN, Mr. CONAWAY, Mr. CASE, Mr. HIGGINS, Mr. BOUSTANY, Mr. ENGEL, Mrs. KELLY, Mr. JENKINS, Mr. KENNEDY of Minnesota, Mr. SALAZAR, Mr. REYNOLDS, Mr. KING of New York, Mr. SWEENEY, Mr. HALL, Miss MCMORRIS, Mr. POMBO, Mr. EHLERS, Mr. GARRETT of New Jersey, and Ms. CORRINE BROWN of Florida):

H. Res. 374. A resolution recognizing the 75th anniversary of the death of Glenn Hammond Curtiss and supporting the establishment of Glenn Hammond Curtiss Day to recognize his innovative spirit and legacy; to the Committee on Government Reform.

By Ms. LEE (for herself, Mr. CONYERS, Ms. BALDWIN, Mr. CLAY, Mr. DAVIS of Illinois, Mr. DELAHUNT, Mr. EVANS, Mr. FARR, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HINCHEY, Ms. JACKSON-LEE of Texas, Mr. KUCINICH, Ms. KILPATRICK of Michigan, Mr. MCDERMOTT, Mr. OBERSTAR, Mr. OWENS, Mr. PALLONE, Mr. PAYNE, Mr. RANGEL, Ms. SCHAKOWSKY, Mr. SERRANO, Mr. STARK, Mr. THOMPSON of Mississippi, Ms. WATSON, Mr. WEXLER, and Ms. WOOLSEY):

H. Res. 375. A resolution requesting the President and directing the Secretary of State to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution all information in the possession of the President and the Secretary of State relating to communication with officials of the United Kingdom between January 1, 2002, and October 16, 2002, relating to the policy of the United States with respect to Iraq; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. WAXMAN.

H.R. 63: Ms. MOORE of Wisconsin.

H.R. 66: Mr. KENNEDY of Minnesota.

H.R. 97: Mr. BURTON of Indiana and Mr. SHIMKUS.

H.R. 239: Mr. FRANKS of Arizona.

H.R. 314: Mr. ALEXANDER.

H.R. 376: Mr. OBEY.

H.R. 377: Mr. PICKERING and Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 389: Mrs. WILSON of New Mexico.

H.R. 500: Mr. CALVERT.

H.R. 503: Mr. RANGEL.

H.R. 515: Mr. JONES of North Carolina.

H.R. 550: Mr. MILLER of North Carolina.

H.R. 557: Mr. COSTA and Mr. GARY G. MILLER of California.

H.R. 602: Ms. BALDWIN.

H.R. 613: Mr. FILNER.

H.R. 752: Mr. LANTOS.

H.R. 758: Mr. CARNAHAN.

H.R. 782: Mr. DOGGETT.

H.R. 827: Mr. WHITFIELD.

H.R. 857: Mr. CAPUANO.

H.R. 865: Ms. SCHWARTZ of Pennsylvania.

H.R. 923: Ms. HART.

H.R. 949: Ms. DELAURO.

H.R. 976: Mr. DAVIS of Illinois.

H.R. 1002: Mr. ROTHMAN.

H.R. 1062: Mr. WELLER, Mr. FORD, Mr. MILLER of Florida, and Mr. CANTOR.

H.R. 1083: Mr. ROGERS of Kentucky and Mr. PETERSON of Minnesota.

H.R. 1098: Mr. DAVIS of Illinois.

H.R. 1175: Ms. BORDALLO and Mr. ABERCROMBIE.

H.R. 1188: Mr. CUMMINGS, Mr. RUPPERSBERGER, and Mr. HOLDEN.

H.R. 1214: Mr. CUMMINGS.

H.R. 1246: Mr. CLEAVER and Mr. GRAVES.

H.R. 1258: Mr. LANTOS.

H.R. 1264: Mr. VISCLOSKY.

H.R. 1298: Mr. TOWNS.

H.R. 1306: Mr. STRICKLAND, Mr. SHADEGG, Mr. PENCE, Mr. WALDEN of Oregon, Mr. KANJORSKI, and Mr. GERLACH.

H.R. 1338: Mr. MOORE of Kansas.

H.R. 1402: Mr. BERMAN, Ms. HARMAN, Ms. SCHWARTZ of Pennsylvania, Mr. HOLT, Mr. SHAYS, Mr. UPTON, Mr. FERGUSON, Mr. SIMMONS, Mr. SAXTON, Mr. GILCHREST, Mr. MURPHY, Mr. FOLEY, and Mr. ENGLISH of Pennsylvania.

H.R. 1409: Ms. EDDIE BERNICE JOHNSON of Texas, Ms. CARSON, Ms. DELAURO, and Mr. ALLEN.

H.R. 1471: Mr. MANZULLO and Mr. BOEHLERT.

H.R. 1506: Ms. SLAUGHTER and Mr. GERLACH.

H.R. 1558: Mr. FRANKS of Arizona.

H.R. 1595: Mr. HINCHEY and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1652: Mr. LEWIS of Georgia, Ms. ROYBAL-ALLARD, Ms. MATSUI, Mr. CARDOZA, Mr. KIRK, Ms. BEAN, Mr. CONYERS, Mr. CLEAVER, and Mr. CUMMINGS.

H.R. 1687: Mr. SABO.

H.R. 1707: Mr. CALVERT and Mr. SABO.

H.R. 1714: Mr. CONAWAY.

H.R. 1745: Mr. KIRK and Mr. PASTOR.

H.R. 1789: Mr. MCNULTY and Ms. MCKINNEY.

H.R. 1902: Ms. BALDWIN, Mr. ABERCROMBIE, and Mr. FILNER.

H.R. 1945: Mr. RADANOVICH.

H.R. 1973: Mr. ROTHMAN.

H.R. 2012: Ms. HARMAN and Mr. WEINER.

H.R. 2061: Mr. CUELLAR, Mr. ADERHOLT, Mr. BERRY, and Mr. REHBERG.

H.R. 2074: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2177: Mr. BERMAN.

H.R. 2338: Mr. OTTER.

H.R. 2355: Ms. HART and Mrs. BLACKBURN.

H.R. 2418: Mr. MICHAUD, Mrs. LOWEY, Ms. SCHAKOWSKY, Mr. CONAWAY, Mr. STUPAK, Ms. HARMAN, and Mr. BOUCHER.

H.R. 2488: Mr. ENGLISH of Pennsylvania.

H.R. 2498: Mr. CANTOR and Mr. GILCHREST.

H.R. 2533: Mr. GUTKNECHT and Mr. FILNER.

H.R. 2564: Mr. JEFFERSON, Mr. PAUL, and Mr. DAVIS of Illinois.

H.R. 2567: Mr. SIMMONS, Mr. FERGUSON, Mr. ENGLISH of Pennsylvania, and Mr. LAHOOD.

H.R. 2642: Mr. ROSS, Mrs. TAUSCHER, and Mr. GEORGE MILLER of California.

H.R. 2646: Mr. FEENEY.

H.R. 2663: Mr. FATTAH.

H.R. 2682: Mr. LEWIS of Kentucky.

H.R. 2694: Mr. BERRY.

H.R. 2746: Mr. SNYDER, Mr. ROTHMAN, and Ms. ROYBAL-ALLARD.

H.R. 2793: Mr. MCINTYRE and Mr. LANTOS.

H.R. 2794: Mr. BISHOP of Georgia, Mr. SMITH of Washington, Mr. GOODE, and Mr. SKELTON.

H.R. 2803: Mr. BOSWELL, Mr. LEWIS of Kentucky, Ms. ROS-LEHTINEN, Mr. HAYES, Mr. POMBO, Mr. KIRK, Mr. BRADLEY of New Hampshire, Mrs. WILSON of New Mexico, Mr. BOUSTANY, Mr. EHLERS, and Mr. GERLACH.

H.R. 2811: Mr. MARKEY.

H.R. 2869: Mr. BOUCHER and Mr. DAVIS of Alabama.

H.R. 2928: Mr. GONZALEZ and Ms. Matsui.

H.R. 2943: Mr. CASE.

H.R. 2946: Mr. LANTOS.

H.R. 2947: Mr. BISHOP of New York, Ms. ROYBAL-ALLARD, Mr. MEEK of Florida and Ms. HARMAN.

H.R. 2952: Mr. REYES and Mr. BLUMENAUER.

H.R. 2963: Mr. PETERSON of Minnesota.

H.R. 2989: Mr. FITZPATRICK of Pennsylvania.

H.R. 2992: Mr. MCDERMOTT, Mr. BROWN of Ohio, and Mr. FRANK of Massachusetts.

H.R. 3042: Mr. OBERSTAR, Ms. DELAURO, Mr. INSLEE, Mr. STARK, Mr. MCGOVERN Ms. WOOLSEY, Ms. MCCOLLUM of Minnesota, Mr. LANTOS, Mr. HINCHEY, Mr. MORAN of Virginia, Mr. RYAN of Ohio, Mr. BROWN of Ohio, Mr. KENNEDY of Rhode Island, and Ms. ROYBAL-ALLARD.

H.R. 3049: Mrs. BIGGERT.

H.R. 3059: Mr. CARNAHAN.

H.R. 3079: Mr. CALVERT and Mr. FILNER.

H.R. 3080: Mrs. CUBIN, Mr. GOODE, and Mr. REHBERG.

H.R. 3098: Mr. ROGERS of Michigan, Mr. LEWIS of Kentucky, Mr. LEWIS of Georgia, Mr. HOLDEN, and Mr. UDALL of Colorado.

H.R. 3111: Mr. CASE.

H.R. 3127: Mr. CROWLEY, Mr. SENSENBRENNER, Mr. BACHUS, Mr. MCDERMOTT, Ms. LEE, and Ms. WATSON.

H.R. 3146: Mr. CONAWAY, Mr. KUHL of New York, and Mr. CULBERSON.

H.R. 3150: Mr. GARY G. MILLER of California.

H.R. 3186: Mr. MOORE of Kansas and Mr. GILLMOR.

H.R. 3195: Mr. FRANK of Massachusetts, Mr. BERMAN, and Mr. CHANDLER.

H.R. 3205: Mr. BISHOP of Georgia.

H.R. 3256: Mr. ENGLISH of Pennsylvania, Ms. HART, Mr. SHUSTER, Mr. SHERWOOD, Mr. MURTHA, Mr. DOYLE, Mr. DENT, Mr. GERLACH, Mr. PITTS, and Ms. SCHWARTZ of Pennsylvania.

H.R. 3267: Mr. CROWLEY.

H.R. 3312: Mr. MCGOVERN, Mr. MCINTYRE, Mr. CUELLAR, and Mr. PETERSON of Minnesota.

H.R. 3338: Mr. REHBERG and Mr. WALDEN of Oregon.

H.J. Res. 38: Mr. PALLONE.

H. Con. Res. 38: Mr. HOLT.

H. Con. Res. 59: Mr. JONES of North Carolina, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. BALDWIN.

H. Con. Res. 85: Mr. SCHIFF.

H. Con. Res. 90: Mr. DOYLE, Mr. ABERCROMBIE, Ms. LEE, Mr. VAN HOLLEN, Mr. LYNCH, Mr. DICKS, Mr. LANGEVIN, Ms. CARSON, and Mr. WEXLER.

H. Con. Res. 125: Mr. GRIJALVA, Mr. RYAN of Ohio, Mr. MURPHY, and Ms. ROS-LEHTINEN.

H. Con. Res. 129: Mr. LEWIS of Kentucky.

H. Con. Res. 133: Mr. MILLER of North Carolina.

H. Con. Res. 195: Mr. DAVIS of Florida, Mr. BROWN of Ohio, Mr. DAVIS of Tennessee, Mrs. MALONEY, Mr. MARKEY, Mr. MEEHAN, Mr. NEAL of Massachusetts, Mr. ABERCROMBIE, Mr. OLVER, Ms. ZOE LOFGREN of California, Ms. ESHOO, Mr. LEVIN, Ms. JACKSON-LEE of Texas, Mr. GONZALEZ, Ms. WATERS, Mr. PAYNE, Mr. THOMPSON of California, Mr. DEFAZIO, Mr. MATHESON, Ms. LORETTA SANCHEZ of California, Mr. LIPINSKI, Mr. GRIJALVA, Mr. TIERNEY, Mr. BERRY, Mr. MCNULTY, Ms. MILLENDER-MCDONALD, Mrs. DAVIS of California, Mr. BOEHNER, Mr. KIND, Ms. BALDWIN, Mr. JACKSON of Illinois, Ms. SOLIS, Mr. EVANS, Mr. RYAN of Ohio, Mr. MEEK of Florida, Ms. HERSETH, Mr. BOREN,

Mr. KILDEE, Mr. RENZI, Mr. THOMPSON of Mississippi, Mr. HONDA, Ms. WATSON, Mr. FILNER, Ms. Matsui, Mr. ISRAEL, Mr. MELANCON, Mr. ROSS, Mr. MOORE of Kansas, Mr. VAN HOLLEN, Mr. STARK, Ms. ROYBAL-ALLARD, Mr. CARDOZA, Mr. CROWLEY, Mr. RAHALL, Mr. ACKERMAN, Mr. SCOTT of Georgia, Mr. LYNCH, Mr. DELAHUNT, Mr. MCGOVERN, Mr. CONYERS, Ms. MCKINNEY, Mr. WEINER, Mr. ENGEL, Mr. FARR, Mr. NADLER, Mr. SHIMKUS, Mr. HINCHEY, Mr. CLAY, Mr. LEWIS of Georgia, Mr. ANDREWS, Mr. MENENDEZ, Ms. WOOLSEY, Mr. KENNEDY of Rhode Island, Mr. ROTHMAN, Mrs. NAPOLITANO, Ms. LINDA T. SÁNCHEZ of California, Ms. SCHWARTZ of Pennsylvania, Mr. BACA, Ms. VELÁZQUEZ, and Mrs. MCCARTHY.

H. Con. Res. 197: Mr. HOLT.

H. Res. 15: Mr. DENT, Mr. KUHL of New York, Mr. STEARNS, Mr. SENSENBRENNER, Mr. KOLBE, and Mr. BOUSTANY.

H. Res. 31: Mr. CROWLEY.

H. Res. 247: Mr. GALLEGLY, Ms. LORETTA SANCHEZ of California, Mr. BISHOP of Georgia, Ms. ROYBAL-ALLARD, Mr. CARDOZA, Mr. CALVERT, Mrs. BONO, Mr. MORAN of Virginia, Mr. THOMAS, Mr. MANZULLO, Mr. COX, Mr. TOM DAVIS of Virginia, Mr. HOEKSTRA, Mr. FALEOMAVAEGA, Mr. CLEAVER, Mr. DAVIS of Alabama, Mr. CUELLAR, Mr. PALLONE, Mrs. DAVIS of California, Mr. FRANK of Massachusetts, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WYNN, Ms. CARSON, Mr. DREIER, Mr. SCOTT of Georgia, Mr. BUTTERFIELD, Mr. PAYNE, Mr. LEWIS of Georgia, Ms. WATERS, Ms. MCKINNEY, and Mr. RUSH.

H. Res. 294: Mr. ALLEN, Mr. BACHUS, Mr. BERRY, Mr. BOEHNER, Mr. BOSWELL, Mr. CONAWAY, Mr. COOPER, Mr. DAVIS of Kentucky, Mr. DAVIS of Tennessee, Mrs. DRAKE, Mr. EMANUEL, Mr. ENGLISH of Pennsylvania, Mr. HOLDEN, Mr. LEACH, Mr. MARCHANT, Mr. MATHESON, Mr. MCCAUL of Texas, Mr. OXLEY, Mr. PENCE, Mr. PETRI, Mr. PRICE of Georgia, Mr. ROGERS of Michigan, Mr. ROSS, Mr. SMITH of New Jersey, Mr. SMITH of Texas, Mr. TAYLOR of North Carolina, Mr. TIBERI, Mr. BROWN of South Carolina, Mr. BURGESS, Mr. CHANDLER, Mr. CHOCOLA, Mr. COLE of Oklahoma, Mr. FEENEY, Mr. FOLEY, Mr. FORTENBERRY, Ms. FOXX, Mr. GARRETT of New Jersey, Mr. SAM JOHNSON of Texas, Mr. KINGSTON, Mr. NEY, Mr. SESSIONS, Mr. SHAYS, Mr. SHERWOOD, Mr. SIMMONS, Mr. WESTMORELAND, Mr. WICKER, Mr. WU, Mr. TANNER, Mr. MICHAUD, Mr. DENT, Mr. LATHAM, Mr. SULLIVAN, Mr. SODREL, and Mr. DUNCAN.

H. Res. 313: Mr. CASE.

H. Res. 323: Mr. LATHAM, Mr. INSLEE, and Mrs. WILSON of New Mexico.

H. Res. 363: Ms. SCHAKOWSKY, Ms. LEE, Mr. SABO, Mr. CUMMINGS, Mr. MEEHAN, Ms. SLAUGHTER, Ms. CARSON, Mr. HINCHEY, Mr. ALLEN, Ms. BERKLEY, Mr. FRANK of Massachusetts, and Mr. ABERCROMBIE.

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. 1376: Mr. BOREN.

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PROCEEDINGS AND DEBATES OF THE *109th* CONGRESS, FIRST SESSION

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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire.

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Pastor Rickey Blythe, from the First Baptist Church of Flora, in Flora, MS.

PRAYER

The guest Chaplain offered the following prayer:

Our Father in Heaven, Thou Who art loving, compassionate, merciful, patient, and gracious to forgive, we desire to acknowledge You in all our ways, that You may direct our steps. Especially do we need You in the great moments of life. Graciously regard these Your servants. We acknowledge that ''righteousness exalteth a nation, but sin is a reproach to any people.'' May we desire character more than reputation, truth more than expediency, and honesty more than vanity. Help us to be the good Samaritan ready to help all in need regardless of race, face, or place. We pray that we may learn the peace that comes with forgiving and the strength we gain in loving. Let righteousness, justice, and mercy be carried along on the current of Thy love, mercy, and truth.

The men and women of this august body of elected officials carry a tremendous responsibility, and the sense of that responsibility is with them every day. We ask on their behalf that You would strengthen each one as they faithfully serve this great Republic in which we live. It has been a long week for most, and still there is more work to do. Grant unto these our Senators that they may find joy in the task. As the unseen guest of all these proceedings, may You light their way. At the end of the day, grant that we may live not in despair but, rather, in a desire for a better America, which will be brought to fruition not by our words but by our deeds.

We ask it in the Name of the Prince of Peace. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN E. SUNUNU led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will 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 21, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. SUNUNU thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning, we will have 60 minutes of debate prior to the cloture vote on the nomination of Thomas Dorr to be Under Secretary of Agriculture for Rural Development. This is a nomination we have tried to clear for quite some time but were unable to do so because of an objection on the other side of the aisle. On Tuesday, I filed a cloture motion so we could bring this nomination to a vote. I do hope we can invoke cloture and subsequently vote affirmatively, with an up-or-down vote, on the President's nomination.

Once cloture is invoked and we are able to vote on the Dorr nomination—once we complete that—we will resume debate on the Defense authorization bill. Chairman WARNER and Senator LEVIN were on the Senate floor yesterday to consider amendments. There is one amendment pending at this point in time. I understand the other side is looking at that amendment. It is an amendment relating to armored personnel carriers. We will schedule that for a vote sometime early today, I hope.

We will be considering additional amendments over the course of today. We, of course, will be voting over the course of the afternoon on the Department of Defense authorization bill. We do need to make substantial progress on the bill this week. Therefore, we do ask Senators to come forward with their amendments.

75TH ANNIVERSARY OF THE DEPARTMENT OF VETERANS AFFAIRS

Mr. FRIST. Mr. President, today marks the 75th anniversary of the Department of Veterans Affairs.

On July 21, 1930, by Executive order, President Herbert Hoover consolidated our veterans programs into a new Federal agency. In the decades since, the Department has grown to become the second largest Federal agency. In 1989, its director was elevated to a Cabinet-level position. Today, the agency serves more than 25 million American military veterans.

The Department of Veterans Affairs offers the most comprehensive veterans assistance programs of any country in the world. Since the very first

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

settlers, America has provided for our veterans. Way back in 1636, the Pilgrims of Plymouth County agreed that members of the colony would support soldiers disabled in the battles with the Pequot Indians. One hundred forty years later, the Continental Congress moved to provide pensions for soldiers disabled by the War for Independence.

In the following decades, Congress enacted many more measures to support our retired service men and women. On June 22, 1944, Congress passed the GI bill, one of the most significant pieces of legislation in our country's history. Initially, the proposal to provide educational assistance to our vets was met with controversy. But after successful lobbying by the American Legion, the GI bill was passed unanimously in both Houses. It is now considered one of the most influential pieces of legislation enacted since the Homestead Act.

The GI bill has not only opened the door to higher education for millions of Americans, it has transformed America from a society of renters to a society of homeowners. It is the Veterans Affairs Department that has so successfully overseen this tremendous achievement.

An area of special interest to me is veterans health. Before coming to the Senate, I spent at least a portion of every week serving our veterans, through surgery, in the operating rooms in veterans hospitals, whether it was the veterans hospital in Nashville, TN, or when I was on the west coast. But literally every week, over the period of my entire professional career in medicine, I was serving veterans in a hospital, performing heart surgery and lung surgery and removing cancers from their chests.

The VA hospitals in particular have been successful in streamlining their health information technologies. As we reach out today, focusing on our overall health care system—our health care sector, I should say; we don't have a real health care system in this country—we are looking to the Veterans' Administration and their now over 20 years of experience of health information sharing throughout a system, hospital to hospital and hospital to physician's office.

A study published in the New England Journal of Medicine found that for a discrete set of measures, VA patients were in better health and received more recommended treatments as compared to Medicare patients treated on a fee-for-service basis.

According to the VA's own medical professionals, a computer system called VISTA is the key to their success. Sanford Garfunkel, the director of the VA Medical Center in Washington, DC, says:

> I'm proud of what we do here but it isn't that we have more resources. The difference is information.

I applaud the VA hospitals for their innovation and for their commitment. I had the opportunity, before coming to the Senate, to see it firsthand in the patients I took care of in our VA hospitals. Each day, the physicians and nurses in these hospitals are advancing that mission of the Veterans Affairs agency to—in the words of Abraham Lincoln—''care for him who has borne the battle, and for his widow and his orphan.''

It is in that spirit that I pledge to our Nation's veterans to pass legislation prior to the August recess to ensure that the veterans health care system has the resources necessary to care for those who have stood in harm's way for us.

Tonight, the VA Diamond Jubilee celebrations will be kicked off with an event at the DAR Constitution Hall here in Washington, DC. In the following weeks and months, our Nation's veterans, their families, and grateful communities will come together in celebrations all over the country to honor the deep contributions of our service men and women.

Thank you to the VA and to our women and men of the Armed Forces, including the new generation of veterans coming back from Afghanistan and Iraq. America owes you a great debt of gratitude, and we intend to—and will—continue that long and proud tradition of providing for our soldiers even after they have left the battlefield.

ORDER OF BUSINESS

Mr. FRIST. Mr. President, another way to honor our veterans is to honor the men and women currently serving in our military. Yesterday, we did begin the Defense authorization bill. I do urge my colleagues to come to the Senate floor now, this morning, with their amendments. We must do so now in order to complete this bill. We will consider the legislation amendment by amendment, in an orderly way. It is my intention, in consultation with the bill manager, to file cloture on this bill in short order. That should send a strong signal that now is the time for people to come to the Chamber with their amendments.

I also plan to offer an amendment to the Defense authorization bill to preserve our longstanding relationship between the Department of Defense and the Boy Scouts of America. This legislation is necessary—it is unfortunate it is necessary, but it is necessary—to press back on the lawsuits that seek to sever the ties between our military, which has hosted the Boy Scout Jamboree on its bases, and the Boy Scouts of America.

America's youth can learn so much from the men and women in uniform today: love of country, commitment to values, sacrifice for others. It is simply wrongheaded to conclude that Pentagon support of the Boy Scouts of America violates the establishment clause. It is time to return some common sense to the courts.

On Monday, July 25, thousands of Scouts from all around the country will begin arriving at Fort AP Hill. Let's protect that relationship. We have an opportunity to do so. It is time for us to act.

We will also be considering gun liability legislation before we leave. Given the profusion of litigation, the Department of Defense faces the very real prospect of outsourcing sidearms for our soldiers to foreign manufacturers. Let me repeat, given the amount, the profusion of litigation, the Department of Defense faces the real prospect of having to outsource sidearms for our soldiers to foreign manufacturers.

The Baretta Corporation, for instance, makes the standard sidearm for the U.S. Armed Forces. They have the long-term contracts to supply these pistols to our forces in Iraq. Recently, the company had this to say:

> The decision of the D.C. Court of Appeals . . . has the likelihood of bankrupting, not only Baretta U.S.A., but every maker of semiautomatic pistols and rifles since 1991.

Without this legislation, it is possible the American manufacturers of legal firearms will be faced with the real prospect of going out of business, ending a critical source of supply for our Armed Forces, our police, and our citizens.

The legislation prohibits one narrow category of lawsuits: suits against the firearms industry for damages resulting from the criminal or unlawful misuse of a firearm or ammunition by a third party.

Over two dozen lawsuits have been filed on a variety of theories, all seeking the same politically motivated goal: putting our industry out of business. This is wrong.

These frivolous suits threaten a domestic industry that is critical to our national defense, jeopardize hundreds of thousands of jobs, and put at risk law-abiding citizens who have guns for recreational use.

Many support this legislation, including the Fraternal Order of Police. I am hopeful, with the cooperation of Members, we can complete all action on this legislation before the recess.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

EXECUTIVE SESSION

NOMINATION OF THOMAS C. DORR TO BE UNDER SECRETARY OF AGRICULTURE FOR RURAL DEVELOPMENT—Resumed

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session for the consideration of Calendar No. 101, which the clerk will report.

The legislative clerk read the nomination of Thomas C. Dorr, of Iowa, to be Under Secretary of Agriculture for Rural Development.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 1 hour for debate, with the time equally divided between the majority leader or his designee and the Senator from Iowa, Mr. HARKIN, or his designee.

The majority leader is recognized.

HEALTH INFORMATION TECHNOLOGY

Mr. FRIST. Mr. President, on leader time—the managers will be coming to the floor—one final thought.

I am pleased to report that we are making progress on an issue which I mentioned in my previous remarks on information technology. We are working together in a strongly bipartisan way to improve our health care system, to get rid of waste and abuse and ultimately save lives and improve quality by promoting and making it easy to use the protected electronic health record. Yesterday, the Health, Education, Labor, and Pensions Committee reported out the Wired for Health Care Quality Act that was introduced by myself, and Senators ENZI, KENNEDY, and CLINTON. The four of us have been working together aggressively with the HELP Committee.

Soon, at the urging of Congress, the administration will make the Veterans' Administration's Electronic Health Record System, called VISTA, available to health care providers free of charge. Making that system available will be hugely beneficial, with tens of thousands of physicians who treat seniors being able to harness the power of having this electronic health record. It will improve the quality of care, the efficiency of care that they provide. It will ultimately pull down cost, and it will get rid of waste within the system.

There is much more to be done. That is why I look to rapidly move the HELP-reported bill that will hopefully be before us soon, the Wired for Health Care Quality Act. It also will protect patient privacy and promote secure exchange of lifesaving health information. It will allow for the rapid adoption of standards that will allow health information technology systems to communicate, one with the other. It will allow us to seamlessly integrate the health information technology standards. It will reduce waste and inefficiency and put patients back at the heart of the health care system.

Mr. President, the managers are in the Chamber. I yield the floor.

The PRESIDING OFFICER (Mr. ISAKSON). The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I yield myself such time as I might consume.

I rise in support of Tom Dorr, the President's nominee for Under Secretary of Rural Development at USDA.

Tom is a fourth generation ''dirt under the fingernails'' family farmer. He has also been a small businessman and understands the demands and challenges of doing business in rural America.

Tom Dorr is a family man, having been married to Ann for 35 years. They have a son and a married daughter and a beautiful granddaughter, all who live in Iowa.

Tom is a community leader, having served as the chairman of the board for the Heartland Care Center, a cooperative care center in Marcus.

Tom was instrumental in starting the Iowa Corn Growers Association and served in various leadership roles before moving on to leadership at the National Corn Growers Association.

Tom served on the board of the Chicago Federal Reserve and has also served on the Iowa Board of Regents, which is truly one of the most prestigious jobs in our State, a position now held by the wife of my Senate partner from Iowa, TOM HARKIN. Mrs. Harkin serves on that prestigious body.

Tom's leadership ability has been demonstrated and utilized to the benefit of his community and our State time and time again.

Tom has dedicated a good portion of his life to serving Iowa's rural population and improving Iowa's rural economy.

Tom Dorr has the financial expertise and business savvy required to run an organization as large and complicated as USDA's Rural Development.

Rural Development is basically a large bank, with a loan portfolio of almost $90 billion. That is as big as Wells Fargo or Chase Manhattan and bigger than most of the banks in America. This agency has 7,000 employees located in over 800 offices across the country.

Not just any person can move from the farm and smoothly take over an organization of this size. But Tom Dorr did exactly that. Tom Dorr ran Rural Development as the Under Secretary for 16 months—from August 2002 until December 2003.

Because of Tom's recess appointment, we have the unique opportunity to examine his track record.

I have heard from many people at USDA about Tom Dorr's accomplishments. This news doesn't come only from other political appointees, it also comes from career staff and groups who originally had concerns.

Folks tell me about his leadership, his vision, his intellect and most importantly, his commitment to rural America. When I hear of comments like this from his peers and those who worked with him, I take particular note.

Let me describe a few of Tom's accomplishments while he was the Under Secretary for Rural Development:

No. 1, he expedited the release of $762 million of water and wastewater infrastructure funds provided in the 2002 farm bill in just 3 months.

No. 2, he led the effort to complete the rulemaking process in order that the $1.5 billion broadband program could begin taking applications this year. He believes that if Americans are to live locally and compete globally, that it is as imperative to wire the country for technology access as it was to provide electricity nationwide 60 years ago.

No. 3, in order to facilitate the review of $37 million in value-added development grants, he creatively used private sector resources to expedite the process.

No. 4, in order to deliver the financial grants authorized through the Delta Regional Authority, he helped develop and get signed a memorandum of understanding between Rural Development and the Delta Regional Authority. This will allow Rural Development to assist in delivering joint projects at no added cost to the Delta Regional Authority.

No. 5, he facilitated the development of a memorandum of understanding, signed by Secretaries Veneman and Martinez, between the Department of Agriculture and the Department of Housing and Urban Development, that is focused on better serving housing and infrastructure needs.

No. 6, he has developed a series of initiatives with HUD that will allow Rural Development to more cost effectively meet the housing needs of rural America. These have allowed USDA to provide greater access for rural American housing, but especially minorities living in rural America in fulfillment of the President's housing initiative.

No. 7, he has initiated a review of the Multi-family Housing Program. This includes the hiring of an outside contractor to conduct a comprehensive property assessment to evaluate the physical condition, market position, and operational status of the more than 17,000 properties USDA has financed, all while determining how best to meet the needs of low-income citizens throughout rural America.

No. 8, he has initiated a major outreach program to insure that USDA's Rural Development programs are more easily made available to all qualified individuals, communities, and organizations. This marketing and branding initiative has also played an important role in changing the attitude of employees to concentrate on customer service and proactive outreach, with emphasis on reaching out to minorities.

Although this is an incomplete list of his accomplishments, it is easy to see that as Under Secretary, Tom Dorr did a great job in the short 15 months he served at Rural Development.

Clearly, I support Tom and believe he is the right person for the job, but let me read a few comments from the folks that worked with Tom when he was Under Secretary.

First is the Mortgage Bankers Association, a much respected national organization in the banking industry:

> We support Mr. Dorr's nomination as Under Secretary for Rural Development because we have found him to be an engaged leader with a true commitment to the housing and community development needs of rural America—Jonathan L. Kempner, President/CEO.

This organization certainly is able to recognize if someone has the ability to

understand the financial issues and have the skills needed to run USDA Rural Development.

The next quote is from the Council for Affordable and Rural Housing, a very respected organization serving the housing industry.

On behalf of our members throughout the country, we are writing to you today in support of the nomination of Thomas C. Dorr to be the Under Secretary for Rural Development . . . There is a need for strong leadership and determination to forge long-term solutions to preserving this important investment in rural housing—Robert Rice, Jr., President, Council for Affordable and Rural Housing.

I have many more letters, probably 50 or more, from organizations all across the country asking us to confirm Mr. Dorr. In addition, I have a letter signed by many of the leading national agricultural organizations such as the National Corn Growers Association and American Farm Bureau Federation.

There is another issue that I feel compelled to address today. During the 2002 hearing and in the floor debate in the Senate, concerns were expressed regarding Tom's position on minority issues. I would like to reference letters for the record this morning that should alleviate any lingering concerns.

These letters are from minority organization leaders expressing their support for Tom Dorr's confirmation.

The first letter is from the Federation of Southern Cooperatives. You may recall that they had a representative testify against Mr. Dorr at the 2002 Hearing. I will read a quote from their executive director, Ralph Page:

I am personally endorsing Tom Dorr's nomination because of his deep interest in rural development. He has made several visits to the communities within the Federation's network and has a great understanding of the needs of rural poor communities. He is the man for the job

Here is another one:

Mr. Dorr [has] made great accomplishments in the position and has earned the trust from rural Americans to carry out this mission—Dexter L. Davis, President, Northeast Louisiana Black Farmers and Landowners Associations.

Here is another one:

I met Mr. Dorr in Washington, DC, when he was serving as the acting Under Secretary for Rural Development and was impressed with his passion for small farmers. Quite frankly, when I first met Tom, I was not expecting him to be particularly supportive of our needs. But over the years that we have worked together, I have found him to be a great ally and a tireless fighter for the causes that we both support—Calvin R. King Sr., President/CEO, Arkansas Land and Farm Development Corporation.

Here is another one:

We hold Mr. Dorr as a valuable asset to our organization and its future. He is one of the individuals that has played a major role in bridging the gap between the small limited resource and minority producers for our organization and the USDA—Fernando Burkett, Black Farmers & Agriculturalists Association, Arkansas Chapter.

I have many more letters that I could read, but I think it is easy to understand the point. Thankfully, these organizations were concerned enough to come forward after they had a chance to get to know and work with Tom.

In addition, I also want to read portions of a letter to Mr. Dorr by Dr. Dennis Keeney, the former head of the Leopold Center at Iowa State University. Many of you will recall Dr. Keeney was asked to testify against Mr. Dorr in 2002:

I write to apologize for appearing at your hearing in 2002. It was something I should have said no to right off, but did not. Then it sort of drug on and I had to go through with the appearance or lose face. That still did not make it right. . . . It was during the reading of this book (The Natural, the Misunderstood Presidency of Bill Clinton) that I realized that I had become part of the mudslinging and character assassination. This is not the type of legacy I would like to leave. You have been misunderstood, and made a poster child for big agriculture. I am sure that has not particularly bothered you. But, I have not been proud of my little part in helping paint that picture—Dr. Dennis Keeney, Emeritus Professor, Iowa State University, in a letter to Tom Dorr, June 25, 2003.

I thank Dr. Keeney for sharing this letter and for setting the record straight.

In closing, I ask my colleagues to set aside the politics of the past and concentrate on the real issues affecting rural America and what Tom Dorr would do if confirmed for this important job at USDA.

We have neglected our duty by going 4 years without having a confirmed Under Secretary for Rural Development at USDA. We have had four different individuals serving in the Under Secretary position, and none of them were confirmed by the Senate. That is not a good way to run a business, or a large and complicated agency as important to our States as USDA Rural Development.

Tom has been under a microscope since his original nomination and everyone who has looked in the lense has offered glowing praise for his work and accomplishments.

Thankfully, we do not need to speculate about whether Tom would do a good job or not, Tom has already demonstrated he has done and will likely continue to do a great job for rural America in the role of Rural Development Under Secretary.

How often do we actually get to judge a nominee by their proficiency in the job? Tom is a sure thing. Rural America is regaining its economic, social and cultural momentum. It would be a shame to deprive it of leadership at this critical juncture.

We have a unique second chance today. I hope we will set aside our differences and do what is best for our rural citizens, our States, and our country.

The PRESIDING OFFICER. Who yields time?

Mr. GRASSLEY. The Senator is asking to speak on the nomination?

Mr. THOMAS. Yes.

Mr. GRASSLEY. I yield 2 minutes to the Senator from Wyoming.

Mr. THOMAS. Mr. President, I simply wanted to rise to give my endorsement to Tom Dorr, who has been nominated for Under Secretary for Rural Development. This agency is important to States such as Wyoming. We have had some experience working with Mr. Dorr and we are pleased with that.

Many of the groups from my State have endorsed him, including the Cattleman's Association, the American Farm Bureau, the Farm Council, and so on. I hope we will give the consideration and approval this gentleman continues to deserve in this area. He has done a great job. I hope he will have a chance to continue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa, Mr. HARKIN, is recognized.

Mr. HARKIN. Mr. President, parliamentary inquiry: What is the parliamentary situation we face right now?

The PRESIDING OFFICER. Sixty minutes equally divided between the junior and senior Senators from Iowa, followed by a cloture vote. The Senator from Iowa has 30 minutes.

Mr. HARKIN. Mr. President, the nomination of Thomas C. Dorr for the position of Under Secretary of Agriculture for Rural Development has been controversial from the outset. It has generated a great deal of concern and opposition and very serious questions. The controversy concern, and questions have continued from Mr. Dorr's nomination in the 107th Congress, to a recess appointment, to his renomination in the 108th Congress, and his renomination this year.

I regret very much that so many problems have arisen regarding the nomination of a fellow Iowan. As any of us would feel, it is a matter of pride for me when somebody from my State is nominated for a high position in our Federal Government, regardless of party. This is the first time in my 20 years in the Senate that I have opposed a nomination of a fellow Iowan. Through the Reagan years, the first Bush years, it didn't matter. Regardless of party or about philosophy. Some were a lot more conservative than I am, and I never opposed one of them.

Like most Senators, I believe the President should receive a good deal of deference regarding nominations to Cabinet and sub-Cabinet positions. However, our Constitution doesn't make us a rubberstamp. We have a responsibility to review nominees—not to decide whether the nominee would be our first choice but whether the nominee at least meets certain standards for the job.

As a member of the Committee on Agriculture, Nutrition, and Forestry, I have a serious responsibility concerning nominations. I have worked with Chairman CHAMBLISS, former chairmen Senators COCHRAN and LUGAR, to move nominees through the Agriculture Committee and through the floor fairly and expeditiously. I

have done so both as chairman and as ranking member. That has been true for nominees of both parties.

This is not a minor nomination. The Under Secretary for Rural Development is critically important to family-size farms and ranches and to smaller communities all across America. The responsibilities include helping build water and wastewater facilities; financing decent, affordable housing; supporting electric power and rural businesses, such as cooperatives. They also include promoting community development and helping to boost economic growth, creating jobs, and improving the quality of life in rural America.

Given those responsibilities, one of this nominee's first controversies arose when Mr. Dorr's position on agriculture was reported in the New York Times of May 4, 1998. He proposed replacing the present-day version of the family farm with 225,000-acre mega farms, consisting of three computer-linked pods. Well, with the average Iowa farm at about 350 acres, this vision certainly was radical, to say the least.

On another occasion, at a 1999 conference at Iowa State University, Mr. Dorr criticized the State of Iowa for failing to move aggressively toward very large vertically integrated hog production facilities. The record also shows Mr. Dorr verbally attacking the ISU extension service and harassing the Director of the ISU Leopold Center for Sustainable Agriculture. I ask, is this really the attitude and the vision for agriculture and rural communities that the Under Secretary for rural development ought to bring to the job?

The person in that position must also be responsive and sensitive to the demands of serving America's very diverse rural citizens and communities. That requirement cannot be overemphasized in a department that has been plagued with civil rights abuses of both employees and clients.

Here is what Mr. Dorr had to say about ethnic and religious diversity at the Iowa State University conference:

I know this is not at all the correct environment to say this, but I think you have to perhaps go out and look at what you perceive are the three most successful rural economic environments in this State. And you will notice when you get to looking at them that they are not particularly diverse, at least not ethnically diverse. They are very diverse in their economic growth, but they have been very focused and nondiverse in their ethnic background and their religious background, and there is something there, obviously, that has enabled them to succeed and to succeed very well.

Should we have as Under Secretary of Rural Development someone who lacks the judgment to avoid uttering such intentionally provocative and divisive remarks? How does this sort of insensitivity serve the urgent need to reverse USDA's poor civil rights record?

Let me also point to a letter Mr. Dorr sent me in October of 1999 to complain about charges on his telephone bill for the national access fee and the Federal universal service fee. Now, the proceeds from these relatively modest fees go to help provide telephone service and Internet service to rural communities, hospitals, and schools—including, I might add, Mr. Dorr's hometown, Marcus, IA, school district. It strikes me as very odd that Mr. Dorr would have the responsibility for helping rural communities obtain telecommunications services and technology when he was so vehemently opposed to a program that serves that very purpose.

Here is what he said about the national access fee and the Federal universal access fee:

With these kind of taxation and subsidy games, you collectively are responsible for turning Iowa into a State of peasants, totally dependent on your largesse. But should you decide to take a few side trips through the Iowa countryside, you will see an inordinate number of homes surrounded by 5 to 10 cars. The homes generally have a value of less than $10,000. This just confirms my ''10 car $10,000 home'' theory. The more you try to help, the more you hinder. The results are everywhere.

Those were Tom Dorr's own words in writing to me. Time and again, we gave Mr. Dorr the opportunity to explain this, but he could not explain this broad attack against help to rural communities.

In fact, it seems clear that Mr. Dorr was degrading the very people, the very rural communities he is nominated to serve at USDA. He was making light of lower income Americans in rural communities who are struggling to make a living and get ahead and declaring that it is counterproductive to try to help them.

When he appeared before our committee, I asked him about it, and he could not explain it. So I asked Mr. Dorr: Mr. Dorr, have you ever gotten any Government help? He did not respond.

I said: Did you ever get a guaranteed student loan when you went to college? He admitted that he had.

I asked him if he had received any Government-backed loans for farming operations?

Yes.

Had he ever gotten any farm payments from the Federal Government for his farming operations?

Yes, he had.

I listed a number of ways in which the Federal Government had helped him. And I asked rather rhetorically if it hindered him.

It seems to me Mr. Dorr was quite willing for the Federal Government to help him get ahead, but if the Federal Government is going to help someone of low income, living in a rural area who is in poverty, he says, no, if you help them, you just hinder them. Is this the kind of person we want in charge of rural development—I think to do any job well one has to believe in its value—if the very purposes of USDA's rural development programs are anathema to the beliefs and the philosophy of Mr. Dorr?

Furthermore, the nominee's record shows that he prefers to provoke, bruise, and offend rather than to seek cooperation and common ground. This simply is not an acceptable approach for the U.S. official in charge of rural development.

As with any nominee, the Senate has a responsibility also to examine Mr. Dorr's financial background and dealings. Former Secretary Veneman put it perfectly when she wrote to me:

Any person who serves this Nation should live by the highest of standards.

So let us see whether Mr. Dorr meets the standards articulated by Secretary Veneman on behalf of the administration.

Mr. Dorr was the self-described president and chief executive officer of Dorr's Pine Grove Farm Company, of which he and his wife were the sole shareholders. In that position, as president and CEO, Mr. Dorr created an exceedingly complex web of farming business arrangements. This chart illustrates all of the various farming operations in which Mr. Dorr was involved.

Mostly you will hear about a couple of trusts: the Melvin Dorr trust and the Harold Dorr trust. There are also Seven Sons, there is the Iotex Farm Company, there is Ned Harpenau, Diamond D Bar. There is a complex web of different operations.

His operations included land in two trusts set up in 1977, one by his father, Melvin Dorr, and one by his uncle, Harold Dorr. For a time, Tom Dorr, through his company, Dorr's Pine Grove Farm, farmed the land held by the trusts under 50–50 crop share leases, with half of the crop proceeds and half of the farm benefits going to Tom Dorr's Pine Grove Farm and half going to the trust.

Then, beginning in 1988, Mr. Dorr filed new documents with USDA indicating that each trust had a 100-percent share of the crop proceeds and were entitled to receive 100 percent of the program benefits.

Tom Dorr, acting through Dorr's Pine Grove Farm, still farmed the land as before, but he claimed the arrangement had become ''a custom farming arrangement.''

At some point, one of the trust beneficiaries, Mr. Dorr's brother, Paul Dorr, began to question why the custom farming fees were so high and out of line with other custom farming fees in that area. Paul Dorr taped a telephone conversation with Tom Dorr that corroborated his suspicions that Tom Dorr was engaged in misrepresentation.

Paul Dorr contacted the Farm Service Agency and persisted in his request for an investigation. Finally, in the spring of 1996, the Farm Service Agency conducted a review of the Melvin G. Dorr irrevocable family trust. The Farm Service Agency found that the forms filed and signed by Thomas C. Dorr for the 1993, 1994, and 1995 crop years misrepresented the facts, and the trust was required to pay $16,638 to USDA. That is just one—that is, the

Melvin G. Dorr trust had to repay that amount. That is the result of an investigation in 1996.

In the fall of 2001, after Mr. Dorr had been nominated for this position, the USDA Office of Inspector General conducted a further review of Mr. Dorr's affairs. The OIG asked the Farm Service Agency to review the Harold E. Dorr irrevocable family trust. Once again, that trust then was found to be in violation of program rules because of the misrepresentation on USDA forms signed by Thomas Dorr. So now that trust had to pay USDA $17,152 in benefits and interest for what was paid out to them in 1994 and 1995. So a total of $33,782 was paid back by the two trusts.

USDA investigations determined that for the years examined, the forms signed by Tom Dorr misrepresented the trusts' shares in the crop proceeds. They found, in reality, the land in both of those trusts was farmed on a 50–50 crop share basis, it was not custom farming. The trusts, therefore, were not eligible for the 100-percent share of the program benefits they had received because Tom Dorr had misrepresented the actual farming arrangement.

The records show that Mr. Dorr knowingly carried on a crop share lease arrangement between his farm, Pine Grove Farm, and each of the trusts, even as he represented to the Farm Service Agency that it was custom farming, not crop share leases.

How do we know this? We know this because in a telephone conversation that Mr. Paul Dorr taped, and which I played for the committee in the hearing this spring, Tom Dorr is on that tape, in his own words, admitting that the so-called custom farming arrangement was, in fact, a crop share. And here is the transcript. This is a partial transcript of that conversation.

Paul Dorr:

It, this was all done that way in an effort to . . .

Tom Dorr interrupts him and said:

. . . avoid the $50,000 payment limitation to Pine Grove Farms . . .

Mr. Dorr's operation.

Paul Dorr:

And . . . to, it is to your benefit to your other crop acres . . .

Tom Dorr:

. . . that's right. . . .

Tom Dorr filed that way in order to avoid the $50,000 payment limitation, and he knew full well what he was doing.

This is the payment limits connection. Part of the farm program payments for land in these two trusts should have been paid directly to Tom Dorr's Pine Grove Farm under what was actually a crop share arrangement. Those payments would have counted toward Mr. Dorr's payment limitation. Instead, Mr. Dorr misrepresented to USDA the operation; therefore, the money was funneled through the trusts and not counted against Mr. Dorr's payment limitation.

Indeed, the Farm Service Agency review of Dorr's Pine Grove Farm Company found that Mr. Dorr's misrepresentations in signing up the trust land in the farm program ''had the potential to result in Pine Grove Farm receiving benefits indirectly that would exceed the maximum payment limitation.''

Federal law provides criminal penalties for knowingly making false statements for the purpose of obtaining farm program payments. So the USDA Office of Inspector General referred the Dorr matter to the U.S. attorney for the Northern District of Iowa.

In February of 2002, that office declined criminal prosecution and any affirmative civil enforcement due to the fact that the statute of limitations had run.

I have a copy of that letter. I ask unanimous consent to print the letter in the RECORD.

There being no objection, the material was ordered to be printed in the Record as follows:

U.S. DEPARTMENT OF JUSTICE, ATTORNEY, NORTHERN DISTRICT OF IOWA,

February 7, 2002.

Re Thomas C. Dorr, Marcus, Iowa PS–0301–616.

DALLAS L. HAYDEN,
U.S. Department of Agriculture, Great Plains Region, 5799 Broadmoor, Suite 700, Mission, KS.

DEAR MR. HAYDEN: After reviewing the Investigative report dated September 26, 2001, regarding the above subject and our telephone discussion of this date, we are, declining criminal prosecution and any affirmative civil enforcement due to statute of limitation issues.

Sincerely,

CHARLES W. LARSON, SR.,
United States Attorney.
JUDITH A. WHETSTINE,
Assistant United States Attorney.

Mr. HARKIN. Mr. President, that is the letter from the U.S. Attorney's Office saying they were not moving ahead because the statute of limitations had run and they could not do anything—not that they had found Mr. Dorr innocent, but the statute of limitations had run.

Mr. Dorr's arrangement with these two trusts was only part, as I pointed out, of his extensive farming operations. Based on the seriousness of the violations involved, it was our responsibility to exercise due diligence regarding other parts of Mr. Dorr's complex farming arrangements and to take at least a look at earlier years that had not been involved in these investigations.

Again, whatever the Farm Service Agency or the Office of Inspector General did or did not pursue, that is not the end of the matter. We have the responsibility to look into this because fraud is fraud, and it is serious.

Shortly after the March 2002 nomination, Senator DAYTON, a member of our committee, wrote a letter asking for other information on the other financial entities with which Mr. Dorr was involved in 1988 to 1995. We never heard back. So I wrote to Secretary Veneman on May 17 and on June 6, 2002, seeking a response to the committee's questions. We finally received a response to the letter and some materials, dated June 27, 2002.

I ask unanimous consent to have these letters from Senator DAYTON and me, along with the transcript of the audiotape printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, March 21, 2002.

Hon. TOM HARKIN,
Chairman on Agriculture, Nutrition, and Forestry, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I write to express my very serious concerns regarding the nomination of Mr. Thomas C. Dorr for the post of the U.S. Department of Agriculture's Under Secretary for Rural Development. As you know, on the morning of his March 6th hearing before your Committee, The Des Moines Register published an investigative story that Mr. Dorr had been forced to repay the USDA's Farm Service Agency almost $ 17,000 for improper payments between 1983 and 1995. The news article also cited passages from a taped telephone conversation in 1995, reportedly between Mr. Dorr and his brother, in which Mr. Dorr stated that he was intentionally deceiving FSA's predecessor agency, the Agricultural Stabilization and Conservation Service, about his farming operation's financial arrangements with a family trust of which he was a trustee with the sole power of attorney.

In this taped conversation, Mr. Dorr informed his brother that he had certified it to be a ''custom fee'' arrangement, when, in fact, it was a ''crop share'' arrangement. The reason he did so was, he said, ''To quite frankly avoid minimum payment limitations.''

When his brother asked whether this reporting was legal, Mr. Dorr replied, ''I have no idea if its. . . I have no idea. I suspect if they'd audit and if somebody decided to come in and take a look at this thing, they could probably, if they really wanted to, raise hell with us . . .

''. . . Uh, that custom fee is actually not the custom fee. That's crop rental income to me. That's my share of the income. . . .''

According to The Des Moines Register, the ASCS received a complaint about this financial arrangement and subsequently received a copy of the reported tape. After their investigation of the financial arrangement with M.G. Dorr Irrevocable Family Trust for the years 1993–1995, the ASCS reportedly determined that it was a crop share arrangement, rather than a custom fee arrangement, which Mr. Dorr, acting with power of attorney for the trust had certified to be the case.

However, Mr. Dorr himself directly contradicts his certification in the taped conversation with his brother. In his own words, Mr. Dorr knowingly and intentionally misrepresented this farming arrangement in order, as he said, ''to quite frankly avoid minimum payment limitations.''

During my questioning of Mr. Dorr at the hearing, he contradicted his own reported statements during the taped conversation. He contended that the arrangement with the trust was a custom fee, rather than a crop share arrangement. At one point, he stated, ''There was not a filing that we were a custom fee operation or anything like that.'' This assertion is at variance with his reported certifications annually to ASCS attesting to a custom fee arrangement. I subsequently noted that the M.G. Dorr Irrevocable Family Trust was originally established and

operated and farmed in a contract share arrangement, until 1987 or 1988, when Mr. Dorr changed the report to a custom fee arrangement. Mr. Dorr responded, ''That is correct, and that was at the request of my uncle. I did not initiate that.''

When I asked him about the determination by FSA that the Trust was ''in violation of shares'' in 1993, 1994, and 1995, Mr. Dorr replied, ''Well, Senator, I would simply reiterate that the county committee originally reviewed this, decided there was, in fact, no violation of shares. Then, ultimately, it was taken to the state committee by someone, I do not know who, when they determined—frankly, I view this matter, $17,000, it is not a huge sum of money, and I look at it, to some extent, as a tax audit.''

I replied, ''Mr. Dorr, I look at it differently. I look at it, and I think any farmer in Minnesota who deals with these programs would look at it for what you, yourself, in these tapes said it was: a clearly intended attempt to violate, to circumvent, or to evade these payment limitations.''

I continued, ''I cannot imagine that somebody could be put in place of administering this agency, which is responsible for all of these programs, somebody who has devoted himself to try to circumvent the very regulations and laws which were set up just for this reason, and where you, yourself, knowingly falsified statements and documents that were submitted to the Federal Government, attesting to an arrangement that you, yourself were saying at the time did not exist, that a different arrangement existed. That is how I view it, sir.''

For some inexplicable reason, FSA reviewed only one trust for only the years 1993 through 1995. In his testimony, Mr. Dorr stated that there were actually seven different entities established by Dorr family members to own and operate approximately 2,200 acres of farmland in Iowa. During my questioning, he acknowledged that his farming operation had ''the same arrangement'' with the Harold Dorr Trust. Evidently, there are other trusts or entities, perhaps even more than seven, for which there have been no financial audits. Even the arrangement with the trust which was found to be in violation during three years was not further audited for the preceding years, since Mr. Dorr himself reportedly changed the certification from a crop share to a custom fee arrangement.

Reportedly, an end of the year review (EOYR) was initiated regarding Mr. Dorr's own farming operation. However, there is evidently no record of that review being completed, nor is there any report thereof.

Based upon this very incomplete review, and given the definite and disturbing discrepancies cited in the one and only review to date, I believe very strongly, and I ask you, Mr. Chairman, that the Committee not vote on Mr. Dorr's nomination until all of these other financial entities and their financial transactions involving either the receipt of or the disbursement of federal payments through USDA programs have been reviewed during the years in question, approximately 1988 through 1995. I believe that a further review is necessary to ascertain that all these financial arrangements which were supposedly revised after the FSA determination, did in fact occur, and they have operated properly thereafter.

Regardless of these particular findings, Mr. Chairman, I remain deeply troubled by this nomination. However, I will reserve my final judgment until this important information is made known to me and to the other Members of this Committee.

Thank you in advance for your consideration of my request.

Sincerely,

MARK DAYTON.

TRANSCRIPT OF AUDIO TAPE PROVIDED UPON REQUEST FROM THE IOWA STATE FSA OFFICE, IDENTIFIED AS: COPY OF TAPE LABELED ''EXCERPTS FROM CONVERSATION BETWEEN TOM DORR AND PAUL DORR 6/14/95''

The parties are identified as Person 1 (assumed to be Paul Dorr) and Person 2 (assumed to be Tom Dorr).

The following are excerpts from a telephone conversation that was recorded on June 14, 1995, occurring between Tom Dorr and Paul Dorr.

PERSON 1: I, I guess I'd like to know as a beneficiary what . . . you know, I know, I understand your desire to keep this all out fr. . ., in the government's eyes, um, but I still think there should be some sort of explanation as to how these, you know exactly how this percentage, allocation is broken out, how its, how its applied each year.

PERSON 2: 50/50. I charge the Trust their half of the inputs, not the machine work. And I charge the, I charge the, I take that back, the only machine charge, the machine charge that I have charged always is $12.50 an acre for combining. That was an arrangement that was entered into when dad and Harold were still alive because of the high cost of combines.

PERSON 1: Yeah . . .

PERSON 2: Beside from that, uh, I take that back, and they also, and we have always charged the landlords a nickel a bushel to haul the grain into the elevator.

PERSON 1: Um Hmm . . .

PERSON 2: Beside those two machine charges everything is done on a 50/50 normal crop share basis, it always has. And, and, and frequently, quite frankly, I've, I've kicked stuff in, or, you know, if there is a split that isn't quite equal I always try to err on the side of the, on the side of the Trust. So, that's, that's the way its been, that's the way it always has been and that's the way these numbers will all resolve themselves if somebody wants to sit down and go through them that way;

PERSON 1: It, this was all done that way in an effort to . . .

PERSON 2: . . . avoid the $50,000 payment limitation to Pine Grove Farms.

PERSON 1: And . . . to, it is to your benefit to your other crop acres . . .

PERSON 2: . . . that's right . . .

PERSON 1: . . . that, that um, this arrangement is set up in, in such a fashion?

PERSON 2: That's correct.

PERSON 1: Uh, do we, as a Trust, um, have any risk if the government ever audits such an arrangement? Or, was it done your saying back when it was legal? Is it still legal?

PERSON 2: I have no idea if its legal. No one has ever called me on it. I've done it this way. I've clearly kept track of all paper work this way. And, uh . . .

PERSON 1: I, I understand how it works, now . . .

PERSON 2: I have no idea. I suspect if they would audit, and, and somebody would decide to come in and take a look at this thing, they could, they could probably if they really wanted to, raise hell with us. Yep, you're absolutely right. Uh, and I'm trying to find out where I've overcharged at.

PERSON 1: Well, I, I don't know what the extension service includes in their, in their, um, uh, estimated figure on, on machinery expense.

PERSON 2: That, that, that figure, I mean if you look at that figure, and I believe, and I'd have to go back and find it, but I know that I discussed this with the trustees and I'm fairly certain that its in one of your annual reports. Uh, that custom fee actually is not a custom fee. That's crop rental income to me. That's my share of the income. I mean if you just sat down and, and, and . . . (5 second pause with music in background) excuse me . . .

PERSON 1: That's ok.

PERSON 2: Uh, what actually happened there was way back in, uh, perhaps even 89, but no, no that was in 90 because that doesn't show up until then. Either 90 or 91, uh, I refiled the way the farm, the Trust land both for the Melvin Dorr Trust and the, the uh, Harold Dorr Trust are operated with the ASCS to, quite frankly, avoid minimum payment limitations. OK?

PERSON 1: Right.

PERSON 2: And I basically told the ASCS and reregistered those two operations such that they are, uh, singularly farm operations on their own, OK?

PERSON 1: OK.

PERSON 2: And I custom farm it. Alright, so how are you going to custom farm it? The reason I did it was, was to eliminate any potential, uh, when I could still do it at that point, of, of the government not liking the way I was doing it. I knew what was coming. I anticipated it the same as I did with proven corn yields way back in the 70's when I began to prove our yields and got basis and the proven yields up. I transferred these out when it was still legal and legitimate to do so and basically they stand alone. Now, obviously I'm not going to go out here and operate all this ground and provide all this management expertise singularly, uh, for the purpose of, of, of doing it on a $60 an acre custom fee basis. Subsequently, what's happened is, the farm, I mean the, the family Trust pays all of its expenses and then we reimburse it and it sells all the income, and it sells all the crop, and it reimburses us with the 50/50 split basis.

PERSON 1: I, I, I remember vaguely something being discussed about that, I'll have to go back to the file . . .

PERSON 2: . . . that's exactly what's going on (unintelligible) . . . those custom fees the way they are . . .

PERSON 1: . . . and then to determine, um, that, that was, again if that was in writing to us beneficiaries, I guess I missed that and I'll, I'll look for that again. Um . . .

PERSON 2: Even if it wasn't I know that that was clearly discussed with the trustees. The beneficiaries really had nothing to do with it.

PERSON 1: OK, well, well, I appreciate your correcting me on the interest and, uh, allocating those incomes to those different years. That does make a difference with that income. I think the custom fees, uh, when I took a look at that one, and I, you know, I just started looking at this in the last 6 weeks. When I took a look at that last figure, uh, and looking back in the file, it may not hurt for you to remind everybody, um, maybe even in the annual report. . . .

PERSON 2: I don't, I don't, really want to tell everybody, not because I'm trying to hide the custom work fees from anybody, but because I don't want to make any bigger deal out of it than I have to, relative to everybody knowing about it, including the government.

End of recording.

U.S. SENATE, COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY,

Washington, DC, May 17, 2002.

Hon. ANN M. VENEMAN,
Secretary of Agriculture,
Washington, DC.

DEAR SECRETARY VENEMAN: Thank you for your phone call yesterday. To follow up on one of the matters we discussed, I appreciate your understanding that, given the intense work required by the farm bill conference, the Committee has not had the opportunity to take further formal action on the nomination of Thomas Dorr to the position of Under

Secretary of Agriculture for Rural Development.

I certainly appreciate your interest in having an Under Secretary for Rural Development confirmed. However, as you recall there were substantial questions raised at Mr. Dorr's nomination hearing and in later correspondence that will need to be answered before proceeding further.

To my knowledge no response has been provided to the questions in Senator Dayton's letter dated March 21, 2002. If that is indeed the case, I would appreciate your sending to Senator Dayton and to the Committee answers to the questions raised in his letter. Although you and Mr. Dorr were copied on the original letter you will find a copy of Senator Dayton's letter attached for your information. An expeditious response to Senator Dayton's request will greatly assist the Committee in completing its consideration of the nomination.

Thank you in advance for your time and attention to this matter.

Sincerely yours,

TOM HARKIN,
Chairman.

U.S. SENATE, COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY,
Washington, DC, June 6, 2002.

Hon. ANN M. VENEMAN,
Secretary of Agriculture,
Washington, DC.

DEAR SECRETARY VENEMAN: Thank you for your letter dated May 28, 2002 regarding the nomination of Tom Dorr as Under Secretary of Agriculture for Rural Development. With the hope of moving this matter to resolution, I would like to clarify relevant facts and the status of responses to the Committee's questions.

To recap what is established, for many years, Mr. Dorr, operating through Dorr's Pine Grove Farms (of which he was sole owner), conducted farming operations on land held by the Melvin Dorr Trust and the Harold Dorr Trust. In some of the earlier years, the arrangements were represented to USDA by Mr. Dorr as crop share leases but at some later point he represented them as involving custom farming by Dorr of the trusts' land.

The Farm Service Agency (FSA) conducted a year-end review on the Melvin Dorr Trust for the years 1994 and 1995 in calendar year 1996. In 2001 the FSA conducted a year-end review on the Harold Dorr Trust for 1994 and 1995. In both reviews, it was concluded that the arrangement between Mr. Dorr's Pine Grove Farms and each of the trusts ''was a crop share arrangement, not the custom farming arrangement it was represented to be.'' The trusts were required to repay some $17,000 in farm program payments that they had improperly received for those years because of the ''erroneous representation'' to USDA by Mr. Dorr, who also served as a trustee of each of the trusts.

The conclusion that the arrangements were crop share leases rather than custom farming is supported by information before FSA and now before the Committee. For example, the payment to Dorr, through Dorr's Pine Grove Farms, was similar to amounts that would have been received through a crop share arrangement and far above normal and usual custom farming fees. In addition, in a tape recorded telephone conversation, Mr. Dorr said, ''Besides those two machine charges [combining and hauling grain to the elevator], everything else is done on a 50–50 normal crop-share basis.'' He also said, ''that custom fee is not a custom fee. That's crop rental income to me. That's my share of the income.'' Regarding the reason the arrangements were set up in this manner and represented to USDA as custom farming, Mr. Dorr said it was to ''avoid a 50,000-dollar payment limitation to Pine Grove Farms.'' At another point Mr. Dorr said, ''I, we filed the way the farm, the trust land, both for the Melvin Dorr Trust and the Harold Dorr Trust are operated with the ASCS, to quite frankly avoid minimum [sic] payment limitations. OK?'' Evidently, these arrangements and representations to USDA would direct farm program payments through the trusts that would have otherwise normally under a crop share arrangement gone directly to Mr. Dorr through Dorr's Pine Grove Farms. As to Mr. Dorr's understanding of the propriety of the arrangements and representations, he said, ''I suspect if they'd audit, and if somebody decided to come in and take a look at this thing, they could probably, if they really wanted to, raise hell with us.''

Because of the evidence of misrepresentation to FSA in connection with the effort to avoid payment limitations, the Committee was and is keenly interested in determining whether there may be other instances in which Mr. Dorr may have misrepresented farming arrangements in connection with seeking to avoid farm program payment limitations. Questions were asked at the nomination hearing, but unanswered questions remained. My letter dated May 17, 2002 and Senator Dayton's letter dated March 21, 2002 attempt to make clear that the Committee is interested in having the FSA conduct a year-end review of the Harold and Melvin Dorr Trusts for each of the years 1988 through 1993.

In your letter of May 28, you assert that the Office of Inspector General (OIG) has concluded that the Committee has received all the information it is requesting and that the Inspector General indicated that a ''full and thorough investigation has been conducted regarding the matters pertaining to Mr. Dorr . . .'' In fact, the memorandum from the Acting Inspector General that you attached does not support your assertion but instead contradicts it. The Inspector General's memorandum clearly delineates what OIG had investigated and what it had not. It had not investigated the years 1988–1992, and gave no indication that the Committee had been provided the information on these years it is seeking. Likewise, the memorandum makes clear that OIG has investigated only the matters referred to it and that it had not conducted a thorough investigation of all the matters relating to Mr. Dorr. I would encourage you to discuss this matter further with the Acting Inspector General.

Thus, the Committee continues to seek information about the period 1988 through 1992, during which time our understanding is that the arrangements were also represented to USDA to be custom farming and not crop share. We would also like to know if in fact the trusts have repaid the funds required by the year-end reviews already conducted as noted above.

It is true that the United States Attorney for the Northern District of Iowa declined to prosecute Mr. Dorr upon referral from the OIG, but it is the Committee's understanding that the statute of limitations had run in any case. Avoiding criminal prosecution, however, is only the most minimal and insufficient criterion for confirming an individual to a position as important as that of Under Secretary of Agriculture for Rural Development. Surely, nominees must be held to a higher standard.

Consistent with my earlier statements, I do intend to move forward on Mr. Dorr's nomination, but for the Committee to do so—in conformity with its obligations and responsibilities—it must receive the information it reasonably requires and has requested to evaluate the qualifications and fitness of the nominee to serve in this important position.

Thank you for your attention to this request.

Sincerely yours,

TOM HARKIN,
Chairman.

Mr. HARKIN. But critical questions remained unanswered. The materials provided late in June showed that over $70,000 in farm program payments had been received by the two trusts that were prior to that, from 1988 to 1992. So what turned up were some new questions.

If, in fact, Mr. Dorr had misrepresented his farming operations and he had been caught and the trusts had to pay back money for 3 of those years, what about the 5 years prior to that?

So I wrote a letter on July 24, 2002, and asked for the record on all these other operations from 1988 through 1992. That was Wednesday. Thursday, Friday, Saturday, Sunday—on Monday, I received a letter back from Secretary Veneman, dated July 29, in which basically she said that this issue has gone on too long, that we need to move this nominee. She did not say they did not have the records. She basically said it is time to move this nominee ahead.

Mr. President, I ask unanimous consent that my letter of July 24, 2002, the questions I submitted and the response of the Secretary of Agriculture on July 29, 2002, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE, COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY,
Washington, DC, July 24, 2002.

Re nomination of Thomas C. Dorr

Hon. ANN M. VENEMAN,
Secretary of Agriculture, Department of Agriculture, Jamie L. Whitten Building, Washington, DC.

DEAR SECRETARY VENEMAN: Committee staff has reviewed certain information provided concerning the Melvin G. Dorr Irrevocable Family Trust and the Harold E. Dorr Irrevocable Family Trust and the Department's response that the information necessary to conduct a review of the farming arrangements for the 1988 through 1992 crop years is no longer available. Committee staff has also reviewed the information provided to the Committee regarding the end-of-year review for the 1994 and 1995 crop years for Dorr's Pine Grove Farm Company. To examine the Committee's concerns adequately, I respectfully request that the Department provide the additional information requested below:

1. Please provide the Committee with copies of all documents considered by the end-of-year review committee regarding Dorr's Pine Grove Farm Company for the 1994 and 1995 crop years.

2. Please provide the Committee with crop shares per CCC–477 for each of the crop years from 1988 through 1992 by farm number for each of the following entities or individuals: Dorr's Pine Grove Farm Company; PGF Seeds, Inc.; Thomas C. Dorr; Melvin G. Dorr Irrevocable Family Trust; Harold E. Dorr Irrevocable Family Trust; Melvin G. Dorr Irrevocable Trust; Harold E. Dorr Irrevocable Trust; Melvin G. Dorr; Harold E. Dorr; Belva Dorr; Dorr, Inc.; Ioxtex Farm Company; Seven Sons; Austin Properties; Diamond D

Bar, Ltd.; Charles Dorr; Philip Dorr; Lawrence Garvin; Ned Harpenau; Richard Tolzin; Arlene Lanigan; and Paul Polson.

3. Please provide the Committee with a list of all farm program payments by crop year to each of the above entities or individuals for the crop years 1988 through 1992.

4. Please provide the Committee with copies of all CCC–478 and CCC–502 forms for Dorr's Pine Grove Farm Company for crop years 1996 through 2001.

Attached are five additional questions for the nominee. They are submitted for the record as a continuation of his nomination hearing, and thus Mr. Dorr should answer under oath.

Consistent with my earlier statements, for the Committee to move forward with this nomination, it must receive the information it reasonably requires and has requested to evaluate the qualifications and fitness of the nominee to serve in this important position.

Thank you for your attention to this request.

Sincerely,

TOM HARKIN,
Chairman.

QUESTIONS SUBMITTED BY SENATOR HARKIN

THOMAS C. DORR

Question: In a letter dated May 8, 1996, you were informed that your farming operation, Dorr's Pine Grove Farm Co., had been selected for a 1995 farm program payment limitation and payment eligibility end-of-year review. You were informed that the farming operation would be reviewed to determine whether the farming operation was carried out in 1995 as represented on the CCC–502, Farm Operating Plan for Payment Eligibility Review. You were asked to provide documents and information and were further informed that if you failed to provide the requested information within 30 days of the date of the letter that you would be determined not ''actively engaged in farming for the 1995 crop year.'' In a letter dated June 1, 1996, you requested a 30-day extension of the initial deadline citing weather and family concerns. In a letter dated June 7, 1996, Michael W. Houston the County Executive Director informed you that the Cherokee County Committee approved your request to July 8, 1996 to provide additional information requested by the End of Year Review Committee. The only further information with regard to this end-of-year review is a handwritten note in the file that reads: ''Rec'd phone call from T. Dorr on 8–3–96 at home. Dorr plans on completing requested info., but needs more time. MWH'' Please explain in detail what information and documentation you provided the county committee, when you provided the requested information, and your recollection of how this matter was resolved.

Question: According to Farm Service Agency records, for most farming operations in which Dorr's Pine Grove Farm Co., claimed a crop share, that share was roughly 50 percent, ranging from 44.77 percent to 51 percent. However for farm number 2571, Dorr's Pine Grove Farm Co. claimed a 23.6 percent share in 1998 and 1999 and a 33.38 percent share in 2000 and 2001. Please explain in detail why the crop share for farm number 2571 deviated so greatly from the customary crop share. Please provide the Committee with documentation, such as crop insurance records, to corroborate the crop shares as stated on the CCC–478 for the 1998, 1999, 2000 and 2001 crop years.

Question: Please explain in detail the process you went through to change the custom farming arrangements between Dorr's Pine Grove Farm Co. and the Melvin G. Dorr Irrevocable Family Trust and the Harold E. Dorr Irrevocable Family Trust to a 50/50 crop share.

Question: Please describe the fanning arrangement between Dorr's Pine Grove Farm Co. and each of the following entities and individuals for each of the 1988 through 1992 crop years; e.g., whether any land owned by the entity or individual was leased by Dorr's Pine Grove Farm Co. or whether Dorr's Pine Grove Farm Co. provided custom farming services for an entity or individual. For each lease arrangement state the total number of cropland acres leased and the terms of the lease, i.e. whether cash rental, or if crop share the crop share percentage. For each custom farming arrangement state the custom farming services provided and the fees paid to Dorr's Pine Grove Farm Co. in total and on a per acre basis.

PGF Seeds, Inc.;Thomas C. Dorr;Melvin G. Dorr Irrevocable Family Trust;Harold E. Dorr Irrevocable Family Trust;Melvin G. Dorr Irrevocable Trust;Harold E. Dorr Irrevocable Trust;Melvin G. Dorr;Harold E. Dorr;Belva Dorr;Dorr, Inc.;Ioxtex Farm Company;Seven Sons;Austin Properties;Diamond D Bar;Charles Dorr;Philip Dorr;Lawrence Garvin;Ned Harpenau;Richard Tolzin;Arlene Lanigan; andPaul Polson.

Question: Please list all other entities and individuals not included in the previous question with which Dorr's Pine Grove Farm Co. had a farming arrangement for any of the 1988 through 1992 crop years. For each entity and individual listed describe the farming arrangement; e.g., whether land owned by the entity or individual was leased by Dorr's Pine Grove Farm Co. or whether Dorr's Pine Grove Farm Co. provided custom farming services for the listed entity or individual. For each lease arrangement state the total number of cropland acres leased and the terms of the lease, i.e. whether cash rental, or if crop share the crop share percentage. For each custom farming arrangement state the custom farming services provided and the fees paid to Dorr's Pine Grove Farm Co. in total and on a per acre basis.

THE SECRETARY OF AGRICULTURE,
Washington, DC, July 29, 2002.

Hon. TOM HARKIN,
Chairman, Senate Committee on Agriculture, Nutrition & Forestry, Senate Hart Building, Washington, DC.

DEAR MR. CHAIRMAN: I am responding to your letter of Wednesday, July 24, 2002, regarding your request for a new, extensive review of records regarding Tom Dorr, the President's nominee to be USDA's Under Secretary for Rural Development.

This Department has complied with all your previous requests. We have done so in a timely and responsive manner. We complied when your request was expanded to include family members for which Tom Dorr has no control. Now, you have requested USDA to provide not only additional information on Mr. Dorr, his family members, but your inquiries have expanded to include extensive information from deceased and elderly Iowans.

Mr. Chairman, I urge you to move forward on the nomination of Tom Dorr by requesting the full Committee to vote on his confirmation. For more than 450 days we have acted in good faith in providing the Committee every bit of information requested.

Additionally, the Department has scoured through its own records, going back nearly fifteen years, at your request. We have done this not once, but on several occasions to cooperate with the Committee. And, we even did so after the Office of Inspector General, the independent investigative arm of the government, concluded that, ''we have investigated the matters referred to OIG concerning Mr. Dorr fully and consider this case to be closed . . . there is no new evidence to warrant reexamination nor the need to open a new investigation.''

Mr. Chairman, rural development programs are critical to communities throughout America and to your home state of Iowa. We are working diligently to implement a new farm bill that strengthens these programs, however, this task has become even more difficult without the leadership at the helm of this agency.

As well, each time a new request comes from you and your staff, we have to take valuable time and resources away from our already overwhelmed Iowa Farm Service Agency staff who have been working tirelessly on farm bill implementation, and trying to serve Iowa farmers and ranchers, who need their help for program administration.

This latest demand of the Iowa FSA office requests an investigation into 22 separate farm entities, data from hundreds of forms dating back nearly fifteen years, and even information from Iowa citizens who are deceased. Quite frankly, from what the staff in Iowa reports, it could take several months to compile this latest request, and drain a great deal of time, resources and effort away from farm bill implementation and constituent services in your state.

Chairman Harkin, I certainly appreciate the work of the Committee on our other nominees, but am very concerned as to the process involved with Mr. Dorr, particularly as he has received bipartisan support from members on the Committee.

During the past year, Mr. Dorr and his family have weathered this extensive and exhaustive process. He has done everything asked of the Committee and has discontinued active farming and sold all his farm equipment. Mr. Dorr has been through an extensive hearing process, answered every question asked of him, and in good faith provided financial information, as requested.

I understand the need for any Senate Committee to receive and request information about nominees. Any person who serves this nation should live by the highest of standards. It is my belief that Mr. Dorr has demonstrated his ability to serve and to lead. And, throughout this process of hearings and inquiries, he remains a strong candidate for this position.

Mr. Chairman, again, this is a massive request of information and I feel you have held Mr. Dorr, a fellow Iowan, to a different standard. The Committee for the past year has sought, and received a plethora of information regarding this nominee and I urge you to allow Members to consider what has been provided in moving Mr. Dorr's nomination to the full Committee for a vote.

The best course of action is to proceed forward, take a stand, and make a decision on this nomination. The Department, as well as Mr. Dorr, has fully cooperated through this long and extensive process. I would hope, with all due respect, that you would allow Mr. Dorr and his family, the opportunity to have a Committee vote on his nomination. Mr. Dorr, as a proud Iowa native, is ready, able and capable of serving this Department and this nation.

Sincerely,

ANN M. VENEMAN.

U.S. SENATE, COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY,
Washington, DC July 29, 2002.

Hon. ANN M. VENEMAN,
Secretary of Agriculture, Jamie L. Whitten Building, Washington, DC.

DEAR SECRETARY VENEMAN: As you said in your letter today, ''Any person who serves this nation should live by the highest of standards.''

I could not agree more. For months this Committee has sought without success to obtain crucial information dealing with very serious farm program payment issues involving the nominee Thomas C. Dorr and the Farm Service Agency. The response from the nominee and from the Department of Agriculture has been slow, grudging and minimal. There has been no ''plethora'' of information provided to the Committee.

Shortly after the nomination hearing, Senator Dayton's letter of March 21, 2002 asked for information on the various financial entities with which Mr. Dorr was involved from 1988 through 1995. I wrote you on May 17 and June 6 seeking a response to the Committee's questions. Your letter of June 27 and attached materials left critical questions unanswered and, in fact, raised further questions about farm program payments and Mr. Dorr's farming arrangements that are the basis for the Committee's most recent request.

Based on what has been provided, it is known that the nominee was closely involved in misrepresentations to USDA which after investigation led to the required repayment of substantial amounts of farm program payments. Initially, the sum involved was some $17,000, but as the Committee looked further into the matter, it was made aware that another amount of some $17,000 was required to be repaid. Furthermore, information provided to the Committee late in June shows that some $65,000 in payments (not counting potential penalties and interest) were received under the same circumstances that led to the required repayment of the two $17,000 amounts.

The nominee was the self-described Chief Executive Officer of Dorr's Pine Grove Farms, Inc. In that position he created an exceedingly complex and convoluted web of farming business arrangements. The purposes for these various arrangements is not altogether clear, but according to the nominee himself in the case of two Dorr family trusts the purpose was to avoid the farm program payment limitation for Dorr's Pine Grove Farms, Inc. It was the misrepresentations to USDA of the nature of these arrangements that led to the required repayment of farm program benefits. The matter was referred to the United States Attorney for possible criminal prosecution, but it is my understanding that the statute of limitations had run.

Recent corporate disclosures have underscored the obligation of corporate officers to play by the rules. Just like any other CEO, Mr. Dorr had responsibilities, not the least of which was that of fair and honest dealing with the Department of Agriculture regarding farm program payments. As a nominee, he also has responsibilities, chiefly to respond fully and honestly to questions that bear directly on his fitness to serve in a high position of honor and trust in the federal government. This nominee would do well to follow the advice given to other CEO's in awkward positions: come clean and lay all the cards on the table.

Ordinarily, a nominee would be eager to cooperate fully and provide the necessary information to clear up legitimate questions. The responsibility is the nominee's. It is not the responsibility of the Committee to issue subpoenas and pursue litigation-type discovery to get to the bottom of valid questions about a nominee. However, instead of cooperation, this Committee has only seen delay, unresponsiveness and now outright refusal regarding this nomination. The length of time it has taken to consider this nomination lies squarely at the doorstep of the nominee and the Department.

After much effort by the Committee to obtain answers to serious and legitimate questions, it is now clear that neither the nominee nor the Department intends to cooperate further with the Committee. Therefore the Committee will have to make a decision based on the troubling and inadequate information it has. I intend to bring the nomination before the Committee on Thursday to consider whether this nominee in his dealings with USDA and with this Committee does indeed ''meet the highest standards.''

Sincerely,

TOM HARKIN,
Chairman.

Mr. HARKIN. Mr. President, what I am saying is, let's try to boil this down. Thomas Dorr, in 1988, went into his local USDA office and refiled his farming operations. He said: No longer am I crop sharing with the trusts, I am custom farming. That meant that more money would go to the trusts and that payments to those trusts would not count against his farming operations payment limitations.

In 1995, his brother taped this conversation. He went to the Farm Service Agency. They investigated and found, indeed, that Thomas Dorr had misrepresented his operations, and the family trusts had to pay back nearly $17,000 in 1996.

Then after he got the nomination, a further investigation ensued and found the other family trust also had to pay back over $17,000. This was in 2001. Well, this is only for the years 1993 through 1995. So the family trusts paid $33,782. However, I asked about those other years, the years prior to 1993: 1988, 1989, 1990, 1991, and 1992; give us the records for all of these different operations. That is what the Department of Agriculture would not give us. They would not give us those records.

So we know that the farm payments to one of the trusts from 1988 to 1992 were $35,377. We also know that payments to another trust from 1993 were $35,025. What I am saying is if in fact Thomas Dorr's operations were the same during those earlier years as they were in 1994, 1995, and 1996, for which the family trusts had to pay back the money, Mr. Dorr's family may owe as much as $104,184 to the Federal Government rather than the 30-some-thousand dollars the trusts had to pay back earlier. We do not know for certain. Because I have never seen the records. I have asked repeatedly for the Department to make those records clear.

Again, my bottom line on this nominee, No. 1, this is an important position. No. 2, he falsified his documents to the U.S. Department of Agriculture in order to obtain money. His family had to pay some of it back. We cannot get the records from the Department of Agriculture to see what may be owed for the years before, and yet we are being asked to confirm this individual as Under Secretary for Rural Development.

As I said, I take no pleasure in opposing this nominee. I have never before opposed an Iowan for any position. This has nothing to do with ideology. It has nothing to do with that. I have supported many conservatives from Iowa for positions in the Federal Government. My bottom line is, someone who knowingly misrepresented the truth to the Federal Government to obtain money, who was caught at it, which had to be paid back, who by his own words on tape said he did it to avoid farm payment limitations, I do not think that person ought to receive an under secretary's position in the Department of Agriculture.

What message does it send to farmers? Go out and defraud the Government, just be careful and do not get caught. What a terrible situation.

I have no problem with any farmer arranging his or her farming operation to get maximum payments within the law from the Government. There is nothing wrong with that. But that is not what he did. He knowingly filed false documents with the Government. That is what is wrong. That is why someone such as that does not deserve to be under secretary.

Mr. DAYTON. Will the Senator yield for a question?

Mr. HARKIN. I yield to the Senator from Minnesota.

Mr. DAYTON. First, I want to commend the Senator for his integrity and his courage in standing up. I know, as the Senator said, this is an unpleasant matter and that is why I wanted to bring to light, having served with the distinguished Senator, now ranking member but then chairman of the Senate Agriculture Committee, is my recollection correct that this matter was brought to light in a front-page story expose by the leading newspaper in Iowa? This was not a matter that was a partisan trying to find information about somebody, this was brought forth by the newspaper itself?

Mr. HARKIN. The Senator is right. The Des Moines Register did expose this story. At that time they had the tape of the telephone conversation. That is how it came to light at that time. It was based on that and then based upon the investigations at that time in 1996.

Then in 2001, after he got nominated, the OIG went further and found further discrepancies in 1994, and 1995, for which the other family trust had to pay back more money. Well, when 2001 goes into 2002, that is when they referred it to the U.S. Attorney's Office for prosecution. The U.S. Attorney, as I said, wrote a one page declaratory letter saying the statute of limitations has passed.

That is when everything was dropped. After that, we began to ask more questions in 2002, and as the Senator from Minnesota referred to, I wrote a letter to the Secretary asking for these records. I followed up with a letter in July further asking for these records, and we have never to this date received those records of the prior years to see what his filings were like and how much money had been paid in those previous years based on misrepresentations.

Mr. DAYTON. Would the Senator yield for another question?

Mr. HARKIN. I would be delighted to yield for a question.

Mr. DAYTON. During the time the Senator referenced, I believe the Senator was the chairman of the Senate Agriculture Committee. It was the responsibility of the administration to perform the due diligence necessary to investigate all of the relevant factors, the background of this gentleman, Mr. Dorr, but especially it was then the responsibility of the oversight committee of the Senate, the Agriculture Committee, of which the Senator was chairman, to look into these matters. I again commend the Senator for taking on that responsibility as the chairman of the committee and doing it so forthrightly.

Mr. HARKIN. I thank my friend from Minnesota for his great work on the Agriculture Committee and for again trying to bring to light what went on with this whole matter. Again, I say to my friend from Minnesota, I take no delight in this. I have never before opposed an Iowan and I do not take any joy in this, either. But some things rise above party, some things rise above our own feelings about our State and our pride in our own State. I think this rises above that. This rises to the level of saying whether someone with that kind of background deserves to be Under Secretary for Rural Development.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 15 seconds.

Mr. HARKIN. I reserve the remainder of my time and yield the floor.

Mr. KOHL. Mr. President, our colleagues from Iowa, Mr. Dorr's home State, have laid out very divergent views and analysis of the nominee's background and temperament. I will not expand on those, as this body has already spent considerable time and energy on this topic.

Rural America is changing a great deal. Changes in immigration, employment patterns, technology, health care, and the economy are continually reshaping the contours of rural America. The challenges are many and the Under Secretary for Rural Development can have considerable impact on those challenges. It is a position that demands foresight, judgment, and willingness to embrace change creatively.

I will not be endorsing the Dorr nomination. But I recognize the President's authority to make such nominations. And as the ranking member of the Senate Subcommittee on Agriculture Appropriations, I stand ready to work constructively with him on issues of mutual concern.

Mr. BOND. Mr. President, I rise in strong support of Tom Dorr to be confirmed as Under Secretary for USDA Rural Development. He is a product of rural America from the greater northern-Missouri area often referred to as Iowa. He is a farmer, a businessman, and a tireless innovator who understands and holds true to the values that embody the very essence of life in rural America. Having had the privilege to meet with Mr. Dorr on several occasions, I have been impressed with his mind, his insight, his leadership, his passion, and his vision which is critical to the future of rural communities in Missouri and throughout the nation.

Mr. Dorr has lead USDA Rural Development's renewable energy efforts, from increasing value-added agricultural ventures to ensuring that our farmers, ranchers and rural businesses have access to capital needed to improve their energy efficiency and create new energy systems. He understands it is an effective way for utilizing our Nation's natural resources, and it is critical for the security of our country.

Most importantly, Tom Dorr has worked to build coalitions amongst Government agencies to share their expertise and resources to bring to the table a wider array of Government resources that can ensure that our Nation's renewable energy needs are met. We need his continued focus and leadership.

Tom Dorr has come to my home state of Missouri and met with community leaders and seen first hand how USDA Rural Development investments are making a difference. He has listened to our leaders, and he will use that insight to help him direct future rural development activities. Mr. Dorr understands that rural development doesn't happen in Washington, it happens in the community and he understands that the future innovative thinking.

With this confirmation process, he will never have to prove his patience and determination in any other way. I believe he is the creative and active force that is needed to ensure that rural America anticipates and seizes the opportunities of a rapidly-evolving future and I urge his approval.

Mr. FEINGOLD. Mr. President, I rise today to speak on the nomination of Thomas C. Dorr to be Under Secretary for Rural Development and a member of the Commodity Credit Corporation board at the Department of Agriculture, USDA. The position at USDA to which Mr. Dorr has been nominated is highly influential in the continued development of rural America, holding the unique responsibility of coordinating Federal assistance to rural areas of the Nation.

Many people, when they think of rural America, may think of small towns, miles of rivers and streams, and perhaps farm fields. But rural Wisconsin is also characterized by communities in need of firefighting equipment, seniors who need access to affordable healthcare services, and low-income families in need of a home. The U.S. Department of Agriculture's Rural Development programs and services can help individuals, families, and communities address these and other concerns, which is why the office of Under Secretary for Rural Development is so important.

I have deep concerns regarding Mr. Dorr's comments and opinions about the future of rural America, particularly in light of his nomination to this important post. I disagree with Mr. Dorr's promotion of large corporate farms and his vision of the future of agriculture. Nevertheless, when it comes to confirming presidential nominees for positions advising the President, I will act in accordance with what I feel is the proper constitutional role of the Senate. I believe that the Senate should allow a President to appoint people to advise him who share his philosophy and principles. My approach to judicial nominations, of course, is different—nominees for lifetime positions in the judicial branch warrant particularly close scrutiny.

My objections to this nomination are not simply based on the nominee's views, however. I also have strong reservations about Mr. Dorr's public comments on issues of race and ethnicity and I am troubled by Mr. Dorr's apparent and admitted abuse of the Government's farm programs. While I acknowledge Mr. Dorr's recent apology, his insensitive remarks and ethical record are not compatible with the important position to which he has been nominated, and I will oppose his nomination.

Mr. INHOFE. Mr. President, today I rise to support the nomination of Tom Dorr for Under Secretary for Rural Development in the Department of Agriculture.

Thomas Dorr, with his powerful vision for rural America, with his proven leadership as Under Secretary, and with the trust that so many have placed on him, is more than qualified to be confirmed by the Senate.

Let me provide a little background information on this nomination process since President Bush took office in 2001. On March 22, 2001, President Bush announced his intention to nominate Tom Dorr to serve as the Under Secretary of Rural Development. During that year, three nomination hearings were scheduled and then canceled; finally, during the August 2002 recess, the President appointed Mr. Dorr as Undersecretary.

During Mr. Dorr's tenure as Under Secretary, it has been his leadership and dedication that led to the long list of improvements that increased economic opportunity and improved the quality of life in rural America.

He tackled the very complicated and difficult problems involved in the Multi-Family Housing Program that, according to the one congressional staff member, ''were ignored by all previous Under Secretaries''—he believes all rural citizens deserve safe and secure housing.

Dorr initiated an aggressive marketing program to extend the outreach of USDA Rural Development programs to more deserving rural Americans and qualified organizations, especially minorities.

Also while he served as Under Secretary, Mr. Dorr supported the use of

renewable energy, which led to millions of dollars in grants to develop renewable energy sources; Mr. Dorr boosted the morale of USDA Rural Development employees; Mr. Dorr aided in the development of community water/wastewater infrastructure—and the list goes on.

After his temporary position as Under Secretary, Tom Dorr has completely resurfaced USDA Rural Development. This is a result of his vision for USDA Rural Development. During his term, Mr. Dorr changed USDA Rural Development from being the lender of last resort to one where employees aggressively seek out investments to make in people and organizations that will fulfill its mission.

On June 18, 2003, the Agriculture Committee recommended Mr. Dorr to the Senate on a bi-partisan vote of 14–7. On December 19, 2003 the full Senate failed to break Senator HARKIN's hold on the nomination by a vote of 57–39, six Democrats and fifty-one Republicans. Since the attempted cloture, President Bush again nominated Tom Dorr in January of this year, only for Mr. Dorr to meet more of the same from the Senate.

One Senator has held up the confirmation since April 30, 2001, and after President Bush has nominated a qualified candidate for this position three times, we still have yet to see an up or down vote. Despite the fact that Tom Dorr has proven his leadership as Under Secretary, some have still insisted on using the politics of obstruction and partisanship to keep Mr. Dorr from receiving confirmation in this Senate.

For my State of Oklahoma, the strong leadership of Thomas Dorr resulted in an increase of millions of dollars in rural development.

Mr. Dorr's leadership for Rural Development included an aggressive outreach program to rural residents in need of assistance and an innovative effort to leverage more appropriated dollars into program dollars. In fact, Rural Development receives from Congress annual budget authority of about $1.9 billion, and they turn it into $15 billion in program dollars. This includes the administrative money for the agency. In other words, Rural Development takes 12 cents and turns it into a dollar of assistance for rural economic development efforts, which is a level of efficiency difficult to find in most Federal agencies. During his term, Mr. Dorr encouraged the increased use of guaranteed loan programs versus grants to achieve this efficiency as well as very strict tracking of loan servicing.

In other words, Rural Development ''invests'' its dollars expecting a return on investment, rather than just throwing money at communities and hope they fix themselves.

I have seen many of these projects first hand in Oklahoma, from revolving loan funds to business incubators to new water systems. Loans matched with grants with realistic expectations from Rural Development partners is what I see as I tour rural Oklahoma. It takes visionary leadership to achieve this, and for a short time in 2002 and 2003, Mr. Dorr provided this leadership. It is still needed in this important agency.

What Mr. Dorr's vision has meant for Oklahoma is an increase in funding assistance. Oklahoma's Program Level in the past 4 years has gone from $193 million to $322 million. Business Programs have increased 500 percent, Housing Programs have doubled, and all of this is attributable to the outreach efforts encouraged by Mr. Dorr as well as the leveraging efforts he has put in place to allow each Federal dollar to go further.

Mr. Dorr has also made several visits to Oklahoma providing technical assistance on ethanol production, which may lead to the development of our first ethanol plant in our State. He has also met with our Rural Health Care Providers in Oklahoma to help bridge the gap between rural health needs and resources available from Rural Development.

Mr. Dorr is supported by many of our rural advocacy groups in Oklahoma as exemplified by the following quotes:

Ernest Holloway, President of Langston University Oklahoma's 1890 College:

Langston University has a direct stake in improving economic opportunities in rural Oklahoma . . . It is critical that we have strong and creative leadership at the Department of Agriculture in the Rural Development Mission Area. We strongly support Thomas C. Dorr for the position of Under Secretary for Rural Development.

Ray Wulf, President of Oklahoma Farmers Union, that includes 48 percent of the membership of the National Farmers Union:

. . . (Mr. Dorr) visited our state office here in Oklahoma City. During that meeting we had a very fruitful discussion relative to rural development and the creation of ethanol and oilseed opportunities within the state. He shared several rural development experiences within his own home state and demonstrated his expertise relative to those projects . . . we can see the value in having Mr. Dorr's expertise and experiences put to work on behalf of rural America. We trust that you will equally find such favor with Tom Dorr when he is considered for confirmation by the United States Senate.

Jeramy Rich, Director of Public Policy for the Oklahoma Farm Bureau:

Mr. Dorr has proven that he has the passion, skill and experience to lead the USDA's Rural Development efforts. Mr. Dorr has been a leading advocate for the value-added and sustainable agriculture that has benefited small family farmers and offered them an opportunity to remain competitive. In addition, he has pushed the Department to provide more creative outreach to minorities in order to ensure their full participation in USDA Rural Development program . . . Our members need Tom Dorr's leadership at USDA Rural Development.

Mr. Dorr also has the strong support of Oklahoma's Rural Development State Director, Brent Kisling:

The fact that the President continues to stand by Mr. Dorr since 2001 is a true testimony to the confidence he has in the abilities of Thomas C. Dorr.

With all of the confidence that has been placed on Tom Dorr and with the incredible results that Mr. Dorr has delivered, I believe that he is capable of doing the job that rural America deserves.

The nomination process is supposed to be one of bipartisanship, where the Senate is given the opportunity to evaluate the credentials and to assess the competence of the nominee. Instead, this process has been skewed and perverted by Senator HARKIN and others that stand only for obstruction.

To some, it seems that the confirmation of Thomas Dorr has been a small, unimportant matter. To the agriculture industry, to the people of my State of Oklahoma, and to the people of rural America, this confirmation is not a small matter.

I ask unanimous consent that my remarks be inserted into the CONGRESSIONAL RECORD.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I suggest the absence of a quorum and ask unanimous consent that no time be charged against either side.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAMBLISS. 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. CHAMBLISS. Mr. President, the Senate Agriculture Committee has held two exhaustive hearings on the nomination of Tom Dorr to be Under Secretary of Rural Development. One of those hearings was held under the previous chairman's direction and a subsequent hearing was held earlier this year during my tenure as chairman, from which two issues were raised. The issues have been thoroughly explained by the Senator from Iowa in his previous comments, and based upon the two significant—and I do not want to minimize them—concerns the Senator from Iowa has, we have made a presentation. When I say ''we,'' the Senator from Delaware, Mr. CARPER, has been invaluable in helping us work through this process. Over the past 24 hours we have had conversations with Mr. Dorr and based upon those conversations, we have a letter in hand dated today to me as chairman of the committee, in which Mr. Dorr basically acknowledges a statement he made in 1999 that raised concerns of some people. He has rendered a public apology regarding the comments he made.

He further says in this statement: Regarding farm program payment issues, what I did was wrong. I regret I did it. If I had to do it over, I would not have filed my farming operations as I

did with the Farm Service Agency. I hope other farmers learn from what I did.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JULY 21, 2005.

Hon. SAXBY CHAMBLISS,

Chairman, Senate Committee on Agriculture, Nutrition and Forestry, Russell Building, Washington, DC.

DEAR CHAIRMAN CHAMBLISS: Regarding the Senate's consideration of my nomination to be Under Secretary of Agriculture for Rural Development, it is apparent there are concerns I should address.

First, I want to address a statement I made about diversity at a meeting at Iowa State University in December of 1999. The comment was not intended to be hurtful, I now realize that to many people it has been, and for this I apologize. I have been brought up to respect all people and my track record at USDA supports this belief. I have worked hard all my life to heal diversity issues and offer equal opportunities to all with whom I've been associated. I have been particularly involved in addressing these issues while serving at the Department.

Regarding farm program payment issues, what I did was wrong. I regret that I did it. If I had to do it over, I would not have filed my farming operations as I did with the Farm Service Agency. I hope that other farmers learn from what I did.

Thank you for your counsel and continued support of my nomination.

Sincerely,

THOMAS C. DORR.

Mr. CHAMBLISS. Mr. President, I say to the Senator from Iowa that he has been very diligent in his pursuit of this. As someone who has been integrally involved in American agriculture for almost 40 years, I appreciate his diligence because we need to make sure that people who are in the administration at the U.S. Department of Agriculture are respected and that they are the types of individuals who we need in these positions.

I know Mr. Dorr. I have seen Mr. Dorr in action, so to speak, in his position that he has been in for the last 4½ years. He is well respected across the country in the agriculture community because of the great work he has done. He is qualified for this position and I am going to support his nomination.

Before I yield 5 minutes to Senator HARKIN, which I will do, I would be happy to yield to my friend from Delaware for any comments he wishes to make.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I convey to Senator CHAMBLISS my respect and regards for the way he has handled himself in these negotiations over the last 24 hours. Senator HARKIN has done us all a favor. What he has done is reminded us when people make a mistake—and we all make mistakes. God knows I do—we ought to be willing to acknowledge that. There are serious mistakes, as I think Mr. Dorr has made with respect to his comments about diversity and minorities, and things Mr. Dorr has done with respect to his own farming operation regarding minimum payments. He made serious mistakes. There was a period of time when it looked as though he wasn't willing to acknowledge those mistakes, at least to do so in the public forum. If someone makes mistakes of this magnitude, it doesn't mean they are forever denied the opportunity for public service. What it means is when their name comes before this Senate for confirmation for a senior position, in this case in the Department of Agriculture, that person should be held accountable for their mistakes. They should be willing to acknowledge their mistakes and they should be willing, essentially, to ask for forgiveness for those mistakes.

It is not always an easy thing to do. Mr. Dorr has made that acknowledgment. He said, I was wrong; what I did was wrong and I hope others learn from my mistakes.

It now falls to Senator HARKIN who, as we all know, has fought hard against this nomination, as to whether to accept this letter from Mr. Dorr for us to move forward to the actual vote on the nomination.

I want to say to TOM HARKIN, thank you for the way you handled yourself in the course of this debate over the last 4 years, for the important role you have played, and for your willingness to allow this nomination to come to a vote today.

With that having been said, I yield my time and thank the Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I again thank the Senator from Delaware for his terrific work on this and other issues. Without his assistance this compromise would not have come together.

Mr. President, I ask unanimous consent, first of all, that Senator HARKIN be given 5 minutes following my comments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAMBLISS. Second, I ask unanimous consent that the pending cloture motion be vitiated, provided further that upon the use or yielding back of the remaining debate time, the Senate proceed to a vote on the nomination. I further ask consent that following that vote the Senate proceed to an immediate vote on Calendar No. 102, the nomination of Thomas Dorr to be a member of the Board of Directors of the Commodity Credit Corporation and that the vote be by voice; provided further that, following that vote, the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa is recognized for 5 minutes.

Mr. HARKIN. Mr. President, I ask unanimous consent for 2 additional minutes which I want to yield to the Senator from Minnesota.

The PRESIDING OFFICER. Is there objection to granting an additional 2 minutes to the Senator from Minnesota?

Hearing none, the Senator from Iowa is recognized for 5 minutes, to be followed by the Senator from Minnesota.

Mr. HARKIN. First, let me pay my respects and express my gratitude to my chairman and friend, Senator CHAMBLISS. We have worked together on all matters of agriculture. He is a great chairman of our Agriculture Committee and I mean that most sincerely. He has given me and my staff every opportunity to work not just on this issue but all the other issues in agriculture. He has been most accommodating of every request I have ever asked. I could not have asked for more in terms of pursuing interests on the Agriculture Committee. I publicly thank Chairman CHAMBLISS for being a great chairman and being a great agricultural leader. I appreciate that very much.

I appreciate his leadership on this issue also. When you get into these kinds of things, it is never a happy situation for anyone on these kinds of matters. But we all have our responsibilities. As I said, the chairman has been right in allowing these investigations and allowing this matter to move forward in an open and transparent matter. Again, for that I am very deeply grateful.

I thank my friend from Delaware for his diligence in looking into this and again, for, as we say, trying to move the ball down the field, as you might say. I want to make it clear for the record that all we are talking about here is vitiating the cloture vote. I also want to make it clear this letter is a letter in which finally Mr. Dorr says:

> Regarding farm program payment issues, what I did was wrong. I regret that I did it. If I had it to do over, I would not have filed my farming operations as I did with the Farm Service Agency. I hope that other farmers learn from what I did.

That is the first time Mr. Dorr has ever said what he did was wrong and I am glad he finally owned up to it. But, again, let's not get carried away. This letter doesn't make Mr. Dorr pure as the driven snow. Frankly, I still have concerns that we have never gotten the records from the Department of Agriculture on the previous years. But with a sense of accommodation and comity here in the Senate, I have agreed, working with Senator CHAMBLISS and others, to move this ahead. I will not object. I did not object to the unanimous consent on vitiating the cloture vote.

I want to be very clear, however, that I still cannot in good conscience vote for the nominee. I will not support the nominee for this position. But I will not pursue any further extended debate on the nominee.

Sometimes people have deathbed conversions. The problem is sometimes the patient recovers. I hope this is not just one of those deathbed conversions on the part of Mr. Dorr. As the ranking member of the Agriculture Committee,

I will be checking very carefully on how he carries out his responsibilities if in fact he wins the vote. I don't even know if that is a foregone conclusion. I assume it is, if all of the other party vote to confirm. I don't know. But if he does take this position, I can assure you we will be carefully looking at how he carries out his responsibilities at the Department of Agriculture. We may still want to take a look at those earlier records.

I want to make it clear, I still do not think Mr. Dorr meets the standards, the highest standards, as Secretary Veneman said, for this position, but at least with this admission that what he did was wrong, that he has apologized for the statements he made on diversity, I believe that is at least enough for us to get past the cloture vote and to move to an up-or-down vote on this nominee.

With that, again, in the spirit of comity and trying to move this ball ahead, we will do that. I thank Chairman CHAMBLISS for all of his work and his efforts in this regard.

I will yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Mr. President, I express my admiration to the Senator from Iowa for his willingness to make this accommodation. Those watching, who wonder whether we do act in the spirit of bipartisan cooperation, can note this as one of those instances. I share, however, the concern of the Senator about the timing of this admission by Mr. Dorr.

The first hearing of the Senate Agriculture Committee on the original nomination was, I believe, in March of 2002. That is over 3 years ago. If Mr. Dorr had made this kind of acknowledgment in this letter back then, this matter would have been resolved some time ago. Instead, the committee records will show during that time, and I believe at the subsequent hearing—which I did not attend but I believe the record shows happened earlier this year—he said exactly the opposite. He denied any culpability, he denied doing anything wrong, he denied any responsibility for anything that might have occurred inadvertently. This is a direct contradiction of that and it does occur, as the Senator noted, at the very last instant before this matter was going to be voted for cloture—and I think it is seriously in doubt whether cloture would have been invoked, in which case that nomination would have been in limbo as it was previously, which led to a recess appointment.

I also, with reluctance but out of necessity, will vote against this nominee. Again, I commend the Senator from Iowa, but I think in this matter this is a highly suspect maneuver at the very last instant.

I yield the floor.

The PRESIDING OFFICER. All time is yielded back.

Mr. GRASSLEY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Thomas C. Dorr, of Iowa, to be Under Secretary of Agriculture for Rural Development.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 62, nays 38, as follows:

[Rollcall Vote No. 198 Ex.]

YEAS—62

Akaka	Dole	McConnell
Alexander	Domenici	Murkowski
Allard	Ensign	Nelson (NE)
Allen	Enzi	Pryor
Bennett	Frist	Roberts
Bond	Graham	Salazar
Brownback	Grassley	Santorum
Bunning	Gregg	Sessions
Burns	Hagel	Shelby
Burr	Hatch	Smith
Chafee	Hutchison	Snowe
Chambliss	Inhofe	Specter
Coburn	Inouye	Stevens
Cochran	Isakson	Sununu
Coleman	Kyl	Talent
Collins	Lieberman	Thomas
Cornyn	Lincoln	Thune
Craig	Lott	Vitter
Crapo	Lugar	Voinovich
DeMint	Martinez	Warner
DeWine	McCain	

NAYS—38

Baucus	Dorgan	Levin
Bayh	Durbin	Mikulski
Biden	Feingold	Murray
Bingaman	Feinstein	Nelson (FL)
Boxer	Harkin	Obama
Byrd	Jeffords	Reed
Cantwell	Johnson	Reid
Carper	Kennedy	Rockefeller
Clinton	Kerry	Sarbanes
Conrad	Kohl	Schumer
Corzine	Landrieu	Stabenow
Dayton	Lautenberg	Wyden
Dodd	Leahy	

The nomination was confirmed.

Mr. WARNER. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NOMINATION OF THOMAS C. DORR TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Thomas C. Dorr, of Iowa, to be a Member of the Board of Directors of the Commodity Credit Corporation?

The nomination was confirmed.

The PRESIDING OFFICER (Mr. ENSIGN). Under the previous order, the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006—Resumed

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

A bill (S. 1042) to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Pending:

Warner Amendment No. 1314, to increase amounts available for the procurement of wheeled vehicles for the Army and the Marine Corps and for armor for such vehicles.

The PRESIDING OFFICER. The pending question is the Warner amendment.

Mr. WARNER. Mr. President, I see the distinguished majority leader. My understanding is he wishes to lay down an amendment, for which I am grateful. We would be happy to lay aside the pending amendment.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I ask unanimous consent that the pending amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1342

Mr. FRIST. Mr. President, I send an amendment to the desk. Also, I send to the desk a list of cosponsors of the amendment, and I ask unanimous consent they be added as such.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. FRIST], for himself, and others, proposes an amendment numbered 1342.

Mr. FRIST. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To support certain youth organizations, including the Boy Scouts of America and Girl Scouts of America, and for other purposes)

At the end of subtitle G of title X, insert the following:

SEC. 1073. SUPPORT FOR YOUTH ORGANIZATIONS.

(a) SHORT TITLE.—This Act may be cited as the ''Support Our Scouts Act of 2005''.

(b) SUPPORT FOR YOUTH ORGANIZATIONS.—

(1) DEFINITIONS.—In this subsection—

(A) the term ''Federal agency'' means each department, agency, instrumentality, or other entity of the United States Government; and

(B) the term ''youth organization''—

(i) means any organization that is designated by the President as an organization that is primarily intended to—

(I) serve individuals under the age of 21 years;

(II) provide training in citizenship, leadership, physical fitness, service to community, and teamwork; and

(III) promote the development of character and ethical and moral values; and

(ii) shall include—

(I) the Boy Scouts of America;

(II) the Girl Scouts of the United States of America;

(III) the Boys Clubs of America;

(IV) the Girls Clubs of America;

(V) the Young Men's Christian Association;

(VI) the Young Women's Christian Association;

(VII) the Civil Air Patrol;

(VIII) the United States Olympic Committee;

(IX) the Special Olympics;

(X) Campfire USA;

(XI) the Young Marines;

(XII) the Naval Sea Cadets Corps;

(XIII) 4-H Clubs;

(XIV) the Police Athletic League;

(XV) Big Brothers—Big Sisters of America; and

(XVI) National Guard Youth Challenge.

(2) IN GENERAL.—

(A) SUPPORT FOR YOUTH ORGANIZATIONS.—No Federal law (including any rule, regulation, directive, instruction, or order) shall be construed to limit any Federal agency from providing any form of support for a youth organization (including the Boy Scouts of America or any group officially affiliated with the Boy Scouts of America) that would result in that Federal agency providing less support to that youth organization (or any similar organization chartered under the chapter of title 36, United States Code, relating to that youth organization) than was provided during the preceding fiscal year.

(B) TYPES OF SUPPORT.—Support described under this paragraph shall include—

(i) holding meetings, camping events, or other activities on Federal property;

(ii) hosting any official event of such organization;

(iii) loaning equipment; and

(iv) providing personnel services and logistical support.

(c) SUPPORT FOR SCOUT JAMBOREES.—

(1) FINDINGS.—Congress makes the following findings:

(A) Section 8 of article I of the Constitution of the United States commits exclusively to Congress the powers to raise and support armies, provide and maintain a Navy, and make rules for the government and regulation of the land and naval forces.

(B) Under those powers conferred by section 8 of article I of the Constitution of the United States to provide, support, and maintain the Armed Forces, it lies within the discretion of Congress to provide opportunities to train the Armed Forces.

(C) The primary purpose of the Armed Forces is to defend our national security and prepare for combat should the need arise.

(D) One of the most critical elements in defending the Nation and preparing for combat is training in conditions that simulate the preparation, logistics, and leadership required for defense and combat.

(E) Support for youth organization events simulates the preparation, logistics, and leadership required for defending our national security and preparing for combat.

(F) For example, Boy Scouts of America's National Scout Jamboree is a unique training event for the Armed Forces, as it requires the construction, maintenance, and disassembly of a ''tent city'' capable of supporting tens of thousands of people for a week or longer. Camporees at the United States Military Academy for Girl Scouts and Boy Scouts provide similar training opportunities on a smaller scale.

(2) SUPPORT.—Section 2554 of title 10, United States Code, is amended by adding at the end the following:

''(i)(1) The Secretary of Defense shall provide at least the same level of support under this section for a national or world Boy Scout Jamboree as was provided under this section for the preceding national or world Boy Scout Jamboree.

''(2) The Secretary of Defense may waive paragraph (1), if the Secretary—

''(A) determines that providing the support subject to paragraph (1) would be detrimental to the national security of the United States; and

''(B) reports such a determination to the Congress in a timely manner, and before such support is not provided.''.

(d) EQUAL ACCESS FOR YOUTH ORGANIZATIONS.—Section 109 of the Housing and Community Development Act of 1974 (42 U.S.C. 5309) is amended—

(1) in the first sentence of subsection (b) by inserting ''or (e)'' after ''subsection (a)''; and

(2) by adding at the end the following:

''(e) EQUAL ACCESS.—

''(1) DEFINITION.—In this subsection, the term 'youth organization' means any organization described under part B of subtitle II of title 36, United States Code, that is intended to serve individuals under the age of 21 years.

''(2) IN GENERAL.—No State or unit of general local government that has a designated open forum, limited public forum, or nonpublic forum and that is a recipient of assistance under this chapter shall deny equal access or a fair opportunity to meet to, or discriminate against, any youth organization, including the Boy Scouts of America or any group officially affiliated with the Boy Scouts of America, that wishes to conduct a meeting or otherwise participate in that designated open forum, limited public forum, or nonpublic forum.''.

Mr. FRIST. Mr. President, this amendment deals with an issue I have been working on with a number of Senators for a long period of time, many months. It deals with an organization I have been involved with for my entire life—myself and my three boys. The organization is the Boy Scouts of America.

I am proud to offer the Support Our Scouts Act of 2005 as an amendment to the Defense authorization bill. This legislation will ensure that the Defense Department will continue to provide the Scouts the type of support it has provided in the past, including jamborees on bases.

Pentagon support for Scouts is currently authorized in U.S. law.

This bill also ensures Scouts have equal access to public facilities, forums, and programs that are open to a variety of other youth organizations and community organizations. Boy Scouts, like other nonprofit youth organizations, depend on the ability to use public facilities and to participate in these programs and forums. Why am I offering this legislation? Since the Supreme Court decided Boy Scouts of America v. Dale, Boy Scouts of America's relationships with government at all levels have been the target of multiple lawsuits.

The Federal Government has been defending a lawsuit brought by the ACLU aimed at severing the ties between Boy Scouts and the Departments of Defense and HUD. The ACLU of Illinois claims that Defense Department sponsorship violates the first amendment because the Scouts are a religious organization. This is a red herring.

The Scouts are a youth organization that is committed to developing qualities, such as patriotism, integrity, loyalty, honesty, and other values, in our Nation's boys and young men. Part of that development is asking them to acknowledge a higher authority regardless of denomination.

We do this every day in the Senate when we open the Senate floor each morning, when we take our oaths of office, when our young men and women enlist in the Armed Forces—and the list goes on. Such acknowledgement and respect is an integral part of our culture, our values, and our traditions.

A decision was recently reached in this case. A U.S. district court in Chicago ruled that Pentagon support of the Scouts violates the establishment clause and, therefore, the Defense Department is prohibited from providing support to the Scouts at future jamborees.

The timing of this ruling simply could not be worse. On Monday, July 25, thousands of Scouts from around the country will be arriving at Fort AP Hill, close by, in Virginia. The event will draw 40,000 Scouts and their leaders and many more proud families, moms and dads.

This latest ruling is part of a series of attempts to undermine Scouting's interaction with government in America at all levels. The effect of these attempts of exclusion at the Federal, State, and local levels could be far-reaching. Already, it has had a chilling effect on government relationships with Scouts, and it is the greatest legal challenge facing Boy Scouts today.

The Support Our Scouts Act of 2005 addresses these issues. To begin with, my amendment makes clear that the Congress regards the Boy Scouts to be a youth organization that should be treated the same as other national youth organizations.

Second, this bill asserts the view of the Congress that Pentagon support to the Scouts at their jamborees, as well as similar support to other youth organizations, is important to the training of our Armed Forces. It contributes to—it does not detract from—their readiness.

Third, my amendment removes any doubt that Federal agencies may welcome Scouts to hold meetings, go camping on Federal property, or hold Scouting events in public forums at any level.

The Scout bill has been discussed with the Defense Department. While it includes language that establishes baseline Pentagon support for Scouting activities, it also offers the Secretary of Defense some flexibility in its application.

Since 1910, Boy Scout membership has totaled more than 110 million young Americans. Today, more than 3.2 million young people and 1.2 million adults are members of the Boy Scouts and are dedicated to fulfilling the Boy Scouts' mission. This unique American institution is committed to preparing

our youth for the future by instilling in them such values as honesty, integrity, and character. Through exposure to the outdoors, hard work, and the virtues of civic duty, the Boy Scouts has developed millions of Americans into superb citizens and future leaders.

Today, there are more than 40 Members of the Senate and more than 150 Members of the House of Representatives who have been directly involved in Scouting. I was a Boy Scout. As I mentioned, my three boys, Harrison, Jonathan, and Bryan, all were Scouts as well. Scouting is a great American tradition that has been shared by countless families over many decades.

I believe this amendment will receive broad, bipartisan support in both the Senate and the House. I believe we will pass it this year. It currently has over 50 cosponsors in this body. I encourage others to come and cosponsor this bill and to come to the floor and speak on behalf of our Scouts.

I encourage Scout supporters—indeed, all Americans—to contact their Senators and Representatives and ask them to support the Support Our Scouts Act of 2005. I do urge all my Senate colleagues to vote for the young boys and girls who are following in the worthy Scouting tradition. A vote for this amendment will be a vote for them.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I commend the distinguished majority leader, and I associate myself with his remarks and this report.

I just looked at one thing, and the staff advised me that the terms ''Boy Scouts'' and ''Girl Scouts'' embrace what is known as the Cub Scouts. I want to make sure my understanding is correct that was the intention of our distinguished leader, because a lot of families are very active in those organizations.

Mr. FRIST. Mr. President, I say to the Senator, indeed it is, Mr. Chairman. The Cub Scouts badges and uniform is one I wore and, indeed, my three boys wore, Harrison, Jonathan, and Bryan. It is that introduction to Scouts that most of us first experience. Indeed, it is.

Mr. WARNER. Mr. President, I thank our distinguished leader. I, too, have had a very modest career in the Scouts. I was sort of attenuated when I left and joined the Navy in World War II. So I never attained any special recognition. But I must say that the training that was given to me helped me enormously in my early training in the military because first you learned discipline, then you learned regimentation. You learned the concept of sharing with others, the need to work with your fellow Scouts. It is a magnificent organization. I am so glad you have done this.

I also must say I have attended the rally in Virginia to which you referred. I will never forget waiting, as one of the several speakers. I was a most inconsequential speaker because a world-famous baseball player attended. As far as the eye could see, there were clouds of dust. They looked like the Roman legions marching in. Tens of thousands of Scouts assembled at this rally, all carrying their banners, and the parents were all seated under the trees watching this rally. It was a spectacle to behold. It was a marvelous experience.

So again, Mr. President, I encourage other Senators to join our distinguished leader in support of this legislation.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I am an original cosponsor of Senator FRIST's legislation, which we call the Save Our Scouts Act of 2005. I will take a minute to say to my colleagues why I think the bill is important and why I am glad to be an original cosponsor. I grew up in Maryville, TN, at the edge of the Great Smoky Mountains National Park—then a town of about 15,000. Every Monday night, all year long, as soon as I was 11 years old, we went down to the new Providence Presbyterian Church at 7 p.m. for a meeting of Troop 88 of the Boy Scouts of America. There wasn't a lot of nonsense. It started at 7 and was over at 8. Our primary goal was to get organized for outdoor activities. At least once a month—sometimes twice a month—we were away from the church and were very active. Most often, we went into the Great Smoky Mountains National Park. Sometimes we went down the road to the Cherokee National Forest.

I can remember on several occasions when we went to the Oak Ridge National Laboratory, which was a source of great wonderment to us that close to the end of World War II. Sometimes we went to Knoxville to the Tennessee Valley Authority, another government agency known worldwide. We learned from that. I can remember several times we went to the Air Force base, another Federal installation. There are a lot of State and local government places we would go in Troop 88. Sometimes we met at West Side Elementary School or Maryville High School. Sometimes we went to the courthouse. I remember seeing a great attorney, Ray Jenkins, waving a bloody wrench in his hand trying to convict a murderer as a special prosecutor in a family dispute. I was cowering behind the jury box watching this great lawyer carry on. We were there in a public building. Sometimes we camped in the city parks. Sometimes we went to the State parks.

My point is that all of these places we went in Troop 88, whether it was the Great Smoky Mountains National Park, or any of the others I mentioned, those are public places. Ever since the Supreme Court made its decision in the Boy Scouts of America v. Dale case, the relationship of the Boy Scouts of America with government at all levels has been the target of multiple lawsuits. That is not just the case for boys growing up in Maryville, TN.

For the last 25 years, our family has gone up to Ely, MN, on the Canadian border. It is a million acres of territory that you have to take a canoe into. It is very restricted wilderness area. It is the center of one of the Boy Scouts' most important adventure outdoor programs. Whether they are there in the winter, when it is 20 below, or in July, when there are a lot of mosquitos, these young men learn to take care of themselves outdoors.

Every year for as long as I can remember, the Boy Scouts have looked forward to going to the jamborees, which are often held on Federal property. It is often a highlight in the lives of these young men. They look forward to it for several years. The adult scoutmasters go with them.

Mr. President, it makes no sense whatsoever to restrict, in any way, the Boy Scouts from using national parks, national forests, the Oak Ridge National Laboratory, Air Force bases, State parks, and city parks.

What do the Boy Scouts do? I tell you what it did for me. It tried to build some character. I can still say the words: Trustworthy, loyal, helpful, friendly, courteous, kind. There are 12 of them. I did not always live up to them, but they were taught to me.

The Boy Scouts taught me about my country. I earned my God and Country award before I got my Eagle Scout. It taught me about this country and what it means to be an American. It taught me to love the great American outdoors, which I have always kept and imparted to my children because we spent almost every weekend in the Great Smoky Mountains National Park or Cherokee National Forest.

I don't want the young men of the day and their volunteer leaders to be kept out of the Great Smokies and the TVA and the schools and the city parks. I don't want those volunteer leaders, who are small business people in Maryville, TN, who work at the Alcoa plant—they don't have the money or time to go to court to argue with people about whether those young boys have a right to go there.

This is a very important piece of legislation. In this country today, most people would say, when looking at our children, there is nothing they need more than mentors, and the Boy Scouts, just like the Girl Scouts, provide that. Look at our schools today. Our worst score of high school seniors is in U.S. history. At least in the Boy Scouts you learn something about the principles that unite us as Americans.

Our outdoors are under constant threat. In the Boy Scouts of America, we are constantly building tens of thousands of young men who love the outdoors, know how to take care of it, have an environmental ethic and use that for the rest of their lives.

I am glad we have a majority leader who is a Boy Scout. I am glad we have more than half the Senate who are cosponsors of this legislation. I hope the result of this legislation will remove

any doubt that Federal agencies may welcome Boy Scouts to hold meetings and go camping on Federal property, just as we did. And it says to State and local governments that in denying equal access to the public venues to scouts, they will risk some of their Federal funds if they continue to do that.

The Boy Scouts of America is one of the preeminent valuable organizations in this country, and I am proud to be an original cosponsor of the Support Our Scouts Act of 2005.

I yield the floor.

Mr. WARNER. Mr. President, I wish to thank our distinguished colleague from Tennessee. I listened carefully to his remarks. It did evoke memories of this humble Senator when I had a rather inauspicious career in the Boy Scouts. Nevertheless, they did a lot more for me than I did for them.

I remember the jamborees. I can remember very well on our first encampment filling a tick bag full of barn straw which we used for a mattress. I was greatly impressed with that.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, let me also join Senator FRIST in this legislation. I believe it is very significant. I spoke last April on the Senate floor on behalf of this issue, and I am proud to do so again with this amendment.

Sadly, since my previous speech, there has been a recent Federal court ruling against the Pentagon's support for the National Boy Scout Jamboree, which occurs every 4 years and attracts about 40,000 people. It will be taking place on July 25.

In her decision, a Federal judge in Chicago ruled that a statute permitting the military to lend support for the National Scout Jamboree violates the establishment clause of the Constitution.

In short, the judge ruled that Pentagon funding is unconstitutional because the Boy Scouts are a religious organization as it requires Scouts to affirm a belief in God. I will speak more on this later.

However, it is clear to me that for more than 90 years, the Boy Scouts have benefited our youth and helped produce some of the best and brightest leaders in our country. I believe we must reaffirm our support for the vital work they have done and continue to do. Like many of my friends here, I was a Boy Scout many years ago.

As a result of the great work they do, I was pleased to be an original cosponsor of S. 642, the Support Our Scouts Act of 2005, as well as this amendment.

I had at one time considered introducing my own bill on this very important matter. However, I was so pleased with the substance of this bill that I was proud to add my name as a cosponsor, and I again thank Senator FRIST for his efforts on this issue.

As you may know, this bill, and now this amendment, address efforts by some groups to prevent Federal agencies from supporting our Scouts. This bill would remove any doubts that Federal agencies can welcome Scouts and the great work they do.

Sadly, as the following excerpt from a July 20, 2005, Wall Street Journal editorial demonstrates, these great organizations have come under attack. The column from this respected publication explains that:

> Because the Scouts require members to ''privately exercise their religious faith as directed by their families and religious advisors,'' the ACLU petitioned the court to declare the organization ''theistic'' and ''pervasively sectarian.'' Judge Blanche Manning didn't go quite that far last month, but she did rule it an overtly religious association because it ''excludes atheists and agnostics from membership.'' She ordered the Army to expel the next Jamboree from Fort A.P. Hill in 2010, by which time we trust the Seventh Circuit Court of Appeals will have overturned her decision.

I hope this unfortunate decision is overturned as well.

As Senator FRIST has said, this legislation will specifically ensure that the Department of Defense can and will continue to provide the Scouts the type of support it has provided in the past. Moreover, the Scouts would be permitted equal access to public facilities, forums, and programs that are open to a variety of other youth or community organizations.

It is enormously regrettable to me that the Scouts have come under attack from aggressive liberal groups blatantly pushing their own social agendas and become the target of lawsuits by organizations that are more concerned with pushing these liberal agendas than sincerely helping our youth.

Rather than protecting our religious freedoms, these groups are clearly bent on discriminating against any organization that has faith as one of its tenets.

Thus, today, the Federal Government continues to defend the lawsuit aimed at severing traditional ties between the Boy Scouts and the Departments of Defense and Housing and Urban Development.

What is more, Scouts have been excluded by certain State and local governments from utilizing public facilities, forums and programs, which are open to other groups.

It is certainly disappointing and, frankly frustrating that we have reached a point where groups such as the ACLU are far more interested in tearing down great institutions like the Boy Scouts than helping foster character and values in our young men. I am tired of these tactics. It is very disturbing to me that these groups unabashedly attack organizations, regardless of the good they do or the support they have from the vast majority of Americans, simply to further their own subjective social agendas.

I, for one, am saddened that the Boy Scouts of America has been the most recent target of these frivolous lawsuits. I reject any arguments that the Boy Scouts is anything but one of the greatest programs for character development and values-based leadership training in America today.

We should seek to aid, not impede, groups that promote values such as duty to God and country, faith and family, and public service and sacrifice, which are deeply ingrained in the oath of every Scout. To fail to support such values would allow the very fabric of America, which has brought us to this great place in history, to be destroyed.

Today, with more than 3.2 million youth members, and more than 1.2 million adult volunteers, we can certainly say that the Boy Scouts of America has positively impacted the lives of generations of boys, preparing them to be men of great character and values. Remarkably, Boy Scout membership since 1910 totals more than 110 million.

I am proud to report that in Oklahoma we have a total youth participation of nearly 75,000 boys; and in Oklahoma City alone, we have about 7,000 adult volunteers.

These young men have helped serve communities all over our State with programs such as Helping Hands for Heroes, a program where Scouts help military families whose loved ones are serving overseas. These young men have cut grass, cleaned homes, taken out the garbage, and walked dogs. What a great service for our soldiers, sailors, airmen, and marines and their families. Our Boy Scouts have also served as ushers and first-aid responders at the University of Oklahoma football games for more than 50 years.

Notably, Scouts in my State have also shared a long and proud history of cooperation and partnership with military installations in Oklahoma. Furthermore, events, such as the National Jamboree, allow an opportunity to expose large numbers of young Americans to our great military in a time when fewer and fewer receive such exposure. I believe this is a very good thing, and I will fight to see that it continues.

Given all this, I hope my colleagues will join me in defending this organization and others like it. We must not be afraid to support our youth and organizations like the Boy Scouts that support them.

As the Wall Street Journal editorial that I mentioned previously argued:

> The values the Scouts embody are vital to the national good and in need today, more than ever.

I agree and am proud to rise in support today and always for this great cause.

Mr. President, I yield the floor.

• Mr. ALLARD. Mr. President, I rise today in support of the Boy Scouts of America and the Support Our Scouts Act of 2005 amendment being offered by majority leader Frist.

I support the Boy Scouts of America and its goals. I was fortunate to be able to have most of the same experiences and training offered by the Boy Scouts

as I grew up. My boyhood on a ranch in Walden, CO, offered me the chance to develop the outdoor skills and nature appreciation that are so much a part of Scouting. As a child I also learned much about patriotism, community service, religion, political involvement and civic responsibility—the intellectual development stressed by the Boy Scouts. As a veterinarian I often served as an advisor to the Scouts on a variety of issues relating to animal care and health. Americans all over our Nation contribute and are touched by this great organization.

On July 25 through August 3, Boy Scouts from all over the Nation will gather at Fort A.P. Hill in Virginia for their National Scout Jamboree. This opportunity is time to celebrate scouting and the strong ideals it instills in it's youth.

Boy Scouts of America, like other nonprofit youth organizations, depend on the use of these public facilities for various programs and forums. Boy Scouts of America have had a long and positive relationship with the Departments of Defense and Housing and Urban Development. This relationship has fostered responsible fun and adventure to the more than 3 million boys and 1 million adult volunteers around the country.

However, since the U.S. Supreme Court decided Boy Scouts of America, BSA v. Dale, the Boy Scout's relationships with Government has been the target of frivolous lawsuits. Currently, State and local Governments are actively excluding Boy Scouts from using public facilities, forums, and programs. These are resources that are available to a variety of other youth or community organizations. Today access by the Scouts has been unfairly limited because of the Boy Scout's unwavering acknowledgment of God.

As we fight to prevent court involvement from changing our founding documents and other symbols of our national heritage we must also support and protect the heritage of Boy Scouts of America. Citizenship, service, and leadership are important values on which the Boy Scouts of America was built. The ability of the Boy Scouts to instill young people with values and ethical character must remain intact for future generations. The Boy Scouts of America is a permanent fixture in our culture and no court ruling can or should attempt to diminish their rights to equal access.

This amendment's mission is to ensure that the Boy Scouts are treated equally. I feel the Boy Scouts have been unfairly singled out. It is important to guarantee their right to equal access of public facilities, forums, and programs so that the Boy Scout of America can continue to serve America's communities and families for a better tomorrow.

Please join me in supporting the Boy Scouts of America and majority leader Frist's Support Our Scouts amendment to the Defense Appropriations bill.●

Mr. ENZI. Mr. President, I rise in support of amendment No. 1342, the Support Our Scouts Act, offered by my distinguished colleague from Tennessee, Senator FRIST. The amendment was intended to be simple and straightforward in its purpose, to ensure the Department of Defense can continue to support youth organizations, including the Boy Scouts of America, without fear of frivolous lawsuits. The dollars that are being spent on litigation ought to be spent on programs for the youth. Every time we see a group like the Boy Scouts, that will teach character and take care of the community, we ought to do everything we can to promote it.

This Saturday, over 40,000 Boy Scouts from around the Nation will meet at Fort A.P. Hill in Virginia for the National Scout Jamboree. This event provides a unique opportunity for the military and civilian communities to help our young men gain a greater understanding of patriotism, comradeship, and self-confidence.

Since the first jamboree was held at the base of the Washington Monument in 1937, more than 600,000 Scouts and leaders have participated in the national events. I attended the jamboree at Valley Forge in 1957.

Boy Scouts has been a part of my education. I am an Eagle Scout. I am pleased to say my son was in Scouts. He is an Eagle Scout. Boy Scouts is an education. It is an education in possibilities for careers. I can think of no substitution for the 6 million boys in Scouts and the millions who have preceded them. There are dozens on both sides of the aisle who have been Boy Scouts. I say it is part of my education because each of the badges that is earned, each of the merit badges that is earned, is an education. I tell schoolkids as I go across my State and across my country that even though at times I took courses or merit badges or programs that I didn't see where I would ever have a use for them, by now I have had a use for them and wish I had paid more attention at the time I was doing it.

I always liked a merit badge pamphlet on my desk called ''Entrepreneurship.'' It is the hardest Boy Scout badge to earn. It is one of the most important ones. I believe small business is the future of our country. Boy Scouts promote small business through their internship merit badge. Why would it be the toughest to get? Not only do you have to figure out a plan, devise a business plan, figure how to finance it, but the final requirement for the badge is to start a business.

I could go on and on through the list of merit badges required in order to get an Eagle badge. There are millions of boys in this country who are doing that and will be doing that. They do need places to meet. They are being discriminated against. They are being told they cannot use military facilities, even for their national jamborees.

These jamborees have become a great American tradition for our young people, and Fort A.P. Hill has been made the permanent site of the gatherings. But now the courts are trying to say that this is unconstitutional.

It isn't just military facilities; it is Federal facilities. A couple of years ago, we had an opportunity to debate this again on floor, and it had to do with the Smithsonian.

Some Boy Scouts requested they be able to do the Eagle Scout Court of Honor at the National Zoo and were denied. Why? The determination by the legal staff of the Smithsonian that Scouts discriminate because of their support for and encouragement for the spiritual life of their members. Specifically, they embrace the concept that the universe was created by a supreme being, although we surely point out Scouts do not endorse or require a single belief or any particular faith's God. The mere fact they asked you to believe in and try to foster a relationship with a supreme being who created the universe was enough to disqualify them.

I read that portion of the letter twice. I had just visited the National Archives and read the original document signed by our Founding Fathers. It is a good thing they hadn't asked to sign the Declaration of Independence at the National Zoo.

This happens in the schools across the country. Other requests have been denied. They were also told they were not relevant to the National Zoo.

That is kind of a fascinating experiment in words. I did look to see what other sorts of things had been done there and found they had a Washington Singers musical concert, and the Washington premiers for both the ''Lion King'' and ''Batman.'' Clearly, relevance was not a determining factor in those decisions.

But the Boy Scouts have done some particular things in conservation that are important, in conservation tied in with the zoo. In fact, the founder of the National Zoo was Dr. William Hornaday. He is one of the people who was involved in some of the special conservation movements and has one of the conservation badges of Scouts named after him.

If the situations did not arise, this amendment would not come up. But they do.

In 2001, I worked with Senator Helms to pass a similar amendment requiring that the Boy Scouts are treated fairly, as any other organization, in their efforts to hold meetings on public school property. This amendment clarified the difference between support and discrimination, and it has been successful in preventing future unnecessary lawsuits. The Frist amendment is similar to the Helms amendment and will help prevent future confusion.

Again and again, the Scouts have had to use the courts to assure that they were not discriminated against. I am pretty sure everybody in America recognizes if you have to use the courts to get your rights to use school buildings,

military bases, or other facilities, it costs money. It costs time. This amendment eliminates that cost and eliminates that time, to allow all nationally recognized youth organizations to have the same rights.

The legal system is very important in the country but it has some interesting repercussions. Our system of lawsuits, which sometimes are called the legal lottery of this country, allow people who think they have been harmed to try to point out who harmed them and get money for doing that. It has had some difficulties for the Boy Scouts.

I remember when my son was in the Scouts their annual fundraiser was selling Christmas trees. One of the requirements when they were selling Christmas trees was that the boys selling trees at the lot had to be accompanied by two adults not from the same family.

I did not understand why we needed all of this adult supervision. It seemed as if one adult helping out at the lot would be sufficient. The answer was, they have been sued because if there was only one adult there and that adult could be accused of abusing the boys. Two adults provided some assurance that a lawsuit would not happen.

The interesting thing is, it was just me and my son at the lot and we still had to have another adult in order to keep the Boy Scouts from being sued.

They run into some of the same difficulties with car caravans.

So the legal system of this country has put them in the position where they are doing some of the things that they are doing. The legal system of the country has caused some of the discrimination that is done.

It is something we need to correct. This discussion of the Frist amendment is timely. U.S. District Judge Blanche Manning recently ruled that the Pentagon could no longer spend Government money to ready Fort A.P. Hill for the National Boy Scout Jamboree. The Frist amendment would assure that our free speech protections would also apply to the Boy Scouts of America.

The Boy Scouts of America is one of the oldest and largest youth organizations in the United States and the world today. The organization teaches its members to do their duty to God, to love their country, and serve their fellow citizens. The Boy Scouts have formed the minds and hearts of millions of Americans and prepared these boys and young men for the challenges they are sure to face the rest of their lives. It is an essential part of Americana. I urge my colleagues to join me in defending the Boy Scouts from constitutional discrimination by supporting the Helms amendment.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, we have no objection that I know of to this amendment. It does not purport to limit the jurisdiction of a Federal court in determining what the Constitution means. So we do not have any objection to it.

The PRESIDING OFFICER. Is there further debate on the amendment?

The Senator from Virginia.

AMENDMENT NO. 1314

Mr. WARNER. Mr. President, in consultation with the majority leader and the distinguished Senator from Michigan, as to the amendment by Senator FRIST, I ask unanimous consent that the amendment be laid aside and that we return to my amendment No. 1314.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. On that matter, it is contemplated now that we will have a vote in relation to the Warner amendment regarding the wheeled motor vehicles, armored, today at 12:30.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, we very strongly support the Warner amendment. I ask unanimous consent that I be listed as a cosponsor of the Warner amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, we understand there will be no second-degree amendments to the Warner amendment now.

I also ask unanimous consent that Senator KENNEDY be listed as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, we are checking on Senator BAYH right now.

Mr. WARNER. I think it is important. Senator BAYH has been very active on this issue.

AMENDMENT NO. 1314, AS MODIFIED

Mr. President, I send to the desk a modification to my amendment in the nature of a technical modification. I believe it has been examined by the other side. This modification identifies an offset of $445.4 million from the Iraqi Freedom Fund for this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

On page 303, strike line 3 and all that follows through page 304, line 24, and insert the following:

(3) For other procurement $376,700,000.

(b) AVAILABILITY OF CERTAIN AMOUNTS.—

(1) AVAILABILITY.—Of the amount authorized to be appropriated by subsection (a)(3), $225,000,000 shall be available for purposes as follows:

(A) Procurement of up-armored high mobility multipurpose wheeled vehicles (UAHs).

(B) Procurement of wheeled vehicle add-on armor protection, including armor for M1151/M1152 high mobility multipurpose wheeled vehicles.

(C) Procurement of M1151/M1152 high mobility multipurpose wheeled vehicles.

(2) ALLOCATION OF FUNDS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary of the Army shall allocate the manner in which amounts available under paragraph (1) shall be available for the purposes specified in that paragraph.

(B) LIMITATION.—Amounts available under paragraph (1) may not be allocated under subparagraph (A) until the Secretary certifies to the congressional defense committees that the Army has a validated requirement for procurement for a purpose specified in paragraph (1) based on a statement of urgent needs from a commander of a combatant command.

(C) REPORTS.—Not later than 15 days after an allocation of funds is made under subparagraph (A), the Secretary shall submit to the congressional defense committees a report describing such allocation of funds.

SEC. 1404. NAVY AND MARINE CORPS PROCUREMENT.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2006 for the procurement accounts of the Navy in amounts as follows:

(1) For aircraft, $183,800,000.

(2) For weapons, including missiles and torpedoes, $165,500,000.

(3) For other procurement, $30,800,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2006 for the procurement account for the Marine Corps in the amount of $429,600,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2006 for the procurement account for ammunition for the Navy and the Marine Corps in the amount of $104,500,000.

(d) AVAILABILITY OF CERTAIN AMOUNTS.—

(1) AVAILABILITY.—Of the amount authorized to be appropriated by subsection (b), $340,400,000 shall be available for purposes as follows:

(A) Procurement of up-armored high mobility multipurpose wheeled vehicles (UAHs).

(B) Procurement of wheeled vehicle add-on armor protection, including armor for M1151/M1152 high mobility multipurpose wheeled vehicles.

(C) Procurement of M1151/M1152 high mobility multipurpose wheeled vehicles.

(2) ALLOCATION OF FUNDS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary of the Navy shall allocate the manner in which amounts available under paragraph (1) shall be available for the purposes specified in that paragraph.

(B) LIMITATION.—Amounts available under paragraph (1) may not be allocated under subparagraph (A) until the Secretary certifies to the congressional defense committees that the Marine Corps has a validated requirement for procurement for a purpose specified in paragraph (1) based on a statement of urgent needs from a commander of a combatant command.

(C) REPORTS.—Not later than 15 days after an allocation of funds is made under subparagraph (A), the Secretary shall submit to the congressional defense committees a report describing such allocation of funds.

SEC. 1404A. REDUCTION IN AUTHORIZATION OF APPROPRIATION FOR IRAQ FREEDOM FUND.

The amount authorized to be appropriated for fiscal year 2006 for the Iraq Freedom Fund is the amount specified by section 1409(a) of this Act, reduced by $445,400,000.

Mr. WARNER. Mr. President, I ask unanimous consent that Senator DEWINE and Senator COLLINS be added as cosponsors to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, this amendment was debated yesterday. I see other Senators seeking recognition. From my perspective, the debate has been satisfied, unless there are other Senators.

Has the Chair ruled on the vote at 12:30? I ask unanimous consent that the vote in relation to the Warner amendment No. 1314 regarding wheeled vehicle armor occur today at 12:30 with no second-degree amendments in order prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oregon.

Mr. WYDEN. Mr. President, I had approached the chairman to ask if I could speak for a few minutes as in morning business and if it would be possible at this time for me to speak for up to 10 minutes as in morning business.

Mr. WARNER. I bring to the Senator's attention, we did have that discussion. I didn't, at the time, recognize the imminence of the vote. I see a colleague who does have an amendment in relation to the bill. Therefore, I am hesitant to grant UC to go off the bill. Could I inquire of the Senator from Oklahoma?

Mr. INHOFE. I respond to the distinguished chairman that I do have three amendments that are prepared and I am ready to bring them up and get them into the system. I also have two UC requests. If I could be recognized for that purpose, I would appreciate that.

Mr. WARNER. Mr. President, are there other colleagues who wish to address the Defense bill? Hopefully, we can accommodate our colleague from Oregon. Let's determine, procedurally, the order in which matters in relation to this bill should be brought up.

Ms. COLLINS. Mr. President, I inform the distinguished chairman that I was seeking 8 minutes to speak on the underlying bill.

Mr. WARNER. I thank the Senator from Maine.

Mr. ALEXANDER. Mr. President, I inform the chairman I would like to speak for 4 minutes on the Boy Scout amendment discussed, if time is available after other Senators speak on the underlying bill.

Mr. WARNER. I thank the distinguished Senator from Tennessee. I bring to his attention that that measure has been laid aside. It doesn't preclude his speaking to it, but we will see what we can do.

I ask my colleagues on this side, the Senator from Oregon, do you want 10 minutes or 8 minutes?

Mr. WYDEN. If the chairman could allow that, I would be appreciative.

Mr. WARNER. I wonder if the distinguished Senator from Oklahoma could proceed, followed by the Senator from Maine, and then prior to the vote, if you desire to do it before 12:30?

Mr. WYDEN. If that is at all possible. Perhaps I will ask unanimous consent to speak for up to 10 minutes after the vote; would that be acceptable?

Mr. WARNER. I would like to ask my colleague, the Senator from Michigan, to concur in that UC, that following the vote, the Senator from Oregon be recognized for a period of not to exceed 10 minutes, and we will go off the bill for that purpose.

Mr. WYDEN. I thank the chairman.

Mr. LEVIN. We appreciate that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. I wonder if we could lock in an additional speaker. I ask unanimous consent that immediately prior to the vote on the Warner amendment at 12:30, Senator KENNEDY be recognized for 5 minutes at 12:25.

The PRESIDING OFFICER. Is there objection?

Mr. ALEXANDER. Reserving the right to object, I would like to be in the queue before 12:30.

Mr. WARNER. I assure you that you will have 5 minutes in that period of time. If the Senator from Oklahoma could present his amendments, followed by the Senator from Maine, the Senator from Tennessee, and then Senator KENNEDY.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I am afraid I didn't hear that request. Are the speakers that have been identified speaking on the pending amendment?

Mr. WARNER. Not the pending. In other words, I desire not to go off the bill to accommodate our friend from Oregon. He has now been accommodated. We are looking at a period of roughly 40 minutes to be allocated among three Senators who wish to speak to matters in relation to this bill and reserving at 12:25 that Senator KENNEDY be recognized for a period of 5 minutes.

Mr. LEVIN. I ask unanimous consent that we add to that request that Senator LAUTENBERG then be recognized to offer an amendment immediately after the speakers who have been identified.

Mr. WARNER. Mr. President, we will do our very best to at least introduce an amendment at that time.

The PRESIDING OFFICER. Is there objection to Senator LAUTENBERG being added at the end of the three previous speakers?

Mr. WARNER. Might I inquire as to the amount of time the distinguished Senator from New Jersey might wish?

Mr. LAUTENBERG. I would like a half-hour evenly divided on the amendment. We have 50 minutes left before a vote. If I might say, could our distinguished colleague be accommodated immediately after the vote, following the Senator from Oregon?

Why don't I just lay it down and take a couple minutes to talk about it.

Mr. WARNER. Five minutes then.

Mr. LEVIN. He would just lay down an amendment prior to Senator KENNEDY speaking and then he would pick up after the vote.

Mr. WARNER. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, first, I thank the distinguished chairman of the Senate Armed Services Committee for allowing me to offer these amendments. I will stay within a timeframe that will allow other speakers under the UC to be heard. I have three amendments I will be bringing up.

I first ask unanimous consent that Senator COLLINS be added as a cosponsor to amendment No. 1312 and that Senator KYL be added as a cosponsor to amendment No. 1313.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1311

Mr. INHOFE. Mr. President, is it necessary to set aside the pending amendment for me to offer my amendment?

The PRESIDING OFFICER. That is correct.

Mr. INHOFE. I ask unanimous consent that the pending amendment be set aside, and I send an amendment to the desk, No. 1311, and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE] proposes an amendment numbered 1311.

Mr. INHOFE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To protect the economic and energy security of the United States)

At the appropriate place, insert the following:

ECONOMIC AND ENERGY SECURITY

SEC. __. Section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) is amended—

(1) in subsection (b)—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) by striking ''The President'' and inserting ''(1) IN GENERAL.—The President'';

(C) by inserting '', including national economic and energy security,'' after ''national security'';

(D) by adding at the end the following new paragraph:

''(2) NOTICE AND WAIT REQUIREMENT.—

''(A) NOTIFICATION OF APPROVAL.—The President shall notify the appropriate congressional committees of each approval of any proposed merger, acquisition, or takeover that is investigated under paragraph (1).

''(B) JOINT RESOLUTION OBJECTING TO TRANSACTION.—

''(i) DELAY PENDING CONSIDERATION OF RESOLUTION.—A transaction described in subparagraph (A) may not be consummated until 10 legislative days after the President provides the notice required under such subparagraph. If a joint resolution objecting to the proposed transaction is introduced in either House of Congress by the chairman of one of the appropriate congressional committees during such period, the transaction may not be consummated until 30 legislative days after such resolution.

''(ii) DISAPPROVAL UPON PASSAGE OF RESOLUTION.—If a joint resolution introduced under clause (i) is agreed to by both Houses of Congress, the transaction may not be consummated.'';

(E) in paragraph (1)(B) (as so designated by this paragraph), by striking ''shall'';

(2) in subsection (d), by striking ''subsection (d)'' and inserting ''subsection (e)'';

(3) in subsection (e), by striking ''subsection (c)'' and inserting ''subsection (d)'';

(4) in subsection (f)(3), by inserting '', including national economic and energy security,'' after ''national security'';

(5) in subsection (g)—

(A) by striking ''REPORT TO THE CONGRESS'' in the heading and inserting ''REPORTS TO CONGRESS'';

(B) by striking ''The President'' and inserting the following: ''(1) REPORTS ON DETERMINATIONS.—The President'';

(C) by adding at the end the following new paragraph:

''(2) REPORTS ON CONSIDERED TRANSACTIONS.—

''(A) IN GENERAL.—The President or the President's designee shall transmit to the appropriate congressional committees on a monthly basis a report containing a detailed summary and analysis of each transaction the consideration of which was completed by the Committee on Foreign Acquisitions Affecting National Security since the most recent report.

''(B) CONTENT.—Each report submitted under subparagraph (A) shall include—

''(i) a description of all of the elements of each transaction; and

''(ii) a description of the standards and criteria used by the Committee to assess the impact of each transaction on national security.

''(C) FORM.—The reports submitted under subparagraph (A) shall be submitted in both classified and unclassified form, and company proprietary information shall be appropriately protected.''; and

(D) by striking ''of this Act'';

(6) in subsection (k)—

(A) by striking ''QUADRENNIAL'' in the heading and inserting ''ANNUAL''; and

(B) in paragraph (1)—

(i) by striking ''upon the expiration of every 4 years'' and inserting ''annually'';

(ii) in subparagraph (A), by striking ''; and'' and inserting a semicolon;

(iii) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following new subparagraph:

''(C) evaluates the cumulative effect on national security of foreign investment in the United States.''; and

(7) by adding at the end the following new subsections:

''(l) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term 'appropriate congressional committees' means—

''(1) the Committee on Banking, Housing, and Urban Affairs, the Committee on Armed Services, the Select Committee on Intelligence, and the Committee on Appropriations of the Senate; and

''(2) the Committee on Financial Services, the Committee on Armed Services, the Permanent Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives.

''(m) DESIGNEE.—Notwithstanding any other provision of law, the designee of the President for purposes of this section shall be known as the 'Committee on Foreign Acquisitions Affecting National Security', and such committee shall be chaired by the Secretary of Defense.''.

Mr. INHOFE. Mr. President, as a practical and timely step toward addressing problems with China, I am introducing amendment No. 1311. This amendment addresses the review process of foreign acquisitions in the U.S. The review of controversial buys, such as the CNOOC, currently falls to the Committee on Foreign Investment in the United States, CFIUS. I will state this simply: CFIUS has not demonstrated an appropriate conception of U.S. national security. I understand that Representatives HYDE, HUNTER and MANZULLO expressed similar views in a January letter to Treasury Secretary John Snow, the chairman of CFIUS. Of more than 1,500 cases of foreign investments or acquisitions in the U.S., CFIUS has investigated only 24. And only one resulted in actually stopping the transaction. This lone disapproval, in February 1990, occurred with respect to a transaction that had already taken place—it took President George H.W. Bush to stop the transaction and safeguard our national security.

Another example of CFIUS falling short is with Magnequench International Incorporated. In 1995 Chinese corporations bought GM's Magnequench, a supplier of rare earth metals used in the guidance systems of smart bombs. Over 12 years, the company has been moved piecemeal to mainland China, leaving the U.S. with no domestic supplier of neodymium, a critical component of rare-earth magnets. CFIUS approved this transfer. The United States now buys rare earth metals, which are essential for precision-guided munitions, from one single country—China.

Some experts believe that China's economic policy is a purposeful attempt to undermine the U.S. industrial base and likewise, the defense industrial base. Perhaps it is hard to believe that China's economic manipulation is such a threat to our Nation. In response, I would like to read from the book ''Unrestricted Warfare'', written by two PLA, People's Liberation Army, senior Colonels:

> Military threats are already no longer the major factors affecting national security . . . traditional factors are increasingly becoming more intertwined with grabbing resources contending for markets, controlling capital, trade sanctions and other economic factors.

I have outlined in my earlier speeches how China is a clear threat. I believe it is. But I also believe that this threat can be addressed and allow a healthy, mutual growth for both our countries. The CFIUS process is at the heart of this issue. Chairman of the US-China Economic and Security Review Commission, Dick D'Amato, stated this morning that the CFIUS process is ''broken.'' This amendment is a step toward fixing the problems, enabling the foreign review to carry out its function and truly protect our national security.

First, it clearly charges the commission with measuring energy and economic security as fundamental aspects of national security.

Second, it brings congressional oversight into the foreign investment review process. After a 10-day review period, an oversight committee chairman can extend the review period to 30 days. Congress then has the option to pass a resolution of disapproval and thus stop an acquisition harmful to our country.

Third, the amendment calls for a report on the security implications of transactions on a monthly basis. There will also be a yearly report to the proper congressional committees that will review the cumulative effect of our sales with China.

The amendment also changes the name of the review mechanism to reflect the national security focus that it should be emphasizing. The new name would be Committee on Foreign Acquisitions Affecting National Security, or CFAANS. Further, the designated chairman of the process would become the Secretary of Defense, also reflecting the security focus that the process should be based on.

The foreign investment review process is vital to providing for U.S. security, particularly in relation to countries such as China. However, it is in need of attention and changes no less drastic than I have suggested here.

We are going to have to do something about the performance of this organization. To do it, we will have to change the structure. I am going to be recommending that the chairman of CFIUS no longer be the Secretary of the Treasury but be the Secretary of Defense, since they deal with very critical national security issues.

AMENDMENT NO. 1312

Mr. INHOFE. Mr. President, I ask unanimous consent that the pending amendment be set aside, and I send amendment No. 1312 to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE], for himself and Ms. COLLINS, proposes an amendment numbered 1312.

Mr. INHOFE. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of Congress that the President should take immediate steps to establish a plan to implement the recommendations of the 2004 Report to Congress of the United States-China Economic and Security Review Commission)

At the end of title XII, insert the following:

SEC. 1205. THE UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION.

(a) FINDINGS.—Congress finds the following:

(1) The 2004 Report to Congress of the United States-China Economic and Security Review Commission states that—

(A) China's State-Owned Enterprises (SOEs) lack adequate disclosure standards, which creates the potential for United States investors to unwittingly contribute to enterprises that are involved in activities harmful to United States security interests;

(B) United States influence and vital long-term interests in Asia are being challenged by China's robust regional economic engagement and diplomacy;

(C) the assistance of China and North Korea to global ballistic missile proliferation is extensive and ongoing;

(D) China's transfers of technology and components for weapons of mass destruction (WMD) and their delivery systems to countries of concern, including countries that support acts of international terrorism, has helped create a new tier of countries with the capability to produce WMD and ballistic missiles;

(E) the removal of the European Union arms embargo against China that is currently under consideration in the European Union would accelerate weapons modernization and dramatically enhance Chinese military capabilities;

(F) China's recent actions toward Taiwan call into question China's commitments to a peaceful resolution;

(G) China is developing a leading-edge military with the objective of intimidating Taiwan and deterring United States involvement in the Strait, and China's qualitative and quantitative military advancements have already resulted in a dramatic shift in the cross-Strait military balance toward China; and

(H) China's growing energy needs are driving China into bilateral arrangements that undermine multilateral efforts to stabilize oil supplies and prices, and in some cases may involve dangerous weapons transfers.

(2) On March 14, 2005, the National People's Congress approved a law that would authorize the use of force if Taiwan formally declares independence.

(b) SENSE OF CONGRESS.—

(1) PLAN.—The President is strongly urged to take immediate steps to establish a plan to implement the recommendations contained in the 2004 Report to Congress of the United States-China Economic and Security Review Commission in order to correct the negative implications that a number of current trends in United States-China relations have for United States long-term economic and national security interests.

(2) CONTENTS.—Such a plan should contain the following:

(A) Actions to address China's policy of undervaluing its currency, including—

(i) encouraging China to provide for a substantial upward revaluation of the Chinese yuan against the United States dollar;

(ii) allowing the yuan to float against a trade-weighted basket of currencies; and

(iii) concurrently encouraging United States trading partners with similar interests to join in these efforts.

(B) Actions to make better use of the World Trade Organization (WTO) dispute settlement mechanism and applicable United States trade laws to redress China's unfair trade practices, including China's exchange rate manipulation, denial of trading and distribution rights, lack of intellectual property rights protection, objectionable labor standards, subsidization of exports, and forced technology transfers as a condition of doing business. The United States Trade Representative should consult with our trading partners regarding any trade dispute with China.

(C) Actions to encourage United States diplomatic efforts to identify and pursue initiatives to revitalize United States engagement with China's Asian neighbors. The initiatives should have a regional focus and complement bilateral efforts. The Asia-Pacific Economic Cooperation forum (APEC) offers a ready mechanism for pursuit of such initiatives.

(D) Actions by the administration to hold China accountable for proliferation of prohibited technologies and to secure China's agreement to renew efforts to curtail North Korea's commercial export of ballistic missiles.

(E) Actions to encourage the creation of a new United Nations framework for monitoring the proliferation of WMD and their delivery systems in conformance with member nations' obligations under the Nuclear Non-Proliferation Treaty, the Biological Weapons Convention, and the Chemical Weapons Convention. The new monitoring body should be delegated authority to apply sanctions to countries violating these treaties in a timely manner, or, alternatively, should be required to report all violations in a timely manner to the Security Council for discussion and sanctions.

(F) Actions by the administration to conduct a fresh assessment of the ''One China'' policy, given the changing realities in China and Taiwan. This should include a review of—

(i) the policy's successes, failures, and continued viability;

(ii) whether changes may be needed in the way the United States Government coordinates its defense assistance to Taiwan, including the need for an enhanced operating relationship between United States and Taiwan defense officials and the establishment of a United States-Taiwan hotline for dealing with crisis situations;

(iii) how United States policy can better support Taiwan's breaking out of the international economic isolation that China seeks to impose on it and whether this issue should be higher on the agenda in United States-China relations; and

(iv) economic and trade policy measures that could help ameliorate Taiwan's marginalization in the Asian regional economy, including policy measures such as enhanced United States-Taiwan bilateral trade arrangements that would include protections for labor rights, the environment, and other important United States interests.

(G) Actions by the Secretaries of State and Energy to consult with the International Energy Agency with the objective of upgrading the current loose experience-sharing arrangement, whereby China engages in some limited exchanges with the organization, to a more structured arrangement whereby China would be obligated to develop a meaningful strategic oil reserve, and coordinate release of stocks in supply-disruption crises or speculator-driven price spikes.

(H) Actions by the administration to develop and publish a coordinated, comprehensive national policy and strategy designed to meet China's challenge to maintaining United States scientific and technological leadership and competitiveness in the same way the administration is presently required to develop and publish a national security strategy.

(I) Actions to revise the law governing the Committee on Foreign Investment in the United States (CFIUS), including expanding the definition of national security to include the potential impact on national economic security as a criterion to be reviewed, and transferring the chairmanship of CFIUS from the Secretary of the Treasury to a more appropriate executive branch agency.

(J) Actions by the President and the Secretaries of State and Defense to press strongly their European Union counterparts to maintain the EU arms embargo on China.

(K) Actions by the administration to restrict foreign defense contractors, who sell sensitive military use technology or weapons systems to China, from participating in United States defense-related cooperative research, development, and production programs. Actions by the administration may be targeted to cover only those technology areas involved in the transfer of military use technology or weapons systems to China. The administration should provide a comprehensive annual report to the appropriate committees of Congress on the nature and scope of foreign military sales to China, particularly sales by Russia and Israel.

(L) Any additional actions outlined in the 2004 Report to Congress of the United States-China Economic and Security Review Commission that affect the economic or national security of the United States.

Mr. INHOFE. In October of 2000, Congress established the United States-China Security Economic Review Commission to act as a bipartisan authority on how our relationship with China affects our economy and industrial base and China's military and weapons proliferation. I have read these recommendations. I have given four 1-hour speeches on the floor of the Senate concerning the recommendations. I think it is appropriate that we have those recommendations incorporated into the Defense authorization bill under consideration at this time. My amendment 1312 puts these recommendations into place that I have spoken on before in the Senate Chamber.

As I said, in October of 2000 Congress established the U.S.-China Security Economic Review Commission to act as the bipartisan authority on how our relationship with China affects our economy, industrial base, China's military and weapons proliferation, and our influence in Asia. For the past 5 years the commission has been holding hearings and issuing annual reports to evaluate ''the national security implications of the bilateral trade and economic relationship between the United States and the People's Republic of China.'' Their job is to provide us in Congress with the necessary information to make decisions about this complex situation. However, I fear their reports have gone largely unnoticed.

In the most recent report, dated June 2004, the commission makes this alarming opening statement:

> Based on our analysis to date, as documented in detail in our Report, the Commission believes that a number of the current trends in U.S.-China relations have negative implications for our long-term economic and national security interests, and therefore that U.S. policies in these areas are in need of urgent attention and course corrections.

As their report and recent news headlines show, China has continued on an alarming course of expansion, in some aspects threatening U.S. national security. I have found the recommendations in the commission's 2004 Report objective, necessary, and urgent, and I am introducing an amendment to express our support for these viable steps. This amendment expresses the sense of the Senate that: China should revaluate its manipulated currency level and allow it to float against other currencies. In the Treasury Department's recent Report to Congress, China's monetary policies are described as ''highly distortionary and pose a risk to China's economy, its trading partners, and global economic growth.''

Appropriate steps ought to be taken through the World Trade Organization

to hold China accountable for its dubious trade practices. Major problem issues such as intellectual property rights have yet to be addressed.

The U.S. should revitalize engagement in the Asian region, broadening our interaction with organizations like ASEAN. Our lack of influence has been demonstrated by the Shanghai Cooperation Organization recently demanding that we set a pullout deadline in Afghanistan.

The administration ought to hold China accountable for proliferating prohibited technologies. Chinese companies such as CPMIEC or NORINCO have been sanctioned frequently and yet the Chinese government refuses to enforce their own nonproliferation agreements.

The U.N. should monitor nuclear/biological/chemical treaties and either enforce these agreements or report them to the Security Council. The U.S.-China Commission has found that China has undercut the U.N. many areas, undermining what pressure we've tried to apply on problematic states such as Sudan or Zimbabwe.

The administration ought to review the effectiveness of the ''One China'' policy in relation to Taiwan to reflect the dynamic nature of the situation.

Various energy agencies should encourage China to develop a strategic oil reserve so as to avoid a disastrous oil crisis if availability should become volatile.

The administration should develop and publish a national strategy to maintain U.S. scientific and technological leadership in regards to China's rapid growth in these fields.

The Committee on Foreign Investment in the United States, CFIUS, should include national economic security as a criterion for evaluation and the chairmanship to be transferred to a more appropriate chair, allowing for increased security precautions.

The administration should continue in its pressure on the EU to maintain its arms embargo on China.

Penalties should be placed on foreign contractors who sell sensitive military use technology or weapons systems to China from benefiting from U.S. defense-related research, development and production programs. The administration should also provide a report to Congress on the scope foreign military sales to China.

And finally, we should provide a broad consensus in support of the Commission 2004 Report's recommendations.

The U.S.-China Economic and Security Review Commission have done an outstanding job providing us with a clear picture of a very complex and serious situation. Unless our relationship with China is backed up with strong action they will never take us seriously. We will certainly see more violations of proliferation treaties. They will continue to manipulate regional and global trade through currency undervaluation and other unhealthy practices. They will develop unreliable oil sources and energy alliances with countries that threaten international stability. They will continue to escalate the situation over Taiwan, raising the stakes in a game neither country can win. In today's world we see how the unpaid bills of the past come back to haunt us in full; ignoring these problems is unacceptable. As the China Commission states,

We need to use our substantial leverage to develop an architecture that will help avoid conflict, attempt to build cooperative practices and institutions, and advance both countries' long-term interests. The United States cannot lose sight of these important goals, and must configure its policies toward China to help make them materialize . . . If we falter in the use of our economic and political influence now to effect positive change in China, we will have squandered an historic opportunity.

The U.S.-China Commission was created to give us in Congress a clear picture about what is going on—they have done their job. Now let's do ours.

AMENDMENT NO. 1313

Mr. INHOFE. Mr. President, I ask unanimous consent that the pending amendment be set aside for the purposes of consideration of amendment No. 1313 which I send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE], for himself and Mr. KYL, proposes an amendment numbered 1313.

Mr. INHOFE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require an annual report on the use of United States funds with respect to the activities and management of the International Committee of the Red Cross)

At the end of title XII, add the following:

SEC. 1205. ANNUAL REPORT ON THE INTERNATIONAL COMMITTEE ON THE RED CROSS.

(a) ANNUAL REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall, with the concurrence of the Secretary of Defense and the Attorney General, submit to Congress the activities and management of the International Committee of the Red Cross (ICRC) meeting the requirements set forth in subsection (b).

(b) ELEMENTS OF REPORTS.—(1) Each report under subsection (a) shall include, for the one-year period ending on the date of such report, the following:

(A) A description of the financial contributions of the United States, and of any other country, to the International Committee of the Red Cross.

(B) A detailed description of the allocations of the funds available to the International Committee of the Red Cross to international relief activities and international humanitarian law activities as defined by the International Committee.

(C) A description of how United States contributions to the International Committee of the Red Cross are allocated to the activities described in subparagraph (B) and to other activities.

(D) The nationality of each Assembly member, Assembly Council member, and Directorate member of the International Committee of the Red Cross, and the annual salary of each.

(E) A description of any activities of the International Committee of the Red Cross to determine the status of United States prisoners of war (POWs) or missing in action (MIAs) who remain unaccounted for.

(F) A description of the efforts of the International Committee of the Red Cross to assist United States prisoners of war.

(G) A description of any expression of concern by the Department of State, or any other department or agency of the Executive Branch, that the International Committee of the Red Cross, or any organization or employee of the International Committee, exceeded the mandate of the International Committee, violated established principles or practices of the International Committee, interpreted differently from the United States any international law or treaty to which the United States is a state-party, or engaged in advocacy work that exceeded the mandate of the International Committee.

(2) The first report under subsection (a) shall include, in addition to the matters specified in paragraph (1) the following:

(A) The matters specified in subparagraphs (A) and (G) of paragraph (1) for the period beginning on January 1, 1990, and ending on the date of the enactment of this Act.

(B) The matters specified in subparagraph (E) of paragraph (1) for the period beginning on January 1, 1947, and ending on the date of the enactment of this Act.

(C) The matters specified in subparagraph (F) of paragraph (1) during each of the Korean conflict, the Vietnam era, and the Persian Gulf War.

(c) DEFINITIONS.—In this section, the terms ''Korean conflict'', ''Vietnam era'', and ''Persian Gulf War'' have the meaning given such terms in section 101 of title 38, United States Code.

Mr. INHOFE. Mr. President, this is a very simple amendment. We have talked about some of the problems that have existed with the ICRC, the International Committee on the Red Cross. I would like to make sure people understand we are not talking about the American Red Cross. There have been problems that have come up. My first concern is for the American troops. The ICRC has been around since 1863 and has been there for American soldiers, sailors, airmen, and Marines through two world wars. I thank them for that good work they did. Likewise, I thank all Americans for their military service to America. I did have occasion to be in the Army. That was one of the best things that happened in my life.

In my continuing preeminent concern for American troops, however, I am compelled to note some concerns and pose some questions about the drift in focus of the ICRC. In spite of some of the things that have been very good that they have done in the past, there have been some very serious problems. I think they need to be called to the attention of the Senate and be made a part of this bill.

Specifically, the ICRC has engaged in efforts to reinterpret and expand international law so as to afford terrorists and insurgents the same rights and privileges as military personnel of

states party to the Geneva Convention. They have advocated, lobbied for arms control, issues that are not within the organization's mandate, and inaccurately and unfairly accused the United States of not adhering to the Geneva Conventions when the ICRC itself has demonstrated reluctance to ensure that the Geneva Convention protections are afforded U.S. prisoners of war.

Neither the American Red Cross nor any other national Red Cross or Red Crescent Society is consulted by the ICRC or is in any way involved in the ICRC's policy decisions and statements. The Government has remained the ICRC's single largest contributor since its founding in 1990. The Government has provided more than $1.5 billion in funding for the ICRC. Congress should request from the administration and the GAO an examination of how the ICRC spends the U.S. taxpayers' dollars to determine whether the entire annual U.S. contribution to the ICRC headquarters—in other words, the ICRC operations—is advancing American interests.

Additionally, Congress should request that the State, Defense, and Justice Departments jointly certify that the ICRC's operations and performance have been in full accord with its Geneva Conventions mandate. The administration strongly advocates for full transparency of all ICRC documents relating to the organization's core and noncore activities and the administration argues for a change in the ICRC statute so as to allow non-Swiss officials to be a part of the organization and directing bodies of the ICRC.

Indeed, I fear that the ICRC may be harming the morale of our American troops by unjustified allegations that detainees and prisoners are not being properly treated.

For example, an ICRC official visited Camp Bucca, a theater internment facility for enemy prisoners of war that is, as of January 2005, being operated by the 18th Military Police Brigade and Task Force 134, near Umm Qasr in southern Iraq. As of late January 2005, the facility had a holding capacity of 6,000 prisoners but only held 5,000. These prisoners were being supervised by 1,200 Army MPs and Air Force Airmen.

According to the Wall Street Journal, citing a Defense Department source, the ICRC official told U.S. authorities, ''you people are no better than and no different than the Nazi concentration camp guards.''

The ICRC and the State Department have confirmed that this ICRC official is now transferred from the Iraq assignment in the wake of her comment. Such a comment is obviously damaging to the morale of our American troops and offended the soldiers and airmen present.

The Senate Armed Services Committee has now held 13 hearings on the topic of prisoner treatment.

Sometimes we get bogged down in all the detail and we forget about the overall picture, the big picture. And I'm shocked when I found, only last Tuesday, from the Pentagon's report, that after 3 years and 24,000 interrogations, there were only three acts of violation of the approved interrogation techniques authorized by Field Manual 3452 and DOD guidelines.

The small infractions found were found by our own government, corrected and now reported. In all the cases no further incidents occurred. We have nothing to be ashamed of. What other country attacked as we were would exercise the same degree of self-criticism and restraint.

Most, if not all, of these incidents are at least a year old. I'm very impressed with the way the military, the FBI, and other agencies have conducted themselves. The report shows me that an incredible amount of restraint and discipline was present at Gitmo.

Having heard a lot about the Field Manual 3452, I asked, ''Are the DOD guidelines, as currently published in that manual, appropriate to allow interrogators to get valuable information, intelligence information, while not crossing the line from interrogation to abuse?'' The answer from Gen. Bantz J. Craddock, Commander of U.S. Southern Command was, ''I think, because that manual was written for enemy prisoners of war, we have a translation problem, in that enemy prisoners are to be treated in accordance with the Geneva Conventions—that doesn't apply. That's why the recommendation was made and I affirmed it. We need a further look here on this new phenomenon of enemy combatants. It's different, and we're trying to use, I think, a manual that was written for one reason in another environment.''

Lt. Gen. Randall M. Schmidt, the senior investigating officer said, ''Sir, I agree. It's critical that we come to grips with not hanging on a Cold War relic of Field Manual 3452, which addressed an entirely different population. If we are, in fact, going to get intelligence to stay ahead of this type of threat, we need to understand what else we can do and still stay in our lane of humane treatment.''

Brig. Gen. John T. Furlow, the investigating officer, stated, ''Sir, in echoing that, F.M. 3452 was originally written in 1987, further updated and refined in 1992, which is dealing with the Geneva question as well as an ordered battle enemy, not the enemy that we're facing currently. I'm aware that Fort Huachuca's currently in a rewrite of the next 3452, and it's in a draft form right now.''

It is clear that our military has humane treatment placed at the forefront of their concerns.

At the same time I want to ask, ''What other country would freely discuss interrogation techniques used against high-value intelligence detainees during a time of war when suicide bombers are killing our fellow citizens?

Why would we freely explain the limitations placed on our interrogators, when we know that our enemy trains his terrorists in methods to defeat our interrogations?

We're handing them new information on how to train future terrorists. What damage are we doing to our war effort by parading these relatively minor infractions before the press and the world again and again and again while our soldiers risk their lives daily and are given no mercy by the enemy?

Our enemies exploit everything we do and everything we say. Al-Zarqawi, the other day, said to his followers, quote, ''The Americans are living their worst days in Iraq now. Even Members of Congress have announced that the u.S. is losing the war in Iraq.''

Let us stop demoralizing our troops. I say let us support our troops in their continuing humane treatment of the detainees at Gitmo.

While we have done more than enough examining of ourselves, I believe it is fair to pose some questions to others as well.

In this amendment, I am requesting, with my cosponsors, simply a report to the Congress about activities of the ICRC.

In the past 15 years the United States has provided more than $1.5 billion dollars in funding to the ICRC. I would like to ask for some accountability for the use of this money and a modicum of oversight. For example, I think it is fair to ask:

''How is our money being spent?''

''What are the activities of the ICRC to determine the status of American POW's/MIA's unaccounted for since World War II?''

''What are the efforts of the ICRC to assist American POW's held in captivity during the Korean War, Vietnam War, and any subsequent conflicts?''

''Has the ICRC exceeded its mandate, violated established practices or principles, or engaged in advocacy work that exceeds the ICRC's mandate as provided for under the Geneva Conventions?''

Please join with me in supporting this simple, fair request for such a report.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, the Senator's amendment will be considered on the floor in due time. But I assume that at least two of the amendments involve another committee, the Banking Committee, other than the Armed Services Committee; would I be correct in that?

Mr. INHOFE. I am aware that only one affects the Banking Committee. The national security ramifications of the performance and the functions of CFIUS are far greater than any banking function. I would be happy to deal with the chairman of the Banking Committee and talk about the proper jurisdiction.

Mr. WARNER. I thank the Senator. As to the other two amendments, is it his judgment that they are solely within the jurisdiction?

Mr. INHOFE. That is my judgment.

Mr. WARNER. I accept that.

Mr. LEVIN. I wonder if the good Senator will also share the amendment with the chairman and the ranking member in the Banking Committee, both.

Mr. INHOFE. Yes, that is a fair request.

Mr. WARNER. Mr. President, at this time I believe our colleague from Maine has an amendment.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I rise today in strong support of the National Defense Authorization Act of 2006. This legislation authorizes critical programs for our soldiers, sailors, airmen, and marines serving our country around the world—programs such as those that provide vital protective gear, military pay raises, and increased bonuses and benefits, and the advanced weapons systems on which our troops rely.

Let me thank and recognize the extraordinary efforts of our chairman of the committee and the ranking member for putting together an excellent bill. I commend Senator WARNER and Senator LEVIN also for their strong commitment to our Armed Forces, to making sure that our military's needs are met.

This legislation authorizes $9.1 billion for essential shipbuilding priorities, and it includes a provision to prohibit the use of funds by the Navy to conduct a ''one shipyard winner-take-all'' acquisition strategy to procure the next generation of destroyers, the DD(X). Not only does this legislation fully fund the President's request for the DD(X) program, but it also provides an additional $50 million for advanced procurement of the second ship in the DD(X) class at General Dynamic's Bath Iron Works in my home State of Maine. I am, understandably, very proud of the fine work and the many contributions of the skilled shipbuilders at Bath Iron Works to our Nation's defense.

The high priorities placed on shipbuilding in the Senate version of the Defense authorization bill stand in stark contrast to the House version of the Defense authorization. The House bill, unwisely and regrettably, slashes funding for the DD(X) program, in contrast to the President's budget. Moreover, it actually rescinds funding for the DD(X) that was provided last year.

Just this week, in testimony before a House Armed Services Subcommittee, the Chief of Naval Operations testified that the Navy must have the next generation destroyer, the DD(X). Admiral Clark, in what is undoubtedly one of his final, if not the final, appearances as Chief of Naval Operations before his retirement, stated before the subcommittee:

For the record, I am unequivocally in full support of the DD(X) program. . . . The failure to build a next-generation capability comes at the peril of the sons and daughters of America's future Navy.

In response to the House addition of $2.5 billion to the shipbuilding budget to buy two additional DDG *Arleigh Burke*-class destroyers in fiscal year 2006, the CNO clearly stated, ''I have enough DDGs.'' It is essential that we proceed with the DD(X) destroyer program.

The DD(X) will have high-tech capabilities that do not currently exist on the Navy's surface combatant ships. These capabilities include far greater offensive and precise firepower; advanced stealth technologies, numerous engineering and technological innovations that allow for a reduced crew size; and sophisticated, advanced weapons systems, such as a new electromagnetic rail gun.

Unfortunately, instability and dramatic changes have held back the progress on the DD(X) program. Initially, the Pentagon planned to build 12 DD(X)s over 7 years. To meet budget constraints, the Department slashed funding and now proposes to build only five DD(X)s over 7 years, even though the Chief of Naval Operations has repeatedly stated on the record before the Armed Services Committee, in both Chambers, that the warfighting requirements remain unchanged and dictate the need for the greater number—12 DD(X)s.

We have heard a lot about the cost growth in the DD(X) program and, indeed, the increase in the anticipated cost of constructing these vital destroyers is troubling to us all. But, ironically, one of the primary drivers of cost growth in shipbuilding is instability. This lack of predictability in shipbuilding funding only increases the cost to our Nation's shipbuilders because they cannot effectively and efficiently plan their workload. And, of course, ultimately, it increases the cost to the American taxpayer.

The Congress and the administration should be trying to minimize shipbuilding costs by ensuring a predictable, steadier, year-to-year level of funding. Regrettably, that has not been done.

Mr. President, the key to controlling the price of ships is to minimize fluctuations in the shipbuilding account. It is crucial that we not only have the most capable fleet but also a sufficient number of ships—and I add, shipbuilders—to meet our national security requirements. Avoiding budget spikes affords more than ships; it provides stability in Naval ship procurement planning and offers a steady workload at our shipyards.

When budget requests change so dramatically from year to year, even when the military requirement stays the same, shipbuilders cannot plan effectively, and the cost of individual ships is driven upward. The national security of our country is best served by a competitive shipbuilding industrial base, and this legislation before us today fully supports our Nation's highly skilled shipbuilding employees.

This important legislation also provides much-needed funds for other national priorities. It includes an important provision that builds upon my work and the work of other committee members last year and this year to authorize an increase in the death gratuity payable to the survivors of our military who have paid the ultimate price. It also authorizes an increase in the Servicemembers' Group Life Insurance benefit. Surely, that is the least we can do for our brave service men and women.

This bill also improves care of our military by recommending a provision that would strengthen and extend health care coverage under TRICARE Prime for the children of an Active-Duty service member who dies while on active duty.

This authorization bill is good for our Navy, good for our men and women in uniform who are serving our country all around the world, and I am pleased to offer my full support.

I yield the floor.

Mr. WARNER. Mr. President, I ask unanimous consent that Senators CANTWELL and SNOWE be added as cosponsors to the amendment of the Senator from Virginia.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I want to make certain the Senator from Virginia is added as a cosponsor to the Frist amendment now pending at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. The distinguished Senator from Massachusetts, I believe, under the UC is about to address the Senate.

The PRESIDING OFFICER. Under the unanimous consent agreement, the Senator from New Jersey is to be recognized next, is my understanding.

Mr. WARNER. Mr. President, can we have a clarification?

Mr. KENNEDY. I understand my friend from New Jersey has a unanimous consent request to make. I will be glad to yield.

AMENDMENT NO. 1351

Mr. LAUTENBERG. I thank the Senator from Massachusetts.

I send an amendment to the desk.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

Mr. LAUTENBERG. Mr. President, I understand I will be able to have some time after the vote to discuss the amendment.

Mr. WARNER. Mr. President, that is very clear. The Senator from New Jersey seeks up to how much time?

Mr. LAUTENBERG. If I can have 15 minutes.

Mr. WARNER. Can we enter into a time agreement equally divided?

Mr. LAUTENBERG. If we have time equally divided, then I ask the Senator from Virginia to allow a half hour equally divided.

Mr. WARNER. Mr. President, I think we will have to enter into that agreement later, but I will work toward that goal.

Mr. LAUTENBERG. With no second degrees possible.

I yield the floor.

Mr. WARNER. Is the amendment of the Senator from New Jersey now at the desk?

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG], for himself, Mr. CORZINE, Mrs. CLINTON, and Mr. FEINGOLD, proposes an amendment numbered 1351.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To stop corporations from financing terrorism)

At the end of the bill, add the following:

TITLE XXXIV—FINANCING OF TERRORISM

SEC. 3401. SHORT TITLE.

This title may be cited as the ''Stop Business with Terrorists Act of 2005''.

SEC. 3402. DEFINITIONS.

In this title:

(1) CONTROL IN FACT.—The term ''control in fact'', with respect to a corporation or other legal entity, includes—

(A) in the case of—

(i) a corporation, ownership or control (by vote or value) of at least 50 percent of the capital structure of the corporation; and

(ii) any other kind of legal entity, ownership or control of interests representing at least 50 percent of the capital structure of the entity; or

(B) control of the day-to-day operations of a corporation or entity.

(2) PERSON SUBJECT TO THE JURISDICTION OF THE UNITED STATES.—The term ''person subject to the jurisdiction of the United States'' means—

(A) an individual, wherever located, who is a citizen or resident of the United States;

(B) a person actually within the United States;

(C) a corporation, partnership, association, or other organization or entity organized under the laws of the United States, or of any State, territory, possession, or district of the United States;

(D) a corporation, partnership, association, or other organization, wherever organized or doing business, that is owned or controlled in fact by a person or entity described in subparagraph (A) or (C); and

(E) a successor, subunit, or subsidiary of an entity described in subparagraph (C) or (D).

(3) FOREIGN PERSON.—The term ''foreign person'' means—

(A) an individual who is an alien;

(B) a corporation, partnership, association, or any other organization or entity that is organized under the laws of a foreign country or has its principal place of business in a foreign country;

(C) a foreign governmental entity operating as a business enterprise; and

(D) a successor, subunit, or subsidiary of an entity described in subparagraph (B) or (C).

SEC. 3403. CLARIFICATION OF SANCTIONS.

(a) PROHIBITIONS ON ENGAGING IN TRANSACTIONS WITH FOREIGN PERSONS.—

(1) IN GENERAL.—In the case of a person subject to the jurisdiction of the United States that is prohibited as described in subsection (b) from engaging in a transaction with a foreign person, that prohibition shall also apply to—

(A) each subsidiary and affiliate, wherever organized or doing business, of the person prohibited from engaging in such a transaction; and

(B) any other entity, wherever organized or doing business, that is controlled in fact by that person.

(2) PROHIBITION ON CONTROL.—A person subject to the jurisdiction of the United States that is prohibited as described in subsection (b) from engaging in a transaction with a foreign person shall also be prohibited from controlling in fact any foreign person that is engaged in such a transaction whether or not that foreign person is subject to the jurisdiction of the United States.

(b) IEEPA SANCTIONS.—Subsection (a) applies in any case in which—

(1) the President takes action under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) or the Trading with the Enemy Act (50 U.S.C. App.) to prohibit a person subject to the jurisdiction of the United States from engaging in a transaction with a foreign person; or

(2) the Secretary of State has determined that the government of a country that has jurisdiction over a foreign person has repeatedly provided support for acts of international terrorism under section 6(j) of the Export Administration Act of 1979 (as in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)), or any other provision of law, and because of that determination a person subject to the jurisdiction of the United States is prohibited from engaging in transactions with that foreign person.

(c) CESSATION OF APPLICABILITY BY DIVESTITURE OR TERMINATION OF BUSINESS.—

(1) IN GENERAL.—In any case in which the President has taken action described in subsection (b) and such action is in effect on the date of enactment of this Act, the provisions of this section shall not apply to a person subject of the jurisdiction of the United States if such person divests or terminates its business with the government or person identified by such action within 1 year after the date of enactment of this Act.

(2) ACTIONS AFTER DATE OF ENACTMENT.—In any case in which the President takes action described in subsection (b) on or after the date of enactment of this Act, the provisions of this section shall not apply to a person subject to the jurisdiction of the United States if such person divests or terminates its business with the government or person identified by such action within 1 year after the date of such action.

(d) PUBLICATION IN FEDERAL REGISTER.—Not later than 90 days after the date of enactment of this Act, the President shall publish in the Federal Register a list of persons with respect to whom there is in effect a sanction described in subsection (b) and shall publish notice of any change to that list in a timely manner.

SEC. 3404. NOTIFICATION OF CONGRESS OF TERMINATION OF INVESTIGATION BY OFFICE OF FOREIGN ASSETS CONTROL.

(a) REQUIREMENT FOR NOTIFICATION.—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.) is amended by adding at the end the following new section:

''SEC. 42. NOTIFICATION OF CONGRESS OF TERMINATION OF INVESTIGATION BY OFFICE OF FOREIGN ASSETS CONTROL.

''The Director of the Office of Foreign Assets Control shall notify Congress upon the termination of any investigation by the Office of Foreign Assets Control of the Department of the Treasury if any sanction is imposed by the Director of such office as a result of the investigation.''.

(b) CLERICAL AMENDMENT.—The table of contents in subsection (b) of such Act is amended by adding at the end the following new item:

''Sec. 42. Notification of Congress of termination of investigation by Office of Foreign Assets Control.''.

SEC. 3405. ANNUAL REPORTING.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that investors and the public should be informed of activities engaged in by a person that may threaten the national security, foreign policy, or economy of the United States, so that investors and the public can use the information in their investment decisions.

(b) REGULATIONS.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Securities and Exchange Commission shall issue regulations that require any person subject to the annual reporting requirements of section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m) to disclose in that person's annual reports—

(A) any ownership stake of at least 10 percent (or less if the Commission deems appropriate) in a foreign person that is engaging in a transaction prohibited under section 3403(a) of this title or that would be prohibited if such person were a person subject to the jurisdiction of the United States; and

(B) the nature and value of any such transaction.

(2) PERSON DESCRIBED.—A person described in this section is an issuer of securities, as that term is defined in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c), that is subject to the jurisdiction of the United Sates and to the annual reporting requirements of section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m).

Mr. WARNER. Mr. President, I ask that the amendment now be laid aside for purposes under the UC agreement so that the Senator from Massachusetts may address the Senate, I believe for 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

AMENDMENT NO. 1314

Mr. KENNEDY. Mr. President, I am delighted to join our chairman of the Armed Services Committee and others in cosponsoring the chairman's amendment. I commend him for his impressive leadership in bringing it before the Senate as one of the first amendments on this extremely important bill.

The amendment increases funding by $340 million for the Marine Corps and $105 for the Army for more and better armored vehicles for our troops in Iraq.

This issue has been divisive for far too long. All of us support our troops. We obviously want to do all we can to see that they have proper equipment, vehicles, and everything else they need to protect their lives and carry out their missions.

More than 400 troops have already died in military vehicles vulnerable to roadside bombs, grenades, and other notorious improvised explosive devices.

Many of us have visited soldiers and marines at Walter Reed and Bethesda

and seen the tragic consequences of inadequate armor. We want to ensure that parents grieving at Arlington National Cemetery no longer ask, ''Why weren't more armored humvees available?''

It is scandalous that the administration has kept sending them into battle year after year in Iraq without adequate equipment. It is scandalous that desperate parents and spouses here at home have had to resort to Wal-Mart to try to buy armor and mail it to their loved ones in Iraq to protect them on the front lines. Secretary Rumsfeld has rarely been more humiliated than on his visit to Iraq, when a soldier had the courage to ask him why the troops had to scavenge scrap metal on the streets to protect themselves. The cheer that roared out from troops when he asked that question said it all.

We have been trying to make sure the Army and Marine Corps has had the right amount of funding for vehicles for over 2 years. Last year, we tried to get additional funding in committee and faced resistance, but ultimately added money to the supplemental.

This past spring, we were successful in getting the Army $213 million for uparmored humvees. That amendment was adopted, but it was a very narrow vote.

The Marine Corps leadership clearly understated the amount and types of ground equipment it needs. In April, we were told in a hearing that based on what they knew from their operational commanders, the Marine Corps had met all of the humvee requirements for this year, which was 398 uparmored humvees.

Less than a month later, the Inspector General of the Marine Corps conducted a readiness assessment of the their ground equipment in Iraq. One of the key findings was that the requirement for additional upamored humvees would continue to grow. Based on that report and other factors, the Marine Corps reversed itself and testified the need was almost triple the original amount.

The inspector general's teams inspected many humvees in Iraq that had been damaged by mines and other explosive devices. In nearly every case, they found that the cabin was well protected despite significant damage to the engine compartment wheels.

The inspector general also found that even with recommended changes, including replacing damaged vehicles, the war will continue to take a toll on the marines' equipment. Nearly all of its fighting gear is ready for combat this year, they found but it would drop to less than two-thirds by the middle of 2008. It has taken far too long to solve this problem. We have to make sure we solve it now, once and for all. We can't keep hoping the problem will somehow go away.

We have been told for months that the Army's shortage of uparmored humvees was a thing of the past. In a letter last October, General Abizaid said:

> The fiscal year 2004 Supplemental Request will permit the services to rapidly resolve many of the equipment issues you mentioned to include the procurement of . . . humvees.

The Army could have and should have moved much more quickly to correct the problem. As retired General Paul Kern, who headed the Army Materiel Command until last November, said:

> It took too long to materialize.

He said:

> In retrospect, if I had it to do all over, I would have just started building uparmored humvees. The most efficient way would have been to build a single production line and feed everything into it.

In April, GAO released a report that clearly identifies the struggles the Pentagon has faced. In August 2003, only 51 uparmored humvees were being produced a month. It took the industrial base a year and a half to work up to making 400 a month. Now the Army says they can now get delivery of 550 a month. The question is, Why did it take so long? Why did we go to war without the proper equipment? Why didn't we fix it sooner, before so many troops have died?

We need to get ahead of this problem. It is a tragedy for which our soldiers are still paying the price for this delay. As Pentagon acquisition chief Michael Wynne testified to Congress a year ago:

> It's a sad story to report to you, but had we known then what we know now, we would probably have gotten another source involved. Every day, our soldiers are killed or wounded in Iraq by IEDs, RPGs, small-arms fire. Too many of these attacks are on humvees that are not uparmored, . . . We are directing that all measures to provide protection to our soldiers be placed on a top priority, most highly urgent, 24/7 basis.

But 24/7 didn't happen even then until January this year. The plant had capacity that the Pentagon never consistently used, as the plant's general manager has said.

The delay was unconscionable. Without this amendment, the production rate of uparmored humvees could drop off again later this year. That is the extraordinary thing. We need to guarantee that we are doing everything possible to get the protection to our troops as soon as possible. We owe it to them, to their families here at home and to the American people.

We have an opportunity now to end this frustration once and for all. Our soldiers and marines deserve the very best, and it is our job in Congress to make sure the Department of Defense is finally getting it right. Too many have died because of these needless delays, but hopefully, this will be solved by what we do in this bill.

The amendment contributes significantly to this goal, and I urge my colleagues to support it.

Mr. WARNER. I will be happy to share my brief time for remarks with my colleague. The Senator has joined our bill and I appreciate him expressing confidence in this amendment of the Senator from Virginia. I commend the Senator from Massachusetts, Mr. KENNEDY, the Senator from Indiana, Mr. BAYH, and many others who worked in this area of the up-armoring of our military vehicles. But I must take issue with the Senator's observations that in any way the Department of Defense is open to criticism because it has been a constantly evolving requirements issue before the combatant commanders.

When we look at this record in a careful manner, we will see that the Department has responded very quickly to the communication from the combatant commanders to adjust through the military departments, primarily the Department of Army, the procurement of the necessary equipment.

This Senator from Virginia and others are very conscious of the IED problem. I just visited Quantico and looked at their research and development facilities dealing with the IED question. Our committee periodically, at least every 60 to 90 days, has the general in charge of the overall responsibility of IEDs in the Department to brief us on what are his needs and are they fully met financially and in every other way.

I frankly think the record shows that the Department of Defense is doing its very best for a quickly evolving and changing set of facts requiring the addition of up-armored vehicles.

Mr. President, is the amendment the pending business for the purpose of a vote at 12:30?

The PRESIDING OFFICER. It will be at 12:30.

The Senator from Michigan.

Mr. WARNER. I yield the floor.

Mr. LEVIN. Mr. President, let me also commend the Senator from Massachusetts and the Senator from Indiana. They have been stalwarts in terms of urging we address this armor question.

Our service men and women continue to die and suffer grievous wounds in Iraq and Afghanistan, and by far the major casualty producer is the roadside bomb or mine—what the military calls an improvised explosive device or IED. The services are working to counter that threat through a variety of means—better intelligence, innovative tactics, techniques and procedures, the use of jamming devices, and of course, adding armor to Army and Marine Corps HMMWVs and other trucks. On my recent visit to Iraq, met with the Marines in Fallujah and viewed and discussed the various levels of armor protection on their HMMWVs and the new armor package for their heavy truck.

The armor issue is both a good news and a bad news story. The good news is that in just over 2 years, the Army and Marine Corps have gone from only a few hundred armored trucks to nearly 40,000 and 6,000 respectively. Many people have worked night and day to make that happen, and we commend and thank them for doing so. Congress has

consistently provided all the funding requested and, in several instances, has provided funding ahead of any request. In fact, the fiscal year 2005 Defense emergency supplemental added $1.2 billion for various force protection equipment, most notably for uparmored HMMWVs and add-on armor for HMMWVs and other trucks. As of last month, all known requirements for truck armor for Iraq and Afghanistan were funded, and the Army and Marine Corps were on track to complete those requirements for HMMWVs by July and September respectively, and for other trucks by December of next year.

The bad news is that military commanders have been slow to recognize the growing threat to thin-skinned HMMWVs and other trucks in Iraq and Afghanistan and determined requirements for armored trucks slowly and incrementally. For instance, in May of 2004, my staff sent me a memo which said:

The current Central Command requirement for [up-armored HMMWVs in Iraq and Afghanistan is 4454. This appears to be an ever-increasing number over the last year, having been increased from 253 to 1233 to 1407 to 2957 to 3142 to 4149 to 4388, and finally to 4454. We have no confidence that it will not be increased again in the future.''

That was a prescient statement because over the next year, the requirement for uparmored HMMWVs continued to increase—to 10,079 for the Army and 498 for the Marine Corps. The story was similar for the requirements to armor other Army and Marine Corps trucks. These incremental increases in requirements have led to inefficient acquisition and unnecessary delays in getting armored trucks for our troops.

It has also caused a lot of confusion and some fingerpointing, particularly between the Army and the Marine Corps on the one hand O'Gara Hess, the company which produces the uparmored HMMWV, On the other. A recent New York Times article reported that ''in January, when it [referring to the Army] asked O'Gara to name its price for the design rights for the armor, the company balked and suggested instead that the rights be placed in escrow for the Army to grab should the company ever fail to perform.'' With respect to the Marine Corps' uparmored HMMWV requirement, the same article further reported that, ''asked why the Marine Corps is still waiting for the 498 humvees it ordered last year, O'Gara acknowledged that it told the Marines it was backed up with Army orders, and has only begun filling the Marines' request this month. But the company says the Marine Corps never asked it to rush.''

I questioned the Army Chief of Staff and the Commandant of the Marine Corps on these issues in a hearing on June 30. I asked the Army Chief of Staff for an answer for the record as to whether or not it was true that the Army sought to purchase the design rights so that we could produce the uparmored HMMWVs a lot more quickly and that the company balked. I also asked the Commandant of the Marine Corps for an answer for the record as to whether the Marine Corps ever asked O'Gara to rush its order for uparmored HMMWVs. Just this morning, I received a formal response from the Army on the design rights. The Marine Corps has informally asserted that it did ask the company for accelerated production.

In its defense, Armor Holdings, the parent company of O'Gara Hess, has said that at the time of the Marine Corps' inquiry in September of 2004 relating to potential production of additional uparmored HMMWVs, the company indicated its interest in and its ability to produce those vehicles, and that as soon as the order was actually placed by the Marines in February 2005, it began to work on and has already begun to deliver those vehicles. What is still unclear is whether the Marine Corps ever coordinated a request for accelerated production through the Army's Tank Automotive and Armaments Command which handles all of the contract actions for upamored HMMWVs, and if it did, why the company was not issued a contract to increase the production rate over and above the increase from 450 to 550 a month that the Army requested in December of 2004.

With respect to the technical data package, TDP—the ''design rights'' discussed in the New York Times article—the Army says it requested, for informational purposes only, that O'Gara Hess submit a cost proposal for procurement of the technical data package in order to obtain a price for a TDP complete enough for any firm to manufacture the current uparmored HMMWV. The company has argued that the TDP was developed by Armor Holdings, with its own money, under its own initiative; that a formal request was never made by the Army to purchase that TDP as required under Federal Acquisition Regulations; that the company responded to an informal e-mail inquiry to that effect in January 2005 by offering to place the TDP in escrow and in so doing, allow the Army instant access to the design information if the company ever failed to meet the Army's request. In the company's view, it saw no logic to the inquiry because it had met or exceeded every production requirement and schedule, was ready and willing to produce more, and consequently there was no need for the Army to obtain alternative production sources.

What is not clear is why the Army would request the rights to the TDP for the uparmored HMMWV in January 2005, since already contracted for a the uparmored HMMWVs it planned to procure in fiscal year 2006—the last year that it intends to procure uparmored HMMWVs as it moves to implement its long-term armor strategy of procuring removable armor kits. I am expecting further information from the Army and the Marine Corps soon to clear up these matters.

This illustrates the continued confusion surrounding uparmored HMMWVs that has frustrated so many of us in Congress.

Given this background, and in light of the uncertainty as to whether requirements would continue to increase, the Senate Armed Services Committee, in the markup of the fiscal year 2006 authorization bill, added $120 million for the Army to continue to procure uparmored HMMWVs or add-on armor for HMMWVs and other trucks, even though the known requirements for Iraq and Afghanistan had been met with fiscal year 2005 emergency supplemental funding.

Now, however, it appears that the requirements have once again changed. Central Command is currently considering a request from the Southern European Task Force commander for additional uparmored HMMWVs for Afghanistan. And the Marine Corps has decided to upgrade and ''pure-fleet'' all 2,814 Marine Corps HMMWVs in the CENTCOM area of operations to the uparmored HMMWV configuration. Based on current, on-hand quantities, the Marine Corps could be short 1,826 uparmored HMMWVs.

To compound the potential problem, the Army plans to end all production of the uparmored HMMWV as it ramps up the production of a new HMMWV model with a heavier chassis that is ready to accept an integrated, bolt-on/off armor kit. However, the fiscal year 2006 President's budget only funds 90 of these vehicles with the armor kit. This would not appear to be a prudent approach, given the history to date of ever increasing requirements for truck armor.

The pending amendment would do two things: it would add $340 million to fund the 1,826 shortfall in the newest Marine Corps requirement for uparmored HMMWVs, and it would add $225 million to the Army for truck armor, an increase from the $120 million currently in the authorization bill. That is enough for the Army to procure the add-on armor kits for the 4,037 M1152 HMMWVs that will currently be fielded without armor in fiscal year 2006. With this funding and these additional armor kits, by the end fiscal year 2006 the Army will have fielded 16,768 HMMWVs with the highest—Level 1—armor protection.

I whole-heartedly support this amendment and urge my colleagues to do likewise. I also urge the Department of Defense to thoroughly review Army and Marine Corps long-term truck armor strategies and ensure that all requirements are identified in a timely manner, and that sufficient funding is requested in a timely manner so that we can ensure our troops get the equipment they need and deserve as quickly as possible.

Mr. President, to reiterate, lack of armor for our troops has been truly one of the most discouraging elements of the Iraq war. Partly it is because of what the Senator from Virginia said.

There has been a change in requirements along the way. Partly it has been administrative failures along the way inside the Department.

Listen to a New York Times article that has a conflict between the Army and Marines on the one hand and our producer, O'Gara Hess, on the other hand. The New York Times article says:

> In January, when the Army asked O'Gara to name its price for the design rights for the Army, the company balked and suggested instead that the rights be placed in escrow for the Army to grab should the company ever fail to perform.

So we have the Army asking the manufacturer how much would it cost to buy the design rights so we could have a second line, so we could have a second source, we are short of armor. And the Army says they never got the answer. The producer says it was never asked formally. In the meantime, men and women are dying in Iraq because of that kind of confusion.

So, yes, the requirements have changed, but there have also been administrative failures as well.

Then the Marines say they asked the company to rush the orders. The company denies it ever got the request to rush the orders.

Yes, the chairman is right, there have been changes in the requirements, the numbers needed, but I am afraid the Senator from Massachusetts is also right, that there have been some true failures and incompetence in the administration of the armor program. The differences in the conflicts that exist between the stories told by the Army and Marines on the one hand and the company that produces the humvees on the other, it seems to me, are evidence of those failures.

Mr. KENNEDY. Will the Senator yield for 30 seconds?

Mr. LEVIN. I will be happy to yield.

Mr. KENNEDY. I know the time has run out. I want to mention the family of Mr. Hart, from Dracut, MA, who lost a son in Iraq. I remember seeing the letter that his son wrote that said: Unless we get an up-armored, I am not going to last very long. And 30 days later he was killed. Mr. Hart has been tireless in trying to make sure other service men and women in Iraq receive the kind of protection they need. I have to mention his name associated with the increase in the protection for American servicemen because here is an individual who has made an extraordinary difference for our service men and women.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I think the vote is scheduled for 12:30. I ask unanimous consent to proceed for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I wholeheartedly support this amendment. I commend our chairman for it and urge our colleagues to support the amendment. In addition to that, I hope the Department of Defense will thoroughly review the Army and Marine Corps long-term truck armor strategies so we can identify requirements in a timely manner, sufficient funding be requested in a timely manner so we can assure our troops that they will get the equipment they need and deserve in time to meet the threat.

I know this Congress, under this chairman's leadership, has over and over again told the Defense Department: We will give you every dollar you need. There are no financial constraints when it comes to supporting our troops.

We have told them that over and over again. It should not be necessary to add this money, but it is. I wholeheartedly support it, and I thank the chairman for his leadership.

I ask unanimous consent that Senator BAYH of Indiana, who I know is trying to get to the floor to support this amendment because of his leadership in this area, be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Virginia.

Mr. WARNER. I believe the vote is in order at this time.

The PRESIDING OFFICER. That is correct. All time has expired.

The question is on agreeing to amendment No. 1314, as modified.

Mr. WARNER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 199 Leg.]

YEAS—100

Akaka	Dole	McCain
Alexander	Domenici	McConnell
Allard	Dorgan	Mikulski
Allen	Durbin	Murkowski
Baucus	Ensign	Murray
Bayh	Enzi	Nelson (FL)
Bennett	Feingold	Nelson (NE)
Biden	Feinstein	Obama
Bingaman	Frist	Pryor
Bond	Graham	Reed
Boxer	Grassley	Reid
Brownback	Gregg	Roberts
Bunning	Hagel	Rockefeller
Burns	Harkin	Salazar
Burr	Hatch	Santorum
Byrd	Hutchison	Sarbanes
Cantwell	Inhofe	Schumer
Carper	Inouye	Sessions
Chafee	Isakson	Shelby
Chambliss	Jeffords	Smith
Clinton	Johnson	Snowe
Coburn	Kennedy	Specter
Cochran	Kerry	Stabenow
Coleman	Kohl	Stevens
Collins	Kyl	Sununu
Conrad	Landrieu	Talent
Cornyn	Lautenberg	Thomas
Corzine	Leahy	Thune
Craig	Levin	Vitter
Crapo	Lieberman	Voinovich
Dayton	Lincoln	Warner
DeMint	Lott	Wyden
DeWine	Lugar	
Dodd	Martinez	

The amendment (No. 1314), as modified, was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Before the Senator from Oregon addresses the Senate, I wish to speak for 2 minutes and thank colleagues for their strong support of this amendment. We do not often get 100 votes. It was not put up here in mind that there would be 100 votes. It is very reassuring to send this strong messages to our Armed Forces and indeed throughout the world that the Senate stands behind those measures which will strengthen our ability to fight terrorism in the world.

At this point in time in the struggle against terrorism, not only with our country but the coalition of nations, the type of weapons being employed, while basic in nature, are lethal in nature, and it requires the modification of our military equipment. This amendment provides the funds to do it.

I thank my colleagues, and I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

JUDGE JOHN G. ROBERTS

Mr. WYDEN. Mr. President, in this Congress, no issue has riveted the attention of the American people like the heart-wrenching circumstances of the late Terri Schiavo. No issue has generated more public debate, more heated controversy, or more passion than that tragedy. On the eve of the Easter recess, I blocked the effort in this Senate to dictate from the Senate a specific medical treatment in that end-of-life tragedy.

I did that for two major reasons. First, I believe that under the Constitution, the Founding Fathers intended for our citizens and their families to have the privacy to decide these types of matters. Second, under the Constitution, to the extent government has a defined role in medical practice, it is a matter for the States and certainly not a subject that should prompt Federal intrusion and meddling.

In my opinion, the events that unfolded in the Senate over Terri Schiavo need to be remembered as the Senate begins the consideration of the nomination of Judge John Roberts to serve as an Associate Justice of the United States Supreme Court.

It is important for the Senate to reflect on those events because while the Court ultimately did not take up the Schiavo case, it was not for lack of effort on the part of those who read the Constitution very differently than the intent of the Founding Fathers and longstanding legal precedent prescribe.

I have come to the Senate today because I believe there will be many more end-of-life cases presented to the U.S. Supreme Court. Current demographic trends, the advancement of medical technologies, and certainly the

passions this issue has generated ensure that the Court will be confronted again and again with end-of-life issues.

Therefore, in my opinion, the Senate—under the advice and consent clause—has an obligation to inquire into how Judge Roberts sees end-of-life issues in the context of the Constitution.

I don't believe in litmus tests for Federal judges, but I intend to weigh carefully Judge Roberts' judicial temperament in this regard.

Moreover, I have a longstanding policy, begun first with our legendary Senator, Mark Hatfield, and continued with my good friend, Senator GORDON SMITH, that I will work in a bipartisan way to select Federal judges from our State for the President's consideration. Repeatedly, Oregon judges have been confirmed with whom I have disagreed on a number of issues and with whom Senator GORDON SMITH has disagreed on a number of issues. I have put the ''no litmus test'' policy to work often here in the Senate. I want to make clear that I hold to that principle today, but I will follow Judge Roberts' views on end-of-life issues carefully as his nomination is considered.

My statement today is also not an attempt to tease out a preview of how Judge Roberts might rule on end-of-life cases that come before the Court. I do believe, however, that the Senate would be derelict, given the importance of this issue, not to ask the nominee questions that will shed light on how he interprets the Constitution as it relates to end-of-life medical care.

End-of-life health care presents American families with immensely difficult choices. In a country of 290 million people, our citizens approach these choices in dramatically different ways. Their judgments about end-of-life care often blend religion, ethics, quality-of-life concerns, and moral principles together and as the Senate found out this spring, these judgments are considered extraordinarily personal and are passionately held.

What the Senate learned last spring in the Schiavo case is that the American people want what the Constitution envisioned as their right—just to be left alone. Privacy law is complicated, and surely Senators have differing interpretations about the meaning of legal precedent in this area but the American people spoke loudly last spring that they considered the congressional action to mandate a specific medical treatment for Terri Schiavo to be a gross overreach. I said at the time that I agreed. I do not believe the Constitution should be stretched so as to crowd the steps of the Congress with families seeking settlement of their differences about end-of-life medical care. However, the U.S. Supreme Court is another matter. That body will most definitely see more such end-of-life appeals. That is why the views of Judge Roberts on this issue are so important.

Even as the Constitution envisioned a wide berth for individuals to decide these private matters, it also provides parameters if there is to be any government involvement at all. Those parameters are guided by the 10th amendment to our Constitution. The 10th amendment stipulates that the powers not delegated to the United States—the Federal Government—by the Constitution are reserved for the States. Historically and correctly, that includes the determination of medical practice within a State's own borders. There are few medical practice decisions more wrenching than those at the end of life.

Once again, in the Schiavo case, the Congress sought to overstep its constitutional bounds. What I want to know is whether Judge Roberts is similarly inclined to stretch our Constitution or whether he will consider end-of-life issues with respect for our hallowed Constitution and the doctrine of stare decisis.

Finally, as we approach these issues, I make clear that I do not intend to prejudge the outcome of the confirmation process, but ask only that the Senate weigh carefully these important issues and that questions about end-of-life care be posed to the nominee.

I look forward to learning about the nominee's views, not just on end-of-life care, but on a variety of other critical matters and look forward to the Judiciary Committee beginning its thorough and careful evaluation in the days ahead. I have tried to make bipartisanship a hallmark of my service in the Senate. I certainly intend to use that approach as the Senate goes forward and considers the nomination of Judge Roberts.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

AMENDMENT NO. 1351

Mr. LAUTENBERG. Mr. President, I have an amendment at the desk. This amendment shuts down a source of revenue that flows to terrorists and rogue regimes that threaten our security.

President Bush has made the statement that money is the lifeblood of terrorist operations. He could not be more right. Amazingly, some of our corporations are providing revenue to terrorists by doing business with these rogue regimes. My amendment is simple. It closes a loophole in the law that allows this to happen, that allows American companies to do business with enemies of ours. This will cut off a major source of revenue for terrorists. What we need to do is to starve these terrorists at the source. By using this loophole, some of our companies are feeding terrorism by doing business with Iran, which funds Hamas, Hezbollah, as well as the Islamic Jihad.

I want to remind my colleagues that it was Iran that funded the 1983 terrorist act in Beirut that killed 241 United States Marines—241 Marines killed by Iranian terror—and yet we are currently allowing United States corporations to provide revenues to the Iranian Government. It has to stop.

So how do U.S. companies get around terrorist sanctions laws? Because we have those laws that are supposed to prevent contact and opportunity for those nations that support terrorism. The process is simple. These companies run the Iranian operations out of a foreign subsidiary.

I have a chart here that shows the route that is taken to get these funds to these companies that do business with Iran. The U.S. corporation sets up a subsidiary, sets up a foreign subsidiary. They do business directly with Iran. And again, support for Hezbollah and Hamas is common knowledge with Iran.

Our sanctions laws prohibit United States companies from doing business with Iran, but the law contains a loophole. It enables an American company, a U.S. company's foreign subsidiaries, to do business prohibited by the parent. As long as this loophole is in place, our sanctions laws have no teeth. My amendment would close this loophole once and for all. It would say foreign subsidiaries controlled by a U.S. parent, American parent, would have to follow U.S. sanctions laws—pretty simple.

The Iranian Government's links to terrorism are, as you know, Mr. President, substantial. In addition to the 241 Marines who were brutally murdered in their sleep in 1983 in Beirut, Iranian-backed terrorists killed innocent civilians in Israel.

A constituent of mine, Sarah Duker, 22 years old, from the town of Teaneck, NJ, was riding a bus in Jerusalem. The bus was blown up in 1996 by Hamas, and Hamas receives funding support from the Iranian Government. We were able to create an opportunity for American citizens to bring action against Iran, and they did that, and there was a resolution of significant proportion that holds Iran responsible and has them owing substantial sums of money to the victim's family. We also have to worry, however, about providing revenue to Iran because of its well-known desire—we see it now. It worries us all. We have all kinds of conversations about what we do as Iran tries to build a nuclear bomb and other weapons of mass destruction. Well, we don't want to help them, we don't want to help provide revenues, opportunities for them to continue this crazy pursuit.

The 911 Commission, which established the intelligence organization reform, concluded in their report, and I quote:

> Preventing the proliferation of WMD warrants a maximum effort.

Everybody in our country shares that view. Allowing American companies to provide revenue to rogue WMD programs is clearly not part of a maximum effort.

Some think this is an isolated problem, but it is not. A report by the Center for Security Policy says there is a large number of companies doing business with Iran and other sponsors of terror. Think about it. Here we have

130,000, 140,000 of our best young people over there fighting to bring democracy to Iraq while Iran is funding terrorist activities, people who come in there and help those who would kill our troops. The terror they fund has killed hundreds of Americans. Iran continues to seek to develop nuclear weapons, and yet American companies are utilizing a loophole in the law in order to do business with the Iranian Government. It is wrong but not yet illegal. And we want to make it illegal. This amendment would change that.

It is inexcusable for American companies to engage in any business practice that provides revenues to terrorists, and we have to stop it. Here we have a clear view of what happens. We have a chance to stop it with this amendment. I urge my colleagues to support the amendment and close the terror funding loophole.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, on our side we will at an appropriate time interject our opposition to this amendment. We have just gotten the amendment, and it requires some further study. So until such time as I get some additional material, I will have to defer my statement in opposition.

Mr. LAUTENBERG. I hope my distinguished colleague and friend from Virginia, without having a chance to do the examination he would like, has not suggested opposition even though there hasn't been time for a thorough review.

I know the distinguished chairman of the Armed Services Committee very well, and we have visited sites of war, and he, like I, served in World War II, and we are veterans. I hope I could encourage the Senator from Virginia and colleagues across the aisle to join us to shut down this loophole that permits American companies to do business indirectly through sham corporations and to earn profits as there are attempts to kill our young people. I hope the distinguished manager of the bill would give us a chance to talk about the amendment and not register opposition before having a chance to study it.

Mr. WARNER. Mr. President, as I said, in due course I will have further to say. But again it comes down to separation of powers between the executive and legislative branches, and given those situations—and I respect my good friend's evaluation of the tragedy associated with people in those lands and the potential for some dollars being funded toward that purpose. But the President has to look at this situation constantly, every day, 365 days a year. Situations change. And for the Congress to lay on a blanket prohibition on Presidential power to exercise his discretion of where and when and how to disrupt the flow of dollars, as pointed out by my colleague from New Jersey, we are very much hesitant to do that. So at the appropriate time I will have further to say about this amendment.

Mr. LAUTENBERG. I thank the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I commend our colleague from New Jersey for this amendment. It is ironic—the person who is presiding at this moment will understand this reference—that when it comes to Cuba, the sanctions not only apply to companies that would deal with Cuba under our law but also apply to their subsidiaries. And yet when it comes to the subsidiaries of companies that are dealing with terrorism, which have sanctions against them for different reasons, we don't cover the subsidiaries. So with Cuba, the subsidiaries are covered when it comes to sanctions, but when it comes to dealing with states that are on a terrorist list where the President of the United States decides to exercise his discretion to impose sanctions against a country and where companies are not thereby allowed to do business with that country, we don't cover the subsidiaries of the corporations, only the corporations themselves.

It is not only a loophole which has been pointed out by my friend from New Jersey, but it is a very inconsistent treatment. What the Senator from New Jersey is saying is let's do the same for the subsidiaries of corporations that deal with terrorist states and terrorist organizations and groups as we cover subsidiaries that deal with Cuba. I thank him for pointing out the loophole. If we are going to be serious about our war on terrorism, we have to be serious about providing sanctions against states that support terrorism. We have to be serious about telling American companies they cannot deal with those states or with those entities, and that we are truly serious. We have to also tell companies when we say you may not deal with terrorist states, you may not do business with terrorist states when the President so determines, that we are also applying this to your subsidiaries as well.

So it is an important amendment. We had a vote on a very similar amendment I believe a year ago or so. It almost passed this body. I think it came within one vote, and I hope that, given what we have seen in the last year, we can only reinforce the point which the Senator from New Jersey made in his amendment previously, that we can pick up the additional votes this time and pass this very important amendment. I commend him on it.

Mr. LAUTENBERG. I thank the Senator from Michigan.

The question is why we would want to protect the opportunity for an American company to help fund terrorists directly and indirectly, those who want to kill our people. If you ask the average person who are the worst enemies America has, they would, I am sure, list Iran, North Korea, among those that would develop weapons of mass destruction, and we don't even want there to be the slightest opportunity for cash to flow into their development of a weapons program based on the fact that an American company is helping to fund the development of those weapons.

Heaven knows what we are fighting in Iraq is a battle not against a uniformed army, organized military, but against insurgents, terrorists, and all one has to do is look at the death toll and see it continuing to mount. We care mostly about Americans, but we also don't like to see what happens in Iraq to infants and families. These terrorists bring their violence into the country, ripping limbs off. I don't want to get too detailed, but the horror that is brought from these insurgent attacks is beyond description. And to permit—by the way, I will say this—encourage American companies to do business with Iran is outrageous. In the war the Senator from Virginia and I were in, anybody who did business with the enemy would be pilloried, called traitors. And here, because it is a loophole, there is a roundabout way of getting these funds over there, we are saying, no, no, we don't want to interrupt that process.

I hope my colleagues on both sides will say no to this practice, and shut it down. The last thing we want to do in this room is abet and help companies that do business in Iran because the profit is not worth it. There is no way those profits can be enjoyed by shareholders, by employees, anyone.

I thank the Senator from Virginia, and I thank my friend from Virginia for being so patient in listening.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, it is always a pleasure to hear my old friend and colleague in the Senate of so many years. At the appropriate time I and others will put forth our case on this issue.

Mr. President, I ask unanimous consent that the Lautenberg amendment be laid aside and that time be granted to our distinguished colleague and very valued member of the committee, the Senator from Rhode Island, Mr. REED.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Rhode Island is recognized.

Mr. WARNER. Mr. President, will the Senator kindly yield so I can inform the Senate of the desire on behalf of this side of the aisle?

Mr. REED. Yes.

Mr. WARNER. I will wait to propound the unanimous consent request until the other side responds. I am going to ask unanimous consent—but I will wait until we get a response from the other side—that a vote on or in relation to the Frist amendment No. 1342, regarding supporting our Boy Scouts, and others, occur at 2:15 today, with no second-degree amendments in order prior to the vote; provided further that there be 2 minutes equally divided for debate prior to the vote. So I

say there is the strong likelihood that request will be granted.

I thank the Senator for his courtesy.

Mr. REED. Mr. President, I thank the chairman.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, let me begin by commending Chairman WARNER and Senator LEVIN for the way they have brought this bill to the floor. It is a collaborative effort, a collegial effort which has brought to the floor a very good bill, which we hope can be improved by the amendment process. But we begin, I think, in a position of great strength and great unified support for our military forces across the globe, these young and women who make us so proud and do so much to protect our country.

I would like to step back for a moment and try to have an assessment in the context of our deliberations today with respect to the Defense authorization bill. It has been 28 months since the war in Iraq began. It has been 26 months since President Bush declared ''mission accomplished'' onboard the deck of the USS Abraham Lincoln. And it has been almost 13 months since the sovereignty of Iraq was handed over from the Coalition Provisional Authority to the people of Iraq.

It is time, I think, for an assessment. It is time for an assessment in the context of our deliberations today with respect to this very important legislation governing the conduct of our military forces around the globe.

In October 2002, I was one of 23 Members of this body who voted against the congressional authorization to use force against Iraq. Regardless of how we voted that day, on this day we are united in support of our forces in the field. We have to give them what they need to do the job they were called upon to perform.

Back in October 2002, I was not convinced there were weapons of mass destruction that could be used effectively by the Iraqis. I was also concerned that our stay in Iraq would not be tranquil, that we would not be greeted as liberators, but we would literally be sucked into a swirling vortex of ethnic and sectarian rivalries, of ancient feuds, of economic problems, of infrastructure problems, which I think should have provided us a more cautionary view of our preemptive attack.

Again, despite our forebodings then, our mission now is to be sure we provide the resources necessary for our soldiers and sailors and marines and airmen and airwomen to carry the day for us.

What we have seen since that day, in my view, has been a series of mistakes and errors by the administration in carrying out their policies, and also an inability to recognize some of these mistake and to take effective corrective action. I think this inability to recognize what has gone wrong—to admit it and to correct it—still acts to interfere with the successful implementation of our objectives in Iraq.

One of the most glaring and most obvious aspects of our runup to the war in Iraq is the fact that the American people were told one thing and in reality it turned out to be something quite different. The administration argued that Iraq posed an imminent threat to the Nation, which we all know today is simply not true, and some of us then believed was not true.

In his State of the Union to the American people in January 2003, the President talked about Saddam Hussein seeking significant quantities of uranium from Africa.

Those assertions proved unsubstantiated. In his address to the U.N. Security Council, Secretary of State Powell claimed Iraq had seven mobile biological agent factories. That, too, proved to be inaccurate.

In a February 2003 statement, President Bush stated:

> Senior members of Iraqi intelligence and al Qaeda have met at least eight times since the early 1990s. Iraq has sent bomb-making and document forgery experts to work with al Qaeda. Iraq has also provided al Qaeda with chemical and biological weapons training.

Again, these assertions have not been substantiated in the intervening days. Many leaders in the administration stated that Iraq attempted to buy high-strength aluminum tubes suitable for nuclear weapons production. These assertions also proved to be without major substantiation.

Based on these statements by our Nation's leaders, the majority of the Congress and the American people supported our operations in Iraq in October 2002. But it was not long until these misstatements became clearer to the American public.

The CIA sent two memos to the White House 3 months before the State of the Union Address expressing doubts about Iraq's attempt to buy yellowcake from Niger.

In 2002, the CIA produced a report that found inconclusive evidence of links between Iraq and al-Qaida and was convinced that Saddam Hussein never provided chemical or biological weapons to terrorist networks.

Experts at the Department of Energy long disputed the assertion that the aluminum tubes were suitable for nuclear weapons production.

The administration's use and misuse of prewar intelligence has caused an upheaval in the intelligence community and made Congress, the American people, and the world community skeptical of actions with Iraq and other countries of concern.

I believe this mistake will take years to overcome. What it has done, I think, is provide a sense of skepticism in the American public about the justifications for our operations in Iraq. This skepticism has slowly been eating away, as reflected in the polls, the view of the American public as to the usefulness of our operations in Iraq. Once again, what is heartening is the fact that this skepticism has not translated into anything other than unconditional support for our American soldiers and military personnel. That is critical to what they do and critical to what we should be encouraging here.

We are now engaged in this war. People are skeptical and critical of the premises advanced by the administration. But we must, in fact, stay until the job is done, until a satisfactory outcome is achieved.

The military phase of Operation Iraqi Freedom was brilliantly executed and a great success. It shows the extraordinary preponderance of military power we can wield in a conventional conflict where we are sending task forces of tanks and mechanized infantry against other conventional military forces.

Perhaps, however, the most important part of the operation was not defeating the enemy in the field but winning the peace in Iraq. That larger task has not gone as well as we all had hoped. One reason is because we did not plan for operations after our conventional success. According to an article in the Philadelphia Inquirer, when a lieutenant colonel briefed war planners and intelligence officials in March 2003 on the administration's plans for Iraq, the slide for the rebuilding operation, or phase 4–C, as the military denotes it, read ''To Be Provided.'' We went in with a plan to defeat the military force in Iraq but no plan to occupy and reconstruct the country.

What makes this lack of a plan worse is that the experts knew and told the Pentagon what to expect. The same Philadelphia Inquirer article states there was a ''foot high stack of material'' discussing the probability of stiff resistance in Iraq. A former senior intelligence official said:

> It was disseminated. And ignored.

There was ample planning done but not used. We have had, as all military forces, contingency plans dating back many years for possible operations in Iraq, including occupation operations. They were ignored. There was a feeling—an erroneous feeling—we would be greeted as liberators, that it would be basically a parade, rather than the struggle we have seen today.

The results are clear as to this lack of planning. The insurgency today is robust, and it continues to inflict damage not only against American military personnel but also against Iraqis who are struggling to develop a democratic country.

In May there were about 700 attacks against American forces using IEDs, the highest number since the invasion of Iraq in 2003. The surge in attacks has coincided with the appearance of significant advancement in bomb design. This is not only a robust insurgency, it is a very adaptable insurgency. They are learning as they fight, and that makes them a formidable foe.

Improvised explosive devices now account for about 70 percent of American casualties in Iraq. Recent U.S. intelligence estimates put the insurgents'

strength at somewhere between 12,000 and 20,000. I would note that in May 2003, insurgent strength was estimated to be about 3,000 persons. So this is not the last gasp of the insurgency. This is an insurgency that has momentum, has personnel, and increasingly has technical sophistication.

As of today, July 21, 1,771 American soldiers have been killed, and 13,189 have been wounded. I say American soldiers. I will use that as a shorthand for valiant marines, Navy personnel, Air Force personnel, because every service has suffered in Iraq.

One of the reasons the insurgency may be stronger is because most of the 300-mile border with Syria remains unguarded because of a lack of sufficient troops, allowing insurgents and foreign fighters to freely move back and forth between the countries. This insurgency is also allowed to move freely within the country because there are insufficient troops to break insurgent strongholds.

We have seen operations, very successful operations, such as the tremendously valiant and skillful operations of marines reducing the number of insurgents in Fallujah. But then at the end of the day, or days later, Marine forces withdraw or pull back, and Fallujah again is a source of at least incipient resistance to the central Government of Iraq.

In addition, these insurgents continue to have ample ammunition because it is estimated that even today approximately 25 percent of the hundreds of munitions dumps have not yet been fully secured. I was amazed, in my first trip to Iraq—one of five I have taken—to be up in the area of operations of the 4th Infantry Division with General Odierno, and also at the time with General Petraeus, then the commander of the 101st, when they pointed out there were hundreds and hundreds and hundreds of ammunition dumps unsecured by any military personnel, international, American, or Iraqi.

If you want to know where all this ammunition and explosives are coming from, well, it was there. It was stolen. It was diverted. It was hidden away. And now it is being used against our soldiers.

To me, that is a glaring example of why we should have had more troops on the ground at the beginning and, indeed, more troops on the ground today. But that was not done.

Perhaps the most well-known consequence of undermanning is the abuses at Abu Ghraib. It was a prison out of control, and one primary reason was the lack of U.S. military personnel. In 3 weeks, the population of this prison rose from 700 prisoners to 7,000. Yet the number of Army personnel guarding these prisoners remained at 90 personnel.

As former CPA Administrator Paul Bremer stated in October 5, 2004:

> The single most important change, the one thing that would have improved the situation, would have been having more troops in Iraq at the beginning of the war and throughout.

Subsequently, he might have modified or somehow explained this comment, but I think that is an accurate assessment. On October 5, 2004, that was his assessment. Today, months after President Bush declared the end of major combat operations and predicted that troop levels would be at 105,000, over 138,000 troops are still stationed in Iraq and are likely to be there for some time. I would argue that that, in fact, is not sufficient force. When we cannot secure the borders, when we cannot secure ammunition dumps, when we cannot do many things that are central to stability in Iraq, then we need more forces on the ground.

One of the more frustrating aspects of the administration's unwillingness to adjust troop levels was that Congress was ready and willing to help. You can't have additional forces on the ground in Iraq unless you have additional forces in the Army and the Marine Corps, our land forces. Senator HAGEL and I first raised concerns about this issue in October 2003. We offered an amendment to the fiscal year 2004 emergency supplemental to raise the end strength of the Active-duty Army by 10,000. The amendment was passed by this body, but it was dropped in conference, primarily because of the opposition of the administration. Then again in 2004, Senator HAGEL and I offered an amendment to the fiscal year 2005 Defense authorization bill which was passed by concerned Senators by a vote of 94 to 3. This amendment raised Army end strength by 20,000 personnel and the Marines' end strength by 3,000.

However, the President's budget request this year did not acknowledge these end-strength increases. We will therefore try again. The bill which we are presently considering authorizes an end strength of 522,400 personnel for the active Army, 40,000 more than the President requested, and 178,000 active personnel for the Marines, 3,000 more than requested. I hope, in fact, we might be able to augment even these end-strength numbers.

In addition, I hope we can finally pay for these increased regular soldiers not through supplemental appropriations but in the regular budget itself. We are deluding ourselves to think that we can live for the 5 or 10 years we will have a significant engagement in Iraq—and that is roughly along the lines of even admissions by the Department of Defense—unless we are prepared to have not a temporary fix to the end strength but a permanent fix, paid for through the budget and not through supplementals.

One other aspect, in addition to the notion of end strength and the number of personnel on active duty, is how do we recruit and retain these soldiers to maintain overall end strength. This issue is of acute concern because unless we are able to attract new soldiers and Marines and unless we are able to retain the seasoned veterans, we will no longer have the kind of force we need.

When Senator HAGEL and I first offered our amendment in October 2003 to increase end strength, there was a headline which said quite a bit. Its words were, ''Another Banner Military Recruiting and Retention Year.'' Back in 2003, we could attract soldiers, Marines to the service, much more so than today. That was the time period to act. Not only was the need obvious, but the means to obtain objective, willing recruits were also much more evident.

Since the administration has refused to raise the numbers of troops overall—and the number of troops in particular in Iraq—the Army has been worn down by repeated deployments and a persistent insurgency. Now, ironically, even if we raise end-strength numbers, it is going to be very difficult for the Army to recruit these new soldiers. The Army missed its February through March 2005 recruiting goals. In June, the Army recruited 6,157 soldiers, 507 over their goal. However, the June 2005 goal was 1,000 fewer soldiers than the preceding year. One might think that the goalposts were moved.

As of June 30, the Army recruited 47,121 new soldiers in the year 2005, but that is just 86 percent of its goal. General Schoomaker, Chief of Staff, said the Army will be hard pressed to reach its goal of 80,000 Active-Duty recruits by the end of the fiscal year in September.

Despite the improvement in June, the Army has only 3 months left to recruit soldiers; that is, it will have to recruit on an average of 11,000 soldiers a month, which is a target way beyond the expectation of anyone. The June numbers were also not anywhere near the 8,086 recruits the Army brought in during January. This recruiting problem is persistent, and it is causing extreme difficulty.

These are Active-Duty recruits. The Army National Guard also has its challenges in recruiting. The Army National Guard is the cornerstone of U.S. forces in Iraq. I am extraordinarily proud of my Rhode Island Guard men and women. They have served with great distinction. During the first days of the war, the 115th and the 119th military police companies and the 118th military police battalion were in the thick of the fight in Fallujah and Baghdad. Since that time, we have had our field artillery unit, the 103rd field artillery unit, deployed. We have had a reconnaissance unit, the 173rd, deployed. The 126th aviation battalion, the Blackhawk battalion, has been deployed. They have done a magnificent job. The Army National Guard, however, is also seeing the effects of this operation and the strains are showing.

The Guard missed its recruiting goal for at least the ninth straight month in June. They are nearly 19,000 soldiers below authorized strength. The Army Guard was seeking 5,032 new soldiers in June, but signed up roughly 4,300. It is more than 10,000 soldiers behind its

year-to-date goal of almost 45,000 recruits, and it has missed its recruiting target during at least 17 of the last 18 months. Lieutenant General Blum, Chief of the National Guard Bureau, said it is unlikely that the Guard will achieve its recruiting goal for fiscal year 2005, which ends September 30.

Today our Army is one Army. It is not an active force with reservists in the background. A significant percentage of the forces today in Iraq are National Guard men and women. We cannot continue to operate our Army, not only to respond to Iraq but to other contingencies, if we do not have a fully staffed National Guard and Reserves.

Looking at the Army Reserve, the story is the same. So far this year, the Army Reserve has only been able to recruit 11,891 soldiers. Their target is roughly 16,000. At this point, they are about 26 percent short of their goal.

One Army recruiting official noted that since March, the Army has canceled 15 basic training classes for the infantry at Fort Benning because it did not have the soldiers, 220 to 230 of them for each those classes. Now they will begin processing smaller classes of about 180 to 190.

Complementing the recruiting effort, of course, is the retention effort. Retention is a ''good news'' story. Retention rates are high. But they won't address certain key personnel vacancies which are being discovered within the military.

From October 1 to June 30, the Army reenlisted about 53,000 soldiers, 6 percent ahead of its goal. At that pace, the Army would finish this fiscal year with 3,800 troops ahead of the targeted 64,000. However, that still is a 12,000-troop shortfall when you look at the recruiting and retention numbers together.

One method the Army is using to maintain retention levels is the so-called stop-loss procedure, where someone who might be able to leave the service at the end of enlistment, if their unit is notified to go to Iraq, they cannot leave during that notification period and during that deployment period. That adds to retention a bit, but it is not something that, over time, year in and year out, can be sustained.

So we have a situation now where our Army is deeply stressed, and this stress is demonstrated very clearly in recruitment, very clearly in making end-strength numbers which we are trying to increase.

The Army is also trying to deal with this issue of recruitment and retention by looking at their standards. One of the dangers—and it hasn't become manifest yet but it certainly has been in previous conflicts—is that there is a huge effort or tension, if you will, to reduce standards in order to get people to come in. I don't think that has happened yet, but that is looming over the horizon. I think we have to be conscious in this body to look carefully at the numbers, not just in terms of how many soldiers enlisted but also that we are continuing to maintain adequate quality within the forces. I think we are, but I am afraid that continued pressure on the forces will force military personnel to begin to look at ways they can attract forces by weakening the criteria.

We are in a situation where we have to be very conscious of the stress that is on the Army, and we also have to do more to support the Army, particularly in recruiting and retaining. The Congressional Research Service has determined that approximately 50 new incentives have been signed into law since the United States invaded Iraq. These are positive tools to enhance recruitment and retention. But while these incentives are needed, we must acknowledge the cost the Government is paying is a significant sum. We must pay that sum, but we must recognize that this is an expensive proposition of recruiting volunteers in a time of war.

The other aspect that we should be concerned about is the fact that we have seen a situation in Iraq where now we are discovering shortages of key personnel, complaints that the soldiers in the field, the units in the field, were not fully resourced, had inadequate training, again, most demonstrably the Abu Ghraib situation where the lack of resources and training were singled out. What we have found though is that, going back, no one seemed to be complaining—at least to us—about these lack of resources.

One fear I have is that there essentially has been a chilling effect by Secretary Rumsfeld with respect to advice flowing from the field into the Pentagon and to him. The most notorious example of this might be the treatment of General Shinseki, as we all recall. He was asked—he did not volunteer—about the size of the force needed in Iraq. And he said something on the order of several hundred thousand soldiers. He was immediately castigated by the Secretary, who said his estimate was far from the mark. Secretary Wolfowitz called the estimate outlandish, and then, in his few remaining days in the Army, General Shinseki felt shunned by the civilian leadership of the Pentagon. In fact, General Shinseki's observation was more accurate than any of the plans being advanced by the Secretary of Defense.

This aspect of criticizing professional officers who come forward publicly at our request and give their professional opinion does not create the kind of environment that is conducive to bringing forward advice and to recognizing problems and to providing the kind of leadership which is necessary.

It wasn't just limited to General Shinseki. The former Secretary of the Army, Secretary Thomas White, defended the Army on several occasions, disagreed with the Secretary. He was, for all intents and purposes, cashiered. That sends a bad signal, and it has a chilling effect. We are living with that chilling effect today, unfortunately.

Then again, as I mentioned, as we look at Abu Ghraib, that is one of most serious issues we face here, this lack of resources, the lack of training. All of that was not apparently diagnosed and reported in adequate ways so it could be corrected in a timely way. We have seen how this incident has caused tremendous implications in the Islamic world. It has questioned our conduct. It has set us up for criticism, and it has been—in terms I used with Secretary Rumsfeld when he appeared before us—a disaster for us. Still, I don't think we have fully accounted for what happened. I don't think we adequately understand how techniques that were developed for use at Guantanamo, which was deemed by the President to be not under the legal control of the Geneva Convention, how those techniques might relate to Iraq which, according to the President, was fully subject to the Geneva Conventions. How did those techniques move from one area to another area? It wasn't simply five or six individual soldiers; it was something more than that. We have had several snapshots. We have had 12 reports, but they have looked at various pieces. I don't think we have a comprehensive view of what happened.

More importantly, I think we have yet to be able to step back and determine, in a careful and thoughtful way, what the rule should be. As I talk to senior officers, one of their demands is: Give us clear rules. Give us the policy. And that policy has to be produced not in the secretive corridors of the Pentagon but here—and perhaps not here, directly in the Congress, but through a commission that we can adopt that will look at what happened, put all the pieces together and then recommend what changes we must make so that we can conduct this war on terror without sacrificing our principle dedication to international laws and also without putting our troops in danger. Because unfortunately what we do, even if it is the aberrant acts of a few soldiers, could easily be emulated by others when our soldiers fall into their hands. That would be terrible.

Now, there is another aspect of the problem. We can win a military victory in Iraq, but unless we restore the country economically and help them develop a viable political process, we will not succeed. The reconstruction activities to date have been sadly lacking and lagging. We have approximately $18.1 billion committed to the effort, but these dollars have not been spent well or wisely. Most of the money is going to what they call ''security premiums'' because of the instability in Iraq.

My colleagues, including Senator LAUTENBERG, were talking about some of the aspects of what appears to be excessive billing by our contractors. And, of course, more and more attention is being paid to the issue of corruption and bribery within the context of the Iraqi economy. All of this suggests that we have a long way to go before we can demonstrate to the Iraqi people those palpable benefits which I believe

can help them and force their allegiance to their government more quickly.

One of the areas of concern is oil production. There were those in Washington, before the invasion, who said that within a few months we will be pumping oil and it will be a profit center, it will pay for the whole war, and we don't have to worry about anything. We are not nearly paying for this war with the proceeds of Iraqi oil production.

The goal was to export a certain number, and we are falling short of that number of barrels per day. Iraqi oil revenue will be $5 billion to $6 billion short this year. That revenue pays for many things—subsidies for petroleum in Iraq, food, civil service, and it pays for infrastructure. Who is going to make up that shortfall? If we leave in a situation when the Iraqis cannot generate enough money to pay their own budget, what is going to happen to that country?

So we have huge economic problems. Another manifestation of the economic problems of the Iraqi Government is electricity. It is the key to stability. There are places in Baghdad today that are enjoying fewer hours of electricity than they did under Saddam Hussein. As a result, there are brownouts and blackouts. It is a direct reminder to the people that things are not going so well. We need to get that situation in order.

Now, as General Abizaid pointed out:

> Military forces, at the end of the day, only provide the shield behind which politics takes place.
>
> Providing politics that are open, transparent, and legitimate, we have been trying to do that.

There has been established a process to draft a constitution. We hope by August 15, 2005, a draft is presented to the nation and can be voted on by October 15. If the constitution is approved, a permanent government can be elected by December 15 and take office by December 31, the end of this year. But it is a very difficult process. If you look at the headlines today, Sunni members of the parliamentary commission are at least temporarily boycotting it because of fears for their safety. There are suggestions that some provisions of the constitution would be difficult for us to support—they are heavily allied with Islamic law, or they don't provide for a robust secular sector in Iraq.

For all these reasons, we still have a long way to go in the political process and the economic process that will provide us the final means to leave the country, to take out significant military forces.

There is one other aspect of the political process and of the economic process, and that is the role not of our military forces but of our State Department personnel. One of the things that struck me when I was in Iraq last Easter was the comment by soldiers in the field that they needed more State Department support, not in Baghdad but in the field—Fallujah, Mosul, and those towns—to carry out the reconstruction, provide political advice, and be the confidants and advisers of Iraqi civilian officials. The sad story is that we don't have enough State Department personnel outside of Baghdad to do these jobs.

In Baghdad, the State Department authorized 899 positions but has only filled 665. The State Department has then authorized 169 for the rest of the country—in fact, I suggested that the level should be higher—but only 105 of those have been filled. Iraq is short about 298 needed State Department personnel. These are the people who are doing what is so critical at this juncture—providing political mentoring, providing technical assistance, providing those resources that complement military operations. Without them, military operations would not ultimately be successful.

There are several reasons for this situation with the State Department. First, the tour for State Department personnel in Iraq is not 3 years, but 6 months or a year, so State is running through people at a very rapid rate.

There is a general shortage of midlevel officers for the State Department worldwide, and those are the officers who would be placed outside Baghdad. They have the experience and expertise to operate independently. The problem is opening up too many new posts. We have situations in which new nations evolved. They have to be supported by State Department personnel.

Secretary Powell did a great job in engaging new personnel to come to the State Department, but these are entry level personnel, and the midlevel, key midlevel personnel are inadequate in terms of numbers, not in terms of skills or talents—certainly not that—but in terms of numbers.

There is another obvious reason. It is very dangerous to be outside the green zone in Iraq. All of these State Department personnel need to be protected, and that is slowing down their ability to deploy into the field.

I understand also there are incentives being considered by the State Department to get more people there. However, unless we have a robust complement of AID officials, State Department experts to help support our military efforts, we will not be able to obtain a satisfactory resolution in Iraq. I hope we can do more to do that.

This is a very perilous time in Iraq. Just this week, a Shi'a leader stated that Iraq was slipping into civil war. If it does, then we will have a terrible burden with our forces deployed in the midst of a civil war. Some others have said there has been an incipient civil war for months now and one of a more major characteristic ready to break out. We do need to respond to these issues.

There is another policy impact with respect to Iraq, and that is the impact on its other worldwide missions, like our ability to maintain our successes in Afghanistan and keep open all options with regards to North Korea and Iran.

The war in Iraq also has tremendous impact on our economy. We are a great power, and that is a function of several components. One is military power, but also economic power. If we are not able to support and afford these efforts over the 5 years, 10 years, or more this global war on terror is going to take place—and all observers see this as a generational struggle, not an episodic one—then we are not going to have the economic staying power.

Frankly, our economy is performing in a fitful fashion. We have a huge fiscal deficit that is draining our ability to fund needed programs—not just military programs but domestic programs also. We have a huge current accounts deficit which, again, will come home one day when those foreigners who are lending us money will ask for the money back with interest. These economic forces will, I think, not support indefinitely the kind of expenditures we need to protect ourselves.

So along with reforming and strengthening our military, we have to reform and strengthen our fiscal policies in the United States. We cannot continue to spend in supplementals billions of dollars a year. We have to recognize that and we have to take steps, and we have to ultimately pay for this war.

It seems to me in this context illogical, if not absurd, to advancing huge additional tax cuts at a time when we are struggling to conduct a war. If that had been our attitude in World War II, we never would have succeeded. We would have been bankrupt before 1945. At that time, we responded, as we have in every major conflict. We asked all Americans to share the sacrifice, not just those in uniform, but those on the homefront, those who can help pay for the war, as well as those who are fighting the war.

Yet today we are advancing two, in my mind, almost contradictory proposals. We are going to stay the course in Iraq, we are going to take a generation, if necessary, to defeat global terror, we are going to do it not only with military resources, but we are going to have to mobilize resources of the world to change the social and political dynamics of countries across the globe, particularly Islamic countries—all that very expensive—but, of course, we are going to cut taxes dramatically. We have to decide in a very significant way whether we can afford this dramatic contradiction. I don't think we can.

We have a great deal to do in the next few days with respect to this legislation. I think it is important to get on with it. I hope not only do we stay the course in Iraq, but we stay the course on this legislation. The majority leader has suggested he is prepared to leave this bill in midcourse to turn to legislation with respect to gun liability immunity. That would, in my

view, be moving from the national interest to one very special self-interest, the self-interest of the gun lobby.

We have soldiers in the field. We have sailors, marines, air men and women who are risking their lives. I think they would like us to finish our job before moving on to something else. I hope we don't move off this bill. Stay the course on this legislation. We will have amendments, debate them, hopefully we will adopt those to improve the bill, and then we will send, I hope, to conference a good piece of legislation of which we can be proud and, more importantly, that can assist our soldiers, sailors, marines, and air men and women in the field.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank the Senator for his comments. Senator REED is an esteemed member of the committee.

I assure the Senator, I have been in consultation with our leadership and presumably the Senator's leadership about this bill. We brought it up with the understanding that there may be matters that require the attention of the Senate, at which time we do not do anything but put it aside for a brief period of time and then bring it up again. This is my 27th time I have had the privilege of being engaged in one level or another the managing of the Defense bill. I can recall one time it took us 4½ weeks to get it through. But it was a leadership decision and the managers of our bill recognize from time to time we have to accede.

I am not here to try and prejudge what legislation may or may not be brought up, but I assure the Senator, I am in total support of the leader making those decisions.

Mr. REED. Mr. President, if I may respond, I appreciate not only the leadership of the chairman, but also his incredible commitment to our military forces. My point is very simple. I think we should finish this bill. We have waited weeks to go on it. But I also point out that if other matters come before the Senate, as Senators we have the full right to use all of the procedures, we have the right to debate. I would hate to be in a situation—and I hope that is not the case—where if we attempt, let's say, next week to engage in extensive and productive debate about a particular issue, we are not reminded that we are holding up the Defense authorization bill; that no one will suggest our ability to debate an issue which, frankly, is on the agenda not through our desires but others', would somehow be interpreted as slowing down our ability to respond to the needs of our soldiers, sailors, marines, air men and women.

I am on record saying I would like to see us finishing this bill without interruption, but if there is an interruption, then this Senate and our colleagues have to have the right to fully debate any measure that comes before the floor, and I don't think we should be—and maybe I am anticipating something that will not evolve—be put in the position of being hurried off the floor because the Defense bill has to come back.

We have the bill before us now. I think we should stick to the bill.

Mr. WARNER. Mr. President, I thank my colleague. If the Senator participated in many of these bills before—for example, tonight, I am not being entirely popular with a number of individuals because I am requesting of the leadership the right to go on into the night with votes, as late as we can possibly go, and then tomorrow morning have more votes and continue tomorrow. After the votes, presumably, if they are scheduled in the morning, it may well be we will continue on the bill with some understanding among Members that the votes we desire, as a consequence of the other work on Friday, will be held on Monday some time.

I assure the Senator from Rhode Island, I am working as hard as I can to get this bill passed. I thank the Senator for his cooperation.

Mr. REED. I thank the Senator.

Mr. WARNER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST

Mr. WARNER. Mr. President, in concurrence with my distinguished ranking member, I advise the Senate that we will have a vote on amendment No. 1342, regarding supporting the Boy Scouts, occurring at 2:30, with no second-degree amendments in order prior to the vote; provided further, there be 2 minutes of debate equally divided before the vote.

Mr. LEVIN. Reserving the right to object, and I will not object, I understand that is a delay being requested from 2:15 to 2:30, so that everybody can understand.

Mr. WARNER. That is correct.

Mr. DURBIN. Reserving the right to object, is the Senator from Virginia prepared to discuss the Frist amendment? I am reading it for the first time. There is a section I would like to ask him about.

Mr. WARNER. I am prepared to discuss it.

Mr. DURBIN. Reserving the right to object, I call the attention of the Senator to page 3. If the underlying purpose of this amendment is to allow the Boy Scouts of America, or similar organizations, to have their annual jamboree—which I understand they use military facilities and continue to do so, and I have no objection to that. Could I ask the chairman of this committee to please read with me on page 3, starting with line 16, the paragraph that follows, and ask him if he would explain this to me. As I read it, it says:

> No Federal law shall be construed to limit any Federal agency from providing any form of support for a youth organization that would result in that agency providing less support to that youth organization than was provided during the preceding fiscal year.

As I read that, the Appropriations Committee could not appropriate less money for a youth organization next year than they did this year if we pass this permanent law. Is that how the Senator from Virginia reads it?

Mr. WARNER. Mr. President, I thank my colleague for raising this question. The distinguished Senator from Michigan discussed it with me earlier. You have read it and you have interpreted it correctly. It is to sustain the level of funding and activities that have been historically provided by the several agencies and departments of the Government heretofore.

Mr. DURBIN. I further ask—I have no objection to the Boy Scouts gathering at a jamboree or using the facilities. I have no objection to the appropriation of money for that purpose. But are we truly saying that you could never, ever reduce the amount of money that was given to them?

Mr. WARNER. I say to my good friend, that is the way the bill reads, and there 60-some cosponsors who, presumably, have addressed that. I brought it to the attention of the staff of the leader a short time ago and indicated this, asking do I have a clear understanding, and the Senator has recited the understanding that I have.

Mr. LEVIN. Will the Senator from Illinois yield for a question?

Mr. DURBIN. Yes.

Mr. LEVIN. I read this the same as the Senator from Illinois. It is not just that there be no possibility ever of any agency reducing any funding that goes to the Boy Scouts, which is the purported purpose of this, but it is any youth organization because it says any form of support for a youth organization. That means any youth organization, including the Boy Scouts. As I read this, it would make it impossible for any youth organization, no matter how bad it was managing its books, no matter what there might be in terms of fraud and abuse—we are talking about every single youth organization that gets funding from the Federal Government, no matter what the reduction in the number of members of that youth organization is, you could not reduce, apparently, a grant from a Federal agency to any youth organization. I think that goes way beyond the stated purpose of this amendment, which is to protect the Boy Scouts, which I agree with and understand and support.

Mr. WARNER. Mr. President, if I may say to my colleagues, in no way does this bind the Appropriations Committee to exercise such discretion as it may so desire in that level of funding. If it was brought to their attention that there was malfeasance or inappropriate expenditures at some point in

any program, they are perfectly within their authority to limit or eliminate the funding altogether.

Mr. LEVIN. My reference was to any Federal agency, which means any grant agency, not just Appropriations, which the Senator from Illinois referred to, but any Federal agency, which means any agency that makes any grant to any youth organization cannot reduce that grant, no matter what the reason is, next year. That is the way I read this. It is so overly broad, it ought to be modified or stricken or something.

I think all of us want to support the Boy Scouts and their jamboree, using the facilities or the support of the Secretary of Defense and the armed services, as they have done before, but this is way broader than that.

Mr. WARNER. Mr. President, this issue was raised and the legal counsel drew this up. I must say, you raise a point, but I am sure if there are any improprieties associated with these programs, the appropriators have full authority to curtail or eliminate the funding.

Mr. DURBIN. If I may say, I know the Senator has a pending unanimous-consent request. I would like to amend that request to allow language to be added to amend this particular section stating that if you have a youth organization that is guilty of wasting or stealing Federal funds, that youth organization is not automatically going to receive the same amount of funds in the next year. That is malfeasance at its worst and a waste of taxpayer dollars. I am sure the Senator from Virginia and the Senator from Michigan and I don't want to be party to that.

If I may reserve the right to offer a second-degree amendment to that section, I would be happy to allow the unanimous-consent agreement.

Mr. WARNER. Mr. President, what I suggest in the parliamentary situation is that I withdraw the unanimous-consent request at this time. In the interval, until we raise the question to vote again, the Senator presumably will engage with the leader's office regarding these concerns. So I withdraw the request at this time rather than amend it.

The PRESIDING OFFICER. The request is withdrawn.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, the amendment—we call it generically the Boy Scout amendment—offered by the distinguished majority leader is being looked at in the full expectation that it can be resolved and voted on at an appropriate time this afternoon. For the moment, I believe the distinguished Senator from South Carolina and the Senator from New York have an amendment, and I think we should proceed with that debate.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I wonder if we could reach a time agreement on this amendment to give everybody an idea as to time. We are hoping it will be accepted. It is a terrific amendment. I am wondering if the chairman might consider a time limit.

Mr. WARNER. Yes. I thank my colleague. In view of the fact that there is a strong indication by myself and my distinguished ranking member that it be accepted, can we reach a time agreement?

Mr. GRAHAM. Is 20 minutes OK?

Mr. WARNER. Equally divided between yourself and the Senator from New York? Then I think 10 minutes for Senator LEVIN—let us assume that we can do it in 30 minutes.

Mr. GRAHAM. Let us make it 30 minutes so that we can get everybody in, equally divided. I believe Senator LEAHY wants to speak on it.

Mr. LEVIN. Is Senator LEAHY a supporter or opponent of the amendment?

Mr. GRAHAM. Supporter.

Mr. LEVIN. I do not know of any opposition.

Mr. GRAHAM. That would be great.

Mr. WARNER. I ask unanimous consent that the time agreement for the amendment offered by the Senator from South Carolina and the Senator from New York be 45 minutes, 30 minutes to the proponents, and 15 minutes reserved to the managers.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 1363

Mr. GRAHAM. I send an amendment to the desk.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. GRAHAM], for himself, Mrs. CLINTON, Mr. LEAHY, Mr. LAUTENBERG, Mr. DEWINE, Mr. KERRY, Mr. PRYOR, Mr. REID, Mr. COLEMAN, Mr. DAYTON, Mr. ALLEN, Ms. CANTWELL, and Ms. MURKOWSKI proposes an amendment numbered 1363.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To expand the eligibility of members of the Selected Reserve under the TRICARE program)

At the end of subtitle A of title VII, add the following:

SEC. 705. EXPANDED ELIGIBILITY OF MEMBERS OF THE SELECTED RESERVE UNDER THE TRICARE PROGRAM.

(a) GENERAL ELIGIBILITY.—Subsection (a) of section 1076d of title 10, United States Code, is amended—

(1) by striking ''(a) ELIGIBILITY.—A member'' and inserting ''(a) ELIGIBILITY.—(1) Except as provided in paragraph (2), a member'';

(2) by striking ''after the member completes'' and all that follows through ''one or more whole years following such date''; and

(3) by adding at the end the following new paragraph:

''(2) Paragraph (1) does not apply to a member who is enrolled, or is eligible to enroll, in a health benefits plan under chapter 89 of title 5.''.

(b) CONDITION FOR TERMINATION OF ELIGIBILITY.—Subsection (b) of such section is amended by striking ''(b) PERIOD OF COVERAGE.—(1) TRICARE Standard'' and all that follows through ''(3) Eligibility'' and inserting ''(b) TERMINATION OF ELIGIBILITY UPON TERMINATION OF SERVICE.—Eligibility''.

(c) CONFORMING AMENDMENTS.—

(1) Such section is further amended—

(A) by striking subsection (e); and

(B) by redesignating subsection (g) as subsection (e) and transferring such subsection within such section so as to appear following subsection (d).

(2) The heading for such section is amended to read as follows:

''§ 1076d. TRICARE program: TRICARE Standard coverage for members of the Selected Reserve''.

(d) REPEAL OF OBSOLETE PROVISION.—Section 1076b of title 10, United States Code, is repealed.

(e) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 55 of title 10, United States Code, is amended—

(1) by striking the item relating to section 1076b; and

(2) by striking the item relating to section 1076d and inserting the following:

''1076d. TRICARE program: TRICARE Standard coverage for members of the Selected Reserve.''.

(f) SAVINGS PROVISION.—Enrollments in TRICARE Standard that are in effect on the day before the date of the enactment of this Act under section 1076d of title 10, United States Code, as in effect on such day, shall be continued until terminated after such day under such section 1076d as amended by this section.

Mr. GRAHAM. Mr. President, I will try to keep this very short. This amendment is not new to the body. This is something that I have been working on with Senator CLINTON and other Members for a very long time. It deals with providing the Guard and Reserves eligibility for military health care.

As a setting or a background, of all the people who work for the Federal Government, surely our Guard and Reserves are in that category. Not only do they work for the Federal Government, sometimes on a very full-time basis, they are getting shot at on behalf of the Federal Government and all of us who enjoy our freedom. Temporary and part-time employees who work in our Senate offices are eligible for Federal health care. They have to pay a premium, but they are eligible. Of all the people who deal with the Federal Government and come to the Federal Government when they are needed, the Guard and Reserve, they are ineligible for any form of Federal Government health care. Twenty-five percent of the Guard and Reserve are uninsured in the private sector. About one in five who have been called to active duty from the Guard and Reserve have health care problems that prevent them from going to the fight immediately.

So this amendment will allow them to enroll in TRICARE, the military health care network for Active-Duty

people and retirees. Under our legislation, the Guard and Reserve can sign up to be a member of TRICARE and have health care available for them and their families. They have to pay a premium. This is not free. This is modeled after what Federal employees have to do working in a traditional role with the Federal Government. So they have to pay for it, but it is a deal for family members of the Guard and Reserves that I think helps us in three areas: retention, recruiting, and readiness.

Under the bill that we are about to pass, every Guard and Reserve member will be eligible for an annual physical to make sure they are healthy and they are maintaining their physical status so they can go to the fight.

What happens if someone has a physical and they have no health care? To me, it is absurd that we would allow this important part of our military force's health care needs to go unaddressed, and it showed up in the war. We have had problems getting people into the fight because of health care problems. If we want to recruit and retain, the best thing we can do as a nation is to tell Guard and Reserve members and their families, if they will stay in, we are going to provide a benefit to them and their families that they do not have today that will make life better.

I ask unanimous consent that a USA Today article entitled ''Army Finds Troop Morale Problems in Iraq,'' be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the USA Today]

ARMY FINDS TROOP MORALE PROBLEMS IN IRAQ

(By Paul Leavitt)

A majority of U.S. soldiers in Iraq say morale is low, according to an Army report that finds psychological stress is weighing particularly heavily on National Guard and Reserve troops.

The report said 54% of soldiers rated their units' morale as low or very low. The comparable figure in an Army survey in the fall of 2003 was 72%.

Soldiers' mental health improved from the early months of the insurgency, and the number of suicides in Iraq and Kuwait declined from 24 in 2003 to nine last year, the report said. The assessment is from a team of mental health specialists the Army sent to Iraq and Kuwait last summer.

The report said 13% of soldiers in the most recent study screened positive for a mental health problem, compared with 18% a year earlier. Symptoms of acute or post-traumatic stress remained the top mental health problem, affecting at least 10% of all soldiers checked in the latest survey.

In the anonymous survey, 17% of soldiers said they had experienced moderate or severe stress or problems with alcohol, emotions or their families. That compares with 23% a year earlier.

National Guard and Reserve soldiers who serve in transportation and support units suffered more than others from depression, anxiety and other indications of acute psychological stress, the report said. These soldiers have often been targets of the insurgents' lethal ambushes and roadside bombs.

Mr. GRAHAM. This is a survey. It states: A majority of U.S. soldiers in Iraq say morale is low, according to an Army report that finds psychological stress is weighing particularly heavily on National Guard and Reserve troops.

The last paragraph states: National Guard and Reserve soldiers who serve in transportation support units suffered more than others from depression, anxiety, and other indications of acute psychological stress, the report stated. These soldiers have often been targets of the insurgents' lethal ambushes and roadside bombs.

Last month and the month before last were the most deadly for the Guard and Reserve since the war started. The role of the Guard is up, not down. It is more lethal than it used to be, and families are being stressed.

What we did last year, thanks to Chairman WARNER, was a good start. We provided relief for Guard and Reserve members who had been called to active duty since September 11, and their families. If you were called to active duty for 90 days since September 11 to now, you were eligible for TRICARE for 1 year. If you served in Iraq for a year, you would get 4 years of TRICARE. The problem is, some people are going to the fight voluntarily and don't meet that criteria. Two-thirds of the air crews in the Guard and Reserve have already served 2 years in some capacity involuntarily. They keep going to the fight voluntarily and their service doesn't count toward TRICARE eligibility.

The bottom line is we have improved the amendment. We need to reform it even more. We have reduced the amount of reservists eligible to join this program to the selected Reserves. Since I am in the indefinite Reserve status as a reservist, I am not eligible for this, nor should I be. But if you are a selected Reserve under our amendment, you are eligible for TRICARE. We have reduced the number of reservists eligible. We have reduced the amount of premiums the Reserve and Guard member would have to pay. We have reduced it from $7.1 billion to $3.8 billion over 5 years. We have made it more fiscally sound.

But the bottom line is for me, you cannot help these families enough, and $3.8 billion over 5 years is the least we can do. What does it cost to have the Guard and Reserve not ready and not fit to go to the fight? What does it cost to have about 20 percent of your force unable to go to the fight because of health care problems? This is the best use of the money we could possibly spend. There is all kinds of waste in the Pentagon that would more than pay for this, and our recruiting numbers for the Guard and Reserve are not going to be met this year because the Guard and Reserve is not a part-time job any longer. It is a real quick ticket to Iraq and Afghanistan.

The people who are in the Guard and Reserves are helping us win this war just as much as their Active-Duty counterparts, who are doing a tremendous job. Their families don't have to worry about health care problems; guardsmen and reservists do.

I have statements from the National Governors Association, the National Guard Association of the United States, the Military Officers Association of America, the Fleet Reserve Association, the Reserve Enlisted Association, and the Air Force Sergeants Association that I would like to submit for the RECORD, saying directly to the Congress:

This is a good benefit. If you will enact it, it would improve the quality of life for our Guard and Reserve members and their families. It will help recruiting and retention, and it is needed.

I ask unanimous consent to have those letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL GOVERNORS ASSOCIATION,
Washington, DC, March 17, 2005.

Hon. LINDSEY O. GRAHAM,
U.S. Senate,
Washington, DC.

Hon. HILLARY RODHAM CLINTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRAHAM AND SENATOR CLINTON: The nation's Governors join with you in your bipartisan legislative efforts to improve healthcare benefits for members of the National Guard and Reserves by allowing them to enroll in TRICARE, the military healthcare system. We believe ''The Guard and Reserve Readiness and Retention Act of 2005,'' will improve readiness and enhance recruitment and retention.

The men and women in our National Guard and Reserves are playing an increasingly integral role in military operations domestically and around the world. Their overall activity level has increased from relatively modest annual duty days in the 1970s to the current integration, making up approximately 40 percent of the current troop force in Iraq. Surely these patriotic men and women deserve support for complete health benefits for themselves and their families.

As our nation makes more demands on the National Guard and Reserve, we must make every effort to keep their health benefits commensurate with their service. We encourage your colleagues to support this legislation, which will allow our National Guard and Reservist members and their families the opportunity to participate in the TRICARE program.

As Commanders-in-Chief of our nation's National Guard forces, we look forward to working closely with you and other Members of Congress to ensure that this legislation passes during the first session of the 109th Congress.

Sincerely,

GOVERNOR DIRK KEMPTHORNE,
Idaho, Lead Governor on the National Guard.

GOVERNOR MICHAEL F. EASLEY,
North Carolina, Lead Governor on the National Guard.

NATIONAL GUARD ASSOCIATION
OF THE UNITED STATES,
Washington, DC, July 21, 2005.

Hon. LINDSEY GRAHAM,
U.S. Senator,
Washington, DC.

DEAR SENATOR GRAHAM: I write today to express this association's strong support for expanded TRICARE coverage for Guardsmen and Reservists as included in the Graham/Clinton amendment to the FY06 defense authorization bill. The National Guard Association of the United States appreciates the long-standing support from both sides of the Senate aisle for equity in Guard and Reserve health care coverage and believe your amendment reflects our collective commitment to that coverage.

Whether a member of the Guard is attending monthly drill or in combat in Iraq, that man or woman should have access to this coverage. As the war on te1Tor continues, the line between Guard member and active duty member has become indistinguishable. The Secretary of Defense, has said repeatedly, ''the War on Terror could not be fought without the National Guard''. Battles would not be won, peace would not be kept and sorties would not be flown without these soldiers and airmen.

Over the past two years, the Senate has included a provision in the defense authorization bill allowing a member of the National Guard or Reserve, regardless of status, to participate in the TRICARE medical program on a contributory basis. This year, the United States Senate has another opportunity to give TRICARE access to any member of the National Guard who wishes to use TRICARE as their primary health care provider, even when not in a mobilized status.

The National Guard Association of the United States urges the United States Senate to adopt the Graham/Clinton amendment and allow all members of the National Guard and their families access to TRICARE coverage on a cost-share basis, regardless of duty status.

Sincerely,

STEPHEN M. KOPER,
Brigadier General, USAF, (Ret.),
President.

MILITARY OFFICERS
ASSOCIATION OF AMERICA,
Alexandria, VA, July 15, 2005.

Hon. LINDSEY GRAHAM,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRAHAM: On behalf of the nearly 370,000 members of the Military Officers Association of America (MOAA), I am writing to express our deepest gratitude for your leadership in securing needed legislation for America's servicemembers. Your planned amendment to S 1082 that would authorize permanent, fee-based TRICARE eligibility for all members of the Selected Reserve is one of MOAA's top legislative priorities for 2005.

Extending permanent cost-share access to TRICARE for all Selected Reserve members will help demonstrate Congress's and the nation's commitment to ensuring fair treatment for the citizen soldiers and their families who are sacrificing so much to protect America.

A few weeks ago, during a Fox News Channel interview, I was asked what might be done to address Guard and Reserve health care access problems being reported in the media. I said the most important action right now is your legislative fix to offer these families permanent and continuous health care coverage, and that all Americans should ask their legislators to support your effort.

In the meantime, MOAA has sent letters to all members of the Senate requesting their vote in favor of your amendment.

MOAA is extremely grateful for all of your support on this and other issues, and we pledge to work with you to do all we can to secure your amendment's inclusion in the FY2006 Defense Authorization Act.

Sincerely,

NORBERT R. RYAN,
President.

FLEET RESERVE ASSOCIATION,
Alexandria, VA, May 31, 2005.

Hon. LINDSEY O. GRAHAM,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRAHAM: The Fleet Reserve Association (FRA) is pleased to offer its support for your amendment to S. 1082 that would authorize permanent, fee-based Tricare eligibility for all members of the Selected Reserve. This will be a major improvement to the temporary eligibility authorized by the U.S. Congress last year.

FRA believes strongly that your amendment is the right way to go. The Nation can ill afford to mobilize its reserve forces in the war against terrorism, place them in an indefinite period of active service then, offer them a health care plan that does not encourage participation.

Recruiting and the retention of members of the Reserve forces is becoming an increased challenge. The availability of enrolling in a permanent health care plan that embraces the family with comfort and assured assistance, not only provides the reservist with ease of mind particu lady if he or she is immediately ordered to or serving in a hazardous duty zone.

FRA is assured that extending permanent cost-share to Tricare for all selected Reserve members will help demonstrate Congress's and the nation's commitment to protecting the interests of our citizen soldiers, airmen, sailors, Coast Guardsmen, and Marines who are sacrificing so much to protect the United States and it citizens.

FRA encourages your colleagues to support your amendment.

Sincerely,

JOSEPH L. BARNES,
National Executive Secretary.

RESERVE ENLISTED ASSOCIATION,
Washington, DC, July 20, 2005.

Senator LINDSEY GRAHAM,
U.S. Senate, Washington DC.

DEAR SENATOR GRAHAM, I am writing on behalf of the Reserve Enlisted Association supporting all Reserve enlisted members. We are advocates for the enlisted men and women of the United States Military Reserve Components in support of National Security and Homeland Defense, with emphasis on the readiness, training, and quality of life issues affecting their welfare and that of their families and survivors.

REA supports the Graham/Clinton amendment to provide TRICARE for all participating Reserve Component members. This amendment ensures continuity of healthcare for the Reserve Component member and their family. Currently it is difficult to assess the health and mobilization readiness of Guard and Reserve members because their medical records are scattered between their civilian providers, their unit of attachment, their mobilization unit, and their temporary duty location. This same continuity of care would be extended to our families which we anticipate will affect recruiting and retention efforts.

We are dedicated to making our nation stronger and our military more prepared and look forward to working together towards these goals. Your continued support of the Reserve Components is appreciated.

Sincerely,

LANI BURNETT,
Chief Master Sergeant (Ret), USAFR,
REA Executive Director.

AIR FORCE SERGEANTS ASSOCIATION,
Temple Hills, MD, February 26, 2005.

Hon. LINDSEY GRAHAM,
U.S. Senate, Washington, DC.

DEAR SENATOR GRAHAM, on behalf of the 132,000 members of the Air Force Sergeants Association, thank you for introducing S. 337, the ''Guard and Reserve Readiness and Retention Act of 2005.'' This bill would provide a realistic formula allowing members of the National Guard and Reserve to receive retirement pay based upon years of service. Importantly, it would allow members that qualify to receive retirement benefits prior to age 60. As you know, the Guard and Reserve are the only federal entities that do not receive retirement pay at the time their service is complete. This bill would help correct this injustice encountered by many of our members.

We also applaud the provision to improve the healthcare benefits for the members in the Guard and Reserve by allowing them the option of enrolling in TRICARE on a monthly premium basis, regardless of their activation status. These two initiatives would go far to improve the morale, readiness, and retention of our valuable reserve forces.

Senator Graham, we appreciate your leadership and dedication to America's servicemembers and their families. We support you on this legislation and look forward to working with you during the 109th Congress.

Sincerely,

RICHARD M. DEAN,
Excutive Director.

Mr. GRAHAM. We are building on what we did last year. This fight is going to go on for a long time in Iraq and Afghanistan. We can't leave too soon. The idea of having a smaller involvement by Guard and Reserves is an intriguing idea, but it is not going to happen anytime soon either. This benefit will help immeasurably the quality of life of guardsmen and reservists, take stress off of them and their families, and it is the least we can do as a nation who are being defended by part-time soldiers who are really full in every capacity and die in every bit the same numbers, if not greater, than their Active-Duty counterparts.

I will yield the floor to Senator CLINTON, who has been with us every step of the way. We have made a great deal of progress. We are not going to stop until this provision becomes law.

To my friends in the House, the House Armed Services Committee passed this provision with six Republicans joining with the Democratic side of the aisle to get it out of the committee and, through some maneuvering on the floor, this provision helping the Guard and Reserve families was taken out of the bill. There has been one vote after another in the House where over 350 people have supported the concept.

To my friends in the House, I appreciate all you have done to help the troops, but we are going to fight over this issue. This is not going away. We are not quitting until we get it right for the Guard and Reserves.

I yield the floor to Senator CLINTON.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. Mr. President, I join my colleague from South Carolina. He has been a tireless advocate for this legislation, and his passion about the need to take care of our Guard and Reserve members is unmatched. It has been an honor for me to work with him on this important legislation.

Over 2 years ago, Senator GRAHAM and I went over to the Reserve Officers Association building to announce the first version of this legislation. As he has just pointed out, we made some progress on expanding access to TRICARE in the last Congress, but not nearly enough. So our work is not done and we come, once again, to the floor of the Senate urging our colleagues, on a bipartisan basis, to support giving this important benefit to Guard and Reserve members and their families.

Our amendment allows Guard and Reserve members the option of enrolling full time in TRICARE. They do not have to take this option. It is voluntary. But TRICARE is the family health insurance coverage offered to Active-Duty military personnel. The change would offer health care stability to families who lose coverage under employers' plans when a family member is called to active duty, or to families—and we have so many of them in the Guard and Reserve—who do not have health insurance to begin with.

So, really, this amendment offers basic fairness to Guard and Reserve members and their families. We have seen firsthand, those of us who have been to Iraq and Afghanistan—as I have been with my colleague, the Senator from South Carolina—the heroism and incredible dedication that Guard and Reserve members have when they are called up to serve our country. They are serving with honor and distinction, and we need to reward and recognize that.

Senator GRAHAM and I first started talking about this more than 2 years ago because in our respective States, we heard the same stories. I heard throughout New York about the hardship being imposed on Guard and Reserve members and their families, not because they didn't want to serve their country—indeed, they were eager to go and do whatever they could to protect and defend our interests—but because they didn't have health insurance. Twenty-five percent of our Guard and Reserve members do not, and when they showed up after being activated, 20 percent of them were found not ready to be deployed.

We are talking about the three R's: recruitment, retention, and readiness. Since September 11, our Reserve and National Guard members have been called to duty with increasing frequency. In New York, we have about 35,000 members of the Guard and Reserves. I have seen, in so many different settings, their eagerness to do their job. But I have also heard from them and their family members about the hardship of not having access to health care. I think the broad support that we have engendered for this amendment, from the National Guard Association, the Reserve Officers Association, the Military Officers Association, really speaks for itself.

It is important to note that this amendment is responding to a real need. This is not a theoretical exercise. We know that lacking health insurance has been a tremendous burden for Guard and Reserve members and their families, and we in our armed services have paid a price because of that lack of insurance in the readiness we should expect from our members.

Mr. President, I am honored to join my colleague in this long fight that we have waged. I hope we will be able to make significant progress and have this amendment accepted and send a loud and clear message to Guard and Reserve members and their families that we indeed not only appreciate and honor their work, we are going to do something very tangible to make it easier for them and their families to bear these burdens.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. I would like to acknowledge what Senator CLINTON has done on behalf of this amendment. Without her, I don't think we would be as far as we are. She has been terrific. To Senator WARNER, you and your staff have been terrific to do what we did last year.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator from South Carolina has 7 minutes left.

Mr. GRAHAM. Mr. President, I ask unanimous consent to have 15 minutes more because, what I would like to do is give Senator COLEMAN 4 minutes, Senator LEAHY wants 4 minutes, and Senator ALLEN wants 4 minutes. I am not good at math—whatever we need to get that done.

Mr. WARNER. Mr. President, clarification: Did 7 go to 15? Which is fine. You have 15 minutes, now, total, under your control.

Mr. GRAHAM. Thank you, Mr. Chairman, for all our assistance. I now recognize Senator COLEMAN and yield him 4 minutes.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, it gives me great pleasure to speak in support of the amendment offered by my good friend, Senator GRAHAM, who has been relentless in his determination to secure a fair deal for our Nation's reservists.

Our Nation's citizen soldiers are an integral part of the military. They have been called upon to make big sacrifices, sacrifices many didn't imagine when they signed up. Yet time and time again, they have answered the call. Today, the National Guard and Reserve are on the front line of the war on terror. They are on the front line in Iraq and Afghanistan. I say proudly that Minnesota's Army National Guard leads the Nation in recruiting and retention. We want to continue with that high honor. It is something in which we take great pride.

But I can tell you that, in my conversations with Guard and Reserve members around my State, the strains of mobilization are beginning to have an effect. With the demands now being placed on the Guard and Reserve, we are going to have to step up our support in order to sustain the manpower we need for the future.

What I hear from reservists in my State consistently is that given the rising cost of health care, the option of enrolling in TRICARE is perhaps the most important thing we can do to help them and their families.

Thanks to the tireless efforts of my good friend, Senator GRAHAM, we have made good progress in opening up access to TRICARE. But this option ought to be available to all reservists. Every member of the Guard and Reserve has signed up for the same risks, and they all made the same commitment to defend our country.

This amendment is fundamentally about two things: The first is fairness—fairness for people facing the same dangers as their Active-Duty counterparts. In today's world, any new reservist can almost count on being called to be there fighting in the war in Iraq and Afghanistan. So in a sense, it is not that much different from signing up for active duty to begin with. If reservists know they are going to be putting themselves on the front lines just like an Active-Duty soldier, we should be giving them the same benefits.

The second is national security. Our country needs a robust National Guard and Reserve. We need them to be relevant, which means part of military engagements overseas. In order to keep this invaluable cadre of citizen soldiers, the least we can do is offer them the same health care as we offer Active-Duty troops.

The poet, John Milton, said: ''They also serve, who only stand and wait.'' There is not a lot of standing around for today's reservists, but their value to the Nation is incredible.

The key to every endeavor, whether it is military, economic, or personal, is using your resources wisely. The fact that the military planners of the United States have a reserve force of such quality, spirit, and readiness is our crucial advantage. As such, they deserve every honor and support we give our active military. By protecting this vital asset, we accelerate the march of freedom around the world.

I am pleased to support my colleague, Senator GRAHAM, once again, and I urge my colleagues to support this amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GRAHAM. I yield 4 minutes to Senator LEAHY, who has been chairman

of the Guard caucus, and who has championed this legislation. I am honored to have him as a partner.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the distinguished Senator for his kind words. I do rise in support of the Graham-Clinton-DeWine-Leahy amendment.

We have said it makes all members of the National Guard and Reserve eligible to participate in the military's TRICARE program on a cost-share basis. Basically, we are saying if the Guard and Reserve is out there doing the work of the regular Army—and they are, as we all know, increasingly, all the time—then they should have some of the same benefits, especially medical benefits.

Our amendment goes to the readiness of our Reserve Forces. It is certainly an important recruiting tool.

Few issues we are going to debate during consideration of this bill—when we talked about readiness—could be as important as this issue. The National Guard is making a spectacular contribution to the Nation's defense. Everybody would acknowledge that it would be impossible to fight the wars in Iraq and Afghanistan without the National Guard. Our military reserves are carrying out all kinds of tasks, from combat support to aerial convoy escort missions. When I talk with the commanders in the field they tell me they don't know which ones are the Guard, which ones are the regular forces. They are all doing the same thing.

One difference is the National Guard has to also continue to provide a ready force in case of natural disasters or another attack here at home. In the war on terrorism, the National Guard and Reserve are a 21st century fighting force. But they are doing it with the last century's health insurance. We want to bring it up to date. We want to make sure that those who are fighting our wars, those who are defending our Nation, are treated alike. That is all it is. We just want to make sure they are treated the same.

Many members of our Guard and Reserve did not have access to affordable health insurance when they were on civilian status, and then in a moment's notice they may be called to answer the time-honored call to duty. The GAO, the Government Accountability Office, reported in 2002 that at least 20 percent of the members of the Guard and Reserve did not have health insurance—20 percent of the members of the Guard and Reserve did not have health insurance. That means that there are members of the Guard and Reserve who potentially are not as healthy as we want them to be when we ask them to deploy.

Last year, we enacted a partial version of this amendment. It became known as the TRICARE Reserve Select Program. The program ties eligibility for gaining access to TRICARE—on a cost-share basis—to service on active duty in a contingency. That was a step forward. TRICARE was an important step forward, but it doesn't address the health insurance needs before deployment. It doesn't address the broader question of readiness of the force.

This amendment opens eligibility to any member of the Select Reserve. As long as a reservist stands ready for deployment, he or she will be able to participate in the program. It offers real, practical, meaningful health to citizen soldiers, sailors, airmen, and marines. It also is going to provide a meaningful recruitment incentive for the Guard and Reserve. As we all know, they are struggling to meet recruiting goals.

I am honored to be the cochair of the Senate National Guard Caucus. As cochair, I believe that few defense personnel reforms are as needed, as demonstrably needed and overdue as this health insurance initiative for Guard and Reserve. It has been a high priority of each of the members of our bipartisan coalition. Republicans and Democrats alike agree the Guard and Reserve deserve to have available health insurance the same as all others.

Mr. President, I yield myself 2 minutes from the time allotted to the Senator from Michigan.

Mr. WARNER. No objection.

Mr. LEAHY. Mr. President, the GAO study commission exposed and confirmed these glaring deficiencies. In this GAO study, I said it appears to me we are sending our Guard and Reserve out to fight alongside our regular forces, but they are doing it without the health insurance protection our regular forces have. Well, the GAO study said exactly what I thought was happening was happening. So it has been heartening to work with my fellow Senators in remedying these problems. I will continue to press forward until a full TRICARE program for the Guard and Reserve is in place.

I will close with this. We are going to ask our Guard and Reserve to do the same duties, face the same dangers, stand in harm's way in the same way as our regular forces, and they ought to be treated the same when it comes to medical care. It is a matter of readiness, it is a matter of honesty, but most importantly it is a matter of simple justice.

I yield the floor.

Mr. WARNER. Mr. President, I am happy to yield to the Senator from South Carolina for the lineup of speakers.

Mr. GRAHAM. I would like to yield 4 minutes to the Senator from Virginia, who was one of the original founders of this whole idea, fighting before this became popular, and he has been a terrific advocate for the Guard and Reserve. I yield 4 minutes.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. I thank the Chair. I thank my good friend and colleague, Senator GRAHAM, for his tremendous leadership on Guard and Reserve matters. Of course, he is the only active member of the Guard and Reserve in this body, and so he understands what families and Guard members are facing.

My experience goes back to the days when I was Governor and saw how important our Virginia Guard troops were when there were times of floods and hurricanes and natural disasters. I also remember visiting many of our Guard troops in Bosnia who had been sent over there. I remember welcoming back some of our Virginia Air Guard who were flying in the no-fly zone in Iraq.

As Senator COLEMAN said earlier in this debate, and all of us recognize, the Guard and Reserve are being called up more frequently and for greater duration than ever before. In fact, when I was in Iraq back in mid-February, there were some Guard troops I was meeting with at Balad, and four or five of them actually had been in Bosnia. They said: We remember when you were in Bosnia to visit as Governor. In reality, the Guard and Reserve troops who are being called upon so much in this war on terror are generally, compared to the Active Forces, older and therefore more likely to be married and more likely to have children.

So if we are going to retain and recruit Guard members and reservists, we are going to need to show proper reasonable appreciation. We need to address the pay-gap problem. On average, when they get activated, they loose $368 a month, and Senator LANDRIEU, Senator GRAHAM, and several of us are working on this issue.

This measure on health benefits means a great deal to the Guard members and their families. We did make some progress last year, but nevertheless it wasn't as much—the passage of this measure was 75 to 25—as we thought it would be, and Senator GRAHAM, like the rest of us, is not going to be deterred. We are going to keep fighting, and it is a fight that is worth fighting because it is important to show proper appreciation with fair expansion of health care benefits which are so important for Guard and Reserve families. This, in my view, will help retain and recruit Guard members. I trust my colleagues will again stand strongly with our Guard and Reserve troops and our families and pass this very reasonable, logical legislation to provide health care coverage to all the members of our Guard and Reserve.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. At this time, Mr. Chairman, if I may, I yield to Senator THUNE, one of our newest members, 3 minutes. He has been a strong advocate of this legislation.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, I also compliment the Senator from South Carolina for his leadership on this issue, and also the Senator from New

York. I know they have worked together on this, but I will say that one of the first issues that the Senator from South Carolina talked to me about when I first arrived in the Senate was this very issue. It is important for a lot of reasons, important in my State of South Dakota because we have a number of people who have been called up. Over 1,700 of our National Guard men and women have served in the deployments to Iraq and Afghanistan, and as I have traveled my State and attended many of the events as they have been deactivated and come home, I looked into the eyes of their children and their loved ones and assured those people that the job they are doing is important to freedom's cause, that the work they are doing is important in bringing freedom and democracy to places such as Iraq and Afghanistan and thereby also making our country more safe and secure.

It is important that we put in place the appreciation for the good work that our guardsmen and reservists are doing and important that we recognize that by offering them access to affordable health care. This legislation is important because we do have a challenge as we go forward with the continuing duration of the deployments, with the need to call up our Guard and Reserve on a more frequent basis, to ensure that we put the incentives in place so that we can recruit and retain the men and women who continue to fill those very important roles.

And so I am happy to cosponsor this amendment to offer my support to the Senator from South Carolina and to urge our colleagues on the floor of the Senate to support this important legislation, to send a strong, clear message to the men and women who are serving our country in the Guard and Reserve that we support them. This is no longer a 1-weekend-a-month, 2-weeks-a-year deployment. That is a thing of the past. The longer deployments and the heightened responsibilities are taking an unforeseen toll on the families and members of the Guard and Reserve. If Congress is going to call on our Reserves to do more, we have a responsibility to provide them with more. By offering TRICARE to Guard and Reserve, we are helping to mitigate the effects of the burden we are asking Guard and Reserve to shoulder in the war on terror. No soldier should be deployed to fight for his country only to have his thoughts consumed by the welfare of his family.

So I thank Senator GRAHAM for his leadership on this issue. I encourage my colleagues to support this amendment.

Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, how much time do I have?

The PRESIDING OFFICER. Two minutes 30 seconds.

Mr. GRAHAM. I thank the Chair. Thanks to all Senators, and thanks to the Guard and Reserve because we need them the most.

One of the problems that Guard and Reserve families have to face is the lack of continuity of health care. If you are called back to duty, you have health care. Once you are released from active duty, with its health care program, you go back into the civilian health care network. That means you have to change hospitals and doctors. If you are experiencing a pregnancy, that means your hospitals may change, the doctors may change because you bounce from one health care network to the other.

This bill would provide a health care home for guardsmen and reservists, taking stress off their families if they choose to join. They never have to worry about bouncing from one doctor to one hospital to the next. They would have a continuing network. The Guard and Reserve have to pay a premium, unlike their Active-Duty counterpart. It is not a free benefit. I think this is a fair compromise. At the end of the day, this will help the Guard and Reserve.

I am proud of what we have done. I thank the chairman for his willingness to work with us. Time will tell how we will do this, but I am optimistic Congress is going to rise to the occasion to help these men and women who risk their lives to protect our freedom.

Mr. KERRY. Mr. President, earlier this year I introduced legislation to strengthen our military and enact a ''Military Family Bill of Rights.'' One piece of that bigger agenda is providing TRICARE eligibility to members of the National Guard and Reserve. Today I have the pleasure of cosponsoring an amendment that would expand the eligibility for TRICARE to members of the Selected Reserve. While this amendment is only a start towards better policies for Americans in uniform and their families, it is also an important step in supporting our troops.

''Supporting the troops'' means paying attention to the needs of our troops in the field and at home; understanding their lives both as warriors fighting for the defense of their country and as parents, brothers and sisters, sons, and daughters struggling for the prosperity and happiness of their families.

As many as one in five members of the National Guard and Reserves don't have health insurance. That is bad policy and bad for our national security. When units are mobilized, they count on all their personnel. But when a member of the National Guard or Reserve is mobilized, and unit members fail physicals due to previously undiagnosed or uncorrected health conditions because that servicemember lacked health insurance, it disrupts unit cohesion and affects unit readiness.

Under current practice, members of the National Guard and their families are eligible for TRICARE only when mobilized and, in some cases, upon their return from Active Duty. For some, that means they lack continuity of care, having to switch healthcare providers whenever their loved one is mobilized or returns home. This lack of continuity is particularly difficult for individuals with special health care needs, such as pregnant spouses or young children.

When we think of supporting our troops, we must remember that we also have to support families. Investing in military families isn't just an act of compassion, it is a smart investment in America's military. Good commanders know that while you may recruit an individual soldier or marine, you ''retain'' a family. Nearly 50 percent of America's servicemembers are married today. If we want to retain our most experienced servicemembers, especially the noncommissioned officers that are the backbone of the Army and Marine Corps, we have to keep faith with their families. If we don't, and those experienced, enlisted leaders begin to leave, America will have a broken, ''hollow'' military.

Thus, TRICARE for members of the Select Reserve is not simply a new ''benefit'' but an issue affecting mission readiness. With our military forces stretched as thin as they are due to the conflicts in Iraq and Afghanistan, we need to rely on the Reserves to an even greater extent than in the past. Indeed, at a time when the Guard and Reserve face growing problems in recruiting and retention, extending TRICARE coverage also has the potential to be a great recruiting tool.

We have a sacred obligation to keep faith with the men and women of the American military and their families—whether they are on Active Duty, in the National Guard or Reserves, or veterans. Today's amendment is an important step.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. The distinguished ranking member and myself are prepared to accept this amendment. But I want to talk just a bit about the importance of what these two Senators, primarily the Senator from South Carolina and the Senator from New York, have done. This is a very significant piece of legislation. We laid the foundation last year and had some incremental improvement, but this really carries the ball the balance of the field and scores a touchdown in behalf of the men and women in the Armed Forces and Reserve.

As the Senator from South Carolina has pointed out, this is not a free benefit. There is going to be, I say to both of my colleagues, the Senator from New York and the Senator from South Carolina, a reasonable fee.

But if I could bring back a little personal experience, in 1950, I was a member of the Marine Corps Reserve, having come up from the enlisted ranks and gotten my commission. The Korean war sprung on us totally without anticipation. I remember at the time

Truman was in office, and Louie Johnson was basically the Secretary of Defense who disbanded the military. Suddenly we had to do a rapid turnaround, and we had nowhere to go but to call up the Reserves. I was just a young bachelor then. I was happy to go, but when I was in my first training command in the fall of 1950 at Quantico in the first special basic class, why, over half the class was married and had to leave their families and everything and quickly return. Most of us had been in World War II and gotten our commissions.

I simply point out that is another hidden element to this; that is, when you are maintaining voluntarily the status of being in the Select Reserve, you are subject to call at a late hour of the night to pack your bags, leave your family, leave your job, and go. And if you look, there are 1,142,000 members of the total Reserve, and the Select Reserve is only 700,000. I mean, it is a significant number, but it is that group of 700,000 that is subject to call on very short notice. And that is ever present. It sometimes requires a problem with the employer, to maintain that status knowing that valuable employee could leave on less than 30 days' notice and the employer has to seek another to fill the post, and so forth. So there is much to be said about staying in.

I recall when I got back from Korea, I was finished my obligated military service and could have cashiered out, but I stayed in the Reserves another 10 or 11 years, to my recollection—I think it was 12 years. There were certain benefits that were an inducement to stay in and, frankly, I enjoyed it enormously. I don't have a military career of great consequence. I am certainly grateful for the opportunity to serve, and I think this is a marvelous thing.

I would like to be listed as a cosponsor, as my distinguished colleague from Michigan likewise, and we salute the two Senators who pioneered this approach.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. In the beginning we had to look at the dollars and the figures and balance it out.

As the Senator said, fight on. And we will be there, and each of these Members will be by our side. I hope Members can walk out of that conference some day with a sense of satisfaction and accomplishment.

I urge adoption of the pending amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1363) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. I thank our colleagues.

We are open for further amendments. The Boy Scout amendment is being reviewed. The Lautenberg amendment is, likewise, being reviewed on our side. It will take the managers a few moments to advise the Senate as to what the next matter will be.

Therefore, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COLEMAN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, the Senator from Nevada has consulted with the managers of the bill and desires to address the Senate in the context of several amendments. We thank the Senator very much for his participation.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the pending amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1374

Mr. ENSIGN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. ENSIGN] proposes an amendment numbered 1374.

Mr. ENSIGN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require a report on the use of riot control agents)

On page 296, after line 19, insert the following:

SEC. 1205. REPORT ON USE OF RIOT CONTROL AGENTS.

(a) STATEMENT OF POLICY.—It remains the longstanding policy of the United States, as provided in Executive Order 11850 (40 Fed Reg 16187) and affirmed by the Senate in the resolution of ratification of the Chemical Weapons Convention, that riot control agents are not chemical weapons but are legitimate, legal, and non-lethal alternatives to the use of lethal force that may be employed by members of the Armed Forces in combat and in other situations for defensive purposes to save lives, particularly for those illustrative purposes cited specifically in Executive Order 11850.

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the President shall submit to Congress a report on the use of riot control agents.

(2) CONTENT.—The reports required under paragraph (1) shall include—

(A) a listing of international and multilateral forums that occurred in the preceding 12 months at which—

(i) the United States was represented; and

(ii) the issues of the Chemical Weapons Convention, riot control agents, or non-lethal weapons were raised or discussed;

(B) with regard to the forums described in subparagraph (A), a listing of those events at which the attending United States representatives publicly and fully articulated the United States policy with regard to riot control agents, as outlined and in accordance with Executive Order 11850, the Senate resolution of ratification to the Chemical Weapons Convention, and the statement of policy set forth in subsection (a);

(C) a description of efforts by the United States Government to promote adoption by other states-parties to the Chemical Weapons Convention of the United States policy and position on the use of riot control agents in combat;

(D) the legal interpretation of the Department of Justice with regard to the current legal availability and viability of Executive Order 11850, to include the rationale as to why Executive Order 11850 remains permissible under United States law;

(E) a description of the availability of riot control agents, and the means to deploy them, to members of the Armed Forces deployed in Iraq;

(F) a description of the doctrinal publications, training, and other resources available to members of the Armed Forces on an annual basis with regard to the tactical employment of riot control agents in combat; and

(G) a description of cases in which riot control agents were employed, or requested to be employed, during combat operations in Iraq since March, 2003.

(3) FORM.—The reports required under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(c) DEFINITIONS.—In this section—

(1) the term ''Chemical Weapons Convention'' means the Convention on the Prohibitions of Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, with annexes, done at Paris, January 13, 1993, and entered into force April 29, 1997 (T. Doc. 103–21); and

(2) the term ''resolution of ratification of the Chemical Weapons Convention'' means Senate Resolution 75, 105th Congress, agreed to April 24, 1997, advising and consenting to the ratification of the Chemical Weapons Convention.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the pending amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1375

Mr. ENSIGN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. ENSIGN] proposes an amendment numbered 1375.

Mr. ENSIGN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require a report on the costs incurred by the Department of Defense in implementing or supporting resolutions of the United Nations Security Council)

On page 286, between lines 7 and 8, insert the following:

SEC. 1073. REPORT ON COSTS TO CARRY OUT UNITED NATIONS RESOLUTIONS.

(a) ASSIGNMENT AUTHORITY OF SECRETARY OF DEFENSE.—The Secretary of Defense shall submit, on a quarterly basis, a report to the

congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on International Relations of the House of Representatives that sets forth all costs (including incremental costs) incurred by the Department of Defense during the preceding quarter in implementing or supporting any resolution adopted by the United Nations Security Council, including any such resolution calling for international sanctions, international peacekeeping operations, or humanitarian missions undertaken by the Department of Defense. Each such quarterly report shall include an aggregate of all such Department of Defense costs by operation or mission.

(b) COSTS FOR TRAINING FOREIGN TROOPS.—The Secretary of Defense shall detail in the quarterly reports all costs (including incremental costs) incurred in training foreign troops for United Nations peacekeeping duties.

(c) CREDIT AND COMPENSATION.—The Secretary of Defense shall detail in the quarterly reports all efforts made to seek credit against past United Nations expenditures and all efforts made to seek compensation from the United Nations for costs incurred by the Department of Defense in implementing and supporting United Nations activities.

Mr. ENSIGN. Mr. President, I thank both managers of the bill for their indulgence. I look forward to speaking on the amendments later, but I appreciate the ability to lay them down at this time.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, at this time my distinguished colleague has a matter which he would like to bring to the attention of the Senate.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 1376

Mr. LEVIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The bill clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself and Mr. KERRY, proposes an amendment numbered 1376.

Mr. LEVIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To enhance and extend the increase in the amount of the death gratuity)

On page 159, strike line 20 and all that follows through page 161, line 9, and insert the following:

SEC. 641. ENHANCEMENT OF DEATH GRATUITY AND ENHANCEMENT OF LIFE INSURANCE BENEFITS FOR CERTAIN COMBAT RELATED DEATHS.

(a) INCREASED AMOUNT OF DEATH GRATUITY.—

(1) INCREASED AMOUNT.—Section 1478(a) of title 10, United States Code, is amended by striking ''$12,000'' and inserting ''$100,000''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect on October 7, 2001, and shall apply with respect to deaths occurring on or after that date.

(3) COORDINATION WITH OTHER ENHANCEMENTS.—If the date of the enactment of this Act occurs before October 1, 2005—

(A) effective as of such date of enactment, the amendments made to section 1478 of title 10, United States Code, by the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13) are repealed; and

(B) effective immediately before the execution of the amendment made by paragraph (1), the provisions of section 1478 of title 10, United States Code, as in effect on the date before the date of the enactment of the Act referred to in subparagraph (A), shall be revived.

Mr. LEVIN. Mr. President, the provisions in the fiscal year 2005 emergency supplemental appropriations bill increase the military death gratuity from $12,400 to $100,000. The bill before us continues that increase in the gratuity. The provisions, however, do not cover all people on active duty. It only covers people who are killed in combat. Our military leaders strongly, and I believe unanimously—our uniformed leaders—believe the death of a military person who is on active duty should be covered equally whether that person was killed in combat or on his way to a training exercise.

They have testified in front of our committee very forcefully that they believe the benefit which we have provided, the so-called military death gratuity of $100,000—now as we provide in the bill to be made permanent—should be applied equally to all persons on active duty.

The case of Marine LTC Richard Wersel, Jr., who had a fatal heart attack while exercising 1 week after returning from his second tour of duty in Iraq, perhaps says it all. This was an active-duty marine. He had just come back from an extremely difficult and stressful deployment. He had multiple deployments over 30 months. He had been training indigenous troops to fight drug traffickers. As well, he had two tours of duty in Iraq. But as his wife put it: Those multiple deployments were the silent bullet that took her husband's life.

Under current law, the death gratuity which would go to the wife and family would only be $12,400. Had the heart attack occurred while in Iraq, the death gratuity would have been $100,000. In either case, Colonel Wersel was serving his Nation, as he did very well throughout his life. He was on active duty. The fact that he died a week after returning from a second, stressful tour in Iraq should not cause his surviving spouse to receive such a significantly smaller death gratuity.

This is what the Assistant Commandant of the Marine Corps told the Armed Services Committee at a hearing on military death benefits. He said:

I think we need to understand before we put any distinctions on the great service of these wonderful young men and women who wear this cloth forward into combat, training to go to combat or in tsunami relief, they are all performing magnificently. I think we have to be very cautious in drawing distinctions.

At another hearing, I asked General Myers, the Chairman of the Joint Chiefs, for his views on whether the military death gratuity should be the same for all members who die on active duty. His answer was:

I think a death gratuity that applies to all servicemembers is preferable to one that's targeted just to those that might be in a combat zone.

He said:

When you join the military, you join the military. You go where they send you. And it's happenstance that you're in a combat zone or you're at home. And I think we have in the past held to treating people universally, for the most part, and consistently. And that's how I come down on that.

That is what General Myers said.

The Presiding Officer well knows this because he has to deal with these losses regularly back home in Minnesota. He pointed out earlier today how many Reserve folks he has in Minnesota whom he supports.

No benefit—no benefit—can replace the loss of life of a soldier, sailor, airman, or marine who gives his or her life in service to our country. Every survivor would choose to have the servicemember alive and healthy rather than any compensation our Government could provide. But that does not mean our benefits should not be full and generous and consistent; it is just a recognition that we cannot place a monetary value on a life given in service to our Nation.

There is much more to be said about this issue. But, again, the testimony of our senior uniformed military leaders, it seems to me, is the most compelling testimony, in addition to the actual, tragic situations we have, such as the one I read about a moment ago.

So I offer this amendment. Many of us have supported this amendment. There have been many members of our committee and many Members of the Senate who are not on the committee who I know very strongly support a $100,000 death gratuity for all active-duty military deaths, not just those who die in combat-related activity.

Mr. KERRY. Mr. President, I am happy to join the Senator from Michigan in sponsoring this amendment. Earlier this year, we offered an identical amendment to the fiscal year 2005 Emergency Supplemental Appropriation Act, which passed the Senate with 75 votes but was inexcusably dropped in conference. We need to rectify that wrong because the death gratuity system created last spring, despite good intentions, sells short people who deserve better: our soldiers and military.

The issue is simple: when it comes to our men and women in uniform, how do you draw the line between one death in one circumstance and another death in another circumstance? I don't believe you can. The existing law relies on the combat related special compensation legislation to determine which personnel who die outside of combat zones receive the increased death gratuity. It may seem sufficient, but it is not.

Consider the case of Vivianne Wersel. Her husband, LTC Richard M. Wersel,

U.S. Marine Corps, served 20 years and 6 months in the Marine Corps. His last overseas assignment was with the Multinational Forces Iraq in Baghdad. He served there as the plans chief for the Civil Military Operations Directorate. In February of this year, just a week after returning home, Lieutenant Colonel Wersel suffered a fatal heart attack lifting weights in the gym at Camp Lejeune, NC.

If he had died 1 week earlier lifting weights in Iraq, his family would have been eligible for the increased benefits. Because he died in the United States, his sacrifice isn't properly honored, and his family is left to a greater struggle.

This is what the uniformed leaders of the American military were talking about when they testified before the Senate Armed Services Committee earlier this year. It is time we listened to them. Let me remind my colleagues what they said:

GEN Michael T. Moseley, U.S. Air Force, said:

I believe a death is a death and our servicemen and women should be represented that way.

GEN Richard A. Cody, U.S. Army, said:

It is about service to this country and I think we need to be very, very careful about making this $100,000 decision based upon what type of action. I would rather err on the side of covering all deaths than try to make the distinction.

And ADM John B. Nathman, U.S. Navy, said:

This has been about . . . how do we take care of the survivors, the families, and the children. They can't make a distinction; I don't believe we should either.

Vivianne Wersel certainly doesn't make that distinction. She and her husband have two wonderful children. They have lived on 10 bases in the last 15 years living the proud but challenging life of a Marine family. They have made sacrifices for this country throughout Colonel Wersel's career—supporting him in his missions wherever that took him. They have missed their father for a long time not simply since his death. They deserve better from us, who they sacrificed to protect.

For the survivors of our Nation's fallen heroes, much of life remains, and though no one can ever put a price on a lost loved one, we must be generous in helping them put their lives back together. Current law doesn't work. We can change it. I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I wish to be made a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I recall very vividly the testimony we received from the whole group of the Joint Chiefs of Staff led by General Myers. General Myers was very strong on this point. You mentioned General Pace. Indeed, he was a leader on it. But, across the board, our chiefs stepped up.

I say to the Senator, it is important this be done. We accept the amendment and are ready to move when you are ready to move.

The PRESIDING OFFICER. Is there further debate?

If not, without objection, the amendment is agreed to.

The amendment (No. 1376) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, momentarily we will have another matter to be brought to the floor. We are making progress. At the moment, 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. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I thank our distinguished colleague from Maine, who is going to address a very important subject.

The PRESIDING OFFICER. The Senator from Maine.

AMENDMENT NO. 1377 TO AMENDMENT NO. 1351

Ms. COLLINS. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Maine [Ms. COLLINS] proposes an amendment numbered 1377 to amendment No. 1351.

Ms. COLLINS. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To ensure that certain persons do not evade or avoid the prohibitions imposed under the International Emergency Economic Powers Act, and for other purposes)

In lieu of the matter proposed to be inserted, insert the following:

SEC. ___. PROHIBITION ON ENGAGING IN CERTAIN TRANSACTIONS.

(a) APPLICATION OF IEEPA PROHIBITIONS TO THOSE ATTEMPTING TO EVADE OR AVOID THE PROHIBITIONS.—Section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) is amended to read as follows:

''PENALTIES

''SEC. 206. (a) It shall be unlawful for—

''(1) a person to violate or attempt to violate any license, order, regulation, or prohibition issued under this title;

''(2) a person subject to the jurisdiction of the United States to take any action to evade or avoid, or attempt to evade or avoid, a license, order, regulation, or prohibition issued this title; or

''(3) a person subject to the jurisdiction of the United States to approve, facilitate, or provide financing for any action, regardless of who initiates or completes the action, if it would be unlawful for such person to initiate or complete the action.

''(b) A civil penalty of not to exceed $250,000 may be imposed on any person who commits an unlawful act described in paragraph (1), (2), or (3) of subsection (a).

''(c) A person who willfully commits, or willfully attempts to commit, an unlawful act described in paragraph (1), (2), or (3) of subsection (a) shall, upon conviction, be fined not more than $500,000, or a natural person, may be imprisoned not more than 10 years, or both; and any officer, director, or agent of any person who knowingly participates, or attempts to participate, in such unlawful act may be punished by a like fine, imprisonment, or both.''.

(b) PRODUCTION OF RECORDS.—Section 203(a)(2) of the International Emergency Economic Powers Act (50 U.S.C. 1702(a)(2)) is amended to read as follows:

''(2) In exercising the authorities granted by paragraph (1), the President may require any person to keep a full record of, and to furnish under oath, in the form of reports, testimony, answers to questions, or otherwise, complete information relative to any act or transaction referred to in paragraph (1), either before, during, or after the completion thereof, or relative to any interest in foreign property, or relative to any property in which any foreign country or any national thereof has or has had any interest, or as may be otherwise necessary to enforce the provisions of such paragraph. The President may require by subpoena or otherwise the production under oath by any person of all such information, reports, testimony, or answers to questions, as well as the production of any required books of accounts, records, contracts, letters, memoranda, or other papers, in the custody or control of any person. The subpoena or other requirement, in the case of contumacy or refusal to obey, shall be enforceable by order of any appropriate United States district court.''.

(c) CLARIFICATION OF JURISDICTION TO ADDRESS IEEPA VIOLATIONS.—Section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702) is further amended by adding at the end the following:

''(d) The district courts of the United States shall have jurisdiction to issue such process described in subsection (a)(2) as may be necessary and proper in the premises to enforce the provisions of this title.''.

Ms. COLLINS. Mr. President, I rise to offer a second-degree amendment to the amendment offered by the distinguished Senator from New Jersey, Mr. LAUTENBERG. While I take a slightly different approach than my colleague from New Jersey, I wish to be clear that my intent is very similar to his; that is, to close loopholes in current U.S. law that allow U.S. firms to do business in terrorist nations or nations that are known to sponsor terrorism and are under U.S. sanctions.

Denying business investment to states that finance or otherwise support terrorist activities, such as Syria, Iran, or Sudan, is critical to the war on terrorism. The United States has had sanctions in place on the Iranian Government for a long time and for good reasons. These sanctions prohibit U.S. citizens and U.S. corporations from

doing business in Iran, a nation known as a state sponsor of terrorism. I fully support the use of these sanctions to deny terrorist states funding and investment from American companies.

Currently, U.S. sanctions provisions in the International Emergency Economic Powers Act prohibit U.S. companies from conducting business with nations that are listed on the terrorist sponsor list. The law does not specifically bar foreign subsidiaries of American companies from doing business with terrorist-supporting nations, as long as these subsidiaries are considered truly independent of the parent company.

There have, however, been reports that some U.S. companies have exploited this exception in the law by creating foreign subsidiaries of U.S. companies in order to do business with such nations. The allegations are that these foreign subsidiaries are formed and incorporated overseas for the specific purpose of bypassing U.S. sanctions laws that prohibit American corporations from doing business with terrorist-sponsoring nations such as Syria and Iran. There is no doubt that this practice cannot be allowed to continue.

I supported Senator LAUTENBERG's amendment last year because it was the only proposal before us to deal with this very real problem. The Senator from New Jersey has been very eloquent in speaking about this exploitation of the exceptions in the current sanctions laws. The examples that we have heard, where American firms simply create new shell corporations to execute transactions that they themselves are prohibited from engaging in, are truly outrageous. Clearly, the law does need to be tightened. But we need to be careful about how we go about addressing this problem. I have long felt that while the Senator from New Jersey is correct in his intentions, the specific language of his amendment needs improvement.

We have worked very closely—my staff and I—during the past 6 months, with the administration to draft a proposal that closes the loophole without overreaching. We must draft this measure in a manner that gets at these egregious cases that are so outrageous without overstepping the traditional legal notions of jurisdiction. Otherwise, we may find ourselves harming the war on terror rather than helping.

Some truly independent foreign subsidiaries are incorporated under the laws of the country in which they do business and are subject to that country's laws, to that legal jurisdiction. There is a great deal of difference between a corporation set up in a day, without any real employees or assets, and one that has been in existence for many years and that gets purchased, in part, by a U.S. firm. That foreign company may even be an American firm with a controlling interest in that foreign company, but under the law, it is still considered to be a foreign corporation.

Senator LAUTENBERG's proposal requires foreign subsidiaries and their parents to obey both U.S. and applicable foreign law at the same time, even if they are in conflict. Not only does this complicate our relations with other countries, it also puts U.S. subsidiaries of foreign parent companies in danger of being subjected to other nations' laws in retaliation. It also raises all sorts of questions when there are conflicts in the two sets of laws. At a time when we are seeking the maximum active foreign cooperation possible in the global war against terrorism, exerting U.S. law over all foreign companies owned or controlled by U.S. firms and their foreign operations seems to be an imprudent and excessive move. The administration agrees.

Rather than simply declaring many foreign entities subject to U.S. law regardless of their particular situation, my amendment would take four strong steps to improve U.S. sanctions laws—specifically, the International Emergency Economic Powers Act—without raising the concerns that come forth if we take the approach recommended by Senator LAUTENBERG.

First, my amendment would prohibit any action by a U.S. firm that would avoid or evade U.S. sanctions. This would clearly prohibit the creation of a new shell company for the purposes of evading U.S. sanctions, a situation that has occurred and that we need to prevent.

Second, my amendment would prohibit American firms from ''approving, facilitating or financing'' actions that would violate U.S. sanctions laws if undertaken by a U.S. firm. This would prohibit any involvement by a U.S. parent firm with an existing subsidiary that was engaged in a transaction that violated the International Emergency Economic Powers Act. In order to comply with the law, the U.S. parent firm would need to be totally passive in any transaction. But if the American firm is, in fact, approving the actions of that foreign subsidiary that is doing business in a prohibited country or facilitating it in any way—that is a pretty broad word—or financing those prohibited actions, that would be a violation of our law.

Third, my amendment would increase the maximum penalties per violation under the act from $10,000 to $250,000 for a civil violation and from $50,000 to $500,000. For companies who think that the risk of getting caught is worth it, they will need to think again because now the penalties are sufficient that they have real bite.

Finally, our amendment would provide explicit subpoena authority to obtain records related to transactions covered by the act. Right now, there has been a difficulty in enforcing the sanctions in terms of getting the information that is needed. This would provide subpoena power.

Specifically, by increasing penalties and providing for explicit subpoena authority, I believe my amendment results in a much stronger sanctions regime but without invoking many of the concerns that have been voiced with regard to Senator LAUTENBERG's amendment.

Again, I want to make clear that I think the goals of the Senator from New Jersey and myself are very similar. The question is how to craft a solution that addresses the problem without overreaching and without causing the possibility of a foreign country retaliating against the American subsidiaries of that country's firm.

I believe that my amendment is the right approach to this critical problem. It will make clear that U.S. corporations cannot circumvent U.S. law. They cannot set up phony shell corporations for the purpose of evading the law. They can't direct a foreign subsidiary to do what they are prohibited from doing under our laws. It will also greatly strengthen and improve the enforcement of the law through the increase in penalties and by vesting subpoena power. At the same time, my approach is carefully crafted to avoid unintended consequences that will harm our relations with our international allies.

I encourage my colleagues to support this balanced approach.

I ask for the yeas and nays on the Collins amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I send an amendment to the desk.

I ask unanimous consent to withdraw the amendment I have just sent to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The assistant Democratic leader.

Mr. DURBIN. Mr. President, if I might, through the Chair, address the chairman of the committee. I have an amendment which I would like to offer, but I don't want to step into a process or a queue that is already established. I am not going to call up the amendment at this moment. I merely want to speak to it and offer it and put it on the list of amendments to be considered at a later time.

Mr. WARNER. Mr. President, we would like to accommodate the Senator. My only inquiry is, we now have on the floor the two principals on this important measure. If you wish, for a few minutes, to lay down an amendment, I am sure we could do that. I would like to have this important debate resumed.

Mr. DURBIN. I would say to the chairman, that is exactly what I would like to do.

I ask unanimous consent that these two pending amendments be set aside strictly for the purpose of introducing an amendment and speaking no more than, say, 10 minutes and then, at that

point, I ask that we return to the pending order of business, the Lautenberg amendment and the Collins amendment.

Mr. WARNER. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1379

Mr. DURBIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 1379.

Mr. DURBIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require certain dietary supplement manufacturers to report certain serious adverse events)

At the end of subtitle C of title III, add the following:

SEC. 330. REPORTING OF SERIOUS ADVERSE HEALTH EVENTS.

(a) IN GENERAL.—The Secretary of Defense may not permit a dietary supplement containing a stimulant to be sold on a military installation or in a commissary store, exchange store, or other store under chapter 147 of title 10, United States Code, unless the manufacturer of such dietary supplement submits any report of a serious adverse health event associated with such dietary supplement to the Secretary of Health and Human Services, who shall make such reports available to the Surgeon Generals of the Armed Forces.

(b) EFFECT OF SECTION.—Notwithstanding section 201(ff)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(ff)(2)) and subsection (c)(3) of this section, this section shall not apply to a dietary supplement that is intended to be consumed in liquid form if the only stimulant contained in such supplement is caffeine.

(c) DEFINITIONS.—In this section:

(1) DIETARY SUPPLEMENT.—The term ''dietary supplement'' has the same meaning given the term in section 201(ff) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(ff)).

(2) SERIOUS ADVERSE HEALTH EVENT.—The term ''serious adverse health event'' means an adverse event that may reasonably be suspected to be associated with the use of a dietary supplement in a human, without regard to whether the event is known to be causally related to the dietary supplement, that—

(A) results in—

(i) death;

(ii) a life-threatening experience;

(iii) inpatient hospitalization or prolongation of an existing hospitalization;

(iv) a persistent or significant disability or incapacity; or

(v) a congenital anomaly or birth defect; or

(B) requires, based on reasonable medical judgment, medical or surgical intervention to prevent an outcome described in subparagraph (A).

(3) STIMULANT.—The term ''stimulant'' means a dietary ingredient that has a stimulant effect on the cardiovascular system or the central nervous system of a human by any means, including—

(A) speeding metabolism;

(B) increasing heart rate;

(C) constricting blood vessels; or

(D) causing the body to release adrenaline.

Mr. DURBIN. Mr. President, this is the Department of Defense authorization bill, and included in here are funds for those base exchanges where members of the Armed Forces and their families go to buy the necessities of life. They turn there for groceries, pharmaceuticals, and other needs for their families. The purpose of this amendment is to make sure that the products sold at these base exchanges across the United States and around the world are safe for the military and the families who use the base exchanges.

I am particularly concerned about dietary supplements. Military personnel are under tremendous pressure to be physically fit. The conditions under which they work and train are harsh and demanding. A supplement product can be attractive because it is marketed for performance enhancement and weight loss. My amendment seeks to ensure that these so-called health products sold at military stores are monitored for safety.

At the outset, I want to say I have no quarrel with dietary supplements like vitamins. I woke up this morning and, like millions of Americans, took my vitamins in the hope that I will live forever. I think that should be my right and my choice. I don't believe I should need a prescription for vitamin C or multivitamins.

What is at issue are the dietary supplements that cross the line. Instead of providing nutritional assistance, many of them make health claims that, frankly, they cannot live up to. Finding many of these products on a military base is easy. A 2004 report on dietary supplements notes that a newly deployed U.S. Air Force base had eight different dietary supplements stocked on the shelves that were marketed for weightlifting and energy enhancements 5 months after it opened. Six of these products contain the stimulant ephedra.

Most dietary supplements are safe and healthy, but there is a growing concern about categories of dietary supplements that are being taken by innocent people who think they are good and, in fact, they are not.

The Navy released a list of serious problems related to dietary supplements recently. They included health events such as death, rapid heart rate, shortness of breath, severe chest pain, and becoming increasingly delusional. These are from over-the-counter dietary supplements.

Unfortunately, most of the time these events are never reported. In other words, the laws that govern prescription drugs and many over-the-counter drugs do not apply to dietary supplements.

Let me show you a chart that I think illustrates that quite well. Here are different categories of things you might buy at your drugstore. You might buy prescription drugs through your doctor or over-the-counter medications, such as cough medicine, or you might buy dietary supplements. Metabolife is a popular version. The question is: Are they all safe? The obvious answer is: Not by a long shot. Prescription drugs are safety tested before being sold. Over-the-counter medications are safety tested. Dietary supplements are not. Does anybody test them to make sure that the claims on some of them—for example, the claims that this is going to help with my cough or that this is going to give me energy—has anybody tested these to make sure they are effective for what they claim? Yes, when it comes to prescription drugs, they are tested for efficacy before they are sold; yes, for over-the-counter medications; but no, for dietary supplements, the claims are not tested ahead of time. How about individual doses? If a doctor tells you to take four tablets during the course of a day, how well can you trust the dosage on the package to reflect what the doctor recommended? Well, when it comes to prescription drugs, the FDA says, yes, we test the dosage. It is the same with over-the-counter medications. When it comes to these dietary supplements, vitamins, nutritional supplements, there is no individual dosage control.

They have been fighting over this for almost 10 years. Finally, if something goes wrong with a prescription drug—if you take it and you get sick and you report it to the company that made the drug, do they have to tell the Federal Government? Absolutely, when it comes to prescription drugs. How about in the case of over-the-counter drugs? You bet. If you get sick and call the maker of one of the drugs, they are required by law to tell the FDA, and if it reaches a certain point, they can be taken from the market. How about dietary supplements? What if you take one, such as yellow jackets that contains ephedra and you call the company and tell them you got sick, do they have a legal requirement to report that to the Government? No. There is no legal requirement, even if you are dealing with a situation where a dietary supplement has killed a person.

That troubles me. I don't believe we should have any dietary supplements being sold across America—certainly not at our military base exchanges—that is sold in a situation where, if there is adverse health consequence—death, stroke, heart attack, serious health consequences—the manufacturer doesn't have to report it to the Government.

That is basically what this amendment says: If you want to sell a supplement containing a stimulant on a military base, be prepared to report adverse events to the Federal Government. If you will not tell us, the Federal Government, when people are dying or are seriously ill because of your dietary supplement, you should not be selling them at the exchanges.

Let me say a word about ephedra. It received a lot of headlines.

Mr. President, for the purpose of those who were following my statement ever so closely and might have been interrupted and lost their train of thought, let me return to that for a moment and tell you what I am doing.

This amendment says you cannot sell dietary supplements containing stimulants at military stores and base exchanges, unless the maker of the dietary supplement agrees, under law, to notify the Government if there are adverse events when somebody takes the supplement. In other words, if you take a nutritional or dietary supplement and suffer a heart attack or a stroke or someone dies and it is reported to the manufacturer, this would require that the manufacturer notify the Government.

Has that ever happened? Sadly, it has. The military bases took ephedra off the shelves at the end of 2002 because, between 1997 and 2001, at least 30 active American military duty personnel died after taking ephedra. After 7 years of effort, the FDA banned ephedra in 2004. The industry went to court and fought it—even though 150 Americans had died from this dietary supplement—and they won. In a court in Utah, they determined that the Federal law, the Dietary Supplement Health Education Act, DSHEA, didn't have the teeth to stop the sale of ephedra as a dietary nutritional supplement. So today this tells the story.

Nutrition centers, such as this one in the photo, in Cincinnati, OH, are proclaiming ''ephedra is back.'' It certainly is. A member of my staff decided to order 30 pills containing 200 milligrams each of ephedra over the Internet from a post office box in Boonville, MO. You can pick it up everywhere, even though it continues to be dangerous.

Why should we expose the men and women in our military to supplements that have already taken the lives of at least 30 of our military personnel and threatened scores of others? This amendment says we will not. Unless you, as a manufacturer, are prepared to report adverse events to the Federal Government, you cannot sell these products on military bases.

In case people are wondering whether this little effort against ephedra is my personal idea, ephedra, such as I am holding it here, has already been banned for sale in Canada. As I am holding it here, it has been banned for sale in many local jurisdictions. The American Medical Association has said it is a dangerous supplement. We have seen sports activities—one after the other—ban the use of ephedra. A Baltimore Orioles pitcher died last year after taking it in an attempt to lose weight. In my area of Lincoln, IL, in central Illinois, a great young man, 16 years old, went to the local gas station—Sean Riggins was his name—to buy some dietary supplement pills to get ready for a high school football game. By the next morning, he was dead from a heart attack.

I do not want to see that happen again. I certainly want to spare our military personnel from having to face that.

I tried to move this amendment last year. Others came to the floor and said: We can work this out. It never happened. The industry did nothing. We have achieved nothing. We have to put this protection in the law for our military personnel.

I close by asking unanimous consent that Senator FEINSTEIN's name be added as a cosponsor.

The PRESIDING OFFICER (Mr. CHAFEE). Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I also ask unanimous consent that letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LETTERS OF SUPPORT

My name is Kevin Riggins from Lincoln, IL. and I would like to tell you my story. On Sep. 3, 2002, my wife and I lost our son, 16 year old, Sean Riggins to a heart attack brought on by the use of ephedra. Sean was a healthy, active student athlete with no health problems overt or latent. Sean played football, wrestled, and was a ''Black Belt'' in Tae Kwon Do, and while he excelled in each sport, he and his teammates strived for more. To ''enhance'' their performance in football they began taking dietary supplements containing ephedra. Because of the current FDA rules concerning dietary supplements, or more precisely the lack thereof, my son lost his life.

As you may or may not know, dietary supplement companies fall under the Dietary Supplement Health and Education Act (DSHEA) and NOT under the Food, Drug and Cosmetics Act. Under DSHEA, supplement companies do not need a license to manufacture these products, nor do they require a medical or science professional to formulate and create said products. As a result, there are numerous companies that are owned and run by persons with no more than a high school diploma, in fact, I know of at least 3 owners that have State and Federal convictions for a variety of offenses including drug possession and distribution. Imagine a high school graduate convicted felon formulating the mixtures and dosages for these products.

There are no good manufacturing processes set in place for these companies, which means that dosage requirements and contents are irrelevant due to the lack of standardization.

There are no requirements for adverse event reporting to the FDA. If a supplement company receives a report that their product injured someone, the company can and in certain cases has thrown the AER away.

These are but a small sample of the problems with this industry and that is why I support any and all efforts to reign in these lawless companies.

As an honorably discharged decorated veteran, I applaud requiring adverse event reports turned in by military members to be reported to the FDA. Our soldiers, sailors and airmen deserve this protection. They put themselves on the line and tell our enemies ''you will not pass'', and for that we must accord them every protection.

If I sound somewhat bitter, I am. If I sound driven and committed to reigning in these types of corporations, I am. I lost my son. You cannot know that pain, that emptiness, that hole in your soul when you lose a child unless you have been there, and I pray that none of you ever have to experience that. Please, help our service men and women, my brothers and sisters in arms. Pass this amendment. Let them know that somebody gives a damn. Let me know somebody gives a damn. Let Sean know.

Thank you.

KEVIN S. RIGGINS.

My name is Debbie Riggins. My son, Sean, died of a heart attack almost 3 years ago at age 16 due to ephedra. That day changed my life forever. I still struggle with the memory of that day; the moment I saw the life drift from the eyes of my only child. As Sean started high school, he thought of what he might want to do with his life. He considered a life in the armed services. He never got that chance. He was robbed of the chance to do many things.

Now it's time for the military to set an example to the private sector; a chance to show the Nation that it truly cares about the health and welfare of its troops. We are asking the military to track and report adverse event reports of their troops. Since the pharmaceutical companies have been so lax and unprofessional in their reporting practices, many events are either being diagnosed incorrectly or being swept under the rug. The military should be an example for the rest of the Nation. The armed services is a more controlled environment and would thus be a more consistent reporting base reflecting truer figures and facts.

It's already a tragedy when a family is informed that their loved one has been killed in action but to later discover that it was from an uncontrolled herbal supplement while they were deployed is even worse. It's ''chemical warfare meets friendly fire''.

Protect the service men and women as they protect us.

DEBBIE RIGGINS.

From: Hilary Spitz
Sent: Tuesday, July 19, 2005, 10:02 p.m.

On March 16, 2000, our lives forever changed. My daughter, Hilary Spitz had worked midnights as a deputy sheriff for Coles County. When she got home, we went shopping. I dropped her off at home and left to go sign documents at the school board office. My husband worked midnights also. They both closed their respective doors. Soon after I arrived, Dr. Berg received a call for me. I was told my daughter was in trouble at home and an ambulance had been called. My husband had heard our dogs barking and went to check on them. They were scratching at Hilary's door and he could hear a horrible wailing sound coming from her room. He burst in and found her lying on the floor in a very violent seizure. He could not get her to respond and quickly dialed 911. He physically had to lay across her to keep her from hurting herself. Her feet were bleeding from kicking the bed and dresser. When I arrived home, I could hear her from the doorway. No one knew what was wrong. When I arrived at the hospital, I was met at the door by a nurse and told they were doing everything they could for her and I could not go in. Soon after my family arrived, we convinced them to let me in, maybe I could talk to her. By that time, she was still unresponsive and uncontrollable. No amount of medicine would calm her down. They did all kinds of tests and eventually transferred her to Carle Clinic. Her seizure lasted 13½ hours. It was eventually determined that this was caused by an herbal diet supplement that contained ephredra. She had taken 5 pills in 10 days. That wasn't even the amount that was suggested to take. She was in a coma for 7 days. When she woke up, she had no idea what had happened. Since that time, she has

had other health issues that have come up, but cannot be linked directly to the ephedra seizure, but it seems strange that they happened after that. But, since the seizure and the hypoxic aftereffects, she is unable to work. She suffers from depression, anxiety, sleeplessness, agitation, and sever memory dysfunction. I am so grateful that she is here with me. I wish she did not have the symptoms, but I am content that she is alive. We continually live with her problems and continually have to be with her. She was afraid to go to sleep for a long time and had the light on in the bedroom closet. Hilary lives with us and we help raise her 7 year old daughter. If there is anything that we can do to keep this horrible product off the market, we would be happy to discuss this with you. We want to prevent anyone else from going through this. Unfortunately, most people do not survive this. Hilary is one of the lucky ones. It is just too bad that she had to go through this.

Thank You, Michelle Skinlo.

CENTER FOR SCIENCE
IN THE PUBLIC INTEREST,
July 21, 2005.

Hon. RICHARD J. DURBIN,
U.S. Senate, Washington, DC.

DEAR SENATOR DURBIN: The Center for Science in the Public Interest (CSPI) wishes to commend you for introducing an amendment to S. 1042 that would require manufacturers who sell on military bases dietary supplements containing stimulants to submit to the Food and Drug Administration (FDA) reports of serious adverse health reactions relating to such products. Serious reactions include death, life-threatening conditions, hospitalization, persistent disability or incapacity, and pregnancy-related effects.

Members of the armed forces are particularly at risk from potentially harmful stimulants that are promoted for weight loss and performance enhancement. Such claims ''are enticing to soldiers [and other members of the armed forces] who are trying to meet or maintain weight standards, improve physical fitness test scores, or be competitive in specialized unit requirements.''

Between 1997 and 2001, 30 active duty personnel died after taking ephedra, the most widely used stimulant at that time. As a result, the Marine Corps banned the sale of dietary supplements containing ephedrine alkaloids at its commissaries more than two years before FDA's nationwide ban became effective on April 12, 2004. The other members of the Armed Forces implemented their own bans soon thereafter. Although replacements for ephedra, such as bitter orange, usnic acid and aristolochic acid appear to present similar risks, it may take years before FDA has amassed the data necessary to ban or otherwise restrict the sale of these and other stimulants. We, therefore, believe that, in the interim, military personnel should be protected.

Passage of this amendment will also provide FDA with sorely needed data to support restrictions on the sale of harmful supplements. In July 2000, the General Accounting Office concluded that:

''Once products reach consumers, FDA lacks an effective system to track and analyze instances of adverse effects. Until it has one, consumers face increased risks because the nature, magnitude and significance of safety problems related to consuming dietary supplements and functional foods will remain unknown.''

Similarly, a report by the Office of Inspector General (IG) of the Department of Health and Human Services, Adverse Event Reporting for Dietary Supplements: An Inadequate Safety Valve, concludes that ''FDA receives less than 1 percent of all adverse events associated with dietary supplements'' under its voluntary reporting system. This under-reporting is particularly problematic because, as the IG explained, dietary supplements do not undergo premarket approval for safety and efficacy, and the adverse event reporting system is the FDA's primary means for identifying safety problems. The IG, therefore, recommended that manufacturers be required to report serious adverse health reactions to the FDA.

The most recent report by the National Academy of Sciences Institute of Medicine underscores the necessity of passing such legislation. As the report explained, ''[e]ven though they are natural products, herbs contain biological and chemical properties that may lead to rare, acute or chronic adverse effects.'' Therefore, the IOM recommended that Congress strengthen ''consumer protection against all potential hazards'' and called for legislation to require that a manufacturer or distributor report to the FDA in a timely manner any serious event associated with the use of its marketed product of which the manufacturer or distributor is aware. Adverse event reports are an essential source of ''signals'' that there may be a safety concern warranting further examination.

While we believe the FDA should be given new authority to ensure that all supplements are safe before they are sold regardless of whether they are sold at military installations, and to promptly remove unsafe products from the market, the measures in this bill are an important first step towards evaluating the safety of dietary supplements now on the market. We, therefore, believe that the legislation should be enacted.

Sincerely,

BRUCE SILVERGLADE,
Director of Legal Affairs.
ILENE RINGEL HELLER,
Senior Staff Attorney.

AMERICAN OSTEOPATHIC ASSOCIATION,
Washington, DC, July 20, 2005.

Hon. RICHARD DURBIN,
Democratic Whip, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR DURBIN: As President of the American Osteopathic Association (AOA), I am pleased to inform you of our support for the ''Make Our Armed Forces Safe and Healthy (MASH) Act.'' We appreciate your willingness to offer this provision as an amendment to the ''Fiscal Year 2006 Department of Defense Appropriations Act'' (H.R. 2863). The AOA and the 54,000 osteopathic physicians it represents, extends its gratitude to you for introducing this important amendment.

The AOA continues to evaluate the impact of increased use of dietary supplements and other ''natural'' products upon the patients we serve. Over the past ten years we have seen a steady increase in utilization of dietary supplements by consumers. As a result, we are increasingly concerned about the unregulated manner in which many of these products are produced, marketed, and sold.

As evidenced by a 1999 study conducted by the U.S. Army Research Institute for Environmental Medicine, the use of dietary supplements is a significant health care issue for American soldiers. A similar study conducted by the Department of the Navy found that overall seventy-three percent of personnel reported a history of supplement use, with the number as high as eighty nine percent of Marines reported using supplements. These studies demonstrate the prevalence of these products among our men and women in uniform.

The AOA believes that it would be beneficial for consumers and physicians to have an increased understanding of the potential serious side effects of dietary supplements. All too often patients fail to inform their physician when they use one or more of these products. This leads to potential interactions with prescribed medications and may obscure an accurate diagnosis of an underlying condition or disease. The physical rigors of the military place soldiers at an even greater risk of harm caused by dietary supplements that have not been properly monitored.

The AOA supports the ability of the Food and Drug Administration (FDA) to monitor dietary supplements. Your amendment would take a significant step in ensuring the FDA, and ultimately military personnel, physicians, and the general public, become more knowledgeable with regard to possible serious side effects of certain dietary supplements. By requiring that the FDA receive serious adverse event reports for dietary supplements sold on military installations, a significant gap in knowledge about these products and their effect on a person's health would be closed.

On behalf of my fellow osteopathic physicians, I pledge our support for your efforts to promote the health of American soldiers by confronting the issue of dietary supplements and the health of our armed services. Please do not hesitate to call upon the AOA or our members for assistance on this or other health care issues.

Sincerely,

PHILIP SHETTLE, D.O.,
President.

CONSUMERS UNION,
July 21, 2005.

Hon. RICHARD DURBIN,
U.S. Senate, Washington, DC.

DEAR SENATOR DURBIN: Consumers Union, publisher of Consumer Reports magazine supports your ''Make our Armed Forces Healthy (''MASH'') amendment to the FY 2006 Department of Defense Authorization bill. Your amendment would require manufacturers that sell dietary supplements containing stimulants on military installations to file reports of all serious adverse events relating to the products (including death, a life-threatening condition, hospitalization, persistent disability or incapacity, or birth defects) with the FDA.

Many members of the military invest a lot of time and attention in their physical fitness. In addition to physical training, some have turned to dietary supplements—including those containing stimulants—believing they may increase their performance. Unfortunately, use of such stimulants too often results in harm. Prior to its action banning this ingredient from herbal supplements on February 11, 2004, the FDA had received at least 16,961 adverse event reports relating to ephedra supplements, including reports of heart attacks, strokes, seizures and fatalities. Consumer Reports, however, continues to strongly urge people to avoid all weight-loss and energy-boosting supplements, including those that are now touted as ''ephedra-free.''

As reported in the January 2004 issue of Consumer Reports, herbal supplements that are labeled 'ephedra-free' are not necessarily safer than ephedra. Many include similar central nervous stimulants, such as synephrine-containing bitter orange (citrus aurantium) that not only are structurally similar to ephedrine, but also affect the body in similar ways. Because there is no required pre-market safety evaluation for those products, consumers have no assurance that the problems experienced by ephedra users will not continue with a switch to ephedra-free products.

We therefore commend you for crafting this amendment that will better ensure that the military—and the broader public—is informed about the potential harms that can

result from the use of these products. Thank you again for your sponsorship.

Sincerely,

JANELL MAYO DUNCAN,
Legislative and Regulatory Counsel.

Mr. DURBIN. Mr. President, I report to my colleagues that my amendment has been endorsed by the American Medical Association, the American Dietetic Association, the American Osteopathic Association, Consumers Union, Center for Science in the Public Interest, the American Society for Clinical Pharmacology & Therapeutics, as well as two individuals, Michelle Skinlo of Mattoon, IL, mother of 31-year-old Hillary Spitz, who had a seizure in 2000 and continues to suffer long-term debilitation because of ephedra, and Kevin Riggins of Lincoln, IL, father of 16-year-old Sean Riggins, a high school football player who died after taking ephedra. The tragedy of these families does not need to be replicated, certainly on the military bases, across America.

I urge my colleagues support my amendment.

Pursuant to my earlier request, I ask the amendment be set aside and we return to the regular business.

The PRESIDING OFFICER. That is the regular order.

Mr. WARNER. Mr. President, I very much need to accommodate Senators on both sides of the aisle with a short unanimous consent request.

Mr. DURBIN. I am happy to yield for that purpose.

Mr. WARNER. This is a matter the ranking member and I have worked on.

I ask unanimous consent that between the hours of 4:30 and 6:30 tonight the amendment by Mr. LUGAR be brought up with 1 hour on each side, with the hour in opposition under the control of Mr. KYL, with a rollcall vote immediately following.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, to clarify that, regardless of what is pending, at 4:30, we will move to the Lugar amendment, and we will vote on that amendment at 6:30, and then return to whatever the pending matters are.

Mr. WARNER. I thank the Senator. There are no second degrees.

Mr. LEVIN. Right.

Mrs. HUTCHISON. Mr. President, parliamentary inquiry:

I wanted to make time for the Hutchison-Nelson amendment to come after Senator DURBIN and before the 4:30 amendment.

Mr. WARNER. Mr. President, I want to engage the Senator from Maine and the Senator from New Jersey. We have a unanimous consent request from our colleague from Texas. Would the Senator from Texas repeat that for the Senator from Maine.

Mrs. HUTCHISON. Mr. President, I was under the impression that Senator NELSON and I would be able to offer our sense-of-the-Senate amendment following Senator DURBIN.

Mr. WARNER. Would the Senator from Maine advise the chairman as to when you would resume your debate with the Senator from New Jersey?

Ms. COLLINS. Mr. President, I have offered a second-degree amendment. I have asked for the yeas and nays on it. I believe that the floor staff is trying to set up the vote on the alternative approaches. It may well be appropriate for the Senator from Texas to go ahead while we are considering those things.

Mr. WARNER. I thank our colleague.

Mr. LEVIN. Reserving the right to object, we have a lot of amendments now that have been set aside. If the Senator from Texas is asking that she could introduce a sense-of-the-Senate amendment and put it in order and then it be set aside immediately and taken up at a later time, I will have no objection. Because other amendments are waiting to be disposed of, I could not agree that her amendment come ahead of other amendments.

Mrs. HUTCHISON. Whatever is the pleasure of the chairman and ranking member.

Mr. WARNER. I ask the Chair to restate the unanimous consent request which we are ready to accede to on both sides.

The PRESIDING OFFICER. Consent has been granted for 2 hours of debate on the Lugar amendment.

Mr. WARNER. Yes. The Senator from Texas can state her request.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that Senator NELSON and I be able to offer our amendment following Senator DURBIN and before Senator LUGAR's amendment is considered.

Mr. LEVIN. Reserving the right to object, my understanding of the request is that immediately following Senator DURBIN, the Senators from Texas and Florida will be recognized simply to introduce a sense-of-the-Senate amendment, which would then be set aside, and then we would move at 4:30 as previously authorized, and any time remaining between the time they offer and set aside that amendment would then go to the Senator from Maine and the Senator from New Jersey to continue their debate.

The PRESIDING OFFICER. Is there objection to the request? Without objection, it is so ordered.

The Senator from Texas.

AMENDMENT NO. 1357

Mrs. HUTCHISON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for herself and Mr. NELSON of Florida, proposes an amendment numbered 1357.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of the Senate with regard to manned space flight)

At the appropriate place, insert the following:

SEC. ——. SENSE OF THE SENATE REGARDING MANNED SPACE FLIGHT.

(a) FINDINGS.—The Congress finds that—

(1) human spaceflight preeminence allows the United States to project leadership around the world and forms an important component of United States national security;

(2) continued development of human spaceflight in low-Earth orbit, on the Moon, and beyond adds to the overall national strategic posture;

(3) human spaceflight enables continued stewardship of the region between the earth and the Moon—an area that is critical and of growing national and international security relevance;

(4) human spaceflight provides unprecedented opportunities for the United States to lead peaceful and productive international relationships with the world community in support of United States security and geopolitical objectives;

(5) a growing number of nations are pursuing human spaceflight and space-related capabilities, including China and India;

(6) past investments in human spaceflight capabilities represent a national resource that can be built upon and leveraged for a broad range of purposes, including national and economic security; and

(7) the industrial base and capabilities represented by the Space Transportation System provide a critical dissimilar launch capability for the nation.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that it is in the national security interest of the United States to maintain uninterrupted preeminence in human spaceflight.

Mrs. HUTCHISON. Mr. President, I rise today with my colleague, Senator NELSON of Florida, to offer an amendment expressing the sense of the Senate regarding the critical nature of human spaceflight to America's national security.

The day after the scheduled space shuttle launch was canceled last week, there were two news items that were largely overlooked by many who were focused on what might have caused the sensor failure which was the basis for stopping the countdown to launch.

One of these was an announcement by the Chinese space agency that they planned to launch their second manned spaceflight in October aboard their Shenzhou spacecraft. The other was the announcement by the Russian space agency that they were initiating full-scale development of their clipper space vehicle, a small shuttle-like space vehicle capable of taking several people into orbit, a sort of winged supplement to their existing Soyuz launch vehicles.

Whether these announcements were calculated to remind the world that the space shuttle and the United States do not represent the only avenue by which humans can fly to space is debatable. My purpose in mentioning them, however, is to remind my colleagues that space is not the exclusive province of the United States, that there is increasing interest among technically advanced nations of the world in developing and maintaining the ability to conduct human spaceflight missions. Not all of those nations share the same values and

principles as our country, and they may not have the same motivations for advancing their independent capability for human spaceflight.

Space represents the new modern definition of the high ground that has historically been a significant factor in defense strategy. Virtually all of our military actions in recent years have made dramatic use of space-based assets in conducting those important operations in the course of pursuing national security and foreign policy. Satellite targeting, surveillance and intelligence gathering, use of radio frequencies and communications all result from our ability to explore in space.

In recent years, we have witnessed a growing entrepreneurial interest in developing access to space for humans and cargo. We recently passed out of the Commerce Committee a NASA reauthorization bill which will provide guidance for our space program at a critical time, a time when we have multiple demands on limited resources.

During our consideration of this bill and during hearings, it became clear that we must think of manned spaceflight in terms of national security, as well as science and exploration. For these reasons, I believe it is important that in the context of this Defense authorization bill, we express the sense of the Senate that we recognize the important and vital role of human spaceflight in the furtherance of our national security interests, and that we reaffirm our commitment to retaining our Nation's leadership role in the growing international human spaceflight community of nations.

Great nations discover and explore. Great nations cross oceans, settle frontiers, renew their heritage and spirits, and create greater freedom and opportunity for the world. Great nations must also remain on the front edge of technologically advanced programs to maintain their security edge.

Today we recognize one such program. We have an international outpost in space. We are on a path to establish a permanent presence on the Moon. Let us stand united to recognize the inexorable link and importance of human spaceflight in our national security.

I hope my colleagues will support this important statement that says keeping our dominance in space is a matter of national security for our country.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I join with my colleague, the distinguished Senator from Texas, who serves as the Chair of our Science and Space Subcommittee and of which I have the privilege of being the ranking member. The timing of this amendment is propitious because the problem on the shuttle has been found and the count will start shortly. Next Tuesday morning at 10:39 a.m., if all goes as well as we certainly hope, we will see the space shuttle launch into the Florida sky after having been down for 2½ years after the mistakes that should not have been made that took down *Columbia*, and that 18 years earlier had taken down *Challenger*.

We have a new leader, Michael Griffith, and he is doing a good job. I can tell you that the team is ready and they have scrubbed this orbiter and this stack as it has never been scrubbed before. Even though spaceflight is risky business, they are ready to go. It is an acceptable risk because of the benefits we gather from it.

What this amendment does—and I want to say a word about our two colleagues who lead our Armed Services Committee who I think will accept this amendment—it simply says: It is the sense of the Senate that it is in the national interest of the United States to maintain uninterrupted preeminence in human spaceflight.

Why? Why are we saying that? Because we could be in a posture that if the space shuttle is shut down in 2010, which is the timeline, and if we did not soon thereafter come with a new vehicle to have human access to space, the new what is called the crew exploration vehicle, which will be a follow-on—it may be in part a derivative of the shuttle stack vehicle, but it will be more like a capsule harkening back to the old days where you have a blunt end that has an ablative heat shield that will burn off in the fiery heat of reentry—that if we don't watch out and we have a hiatus between when we shut down the space shuttle and when the new vehicle flies, one originally that was planned by NASA to be 4 years, which meant it was going to be 6, 7, or 8 years, then we don't have an American vehicle to get into space.

If that is not bad enough, who knows what the geopolitics of planet Earth is going to be in the years 2011 to 2018. We may find that those vehicles we rely on to get today, for example, to the space station, when we are down with the American vehicle, may be aligned with somebody else. That is why we want to make sure we have that other vehicle ready about the time we shut down the space shuttle so we will have human access to this international space station and reap the benefits, once it is fully constructed, of all the experimentation and the processing of materials we can uniquely do in the microgravity of Earth's orbit.

That is the importance, in this Senator's mind, of this resolution.

Before I turn back to my colleague, I want to say a word about our leadership on the Armed Services Committee, and I want the Senator from Virginia to hear this. I want him to know what a great example he and the Senator from Michigan set for the rest of us in the way these two Senators work together so problems that could be so thorny are usually ironed out, especially in dealing with such matters of great importance to our country, such as the defense interests of our country.

The way they have worked this is nothing short of miraculous. I would call them Merlin the Magicians. I thank them for the leadership they have shown us.

I associate myself with remarks made earlier on the TRICARE amendment for the Guard and Reserves. So often my colleagues have heard me speak with such great pride about the Florida National Guard. They were first into Iraq. They were in Iraq before the war started because they were in there with the special operations troops. For us to give them the health care through TRICARE is exceptionally important.

I yield the floor.

Mrs. HUTCHISON. Mr. President, I thank the distinguished Senator from Florida. I am the Chair and he the ranking member on the Commerce Subcommittee on Space and Science. I so appreciate the opportunity to express this sense-of-the-Senate amendment. I hope my colleagues will support it because I do believe that human spaceflight is as much a part of our national security as anything we do. We see the preeminence we have in our military because of precision-guided missiles, because of the ability to execute surveillance and intelligence gathering to an extent we never have been able to before we explored space and were able to put satellites there.

The idea that we would consider a hiatus in our opportunities to put humans in space is one that is unacceptable to me and to my ranking member. We hope the sense-of-the-Senate amendment will be adopted to acknowledge and assure that space exploration is shown to be a part of our national security interests. It is essential that we not, in any way, ever let our eye get off that ball, that we must have dominance in space if we are going to keep our preeminence in national defense.

I thank the Chair.

Mr. NELSON of Florida. Mr. President, may I just make one further comment? It is interesting at the very time we are talking about space, we have America's true national hero on the Senate floor, a former colleague of the Senate, John Glenn, who blazed the trail for everybody. When he climbed on that Atlas rocket, he knew there was a 20-percent chance that it was going to blow up. Yet that is the kind of risk that he took so that all of us in America that followed could have these wonderful benefits.

I want to note the presence on the floor of former Senator Glenn.

(Applause.)

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first let me say how delighted that I know I am—I know every Member who is on the floor now is, and every Member would be if they were on the floor—just taking a look at a dear friend and a former colleague of ours who just walked on the floor. When John Glenn

is in our presence, it lifts all of us. The way he lifted up this Nation, he still provides a great lift to each and every one of us. And his beloved wife and our beloved friend, Annie, does the same when she is at his side. So it is great to see former Senator Glenn again.

I also want to thank Senator NELSON for his remarks. I must say we are blessed—and I know Senator WARNER feels the same way I do—that the members of our committee work so well together, but we are particularly blessed when we have members such as BILL NELSON of Florida who fight for so many issues not just for Florida but for the Nation.

He mentioned TRICARE. He has been on that issue as long as anybody I can remember. As it happened, we passed that perhaps when he was not even on the Senate floor today, but I know he has been a strong supporter and his advocacy has made all the difference.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I join my colleague in thanking former Senator Glenn for coming back and joining the longstanding tradition of the Senate, and a proper one. A former Senator is always welcome back on the floor. There is the desk at which he sat these many years, and as a member of the Senate Armed Services Committee.

I never heard about the blowup thing before, but I can say I have seen the Senator sit in that chair and blow up this place many times in his long distinguished career and fight for the things in which he believed. We send the best to you, dear friend, and your lovely wife Annie, and wish you well. Return many times.

Mr. LEVIN. If the chairman would yield, there is an issue on the floor today, in addition to the pending sense-of-the-Senate resolution about keeping men in space. We have a pending amendment that is going to be offered by Senator LUGAR that has to do with nonproliferation, Nunn-Lugar, trying to make it possible for us to see if we cannot reduce the threat of proliferation of weapons of mass destruction. I think the Member of the Senate who probably pioneered in the effort to prevent proliferation of weapons of mass destruction was John Glenn, who happens to be on the Senate floor at this particular moment. Senator LUGAR is now here. Under our UC, he will be offering his amendment. But the effort of Senator LUGAR to try to control weapons of mass destruction, to lock them up, to make sure that there are no loose nukes, that Senator Nunn and so many others joined in, was actually a subject which was very close to the heart and very much on the lips of John Glenn when he was here as a Senator.

Mr. WARNER. Mr. President, at this point in time under the UC, there is 2 hours equally divided between the distinguished Senator from Indiana, Mr. LUGAR, and Mr. KYL, who will soon be on the floor, and myself.

I would say to Senator LUGAR, I find myself in a bit of an awkward position at this time in opposition because I remember the breakfast that Sam Nunn had in the Armed Services Committee office when the first concept of Nunn-Lugar was adopted and how grateful all of us are for the Senator's continued service in these many years ensuing to make this very important program effective not only for this country, the citizens of Russia, and the former Soviet Union but also the world. I thank the Senator from Indiana.

AMENDMENT NO. 1380

The PRESIDING OFFICER. Under the previous order, the Senator from Indiana is recognized to offer an amendment.

Mr. LUGAR. Mr. President, I thank my distinguished friend, JOHN WARNER, for his very thoughtful comments about the origin of the program and the initial bipartisan breakfast of Senators that in the latter stages of the 1991 session made possible the cooperative threat reduction legislation.

I am honored that Senator John Glenn and Annie are likewise witnessing the program today, along with our distinguished colleagues, Senator WARNER and Senator LEVIN, who have meant so much to all of us in formulating the defense policy.

I send an amendment to the desk on behalf of myself, Senators LEVIN, OBAMA, LOTT, JEFFORDS, NELSON of Florida, VOINOVICH, DODD, LEAHY, NELSON of Nebraska, MURKOWSKI, KENNEDY, CHAFEE, COLLINS, ALEXANDER, ALLEN, SALAZAR, HAGEL, DEWINE, REED, DORGAN, MIKULSKI, BIDEN, STABENOW, BINGAMAN, AKAKA, and LAUTENBERG, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Indiana [Mr. LUGAR], for himself, Mr. LEVIN, Mr. DOMENICI, Mr. OBAMA, Mr. JEFFORDS, Mr. NELSON of Florida, Mr. VOINOVICH, Mr. DODD, Mr. LEAHY, Mr. NELSON of Nebraska, Ms. MURKOWSKI, Mr. KENNEDY, Mr. CHAFEE, Ms. COLLINS, Mr. ALEXANDER, Mr. ALLEN, Mr. SALAZAR, Mr. HAGEL, Mr. DEWINE, Mr. REED, Mr. DORGAN, Mrs. CLINTON, Ms. MIKULSKI, Mr. BIDEN, Ms. STABENOW, Mr. BINGAMAN, Mr. AKAKA, Mr. LAUTENBERG, Mrs. FEINSTEIN, and Mr. ENZI, proposes an amendment numbered 1380.

Mr. LUGAR. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To improve authorities to address urgent nonproliferation crises and United States nonproliferation operations)

On page 302, between lines 2 and 3, insert the following:

SEC. 1306. REMOVAL OF CERTAIN RESTRICTIONS ON PROVISION OF COOPERATIVE THREAT REDUCTION ASSISTANCE.

(a) REPEAL OF RESTRICTIONS.—

(1) SOVIET NUCLEAR THREAT REDUCTION ACT OF 1991.—Section 211(b) of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102–228; 22 U.S.C. 2551 note) is repealed.

(2) COOPERATIVE THREAT REDUCTION ACT OF 1993.—Section 1203(d) of the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103–160; 22 U.S.C. 5952(d)) is repealed.

(3) RUSSIAN CHEMICAL WEAPONS DESTRUCTION FACILITIES.—Section 1305 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 22 U.S.C. 5952 note) is repealed.

(b) INAPPLICABILITY OF OTHER RESTRICTIONS.—

Section 502 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (Public Law 102–511; 106 Stat. 3338; 22 U.S.C. 5852) shall not apply to any Cooperative Threat Reduction program.

Mr. LUGAR. Mr. President, I likewise would like to ask that Senator FEINSTEIN and Senator ENZI be added as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, my amendment is based upon S. 313, the Nunn-Lugar Cooperative Threat Reduction Act of 2005, which I first offered in November 2004 and reintroduced this January. It is focused on facilitating implementation of the program and removing some of the self-imposed restrictions that complicate or delay the destruction of weapons of mass destruction. By self-imposed, I mean restrictions imposed by our Government on our programs which bring about delay, sometimes very severe delay, at a time that we take seriously the war on terrorism, and the need, as a matter of fact, to bring under control materials and weapons of mass destruction as rapidly and as certainly as possible.

In essence, I am going to argue in various forms during the next few minutes that the United States of America, contrary to almost all common sense, imposes upon itself the need to examine year by year specifically Russian cooperation, Russian money, whether moneys are fungible; that is, moneys that are spent by the United States to work with Russians to destroy weapons of mass destruction in Russia and elsewhere, whether we are, in fact, serious about this.

If we came to a conclusion that for some reason the Russians had not spent precisely the amount of money that we think they ought to spend, does any Senator believe we at that point should stop taking warheads off of missiles, should stop trying to get control of weapons of mass destruction in the chemical and biological areas? Of course not. We have constructed for 14 years an extraordinary situation in which from time to time Senators, some of whom had come new to the floor, were not here during the end of the Cold War or any of the Cold War for that matter, and said simply: We are suspicious of Russians. We are not sure we ought to be helping them at all. Why should they not destroy 40,000 metric tons of chemical weapons? Why should they not pay for it? They made their bed. Let them sleep in it. In essence, if they do not destroy it, that is their problem.

Long ago, as Senator WARNER pointed out, we found it was our problem. The 13,300 nuclear warheads were aimed at us, sometimes 10 warheads to a missile—multiple reentry vehicles they were called. That is the problem. We thought, as a matter of fact, for our safety, after a half century, it was useful to work with Russians who came to visit with Senator Nunn and with me and who asked for our help. They said: We have a problem in Russia, but you have a problem, too. Those warheads are aimed at your cities and they are still up there on the missiles, and the tactical warheads are still out there, and privateers as the Red Army breaks up could cart them off on flat bed trucks to Iran, Iraq, Libya, wherever there is a market for them.

As a matter of fact, the Wall Street Journal helpfully published an article about how one could take a missile out on a flat bed truck. So this was not rocket science. Even at that time people were still putting on stipulations.

Why does that matter? It matters because at the beginning of each new budget year the President of the United States and various agencies involved have to go through thousands of bureaucratic hours examining all of the stipulations that have been added by some Member of the House or Senate over the years to try to divine whether there has been proper compliance.

At the end of the day, the law now states—and in fairness, the Senate Armed Services Committee has provided—that there will be a permanent waiver authority.

After all of these thousands of hours of bureaucratic hassling, the President can finally say: Listen, we are in a war on terror. Let's get on with it. But, apparently, the President would be hardpressed to do that before going through all the machinations.

I am just saying, it is time to take seriously weapons of mass destruction, materials of mass destruction. It is time to get over the thought that somehow or another the Russians may or may not be cooperative because the fact is, it is our program, cooperation with the Russians, that has brought about at this point some remarkable results.

Let me recite some of those results. During the last 14 years, the Nunn-Lugar program has deactivated or destroyed 6,624 nuclear warheads; 580 ICBMs; 477 ICBM silos; 21 ICBM mobile missile launchers; 147 bombers—these were the transcontinental bombers that could have carried nuclear weapons across the oceans to us, and they have been destroyed—789 nuclear air-to-surface missiles; 420 submarine missile launchers; 546 submarine launched missiles; 28 nuclear submarines; 194 nuclear test tunnels.

Perhaps most importantly, Ukraine, Belarus, and Kazakhstan, who emerged from the former Soviet Union situation as the third, fourth, and eighth largest nuclear weapons powers in the world, all three are now free as a result of the cooperative threat reduction program, the so-called Nunn-Lugar program, of nuclear weapons.

This did not happen easily. In each of the years in which these destructive efforts with regard to the former Soviet ICBMs and cruise missiles and what have you came about, there had to be competitive bidding conducted by the Department of Defense. In every year, this was delayed because, once again, each of the stipulations added by a Senator or Member of the House had to be examined and had to be met.

In some years, in the early parts of the program, waivers were not available; waivers never occurred. The fiscal year ran out and nothing happened in many programs. I find it incomprehensible why, at this particular point in history, after 14 years of this experience, there are still Members who would argue we still should go through the thousands of hours of bureaucratic hassles every year, even if there is a Presidential waiver at the end of the trail that says: Call it off. Let's get on with the war on terror.

It seems to be almost a theological bent of some Members, who I suspect have a feeling that anything involving Russians or recipients of weapons of mass destruction or materials requires a whole lot of examination before we take the active steps to work with them to destroy the material.

In any event, I commend the chairman of the Armed Services Committee, my friend, Senator WARNER, and the ranking member, Senator LEVIN, for the important legislative efforts they have made. They have been steadfast in their support of the program throughout the years. They played critical roles in the success of the program. This year they have brought to the floor a bill that contains full funding for Nunn-Lugar programs, some $415 million. They also embraced one of the most important elements of my earlier bill, S. 313, namely the transfer of authority from the President to the Secretary of Defense for approval of Nunn-Lugar projects outside the former Soviet Union.

In 2003, Congress authorized the President to use up to $50 million in Nunn-Lugar funds for operations outside the former Soviet Union. The legislation requires the President to certify that the utilization of the Nunn-Lugar funds outside the former Soviet Union will address a dangerous proliferation threat or achieve a longstanding nonproliferation opportunity in a short period of time.

President Bush used this authority to authorize the destruction of 16 tons of chemical weapons in Albania. Let me say the Albanian experience is instructive, not only because good results occurred, but the very circumstances require the Senate, it seems to me, to focus on the world in which we live. Word came to officers in the Pentagon, in the Cooperative Threat Reduction Program, from authorities in Albania last year, 2004, that weapons of mass destruction were in Albania, specifically chemical weapons of mass destruction. This was a surprise to our authorities, quite apart from Members of this body. I was privileged to accompany members of our Armed Forces and members of the Albanian Armed Forces on a trip into the mountains outside of Tirana, the capital city of Albania. Up in the mountains we came upon canisters. We saw a number of them. As a matter of fact, by the time the compilation was completed, 16 tons of chemical weapons, nerve gas, were discovered in Albania.

We had a program, because we had adopted it a short time before, in which we knew that $50 million might be allocated outside the former Soviet Union. Obviously we were going to need that program. But the dilemma immediately was that a number of signoffs was required. Members will recall we were in an election year in 2004. We were able to get signatures ultimately from the Secretary of State. It was very difficult for people at the White House to accumulate the papers and requirements for President Bush to sign off, but eventually he did. But nevertheless, it was roughly a 60-day period from time of discovery.

In this particular instance, a $20 million program of neutralization will eventually take care of that risk, and it is a very substantial one. But my point is it will not be the last one.

I commend the Armed Services Committee for recognizing the need for expedited review and decisionmaking when it comes to these emergency situations. This may be an instance in the war against terror in which we had success, and we had success beyond that. While we were up in the mountains, the Albanian soldiers took us by sheds in which there were 79 Manpad missiles. As part of the good will of that expedition, they agreed to destroy those in September of 2004, and they did so.

Furthermore, as another feature, the next day when we were out of the mountains, in the office of the Minister of Defense of Albania, he talked about his plans for a military academy, a modest beginning at least of training of young officers, with one of the skills to be required a facility in the English language. In essence, they wanted to continue talking to us and continue working with us so there would be fewer and fewer surprises.

I would contend in the war against terror we are going to have many surprises and we better have very rapid responses. I thank the drafters of the legislation we are considering today for their consideration of this.

Let me say the problem of the overall situation in Russia remains as confounding as before. It is a peculiar thought that some of the programs of the Cooperative Reduction Program that occur in the Department of State and Department of Energy do not have these stipulations. They are literally a hangover from the first Nunn-Lugar

debates in 1981—people suspicious of Russia, still suspicious of Russia, and believing, because they are exercising their suspicions of the Russians, that somehow this has something to do with destruction of weapons of mass destruction. We have to get over that and that is the purpose of this debate today, to try to get on and try to understand the world in which we live, including Russia.

The question finally is, what national security benefit do these so-called certification requirements provide the American people? Do these conditions I would advocate terminating make it easier or harder to eliminate weapons of mass destruction in Russia—or elsewhere, for that matter? Do the conditions make it more likely or less likely that weapons are going to be eliminated? It would be hard to argue logically that putting more and more conditions upon action help us in destroying weapons and materials of mass destruction. They obviously hinder us. In some years they stopped us for months. We did this to ourselves. We continue to do it to ourselves, year after year.

Congress imposed an additional six conditions on construction of the chemical weapons destruction program at Shchuch'ye, after imposing all of the other conditions with regard to nuclear weapons in Russia. These conditions include, No. 1, full and accurate Russian declaration on the size of its chemical weapons stockpile. Experts have argued for 14 years over whether Russia has specifically 40,000 metric tons of chemical weapons or something more or less, and we will be arguing about it every year so long as we have a stipulation that we have to have this argument. Some will claim that Russia has never made a full declaration of all of it. But, nevertheless, it is not a good reason for stopping the program, because we are dissatisfied with whether the Russians have come clean on every pound—or ton, for that matter—when there are 40,000 metric tons we know of that need to be destroyed.

No. 2, every year we have to talk about allocation by Russia of at least $25 million—its equivalent in Russian currency—to chemical weapons elimination. We also argue about whether Russia has developed a practical plan for destroying the stockpile of nerve agents and whether enactment of a law by Russia that provides for elimination of all nerve agents at a single site is valid.

We have been arguing about the single site problem for quite a while. We have at this point, I suspect, a general summation that probably chemical weapons will be destroyed at three sites. I simply point these things out because in order each year to start up the program, all of these arguments must go back through the bureaucracy. Somebody must certify that the Russians have, in fact, appropriated $25 million, that they have made a full declaration—40,000 metric tons or more; that we wish they would do it all in one place, and we are still arguing with them over that.

In essence, what is the alternative? Let us say that for some reason someone contends at the time Russians have 41,000 tons. Is this a good reason to delay any destruction, any further security in our benefit? Not at all. That is the essence of what we are talking about today—stipulations that long ago were obsolete, were, if not a figment of someone's imagination on the floor of the Senate, a deliberate, provocative act to get an argument going with the Russians that could never in fact be consummated. I suggest that some have said, well, at worst the certification process is simply an annoyance; that by this time in history we go through the process every year and the predictable arguments are made, the thousands of hours are spent, reports are filed, they are bumped up from one desk to the next, and then ultimately at the end of the trail the President waives the whole business and we get on with the program.

While well-intentioned, these conditions, in my judgment, seriously delay and complicate constructive efforts to destroy weapons of mass destruction.

I get back to this again. If the No. 1 security threat facing our country is weapons of mass destruction, the security of those weapons, the destruction of those weapons, we cannot permit delays in our response.

I was interested last year, as I know you were, Mr. President, in a very vigorous debate between President George Bush and our colleague, Senator JOHN KERRY of Massachusetts. But one thing on which the President and Senator KERRY agreed was that the No. 1 national threat was what we are talking about today: weapons of mass destruction, proliferation of those into the hands of terrorists. They agreed this is the essence of what all of our defense business is about, ultimately. All I am suggesting is, given the urgency of this, the illogic of delaying, deliberately delaying on our part, bureaucratically, year after year, even if finally, as I say, at the end of the day we give the President the right to waive the whole thing and say, enough of this, get on with it—we must finally come to grips, and this amendment does, and that is what the argument is about today—to eliminate these barriers that are self-imposed and that I believe are destructive to our national security.

Let me make a point. In 2002—to get the facts—the Bush administration withheld certification for Russia because of the concerns about chemical and biological weapons arenas. President Bush recognized the predicament. The President said, How can we get out of this predicament? And he requested waiver authority for the congressionally imposed conditions. While awaiting a temporary waiver to be authorized in law, the new Nunn-Lugar projects were stalled, and no new contracts could be finalized from April 16, 2002, to August 9, 2002. This delay—and this is just 3 years ago—caused numerous disarmament projects in Russia to be put on hold, including, specifically, installation of security enhancements at 10 nuclear weapons storage sites, initiation of the dismantlement of two strategic missile submarines, 30 submarine launched ballistic missiles, and initiation of the dismantlement of the SS–24 rail mobile and the SS–25 road mobile ICBMs and launchers—all of these deliberately delayed by us. We did this ourselves. This is what these restrictions are about. Clearly, these projects were in our national security interest at the beginning of April and August when we finally got on with it. But they were delayed because of self-imposed conditions and the bureaucratic redtape that we have continually perpetrated year after year after year.

The second period of delays began when the fiscal year started, October 1, 2002—back into it all over again—with the expiration of the temporary waiver that lasted only until September 30, 2002. Again, U.S. national security suffered with the postponement of critical dismantlement of security activities for some 6 additional weeks until the Congress acted.

Unfortunately, the events of 2002, although they are fairly recent, are reminiscent of what occurred in the years prior to that. They are the rule. In some years, as a matter of fact, Nunn-Lugar funds were not available for expenditure until more than half of the fiscal year had passed and weapons of mass destruction slated for dismantlement awaited the U.S. bureaucratic process. This means the program during those times was denied funds for large portions of the year. The bureaucracy continued to generate reams of paper and yet ultimately produced an outcome that was never in doubt; namely, that it is in the national security interest of our country to destroy weapons of mass destruction in Russia and elsewhere.

Let me say, finally, Mr. President, this certification consumes not only hundreds of man-hours in the Defense Department but in the State Department, in the intelligence community, and the energy community. Obviously the time could better be spent tackling the problems of proliferation where, in fact, the materials are—where are the Albanias of the future; identifying the next A.Q. Kahn in Pakistan and that network, locating hidden stocks of chemical and biological weapons, as many of us have attempted to do.

Mr. President, let me add as a personal thought, it is apparent, I suspect, with the urgency with which I approach this that I take it seriously, and I do, and I think a majority of Senators do. I plan to visit Russia again in August, as I have each year for the last 14. I plan to visit Ukraine. I hope to go to Azerbaijan. I hope to go to other countries that I think might develop

during those trips. It has been my experience that while in Russia, Russians came to me and asked would I like to visit Sevmash, Sevmash being where the Typhoon submarines are. No American has been invited to Sevmash. There have been no invitations to anyone to destroy six Typhoon submarines. I said: Of course, I would like to go to Sevmash. And I did go to Sevmash. Russians took pictures of submarines, including one of me standing in front of a large Typhoon, and in due course they sent the pictures to me. I must say, this was the best view that our authorities had had of a Typhoon in some time.

Now, the fact is, it is cooperative threat reduction. There was no particular reason for the Typhoons to come into play at that particular moment, nor for other submarine programs on other occasions. But the nature of the dialog, in fact, if there is engagement, has been to bring about revelations and finally additional cooperation.

I make that point because the gist of all these controls is a supposition that the Russians will be uncooperative, that they will hide what they have, and in some cases they have. On another occasion, I tried to get into a bioweapons situation and was denied that access. They told us the Air Force plane could take off, but it would not be able to land. In due course they changed their minds but not totally, and I took this up with the Defense Minister in Moscow. He admitted bureaucracy in Russia sometimes creates problems for him and for Russians who want to be cooperative.

I mention these situations anecdotally because as far as I am concerned there is a hands-on operation. This is something personal. I have been there, I have seen, I have worked, and this is why, perhaps, I become so infuriated with people who are determined, bureaucratically, to block it, year after year to delay it, until finally out of exasperation, we have adopted waivers so that somehow we can get on with our own national security.

But this is the debate today. Those who want to get rid of the bureaucracy and the stipulations will vote in favor of the Lugar amendment, and those who want to keep all of this can vote against it, and we will have an up-or-down vote because this is a critical national security objective. I cannot put it more directly or more simply.

The delays have given on occasion, if there were those in Russia who wished to hide whatever they have, an opportunity simply to blame the United States for slow program implementation as we took the spotlight off of failure on the other side with our friends in Russia. Therefore, Mr. President, I am hopeful that this amendment will have very strong support. I am grateful for Senators who have, in fact, cosponsored the amendment as well as the original bill.

I would conclude by indicating that during my talk today, Senators ROCKEFELLER, MCCAIN, BENNETT, LAUTENBERG, MURRAY, and SCHUMER have all asked to be added as cosponsors. I thank each of these Senators for their cosponsorship.

I ask unanimous consent to have printed in the RECORD a letter from Secretary Rice, and this follows direct questioning of the Secretary during her confirmation about her support of this very objective we are talking about today. And she does support what I want to do.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF STATE,
Washington, June 3, 2005.

Hon. RICHARD G. LUGAR,
Committee on Foreign Relations, U.S. Senate.

MR. CHAIRMAN: I am writing in response to your March 28 letter urging support for legislation that would repeal the Cooperative Threat Reduction (CTR) certification requirements.

During my confirmation hearings, I stated that flexibility in administering these extremely important programs would be most welcome, and that the Administration supports legislation to remove the certification requirements for provision of CTR assistance. The Administration believes that these programs are extremely important to U.S. national security and to building a cooperative security relationship with Russia and the other states in Eurasia.

As a former student of the Soviet Union and of the Soviet military, I can think of nothing more important than proceeding with the safe dismantlement of the Soviet arsenal, securing nuclear weapons facilities, and destroying their chemical weapons. We will continue to press the Russians to provide greater accountability for their chemical weapons and for increased transparency of their biological weapons program.

The Administration is also willing to consider other alternatives to achieve flexibility in administering these programs. One possible alternative is included in the April 7, 2005, Defense Department transmittal to Congress of its national defense authorization bill and would renew permanently the authority under which existing certification requirements may be waived.

I greatly appreciate the leadership you have shown on these important issues and look forward to working with you on these programs.

Sincerely,

CONDOLEEZZA RICE.

Mr. LUGAR. Finally, I will submit additional letters that have come from other officials of our Government, from the National Security Council and the Department of Defense.

Mr. President, I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER (Mr. CORNYN). The Senator from Virginia.

Mr. WARNER. I wish to commend my very dear and longtime friend, Senator LUGAR—as I said, I was here when this program was initiated—and our esteemed former colleague, Sam Nunn, for their vision and work in this very valuable program.

Through the Cooperative Threat Reduction Program the United States has, since 1991, been providing assistance to states of the former Soviet Union to help them eliminate and safeguard weapons of mass destruction and related infrastructure materials. These programs helped to eliminate large Cold War stockpiles and dangerous weapons that were no longer needed. Today, this program is an important element in the continuance of our strategy to keep weapons of mass destruction and the know-how from falling into hands antithetical to the interests of those who are trying to fight terrorism and preserve freedom.

When Congress first authorized the Cooperative Threat Reduction Program, an important element of the authorizing legislation was the inclusion of certain conditions that must be met before a country could receive CTR assistance from the United States.

I was a key author of the Cooperative Threat Reduction Act of 1993, which reauthorized the original Nunn-Lugar program. I was a strong advocate of including the requirement that, for each recipient nation of CTR funds, the President certify that the recipient nation is committed to:

making substantial investment of its resources for dismantling or destroying its WMD;

foregoing any military modernization program that exceeds legitimate defense requirements and foregoing the replacement of destroyed WMD;

foregoing any use in new nuclear weapons of fissionable or other components of destroyed nuclear weapons;

facilitating U.S. verification of any weapons destruction carried out through the CTR program;

complying with all relevant arms control agreements; and

observing internationally recognized human rights, including the protection of minorities.

I believe these conditions remain as relevant and important today as they were in 1993. They provide the Congress and the public relevant information about the countries that are to receive taxpayer-funded assistance for eliminating and safeguarding weapons of mass destruction. The conditions help provide us confidence that U.S. tax dollars will be well spent in countries that are committed to right-sizing their militaries, complying with arms control agreements, providing transparency regarding how CTR assistance is used, and respecting human rights.

These certification requirements do not impede the provision of CTR assistance. For several years now, Congress has provided the President with waiver authority so that even if one or more of the certifications cannot be made for a particular country, the President may provide CTR assistance to that country if he certifies it is in the national interest to do so.

The current waiver authority will expire in September 2005. That is why in this bill we have included a provision that would make permanent the President's authority to waive, on an annual basis, the conditions on provision of CTR assistance when he judges it is in the national security interest to do so.

This provision for permanent waiver authority for the CTR programs that is

in our bill is what was submitted in the President's budget request to Congress. Only subsequently, on June 3, 2005, Secretary Rice wrote to Senator LUGAR stating that the Administration supports legislation to remove the certification requirements for provision of CTR assistance. Her letter went on to state that the administration is also willing to consider alternatives including the OMB-cleared legislative request from the Department of Defense for a provision to renew permanently the authority under which existing certification requirements may be waived. So the administration does not oppose the existing congressionally-mandated certification requirements, so long as there remains a waiver provision.

Senator LUGAR's amendment would also repeal the conditions Congress placed on the provision of CTR assistance to Russia for chemical demilitarization activities. Those conditions were established in the FY 2000 National Defense Authorization Act. They required the Secretary of Defense to certify that Russia has:

provided a full and accurate accounting of its chemical weapons stockpile;

demonstrated a commitment to commit $25 million annually to chemical weapons elimination;

developed a practical plan for destroying its stockpile of nerve agents;

agreed to destroy or convert two existing chemical weapons production facilities; and

demonstrated a commitment from the international community to fund and build infrastructure needed to support and operate the chemical weapons destruction facility in Russia.

For several years the Congress decided not to support the provision of CTR assistance for chemical weapons destruction in Russia. It was precisely the inclusion of these conditions in the authorizing language that persuaded the Congress to resume U.S. CTR assistance for this important endeavor. These conditions relevant to the chemical weapons destruction program in Russia also have a waiver provision, so that the assistance can continue in the absence of certification if the President deems it in the national interest.

I feel strongly that the eligibility requirements and conditions for CTR assistance are entirely appropriate and should not be repealed. They remain an important element in assuring the American taxpayer that CTR dollars are being expended wisely and that the underlying aims of the CTR program are in fact being embraced by the recipient countries. This is essential to maintaining strong public support for CTR.

The waiver authority ensures that even in cases where a country does not meet all the eligibility requirements, the President has the authority to provide CTR assistance if it is in the national security interest to do so.

I urge my colleagues not to support Senator LUGAR's amendment to repeal the conditions and eligibility requirements for the CTR program. We all share the goal of supporting programs like CTR that can help keep dangerous WMD, and technology and know how, from slipping out of the countries of the former Soviet Union. I continue to believe that the certification requirements are useful in helping to maintain public confidence in the CTR program.

I say to my good friend, when we initiated these criteria, it was done because the American public never fully quite understood how we could require their tax dollars, which were so badly needed for schools and medical needs and innumerable requirements in this country, be given to countries which ostensibly, if they wanted to squeeze their own budgets, might well obtain the funds to do it by themselves. But I think it was right for this country to step forward. In the history of this country beginning, really, with the Marshall Plan, we have gone to the aid of other nations, and we have been the beneficiaries, as I stated in my opening remarks, of the success to date of the Nunn-Lugar program. But still it seems to me that we have an obligation on behalf of the American taxpayers who continue to willingly give their dollars to this important program to have in place certain criteria that must be met in order for those dollars to leave our shores and go abroad.

Now, this year, in consultation with Senator LUGAR and the Department of State, we put in this bill the permanent waiver authority for the President. And that was important. I think that cuts down on some of the administrative problems and the time delays. But the fundamental and compelling reason to have these criteria remain is for this institution, the Congress of the United States, together with the executive branch, to monitor expenditure of these funds and to have that leverage to get reciprocal actions and assurances from those countries to which our taxpayers' dollars go.

Mr. President, at this time I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, the time I put under the control of the Senator from Arizona, Mr. KYL.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, it is with reluctance that I urge that Senator LUGAR's amendment be defeated. I say with reluctance because the spirit with which he offers this amendment is in keeping with his original concept, along with Senator Nunn, for providing assistance from the United States to countries with weapons we want to see eliminated, dismantled; primarily at that time the Soviet Union, now Russia. Through the program which was adopted which bears his name, Senator LUGAR has helped not only to ensure the continued support for the program, but on a personal basis I am aware he has traveled frequently to these countries and personally participated in what he calls the hands-on implementation of the program, and in his case it has literally been hands on. So not only has he helped to sponsor the legislation, seen to it it is implemented every year, expressed frustration when delays have occurred—I have heard him do that—but he has also gone to these countries and helped to see to it that it is carried out in the proper way.

It is therefore understandable when he expresses frustration at the fact that in the past the bureaucracy of the United States—and I am sure there are other reasons for this, too—has resulted in delays in making available funding for the program to be carried out in an expeditious way. We have all seen that in different kinds of programs, but it must be especially frustrating in this particular case.

It was at least partially in response to that that the committee has offered a solution which is embodied in the bill which grants a permanent waiver authority for the President so that this problem of the past need no longer be a problem. In other words, the conditions that have been established that Senator WARNER referred to, conditions for making the funds available for the dismantling of these weapons, can and have been waived. They can be waived and they have been waived. There is that authority in the law. But we go a step further in this bill by granting that permanent waiver authority for the President so that he doesn't have to rely anymore upon this slow-working bureaucracy to get the reports prepared, to answer the questions of whether the Russians have been cooperating fully, and all the other requirements which I will allude to in a minute. That is no longer a requirement.

To some extent, I say with all due respect, this amendment is a solution in search of a problem. Whatever problem existed in the past, it should not exist in the future. In fact, the letter referred to from Secretary Rice notes that one alternative to the solution, and the problem that was discussed by Senator LUGAR, is included in the April 7, 2005 defense transportation transmittal to Congress of the National Defense authorization bill and would renew permanently the authority under which existing certification requirements may be waived. That is precisely what was included in the bill. I suspect all Members support that.

The question is, Why do we need to go the step further and remove what have been very important conditions to the granting of this money? There are two reasons for these conditions, but before I discuss them, let me state what they are so everyone knows what we are talking about. The first set of these were actually instituted at least partially as a result of Senator WARNER's work in the authorizing legislation to make sure that the American taxpayers knew that the money we would be spending on this dismantlement would, in fact, be spent wisely. It

is, in fact, a justification for the expenditure of taxpayer funds.

But the conditions go further than that. What they do is tell a country such as Russia, for example, that we care about what they are doing; that, for example, we would not want to use our money to dismantle one of their weapons if they are going to turn right around and use their money and build a replacement. No one would want that to occur. That would not make any sense. That is one of the conditions, and it lets the Russians and others know that if they expect U.S. taxpayer assistance, they have to do their part as well. That is only reasonable.

Here are the conditions: that the President certify that the recipient nation is committed to making substantial investment of its resources for dismantling or destroying WMD. It should not be a one-way street. It should not be just the obligation of the United States to help other countries dismantle their weapons.

Second, forgoing any military modernization program that exceeds legitimate defense requirements and forgoing a replacement of destroyed WMD. That is what I referred to before. We would not want to be using taxpayer dollars to help Russia, for example, dismantle an aged weapons system, for example, only to see it use its money to replace that system with one that is even more robust and more threatening. That, obviously, is simply aiding the Russians in modernizing their forces. Obviously, that is not what this program is about.

Three, forgoing any use of nuclear weapons of fissionable or other components of destroyed nuclear weapons. This is a key component in what Senator LUGAR intended, and I am sure he agrees with this concept that we do not want them taking fissionable material out of the weapons we are destroying and putting them into a new weapon. That defeats the entire purpose of the destruction program.

Four, facilitating U.S. verification of any weapons destruction carried out in the CTR Program. Obviously, if we are spending our money on dismantling these weapons, we have a right to at least do some checking to see whether it was done. When we set out to do the job, did it in fact get accomplished?

I know from stories I have heard or reports I have read that the Russians—the Soviets before them—had an entirely different concept of how this might work. They have whole cities devoted to their weapons complex. One of their ideas was that U.S. money should be used to provide assistance to the people in those cities who were dismantling their primary means of making a living; we should provide them other ways of making a living and relieve the suffering they might occasion as a result of not having a job building these weapons anymore. That represented the difference of opinion about how our taxpayer dollars should be used and how the Russians saw it at the time.

Another condition: complying with all relevant arms control agreements. Now, that ought to be a pretty minimal and bottom-line requirement. If we are going to be doing business with a country and providing taxpayer dollars to dismantle weapons, we want to make sure they comply with the agreements they have signed on arms control.

Finally, observing internationally recognized human rights, including the protection of minorities. This is not directly related to the subject of the CTR, but it is something we have all agreed is an important goal that the United States has and a way for us to remind these countries that they need to be paying attention to this kind of issue as well as the dismantlement issue.

These conditions are useful to continue to apply pressure to a country such as Russia to do the right thing, to provide assurance to the American taxpayer that our money is being spent appropriately, and also to provide Congress with the kind of information we need to ensure our continued support for the program. And they do, in fact, provide us that confidence.

There has always been a waiver authority, and the President has exercised that waiver authority because, as Senator LUGAR noted in the past, there have been delays in getting the certifications—that the Russians have met these requirements, for example—delays which have created problems in getting the resources to the country in time to do the dismantlement that was planned. So the President exercised that waiver authority.

The current problem is that the waiver authority will expire in September of this year. That is one of the reasons we need to get this bill passed, so the waiver authority that is granted in the bill—now permanent authority that does not expire—will be the President's to exercise in the future. That will largely obviate the problem that has been discussed.

The problem is not the conditions. The conditions are perfectly appropriate. Every Member would agree that there is nothing wrong with the goals of these conditions. The problem is in the implementation of the statute. That has apparently taken longer than it should have in certain cases. It has resulted in people being able to delay the program and perhaps not intentionally but at least unintentionally delaying the program because the conditions have to be certified. That is why the waiver has had to be used in order to get around the problem.

As I said, when Secretary Rice responded to Senator LUGAR's letter, she noted that one of the alternative solutions to the one proposed by Senator LUGAR was this permanent waiver authority, which is what we have included in this bill.

There is also a second very important aspect of this. We were having a hard time in using the CTR assistance for chemical weapons destruction in Russia. It was precisely because of that that conditions were specifically inserted into the law, and I will get the citation in a moment. But specifically, we added requirements for the CTR assistance to the elimination of the chemical weapons, and this program added conditions, and I will note for the record what those conditions are; it added these conditions so that we could actually begin providing assistance to add to the nuclear assistance the elimination or destruction of the chemical weapons so that program could go forward in Russia as well.

The eligibility requirements, the conditions for CTR assistance, certainly no one would argue are inappropriate or should be repealed. It simply is a question of whether they have been administered in a way that has facilitated the implementation of the statute.

From my point, I think they do remain an important element in assuring the American taxpayer that our dollars are being expended wisely here as well. They are also important to maintain strong public support for the program.

Again, I said that it is with reluctance I oppose the amendment because of all the work Senator LUGAR has done. No one is more keen to ensure that this program can work in the future than Senator LUGAR. However, I also think we would probably all have to agree that the conditions themselves are totally appropriate conditions; that with the exception of human rights, they all pertain to the effectuation of the program itself; that they do serve the purpose of ensuring that countries such as Russia understand they have some obligations, and also providing information to Congress that permit us from year to year to continue to support the program. It is not the conditions themselves that are the problem; it has been the implementation of the program. And in the past, apparently, this has been a problem.

The waiver authority has solved these problems but on a temporary basis. From now on, the President will have permanent waiver authority if we pass this bill. I believe that should be a solution to the problem that would be agreeable to all.

Now, there may be some who want to go further and eliminate these conditions as well. I don't think that is necessary to make it work, and I do think there would be a downside for the reasons I have articulated.

That is why I oppose the amendment, and I hope that the committee's mark, the bill we have before us, will be sustained when there is a vote on this amendment.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, let me respond directly. I do oppose the conditions. The purpose of my amendment is to eliminate the conditions. The reason I want to eliminate the conditions, and the Senator from Arizona has simply

illustrated that in his recitation of them—for example, No. 5, complying with all relevant arms control agreements. That is a work of art every year for people to fathom whether the Russians have complied with every one of those agreements. The question is, What if we decide they have not? Is this, then, the reason we stop destroying Russian warheads, missiles, submarines? Just stop cold because we say the Russians, in our judgment—and there is usually a debate among those in the Pentagon about this—have not got it quite right?

Even more, No. 6, observing internationally recognized human rights, including the protection of minorities, I am not certain that almost any Senate or administration official has ever come to a conclusion that the Russians have been observing all internationally recognized human rights for 14 years. Yet someone is still arguing we ought to leave that on the statute books as a reason the bureaucrats in our country ponder about the human rights conditions in Russia for as many weeks and so forth until the President says: We have had enough, I waive it, let's get on.

To suggest that it is extreme to leave these situations on the books, it seems to me, is not at all logical given our own activity and the fact that we are fighting a war on terror. This is not simply a grant of inconsequential effort with regard to our security, it is the whole ball game.

Or condition No. 4, facilitating U.S. verification of weapons destruction carried out under the program. As a rule, we have had pretty good fortune with the CTR people following through precisely what has occurred but not in all instances. If you go to Russia and you visit with our people on the ground, they will give you instances immediately in which they are having trouble with Russian friends who do not want to let them see what has occurred. Then we all argue, as military and civilians, with our Russian friends that we really do need to see these situations. We are on the ground and we have tried to work it out. But back here, to make an evaluation that we have not seen all of it and therefore we stop the music makes no sense at all at this point in history.

On the conditions on the chemical business, they were not at all helpful, to say the least. It is an ongoing process of getting something done still, trying to get the international community's money into it, trying to get the Russians over the threshold as the Duma. This is hard work but back here not so hard to say we want to evaluate, Are the Russians making a substantial investment? Well, what is substantial? Sometimes people have put a figure on it—$25 million, I mentioned in my speech. That was another stipulation. An allocation of $25 million, someone came up with here. I am not sure how we know; we are not able to audit the books.

We can make some judgments as to whether a substantial effort is being made, but let's take the other case: The Russians make no attempt. They say, We are bankrupt, and they were in the early years of the program. Is that a reason why we do nothing, then? Do we just stop the music and say, You are not making a reasonable allocation?

The old argument used to be called fungibility, the thought that somehow if U.S. taxpayer money got into Russia and we worked to destroy nuclear warheads, take them off the missile and so forth, the Russians would not have to spend money doing that and therefore they would spend it on something else of a nefarious nature. I am not sure that many persons in the Russian military ever were excited about taking the warheads off of the missiles, about destroying the missiles, about destroying all the submarines, destroying the transcontinental bombers. I don't think there was a wave of enthusiasm, people in the streets demanding that their government do these things.

The fact is that cooperative threat reduction, as the Russian generals told Sam Nunn, is something that is our problem, but it is your problem because you folks in the United States have the contractors, you have the money, you have the organization. These are not funds donated in a United Way project to Russia. They are funds largely spent with American contractors, American experts, American people who take their time and at some risk to themselves have gone to Russia, and now to other places, to dismantle dangerous weapons and try to corral dangerous material in the benefit of all of us.

Because in another forum we would be having the speech: What happens if al-Qaida gets their hands on even a few pounds of fissionable material? What would have happened if even a small weapon had been on a plane that went into the World Trade Center? Then we have briefings from experts that show concentric circles of death and destruction, of hundreds of thousands of Americans losing their lives. That is the issue.

Anyone who is delaying this has to give some better reason for it than at some point a Member of the House or Senate thought it might be a good idea to ask the Russians what they are doing. Of course, that is a good idea. Those of us who have been visiting with the Russians ask it all the time and, as a matter of fact, have a very tough-minded attitude, which they appreciate because they have the same feeling for us.

But I am saying we have come to a time in which we have to understand it is not useful to require that before Nunn-Lugar funds are spent each year there be a symposium on how human rights are going in Russia and, therefore, at the end of the day the President waives it and says: OK, not so good, but, after all, American security is still what I am after as Commander in Chief.

Let me reiterate. I think it is important to clean the books, to get on with a program in which we understand, as Americans, we want to work with Russians to destroy weapons of mass destruction every year without delay. If the $415 million that is in this bill is appropriated, ultimately—and I hope it will be—we want to be able to spend that from October 1 onward. As has been pointed out, the waiver authority, even as it is, dies September 30. What happens if for some reason there is a conference hassle on the Department of Defense appropriations bill apart from the authorization bill? Certainly that happens in the body, and with the other body, from time to time. And when it has happened before, the music stopped. We did it to ourselves. We cannot afford to continue doing that.

Mr. President, I yield time to my distinguished colleague, the ranking member of the Armed Services Committee, Senator LEVIN.

The PRESIDING OFFICER (Mr. WARNER). The Senator from Michigan.

Mr. LEVIN. Mr. President, first, I thank the Senator from Indiana for his intrepid, persistent, and determined, bulldogged leadership to try to address the greatest threat this country faces which is the presence of a weapon of mass destruction in the hands of a terrorist or terrorist state. We are told over and over again—one commission after another tells us—the greatest threat this Nation faces would be a chemical, biological, or nuclear weapon in the hands of a terrorist or terrorist state—''loose nukes,'' as they are sometimes called.

Yet, in the wonderful program we have called Nunn-Lugar, we have impediments to the prompt spending of our money in order to secure or destroy the weapons that threaten us. Why, in Heaven's name, we would put any impediment in the way of addressing the greatest threat that faces this country absolutely mystifies me.

We have six conditions that have to be certified to annually by the President before this money can be spent to protect our Nation. Let me take one of them. One of the conditions that has to be addressed and met in a report is the President certify annually that each country is meeting the following condition—one of the six—that the country is foregoing any military modernization program that exceeds the legitimate defense requirements of that country.

Now, why, in Heaven's name, we want to have some agency's employee spending time looking at whether Kazakhstan or Uzbekistan or, yes, Russia, in their entire military budget is spending any money on any weapons system that, in our judgment, they do not need—and if we cannot certify that, we cannot protect ourselves against destroying the weapon of mass destruction that exists in Kazakhstan or Uzbekistan—why would we want to tie our hands that way in order to address the greatest threat that faces us? It is absolutely mysterious to me.

The great Senator from Indiana—I do not know if he went through each one of these conditions. I know he went through some of them. And I am not even sure how we could certify that Russia has forgone every single military modernization program that exceeds their legitimate defense needs. How could anyone certify that? Go through the entire Russian defense budget and look at every single modernization program? I am not even sure it is public. I am not sure ours are. I know ours are not all public, by the way. We have classified programs. But the way the law reads, we have to get the Presidential certification that there is no Russian modernization program that exceeds their legitimate defense needs.

We have to do that with every country—Uzbekistan, Kazakhstan, Ukraine, Georgia, Azerbaijan, Albania—before we can secure or destroy weapons, material, weapons of mass destruction, biological weapons, chemical weapons, nuclear material that threatens us? We have to write these endless reports, trying to certify that those conditions are met?

We are cutting off our nose to spite our face. What we are doing here is, instead of trying to secure material or destroy material, we end up securing reports, producing reports. How many of us have read those reports, by the way? I am not sure how many have been filed because they have to be waived every year if they are not written. But how many of us would look through a report on every modernization program—if we could figure it out—that Kazakhstan has before we destroy material that threatens us that might exist in that country?

Now, these impediments to protecting our people against the greatest threat we face actually make no sense anymore. We ought to get rid of them instead of requiring an annual certification, involving people writing these certifications, writing these reports rather than effectively spending our resources in order to protect the American people.

We say we have to be able to certify that Russia has accurately declared the size of its chemical weapons stockpile. We cannot certify that, verify it, because there is a great dispute over verification between ourselves and Russia. They want to come in to certain places we do not want them to come in, so they cannot verify certain things, because we are not giving them access. We are not perfectly transparent in terms of our own chemical production facility, for legitimate reasons. But there is a dispute on transparency between us and Russia.

So that dispute, which is a legitimate dispute, which has not been resolved yet—despite, let's assume, good-faith efforts on both sides—the presence of that dispute means we cannot or the President cannot make a certification that Russia has accurately declared the size of a chemical weapons stockpile because we cannot get the verification agreed to, again, because we will not provide access to our own facility. That stops us from defending our people against chemical weapons.

What is the goal here? Reports or security? If we can get our hands on chemical weapons or biological weapons or nuclear material or missiles and destroy them, why wouldn't we want to grab that opportunity? Why would we want to put impediments in the way and require reports or certifications to be made?

By the way, I think it is great if the reports can be made. I have no problem with it, either. Senator LUGAR mentioned, we raise these issues all the time. But we should not attach these as conditions to our taking action which is in our own interest. Churning away at reports when it is in our national security to eliminate weapons of mass destruction does not make sense to me. We have this process requiring hundreds of man-hours of work by the State Department, the intelligence community, the Pentagon, as well as other departments and agencies. That time could be better spent tackling the proliferation threats that face our country.

We should be spending all of our energies on interdicting WMD shipments, all of our energies at identifying the next A.Q. Khan, all of our energies on locating hidden stocks of chemical and biological weapons. Instead, we have nonproliferation experts spending time compiling reports and assembling certifications and waiver determinations.

By the way, the majority of those reports is repetitive. They have already filed reports in other formats. Yet we continue to require that.

The President does not have to spend any of this money. If the Executive decides they have questions and they are not going to spend money, for whatever legitimate reason, fine. But we should not add to their burdens. And we should not jeopardize the security of this Nation by putting barriers in the way of taking action to secure or destroy the most threatening material we face—chemical, biological, or nuclear material.

I very strongly support the efforts of our good friend from Indiana, who has been such a leader here. When Sam Nunn was here, it was Nunn-Lugar. No one could take Sam Nunn's place. Senator LUGAR, with the support of many of us, including, may I say, our chairman, the Presiding Officer—who has supported the amount of money for Nunn-Lugar—without the support of the chairman of the committee, who is now presiding over the Senate, we would not be able to get that amount of money we have in this authorization. By the way, we are going to try to increase that somewhat during the debate on this bill.

But that amount of money, which is requested, I believe, by the administration, would not be there but for the Senator from Indiana, but for the chairman of our committee, and but for the support many of us on the Armed Services Committee have to address this absolutely most dangerous threat this Nation faces.

I commend the Senator from Indiana, and I am proud to be a cosponsor of his amendment.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Indiana.

Mr. LUGAR. Mr. President, may I inquire how much time is on either side to be utilized?

The PRESIDING OFFICER. The Senator from Indiana has 5½ minutes remaining.

Mr. LUGAR. Mr. President, let me take a moment to thank the distinguished Senator from Michigan for his very strong words and, likewise, to echo his commendation of you, as I do at this moment in this debate.

Very clearly, each one of us has attempted to do our best in this area. I am proud to have pictures of all of us in my office, standing in front of missiles and explosives and all the elements that have marked 14 remarkable years.

This entire program is counterintuitive. Those who looked at the half century that preceded 1991, the breakup of the former Soviet Union, would say: Here we are, two superpowers. A number of estimates were wrong on all sides about the economy of Russia, maybe the economy of our country or the relative strengths we had at that time. It was not until several years later that we knew there were 13,300 warheads on those missiles. We had estimates of that, but we now know that. We know exactly how many have been taken off and how many are still to be taken off, and how many missiles remain as vehicles, and how many submarines remain. This is remarkable. This is a degree of cooperation that is very substantial.

There are some elements that we still do not know. I would claim that our Russian friends have been in denial on a good number of the biological programs, while they would say they were not weapons programs. They were something else dealing with livestock or other elements. We have had differences, and I would say there are still four situations in Russia in which none of us have had access. Therefore, those who argue that there is no good reason to raise questions of the Russians argue well. But my logic at the end of the day, even if the Russians have not been forthcoming on these four biological situations on which I have sought access, physically asked to go and may some day be admitted, if for some reason they may find it useful to admit me, that is not a good reason to delay for one week or one month or any time the movement of the moneys, the programs, the contractors, the American spirit that is working with a number of Russians in this window of history that was miraculously opened.

I hope it will be open for a long time. I hope the cooperation with Russia will continue so that we do have, together, access, and so do other partners in the G8, in the so-called ''10 plus 10 over 10'' program. It is because we will need more time. We need to make certain that we do not make mistakes, certainly the ones we can avoid. I am suggesting today that we can avoid mistakes—and by eliminating these conditions, we will at least remove one of them—and that we have then an opportunity to continue to be forthcoming with the Russians in asking them to work with us in their own interest.

Finally, when I was in vaults in which there are nuclear warheads lying almost akin to bodies in a morgue, I noted little tablets at the top of these which had Russian inscriptions. I asked: What is on those? They said: This tells when the weapon was built. It gives a service record. These weapons are not inert sporting guns' ammunition sitting on a shelf. They require servicing. There is a chemical mixture going on there that, without proper care, can lead to dire results. We don't know, nor do the Russians, what the results are.

Therefore, down on the tab there is an estimate of the efficacy of the weapon; that is, how long the warhead probably would work if it were taken out of the vault and put back on a missile. Then you have even a stranger estimate, and that is when it might become dangerous; that is an event, a nuclear event in Russia with dastardly results for Russians.

This is one reason why this is not totally counterintuitive. If you still have thousands of these weapons in warhead form, you want to make certain you have a partner who has some money and some expertise, and you try to make sure you use that money on the oldest ones first before you work out what is going to happen historically, something none of us have thus far had the horror to find out.

This is serious business. We all take it that way. I appreciate the spirit of the debate.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. LEVIN. Mr. President, I think Senator LUGAR controls all of the time on his side. I wonder if he might yield 4 minutes to the Senator from Rhode Island. I don't know how long the Senator from Texas was going to speak.

The PRESIDING OFFICER. The time in opposition is under the control of the Senator from Arizona. But in his absence, the Senator from Texas is in control of the time and has the authority to grant the time.

Mr. CORNYN. Mr. President, I have no objection to the Senator from Rhode Island addressing the Senate.

Mr. LEVIN. This would be on Senator LUGAR's time.

The PRESIDING OFFICER. The Chair understands the allocation of the time.

GUN INDUSTRY IMMUNITY

Mr. REED. Mr. President, let me thank Senator LUGAR for his commendable amendment and thank Senator CORNYN for allowing me to proceed. I would like to speak to the possible procedural posture we will be in next week.

We are now on the Defense authorization bill, which is critical to providing resources to our service men and women who are engaged today, as we speak, in a global war on terror. But tomorrow the majority leader intends to file a cloture petition on the motion to proceed to the gun industry immunity bill. That means on Tuesday morning we will have a cloture vote, and the vote will present a stark choice for all Senators. We can stay on the Defense bill and finish our work on behalf of our soldiers, sailors, air men and women, or we can leave the Defense bill for an undetermined period of time and move to a special interest bill to give legal immunity to the gun industry.

If the Senate invokes cloture on the motion to proceed to the gun industry bill next Tuesday, we will be on that motion for the next 30 hours. On Wednesday, when that time runs out, the majority leader would then file another cloture petition on the bill itself. The Senate would then spend the next 2 days on the immunity bill, and we would have another cloture vote Friday. If the Senate invoked cloture on the bill next Friday, we could face another 30 hours on the gun immunity bill, pushing final passage until at least next Saturday and potentially delaying passage of the Defense authorization bill until after the August recess.

We face a situation where the majority is asking Senators to delay consideration of a bill to support our troops, possibly for up to a month, so that we can take up a bill to give a special interest gift to the gun industry.

Senator FRIST said this morning that lawsuits against gun manufacturers like Beretta are the reason to take up this measure because they provide small arms to the U.S. Army and the Department of Defense. First, Beretta is a privately held corporation owned by an Italian parent. There is no obligation for them to disclose their finances. But their competitors, Sturm Ruger and Smith & Wesson, continue to assure their shareholders in SEC filings that this litigation is not having an adverse material effect on their financial position. So I don't know how much credence we can give to that.

I believe we should stay on this bill, finish our obligation to our service men and women, and then at some other time, take up this bill because such a bill about immunity requires extensive debate. That is a requirement that many Senators will not forgo.

I urge the majority leader to reconsider his proposal. I thank the Senator from Texas and yield the floor.

The PRESIDING OFFICER (Mr. LUGAR). The Senator from Texas.

Mr. CORNYN. Mr. President, with some reluctance, I rise to oppose the amendment of the distinguished occupant of the chair, the senior Senator from Indiana. But I feel a certain obligation, as the chairman of the Emerging Threats and Capabilities Subcommittee, out of which this particular portion of the bill emanated, to explain the reasons why the bill contains these conditions that I believe are important and which I will explain and which have existed in the bill as it has been passed by the Congress since its inception.

The question that I would pose is, what has changed? What has changed that now would lead this body to eliminate these important criteria that have existed in the bill for lo these many years? I think it is important, as a general matter, that there be some sort of reciprocal obligation on the part of Russia for receiving more than $400 million in American taxpayer money, potentially. I know there has been discretion added to make sure that WMD located in other countries can now be addressed by this Cooperative Threat Reduction Program. That is a good thing. But certainly, while I appreciate the argument that regardless of whether or not Russia complies with the conditions that are required to be monitored under this Cooperative Threat Reduction Program, I still do not believe that it is the best stewardship of the American taxpayers' moneys for us to say: We don't care whether Russia complies with their reciprocal obligations or not, and we are going to give the money away anyway, albeit for a good purpose.

On balance, I am not persuaded that the burden to change the system, as it has been since 1991, has been met, and I believe that we should retain some way to monitor the progress of Russia, the recipient of these funds, on these important criteria that have been set out in the bill.

Of course, the Cooperative Threat Reduction Program has long been providing assistance to states of the former Soviet Union to help eliminate and safeguard weapons of mass destruction and related infrastructure materials. These programs helped to eliminate large Cold War stockpiles of dangerous weapons that are no longer needed. Today, of course, this is an important element of our strategy to keep weapons of mass destruction and know-how from falling into the hands of terrorists. That is the reason why I applaud the senior Senator from Indiana for his leadership in this important effort.

When Congress first authorized the Cooperative Threat Reduction Program, an important element of the authorizing legislation was the inclusion of the conditions which now this amendment seeks to eliminate. These conditions must be met before a country can receive Cooperative Threat Reduction assistance from the United States. These conditions were retained

in the Cooperative Threat Reduction Act of 1993 which reauthorized the original Nunn-Lugar program. That act included the requirement that for each recipient nation of Cooperative Threat Reduction funds, the President certify that the recipient nation is committed to the following goals:

One, to making substantial investment of its resources for dismantling or destroying its weapons of mass destruction; two, forgoing any military modernization program that exceeds legitimate defense requirements and forgoing the replacement of destroyed weapons of mass destruction; three, forgoing any use in new nuclear weapons of fissionable or other components of destroyed nuclear weapons; facilitating U.S. verification of any weapons destruction carried out under the Cooperative Threat Reduction Program; complying with all relevant arms control agreements; and observing internationally recognized human rights, including the protection of minorities.

I would certainly agree with the distinguished senior Senator from Indiana that some of these are vague standards. For example, as he pointed out, complying with all relevant arms control agreements or observing internationally recognized human rights, including the protection of minorities. But the fact that they are somewhat general—some might say somewhat vague—does not mean that they are unimportant. One of the important roles played by these criteria is that there be some effort on the part of the Government to ascertain whether, in fact, the old Soviet Union is, in fact, exercising good faith as part of the Cooperative Threat Reduction Program. If, in fact, ultimately the President decides, as authorized by this bill, to ultimately waive the noncompliance of those criteria in the interest of our national security, at least Congress and the Nation know that some assessment has been made of the old Soviet Union's compliance with these criteria.

I think we would all agree that the information that is collected and scrutinized is important in the interest of our national security and in the interest of knowing that we have met our responsibility to see that American tax dollars are spent as wisely and efficiently as possible.

These conditions remain as relevant and as important today as they were in 1993. They provide Congress and the public relevant information about the countries that have received taxpayer-funded assistance for this program. The conditions also help provide us confidence that U.S. tax dollars will be well spent in countries that are committed to right-sizing their militaries, complying with arms control agreements, providing transparency with regard to Cooperative Threat Reduction assistance, and respecting human rights. I do not understand how one could argue that these conditions are unimportant or irrelevant to our national security or that we ought to simply blind ourselves to the recipient nation's compliance with these criteria in the interest of pursuing our ultimate goal.

The truth is, we all agree in the ultimate goal of this important program. But this provides us additional checks and balances and information that is relevant, significant, and which I think demonstrates that we are being good stewards of the American taxpayer dollar while we pursue a safer and more secure world.

These certification requirements do not impede the provision of cooperative threat reduction assistance. For years now, the Congress provided the President with waiver authority, so that even if one or more of the certifications cannot be made for a particular country, the President may provide these funds if it is in our national interest to do so, and that is appropriate.

One of the things this bill does is to make that temporary waiver authority that had been conferred upon the President permanent, to provide the kinds of flexibility that Secretary Rice said the President and the administration wanted when it came to this program in her letter of June 3, 2005, which has been previously referenced.

This provision for permanent waiver authority for cooperative threat reduction programs in the bill provides the flexibility needed. It also provides us the way to deal in a responsible fashion with the countries that compose the former Soviet Union. I remember, of course, the famous words of President Reagan when talking about negotiating with the Soviet Union, where he said, ''trust, but verify.'' What these criteria do in this cooperative threat reduction program is allow us to not just trust but also to verify that these countries that were once the old Soviet Union are worthy of our trust by allowing us to verify their good faith compliance with this program.

The amendment of the senior Senator from Indiana would also repeal conditions Congress placed on the provision of financial assistance to Russia for chemical demilitarization activity. These conditions were established in the fiscal year 2000 National Defense Authorization Act. They required the Secretary of Defense to certify that Russia has provided a full and accurate accounting of its chemical weapons stockpile; demonstrated a commitment of $25 million annually to chemical weapons elimination; developed a practical plan for destroying its stockpile of nerve agents; agree to destroy or convert two existing chemical weapons production facilities; finally, a commitment from the international community to fund and build infrastructure needed to support and operate the chemicals weapons destruction facility in Russia.

Here again, these provisions would be effectively repealed by this amendment which is proposed today by the distinguished Senator from Indiana. They do not represent an impediment to the accomplishment of the chemical demilitarization program because they may be likewise waived in the end if the President deems that waiver in our national interest. But no one, it seems to me, could in good faith argue that these criteria are unimportant or irrelevant.

Indeed, each of these criteria demonstrate the reciprocal good faith and responsibility of the recipient nations in accomplishing chemical demilitarization, a goal that is the subject of an international treaty that this country is a party to and one that is certainly in our national interest to see accomplished.

For several years, Congress decided not to support the provision of cooperative threat reduction assistance for chemical weapons destruction in Russia. It was precisely the inclusion of these conditions in the authorizing language that persuaded Congress to resume assistance under the chemical threat—the Cooperative Threat Reduction Program for this important effort of chemical demilitarization.

These conditions relevant to the chemical weapons destruction program in Russia also have a waiver provision, so that the assistance, as I mentioned a moment ago, can continue in the absence of certification if, in the end, the President deems it in the national interest. The eligibility requirements and conditions for assistance are entirely appropriate.

Mr. President, I believe the burden of proof on those who would repeal it has not been met. They remain an important element in assuring that the American taxpayer is being well served and that the money is being spent appropriately and wisely on the underlying aims of the Cooperative Threat Reduction Program that we all agree are a good thing. This assurance to the American taxpayer and to the American people that their money is being well spent is essential to maintaining strong public support for this important program.

The waiver authority ensures that even in cases where a country doesn't meet all eligibility requirements, the President has the flexibility to provide this assistance if it is in the national security interest to do so. This is all, in the end, that the administration, through Secretary Rice's letter, has requested. So we have accomplished that goal already, even before this amendment has been proposed.

Mr. President, I urge my colleagues not to support this amendment that would repeal the conditions and the eligibility requirements under the Cooperative Threat Reduction Program. We all share the goal of supporting programs like this that can help keep dangerous weapons of mass destruction and technology and know-how from slipping out of the countries that used to be the old Soviet Union.

I continue to believe that certification requirements are useful in helping to maintain public confidence in

this important program, and I urge my colleagues to vote against the amendment.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LUGAR. 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. LUGAR. Mr. President, the distinguished Senator from Texas has yielded to me a minute of time, and I deeply appreciate that, so that I have an opportunity to add as cosponsors to my amendment Senators CONRAD, BOXER, and DURBIN.

Earlier, I mentioned the letters from Secretary Rice and, likewise, one from the 9/11 Commission, in which the Commission summarized that we believe that S. 313—the genesis of my amendment—is an important step forward in protecting the United States in catastrophic circumstances.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LUGAR. 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. LUGAR. Mr. President, I ask unanimous consent that Senator SARBANES be added as a cosponsor to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I ask the indulgence of all Senators. We are about to vote, but I ask that we give consideration, at this point in time, to an amendment that will be offered by the Senator from South Dakota.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. THUNE. Mr. President, is there an amendment pending?

The PRESIDING OFFICER. There is.

Mr. THUNE. I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1389

Mr. THUNE. Mr. President, I have an amendment that I send to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. THUNE] for himself, Mr. LIEBERMAN, Ms. SNOWE, Mr. LAUTENBERG, Mr. JOHNSON, Mr. DODD, Ms. COLLINS, Mr. CORZINE, Mr. BINGAMAN, and Mr. DOMENICI, proposes amendment numbered 1389.

Mr. THUNE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To postpone the 2005 round of defense base closure and realignment)

On page 371, between lines 8 and 9, insert the following:

SEC. 2887. POSTPONEMENT OF 2005 ROUND OF DEFENSE BASE CLOSURE AND REALIGNMENT.

The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(1) by adding at the end the following:

''SEC. 2915. POSTPONEMENT OF 2005 ROUND OF DEFENSE BASE CLOSURE AND REALIGNMENT.

''(a) IN GENERAL.—Notwithstanding any other provision of this part, the round of defense base closure and realignment otherwise scheduled to occur under this part in 2005 by reasons of sections 2912, 2913, and 2914 shall occur instead in the year following the year in which the last of the actions described in subsection (b) occurs (in this section referred to as the 'postponed closure round year').

''(b) ACTIONS REQUIRED BEFORE BASE CLOSURE ROUND.—(1) The actions referred to in subsection (a) are the following actions:

''(A) The complete analysis, consideration, and, where appropriate, implementation by the Secretary of Defense of the recommendations of the Commission on Review of Overseas Military Facility Structure of the United States.

''(B) The return from deployment in the Iraq theater of operations of substantially all (as determined by the Secretary of Defense) major combat units and assets of the Armed Forces.

''(C) The receipt by the Committees on Armed Services of the Senate and the House of Representatives of the report on the quadrennial defense review required to be submitted in 2006 by the Secretary of Defense under section 118(d) of title 10, United States Code.

''(D) The complete development and implementation by the Secretary of Defense and the Secretary of Homeland Security of the National Maritime Security Strategy.

''(E) The complete development and implementation by the Secretary of Defense of the Homeland Defense and Civil Support directive.

''(F) The receipt by the Committees on Armed Services of the Senate and the House of Representatives of a report submitted by the Secretary of Defense that assesses military installation needs taking into account—

''(i) relevant factors identified through the recommendations of the Commission on Review of Overseas Military Facility Structure of the United States;

''(ii) the return of the major combat units and assets described in subparagraph (B);

''(iii) relevant factors identified in the report on the 2005 quadrennial defense review;

''(iv) the National Maritime Security Strategy; and

''(v) the Homeland Defense and Civil Support directive.

''(2) The report required under subparagraph (F) of paragraph (1) shall be submitted not later than one year after the occurrence of the last action described in subparagraphs (A) through (E) of such paragraph.

''(c) ADMINISTRATION.—For purposes of sections 2912, 2913, and 2914, each date in a year that is specified in such sections shall be deemed to be the same date in the postponed closure round year, and each reference to a fiscal year in such sections shall be deemed to be a reference to the fiscal year that is the number of years after the original fiscal year that is equal to the number of years that the postponed closure round year is after 2005.''; and

(2) in section 2904(b)(1)—

(A) in subparagraph (A), by striking ''the date on which the President transmits such report'' and inserting ''the date by which the President is required to transmit such report''; and

(B) in subparagraph (B), by striking ''such report is transmitted'' and inserting ''such report is required to be transmitted''.

Mr. THUNE. Mr. President, I ask that the amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THUNE. Mr. President, this amendment to S. 1042 that would delay implementation of the 2005 round of the Defense Base Closure and Realignment. This amendment does not seek to nullify the Department of Defense recommendations, nor does it seek to halt the work of the BRAC Commission now well underway. Nor do I seek to block the presentation of the BRAC Commission's final recommendations to the President. To the contrary, I believe the BRAC commission to be an integral and indispensable check on this process and I value their analysis and demonstrated independence.

The amendment would essentially extend the congressional review period for any final recommendations approved by the President until certain conditions are first met. This proposed suspension of the ''45 day'' review period would thus delay ''implementation'' by the Department of Defense until one year following the last condition is met. These conditions center on certain events that are anticipated to occur and which have potentially large or unforeseen implications for our military force structure. Therefore, implementation of any final BRAC recommendations should not occur until both the DoD and Congress have had a chance to fully study the effects such events will have on our basing requirements. I will say more about those conditions in a moment.

But first, I want to make my position perfectly clear. I do not oppose the BRAC process. The underlying purpose of BRAC, as written by this body, is not only good for our armed forces, it is good for the American taxpayer. We all want to eliminate waste and reduce redundancy in the government. But when Congress modified the Base Realignment and Closure law in December 2001, to make way for the 2005 round of base closings, it failed to envision this country involved in a protracted war involving stretched manpower resources, ever-evolving threats and the burden of large overseas rotational deployments of both troops and

equipment. I do, therefore, question the timing of this round of BRAC.

The amendment identifies several principal actions that must occur before final implementation of the 2005 BRAC recommendations. First, there must be a complete analysis and consideration of the recommendations of the Commission on Review of Overseas Military Structures. The overseas base commission has itself called upon the Department of Defense to ''slow down and take a breath.'' It cautions that we should not move forward on basing decisions without knowing exactly where units will be returned, and if those installations are prepared or equipped to support units returning from garrisons in Europe, consisting of approximately 70,000 personnel.

Second, BRAC should not occur while this country is engaged in a major war and rotational deployments are still ongoing. We have seen enough disruption of both military and civilian institutions due to the logistical strain brought about by these constant rotations of units and personnel to Iraq and Afghanistan without, at the same time, initiating numerous base closures and the multiple transfer of units and missions from base to base. This is simply too much to ask of our military, our communities and the families of our servicemen and women, who are already stretched and overtaxed. Frankly, our efforts right now must be devoted to winning the global war on terrorism, not packing up and moving units around the country.

Our amendment would delay implementation of BRAC until the Secretary of Defense determines that substantially all major combat units and assets have been returned from deployment in the Iraq theater of operations, whenever that might occur.

Third, it seems counterintuitive and completely out of logical sequence to attempt to review or implement the BRAC recommendations without having the benefit of studying the Quadrennial Defense Review, due in 2006, and its long-term planning recommendations. Therefore, the amendment requires that Congress receive the QDR and have an opportunity to study its planning recommendations as one of the conditions before implementing BRAC 2005.

Fourth and Fifth: BRAC should not go forward until the implementation and development by the Secretaries of Defense and Homeland Security of the National Maritime Security Strategy; and the completion and implementation of the Secretary of Defense's Homeland Defense and Civil Support Directive—only now being drafted. These two planning strategies should be key considerations before beginning any BRAC process.

Finally, once all these conditions have been met, the Secretary of Defense must submit to Congress, not later than one year after the occurrence of the last of these conditions, a report that assesses the relevant factors and recommendations identified by the Commission on Review of Overseas Base Structure; the return of our thousands of troops deployed in overseas garrisons that will return to domestic bases because of either overseas base reduction or the end of our deployments in the war; and, any relevant factors identified by the QDR that would impact, modify, negate or open to reconsideration any of the recommendations submitted by the Secretary of Defense for BRAC 2005.

This proposed delay only seems logical and fair. There is no need to rush into decisions, that in a few years from now, could turn out to be colossal mistakes. We can't afford to go back and rebuild installations or relocate high-cost support infrastructure at various points in this country once those installations have been closed or stripped of their valuable capacity to support critical missions.

Frankly, some of the recommendations made by the Department of Defense seem more driven by internal zeal to cut costs, than by sound military judgment. Several recommendations involving the consolidation of high value military air and naval assets at single locations seem to violate one of the most basic tenets of national security—that of ensuring strategic redundancy. Yes, the Cold War may no longer be a factor in military basing requirements, but after 9/11 is there any question in anybody's mind whether the threat to our country or our military installations has diminished—particularly as rogue countries and terrorist groups continue their quest for weapons of mass destruction?

The GAO, in its report of July 1, 2005, has even questioned whether this BRAC will achieve the savings that DoD contends it can achieve. GAO calculates the upfront investment costs of implementing this BRAC to be $24 billion and reveals that DoD's estimated savings of $50 billion NPV over 20 years is largely illusory—incorrectly claiming 47 percent of the savings from military personnel that are not eliminated at all from the services, but only transferred to different installations.

There are many questions I and many of my colleagues have about the wisdom of the timing of this BRAC round and the prudence of some of its recommendations and I will return to the floor to speak to many of these as this amendment is considered. Again, I am not opposed to the BRAC process. But I do question whether this is the right time to begin a new round of domestic base closures and massive relocations of manpower and equipment.

I, therefore, offer this amendment today and call upon my colleagues to join us in this debate and support its passage.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank the Senator for bringing this amendment. There are some very distinguished cosponsors. It would be my expectation to reply to the Senator in brief tonight following this vote because I think some record should be made today. The Senator made his statement on the side of the proponents, and I need time within which to evaluate since I have just received this document, but I will be prepared, following this vote, to make some reply, and I hope that my colleague would likewise.

Mr. LEVIN. Would the chairman yield?

Mr. WARNER. Yes.

Mr. LEVIN. Now, I assume this amendment will be laid aside similar to other pending amendments.

Mr. THUNE. That is correct.

Mr. LEVIN. I assume that in addition to the debate taking place tonight on this amendment, it could also take place tomorrow, along with a number of other amendments which at least will be debated tomorrow. I hope this might be one of those amendments that could be debated tomorrow, in addition to the comments that the chairman would make.

Mr. WARNER. The Senator is correct. Given the importance of this amendment and the interest in this amendment, I wish to lay down some parameters tonight about my concerns.

Mr. LEVIN. I join in those concerns, and I agree that there should be some response tonight.

Mr. WARNER. Would the Senator be available for further debate tomorrow?

Mr. THUNE. If that is the chairman's wish, we could make that arrangement.

Mr. WARNER. Perhaps we can discuss it.

AMENDMENTS NOS. 1390 THROUGH 1400, EN BLOC

Mr. WARNER. I ask unanimous consent that the vote be delayed for a few minutes because we have a series of amendments at the desk which have been cleared by myself and the distinguished Senator from Michigan. I ask unanimous consent that the Senate consider these amendments en bloc, that the amendments be agreed to and the motions to reconsider be laid upon the table.

I ask that any statements relating to any of these individual amendments be printed in the RECORD.

Mr. LEVIN. We have no objection and support that.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 1390

(Purpose: To increase the authorized number of Defense Intelligence Senior Executive Service employees)

At the end of title XI, add the following:

SEC. 1106. INCREASE IN AUTHORIZED NUMBER OF DEFENSE INTELLIGENCE SENIOR EXECUTIVE SERVICE EMPLOYEES.

Section 1606(a) of title 10, United States Code, is amended by striking ''544'' and inserting ''the following:

''(1) In fiscal year 2005, 544.

''(2) In fiscal year 2006, 619.

''(3) In fiscal years after fiscal year 2006, 694.''.

AMENDMENT NO. 1391

(Purpose: To provide for cooperative agreements with tribal organizations relating to the disposal of lethal chemical agents and munitions)

On page 378, between lines 10 and 11, insert the following:

SEC. 3___. CLARIFICATION OF COOPERATIVE AGREEMENT AUTHORITY UNDER CHEMICAL DEMILITARIZATION PROGRAM.

(a) IN GENERAL.—Section 1412(c)(4) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(c)(4)), is amended—

(1) by inserting ''(A)'' after ''(4)'';

(2) in the first sentence—

(A) by inserting ''and tribal organizations'' after ''State and local governments''; and

(B) by inserting ''and tribal organizations'' after ''those governments'';

(3) in the third sentence—

(A) by striking ''Additionally, the Secretary'' and inserting the following:

''(B) Additionally, the Secretary''; and

(B) by inserting ''and tribal organizations'' after ''State and local governments''; and

(4) by adding at the end the following:

''(C) In this paragraph, the term 'tribal organization' has the meaning given the term in section 4(*l*) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(*l*)).''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a)—

(1) take effect on December 5, 1991; and

(2) apply to any cooperative agreement entered into on or after that date.

AMENDMENT NO. 1392

(Purpose: To provide for the provision by the White House Communications Agency of audiovisual support services on a nonreimbursable basis)

At the end of subtitle A of title IX, add the following:

SEC. 903. PROVISION OF AUDIOVISUAL SUPPORT SERVICES BY THE WHITE HOUSE COMMUNICATIONS AGENCY.

(a) PROVISION ON NONREIMBURSABLE BASIS.—Section 912 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2623; 10 U.S.C. 111 note) is amended—

(1) in subsection (a)—

(A) in the subsection caption, by inserting ''AND AUDIOVISUAL SUPPORT SERVICES'' after ''TELECOMMUNICATIONS SUPPORT''; and

(B) by inserting ''and audiovisual support services'' after ''provision of telecommunications support''; and

(2) in subsection (b), by inserting ''and audiovisual'' after ''other than telecommunications''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2005, and shall apply with respect to the provision of audiovisual support services by the White House Communications Agency in fiscal years beginning on or after that date.

AMENDMENT NO. 1393

(Purpose: To establish the United States Military Cancer Institute)

At the end of subtitle C of title IX, add the following:

SEC. 924. UNITED STATES MILITARY CANCER INSTITUTE.

(a) ESTABLISHMENT.—Chapter 104 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2117. United States Military Cancer Institute

''(a) ESTABLISHMENT.—(1) There is a United States Military Cancer Institute in the University. The Director of the United States Military Cancer Institute is the head of the Institute.

''(2) The Institute is composed of clinical and basic scientists in the Department of Defense who have an expertise in research, patient care, and education relating to oncology and who meet applicable criteria for participation in the Institute.

''(3) The components of the Institute include military treatment and research facilities that meet applicable criteria and are designated as affiliates of the Institute.

''(b) RESEARCH.—(1) The Director of the United States Military Cancer Institute shall carry out research studies on the following:

''(A) The epidemiological features of cancer, including assessments of the carcinogenic effect of genetic and environmental factors, and of disparities in health, inherent or common among populations of various ethnic origins.

''(B) The prevention and early detection of cancer.

''(C) Basic, translational, and clinical investigation matters relating to the matters described in subparagraphs (A) and (B).

''(2) The research studies under paragraph (1) shall include complementary research on oncologic nursing.

''(c) COLLABORATIVE RESEARCH.—The Director of the United States Military Cancer Institute shall carry out the research studies under subsection (b) in collaboration with other cancer research organizations and entities selected by the Institute for purposes of the research studies.

''(d) ANNUAL REPORT.—(1) Promptly after the end of each fiscal year, the Director of the United States Military Cancer Institute shall submit to the President of the University a report on the results of the research studies carried out under subsection (b).

''(2) Not later than 60 days after receiving the annual report under paragraph (1), the President of the University shall transmit such report to the Secretary of Defense and to Congress.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2117. United States Military Cancer Institute.''.

AMENDMENT NO. 1394

(Purpose: To make available, with an offset, an additional $1,000,000 for research, development, test, and evaluation, Army, for the Telemedicine and Advanced Technology Research Center)

At the end of subtitle B of title II, add the following:

SEC. 213. TELEMEDICINE AND ADVANCED TECHNOLOGY RESEARCH CENTER.

(a) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby increased by $1,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army, as increased by subsection (a), $1,000,000 may be available for Medical Advanced Technology (PE #603002A) for the Telemedicine and Advanced Technology Research Center.

(c) OFFSET.—The amount authorized to be appropriated by section 101(4) for procurement of ammunition for the Army is hereby reduced by $1,000,000, with the amount of the reduction to be allocated to amounts available for Ammunition Production Base Support, Production Base Support for the Missile Recycling Center (MRC).

AMENDMENT NO. 1395

(Purpose: To make available, with an offset, $5,000,000 for research, development, test, and evaluation, Navy, for the design, development, and test of improvements to the towed array handler)

At the end of subtitle B of title II, add the following:

SEC. 213. TOWED ARRAY HANDLER.

(a) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy, the amount available for Program Element 0604503N for the design, development, and test of improvements to the towed array handler is hereby increased by $5,000,000 in order to increase the reliability of the towed array and the towed array handler by capitalizing on ongoing testing and evaluation of such systems.

(b) OFFSET.—Of the amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy, the amount available for Program Element 0604558N for new design for the Virginia Class submarine for the large aperture bow array is hereby reduced by $5,000,000.

AMENDMENT NO. 1396

(Purpose: To authorize $5,500,000 for military construction for the Army for the construction of a rotary wing landing pad at Fort Wainwright, Alaska, and to provide an offset of $8,000,000 by canceling a military construction project for the construction of an F-15E flight simulator facility at Elmendorf Air Force Base, Alaska)

On page 310, in the table following line 16, strike ''$39,160,000'' in the amount column of the item relating to Fort Wainwright, Alaska, and insert ''$44,660,000''.

On page 311, in the table preceding line 1, strike the amount identified as the total in the amount column and insert ''$2,000,622,000''.

On page 313, line 4, strike ''$2,966,642,000'' and insert ''$2,972,142,000''.

On page 313, line 7, strike ''$1,007,222,000'' and insert ''$1,012,722,000''.

On page 326, in the table following line 4, strike ''$92,820,000'' in the amount column of the item relating to Elmendorf Air Force Base, Alaska, and insert ''$84,820,000''.

On page 326, in the table following line 4, strike the amount identified as the total in the amount column and insert ''$1,040,106,000''.

On page 329, line 8, strike ''$3,116,982,000'' and insert ''$3,008,982,000''.

On page 329, line 11, strike ''$923,106,000'' and insert ''$915,106,000''.

AMENDMENT NO. 1397

(Purpose: To reduce funds for an Army Aviation Support Facility for the Army National Guard at New Castle, Delaware, and to modify other military construction authorizations)

On page 326, in the table following line 4, strike the item relating to Los Angeles Air Force Base, California.

On page 326, in the table following line 4, strike ''$6,800,000'' in the amount column of the item relating to Fairchild Air Force Base, Washington, and insert ''$8,200,000''.

On page 326, in the table following line 4, strike the amount identified as the total in the amount column and insert ''$1,047,006,000''.

On page 329, line 8, strike ''$3,116,982,000'' and insert ''$3,115,882,000''.

On page 329, line 11, strike ''$923,106,000'' and insert ''$922,006,000''.

On page 336, line 22, strike ''$464,680,000'' and insert ''$445,100,000''.

On page 337, line 2, strike ''$245,861,000'' and insert ''$264,061,000''.

On page 337, between lines 4 and 5, insert the following:

SEC. 2602. SPECIFIC AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION PROJECTS.

(a) CAMP ROBERTS, CALIFORNIA.—Of the amount authorized to be appropriated for the Department of the Army for the Army National Guard of the United States under section 2601(1)(A)—

(1) $1,500,000 is available for the construction of an urban combat course at Camp Roberts, California; and

(2) $1,500,000 is available for the addition or alteration of a field maintenance shop at Fort Dodge, Iowa.

SEC. 2603. CONSTRUCTION OF FACILITIES, NEW CASTLE COUNTY AIRPORT AIR GUARD BASE, DELAWARE.

Of the amount authorized to be appropriated for the Department of the Air Force for the Air National Guard of the United States under section 2601(3)(A)—

(1) $1,400,000 is available for the construction of a security forces facility at New Castle County Airport Air Guard Base, Delaware; and

(2) $1,500,000 is available for the construction of a medical training facility at New Castle County Airport Air Guard Base, Delaware.

AMENDMENT NO. 1398

(Purpose: Relating to the LHA Replacement Ship)

On page 18, beginning on line 20, strike ''and advance construction'' and insert ''advance construction, detail design, and construction''.

On page 19, beginning on line 10, strike ''fiscal year 2007'' and insert ''fiscal year 2006''

On page 19, between lines 18 and 19, insert the following:

(e) FUNDING AS INCREMENT OF FULL FUNDING.—The amounts available under subsections (a) and (b) for the LHA Replacement ship are the first increments of funding for the full funding of the LHA Replacement (LHA(R)) ship program.

AMENDMENT NO. 1399

(Purpose: To provide for the transfer of the Battleship U.S.S. Iowa (BB–61))

Strike section 1021 and insert the following:

SEC. 1021. TRANSFER OF BATTLESHIPS.

(a) TRANSFER OF BATTLESHIP WISCONSIN.—The Secretary of the Navy is authorized—

(1) to strike the Battleship U.S.S. WISCONSIN (BB–64) from the Naval Vessel Register; and

(2) subject to section 7306 of title 10, United States Code, to transfer the vessel by gift or otherwise provided that the Secretary requires, as a condition of transfer, that the transferee locate the vessel in the Commonwealth of Virginia.

(b) TRANSFER OF BATTLESHIP IOWA.—The Secretary of the Navy is authorized—

(1) to strike the Battleship U.S.S. IOWA (BB–61) from the Naval Vessel Register; and

(2) subject to section 7306 of title 10, United States Code, to transfer the vessel by gift or otherwise provided that the Secretary requires, as a condition of transfer, that the transferee locate the vessel in the State of California.

(c) INAPPLICABILITY OF NOTICE AND WAIT REQUIREMENT.—Notwithstanding any provision of subsection (a) or (b), section 7306(d) of title 10, United States Code, shall not apply to the transfer authorized by subsection (a) or the transfer authorized by subsection (b).

(d) REPEAL OF SUPERSEDED REQUIREMENTS AND AUTHORITIES.—

(1) Section 1011 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 421) is repealed.

(2) Section 1011 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2118) is repealed.

AMENDMENT NO. 1400

(Purpose: To improve the management of the Armed Forces Retirement Home)

At the end of subtitle D of title VI, add the following:

SEC. 642. IMPROVEMENT OF MANAGEMENT OF ARMED FORCES RETIREMENT HOME.

(a) REDESIGNATION OF CHIEF OPERATING OFFICER AS CHIEF EXECUTIVE OFFICER.—

(1) IN GENERAL.—Section 1515 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 415) is amended—

(A) by striking ''Chief Operating Officer'' each place it appears and inserting ''Chief Executive Officer''; and

(B) in subsection (e)(1), by striking ''Chief Operating Officer's'' and inserting ''Chief Executive Officer's''.

(2) CONFORMING AMENDMENTS.—Such Act is further amended by striking ''Chief Operating Officer'' each place it appears in a provision as follows and inserting ''Chief Executive Officer'':

(A) In section 1511 (24 U.S.C. 411).
(B) In section 1512 (24 U.S.C. 412).
(C) In section 1513(a) (24 U.S.C. 413(a)).
(D) In section 1514(c)(1) (24 U.S.C. 414(c)(1)).
(E) In section 1516(b) (24 U.S.C. 416(b)).
(F) In section 1517 (24 U.S.C. 417).
(G) In section 1518(c) (24 U.S.C. 418(c)).
(H) In section 1519(c) (24 U.S.C. 419(c)).
(I) In section 1521(a) (24 U.S.C. 421(a)).
(J) In section 1522 (24 U.S.C. 422).
(K) In section 1523(b) (24 U.S.C. 423(b)).
(L) In section 1531 (24 U.S.C. 431).

(3) CLERICAL AMENDMENTS.—(A) The heading of section 1515 of such Act is amended to read as follows:

''SEC. 1515. CHIEF EXECUTIVE OFFICER.''.

(B) The table of contents for such Act is amended by striking the item relating to section 1515 and inserting the following new item:

''Sec. 1515. Chief Executive Officer.''.

(4) REFERENCES.—Any reference in any law, regulation, document, record, or other paper of the United States to the Chief Operating Officer of the Armed Forces Retirement Home shall be considered to be a reference to the Chief Executive Officer of the Armed Forces Retirement Home.

(b) PHYSICIANS AND DENTISTS FOR EACH RETIREMENT HOME FACILITY.—Section 1513 of such Act (24 U.S.C. 413) is amended—

(1) in subsection (a), by striking ''subsection (b)'' and inserting ''subsections (b), (c), and (d)''; and

(2) by adding at the end the following new subsection:

''(c) PHYSICIANS AND DENTISTS FOR EACH RETIREMENT HOME FACILITY.—(1) In providing for the health care needs of residents under subsection (c), the Retirement Home shall have in attendance at each facility of the Retirement Home, during the daily business hours of such facility, a physician and a dentist, each of whom shall have skills and experience suited to residents of such facility.

''(2) In providing for the health care needs of residents, the Retirement shall also have available to residents of each facility of the Retirement Home, on an on-call basis during hours other than the daily business hours of such facility, a physician and a dentist each of whom have skills and experience suited to residents of such facility.

''(3) In this subsection, the term 'daily business hours' means the hours between 9 o'clock ante meridian and 5 o'clock post meridian, local time, on each of Monday through Friday.''.

(c) TRANSPORTATION TO MEDICAL CARE OUTSIDE RETIREMENT HOME FACILITIES.—Section 1513 of such Act is further amended—

(1) in the third sentence of subsection (b), by inserting '', except as provided in subsection (d),'' after ''shall not''; and

(2) by adding at the end the following new subsection:

''(d) TRANSPORTATION TO MEDICAL CARE OUTSIDE RETIREMENT HOME FACILITIES.—The Retirement Home shall provide to any resident of a facility of the Retirement Home, upon request of such resident, transportation to any medical facility located not more than 30 miles from such facility for the provision of medical care to such resident. The Retirement Home may not collect a fee from a resident for transportation provided under this subsection.''.

(d) MILITARY DIRECTOR FOR EACH RETIREMENT HOME.—Section 1517(b)(1) of such Act (24 U.S.C. 417(b)(1)) is amended by striking ''a civilian with experience as a continuing care retirement community professional or''.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BIDEN. Mr. President, for over 3 years, we have heard that our most important national security priority is to ''keep the world's deadliest weapons out of the hands of the world's most dangerous people.'' One of the best ways to do that is to secure the world's stocks of fissile material and to destroy such material that is no longer needed for the nuclear weapons programs of the five accepted nuclear weapons states.

The Cooperative Threat Reduction program, also known as the Nunn-Lugar program, is an important mechanism for achieving this vital objective.

For over a dozen years, Nunn-Lugar has funded the destruction of Russian long-range ballistic missiles, nuclear warheads, and chemical weapons, as well as improved security for Russia's nuclear and chemical weapons. This program has furthered Russian compliance with bilateral and multilateral arms control treaties, and it has done so with great transparency. In short, Nunn-Lugar has been a consistent contributor to our national security.

Experts report, however, that since 9/11, the pace of Nunn-Lugar activities has fallen off. Fewer arms are being destroyed and there has been a major delay in activities due to disagreements with Russia over access to activities and liability protection for contractors associated with the program.

Another major impediment to Nunn-Lugar activities has been the need either to meet onerous certification requirements or to prepare an annual report justifying Presidential waivers of those certification requirements. This is a needless waste of resources.

Worse yet, the certification and waiver requirements often lead to gaps of several months in the flow of funds to Nunn-Lugar projects. Those projects are not undertaken out of the goodness of our hearts; rather, they are designed

to improve our national security by lessening the risk that rogues or terrorists will acquire weapons of mass destruction.

So, what is the point of requiring onerous certifications or waiver reports? The only effect of those requirements is to slow the process of improving our national security.

The truth is that the certification requirements were imposed by people who questioned the wisdom of Nunn-Lugar in the first place. And I cannot believe that anybody could doubt the usefulness of Nunn-Lugar today, given its proven record of achieving U.S. objectives.

If we are serious, then, about ''keeping the world's deadliest weapons out of the hands of the world's most dangerous people,'' the time has come to pursue that goal more efficiently.

In particular, the time has come to stop putting roadblocks in the way of the Nunn-Lugar program, as we use that program to secure and destroy weapons of mass destruction that might otherwise fall into ''most dangerous'' hands.

The Lugar-Levin amendment will clear a major roadblock from the path to national security. I urge all my colleagues to support it.

Mr. WARNER. Mr. President, at this time, I yield to the Senator from Indiana.

Mr. LUGAR. I ask unanimous consent that Senators LANDRIEU, SUNUNU, BAYH, SMITH, and CARPER be added as cosponsors to my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the Lugar amendment.

Mr. WARNER. 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.

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. COCHRAN) and the Senator from Tennessee (Mr. FRIST).

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER) is necessarily absent.

I further announce that, if present and voting, the Senator from California (Mrs. BOXER), would vote ''yea.''

The PRESIDING OFFICER (Mr. ALLEN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 78, nays 19, as follows:

[Rollcall Vote No. 200 Leg.]

YEAS—78

Akaka	Bingaman	Chafee
Alexander	Bond	Clinton
Allen	Brownback	Coburn
Baucus	Burns	Coleman
Bayh	Byrd	Collins
Bennett	Cantwell	Conrad
Biden	Carper	Corzine
Craig	Johnson	Nelson (NE)
Crapo	Kennedy	Obama
Dayton	Kerry	Pryor
DeWine	Kohl	Reed
Dodd	Landrieu	Reid
Domenici	Lautenberg	Rockefeller
Dorgan	Leahy	Salazar
Durbin	Levin	Sarbanes
Enzi	Lieberman	Schumer
Feingold	Lincoln	Smith
Feinstein	Lott	Snowe
Graham	Lugar	Specter
Gregg	Martinez	Stabenow
Hagel	McCain	Stevens
Harkin	McConnell	Sununu
Hatch	Mikulski	Thomas
Hutchison	Murkowski	Thune
Inouye	Murray	Voinovich
Jeffords	Nelson (FL)	Wyden

NAYS—19

Allard	Ensign	Sessions
Bunning	Grassley	Shelby
Burr	Inhofe	Talent
Chambliss	Isakson	Vitter
Cornyn	Kyl	Warner
DeMint	Roberts	
Dole	Santorum	

NOT VOTING—3

Boxer	Cochran	Frist

The amendment (No. 1380) was agreed to.

Mr. WARNER. I move to reconsider the vote and lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Now, Mr. President, while we will not have further rollcall votes tonight, it is the intention of the managers to continue tonight to first clear package of amendments that we have, and then there may well be a lot of other Senators who want to discuss their amendments.

The Senate will come in tomorrow at such hour as specified by the leadership and there will be filed a cloture motion. Following that, the managers will entertain further amendments and have debate on those amendments. So we have made some progress. We still have a goal to complete this bill as early as we can next week, working with our leadership. But we will need the cooperation of Senators.

I again thank the Senator from South Dakota for bringing forth this very important amendment on BRAC. There remains a very important amendment by the distinguished Senator from Michigan and Mr. ROCKEFELLER and others. Perhaps the Senator from Michigan could give us some timetable as to when the Senate could expect to have an opportunity to debate that amendment.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, we are attempting to find a time for that amendment which fits not just the Senate schedule but a very important personal need, which I think the Senator from Virginia is aware of, of one of the cosponsors. We do have many amendments that we are going to be offered tomorrow. Apparently there is no plan for votes tomorrow; is that the Senator's understanding?

Mr. WARNER. Mr. President, my understanding is there will not be votes tomorrow.

Mr. LEVIN. Although there will be no votes tomorrow, we nonetheless are making an effort on this side, and I hope the chairman will do the same on his side, to have people debate amendments, lay down amendments, set them aside so we can vote on them next week. We are doing that on this side.

The idea that a cloture motion is filed on this bill, to me, is inappropriate. There is no filibuster of this bill. Everybody wants to handle amendments as quickly as possible to this bill, and the idea that there is a cloture motion filed on a bill where we are making progress, where people are offering amendments, and we are disposing of them, to me is inconsistent with what we have done as a body and should be doing as a body.

The PRESIDING OFFICER. The minority leader.

Mr. REID. Mr. President, to the two managers of this bill, I have said before and I say again, we could not have better managers. They do things on a bipartisan basis. This is an important bill. I have from this floor on other occasions this year talked about the need to go to this bill. I still believe that. I think it is important that we do this bill before we go home for the August recess. To think that yesterday was opening statements—I think it was yesterday, was is not? Yes. Today is Thursday. No votes tonight, no votes tomorrow, vote at 5 o'clock on Monday night—that is no way to legislate. To think that cloture will be invoked on this bill, we are here working with substantive amendments. We are not trying to slow things down, to stall things. I am a supporter of the legislation that the leader wants to bring up—not to jeopardize this bill. It is simply not fair.

I went to Walter Reed Monday. I saw lying in those beds men who are disfigured; their lives have changed forever. It is hard to get out of my mind's eye a young man there just turned 21 years old, blind in one eye, can't hear except a little bit out of one ear. I talked to another man lying there in bed; he was blown through the top of a Striker headfirst, which indicates how his head was injured. He is going to lose a leg.

We have to finish this bill. That is what we need to do. We have spent as much as 5 weeks on this bill. Should we not be able to spend 5 days on it? We have had 1 day to legislate on it. As the distinguished ranking member of the committee had indicated, we have lined up amendments for tomorrow, substantive amendments that relate to the subject matter of this legislation. We are ready to vote on them. Monday we will have people here ready to offer amendments. I think it is so unfair to people whom I visited at Walter Reed to not finish this bill and to invoke cloture on it.

So we are faced with this proposition. We have basically had 1 day. Cloture,

we will have a vote on it Monday. We have 1 day where we have votes. And the votes we had today, we didn't need to have most of them. Two of them were 100 to zero, or however many Senators we have here today. They passed unanimously. We agreed not to have votes. ''Yes, we want to have rollcall votes on them.'' Is it just to eat up time? My Democratic Senators are going to be asked Tuesday morning to vote for invocation of cloture on the Defense bill after they have had 1 day of debate, so the hue and cry will be from the majority, the Democrats are holding up the Defense bill. I want the RECORD to be spread with the fact that the Democrats are not holding up anything on this bill. We wanted to move to it months ago. It has been more than 2 months reported out of committee.

Everyone knows here how I like the trains to run on time. I like this place to be an orderly body to try to get things done. But this is not the way to get things done. I am terribly disappointed. I have expressed this personally to the majority leader. I told him what I was going to come to the floor and say. But he is also going to have criticism from others.

Moving off this, we have other things he has already indicated he would do: No. 1, the Native Hawaiian bill that the Senators from Hawaii have been waiting on for years to do. He has agreed, he has given us his word that we would move to that this time. When is that going to take place?

So I am terribly disappointed. I am terribly disappointed that we are in a situation where we are going to move off this bill. I don't know what legislation we could do that would be more important than the safety and security and to give proper resources to the men and women fighting all over this world in addition to giving them a pay raise.

Mr. President, I hope people will reconsider.

Mr. DORGAN. Will the Senator yield for a question?

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I wish to respond to our distinguished minority leader. I accept full responsibility for the timing and the management of this bill and making the decision that there would be no more votes tonight. My leader has entrusted me with that power, and I have so exercised it. I regret that it appears to the minority leader, a very valued and dear colleague in this Chamber, that it is not a proper course of action, but I accept that. We have a difference of opinion.

The fact that we will not have votes tonight will not deter my distinguished colleague and me as managers from continuing to work through amendments. We will both be here throughout tomorrow. We could stack a number of amendments which could be addressed on the afternoon of Monday at such time as the two leaders determine it would be appropriate.

As to the matter of cloture, again I accept full responsibility. This is the 27th Armed Services bill I have been privileged to be involved in. I believe that historically cloture is needed, particularly in the last week when colleagues, understandably, on both sides of the aisle have many matters of great interest to them and they desire to exercise their rights to amend this bill and otherwise to get a decision by the Senate as a body.

So I accept the responsibility. Whether we go ahead and as the cloture ripens we go forward, that is a matter I will work on with my leader in consultation. And if there is such progress made on a list of amendments that remain, I would wish to take into consideration the possibility we might not vote on it. But I feel I have to have that in place to efficiently work and manage this bill in the interim period between now and Tuesday morning.

But bottom line, I accept the responsibility. It is not that of the distinguished majority leader.

THE PRESIDING OFFICER. The Democratic leader.

Mr. REID. Through the Chair to the distinguished southern gentleman—he really is—the mere fact that we don't have votes tonight is the least of my worries. I do say that we do more than 1 day. I would say to the two managers of the bill, based on what the distinguished chairman of the committee has said, from what I have heard, if we all lay down a number of amendments, the Senator would be satisfied that we have done enough on the bill that he would not have to seek the invocation of cloture. I don't like that. I think this is one of the bills where people should be able to offer amendments that they want to, not only on this subject but others.

But I hope by tomorrow when the majority leader returns, we can have a better understanding of what is expected of the minority. We understand we are the minority, but we are a powerful minority and we have rights, as the distinguished Senator from Virginia knows.

So again, I hope the two managers of the bill would follow the suggestion of the distinguished Senator from Virginia as to what we need to do to make you feel late in the session that we have done what needs to be done where cloture does not have to be filed.

Mr. DORGAN. Will the Senator yield?

Mr. REID. I am happy to yield.

Mr. DORGAN. Mr. President, I am curious; my sense is that in years past, we have on occasion had the Defense authorization bill on the Senate floor for some significant length of time. The reason for that is this bill is a very large bill, it has significant policy questions engrained in it, and some are very controversial.

I observe, as did my colleague from Nevada, I have great admiration for the Senator from Virginia. He provides real leadership, as does the Senator from Michigan. I do hope we will not have cloture filed on this bill.

I am going to debate an amendment that will be offered in the morning. I will offer an amendment around lunchtime tomorrow, a separate amendment. I am sure many of our colleagues have amendments they wish to offer. I hope the opportunity for full debate will be available because this area is so critically important.

If I might take another moment, the amendment tomorrow deals with, as I understand it, the earth-penetrating bunker buster nuclear weapon, the amendment I will offer with respect to the development of a Truman-type commission to deal with contracting abuses—waste, fraud, and abuse, massive abuses which I will describe tomorrow. These are important issues. These are not small issues. They are big issues that require and demand significant debate and consideration.

I hope we will take the time we need as a Senate to sink our teeth into this bill, to improve on the wonderful work that has been done by the chairman and the ranking member. I hope we can avoid cloture. I do not believe it is necessary. I hope we will work through next week and finish a Defense authorization bill that we can all be proud of, that will strengthen and advance this country's efforts.

Mr. REID. I appreciate very much the statement of the Senator from North Dakota.

Let me say one additional thing. If a cloture motion is filed on this tomorrow, I have tentatively called a Democrat caucus for 5:45 Monday night. I personally am going to ask my members to not invoke cloture. We are doing a disservice to the people of this country and the men and women in the military to not have the opportunity to try to improve this bill. There are so many things that are left undone, some of which have been named this evening, that I believe we would be remiss if we did not fully debate this bill.

I say to my friend from Virginia—again, we are friends, and I say this in the most underlined and underscored fashion—it is not fair. We basically have spent today on the bill. We know what has happened around here in recent years. Fridays and Mondays, not much happens. We will try to change that. We just have not had an opportunity to spend any time on this bill. I have not been here 27 years, but I have been here 23 years. These Defense bills take a long time—certainly more than 2 or 3 days. It is so unfair.

As I have indicated to those within the sound of my voice, I understand the distinguished majority leader has a lot to do. The Senator from Virginia is the wrong person to direct this to. We wasted so much time on these five judges—I don't know how many weeks, but we have been in session 94 days, and we have spent 31 days on judges. That pretty much says it all.

Mr. KENNEDY. Will the Senator yield?

Mr. REID. I am happy to yield.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. As I remember, we spent 2 weeks of the Senate's time on the bankruptcy legislation, which is basically special interest for the credit card companies, and we spent 2 weeks on class action, which is special interest legislation. That is 4 weeks. We are asked now to spend less than a week debating the authorization for the fighting men and women after we spent 2 weeks for the credit card companies and 2 weeks for class action that will benefit special interests. And now we will be asked in less than 2 or 3 days to snuff off and silence debate on the issues affecting the men and women of this country on the first line of defense?

Mr. REID. I respond to my friend, add to that the 2 weeks and 2 weeks, add 31 legislative days on judges, and understand that wound up being five people, three of whom are now judges, two of whom are not. As I understand it, we have more than 400,000 men and women in the military, not counting Guard and Reserve. They are entitled to as much time as we spent on bankruptcy, as much time as we spent on class action, and certainly as much as we spent on five people, every one of whom had a job. They were not jobless.

There are more than 400,000 men and women, some of whom are out here in a hospital, in a bed because they cannot walk—at that hospital alone, there are more than 300 men and women who have lost limbs—and they deserve more than 2 or 3 days of Senate time.

Mr. DURBIN. Will the Senator yield?

Mr. REID. I am happy to yield.

Mr. DURBIN. It is my understanding if we go through this with the motion for cloture, it is the hope that we would spend the rest of next week finishing this bill? Is that the game plan?

Mr. REID. If cloture is invoked on the underlying bill—certainly people know the procedure around here better than I, but if cloture is invoked Tuesday morning, say 11 o'clock, add 30 hours to that, and that is when we would be finished.

Mr. DURBIN. And there would still be amendments? I ask through the Chair, Members could still offer amendments?

Mr. REID. During the 30 hours. Technically, you can.

Mr. DURBIN. Germane amendments.

Mr. REID. Make sure that people understand this: The mere fact that there are amendments that are valid postcloture does not mean they will allow a vote on them.

Mr. DURBIN. We have all learned that bitter lesson.

Let me ask the Senator. It is not a carefully guarded secret that part of the reason they want to move this bill off the Senate is so they can bring to the floor the National Rifle Association bill on gun manufacturers' liability before we leave for the August recess. So it is not just a matter of cloture to move the DOD bill, the Department of Defense bill, it is to make room and time for the National Rifle Association, another special interest group, so that they have more days to deliberate their bill than we may spend on this bill.

Mr. REID. Let me say to the distinguished Senator from Illinois in response to the question, the majority leader has the right to pull this bill. He can do that. He does not need to get cloture. Even though I would not be happy with doing that, he could go ahead anytime he wants to move off this bill and move to anything he wants to do because they have more votes than we have. He could do that. But at least if he did that, we could have an opportunity to complete this bill in an orderly fashion, not cut off debate willy-nilly.

So the answer to my distinguished friend's question is yes, but what it appears the majority wants to do is blame the minority for not allowing the Defense bill to go forward, and it has nothing to do with us. He has the right, today, to move off this and move on to gun liability, native Hawaiians, estate tax, flag burning, and all the other threats we have had around here.

Mr. DURBIN. Another question to the Senator from Nevada, and I think I know the answer: Is there anything more important than finishing the Department of Defense authorization bill in an orderly fashion when a nation is at war and men and women are risking their lives, as the Senator from Nevada noted?

Mr. REID. I say to my distinguished friend, we completed the Homeland Security appropriations bill last week. That was a pretty important bill because it protects our Nation. If we are not so inclined to help the men and women who have signed up to represent us and defend this country, this is not a good sign for this Senate. Therefore, I truly believe there is nothing more important that we could be doing in this Senate than finishing this bill in an orderly fashion. To think we will have one normal voting day on this—that is what it will amount to—before cloture is invoked. One day. Thursday. That is it because we do not work around here on Mondays and Fridays.

Mr. DURBIN. I ask one last question of the Senator from Nevada. It is my understanding today we have had two votes on this bill.

Mr. REID. We had one unanimous consent vote today on DOD and a vote on the Lugar amendment. I thought there would be something on Boy Scouts, but that never came to be, on an amendment offered by the majority leader.

Mr. DURBIN. I might ask the Senator, it is my understanding there are many amendments pending right now that we could debate.

Mr. REID. I believe there are six—I could be wrong, but something like that.

Mr. DURBIN. I have one pending.

Mr. LEVIN. Thirteen amendments pending.

Mr. WARNER. I say to my colleagues, I accept the responsibility. I listened carefully to these points. I suggest we all do our very best between now and Tuesday morning to put together a record of accomplishments to have the votes—they can be set up quite easily tomorrow, tonight, Monday—and we will reassess this situation.

Clearly, with the representations that underlie your statements that we need to move forward, with that momentum on that side, I would be very happy to match it on this side. I assure you it will be forthcoming. But I am not going to sit here and recount the number of instances today I have worked with Senators on both sides of the aisle—of which my distinguished colleague is aware—who, for various reasons, could not do this or that. And I respect that. But we have had a reasonable amount of work achieved today. So might I suggest at this point in time that we have made our case with all points. I accept responsibility. Let's go forward and see what we can achieve.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, there is nobody in this body I would rather work with than Senator WARNER. We have had this relationship, which is a very warm one, for as long as we have both been here, and we have been here the same length of time.

I want to tell Senator WARNER we are doing something unusual tomorrow and Monday in an effort to address the amendments which people want to offer. We are lining up people to speak on amendments, although they cannot get votes. Traditionally around here, there has been great resistance—and understandably—to offering amendments on one day if you cannot get a vote on that day because people want votes to come shortly after the debate so it will be fresh in people's mind.

We are making every effort to move this bill. We are having people lined up. We have them for tomorrow. We have them for Monday. We are willing, just in order to expedite consideration of this bill, to debate the bill on a Friday, although the votes cannot occur until a Tuesday. We are moving heaven and Earth. We are going out of our way to bring up amendments. But it is utterly unfair that a cloture motion be adopted which will cut off the opportunity of other Members to offer amendments under this circumstance. We are not delaying it. We are expediting this bill in every single way we know.

In terms of the question asked by a number of my colleagues, I cannot remember a Defense bill that just had 1 day for votes. Typically, we spend a good week on debate, maybe more—2 weeks, 3 weeks—on a Defense authorization bill. The idea that the cloture is filed on the second day to cut off debate on amendments seems to me unthinkable.

These are amendments aimed at improving this bill, strengthening this bill. That is the motive. We all have the same goal. We may differ when it comes to votes, but the motive is to strengthen this bill, to offer greater support for the men and women in the military. The idea that any one of those amendments might be cut off because technically they are not germane—although they are relevant—seems to me unthinkable.

I hope, No. 1, we will make progress; No. 2, that the majority would think about filing a cloture motion under these circumstances which would deny an opportunity to strengthen a bill which is so important to the men and women in the military.

Mr. WARNER. Now, Mr. President, the distinguished Senator from Michigan and I have cleared amendments. I would like to do them. Then I wish to entertain a colloquy with my colleague from South Dakota. Perhaps I will undergo that colloquy at this time.

AMENDMENT NO. 1389

Again, the Senator has very cooperative in bringing this amendment to the attention of the Senate. I have had a few minutes to go over it. Let's see if we can, as best we are able, define certain parameters with regard to the goals of this amendment and its impact on the existing law. I ask unanimous consent to have printed in the RECORD a detailed listing of the BRAC timeline.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

2005 BRAC TIMELINE

SECDEF sends initial selection criteria to defense committees.	December 31, 2003
President submits proposed force structure.[a]	February 1, 2004
Sec/Def sends final selection criteria to defense committees; publishes criteria in Federal Register.	February 16, 2004
Criteria final, unless disapproved by Act of Congress ..	March 15, 2004
Congress receives interim report of Overseas Basing Commission.[b].	March 31, 2005
President transmits nine nominees for BRAC Commission to Senate for advice, consent and confirmation.[c].	NLT March 15, 2005
SECDEF sends closure/realignment list to Commission and defense committees; publishes in Federal Register.	NLT May 16, 2005
GAO reviews DOD's list; reports findings to President/defense committees.	July 1, 2005
Commission sends its recommendations to President ..	NLT September 8, 2005
President reviews Sec/Def's and Commission's list of recommendations and reports to Congress.[d].	NLT September 23, 2005
Commission may submit revised list in response to President's request for reconsideration.	NLT October 20, 2005
Final date for the President to approve and submit BRAC list to Congress (or process is terminated)[e].	November 7, 2005
Work of the closure/realignment Commission is terminated.	April 15, 2006

[a] SECDEF has option to submit revised force structure to Congress by Mar 15, 2005.
[b] Established by Congress in P.L. 108–132. Report date extended in PL 108–324.
[c] If President does not send nominations by required date, process is terminated.
[d] President prepares report containing approval or disapproval.
[e] Congress has 45 days to pass disapproving motion, or list becomes law.

Mr. WARNER. We have completed the GAO reviews of the DOD list and reported findings to the President and defense committees. That was done July 1. We are in the process and the Commission is having a series of hearings all across the country. The Commission sends its recommendations to the President on September 8. Thereafter, the President reviews the recommendations of the Secretary of Defense and the Commission's list of recommendations and reports to the Congress. That is September 23. Then the Commission may submit a revised list in response to the President's request no later than October 20. And the final date for the President to approve and submit the BRAC list to the Congress, or the process is terminated, is November 7. So that frames the current timetable.

Now, as I look over the Senator's—and I will go first to page 2, the section entitled: ''Actions Required Before Base Closure Round.''

The actions referred to in subsection (a)—

And that is essentially the timetable I have recounted here—

are the following actions:

(A) The complete analysis, consideration, and, where appropriate, implementation by the Secretary of Defense of the recommendations of the Commission on Review of Overseas Military Facility Structure of the United States.

I draw your attention to the word ''implementation.'' Now, this report, if finished, will be released August 15. But the implementation—I certainly have no facts before me at this time by which I could even conjecture how long it would take the Secretary of Defense to implement the recommendations of the Commission on Review of Overseas Military Facility Structure of the United States. So there is no determinate date at which time the provisions in (A) can be estimated; is that correct?

Mr. THUNE. Mr. President, the first criteria that deals with the Overseas BRAC Commission's findings and report would suggest that until those recommendations, until the analysis is complete, until that report has been carefully analyzed, and then ultimately it says implemented, ''where appropriate,'' by the Secretary of Defense is the condition to be met. It does not specify a specific date when that happens.

I think the answer, through the Chair, to the chairman's question is that the notion of having a domestic round of closures occur before decisions are made with respect to the basing needs overseas and some of the recommendations that have been brought forward by the Overseas BRAC Commission—that process would be completed prior to the implementation of the domestic BRAC recommendations.

Mr. WARNER. Mr. President, our colloquy is addressed through the Chair. It is the word ''implementation.'' It could be that analysis could be completed—consideration. But the ''implementation'' leaves an indeterminate date for (A). I think we both agree on that point.

Going to the next point:

The return from deployment in the Iraq theater of operations of substantially all (as determined by the Secretary of Defense) major combat units and assets of the Armed Forces.

Now, our President, I think quite wisely, and the Secretary of Defense have avoided any reference to a timetable with respect to the achieving of our goals in Iraq; namely, allowing that country to form its government, to provide for itself that measure of security to protect the sovereignty and, hopefully, law and order in that country, at which time it is expected that our President and the coalition leaders will make a determination as to the redeployment from the theater in Iraq of substantially all of the major combat units. So that clearly is a very difficult condition to meet in terms of when that could be completed, that with even conjecture, we cannot anticipate when that will be completed—unless you have facts that I am not aware of.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Thank you, Mr. President. I appreciate the Chair giving me an opportunity to respond to the question. I think what the Senator from Virginia is asking is if there is a definitive timetable in the amendment. The answer is no, there is not. This does not involve a timetable. We are not suggesting in this amendment that there be any timetable. All we are simply saying is that the Secretary of Defense can determine at what point the return from deployment of personnel who are stationed in Iraq as a result of some drawdown of the operation there is substantial. That is a determination which, as you can see, we leave to the Secretary of Defense.

Mr. WARNER. Well, it is the words ''return from deployment.'' That, clearly, in the mind of this Senator, means all the major, as determined by the Secretary of Defense, combat units. It is not difficult for me to define what are major combat units. What I cannot estimate in any way reasonably, and nor should I, because it would impinge upon the President's decision—a correct one—not to try to set a timetable. So anyway, I will move on. But that is a very indeterminate condition, to me.

We then go to (C). Now, I am told that report is likely to be finished by March of next year.

Then let's go now to (D):

The complete development and implementation by the Secretary of Defense and the Secretary of Homeland Security of the National Maritime Security Strategy.

Now, I can possibly conjecture or maybe even estimate when the development would be completed by the two Secretaries, but I certainly would not be able to determine, nor can anyone else, in my judgment, when there would be implementation. So there is another open-ended criteria. Am I incorrect?

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. I thank you, Mr. President.

I say to the Senator from Virginia, if you are looking for, again, a specific timeline on this, I think these were probably condition (D) and condition

(E) you were referring to. It may be more easily defined if you are looking for a specific time, although I do not think that is specified here. But these are conditions. These are not specific timelines. We are not saying that the BRAC shall be delayed until March of 2006, although with the QDR that becomes a little more clear.

But these are conditions in the same way that I think our military leadership and the President have said the withdrawal from Iraq ought to be condition-based. These are conditions that would have to be met before the domestic BRAC recommendations would be implemented.

Mr. WARNER. What I am trying to convey, Mr. President, to my distinguished colleague is that the criteria you have established for a new timetable, which, again, is in a subsequent paragraph—that is in paragraph (2) on page 4—and I read it—

The report required under subparagraph (F) of paragraph (1) shall be submitted not later than one year after the occurrence of the last action described in subparagraphs (A) through (E) of such paragraph.

So you add possibly up to a year on a whole set of indeterminate schedules up here. Now, I think I have made my point.

I want to put this question to the Senator. As our colleagues have the opportunity—as we are now doing—to look at this and to either determine how best they can vote to protect the interests of their State and to protect the interests of the country, as we go through this very difficult process of BRAC this is my fifth one. It is not easy. I think they have to suddenly recognize the indeterminate schedule, as laid out by this amendment, will hold in limbo the whole BRAC process for, it could be, up to 2 years. I just throw the quick estimate out of 2 years. That 2-year period poses a frightful situation for the communities that will have had by that time the report of the BRAC Commission, which will send its recommendations to the President on September 8.

So this amendment does not stop that process going forward. I am correct on that; am I not?

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, again, the Senator from Virginia is correct in that the timeline you gave me, the current BRAC timeline, is not impacted until the President would act and make the recommendation to the Congress.

Mr. WARNER. That is fine. But on September 8, all the communities would know what is final, what is decided by the Commission on the President's original list that went up, which bases, facilities will be closed, realigned, whatever the case may be. It is a wide spectrum of decisions. Then they are subject to other additions, which they are in the process of going through. And they are permitted by law.

So there it is: The BRAC Commission report is out, and these communities have to now cope with the high probability, under this amendment, were it to be adopted—2 years have lapsed. In the meantime, how can they attract new business as a consequence of such facility, the military they have? The businesses that are serving indirectly or directly the military facilities in that community, do they decide to put in new capital and continue to modernize their business to do their responsible actions to support that facility?

You put a cloud of indecision and doubt over all the communities that will be affected by this September 8 decision. And BRAC is onerous in its own schedule right here. It is extremely hard. And now to take and hold these communities, literally, in irons for a period of 2 years until, if the amendment were adopted, certain adjustments might be made in the final Presidential decision—I just find this amendment, with all due respect to my good friend and colleague, who is a member of our committee, as one that will impose on communities a very severe hardship. I am not sure the Congress will want to do that. I say that to you in all respect.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, if I could respond to the very distinguished chairman of our committee. And I do appreciate his leadership on our committee. I appreciate his sensitivity to the impact that these decisions are going to have on communities all across this country.

But I would also submit that when the conditions are met, a timeline should not be a prerequisite where national security is involved. This is the exact same argument we are now making with respect to our involvement in Iraq, that we cannot subscribe to a specific timeline. It is a conditions-based approach that we are adopting there. This would simply say that these are conditions that, when they are met, would trigger that next step in the BRAC process, which ultimately is the approval by this body. It comes back to the Congress.

The Congress would have an opportunity, then, after they have evaluated the recommendations in the QDR, after they have gotten a better handle on that and the Defense Department has had a chance to review the recommendations with respect to overseas basing needs and we have gotten a better idea about what our domestic needs are going to be when these troops start returning to this country. I think those are conditions for which at this point in time it is unwise for us to be moving forward at this fast pace.

I would simply add what the Overseas Basing Commission in their recommendations said; and that is, if the Congress moves too quickly on domestic basing decisions, it could weaken our global posture and, furthermore, that we need to proceed with caution. I believe that the conditions we have included here are things that, as a Congress—as a Member of the Senate—I would want to know before I make a vote on a final list of recommendations.

Now, the Senator is correct, it is fair to say there will be communities, after August 22, perhaps—which I think is when the markup is—that will know whether they are on or off the list.

At the same time, what we are saying is, those communities may or may not stay on that list. In fact, when the Congress has had an opportunity to review some of these conditions that are included in this legislation, they may decide not to vote in favor of those recommendations. I don't think the door is closed, I say to the Senator from Virginia, at the time when the list is approved by the BRAC Commission and submitted to the President.

Mr. WARNER. One last point, and then perhaps the distinguished ranking member would like to be engaged in this debate. One of the aspects of the BRAC process that has always troubled this Senator is the duty, beginning with the Governor of the State and the congressional delegation, to encourage the communities, with their support, to do everything they can to question such decisions as may be made regarding installations within that State and the several communities.

In doing so, they engage in those activities which are quite normal—hire lobbyists, experts to come in and help them. That whole infrastructure then essentially has to be kept in place for maybe up to another 2 years at an enormous cost to these communities. I will argue strenuously, when we get into further debate on the Senator's amendment, that the amendment, no matter how well-intended, will inflict on communities across this land affected by BRAC an unusual punishment that certainly I do not believe any of us would want to do.

Therefore, I urge my colleagues to vote against this amendment.

Mr. THUNE. Will the Senator yield on that point?

Mr. WARNER. Yes.

Mr. THUNE. If I could make one comment, I understand what the chairman is saying with respect to some of these communities. I think a lot of these communities would welcome the opportunity to keep fighting for a couple of years. I also know firsthand, because I have a community that is involved, about the costs that are associated with a long, drawn-out, protracted campaign. Many of these communities have been in that process literally since the last round in 1995. Much of that expense concludes when the BRAC makes its recommendation. For all intents and purposes, what you are left with, once the recommendations are out there, is final approval by the President and the Congress. My assumption would be that in terms of the cost for consultants and all the costs

associated with analyzing data and making presentations to the BRAC, many of those costs are now sunk. Those are costs that are going to be concluded, by the time August 22nd rolls around and these recommendations are out there.

I hear what the chairman is saying. I don't think that is an issue that many of these communities that are fighting to keep their bases are most concerned with. I think they would welcome the opportunity to keep the fight going.

Mr. WARNER. My last question on that point, there will be an enormous amount of data generated, information and decisionmaking that will take place should the Senator's amendment become law. Is he suggesting that the communities then will have no participation in the deliberations as to how that data may or may not affect the decision of the Secretary of Defense regarding the prior decision of the Base Closure Commission and how the Secretary of Defense is to advocate? I just cannot see this amount of data and decision being made by all of these various tribunals and organizations and that the communities just have to sit there and fold their hands and let the executive branch go backwards and forwards until the President then submits something to the Congress.

Mr. THUNE. I am not sure I fully understand the question except that it seems to me if what you are suggesting is that somehow they are going to continue, once the BRAC Commission makes its final recommendations, to have to appeal this to the Secretary of Defense, I don't understand the process to work that way. Ultimately, what they are left with is a decision by the President and final subsequent approval by the Congress. It seems to me, once you get past this point in the process, when August 22nd is reached and those recommendations are made by the BRAC Commission, it then becomes a function of the President.

What our bill would do is trigger the BRAC period moving forward, going forward from the time the recommendations are submitted to Congress, the 45-day period. So most communities would then be lobbying members of their congressional delegation, if they are on the list, I suspect, to vote no when that final vote would come.

Mr. WARNER. I understand that. But it seems to me, if you look at all of the information, data, reports in A, B, C, D, E, and F, to me, in fairness, the communities should have some involvement as to how that information may or may not impact the decision with regard to their community rendered by the BRAC Commission. I just can't see that everybody is going to fold their hands. If you are going to delay it for 2 years, some provision should be made to allow the active participation, once again, by the communities after this massive amount of data is brought into the public domain. I make that observation.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, one final observation. My expectation would be that if we get this, if there is a download of information as a result of QDR and some of these other conditions that we impose, that Congress would hold hearings. The public would have an opportunity, through a congressional process, through their elected representatives, to be heard on the subject that the conditions would address.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I, too, oppose the amendment for the reasons which were set forth by the chairman. But, in addition, I have some other thoughts about this process. Each one of our States has gone through a tremendous period of anxiety. As it turns out, some of that anxiety was well based because they are on the list. For those States that did better than expected or better than their worst fears, it seems to me this amendment will throw them right back into that state of anxiety because by definition, this makes it more likely because of the uncertainty that is injected. And because of the delay in the final disposition, more States will be thrown right back into the position of being very nervous and anxious as to whether their bases and their facilities might be hit by a base-closing round. In other words, there is no finality. It is a totally uncertain finish, not just 2 years.

We don't know when substantially all major combat units from Iraq will be withdrawn. I would be very concerned that in addition to the arguments which the Senator from Virginia made, we have many States that hired consultants, that made major presentations, that now are going to be put back into a state of limbo because they will then say: Well, we are not going to know whether we are basically off the hook for years, potentially many years. So those that breathe a sigh of relief by this list or did better than their worst fears or better than expected are now going to be put in a position where they are going to have to say: This could go on for years. We better keep these consultants on board. We better continue to be nervous about this for some indefinite period of time.

There are many uncertainties that are created and a great degree of pain that will be inflicted if we continue this process for some unlimited period.

As I understand the Senator's amendment, he would complete the process through the Presidential decision.

Mr. THUNE. The Senator from Michigan is correct.

Mr. LEVIN. That means that while the Senator sets forth arguments for why all this information is essential before a congressional decision, the Presidential decision would be made before all of this information is available?

Mr. THUNE. That would be correct.

Mr. LEVIN. I think there is a deep illogic in that. To the extent you would want to delay something so that Congress could have information, which I think would be a mistake for the reasons given, to the extent there is logic in that, the President should have the same information before making his decision as the Congress arguably should have.

Again, for reasons given by Senator WARNER and myself, I think it would be a mistake to create the state of limbo which would result from the adoption of this amendment. It also has that degree of illogic in it as well.

Finally, I ask the chairman, so that we can get the precise position of the administration on this, whether we could reasonably expect that at least by Monday we could have a letter from the administration relating to the specifics of this amendment. I know we have a general position of the administration.

Mr. WARNER. What we do have already is a statement by the President that any effort to delay or impede the BRAC process would lead to a veto, with such clarity in my mind. By the way, an amendment, if I may advise my good friend, quite similar to this amendment was considered by the House and defeated by a vote of 112 for and 316 against, or something.

I think our colleague should know if this ever got into the bill, the President would have to veto the bill. We would have to start all over again on the Defense bill. I don't know when we would do it. But certainly if the House is any guide, it was thoroughly rejected.

Am I not correct in that?

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. If the Senator from Virginia would yield, the response to your question is that you are correct. The House did have a vote on an amendment. There was a BRAC amendment. But it was not this amendment. It was an amendment that would essentially do away with or delay the entire BRAC process. In other words, the BRAC Commission would not be able, under the House amendment, to complete its work. This allows the BRAC Commission to continue with their work product and respects the BRAC process, but simply slows down the implementation of those recommendations until these certain conditions are met.

And with respect to the question of the Senator from Michigan regarding the so-called illogic of having the President weigh in on this, frankly, this Senator would like to know this type of information before we cast votes on whether we are going to close bases. I, frankly, don't know, nor does anybody on the floor this evening, what is in the QDR. I have some assumptions about that, but I happen to believe we may be surprised by some of the findings, some of the strategies that are going to be laid out when that

QDR comes out, and what some of the weapon systems needs are and what some of the basing needs are. We are the elected representatives of the people. We represent the people of our respective States. In my view, we should be the ones who review this type of information before we make votes on shuttering bases across the country. As a member of the Armed Services Committee, and my chairman and distinguished ranking member are here, I think we have a responsibility before we make decisions of this consequence and this magnitude about bases that may never be able to be opened again. Once we shut these things down, they are shut down for good.

There are a lot of questions that remain unanswered about the QDR, about basing needs overseas, about what our needs are going to be when those troops start coming home from Iraq and Afghanistan from other theaters.

I appreciate and respect the leaders of this committee on their thoughts. I understand their opposition to this amendment. Frankly, I would urge my colleagues who look at these issues and are concerned about moving forward too quickly on decisions that have enormous and major consequences, not only for the communities that are impacted but for the national security of the United States of America, that without having this kind of information, it seems to me at least that many of the decisions are, at a minimum, very premature.

Mr. WARNER. Mr. President, I thank our colleague. We have had quite a good debate. I am prepared to move on, subject to the views of my colleague.

Mr. LEVIN. Mr. President, I think it is important that in addition to getting the general views of the administration about the importance of this BRAC process proceeding for the reasons they have set forth, the language of this amendment be forwarded to them. I will give an example of why.

As I understand it, one of the impacts of the amendment would be that it would be difficult, if not impossible, for the Army to bring back to the United States about 49,000 personnel and their families because those relocations back to the United States are dependent upon certain steps being taken as proposed in the BRAC process. We are leaving a lot of people in limbo overseas, I believe—that is our conclusion—but I would like to hear from the Defense Department as to the specific ramifications of this kind of delay, in addition to the reasons they have already given for opposing any delay or cancellation of the BRAC process. So I agree with our chairman that they are very clear that they would veto this bill if this kind of amendment passes.

But in terms of the argument on the amendment, there are practical problems, in addition to the ones already raised by the Defense Department, that they may want to raise if we get them the language. I hope that over the weekend the chairman will forward the language to the Defense Department.

Mr. WARNER. Rest assured, that will be done. I will prepare a letter. The Senator from Michigan and I will be here tomorrow morning and perhaps we can make a joint request outlining precisely what our views are.

Mr. LEVIN. I hope the Senator from South Dakota, if available tomorrow or Monday, if there is further debate on this amendment, might be present or be able to listen to the debate so he could respond to it.

Mr. WARNER. I anticipate that the reply from the administration would be forthcoming on Monday. I think the Senator would be available to debate this matter later in the afternoon.

Mr. THUNE. I will, and I welcome the opportunity to come to the floor and speak to it as well.

Mr. WARNER. The Senator has a very distinguished list of cosponsors, I might add.

Mr. LEVIN. And an even more distinguished list of opponents. Just kidding. The hour is late.

Mr. WARNER. Mr. President, in great seriousness, referring to the cosponsors, they are Senators LIEBERMAN, SNOWE, LAUTENBERG, JOHNSON, DODD, COLLINS, CORZINE, BINGAMAN, and DOMENICI.

I stick by my words that it is a distinguished list of cosponsors.

Mr. THUNE. I thank the chair.

Mr. WARNER. Mr. President, the managers wish to advise the Senate that we have accomplished a good deal today, and we will be fully in business tomorrow, with the exception of rollcall votes. It is our hope and expectation that we can go through a number of amendments and stack those votes for a time to be decided by leadership.

Therefore, Mr. President, I think we can move off of the bill and do such wrap-up as is necessary.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. WARNER. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO FORMER SENATOR JAMES EXON

Mr. CONRAD. Mr. President, I wish to take a moment to pay tribute to former Senator Jim Exon, a friend and colleague, who passed away on June 10, 2005.

Jim Exon is a legend in his own State. For almost three decades, he served the people of Nebraska as both Governor and Senator. And through dedication and the force of his personality, he almost singlehandedly founded the Democratic Party in his State. In his entire career, he never lost an election because his constituents recognized his basic decency and common sense.

However, Jim Exon didn't only serve his Nebraska constituents. He also served his country and our Government in ways that we could sorely use today. He was, of course, a patriot and World War II veteran who brought his wartime experience to his important role on defense matters. But beyond his obvious love of country, Jim Exon especially loved his country's democracy, which he saw as the crucial spark animating the American community.

Jim Exon relished forthright debate and always had tremendous faith in the fairness of our system of Government. But while he advanced his beliefs with conviction and passion, he also listened to those with whom he disagreed. Indeed, he was renowned as a fair and considerate lawmaker who routinely sought common ground with adversaries out of genuine sympathy for their concerns.

Jim Exon's facility for finding common ground with others stemmed from his roots in America's heartland. In rural areas and small towns, neighbors must depend on one another. People in the country rely on pragmatism to solve problems, having little patience with argument for its own sake. Jim Exon brought these Midwestern values to his work, fighting openly for his beliefs, while still playing a cooperative and constructive role in resolving differences.

Given his ability to see the point of view of others, it's hardly surprising that Jim Exon made abundant legislative contributions. I was privileged to serve on the Senate Budget Committee with him, where he fought to keep our Nation's fiscal house in order. Here, too, his approach was balanced, offering a fierce opposition to wasting taxpayer money on unjustified spending, while maintaining an abiding faith in effective government. Most importantly in this area, he recognized that lawmakers must resist the temptation to use public debt to shift current burdens onto future taxpayers. To Jim Exon, skyrocketing Federal debt was a shameful legacy to leave our children.

Senator Exon also understood the wisdom of investing in the family farmer, the backbone of rural communities. A tireless advocate of rural economic development, he was one of the first to recognize the importance of ethanol as fuel, a renewable energy source that we produce here at home. And he fought for better transportation, better medical care, and better

schools for rural areas facing special challenges.

Jim Exon also worked to keep America's military strong. A veteran of the South Pacific in World War II, he never wavered in his commitment to our Armed Forces. He played a crucial role on the Armed Services Committee in the aftermath of communism's collapse. Thanks in large measure to his efforts, our military remained the mightiest in the world, even though its mission was reoriented to face the challenges of the post-Cold War world. He worked tirelessly to contain nuclear proliferation.

Jim Exon accomplished much during his three terms here in the Senate. That's not surprising given the kind of man he was. He lacked pretense. He would tell you straight out what he believed, and he listened carefully to others. And he was fair. He brought Senators together by focusing on shared interests, rather than differences.

Jim Exon was a big hearty man who loved to laugh. His deep, rolling baritone had an infectious good humor and compassion behind it that won over others. He was effective, in part, because people liked to work with him.

I will miss my good friend and colleague. His accomplishments live after him. The Nation and the people of Nebraska will long remember the standards of integrity and decency that were the hallmarks of Jim Exon's service to his country.

HONORING THE MASSACHUSETTS GENERAL HOSPITAL

Mr. KENNEDY. Mr. President, I join with President Bush and Project Hope in commending the extraordinary work of the health professionals from Massachusetts General Hospital who dropped everything and went to Indonesia in January and February to provide medical care to survivors of the tsunami disaster. I especially commend Dr. Laurence Ronan, the group leader at MGH who did so much to organize the trip.

These dedicated health professionals answered the urgent call when the disaster struck. As in the past when earthquakes devastated Armenia, and El Salvador, and Iran, they volunteered their services and skills on the USS *Mercy*, the Navy hospital ship sent to the coast of Indonesia.

Massachusetts General Hospital sent the largest health team. More than 60 doctors, nurses, and social workers each spent a month helping on cases too complex to be treated by personnel already on the ground in Indonesia. They had expertise in critical medical specialties such as neurology, burns, lung disease, kidney disease, and pediatrics, and they provided care to hundreds devastated by the tsunami.

Massachusetts is very very proud of MGH and the extraordinary health professionals being honored today. Their dedication and caring have served America and the world well.

HONORING ARTHUR A. FLETCHER

Mr. KERRY. Mr. President, we should all take a moment today to honor the life and the work of Arthur Fletcher. Considered ''the father of affirmative action,'' he advised four Presidential administrations and never missed an opportunity to advance the interests of underserved people throughout the Nation. Today, Mr. Fletcher is being laid to rest, after a distinguished life of public service.

As an affirmative action supporter, Mr. Fletcher identified with Abraham Lincoln's legacy and felt that in order to make the greatest changes he needed to work from inside the political system. He was appointed by President Nixon to be the Assistant Secretary of Wage and Labor Standards. From this position, he developed ''the revised Philadelphia Plan'' which became the blueprint for affirmative action plans, creating a framework for employers to use in hiring. He continued to advise three more presidents: He was the Deputy Urban Affairs Adviser for President Gerald R. Ford, an adviser to President Ronald Reagan, and the Chairman of the Civil Rights Commission between 1990 and 1993. During his service in these administrations, Mr. Fletcher never shied away from addressing the most challenging opposition as he worked to expand equality and opportunity.

Mr. Fletcher is probably best known for the phrase, ''a mind is a terrible thing to waste'' which he helped develop while serving as the executive director of the United Negro College Fund, however his influence was more far reaching. For example, Mr. Fletcher personally helped finance the lawsuit against the Topeka Board of Education in the landmark Brown v. Board of Education case, which successfully sought to desegregate the Topeka public school system.

His interests seemed to know no bounds as he played football for the Los Angeles Rams and then became the first African American player for the Baltimore Colts. He ran for high public office, including President of the United States in 1996, always to advance the virtues of affirmative action.

As a lifetime advocate Arthur Fletcher himself was a story of affirmative action, not only working for the advancement of others but blazing a trail for others to follow of hard work and determination. His contributions to American society have benefited millions and raised the lifestyles of African Americans and all traditionally underserved people across our country. His family can take pride in the great strides that our country has made as a result of his hard work.

My deepest sympathy goes out to his three children, his many grandchildren, and of course his wife Bernyce Hassan-Fletcher. His legacy lives on in all of us who believe in the struggle for racial and gender equality and who continue to fight for equal opportunity for all. He will be greatly missed.

ADDITIONAL STATEMENTS

HONORING THE LIFE OF MR. ALFRED WILLIAM EDEL

● Mr. JOHNSON. Mr. President, I am saddened to report the passing of one of the most innovative news personalities in South Dakota broadcasting history, Alfred William Edel.

On July 3, South Dakota and the broadcasting industry lost a veteran radio and television reporter to cancer. Al's extraordinary contributions to news media set him apart from other dedicated reporters.

Born in Buffalo, NY, in 1935, Al received his bachelor's degree from the College of Wooster, OH, in 1957, and then went on to secure his master's degree in communications from Syracuse University in 1959. Following his graduation from Syracuse, Al became a radio broadcaster and editor at WKBW in his hometown of Buffalo. Although his time at WKBW was short, it was clear from the start that his deep, booming voice would take him far.

In 1960, Al joined the Department of Defense's American Forces Network, AFN, in Frankfurt, Germany. Al worked as a news writer and anchor, relaying the news to millions of GIs and American civilians stationed throughout the continent. The local community quickly appreciated and welcomed his quick understanding of the region's issues and his innate ability to infuse humor into his insightful and succinct reports. Interestingly, Al's two sons, Scot and Tod, were both born in the U.S. Army's 97th General Hospital in Frankfurt. As a result of his success in Germany, Al was promoted to chief of AFN's London news bureau in 1961. Following his term in London, Al, his wife Lee, and their two children packed up and moved back to the U.S. in 1966. At that time, he anchored ABC Radio's newscasts that aired daily throughout our Nation.

Eager to try his hand in television, Al left ABC in 1970 to accept a position as prime-time news anchor at KSOO–TV in Sioux Falls, SD. KSOO would later become KSFY, which continues to broadcast today. As a member of KSOO–TV's team, Al and the news bureau nearly led the market with their tenacity and determination to cover all the news, even if their competitors were not interested in the story. Steve Hemmingsen, a reporter for KELO-Land News, recalls that Al and KSOO–TV went ''the extra mile to cover stories that KELO didn't think of covering. General Douglas MacArthur's 'hit 'em where they ain't' philosophy of war transposed to television. [Al] helped wake [KELO] up and changed the way we do business.'' In addition to his ubiquitous strategy, Al's famous, deep, rumbling ''Good evening,'' and his trademark, ''Rest easy'' lured viewers to his program.

Despite his success and popularity in South Dakota, Al accepted an offer in 1980 and moved to Washington as a

news writer for ''Good Morning America.'' Subsequently, in 1982, he moved across town to become a radio anchor for the government's ''Voice of America station'' that broadcasts around the world via shortwave.

Al retired from ''Voice of America'' in 1997, having worked in the business for nearly 40 years. In 2001, he and his wife Lee moved to St. George, UT, where he lived out his remaining years.

It is an honor for me to share Al's accomplishments with my colleagues and to publicly commend the talent and commitment to broadcasting he always exhibited throughout his life. His dedication to providing the public with accurate, insightful, and original information serves as his greatest legacy, and his work continues to inspire all those who knew him. South Dakota and the broadcasting industry are far better because of Al's life, and while we miss him very much, the best way to honor his memory is to emulate the passion and enthusiasm he shared with others.●

HONORING THE COMMUNITY OF MILBANK, SOUTH DAKOTA

● Mr. JOHNSON. Mr. President, I rise today to honor and publicly recognize the 125th anniversary of the founding of Milbank, SD. I would like to take this opportunity to draw attention to and commemorate the achievements and history of this charming city that stands as an enduring tribute to the fortitude and pioneer spirit of the earliest Dakotans.

Located in Grant County in northeastern South Dakota, Milbank got its start with the help of the railroad, specifically the Milwaukee line. Prior to the establishment of Milbank, the Milwaukee Railroad only went as far west as Ortonville, MN however, in 1880 it was extended to Milbank, a deserted section of prairie consisting of a solitary sod shanty. The railroad's arrival quickly gave rise to the town. Milbank is, in fact, named for Jeremiah Milbank, director of the Hastings division of the Chicago, Milwaukee & St. Paul Railroad. Platted in 1880, the town was originally called the Village of Milbank Junction.

Construction of the tracks was completed in July of 1880; however, at that point, the town was still in its earliest stages. As a result, everyone in the region ''who could handle a saw and hammer'' was summoned to help construct buildings. Development plans were running smoothly until a blizzard struck on October 25, 1880. The blizzard lasted 3 days, impeding not only the building process, but all local business.

In hindsight, this storm turned out to be a sign of the difficult times Milbank would experience in its next few years. Due to the heavy snow storms and high drifts, rail service throughout the winter of 1880–81 was sporadic, at best. In fact, the spring proved to be more treacherous than the winter, as Milbank was hit with a series of blizzards between January and mid-April. Over a 12-week period, the tracks were so dangerous that no trains were able to reach the community. Consequently, the town nearly ran out of fuel, save for the green wood brought down from the hills.

In the fall of 1881, the county commission held an election with hopes of moving the county seat from Big Stone City to an area closer to the center of Grant County. Milbank's population had increased considerably by that time, and its residents eagerly anticipated winning the two-thirds majority necessary to capture the title. Turnout for the vote was staggeringly high with virtually every person, regardless of residency, voting. Milbank received about 1,100 votes, claiming to have passed the two-thirds threshold; however, Big Stone City disputed Milbank's declaration, asserting that Milbank was 11 votes short. A rather long and drawn out dispute erupted, ripe with claims of election fraud and mismanaged ballot counting. The dispute ensued until two of the three county commissioners declared Milbank the winner.

In addition to the difficult winter of 1880–81, four devastating fires broke out between 1884 and 1900. The Big Fire, as many call it, occurred mid-November of 1884, destroying every building on the east side of Main Street south to Third Avenue. Another of the significant fires, one of the quickest on record, took place July 30, 1895. Started by a loan company assistant hoping to profit from the catastrophe, the blaze ravaged the Grant County Court House, destroying virtually all of the records housed there, save for those locked in the fireproof safe. Despite these tragedies and hardships, Milbank's resilient residents rebounded and rebuilt, which is testimony to South Dakotans' legendary pioneer spirit.

One of Milbank's notable attractions is its historic grist mill, a celebrated relic from the town's early days. Located on the east edge of the city, the Old Holland Mill is a favorite of tourists. Its name, however, is deceiving, as many assume it is a Dutch windmill. In realty, the English-style mill was designed and built in 1882 by Henry Hollands, who himself was an Englishman. The mill was used to grind buckwheat flour and to saw wood. Due to the rapid growth of the surrounding foliage, however, after a short period of time, the wind was not strong enough to turn the giant blades, consequently requiring the attachment of a gasoline engine to supply the power necessary to operate it. An interesting and clever feature of the mill is its main drive wheel, which is constructed entirely of wood to prevent significant damage or injury. If something were to go wrong, the wooden cogs in the wheel would break, thus rendering the mill ineffectual.

Milbank is also proud of the recreational opportunities it offers. In addition to its four city parks, lighted tennis courts, swimming pool, and golf course, Milbank is the birthplace of American Legion Baseball. While hosting the seventh annual American Legion and Auxiliary convention in July of 1925, a resolution was passed to create Junior Legion Baseball throughout the entire Nation. Not only does this program provide an excellent recreational outlet for millions athletic youth, but throughout the years it has guided many talented athletes on to play professionally.

In the twelve and a half decades since its founding, Milbank has provided its citizens with a rich and diverse atmosphere. Milbank's nearly 3,500 proud residents celebrate the town's 125th anniversary August 8–14, and it is with great honor that I share with my colleagues this community's unique past and wish them the best for a promising future.●

TRIBUTE TO JEN JEN HAZELBAKER

● Mr. BOND. Mr. President, on behalf of my fellow Missourians, I extend my warmest congratulations to my good friends the Hazelbakers on Jen Jen's naturalization as a U.S. citizen.

As this family is aware, the freedoms we share in this country are not to be found elsewhere in the world. To maintain these freedoms, we must exercise the responsibilities that are incumbent with these liberties.

As the English philosopher John Stuart Mill said, ''The worth of a state in the long run is the worth of the individuals composing it.''

Already an important figure in her community and active in this country's political process, I am confident that Jen Jen will serve her new home well and I am proud to welcome her.

We send best wishes for success in Jen Jen's future endeavors. We also wish this warm family continued success, happiness, and prosperity.●

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 refened to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 9:33 a.m., a message from the House of Representatives, delivered by

Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 52. Joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

The enrolled joint resolution was signed subsequently by the President pro tempore (Mr. STEVENS).

At 12:29 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 202. Concurrent resolution permitting the use of the Rotunda of the Capitol for a ceremony to honor Constantino Brumidi on the 200th anniversary of his birth.

At 6:07 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3377. An act to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21 st Century.

MEASURES DISCHARGED

The following measure was discharged from the Committee on Commerce, Science, and Transportation by unanimous consent, and referred as indicated:

H.R. 2385. An act to extend by 10 years the authority of the Secretary of Commerce to conduct the quarterly financial report program.

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–3111. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Berry Amendment Memoranda'' (DFARS Case 2004–D035) received on July 18, 2005; to the Committee on Armed Services.

EC–3112. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Business Restructuring Costs—Delegation of Authority to Make Determinations Relating to Payment'' (DFARS Case 2004–D026) received on July 18, 2005; to the Committee on Armed Services.

EC–3113. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Sole Source 8(a) Awards to Small Business Concerns Owned by Native Hawaiian Organizations'' (DFARS Case 2004–D031) received on July 18, 2005; to the Committee on Armed Services.

EC–3114. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–3115. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (6 subjects on 1 disc beginning with ''Army Hearing Questions'') relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–3116. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (1 subject on 1 disc entitled ''Review of BRAC Recommendations by NORTHCOM'') relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–3117. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (1 subject on 1 disc entitled ''DoD Response to BRAC Commission's July 1, 2005 Letter Providing an Explanation for Actions Not Taken at Particular Installations'') relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–3118. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (6 subjects on 1 disc beginning with ''Inquiry Response Regarding ANG Training Costs'') relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–3119. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (5 subjects on 1 disc beginning with ''Memorandum Regarding NI Industries at Riverbank Army Ammunition Plant'') relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–3120. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (2 subjects on 1 disc beginning with ''Correspondence Regarding Attack Submarine Force Structure'') relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–3121. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, a monthly report on the status of the Commission's licensing and other regulatory activities; to the Committee on Environment and Public Works.

EC–3122. A communication from the Assistant Secretary of the Army (Civil Works), Department of Defense, transmitting, pursuant to law, a report relative to the construction of the Western Sarpy/Clear Creek, Nebraska, levee project for flood damage reduction; to the Committee on Environment and Public Works.

EC–3123. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, the report of two documents entitled ''A Regulator's Guide to the Management of Radioactive Residuals from Drinking Water Treatment Technologies'' and ''Tribal Drinking Water Operator Certification Program Guidelines'' received on July 18, 2005; to the Committee on Environment and Public Works.

EC–3124. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; New Mexico; Albuquerque/Bernalillo County'' (FRL No. 7942–5) received on July 18, 2005; to the Committee on Environment and Public Works.

EC–3125. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plan; Idaho; Correction'' (FRL No. 7941–7) received on July 18, 2005; to the Committee on Environment and Public Works.

EC–3126. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Idaho: Final Authorization of State Hazardous Waste Management Program Revision'' (FRL No. 7942–9) received on July 18, 2005; to the Committee on Environment and Public Works.

EC–3127. A communication from the Assistant General Counsel, Division of Regulatory Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Final Priorities—Grants to States To Improve Management of Drug and Violence Prevention Programs'' received on July 18, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–3128. A communication from the Assistant General Counsel, Division of Regulatory Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Final Priorities—Grants for School-Based Student Drug-Testing Program'' received on July 18, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–3129. A communication from the Assistant General Counsel, Division of Regulatory Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Final Priorities—Alcohol and Other Drug Prevention Models on College Campuses'' received on July 18, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–3130. A communication from the Assistant General Counsel, Division of Regulatory Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Final Priorities—Emergency Response and Crisis Management Grants Program'' received on July 18, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–3131. A communication from the Assistant General Counsel, Division of Regulatory Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Notice of Final Priority for a National Center for the Dissemination of Disability Research'' received on July 18, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–3132. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, a report entitled ''Report of Building Project Survey for Council Bluffs, IA''; to the Committee on Homeland Security and Governmental Affairs.

EC–3133. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, a report relative to prospectuses supporting the Administration's fiscal year 2006 program; to the Committee on Homeland Security and Governmental Affairs.

EC–3134. A communication from the Chairman of the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the Board's semiannual report entitled ''Monetary Policy Report''; to the Committee on Banking, Housing, and Urban Affairs.

EC–3135. A communication from the Assistant Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Securities Offering Reform'' (RIN3235–AI11) received on July 20, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–3136. A communication from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Oil and Gas and Sulphur Operations in the Outer Continental Shelf (OCS)—Fixed and Floating Platforms and Structures and Documents Incorporated by Reference'' (RIN1010–AC85) received on July 18, 2005; to the Committee on Energy and Natural Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BROWNBACK, from the Committee on Appropriations, without amendment:

S. 1446. An original bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2006, and for other purposes (Rept. No. 109–105).

By Mrs. HUTCHISON, from the Committee on Appropriations, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 2528. A bill making appropriations for military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. STEVENS for the Committee on Commerce, Science, and Transportation.

*Rebecca F. Dye, of North Carolina, to be a Federal Maritime Commissioner for a term expiring June 30, 2010.

Mr. STEVENS. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination lists which were printed in the RECORDs on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Coast Guard nomination of Melissa Diaz to be Lieutenant.

Coast Guard nomination of Royce W. James to be Lieutenant.

By Mr. DOMENICI for the Committee on Energy and Natural Resources.

*Mark A. Limbaugh, of Idaho, to be an Assistant Secretary of the Interior.

*R. Thomas Weimer, of Colorado, to be an Assistant Secretary of the Interior.

*James A. Respoli, of Virginia, to be an Assistant Secretary of Energy (Environmental Management).

*David R. Hill, of Missouri, to be General Counsel of the Department of Energy.

*Jill L. Sigal, of Wyoming, to be Assistant Secretary of Energy (Congressional and Intergovernmental Affairs).

By Mr. ENZI for the Committee on Health, Education, Labor, and Pensions.

*Kathie L. Olsen, of Oregon, to be Deputy Director of the National Science Foundation.

By Ms. COLLINS for the Committee on Homeland Security and Governmental Affairs.

*Edmund S. Hawley, of California, to be an Assistant Secretary of Homeland Security.

*Brian David Miller, of Virginia, to be Inspector General, General Services Administration.

*Richard L. Skinner, of Virginia, to be Inspector General, Department of Homeland Security.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CRAPO (for himself and Mrs. LINCOLN):

S. 1440. A bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services; to the Committee on Finance.

By Mr. THOMAS (for himself and Mrs. LINCOLN):

S. 1441. A bill to amend the Internal Revenue Code of 1986 to include wireless telecommunications equipment in the definition of qualified technological equipment for purposes of determining the depreciation treatment of such equipment; to the Committee on Finance.

By Mrs. CLINTON (for herself, Mr. CHAFEE, and Mr. REID):

S. 1442. A bill to amend the Public Health Service Act to establish a Coordinated Environmental Health Network, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. COLLINS (for herself and Mr. LIEBERMAN):

S. 1443. A bill to permit athletes to receive nonimmigrant alien status under certain conditions, and for other purposes; to the Committee on the Judiciary.

By Mr. BAUCUS (for himself and Mr. COLEMAN):

S. 1444. A bill to amend the Trade Act of 1974 to provide for alternative means of certifying workers for adjustment assistance on an industry-wide basis; to the Committee on Finance.

By Mr. SALAZAR:

S. 1445. A bill to designate the facility of the United States Postal Service located at 520 Colorado Avenue in Arriba, Colorado, as the ''William H. Emery Post Office''; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BROWNBACK:

S. 1446. An original bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2006, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. GRASSLEY (for himself and Mr. BAUCUS):

S. 1447. A bill to amend the Internal Revenue Code of 1986 to make technical corrections, and for other purposes; to the Committee on Finance.

By Mr. DURBIN (for himself and Mrs. BOXER):

S. 1448. A bill to improve the treatment provided to veterans suffering from posttraumatic stress disorder; to the Committee on Veterans' Affairs.

By Mr. SMITH (for himself, Mr. KOHL, Mr. FEINGOLD, Mrs. FEINSTEIN, and Ms. MURKOWSKI):

S. 1449. A bill to amend the Internal Revenue Code of 1986 with respect to the eligibility of veterans for mortgage bond financing, and for other purposes; to the Committee on Finance.

By Mr. SANTORUM:

S. 1450. A bill to suspend temporarily the duty on Aspirin; to the Committee on Finance.

By Mr. SANTORUM:

S. 1451. A bill to suspend temporarily the duty on Desmodur IL; to the Committee on Finance.

By Mr. SANTORUM:

S. 1452. A bill to suspend temporarily the duty on Desmodur E 14; to the Committee on Finance.

By Mr. SANTORUM:

S. 1453. A bill to suspend temporarily the duty on Desmodur VP LS 2253; to the Committee on Finance.

By Mr. SANTORUM:

S. 1454. A bill to suspend temporarily the duty on Walocel MW 3000 PFV; to the Committee on Finance.

By Mr. SANTORUM:

S. 1455. A bill to suspend temporarily the duty on XAMA 2; to the Committee on Finance.

By Mr. SANTORUM:

S. 1456. A bill to suspend temporarily the duty on XAMA 7; to the Committee on Finance.

By Mr. SANTORUM:

S. 1457. A bill to extend the suspension of duty on Baytron C–R; to the Committee on Finance.

By Mr. SANTORUM:

S. 1458. A bill to temporarily suspend the duty on Baytron and Baytron P; to the Committee on Finance.

By Mr. SANTORUM:

S. 1459. A bill to suspend temporarily the duty on TSME; to the Committee on Finance.

By Mr. SANTORUM:

S. 1460. A bill to extend the suspension of duty on D-Mannose to the Committee on Finance.

By Mr. SHELBY:

S. 1461. A bill to establish procedures for the protection of consumers from misuse of, and unauthorized access to, sensitive personal information contained in private information files maintained by commercial entities engaged in, or affecting, interstate commerce, provide for enforcement of those procedures by the Federal Trade Commission, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BROWNBACK (for himself, Mr. CORZINE, Mr. DEWINE, Mr. DURBIN, Mr. COBURN, Mr. LAUTENBERG, Mr. SCHUMER, Mr. BINGAMAN, Mr. COLEMAN, Mr. TALENT, Mr. SALAZAR, Mrs. DOLE, and Mr. BAYH):

S. 1462. A bill to promote peace and accountability in Sudan, and for other purposes; to the Committee on Foreign Relations.

By Mr. KERRY:

S. 1463. A bill to clarify that the Small Business Administration has authority to provide emergency assistance to non-farm-related small business concerns that have

suffered substantial economic harm from drought; to the Committee on Small Business and Entrepreneurship.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CRAIG (for himself and Mr. AKAKA):

S. Res. 203. A resolution recognizing the 75th anniversary of the establishment of the Veterans' Administration and acknowledging the achievements of the Veterans' Administration and the Department of Veterans Affairs; considered and agreed to.

By Mr. DURBIN (for himself, Mr. BINGAMAN, Mr. CHAFEE, Mrs. CLINTON, Mr. DEWINE, Mr. DODD, Mr. GRASSLEY, Mr. HARKIN, Mr. INOUYE, Mr. KENNEDY, Mr. LAUTENBERG, Mr. LEAHY, Mr. OBAMA, Mr. REED, Mr. REID, and Mr. ROCKEFELLER):

S. Res. 204. A resolution recognizing the 75th anniversary of the American Academy of Pediatrics and supporting the mission and goals of the organization; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 313

At the request of Mr. LUGAR, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 313, a bill to improve authorities to address urgent nonproliferation crises and United States nonproliferation operations.

S. 333

At the request of Mr. SANTORUM, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 333, a bill to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran.

S. 381

At the request of Mr. SMITH, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 381, a bill to amend the Internal Revenue Code of 1986 to encourage guaranteed lifetime income payments from annuities and similar payments of life insurance proceeds at dates later than death by excluding from income a portion of such payments.

S. 397

At the request of Mr. CRAIG, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 397, a bill to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others.

At the request of Mr. BAUCUS, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 397, supra.

S. 453

At the request of Mr. SMITH, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 453, a bill to amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide for an extension of eligibility for supplemental security income through fiscal year 2008 for refugees, asylees, and certain other humanitarian immigrants.

S. 489

At the request of Mr. ALEXANDER, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 489, a bill to amend chapter 111 of title 28, United States Code, to limit the duration of Federal consent decrees to which State and local governments are a party, and for other purposes.

S. 528

At the request of Mr. HARKIN, the names of the Senator from New York (Mrs. CLINTON) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 528, a bill to authorize the Secretary of Health and Human Services to provide grants to States to conduct demonstration projects that are designed to enable medicaid-eligible individuals to receive support for appropriate and necessary long-term services in the settings of their choice.

S. 543

At the request of Ms. SNOWE, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 543, a bill to amend the Internal Revenue Code of 1986 to expand the availability of the cash method of accounting for small businesses, and for other purposes.

S. 544

At the request of Mr. JEFFORDS, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 544, a bill to amend title IX of the Public Health Service Act to provide for the improvement of patient safety and to reduce the incidence of events that adversely effect patient safety.

S. 548

At the request of Mr. CONRAD, the name of the Senator from Georgia (Mr. ISAKSON), the Senator from New Mexico (Mr. BINGAMAN), and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 548, a bill to amend the Food Security Act of 1985 to encourage owners and operators of privately-held farm, ranch, and forest land to voluntarily make their land available for access by the public under programs administered by States and tribal governments.

S. 557

At the request of Mr. COBURN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 557, a bill to provide that Executive Order 13166 shall have no force or effect, to prohibit the use of funds for certain purposes, and for other purposes.

S. 601

At the request of Mr. CONRAD, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 601, a bill to amend the Internal Revenue Code of 1986 to include combat pay in determining an allowable contribution to an individual retirement plan.

S. 662

At the request of Ms. COLLINS, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 662, a bill to reform the postal laws of the United States.

S. 722

At the request of Mr. SANTORUM, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 722, a bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level.

S. 737

At the request of Mr. CRAIG, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 737, a bill to amend the USA PATRIOT ACT to place reasonable limitations on the use of surveillance and the issuance of search warrants, and for other purposes.

S. 770

At the request of Mr. LEVIN, the name of the Senator from California (Mrs. BOXER) 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. 792

At the request of Mr. DORGAN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 792, a bill to establish a National sex offender registration database, and for other purposes.

S. 859

At the request of Mr. SANTORUM, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 859, a bill to amend the Internal Revenue Code of 1986 to allow an income tax credit for the provision of homeownership and community development, and for other purposes.

S. 919

At the request of Mr. BURNS, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 919, a bill to amend title 49, United States Code, to enhance competition among and between rail carriers in order to ensure efficient rail service and reasonable rail rates, and for other purposes.

S. 963

At the request of Mr. THUNE, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 963, a bill to amend title 38, United States Code, to provide for a guaranteed adequate level of funding for veterans' health care, to direct the Secretary of Veterans Affairs to conduct a pilot program to improve access to health care for rural veterans, and for other purposes.

S. 984

At the request of Ms. SNOWE, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 984, a bill to amend the Exchange Rates and International Economic Policy Coordination Act of 1988

to clarify the definition of manipulation with respect to currency, and for other purposes.

S. 1064

At the request of Mr. COCHRAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1064, a bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 1066

At the request of Mr. VOINOVICH, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 1066, a bill to authorize the States (and subdivisions thereof), the District of Columbia, territories, and possessions of the United States to provide certain tax incentives to any person for economic development purposes.

S. 1112

At the request of Mr. GRASSLEY, the name of the Senator from Alaska (Ms. MURKOWSKI) 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. 1120

At the request of Mr. DURBIN, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 1120, a bill to reduce hunger in the United States by half by 2010, and for other purposes.

S. 1142

At the request of Ms. LANDRIEU, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1142, a bill to provide pay protection for members of the Reserve and the National Guard, and for other purposes.

S. 1157

At the request of Mr. CRAPO, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1157, a bill to amend the Internal Revenue Code of 1986 to treat gold, silver, platinum, and palladium, in either coin or bar form, in the same manner as equities and mutual funds for purposes of maximum capital gains rate for individuals.

S. 1172

At the request of Mr. SPECTER, the names of the Senator from Maryland (Mr. SARBANES) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 1172, a bill to provide for programs to increase the awareness and knowledge of women and health care providers with respect to gynecologic cancers.

S. 1180

At the request of Mr. OBAMA, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1180, a bill to amend title 38, United States Code, to reauthorize various programs servicing the needs of homeless veterans for fiscal years 2007 through 2011, and for other purposes.

S. 1191

At the request of Mr. SALAZAR, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Iowa (Mr. GRASSLEY), the Senator from North Dakota (Mr. DORGAN) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 1191, a bill to establish a grant program to provide innovative transportation options to veterans in remote rural areas.

S. 1197

At the request of Mr. BIDEN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1197, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1215

At the request of Mr. GREGG, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1215, a bill to authorize the acquisition of interests in underdeveloped coastal areas in order better to ensure their protection from development.

S. 1249

At the request of Mr. CORZINE, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1249, a bill to require the Secretary of Education to rebate the amount of Federal Pell Grant aid lost as a result of the update to the tables for State and other taxes used in the Federal student aid need analysis for award year 2005–2006.

S. 1281

At the request of Mrs. HUTCHISON, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 1281, a bill to authorize appropriations for the National Aeronautics and Space Administration for science, aeronautics, exploration, exploration capabilities, and the Inspector General, and for other purposes, for fiscal years 2006, 2007, 2008, 2009, and 2010.

S. 1289

At the request of Ms. MIKULSKI, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1289, a bill to provide for research and education with respect to uterine fibroids, and for other purposes.

S. 1300

At the request of Mr. SANTORUM, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1300, a bill to amend the Agricultural Marketing Act of 1946 to establish a voluntary program for the provision of country of origin information with respect to certain agricultural products, and for other purposes.

S. 1317

At the request of Mr. HATCH, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1317, a bill to provide for the collection and maintenance of cord blood units for the treatment of patients and research, and to amend the Public Health Service Act to authorize the Bone Marrow and Cord Blood Cell Transplantation Program to increase the number of transplants for recipients suitable matched to donors of bone marrow and cord blood.

S. 1321

At the request of Mr. SANTORUM, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1321, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communications.

S. 1340

At the request of Mr. INHOFE, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1340, a bill to amend the Pittman-Robertson Wildlife Restoration Act to extend the date after which surplus funds in the wildlife restoration fund become available for apportionment.

S. 1352

At the request of Mr. SPECTER, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1352, a bill to provide grants to States for improved workplace and community transition training for incarcerated youth offenders.

S. 1356

At the request of Mr. GRASSLEY, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1356, a bill to amend title XVIII of the Social Security Act to provide incentives for the provision of high quality care under the medicare program.

S. 1360

At the request of Mr. SMITH, the name of the Senator from Georgia (Mr. CHAMBLISS) was withdrawn as a cosponsor of S. 1360, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage to designated plan beneficiaries of employees, and for other purposes.

S. 1367

At the request of Mr. REID, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1367, a bill to provide for recruiting, selecting, training, and supporting a national teacher corps in underserved communities.

S. 1423

At the request of Mr. SCHUMER, the names of the Senator from Colorado (Mr. SALAZAR) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 1423, a bill to provide for a medal of appropriate design to be awarded by the President to the next of kin or other representatives of those individuals killed as a result of the terrorist attacks of September 11, 2001.

S. 1424

At the request of Mr. HAGEL, his name was added as a cosponsor of S. 1424, a bill to remove the restrictions on commercial air service at Love Field, Texas.

S. RES. 182

At the request of Mr. COLEMAN, the names of the Senator from Ohio (Mr. VOINOVICH), the Senator from Mississippi (Mr. COCHRAN) and the Senator

from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. Res. 182, a resolution supporting efforts to increase childhood cancer awareness, treatment, and research.

AMENDMENT NO. 1312

At the request of Mr. INHOFE, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of amendment No. 1312 proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 1313

At the request of Mr. INHOFE, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of amendment No. 1313 proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 1314

At the request of Mr. KENNEDY, his name was added as a cosponsor of amendment No. 1314 proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

At the request of Mr. LEVIN, his name and the name of the Senator from Indiana (Mr. BAYH) were added as cosponsors of amendment No. 1314 proposed to S. 1042, supra.

At the request of Mr. WARNER, the names of the Senator from Ohio (Mr. DEWINE), the Senator from Maine (Ms. COLLINS), the Senator from Washington (Ms. CANTWELL) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of amendment No. 1314 proposed to S. 1042, supra.

At the request of Mr. BYRD, his name was added as a cosponsor of amendment No. 1314 proposed to S. 1042, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THOMAS (for himself and Mrs. LINCOLN):

S. 1441. A bill to amend the Internal Revenue Code of 1986 to include wireless telecommunications equipment in the definition of qualified technological equipment for purposes of determining the depreciation treatment of such equipment; to the Committee on Finance.

Mr. THOMAS. Mr. President, today I rise to introduce a bill that would clarify the class life of cell site equipment used by wireless telecommunications companies.

Wireless telecommunications, like many other high-tech industries, uses computer-based technology to facilitate the digitization of voice, video and data services over its networks. The wireless industry was in its infancy in 1986 when the Internal Revenue Code's rules regarding depreciation were last revised, so the sophisticated equipment used today was not even contemplated. For the past 20 years, the Internal Revenue Service—and taxpayers—have had to try to shoehorn modern equipment into outdated wireline telephony definitions in order to determine the appropriate depreciation period. Even the Treasury Department, in its July 2000 ''Report to the Congress on Depreciation Recovery Periods and Methods,'' admits that this is inappropriate.

The result of this methodology is that the IRS has taken the position that wireless cell site equipment should be depreciated similarly to wooden telephone poles and wires rather than other, computerized equipment that it more closely resembles. Consequently, this equipment is depreciated over 20 years rather than 5. In other words, the misclassification significantly increases the cost of capital investment in the Nation's wireless network.

Given the rapid technological change and advances in the wireless industry, this bill would classify wireless telecommunications equipment as ''qualified technological equipment.'' This is the proper classification because the major components of wireless cell sites are, in fact, computers or peripheral equipment controlled by computers.

Consumer demand for wireless services grew almost 700 percent over the last decade, and rapid growth in this area continues. The industry also makes significant contributions to the economy directly employing 226,340 workers and making hundreds of billions of dollars in capital investments. Clarifying the depreciation treatment of cell site equipment means even greater wireless investment, increased wireless employment, and improved benefits to America's wireless consumers.

Wireless technology has brought tremendous advances to rural America, and this bill would ensure that rural consumers continue to have timely access to the latest technology available. I thank my colleague from Arkansas, Mrs. LINCOLN, for joining me in recognizing the problem and introducing this 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. 1441

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

SECTION 1. WIRELESS TELECOMMUNICATIONS EQUIPMENT.

(a) IN GENERAL.—Subparagraph (A) of section 168(i)(2) of the Internal Revenue Code of 1986 (defining qualified technological equipment) is amended by striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', and'', and by inserting after clause (iii) the following new clause:

''(iv) any wireless telecommunications equipment.''.

(b) WIRELESS TELECOMMUNICATIONS EQUIPMENT.—Section 168(i)(2) of the Internal Revenue Code of 1986 is amended by inserting after subparagraph (C) the following new subparagraph:

''(D) WIRELESS TELECOMMUNICATIONS EQUIPMENT.—For purposes of this paragraph, the term 'wireless telecommunications equipment' means all equipment used in the transmission, reception, coordination, or switching of wireless telecommunications service, other than cell towers, buildings, and T–1 lines or other cabling connecting cell sites to mobile switching centers. For this purpose, 'wireless telecommunications service' includes any commercial mobile radio service as defined in title 47 of the Code of Federal Regulations.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service on or after the date of the enactment of this Act.

By Mrs. CLINTON (for herself, Mr. CHAFEE, and Mr. REID):

S. 1442. A bill to amend the Public Health Service Act to establish a Coordinated Environmental Health Network, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, I rise today to introduce, with my colleagues Senators CHAFEE and REID, the Coordinated Environmental Health Tracking Act of 2005.

There is a saying—''what you don't know can't hurt you.'' But when it comes to chronic disease, what we don't know can hurt all of us. The bill we are introducing today will help us solve the mysteries behind the high rates of chronic diseases such as cancer, autism, and Alzheimer's that afflict so many American communities.

Once we are able to track diseases, and detect links to environmental or other causes, we will be able to prevent public health crises before they occur.

The environmental links to the onset of diseases are not well understood. They are hidden health hazards that manifest themselves in chronic diseases. We are only beginning to understand what these hazards are and what is the scope of their effects on our health.

We need more specifics on these environmental factors. For example, we need to know what is the cumulative effect of extended exposure to a variety of environmental factors over time.

One way to get those specifics is to track the outbreak of chronic diseases, just like we track the outbreaks of infectious diseases.

This legislation would establish a comprehensive national tracking system for chronic diseases, so that we can identify, address and prevent them.

It would help States to participate in this national tracking system- by providing them with Environmental Health Tracking Network Grants, assisting them in developing the infrastructure necessary to participate in this network.

It would also create a chronic disease response force, bringing the expertise of environmental, scientific and health experts to areas with potential clusters of chronic diseases, like Long Island's breast cancer cluster.

It will allow us to monitor our environmental health by requiring an annual report of the results of the Nationwide Health Tracking Network, helping to educate and arm us with valuable information in the fight against chronic diseases.

Finally, it will help us build the public health expertise we need to address these issues in the future, by providing funding for the establishment of at least seven biomonitoring labs and setting up epidemiology fellowships and centers of excellence for environmental health.

I believe that this legislation will help obtain and act on the best possible evidence to improve our Nation's health and to begin to tackle the extraordinary human and economic costs that chronic disease imposes on our country.

By Ms. COLLINS (for herself and Mr. LIEBERMAN):

S. 1443. A bill to permit athletes to receive nonimmigrant alien status under certain conditions, and for other purposes; to the Committee on the Judiciary.

Ms. COLLINS. Mr. President, I rise today to once again introduce legislation that will address the challenges facing many promising, talented young athletes from other countries who wish to play for sports teams in the United States. Due to the shortage of H–2B nonimmigrant visas for temporary or seasonal nonagricultural foreign workers both this year and last, many American teams who rely on these visas to recruit new talent from abroad have been unable to bring some of their most talented prospects to the United States. This bill would provide a commonsense solution to this problem.

Across the United States, the H–2B visa shortage has been a significant concern to many in a wide variety of industries, including hospitality, forest products, fisheries, and landscaping, to name a few. While we recently were successful in crafting a temporary, 2-year fix for the H–2B shortage, there is more still to be done. We must continue to seek permanent solutions to this problem, and to find practical ways to reduce the demand on this visa category. While there are a number of factors contributing to this high demand, among these is the extremely diverse, ''catch-all'' nature of this visa classification.

What many people do not know is that, in addition to loggers, hotel and restaurant employees, fisheries workers, landscapers, and many other types of seasonal workers, the H–2B visa category is also used by many talented, highly competitive foreign athletes. Specifically, minor league athletes—unlike their counterparts at Major League franchises—are lumped into this same oversubscribed visa category, despite the obvious differences in the nature of the work they perform. The recent H–2B visa shortage has therefore meant that hundreds of promising athletes have been unable to come to the United States to play for minor league and amateur sports teams across the Nation. Not only have many teams been unable to bring some of their most talented prospects to the United States, but this visa shortage has also compromised a traditional source of talent for Major League sports teams. In addition, some very talented ice skaters who have earned roles in a number of popular theatrical productions, such as Disney on Ice, have faced difficulties in coming to the United States.

In my home State of Maine, for example, the Lewiston MAINEiacs, a Canadian junior hockey league team, faced tremendous difficulties last year obtaining the H–2B visas necessary for the majority of its players to remain in the United States to play in the team's first home games in September. These young athletes are among Canada's most talented junior players, but the shortage of H–2B visas threatened their chances of improve their skills with the MAINEiacs and, possibly, graduate to a career in professional hockey. This year, due to uncertainty about the availability of H–2B visas at the end of the fiscal year, the team has had to schedule a later season home opener. It must also attempt to schedule make-up games for the home games that the team would normally play in September. This creates a hardship on the team and its venue, and could mean fewer home games and a loss of revenue for businesses in the surrounding area. I have received a letter from the MAINEiacs, expressing the teams's support for this legislation. I ask unanimous consent that this letter be printed in the RECORD.

The Portland Sea Dogs, a Double-A level baseball team affiliated with the Boston Red Sox, is another of the many teams that relies on H–2B visas to bring some of its most skilled players to the United States. Thousands of fans come out each year to see this team, and others like it across the country, play one of America's favorite sports. Due to the shortage of H–2B visas, however, Major League Baseball reports that more than 350 talented young, foreign baseball players were prevented from coming to the U.S. last year and early this year to play for Minor League teams, a traditional proving ground for athletes hoping to make it to the Major Leagues. The experience gained in the Minor Leagues is crucial to the development of the best Major League players.

The inclusion of these athletes in the H–2B visa category seems particularly unusual when you consider that Major League athletes are permitted to use an entirely different nonimmigrant visa category: the P–1 visa. This visa is used by athletes who are deemed by the U.S. Citizenship and Immigration Services, CIS, to perform at an ''internationally recognized level of performance.'' Arguably, any foreign athlete whose achievements have earned him a contract with an American team would meet this definition. However, CIS has interpreted this category to exclude minor and amateur league athletes. Instead, the P–1 visa is typically reserved for only those athletes who have already been promoted to Major League sports. Unfortunately, this creates something of a catch-22: if an H–2B visa shortage means that promising athletes are unable to hone their skills, and to prove themselves, in the Minor Leagues, then they are far less likely to ever earn a Major League contract.

A simple solution would be to expand the P–1 visa category to include minor league athletes and certain amateur-level athletes who have demonstrated a significant likelihood of graduating to the major leagues. I have received a letter from officials from Major League Baseball, which continues to strongly support the expansion of the P–1 visa category to include professional Minor League baseball players. I would ask unanimous consent that this letter be printed in the RECORD. As the League points out, by making P–1 visas available to this group of athletes, teams would be able to make player development decisions based on the talent of its players, without being constrained by visa quotas. The P–1 category, the League argues, is appropriate for Minor League players because these are the players that the Major League Clubs have selected as some of the best baseball prospects in the world.

There is no question that Americans are passionate about sports. We have high expectations for our teams, and demand only the best from our athletes. By expanding the P–1 visa category, we will make it possible for athletes to be selected based on talent and skill, rather than nationality. In addition, we would reduce some pressure on the H–2B visa category so that more of those visas can be used where they are really needed.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

JULY 11, 2005.

Re legislation for nonimmigrant alien status for certain athletes.

Hon. SUSAN M. COLLINS,

U.S. Senator from Maine, Russell Senate Office Building, Washington, DC.

DEAR SENATOR COLLINS: I wish to express the Lewiston MAINEiacs Hockey Club's support for your efforts with regard to amending the P–1 work visa to enable all of our

non U.S. players to work in the United States.

The Lewiston MAINEiacs Hockey Club is the sole U.S. based franchise in the 18-member Quebec Major Junior Hockey League (QMJHL). The QMJHL together with the Ontario Hockey League (OHL) and the Western Hockey League (WHL) make up the Canadian Hockey League which comprises a total of 58 teams. Of these 58 franchises, 9 are located in the United Stats (OHL–3,WHL–5, QMJHl–1).

The CHL is the largest developer of talent for the National Hockey League (NHL). More than 70% of all players, coaches and general managers who have played in the NHL are graduates of the Canadian Hockey League.

The majority of players in the Canadian Hockey League are Canadian, although each team is permitted to have a maximum of 2 Europeans on their rosters. These is also an increasing number of elite U.S. born players now playing in the league.

The MAINEiacs sophomore season in 2004–fnl2-005 was a giant success, growing the fan base to over 93,000 fans in the regular season (2662 per game average). The team easily advanced through the first round of the playoffs before losing to the Rimouski Oceanic in the second round. Rimouski subsequently went on to win the league title. The Lewiston MAINEiacs also had two of their players drafted into the National Hockey League in June 2004 with Alexandre Picard being selected in the first round, 8th overall by the Columbus Blue Jackets and Jonathan Paiememt being selected by the New York Rangers in the 8th round. A total of 27 players in the QMJHL were selected at the 2004 NHL Entry Draft.

In January of 2004, the City of Lewiston purchased the Colisée in order to complete the first round of renovations to the facility which was in excess of two million dollars. The Colisée has undergone a second phase of renovations in excess of 1.8 million dollars that entails a three-story addition to the front of the building providing for new offices, box office, proshop, food and beverage concessions and a new private VIP suite that can accommodate more than 130 fans per game. The City of Lewiston recently contracted the day-to-day management of the Colisée to Global Spectrum, a subsidiary of Comcast-Spectacor, one of the largest and most successful facility management companies in North America.

The results of the current visa laws have forced all U.S. based franchises in the CHL to delay the commencement of their regular season until or after October 1 of each year due to the restrictions of the H–2B temporary work visa regulations. This has caused significant hardship on teams, their facilities and the 3 leagues. U.S. based franchises are forced to try and make-up games that would normally be scheduled in the month of the September later in the season, putting both the teams and their fans at disadvantage before the season even commences.

Under your leadership, should congressional legislation make available P–1 visas to Major Junior players of the CHL, the success of all 9 U.S. based CHL franchises would be greatly enhanced by ensuring that all 58 teams have an equal chance at attracting and developing the best available talent.

It is the hope of the Lewiston MAINEiacs that your colleagues in the Senate follow your leadership and endorse your recommendations for the expanded P–1 work visa to ensure the viability and success of not only our franchise—but the 8 other U.S. based clubs in the Canadian Hockey League.

Sincerely,

MATT MCKNIGHT,
Vice President & Governor.

OFFICE OF THE COMMISSIONER,
MAJOR LEAGUE BASEBALL,
New York, NY, May 6, 2005.

Re legislation for nonimmigrant alien status for certain athletes.

Hon. SUSAN M. COLLINS,
U.S. Senator from Maine, Russell Senate Office Building, Washington, DC.

DEAR SENATOR COLLINS: I write to express Major League Baseball's support for your efforts on behalf of Minor League professional baseball players. We understand that you are sponsoring legislation that will enable Minor League players to obtain P–1 work visas to perform in the United States.

Currently, foreign players under Minor League contracts are required to obtain H–2B (temporary worker) work visas to perform in the United States, forcing the Major League Clubs to compete with employers of various unskilled workers for a limited number of such visas that are issued. The United States Citizenship and Immigration Services stopped accepting H–2B visa applications in early January this year (and in March, in 2004), citing the nationwide cap in the number of such visas that can be issued. That action prevented more than 350 young baseball players from performing in the Minor Leagues in the United States in 2004 and 2005. Moreover, Major League Clubs were forced to make premature player promotion decisions this past off-season, in a race to apply for H–2B visas before the cap was reached.

Minor League experience is crucial in developing the best possible Major League players. Unlike other professional athletes, baseball players almost invariably cannot go directly from high school or college to the Major Leagues. Almost all need substantial experience in the Minor Leagues to develop their talents and skills to Major League quality. To get that necessary experience, young players are signed by Major League Clubs and assigned to play for Minor League affiliates throughout the United States, such as the Eastern League's Portland Sea Dogs in your state.

Major League Clubs sign many players from the Dominican Republic and Venezuela and assign them at first to affiliates in those countries, then seek to promote them to affiliates in the United States as players' skills progress. Typically, a Club would seek to promote 3–5 players per season to Minor League affiliates in the United States, but the visa restrictions will make those promotions impossible this season, as they did last year as well. The Major League Clubs were able to use only approximately 80% of the H–2B visas the Department of Labor allowed them for the 2004 and 2005 seasons, because current laws prevent them from making decisions in the late spring and throughout the summer to promote foreign prospects to United States affiliates. My staff has learned that at least several Clubs shied away from drafting foreign (mostly Canadian) players whom they otherwise might have selected in the annual First-Year Player Draft in June 2004 and will do so again this year, because those Clubs know there is no opportunity for those players to begin their professional careers in the United States the summer after their selection. For the Canadian players who were drafted in June 2004, signings declined 80% from 2003. These results of the current visa laws have deprived Minor League fans across America from seeing the best young players possible perform for affiliates of the Major League Baseball Clubs and have affected the quality and attractiveness of those affiliates.

Under your leadership, congressional legislation could, by sensibly making available P–1 visas to professional Minor League athletes, ensure that the best baseball prospects from around the world will get the opportunity to develop here in the United States, without the constraint that the H–2B visa cap imposes. The National Association of Professional Baseball Leagues, Inc., also known as Minor League Baseball, shares our support of your legislation. The Major League Baseball Players Association also supports allowing the best young players to develop here in the United States.

Major League Baseball hopes that your Senate colleagues will follow your leadership and pursue a legislative remedy to a problem that is threatening to weaken Baseball's Minor League system.

Sincerely,

ROBERT A. DUPUY,
President and Chief Operating Officer.

By Mr. BAUCUS (for himself and Mr. COLEMAN):

S. 1444. A bill to amend the Trade Act of 1974 to provide for alternative means of certifying workers for adjustment assistance on an industry-wide basis; to the Committee on Finance.

Mr. BAUCUS. Mr. President, I rise today to introduce the Trade Adjustment Assistance for Industries Act.

I have long been a champion for our Trade Adjustment Assistance program, what we call ''TAA.''

For more than 40 years, TAA has been providing retraining, income support, and other benefits to workers who lose their jobs due to trade. The program has a critical mission: to give trade-impacted workers the skills they need to find new jobs and prosper in growing sectors of the economy.

Maintaining a well-trained workforce is key to our Nation's long-term competitiveness and economic health. And helping those few who lose out from our trade policy choices is key to maintaining public support for trade liberalization.

In the Trade Act of 2002, I spearheaded the most comprehensive expansion and overhaul of the TAA program since 1974. We expanded the kinds of workers who are eligible for TAA benefits. We extended the training benefit to make it more effective and enhanced funding for training. We added new benefits like wage insurance and the health coverage tax credit. We also streamlined the application process to get workers enrolled and retraining sooner.

TAA is a lifeline for those who enter the program. Participating workers in Montana tell me that TAA has made it possible for them to make a new start. It gives them hope that they can do something more than merely survive a plant closure.

One of the industries in Montana that has had all too much experience

with the TAA program is softwood lumber. Our softwood lumber industry has been battered for years by imports of dumped and subsidized lumber from Canada. Over time, and despite decades of litigation, these unfair trading practices have taken their toll.

Since 1999, workers from at least 24 Montana lumber mills have applied for TAA certification. An additional 11 petitions were filed under the now-repealed NAFTA–TAA program.

What surprises me is not that so many Montana lumber workers have applied for TAA—but the inconsistent treatment of their petitions. Of the 24 Montana lumber companies that petitioned for TAA, 16 were approved and 8 were denied. Under the NAFTA–TAA program, 6 petitions were approved, and 5 were denied.

These results do not make sense. These mills are all competing in the same market. They are all competing against dumped and subsidized imports from Canada that drive down prices until U.S. producers cannot survive. The International Trade Commission found that Canadian imports injure or threaten injury to the entire domestic softwood lumber industry. And yet, somewhere between a third and a half of Montana workers laid off in the industry were left to fend for themselves, while the others had the chance to participate in TAA.

So why are some workers getting TAA and others being turned down? The answer lies in the way the Department of Labor reviews petitions. Under current law, petitions have to be filed and reviewed on a plant-by-plant basis and in a total vacuum.

In effect, the Labor Department puts on blinders. It does not consider whether the International Trade Commission has found injury to the industry from imports. It does not ask whether imports are leading to job losses nationwide. It does not examine whether entire occupational categories are being offshored.

Instead, it just asks an individual plant whether it or its customers are buying more imports. If that one plant submits the wrong information, or its customers deny buying imports, its workers lose out—while similar workers up the road get the benefits they deserve.

The plight of softwood lumber illustrates why, in some cases, plant-by-plant certification is not the best policy. And lumber workers are not alone. A similarly checkered record of certifications and denials affects other industries, like textiles and small electronics. Simply put, there are some industries where the trade-related displacements are clearly national in scope.

The industries are easy to identify. They experience multiple plant closures covering multiple states in a relatively short period. They are often industries seeking or receiving relief under trade remedy laws.

In these cases, it makes no sense to consider petitions one plant closure at a time. That creates the risk of inconsistent results for similarly situated workers. And it makes the Department of Labor investigate the same situation over and over again—even when the International Trade Commission, or another Federal agency, has already made a thorough injury investigation.

What would make more sense is a way to certify workers on an industry-wide basis or on the basis of occupational classification in cases where the trade-related layoffs are national in scope. That is what this legislation does.

I should note that, in one rare circumstance, the President already has the authority to certify workers for TAA on an industry-wide and nationwide basis. When the President grants a remedy in a global safeguard case—what we call section 201—he has the option of certifying all workers in the affected industry for TAA.

To my knowledge, this option has been used only once, by President Reagan, in a case involving the footwear industry. In that case, workers laid off from individual footwear plants did not need to petition the Department of Labor for a determination that their job losses were import-related. All each worker had to do was go to a designated office in his State and prove that he lost a job in the footwear industry within the applicable time period.

Normally, there are two steps needed to qualify for TAA under current law. First, the Department of Labor has to certify that a particular layoff is trade-related. That certification covers all the workers laid off at a single plant. Second, each individual worker affected by that layoff has to prove that he or she satisfies a list of criteria to qualify for benefits, such as 2 years' employment at the firm and eligibility for unemployment insurance. In the footwear case, workers were spared the first, group eligibility step and moved right to the second step.

To me, this model makes a lot of sense. If you believe in the purpose of TAA, it makes sense to make it as easy as possible for qualifying workers to access benefits.

This bill achieves that goal in two ways.

First, it makes industry-wide TAA certification automatic in cases where the President, the International Trade Commission, or another qualified Federal agency has already determined that imports are having an injurious effect. If workers lose their jobs in an industry covered by a global or bilateral safeguard or an antidumping or countervailing duty order, within a set period of time, they do not need to file a petition for TAA. Instead, they can proceed directly to the second step of demonstrating their individual eligibility and enrolling through the one-stop centers in their states.

Second, the bill permits, but does not require, the Secretary of Labor to make her eligibility determination on an industry-wide or occupation-wide basis in other circumstances that suggest a plant-by-plant approach is not appropriate. Such circumstances would include cases where the Secretary has received three or more petitions from workers at different plants in the same industry within a 6 month period. It would also include cases where the Senate Finance Committee or the House Ways and Means Committee passes a resolution requesting an industry-wide investigation. In these cases, the Secretary may certify workers in an entire industry only if she determines that the statutory eligibility criteria are satisfied on an industry-wide basis.

Now that I have described what this bill does, I think it is important to emphasize some things that it does not do:

It does not change the eligibility criteria or make any new categories of workers eligible for TAA.

It does not make TAA benefits available to workers who quit their jobs or are fired for cause.

It does not change the type or amount of benefits an eligible worker can receive.

What it does is create a fair, predictable, and efficient way to make eligibility determinations where industry-wide effects are obvious.

We owe our trade-affected workers a fair chance to train for the jobs of the future and get back into the workforce. And we owe our employers and our economic future well-trained workers.

We already have a program designed to do just that. We should be doing everything we can to make sure that TAA benefits reach every qualified worker who needs them. This change is long overdue.

I want to thank Senator COLEMAN for joining me in introducing this important legislation. He has been a strong partner in the quest to make TAA work for every American who needs it.

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. 1444

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 ''Trade Adjustment Assistance for Industries Act of 2005''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Trade Adjustment Assistance assists workers and agricultural commodity producers who lose their jobs for trade-related reasons to retrain, gain new skills, and find new jobs in growing sectors of the economy.

(2) The total cost of providing adjustment assistance represents a tiny fraction of the gains to the United States economy as a whole that economists attribute to trade liberalization.

(3) In circumstances where, due to changes in market conditions caused by the implementation of bilateral or multilateral free

trade agreements, unfair trade practices, unforeseen import surges, and other reasons, import competition creates industry-wide effects on domestic workers or agricultural commodity producers, the current process of assessing eligibility for trade adjustment assistance on a plant-by-plant basis is inefficient and can lead to unfair and inconsistent results.

SEC. 3. OTHER METHODS OF REQUESTING INVESTIGATION.

Section 221 of the Trade Act of 1974 (19 U.S.C. 2271) is amended—

(1) by adding at the end the following:

''(c) OTHER METHODS OF INITIATING A PETITION.—Upon the request of the President or the United States Trade Representative, or the resolution of either the Committee on Ways and Means of the House of Representatives or the Committee on Finance of the Senate, the Secretary shall promptly initiate an investigation under this chapter to determine the eligibility for adjustment assistance of—

''(1) a group of workers (which may include workers from more than one facility or employer); or

''(2) all workers in an occupation as that occupation is defined in the Bureau of Labor Statistics Standard Occupational Classification System.'';

(2) in subsection (a)(2), by inserting ''or a request or resolution filed under subsection (c),'' after ''paragraph (1),''; and

(3) in subsection (a)(3), by inserting '', request, or resolution'' after ''petition'' each place it appears.

SEC. 4. NOTIFICATION.

Section 224 of the Trade Act of 1974 (19 U.S.C. 2274) is amended to read as follows:

''SEC. 224. NOTIFICATIONS REGARDING AFFIRMATIVE DETERMINATIONS AND SAFEGUARDS.

''(a) NOTIFICATIONS REGARDING CHAPTER 1 INVESTIGATIONS AND DETERMINATIONS.—Whenever the International Trade Commission makes a report under section 202(f) containing an affirmative finding regarding serious injury, or the threat thereof, to a domestic industry, the Commission shall immediately—

''(1) notify the Secretary of Labor of that finding; and

''(2) in the case of a finding with respect to an agricultural commodity, as defined in section 291, notify the Secretary of Agriculture of that finding.

''(b) NOTIFICATION REGARDING BILATERAL SAFEGUARDS.—The International Trade Commission shall immediately notify the Secretary of Labor and, in an investigation with respect to an agricultural commodity, the Secretary of Agriculture, whenever the Commission makes an affirmative determination pursuant to one of the following provisions:

''(1) Section 421 of the Trade Act of 1974 (19 U.S.C. 2451).

''(2) Section 312 of the United States-Australia Free Trade Agreement Implementation Act (19 U.S.C. 3805 note).

''(3) Section 312 of the United States-Morocco Free Trade Agreement Implementation Act (19 U.S.C. 3805 note).

''(4) Section 312 of the United States-Singapore Free Trade Agreement Implementation Act (19 U.S.C. 3805 note).

''(5) Section 312 of the United States-Chile Free Trade Agreement Implementation Act (19 U.S.C. 3805 note).

''(6) Section 302(b) of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3352(b)).

''(7) Section 212 of the United States-Jordan Free Trade Agreement Implementation Act (19 U.S.C. 2112).

''(c) AGRICULTURAL SAFEGUARDS.—The Commissioner of Customs shall immediately notify the Secretary of Labor and, in the case of an agricultural commodity, the Secretary of Agriculture, whenever the Commissioner of Customs assesses additional duties on a product pursuant to one of the following provisions:

''(1) Section 202 of the United States-Australia Free Trade Agreement Implementation Act (19 U.S.C. 3805 note).

''(2) Section 202 of the United States-Morocco Free Trade Agreement Implementation Act (19 U.S.C. 3805 note).

''(3) Section 201(c) of the United States-Chile Free Trade Agreement Implementation Act (19 U.S.C. 3805 note).

''(4) Section 309 of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3358).

''(5) Section 301(a) of the United States-Canada Free Trade Agreement Implementation Act of 1988 (19 U.S.C. 2112 note).

''(6) Section 404 of the United States-Israel Free Trade Agreement Implementation Act (19 U.S.C. 2112 note).

''(d) TEXTILE SAFEGUARDS.—The President shall immediately notify the Secretary of Labor whenever the President makes a positive determination pursuant to one of the following provisions:

''(1) Section 322 of the United States-Australia Free Trade Agreement Implementation Act (19 U.S.C. 3805 note).

''(2) Section 322 of the United States-Morocco Free Trade Agreement Implementation Act (19 U.S.C. 3805 note).

''(3) Section 322 of the United States-Chile Free Trade Agreement Implementation Act (19 U.S.C. 3805 note).

''(4) Section 322 of the United States-Singapore Free Trade Agreement Implementation Act (19 U.S.C. 3805 note).

''(e) ANTIDUMPING AND COUNTERVAILING DUTIES.—Whenever the International Trade Commission makes a final affirmative determination pursuant to section 705 or section 735 of the Tariff Act of 1930 (19 U.S.C. 1671d or 1673d), the Commission shall immediately notify the Secretary of Labor and, in the case of an agricultural commodity, the Secretary of Agriculture, of that determination.''.

SEC. 5. INDUSTRY-WIDE DETERMINATION.

Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) is amended by adding at the end the following:

''(e) INVESTIGATION REGARDING INDUSTRY-WIDE CERTIFICATION.—If the Secretary receives a request or a resolution under section 221(c) on behalf of workers in a domestic industry or occupation (described in section 221(c)(2)) or receives 3 or more petitions under section 221(a) within a 180-day period on behalf of groups of workers in a domestic industry or occupation, the Secretary shall make an industry-wide determination under subsection (a) of this section with respect to the domestic industry or occupation in which the workers are or were employed. If the Secretary does not make certification under the preceding sentence, the Secretary shall make a determination of eligibility under subsection (a) with respect to each group of workers in that domestic industry or occupation from which a petition was received.''.

SEC. 6. COORDINATION WITH OTHER TRADE PROVISIONS.

(a) INDUSTRY-WIDE CERTIFICATION BASED ON GLOBAL SAFEGUARDS.—

(1) RECOMMENDATIONS BY ITC.—

(A) Section 202(e)(2)(D) of the Trade Act of 1974 (19 U.S.C. 2252(e)(2)(D)) is amended by striking '', including the provision of trade adjustment assistance under chapter 2''.

(B) Section 203(a)(3)(D) of the Trade Act of 1974 (19 U.S.C. 2253(a)(3)(D)) is amended by striking '', including the provision of trade adjustment assistance under chapter 2''.

(2) ASSISTANCE FOR WORKERS.—Section 203(a)(1)(A) of the Trade Act of 1974 (19 U.S.C. 2253(a)(1)(A)) is amended to read as follows:

''(A) After receiving a report under section 202(f) containing an affirmative finding regarding serious injury, or the threat thereof, to a domestic industry—

''(i) the President shall take all appropriate and feasible action within his power; and

''(ii)(I) the Secretary of Labor shall certify as eligible to apply for adjustment assistance under section 223 workers employed in the domestic industry defined by the Commission if such workers become totally or partially separated, or are threatened to become totally or partially separated, not earlier than 1 year before, or not later than 1 year after, the date on which the Commission made its report to the President under section 202(f); and

''(II) in the case of a finding with respect to an agricultural commodity as defined in section 291, the Secretary of Agriculture shall certify as eligible to apply for adjustment assistance under section 293 agricultural commodity producers employed in the domestic production of the agricultural commodity that is the subject of the finding during the most recent marketing year.''.

(b) INDUSTRY-WIDE CERTIFICATION BASED ON BILATERAL SAFEGUARD PROVISIONS OR ANTIDUMPING OR COUNTERVAILING DUTY ORDERS.—

(1) IN GENERAL.—Subchapter A of chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.) is amended by inserting after section 224 the following new section:

''SEC. 224A. INDUSTRY-WIDE CERTIFICATION WHERE BILATERAL SAFEGUARD PROVISIONS INVOKED OR ANTIDUMPING OR COUNTERVAILING DUTIES IMPOSED.

''(a) IN GENERAL.—

''(1) MANDATORY CERTIFICATION.—Not later than 10 days after the date on which the Secretary of Labor receives a notification with respect to the imposition of a trade remedy, safeguard determination, or antidumping or countervailing duty determination under section 224 (a), (b), (c), (d), or (e), the Secretary shall certify as eligible for trade adjustment assistance under section 223(a) workers employed in the domestic production of the article that is the subject of the trade remedy, safeguard determination, or antidumping or countervailing duty determination, as the case may be, if such workers become totally or partially separated, or are threatened to become totally or partially separated not more than 1 year before or not more than 1 year after the applicable date.

''(2) APPLICABLE DATE.—In this section, the term 'applicable date' means—

''(A) the date on which the affirmative or positive determination or finding is made in the case of a notification under section 224 (a), (b), or (d);

''(B) the date on which a final determination is made in the case of a notification under section 224(e); or

''(C) the date on which additional duties are assessed in the case of a notification under section 224(c).

''(b) QUALIFYING REQUIREMENTS FOR WORKERS.—The provisions of subchapter B shall apply in the case of a worker covered by a certification under this section or section 223(e), except as follows:

''(1) Section 231(a)(5)(A)(ii) shall be applied—

''(A) by substituting '30th week' for '16th week' in subclause (I); and

''(B) by substituting '26th week' for '8th week' in subclause (II).

''(2) The provisions of section 236(a)(1) (A) and (B) shall not apply.''.

(2) AGRICULTURAL COMMODITY PRODUCERS.—Chapter 6 of title II of the Trade Act of 1974

(19 U.S.C. 2401 et seq.) is amended by striking section 294 and inserting the following:

''SEC. 294. INDUSTRY-WIDE CERTIFICATION FOR AGRICULTURAL COMMODITY PRODUCERS WHERE SAFEGUARD PROVISIONS INVOKED OR ANTIDUMPING OR COUNTERVAILING DUTIES IMPOSED.

''(a) IN GENERAL.—Not later than 10 days after the date on which the Secretary of Agriculture receives a notification with respect to the imposition of a trade remedy, safeguard determination, or antidumping or countervailing duty determination under section 224 (b), (c), or (e), the Secretary shall certify as eligible for trade adjustment assistance under section 293(a) agricultural commodity producers employed in the domestic production of the agricultural commodity that is the subject of the trade remedy, safeguard determination, or antidumping or countervailing duty determination, as the case may be, during the most recent marketing year.

''(b) APPLICABLE DATE.—In this section, the term 'applicable date' means—

''(1) the date on which the affirmative or positive determination or finding is made in the case of a notification under section 224(b);

''(2) the date on which a final determination is made in the case of a notification under section 224(e); or

''(3) the date on which additional duties are assessed in the case of a notification under section 224(c).''.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TRAINING.—Section 236(a)(2)(A) is amended by striking ''$220,000,000, and inserting ''$440,000,000''.

(2) TABLE OF CONTENTS.—The table of contents for title II of the Trade Act of 1974 is amended—

(A) by striking the item relating to section 224 and inserting the following:

''Sec. 224. Notifications regarding affirmative determinations and safeguards.'';

(B) by inserting after the item relating to section 224, the following:

''Sec. 224A. Industry-wide certification based on bilateral safeguard provisions invoked or antidumping or countervailing duties imposed.'';

and

(C) by striking the item relating to section 294, and inserting the following:

''Sec. 294. Industry-wide certification for agricultural commodity producers where safeguard provisions invoked or antidumping or countervailing duties imposed.''.

SEC. 7. REGULATIONS.

The Secretary of the Treasury, the Secretaries of Agriculture and Labor, and the International Trade Commission may promulgate such regulations as may be necessary to carry out the amendments made by this Act.

By Mr. GRASSLEY (for himself and Mr. BAUCUS):

S. 1447. A bill to amend the Internal Revenue Code of 1986 to make technical corrections, and for other purposes; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, Today I am pleased to introduce the Tax Technical Corrections Act of 2005 with Senator BAUCUS.

Technical corrections measures are routine for major tax acts, and are necessary to ensure that the provisions of the acts are working consistently with the originally enacted provisions, or to provide clerical corrections. Because these measures carry out Congressional intent, no revenue gain or loss is scored from them.

Technical corrections are derived from a deliberative and consultative process among the Congressional and administration tax staffs. That means the Republican and Democratic staffs of the House Ways and Means and Senate Finance Committees are involved as is the Treasury Department staff. All of this work is performed with the participation and guidance of the nonpartisan Joint Committee on Taxation staff. A technical enters the list only if all staffs agree it is appropriate.

The process and test for technical corrections ensures that only provisions narrowly drawn to carry out Congressional intent are included.

Unfortunately, some press reports have distorted the technical corrections bill. These reports unfairly characterize this technical corrections bill as a re-opening of substantive tax policy of settled tax legislation.

While it is true that interested parties are heard on purported technical corrections, only measures that all staffs agree are purely technical are included in the bill. Clarifications or substantive changes to provisions are not considered technical corrections. This is an important distinction that the press reports unfortunately did not make.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1447

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

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Tax Technical Corrections Act of 2005''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

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

Sec. 1. Short title; amendment of 1986 Code; table of contents.
Sec. 2. Amendments related to the American Jobs Creation Act of 2004.
Sec. 3. Amendments related to the Working Families Tax Relief Act of 2004.
Sec. 4. Amendments related to the Jobs and Growth Tax Relief Reconciliation Act of 2003.
Sec. 5. Amendment related to the Victims of Terrorism Tax Relief Act of 2001.
Sec. 6. Amendment related to the Transportation Equity Act for the 21st Century.
Sec. 7. Amendments related to the Taxpayer Relief Act of 1997.
Sec. 8. Clerical corrections.
Sec. 9. Other corrections related to the American Jobs Creation Act of 2004.

SEC. 2. AMENDMENTS RELATED TO THE AMERICAN JOBS CREATION ACT OF 2004.

(a) AMENDMENTS RELATED TO SECTION 102 OF THE ACT.—

(1) Paragraph (1) of section 199(b) is amended by striking ''the employer'' and inserting ''the taxpayer''.

(2) Paragraph (2) of section 199(b) is amended to read as follows:

''(2) W–2 WAGES.—For purposes of this section, the term 'W–2 wages' means, with respect to any person for any taxable year of such person, the sum of the amounts described in paragraphs (3) and (8) of section 6051(a) paid by such person with respect to employment of employees by such person during the calendar year ending during such taxable year. Such term shall not include any amount which is not properly included in a return filed with the Social Security Administration on or before the 60th day after the due date (including extensions) for such return.''.

(3) Subparagraph (B) of section 199(c)(1) is amended by inserting ''and'' at the end of clause (i), by striking clauses (ii) and (iii), and by inserting after clause (i) the following:

''(ii) other expenses, losses, or deductions (other than the deduction allowed under this section), which are properly allocable to such receipts.''.

(4) Paragraph (2) of section 199(c) is amended to read as follows:

''(2) ALLOCATION METHOD.—The Secretary shall prescribe rules for the proper allocation of items described in paragraph (1) for purposes of determining qualified production activities income. Such rules shall provide for the proper allocation of items whether or not such items are directly allocable to domestic production gross receipts.''.

(5) Subparagraph (A) of section 199(c)(4) is amended by striking clauses (ii) and (iii) and inserting the following new clauses:

''(ii) in the case of a taxpayer engaged in the active conduct of a construction trade or business, construction of real property performed in the United States by the taxpayer in the ordinary course of such trade or business, or

''(iii) in the case of a taxpayer engaged in the active conduct of an engineering or architectural services trade or business, engineering or architectural services performed in the United States by the taxpayer in the ordinary course of such trade or business with respect to the construction of real property in the United States.''.

(6) Subparagraph (B) of section 199(c)(4) is amended by striking ''and'' at the end of clause (i), by striking the period at the end of clause (ii) and inserting '', or'', and by adding at the end the following:

''(iii) the lease, rental, license, sale, exchange, or other disposition of land.''.

(7) Paragraph (4) of section 199(c) is amended by adding at the end the following new subparagraphs:

''(C) SPECIAL RULE FOR CERTAIN GOVERNMENT CONTRACTS.—Gross receipts derived from the manufacture or production of any property described in subparagraph (A)(i)(I) shall be treated as meeting the requirements of subparagraph (A)(i) if—

''(i) such property is manufactured or produced by the taxpayer pursuant to a contract with the Federal Government, and

''(ii) the Federal Acquisition Regulation requires that title or risk of loss with respect to such property be transferred to the Federal Government before the manufacture or production of such property is complete.

''(D) PARTNERSHIPS OWNED BY EXPANDED AFFILIATED GROUPS.—For purposes of this

paragraph, if all of the interests in the capital and profits of a partnership are owned by members of a single expanded affiliated group at all times during the taxable year of such partnership, the partnership and all members of such group shall be treated as a single taxpayer during such period.''.

(8) Paragraph (1) of section 199(d) is amended to read as follows:

''(1) APPLICATION OF SECTION TO PASS-THRU ENTITIES.—

''(A) PARTNERSHIPS AND S CORPORATIONS.—In the case of a partnership or S corporation—

''(i) this section shall be applied at the partner or shareholder level,

''(ii) each partner or shareholder shall take into account such person's allocable share of each item described in subparagraph (A) or (B) of subsection (c)(1) (determined without regard to whether the items described in such subparagraph (A) exceed the items described in such subparagraph (B)), and

''(iii) each partner or shareholder shall be treated for purposes of subsection (b) as having W–2 wages for the taxable year in an amount equal to the lesser of—

''(I) such person's allocable share of the W–2 wages of the partnership or S corporation for the taxable year (as determined under regulations prescribed by the Secretary), or

''(II) 2 times 9 percent of so much of such person's qualified production activities income as is attributable to items allocated under clause (ii) for the taxable year.

''(B) TRUSTS AND ESTATES.—In the case of a trust or estate—

''(i) the items referred to in subparagraph (A)(ii) (as determined therein) and the W–2 wages of the trust or estate for the taxable year, shall be apportioned between the beneficiaries and the fiduciary (and among the beneficiaries) under regulations prescribed by the Secretary, and

''(ii) for purposes of paragraph (2), adjusted gross income of the trust or estate shall be determined as provided in section 67(e) with the adjustments described in such paragraph.

''(C) REGULATIONS.—The Secretary may prescribe rules requiring or restricting the allocation of items and wages under this paragraph and may prescribe such reporting requirements as the Secretary determines appropriate.''.

(9) Paragraph (3) of section 199(d) is amended to read as follows:

''(3) AGRICULTURAL AND HORTICULTURAL COOPERATIVES.—

''(A) DEDUCTION ALLOWED TO PATRONS.—Any person who receives a qualified payment from a specified agricultural or horticultural cooperative shall be allowed for the taxable year in which such payment is received a deduction under subsection (a) equal to the portion of the deduction allowed under subsection (a) to such cooperative which is—

''(i) allowed with respect to the portion of the qualified production activities income to which such payment is attributable, and

''(ii) identified by such cooperative in a written notice mailed to such person during the payment period described in section 1382(d).

''(B) COOPERATIVE DENIED DEDUCTION FOR PORTION OF QUALIFIED PAYMENTS.—The taxable income of a specified agricultural or horticultural cooperative shall not be reduced under section 1382 by reason of that portion of any qualified payment as does not exceed the deduction allowable under subparagraph (A) with respect to such payment.

''(C) TAXABLE INCOME OF COOPERATIVES DETERMINED WITHOUT REGARD TO CERTAIN DEDUCTIONS.—For purposes of this section, the taxable income of a specified agricultural or horticultural cooperative shall be computed without regard to any deduction allowable under subsection (b) or (c) of section 1382 (relating to patronage dividends, per-unit retain allocations, and nonpatronage distributions).

''(D) SPECIAL RULE FOR MARKETING COOPERATIVES.—For purposes of this section, a specified agricultural or horticultural cooperative described in subparagraph (F)(ii) shall be treated as having manufactured, produced, grown, or extracted in whole or significant part any qualifying production property marketed by the organization which its patrons have so manufactured, produced, grown, or extracted.

''(E) QUALIFIED PAYMENT.—For purposes of this paragraph, the term 'qualified payment' means, with respect to any person, any amount which—

''(i) is described in paragraph (1) or (3) of section 1385(a),

''(ii) is received by such person from a specified agricultural or horticultural cooperative, and

''(iii) is attributable to qualified production activities income with respect to which a deduction is allowed to such cooperative under subsection (a).

''(F) SPECIFIED AGRICULTURAL OR HORTICULTURAL COOPERATIVE.—For purposes of this paragraph, the term 'specified agricultural or horticultural cooperative' means an organization to which part I of subchapter T applies which is engaged—

''(i) in the manufacturing, production, growth, or extraction in whole or significant part of any agricultural or horticultural product, or

''(ii) in the marketing of agricultural or horticultural products.''.

(10) Clause (i) of section 199(d)(4)(B) is amended—

(A) by striking ''50 percent'' and inserting ''more than 50 percent'', and

(B) by striking ''80 percent'' and inserting ''at least 80 percent''.

(11)(A) Paragraph (6) of section 199(d) is amended to read as follows:

''(6) COORDINATION WITH MINIMUM TAX.—For purposes of determining alternative minimum taxable income under section 55—

''(A) the deduction under this section shall be determined without regard to any adjustments under sections 56 through 59, and

''(B) in the case of a corporation, subsection (a)(1)(B) shall be applied by substituting 'alternative minimum taxable income' for 'taxable income'.''.

(B) Paragraph (2) of section 199(a) is amended by striking ''subsections (d)(1) and (d)(6)'' and inserting ''subsection (d)(1)''.

(12) Subsection (d) of section 199 is amended by redesignating paragraph (7) as paragraph (8) and by inserting after paragraph (6) the following new paragraph:

''(7) UNRELATED BUSINESS TAXABLE INCOME.—For purposes of determining the tax imposed by section 511, subsection (a)(1)(B) shall be applied by substituting 'unrelated business taxable income' for 'taxable income'.''.

(13) Subsection (d) of section 199, as amended by the preceding paragraphs of this subsection, is further amended by redesignating paragraph (8) as paragraph (9) and by inserting after paragraph (7) the following new paragraph:

''(8) COORDINATION WITH CARRYOVER OF NET OPERATING LOSS.—The deduction allowable under this section shall not be taken into account for purposes of computing taxable income under section 172(b)(2).''.

(14) Paragraph (9) of section 199(d), as redesignated by the preceding paragraphs of this subsection, is amended by inserting '', including regulations which prevent more than 1 taxpayer from being allowed a deduction under this section with respect to any activity described in subsection (c)(4)(A)(i)'' before the period at the end.

(15) Clause (i) of section 163(j)(6)(A) is amended by striking ''and'' at the end of subclause (II), by redesignating subclause (III) as subclause (IV), and by inserting after subclause (II) the following new subclause:

''(III) any deduction allowable under section 199, and''.

(16) Paragraph (2) of section 170(b) is amended by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively, and by inserting after subparagraph (B) the following new subparagraph:

''(C) section 199,''.

(17) Paragraph (1) of section 613A(d) is amended by redesignating subparagraphs (B), (C), and (D) as subparagraphs (C), (D), and (E), respectively, and by inserting after subparagraph (A) the following new subparagraph:

''(B) any deduction allowable under section 199,''.

(18) Subsection (e) of section 102 of the American Jobs Creation Act of 2004 is amended to read as follows:

''(e) EFFECTIVE DATE.—

''(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

''(2) APPLICATION TO PASS-THRU ENTITIES, ETC.—In determining the deduction under section 199 of the Internal Revenue Code of 1986 (as added by this section), items arising from a taxable year of a partnership, S corporation, estate, or trust beginning before January 1, 2005, shall not be taken into account for purposes of subsection (d)(1) of such section.''.

(b) AMENDMENTS RELATED TO SECTION 231 OF THE ACT.—

(1) Clause (ii) of section 1361(c)(1)(A) is amended by inserting ''(and their estates)'' after ''all members of the family''.

(2) Subparagraph (C) of section 1361(c)(1) is amended to read as follows:

''(C) EFFECT OF ADOPTION, ETC.—For purposes of this paragraph, any legally adopted child of an individual, any child who is lawfully placed with an individual for legal adoption by the individual, and any eligible foster child of an individual (within the meaning of section 152(f)(1)(C)), shall be treated as a child of such individual by blood.''.

(c) AMENDMENT RELATED TO SECTION 235 OF THE ACT.—Subsection (b) of section 235 of the American Jobs Creation Act of 2004 is amended by striking ''taxable years beginning'' and inserting ''transfers''.

(d) AMENDMENTS RELATED TO SECTION 243 OF THE ACT.—

(1) Paragraph (7) of section 856(c) is amended to read as follows:

''(7) RULES OF APPLICATION FOR FAILURE TO SATISFY PARAGRAPH (4).—

''(A) IN GENERAL.—A corporation, trust, or association that fails to meet the requirements of paragraph (4) (other than a failure to meet the requirements of paragraph (4)(B)(iii) which is described in subparagraph (B)(i) of this paragraph) for a particular quarter shall nevertheless be considered to have satisfied the requirements of such paragraph for such quarter if—

''(i) following the corporation, trust, or association's identification of the failure to satisfy the requirements of such paragraph for a particular quarter, a description of each asset that causes the corporation, trust, or association to fail to satisfy the requirements of such paragraph at the close of such quarter of any taxable year is set forth in a schedule for such quarter filed in accordance with regulations prescribed by the Secretary,

''(ii) the failure to meet the requirements of such paragraph for a particular quarter is due to reasonable cause and not due to willful neglect, and

''(iii)(I) the corporation, trust, or association disposes of the assets set forth on the schedule specified in clause (i) within 6 months after the last day of the quarter in which the corporation, trust or association's identification of the failure to satisfy the requirements of such paragraph occurred or such other time period prescribed by the Secretary and in the manner prescribed by the Secretary, or

''(II) the requirements of such paragraph are otherwise met within the time period specified in subclause (I).

''(B) RULE FOR CERTAIN DE MINIMIS FAILURES.—A corporation, trust, or association that fails to meet the requirements of paragraph (4)(B)(iii) for a particular quarter shall nevertheless be considered to have satisfied the requirements of such paragraph for such quarter if—

''(i) such failure is due to the ownership of assets the total value of which does not exceed the lesser of—

''(I) 1 percent of the total value of the trust's assets at the end of the quarter for which such measurement is done, and

''(II) $10,000,000, and

''(ii)(I) the corporation, trust, or association, following the identification of such failure, disposes of assets in order to meet the requirements of such paragraph within 6 months after the last day of the quarter in which the corporation, trust or association's identification of the failure to satisfy the requirements of such paragraph occurred or such other time period prescribed by the Secretary and in the manner prescribed by the Secretary, or

''(II) the requirements of such paragraph are otherwise met within the time period specified in subclause (I).

''(C) TAX.—

''(i) TAX IMPOSED.—If subparagraph (A) applies to a corporation, trust, or association for any taxable year, there is hereby imposed on such corporation, trust, or association a tax in an amount equal to the greater of—

''(I) $50,000, or

''(II) the amount determined (pursuant to regulations promulgated by the Secretary) by multiplying the net income generated by the assets described in the schedule specified in subparagraph (A)(i) for the period specified in clause (ii) by the highest rate of tax specified in section 11.

''(ii) PERIOD.—For purposes of clause (i)(II), the period described in this clause is the period beginning on the first date that the failure to satisfy the requirements of such paragraph (4) occurs as a result of the ownership of such assets and ending on the earlier of the date on which the trust disposes of such assets or the end of the first quarter when there is no longer a failure to satisfy such paragraph (4).

''(iii) ADMINISTRATIVE PROVISIONS.—For purposes of subtitle F, the taxes imposed by this subparagraph shall be treated as excise taxes with respect to which the deficiency procedures of such subtitle apply.''.

(2) Subsection (m) of section 856 is amended by adding at the end the following new paragraph:

''(6) TRANSITION RULE.—

''(A) IN GENERAL.—Notwithstanding paragraph (2)(C), securities held by a trust shall not be considered securities held by the trust for purposes of subsection (c)(4)(B)(iii)(III) if such securities—

''(i) were held by such trust on October 22, 2004, and continuously thereafter, and

''(ii) would not be taken into account for purposes of such subsection by reason of paragraph (7)(C) of subsection (c) (as in effect on October 22, 2004) if the amendments made by section 243 of the American Jobs Creation Act of 2004 had never been enacted.

''(B) RULE NOT TO APPLY TO SECURITIES HELD AFTER MATURITY DATE.—Subparagraph (A) shall not apply with respect to any security after the latest maturity date under the contract (as in effect on October 22, 2004) taking into account any renewal or extension permitted under the contract if such renewal or extension does not significantly modify any other terms of the contract.

''(C) SUCCESSORS.—If the successor of a trust to which this paragraph applies acquires securities in a transaction to which section 381 applies, such trusts shall be treated as a single entity for purposes of determining the holding period of such securities under subparagraph (A)(i).''.

(3) Subparagraph (E) of section 857(b)(2) is amended by striking ''section 856(c)(7)(B)(iii), and section 856(g)(1).'' and inserting ''section 856(c)(7)(C), and section 856(g)(5)''.

(4) Subsection (g) of section 243 of the American Jobs Creation Act of 2004 is amended to read as follows:

''(g) EFFECTIVE DATES.—

''(1) SUBSECTIONS (A) AND (B).—The amendments made by subsections (a) and (b) shall apply to taxable years beginning after December 31, 2000.

''(2) SUBSECTIONS (C) AND (E).—The amendments made by subsections (c) and (e) shall apply to taxable years beginning after the date of the enactment of this Act.

''(3) SUBSECTION (D).—The amendment made by subsection (d) shall apply to transactions entered into after December 31, 2004.

''(4) SUBSECTION (F).—

''(A) The amendment made by paragraph (1) of subsection (f) shall apply to failures with respect to which the requirements of subparagraph (A) or (B) of section 856(c)(7) of the Internal Revenue Code of 1986 (as added by such paragraph) are satisfied after the date of the enactment of this Act.

''(B) The amendment made by paragraph (2) of subsection (f) shall apply to failures with respect to which the requirements of paragraph (6) of section 856(c) of the Internal Revenue Code of 1986 (as amended by such paragraph) are satisfied after the date of the enactment of this Act.

''(C) The amendments made by paragraph (3) of subsection (f) shall apply to failures with respect to which the requirements of paragraph (5) of section 856(g) of the Internal Revenue Code of 1986 (as added by such paragraph) are satisfied after the date of the enactment of this Act.

''(D) The amendment made by paragraph (4) of subsection (f) shall apply to taxable years ending after the date of the enactment of this Act.

''(E) The amendments made by paragraph (5) of subsection (f) shall apply to statements filed after the date of the enactment of this Act.''.

(e) AMENDMENTS RELATED TO SECTION 244 OF THE ACT.—

(1) Paragraph (2) of section 181(d) is amended by striking the last sentence in subparagraph (A), by redesignating subparagraph (B) as subparagraph (C), and by inserting after subparagraph (A) the following new subparagraph:

''(B) SPECIAL RULES FOR TELEVISION SERIES.—In the case of a television series—

''(i) each episode of such series shall be treated as a separate production, and

''(ii) only the first 44 episodes of such series shall be taken into account.''.

(2) Subparagraph (C) of section 1245(a)(2) is amended by inserting ''181,'' after ''179B,''.

(f) AMENDMENT RELATED TO SECTION 245 OF THE ACT.—Subsection (b) of section 45G is amended to read as follows:

''(b) LIMITATION.—The credit allowed under subsection (a) for any taxable year shall not exceed the product of—

''(1) $3,500, and

''(2) the sum of—

''(A) the number of miles of railroad track owned or leased by the eligible taxpayer as of the close of the taxable year, and

''(B) the number of miles of railroad track assigned for purposes of this subsection to the eligible taxpayer by a Class II or Class III railroad which owns or leases such railroad track as of the close of the taxable year.

Any mile which is assigned by a taxpayer under paragraph (2)(B) may not be taken into account by such taxpayer under paragraph (2)(A).''.

(g) AMENDMENTS RELATED TO SECTION 248 OF THE ACT.—

(1) Subsection (c) of section 1356 is amended—

(A) by striking paragraph (3), and

(B) by adding at the end of paragraph (2) the following new flush sentence:

''Such term shall not include any core qualifying activities.''.

(2) The last sentence of section 1354(b) is amended by inserting ''on or'' after ''only if made''.

(h) AMENDMENT RELATED TO SECTION 301 OF THE ACT.—Section 6427 is amended by striking subsection (f).

(i) AMENDMENT RELATED TO SECTION 314 OF THE ACT.—Paragraph (2) of section 55(c) is amended by striking ''regular tax'' and inserting ''regular tax liability''.

(j) AMENDMENTS RELATED TO SECTION 322 OF THE ACT.—

(1) Subparagraph (C) of section 49(a)(1) is amended by inserting ''and'' at the end of clause (i), by striking ''and'' at the end of clause (ii), and by striking clause (iii).

(2)(A) Subparagraph (B) of section 194(b)(1) is amended to read as follows:

''(B) DOLLAR LIMITATION.—The aggregate amount of reforestation expenditures which may be taken into account under subparagraph (A) with respect to each qualified timber property for any taxable year shall not exceed—

''(i) except as provided in clause (ii) or (iii), $10,000,

''(ii) in the case of a separate return by a married individual (as defined in section 7703), $5,000, and

''(iii) in the case of a trust, zero.''.

(B) Paragraph (4) of section 194(c) is amended to read as follows:

''(4) TREATMENT OF TRUSTS AND ESTATES.—The aggregate amount of reforestation expenditures incurred by any trust or estate shall be apportioned between the income beneficiaries and the fiduciary under regulations prescribed by the Secretary. Any amount so apportioned to a beneficiary shall be taken into account as expenditures incurred by such beneficiary in applying this section to such beneficiary.''.

(3) Subparagraph (C) of section 1245(a)(2) is amended by striking ''or 193'' and inserting ''193, or 194''.

(k) AMENDMENTS RELATED TO SECTION 336 OF THE ACT.—

(1) Clause (iv) of section 168(k)(2)(A) is amended by striking ''subparagraphs (B) and (C)'' and inserting ''subparagraph (B) or (C)''.

(2) Clause (iii) of section 168(k)(4)(B) is amended by striking ''and paragraph (2)(C)'' and inserting ''or paragraph (2)(C) (as so modified)''.

(l) AMENDMENT RELATED TO SECTION 402 OF THE ACT.—Paragraph (2) of section 904(g) is amended to read as follows:

''(2) OVERALL DOMESTIC LOSS.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'overall domestic loss' means—

''(i) with respect to any qualified taxable year, the domestic loss for such taxable year to the extent such loss offsets taxable income from sources without the United

States for the taxable year or for any preceding qualified taxable year by reason of a carryback, and

''(ii) with respect to any other taxable year, the domestic loss for such taxable year to the extent such loss offsets taxable income from sources without the United States for any preceding qualified taxable year by reason of a carryback.

''(B) DOMESTIC LOSS.—For purposes of subparagraph (A), the term 'domestic loss' means the amount by which the gross income for the taxable year from sources within the United States is exceeded by the sum of the deductions properly apportioned or allocated thereto (determined without regard to any carryback from a subsequent taxable year).

''(C) QUALIFIED TAXABLE YEAR.—For purposes of subparagraph (A), the term 'qualified taxable year' means any taxable year for which the taxpayer chose the benefits of this subpart.''.

(m) AMENDMENT RELATED TO SECTION 403 OF THE ACT.—Section 403 of the American Jobs Creation Act of 2004 is amended by adding at the end the following new subsection:

''(d) TRANSITION RULE.—If the taxpayer elects (at such time and in such form and manner as the Secretary of the Treasury may prescribe) to have the rules of this subsection apply—

''(1) the amendments made by this section shall not apply to taxable years beginning after December 31, 2002, and before January 1, 2005, and

''(2) in the case of taxable years beginning after December 31, 2004, clause (iv) of section 904(d)(4)(C) of the Internal Revenue Code of 1986 (as amended by this section) shall be applied by substituting 'January 1, 2005' for 'January 1, 2003' both places it appears.''.

(n) AMENDMENTS RELATED TO SECTION 413 OF THE ACT.—

(1) Subsection (b) of section 532 is amended by striking paragraph (2) and redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) Subsection (b) of section 535 is amended by adding at the end the following new paragraph:

''(10) CONTROLLED FOREIGN CORPORATIONS.—There shall be allowed as a deduction the amount of the corporation's income for the taxable year which is included in the gross income of a United States shareholder under section 951(a). In the case of any corporation the accumulated taxable income of which would (but for this sentence) be determined without allowance of any deductions, the deduction under this paragraph shall be allowed and shall be appropriately adjusted to take into account any deductions which reduced such inclusion.''.

(o) AMENDMENT RELATED TO SECTION 415 OF THE ACT.—Subparagraph (D) of section 904(d)(2) is amended by inserting ''as in effect before its repeal'' after ''section 954(f)''.

(p) AMENDMENTS RELATED TO SECTION 418 OF THE ACT.—

(1) The second sentence of section 897(h)(1) is amended—

(A) by striking ''any distribution'' and all that follows through ''any class of stock'' and inserting ''any distribution by a real estate investment trust with respect to any class of stock'', and

(B) by striking ''the taxable year'' and inserting ''the 1-year period ending on the date of the distribution''.

(2) Subsection (c) of section 418 of the American Jobs Creation Act of 2004 is amended by striking ''taxable years beginning after the date of the enactment of this Act'' and inserting ''any distribution by a real estate investment trust which is treated as a deduction for a taxable year of such trust beginning after the date of the enactment of this Act''.

(q) AMENDMENTS RELATED TO SECTION 422 OF THE ACT.—

(1) Subparagraph (B) of section 965(a)(2) is amended by inserting ''from another controlled foreign corporation in such chain of ownership'' before '', but only to the extent''.

(2) Subparagraph (A) of section 965(b)(2) is amended by inserting ''cash'' before ''dividends''.

(3) Paragraph (3) of section 965(b) is amended by adding at the end the following: ''The Secretary may prescribe such regulations as may be necessary or appropriate to prevent the avoidance of the purposes of this paragraph, including regulations which provide that cash dividends shall not be taken into account under subsection (a) to the extent such dividends are attributable to the direct or indirect transfer (including through the use of intervening entities or capital contributions) of cash or other property from a related person (as so defined) to a controlled foreign corporation.''.

(4) Paragraph (1) of section 965(c) is amended to read as follows:

''(1) APPLICABLE FINANCIAL STATEMENT.—The term 'applicable financial statement' means—

''(A) with respect to a United States shareholder which is required to file a financial statement with the Securities and Exchange Commission (or which is included in such a statement so filed by another person), the most recent audited annual financial statement (including the notes which form an integral part of such statement) of such shareholder (or which includes such shareholder)—

''(i) which was so filed on or before June 30, 2003, and

''(ii) which was certified on or before June 30, 2003, as being prepared in accordance with generally accepted accounting principles, and

''(B) with respect to any other United States shareholder, the most recent audited financial statement (including the notes which form an integral part of such statement) of such shareholder (or which includes such shareholder)—

''(i) which was certified on or before June 30, 2003, as being prepared in accordance with generally accepted accounting principles, and

''(ii) which is used for the purposes of a statement or report—

''(I) to creditors,

''(II) to shareholders, or

''(III) for any other substantial nontax purpose.''.

(5) Paragraph (2) of section 965(d) is amended by striking ''properly allocated and apportioned'' and inserting ''directly allocable''.

(6) Subsection (d) of section 965 is amended by adding at the end the following new paragraph:

''(4) COORDINATION WITH SECTION 78.—Section 78 shall not apply to any tax which is not allowable as a credit under section 901 by reason of this subsection.''.

(7) The last sentence of section 965(e)(1) is amended by inserting ''which are imposed by foreign countries and possessions of the United States and are'' after ''taxes''.

(8) Subsection (f) of section 965 is amended by inserting ''on or'' before ''before the due date''.

(r) AMENDMENTS RELATED TO SECTION 501 OF THE ACT.—

(1) Subparagraph (A) of section 164(b)(5) is amended to read as follows:

''(A) ELECTION TO DEDUCT STATE AND LOCAL SALES TAXES IN LIEU OF STATE AND LOCAL INCOME TAXES.—At the election of the taxpayer for the taxable year, subsection (a) shall be applied—

''(i) without regard to the reference to State and local income taxes, and

''(ii) as if State and local general sales taxes were referred to in a paragraph thereof.''.

(2) Clause (ii) of section 56(b)(1)(A) is amended by inserting ''or clause (ii) of section 164(b)(5)(A)'' before the period at the end.

(s) AMENDMENTS RELATED TO SECTION 708 OF THE ACT.—Section 708 of the American Jobs Creation Act of 2004 is amended—

(1) in subsection (a), by striking ''contract commencement date'' and inserting ''construction commencement date'', and

(2) by redesignating subsection (d) as subsection (e) and inserting after subsection (c) the following new subsection:

''(d) CERTAIN ADJUSTMENTS NOT TO APPLY.—Section 481 of the Internal Revenue Code of 1986 shall not apply with respect to any change in the method of accounting which is required by this section.''.

(t) AMENDMENTS RELATED TO SECTION 710 OF THE ACT.—

(1) Clause (ii) of section 45(b)(4)(B) is amended by striking ''the date of the enactment of this Act'' and inserting ''January 1, 2005,''.

(2) Clause (ii) of section 45(c)(3)(A) is amended by inserting ''or any nonhazardous lignin waste material'' after ''cellulosic waste material''.

(3) Subsection (e) of section 45 is amended by striking paragraph (6).

(4)(A) Paragraph (9) of section 45(e) is amended to read as follows:

''(9) COORDINATION WITH CREDIT FOR PRODUCING FUEL FROM A NONCONVENTIONAL SOURCE.—

''(A) IN GENERAL.—The term 'qualified facility' shall not include any facility which produces electricity from gas derived from the biodegradation of municipal solid waste if such biodegradation occurred in a facility (within the meaning of section 29) the production from which is allowed as a credit under section 29 for the taxable year or any prior taxable year.

''(B) REFINED COAL FACILITIES.—The term 'refined coal production facility' shall not include any facility the production from which is allowed as a credit under section 29 for the taxable year or any prior taxable year.''.

(B) Subparagraph (C) of section 45(e)(8) is amended by striking ''and (9)''.

(5) Subclause (I) of section 168(e)(3)(B)(vi) is amended to read as follows:

''(I) is described in subparagraph (A) of section 48(a)(3) (or would be so described if 'solar and wind' were substituted for 'solar' in clause (i) thereof and the last sentence of such section did not apply to such subparagraph),''.

(6) Paragraph (4) of section 710(g) of the American Jobs Creation Act of 2004 is amended by striking ''January 1, 2004'' and inserting ''January 1, 2005''.

(u) AMENDMENT RELATED TO SECTION 801 OF THE ACT.—Paragraph (3) of section 7874(a) is amended to read as follows:

''(3) COORDINATION WITH SUBSECTION (B).—A corporation which is treated as a domestic corporation under subsection (b) shall not be treated as a surrogate foreign corporation for purposes of paragraph (2)(A).''.

(v) AMENDMENTS RELATED TO SECTION 804 OF THE ACT.—

(1) Subparagraph (C) of section 877(g)(2) is amended by striking ''section 7701(b)(3)(D)(ii)'' and inserting ''section 7701(b)(3)(D)''.

(2) Subsection (n) of section 7701 is amended to read as follows:

''(n) SPECIAL RULES FOR DETERMINING WHEN AN INDIVIDUAL IS NO LONGER A UNITED STATES CITIZEN OR LONG-TERM RESIDENT.—For purposes of this chapter—

''(1) UNITED STATES CITIZENS.—An individual who would (but for this paragraph) cease to be treated as a citizen of the United States shall continue to be treated as a citizen of the United States until such individual—

''(A) gives notice of an expatriating act (with the requisite intent to relinquish citizenship) to the Secretary of State, and

''(B) provides a statement in accordance with section 6039G (if such a statement is otherwise required).

''(2) LONG-TERM RESIDENTS.—A long-term resident (as defined in section 877(e)(2)) who would (but for this paragraph) be described in section 877(e)(1) shall be treated as a lawful permanent resident of the United States and as not described in section 877(e)(1) until such individual—

''(A) gives notice of termination of residency (with the requisite intent to terminate residency) to the Secretary of Homeland Security, and

''(B) provides a statement in accordance with section 6039G (if such a statement is otherwise required).''.

(w) AMENDMENT RELATED TO SECTION 811 OF THE ACT.—Subsection (c) of section 811 of the American Jobs Creation Act of 2004 is amended by inserting ''and which were not filed before such date'' before the period at the end.

(x) AMENDMENTS RELATED TO SECTION 812 OF THE ACT.—

(1) Subsection (b) of section 6662 is amended by adding at the end the following new sentence: ''Except as provided in paragraph (1) or (2)(B) of section 6662A(e), this section shall not apply to the portion of any underpayment which is attributable to a reportable transaction understatement on which a penalty is imposed under section 6662A.''

(2) Paragraph (2) of section 6662A(e) is amended to read as follows:

''(2) COORDINATION WITH OTHER PENALTIES.—

''(A) COORDINATION WITH FRAUD PENALTY.—This section shall not apply to any portion of an understatement on which a penalty is imposed under section 6663.

''(B) COORDINATION WITH GROSS VALUATION MISSTATEMENT PENALTY.—This section shall not apply to any portion of an understatement on which a penalty is imposed under section 6662 if the rate of the penalty is determined under section 6662(h).''.

(3) Subsection (f) of section 812 of the American Jobs Creation Act of 2004 is amended to read as follows:

''(f) EFFECTIVE DATES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

''(2) DISQUALIFIED OPINIONS.—Section 6664(d)(3)(B) of the Internal Revenue Code of 1986 (as added by subsection (c)) shall not apply to the opinion of a tax advisor if—

''(A) the opinion was provided to the taxpayer before the date of the enactment of this Act,

''(B) the opinion relates to one or more transactions all of which were entered into before such date, and

''(C) the tax treatment of items relating to each such transaction was included on a return or statement filed by the taxpayer before such date.''.

(y) AMENDMENT RELATED TO SECTION 814 OF THE ACT.—Subparagraph (B) of section 6501(a)(10) is amended by striking ''(as defined in section 6111)''.

(z) AMENDMENT RELATED TO SECTION 815 OF THE ACT.—Paragraph (1) of section 6112(b) is amended ''(or was required to maintain a list under subsection (a) as in effect before the enactment of the American Jobs Creation Act of 2004)'' after ''a list under subsection (a)''.

(aa) AMENDMENTS RELATED TO SECTION 832 OF THE ACT.—

(1) Subsection (e) of section 853 is amended to read as follows:

''(e) TREATMENT OF CERTAIN TAXES NOT ALLOWED AS A CREDIT UNDER SECTION 901.—This section shall not apply to any tax with respect to which the regulated investment company is not allowed a credit under section 901 by reason of subsection (k) or (l) of such section.''.

(2) Clause (i) of section 901(l)(2)(C) is amended by striking ''if such security were stock''.

(bb) AMENDMENTS RELATED TO SECTION 833 OF THE ACT.—

(1) Subsection (a) of section 734 is amended by inserting ''with respect to such distribution'' before the period at the end.

(2) So much of subsection (b) of section 734 as precedes paragraph (1) is amended to read as follows:

''(b) METHOD OF ADJUSTMENT.—In the case of a distribution of property to a partner by a partnership with respect to which the election provided in section 754 is in effect or with respect to which there is a substantial basis reduction, the partnership shall—''.

(cc) AMENDMENT RELATED TO SECTION 835 OF THE ACT.—Paragraph (3) of section 860G(a) is amended—

(1) in subparagraph (A)(iii)(I), by striking ''the obligation'' and inserting ''a reverse mortgage loan or other obligation'', and

(2) by striking all that follows subparagraph (C) and inserting the following:

''For purposes of subparagraph (A), any obligation secured by stock held by a person as a tenant-stockholder (as defined in section 216) in a cooperative housing corporation (as so defined) shall be treated as secured by an interest in real property. For purposes of subparagraph (A), any obligation originated by the United States or any State (or any political subdivision, agency, or instrumentality of the United States or any State) shall be treated as principally secured by an interest in real property if more than 50 percent of such obligations which are transferred to, or purchased by, the REMIC are principally secured by an interest in real property (determined without regard to this sentence).''.

(dd) AMENDMENTS RELATED TO SECTION 836 OF THE ACT.—

(1) Paragraph (1) of section 334(b) is amended by striking ''except that'' and all that follows and inserting ''except that, in the hands of such distributee—

''(A) the basis of such property shall be the fair market value of the property at the time of the distribution in any case in which gain or loss is recognized by the liquidating corporation with respect to such property, and

''(B) the basis of any property described in section 362(e)(1)(B) shall be the fair market value of the property at the time of the distribution in any case in which such distributee's aggregate adjusted basis of such property would (but for this subparagraph) exceed the fair market value of such property immediately after such liquidation.''.

(2) Clause (ii) of section 362(e)(2)(C) is amended to read as follows:

''(ii) ELECTION.—Any election under clause (i) shall be made at such time and in such form and manner as the Secretary may prescribe, and, once made, shall be irrevocable.''.

(ee) AMENDMENT RELATED TO SECTION 840 OF THE ACT.—Subsection (d) of section 121 is amended—

(1) by redesignating the paragraph (10) relating to property acquired from a decedent as paragraph (11) and by moving such paragraph to the end of such subsection, and

(2) by amending the paragraph (10) relating to property acquired in like-kind exchange to read as follows:

''(10) PROPERTY ACQUIRED IN LIKE-KIND EXCHANGE.—If a taxpayer acquires property in an exchange with respect to which gain is not recognized (in whole or in part) to the taxpayer under subsection (a) or (b) of section 1031, subsection (a) shall not apply to the sale or exchange of such property by such taxpayer (or by any person whose basis in such property is determined, in whole or in part, by reference to the basis in the hands of such taxpayer) during the 5-year period beginning with the date of such acquisition.''.

(ff) AMENDMENT RELATED TO SECTION 849 OF THE ACT.—Subsection (a) of section 849 of the American Jobs Creation Act of 2004 is amended by inserting '', and in the case of property treated as tax-exempt use property other than by reason of a lease, to property acquired after March 12, 2004'' before the period at the end.

(gg) AMENDMENTS RELATED TO SECTION 853 OF THE ACT.—

(1) Subparagraph (C) of section 4081(a)(2) is amended by striking ''for use in commercial aviation'' and inserting ''for use in commercial aviation by a person registered for such use under section 4101''.

(2) So much of paragraph (2) of section 4081(d) as precedes subparagraph (A) is amended to read as follows:

''(2) AVIATION FUELS.—The rates of tax specified in clauses (ii) and (iv) of subsection (a)(2)(A) shall be 4.3 cents per gallon—''.

(hh) AMENDMENT RELATED TO SECTION 884 OF THE ACT.—Subparagraph (B) of section 170(f)(12) is amended by adding at the end the following new clauses:

''(v) Whether the donee organization provided any goods or services in consideration, in whole or in part, for the qualified vehicle.

''(vi) A description and good faith estimate of the value of any goods or services referred to in clause (v) or, if such goods or services consist solely of intangible religious benefits (as defined in paragraph (8)(B)), a statement to that effect.''.

(ii) AMENDMENTS RELATED TO SECTION 885 OF THE ACT.—

(1) Paragraph (2) of section 26(b) is amended by striking ''and'' at the end of subparagraph (R), by striking the period at the end of subparagraph (S) and inserting '', and'', and by adding at the end the following new subparagraph:

''(T) subsections (a)(1)(B)(i) and (b)(4)(A) of section 409A (relating to interest and additional tax with respect to certain deferred compensation).''.

(2) Clause (ii) of section 409A(a)(4)(C) is amended by striking ''first''.

(3)(A) Notwithstanding section 885(d)(1) of the American Jobs Creation Act of 2004, subsection (b) of section 409A of the Internal Revenue Code of 1986 shall take effect on January 1, 2005.

(B) Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury shall issue guidance under which a nonqualified deferred compensation plan which is in violation of the requirements of section 409A(b) of such Code shall be treated as not having violated such requirements if such plan comes into conformance with such requirements during such limited period as the Secretary may specify in such guidance.

(4) Subsection (f) of section 885 of the American Jobs Creation Act of 2004 is amended by striking ''December 31, 2004'' the first place it appears and inserting ''January 1, 2005''.

(jj) AMENDMENTS RELATED TO SECTION 898 OF THE ACT.—

(1) Paragraph (3) of section 361(b) is amended by inserting ''(reduced by the amount of the liabilities assumed (within the meaning

of section 357(c)))'' before the period at the end.

(2) Paragraph (1) of section 357(d) is amended by inserting ''section 361(b)(3),'' after ''section 358(h),''.

(kk) AMENDMENT RELATED TO SECTION 899 OF THE ACT.—Subparagraph (A) of section 351(g)(3) is amended by adding at the end the following: ''If there is not a real and meaningful likelihood that dividends beyond any limitation or preference will actually be paid, the possibility of such payments will be disregarded in determining whether stock is limited and preferred as to dividends.''.

(ll) AMENDMENT RELATED TO SECTION 902 OF THE ACT.—Paragraph (1) of section 709(b) is amended by striking ''taxpayer'' both places it appears and inserting ''partnership''.

(mm) AMENDMENT RELATED TO SECTION 909 OF THE ACT.—Clause (ii) of section 451(i)(4)(B) is amended by striking ''the close of the period applicable under subsection (a)(2)(B) as extended under paragraph (2)'' and inserting ''December 31, 2006''.

(nn) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the American Jobs Creation Act of 2004 to which they relate.

SEC. 3. AMENDMENTS RELATED TO THE WORKING FAMILIES TAX RELIEF ACT OF 2004.

(a) AMENDMENT RELATED TO SECTION 201 OF THE ACT.—Paragraph (2) of section 152(e) is amended to read as follows:

''(2) REQUIREMENTS.—For purposes of paragraph (1), the requirements described in this paragraph are met if—

''(A) a decree of divorce or separate maintenance or written separation agreement between the parents applicable to the taxable year beginning in such calendar year provides that the noncustodial parent shall be entitled to any deduction allowable under section 151 for such child, and in the case of such a decree or agreement executed before January 1, 1985, the noncustodial parent provides at least $600 for the support of such child during such calendar year, or

''(B) the custodial parent signs a written declaration (in such manner and form as the Secretary may prescribe) that such parent will not claim such child as a dependent for such taxable year.

For purposes of subparagraph (A), amounts expended for the support of a child or children shall be treated as received from the noncustodial parent to the extent that such parent provided amounts for such support.''.

(b) AMENDMENT RELATED TO SECTION 203 OF THE ACT.—Subparagraph (B) of section 21(b)(1) is amended by inserting ''(as defined in section 152, determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B))'' after ''dependent of the taxpayer''.

(c) AMENDMENT RELATED TO SECTION 207 OF THE ACT.—Subparagraph (A) of section 223(d)(2) is amended by inserting '', determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof'' after ''section 152''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Working Families Tax Relief Act of 2004 to which they relate.

SEC. 4. AMENDMENTS RELATED TO THE JOBS AND GROWTH TAX RELIEF RECONCILIATION ACT OF 2003.

(a) AMENDMENTS RELATED TO SECTION 201 OF THE ACT.—

(1) Clause (ii) of section 168(k)(4)(B) is amended to read as follows:

''(ii) which is—

''(I) acquired by the taxpayer after May 5, 2003, and before January 1, 2005, but only if no written binding contract for the acquisition was in effect before May 6, 2003, or

''(II) acquired by the taxpayer pursuant to a written binding contract which was entered into after May 5, 2003, and before January 1, 2005, and''.

(2) Subparagraph (D) of section 1400L(b)(2) is amended by striking ''September 11, 2004'' and inserting ''January 1, 2005''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 201 of the Jobs and Growth Tax Relief and Reconciliation Act of 2003.

SEC. 5. AMENDMENT RELATED TO THE VICTIMS OF TERRORISM TAX RELIEF ACT OF 2001.

(a) AMENDMENT RELATED TO SECTION 201 OF THE ACT.—Paragraph (17) of section 6103(l) is amended by striking ''subsection (f), (i)(7), or (p)'' and inserting ''subsection (f), (i)(8), or (p)''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 201 of the Victims of Terrorism Tax Relief Act of 2001.

SEC. 6. AMENDMENT RELATED TO THE TRANSPORTATION EQUITY ACT FOR THE 21ST CENTURY.

(a) AMENDMENT RELATED TO SECTION 9005 OF THE ACT.—The last sentence of paragraph (2) of section 9504(b) is amended by striking ''subparagraph (B)'' and inserting ''subparagraph (C)''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 9005 of the Transportation Equity Act for the 21st Century.

SEC. 7. AMENDMENTS RELATED TO THE TAXPAYER RELIEF ACT OF 1997.

(a) AMENDMENTS RELATED TO SECTION 1055 OF THE ACT.—

(1) The last sentence of section 6411(a) is amended by striking ''6611(f)(3)(B)'' and inserting ''6611(f)(4)(B)''.

(2) Paragraph (4) of section 6601(d) is amended by striking ''6611(f)(3)(A)'' and inserting ''6611(f)(4)(A)''.

(b) AMENDMENT RELATED TO SECTION 1144 OF THE ACT.—Subparagraph (B) of section 6038B(a)(1) is amended by inserting ''or'' at the end.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Taxpayer Relief Act of 1997 to which they relate.

SEC. 8. CLERICAL CORRECTIONS.

(a) Subparagraph (C) of section 2(b)(2) is amended by striking ''subparagraph (C)'' and inserting ''subparagraph (B)''.

(b) Subparagraph (E) of section 26(b)(2) is amended by striking ''section 530(d)(3)'' and inserting ''section 530(d)(4)''.

(c)(1) Subclause (II) of section 38(c)(2)(A)(ii) is amended by striking ''or the New York Liberty Zone business employee credit or the specified credits'' and inserting '', the New York Liberty Zone business employee credit, and the specified credits''.

(2) Subclause (II) of section 38(c)(3)(A)(ii) is amended by striking ''or the specified credits'' and inserting ''and the specified credits''.

(3) Subparagraph (B) of section 38(c)(4) is amended—

(A) by striking ''includes'' and inserting ''means'', and

(B) by inserting ''and'' at the end of clause (i).

(d)(1) Subparagraph (A) of section 39(a)(1) is amended by striking ''each of the 1 taxable years'' and by inserting ''the taxable year''.

(2) Subparagraph (B) of section 39(a)(3) is amended to read as follows:

''(B) paragraph (1) shall be applied by substituting 'each of the 5 taxable years' for 'the taxable year' in subparagraph (A) thereof, and''.

(e) Paragraph (5) of section 43(c) is amended to read as follows:

''(5) ALASKA NATURAL GAS.—For purposes of paragraph (1)(D)—

''(A) IN GENERAL.—The term 'Alaska natural gas' means natural gas entering the Alaska natural gas pipeline (as defined in section 168(i)(16) (determined without regard to subparagraph (B) thereof)) which is produced from a well—

''(i) located in the area of the State of Alaska lying north of 64 degrees North latitude, determined by excluding the area of the Alaska National Wildlife Refuge (including the continental shelf thereof within the meaning of section 638(1)), and

''(ii) pursuant to the applicable State and Federal pollution prevention, control, and permit requirements from such area (including the continental shelf thereof within the meaning of section 638(1)).

''(B) NATURAL GAS.—The term 'natural gas' has the meaning given such term by section 613A(e)(2).''.

(f) Paragraph (2) of section 45I(a) is amended by striking ''qualified credit oil production'' and inserting ''qualified crude oil production''.

(g) Subparagraph (E) of section 50(a)(2) is amended by striking ''section 48(a)(5)'' and inserting ''section 48(b)''.

(h)(1) Subsection (a) of section 62 is amended—

(A) by redesignating paragraph (19) (relating to costs involving discrimination suits, etc.), as added by section 703 of the American Jobs Creation Act of 2004, as paragraph (20), and

(B) by moving such paragraph after paragraph (19) (relating to health savings accounts).

(2) Subsection (e) of section 62 is amended by striking ''subsection (a)(19)'' and inserting ''subsection (a)(20)''.

(i) Paragraph (3) of section 167(f) is amended by striking ''section 197(e)(7)'' and inserting ''section 197(e)(6)''.

(j) Subparagraph (D) of section 168(i)(15) is amended by striking ''This paragraph shall not apply to'' and inserting ''Such term shall not include''.

(k) Paragraph (2) of section 221(d) is amended by striking ''this Act'' and inserting ''the Taxpayer Relief Act of 1997''.

(l) Paragraph (8) of section 318(b) is amended by striking ''section 6038(d)(2)'' and inserting ''section 6038(e)(2)''.

(m) Subparagraph (B) of section 332(d)(1) is amended by striking ''distribution to which section 301 applies'' and inserting ''distribution of property to which section 301 applies''.

(n) Paragraph (1) of section 415(l) is amended by striking ''individual medical account'' and inserting ''individual medical benefit account''.

(o) The matter following clause (iv) of section 415(n)(3)(C) is amended by striking ''clauses'' and inserting ''clause''.

(p) Paragraph (12) of section 501(c) is amended—

(1) by striking ''subparagraph (C)(iii)'' in subparagraph (F) and inserting ''subparagraph (C)(iv)'', and

(2) by striking ''subparagraph (C)(iv)'' in subparagraph (G) and inserting ''subparagraph (C)(v)''.

(q) Clause (ii) of section 501(c)(22)(B) is amended by striking ''clause (ii) of paragraph (21)(B)'' and inserting ''clause (ii) of paragraph (21)(D)''.

(r) Paragraph (1) of section 512(b) is amended by striking ''section 512(a)(5)'' and inserting ''subsection (a)(5)''.

(s)(1) Subsection (b) of section 512 is amended—

(A) by redesignating paragraph (18) (relating to the treatment of gain or loss on sale or exchange of certain brownfield sites), as added by section 702 of the American Jobs Creation Act of 2004, as paragraph (19), and

(B) by moving such paragraph to the end of such subsection.

(2) Subparagraph (E) of section 514(b)(1) is amended by striking ''section 512(b)(18)'' and inserting ''section 512(b)(19)''.

(t)(1) Subsection (b) of section 530 is amended by striking paragraph (3) and by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(2) Clause (ii) of section 530(b)(2)(A) is amended by striking ''paragraph (4)'' and inserting ''paragraph (3)''.

(u) Section 881(e)(1)(C) is amended by inserting ''interest-related dividend received by a controlled foreign corporation'' after ''shall apply to any''.

(v) Clause (i) of section 954(c)(1)(C) is amended by striking ''paragraph (4)(A)'' and inserting ''paragraph (5)(A)''.

(w) Subparagraph (F) of section 954(c)(1) is amended by striking ''Net income from notional principal contracts.'' after ''Income from notional principal contracts.—''.

(x) Paragraph (23) of section 1016(a) is amended by striking ''1045(b)(4)'' and inserting ''1045(b)(3)''.

(y) Paragraph (1) of section 1256(f) is amended by striking ''subsection (e)(2)(C)'' and inserting ''subsection (e)(2)''.

(z) The matter preceding clause (i) of section 1031(h)(2)(B) is amended by striking ''subparagraph'' and inserting ''subparagraphs''.

(aa) Paragraphs (1) and (2) of section 1375(d) are each amended by striking ''subchapter C'' and inserting ''accumulated''.

(bb) Each of the following provisions are amended by striking ''General Accounting Office'' each place it appears therein and inserting ''Government Accountability Office'':

(1) Clause (ii) of section 1400E(c)(4)(A).

(2) Paragraph (1) of section 6050M(b).

(3) Subparagraphs (A), (B)(i), and (B)(ii) of section 6103(i)(8).

(4) Paragraphs (3)(C)(i), (4), (5), and (6)(B) of section 6103(p).

(5) Subsection (e) of section 8021.

(cc)(1) Clause (ii) of section 1400L(b)(2)(C) is amended by striking ''section 168(k)(2)(C)(i)'' and inserting ''section 168(k)(2)(D)(i)''.

(2) Clause (iv) of section 1400L(b)(2)(C) is amended by striking ''section 168(k)(2)(C)(iii)'' and inserting ''section 168(k)(2)(D)(iii)''.

(3) Subparagraph (D) of section 1400L(b)(2) is amended by striking ''section 168(k)(2)(D)'' and inserting ''section 168(k)(2)(E)''.

(4) Subparagraph (E) of section 1400L(b)(2) is amended by striking ''section 168(k)(2)(F)'' and inserting ''section 168(k)(2)(G)''.

(5) Paragraph (5) of section 1400L(c) is amended by striking ''section 168(k)(2)(C)(iii)'' and inserting ''section 168(k)(2)(D)(iii)''.

(dd) Section 3401 is amended by redesignating subsection (h) as subsection (g).

(ee) Paragraph (2) of section 4161(a) is amended to read as follows:

''(2) 3 PERCENT RATE OF TAX FOR ELECTRIC OUTBOARD MOTORS.—In the case of an electric outboard motor, paragraph (1) shall be applied by substituting '3 percent' for '10 percent'.''.

(ff) Subparagraph (C) of section 4261(e)(4) is amended by striking ''imposed subsection (b)'' and inserting ''imposed by subsection (b)''.

(gg) Subsection (a) of section 4980D is amended by striking ''plans'' and inserting ''plan''.

(hh) The matter following clause (iii) of section 6045(e)(5)(A) is amended by striking ''for '$250,000'.'' and all that follows through ''to the Treasury.'' and inserting ''for '$250,000'. The Secretary may by regulation increase the dollar amounts under this subparagraph if the Secretary determines that such an increase will not materially reduce revenues to the Treasury.''.

(ii) Subsection (p) of section 6103 is amended—

(1) by striking so much of paragraph (4) as precedes subparagraph (A) and inserting the following:

''(4) SAFEGUARDS.—Any Federal agency described in subsection (h)(2), (h)(5), (i)(1), (2), (3), (5), or (7), (j)(1), (2), or (5), (k)(8), (l)(1), (2), (3), (5), (10), (11), (13), (14), or (17) or (o)(1), the Government Accountability Office, the Congressional Budget Office, or any agency, body, or commission described in subsection (d), (i)(3)(B)(i) or 7(A)(ii), or (l)(6), (7), (8), (9), (12), (15), or (16) or any other person described in subsection (l)(16), (18), (19), or (20) shall, as a condition for receiving returns or return information—'',

(2) by amending paragraph (4)(F)(i) to read as follows:

''(i) in the case of an agency, body, or commission described in subsection (d), (i)(3)(B)(i), or (l)(6), (7), (8), (9), or (16), or any other person described in subsection (l)(16), (18), (19), or (20) return to the Secretary such returns or return information (along with any copies made therefrom) or make such returns or return information undisclosable in any manner and furnish a written report to the Secretary describing such manner,'', and

(3) by striking the first full sentence in the matter following subparagraph (F) of paragraph (4) and inserting the following: ''If the Secretary determines that any such agency, body, or commission, including an agency or any other person described in subsection (l)(16), (18), (19), or (20), or the Government Accountability Office or the Congressional Budget Office, has failed to, or does not, meet the requirements of this paragraph, he may, after any proceedings for review established under paragraph (7), take such actions as are necessary to ensure such requirements are met, including refusing to disclose returns or return information to such agency, body, or commission, including an agency or any other person described in subsection (l)(16), (18), (19), or (20), or the Government Accountability Office or the Congressional Budget Office, until he determines that such requirements have been or will be met.''.

(jj) Clause (ii) of section 6111(b)(1)(A) is amended by striking ''advice or assistance'' and inserting ''aid, assistance, or advice''.

(kk) Section 6427 is amended by striking subsection (o) and by redesignating subsection (p) as subsection (o).

(ll) Paragraph (3) of section 6662(d) is amended by striking ''the'' before ''1 or more''.

SEC. 9. OTHER CORRECTIONS RELATED TO THE AMERICAN JOBS CREATION ACT OF 2004.

(a) AMENDMENTS RELATED TO SECTION 233 OF THE ACT.—

(1) Clause (vi) of section 1361(c)(2)(A) is amended—

(A) by inserting ''or a depository institution holding company (as defined in section 3(w)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)(1))'' after ''a bank (as defined in section 581)'', and

(B) by inserting ''or company'' after ''such bank''.

(2) Paragraph (16) of section 4975(d) is amended—

(A) in subparagraph (A), by inserting ''or a depository institution holding company (as defined in section 3(w)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)(1))'' after ''a bank (as defined in section 581)'', and

(B) in subparagraph (C), by inserting ''or company'' after ''such bank''.

(b) AMENDMENT RELATED TO SECTION 237 OF THE ACT.—Subparagraph (F) of section 1362(d)(3) is amended by striking ''a bank holding company'' and all that follows through ''section 2(p) of such Act)'' and inserting ''a depository institution holding company (as defined in section 3(w)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)(1))''.

(c) AMENDMENTS RELATED TO SECTION 239 OF THE ACT.—Paragraph (3) of section 1361(b) is amended—

(1) in subparagraph (A), by striking ''and in the case of information returns required under part III of subchapter A of chapter 61'', and

(2) by adding at the end the following new subparagraph:

''(E) INFORMATION RETURNS.—Except to the extent provided by the Secretary, this paragraph shall not apply to information returns made by a qualified subchapter S subsidiary under part III of subchapter A of chapter 61.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the American Jobs Creation Act of 2004 to which they relate.

By Mr. DURBIN (for himself and Mrs. BOXER):

S. 1448. A bill to improve the treatment provided to veterans suffering from post-traumatic stress disorder; to the Committee on Veterans' Affairs.

Mr. DURBIN. Mr. President, seventy-five years ago today, President Herbert Hoover created the Veterans Administration by signing Executive Order 5398 for the ''Consolidation and Coordination of Governmental Activities Affecting Veterans.''

Of course, the commitment of America to the care and welfare of the Nation's veterans goes back to the earliest days of our Republic. In 1789 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.''

The care of veterans was a central theme in Abraham Lincoln's second inaugural address. He said, ''With malice toward none; with charity for all; with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in; to bind up the nation's wounds; to care for him who shall have borne the battle, and for his widow, and his orphan—to do all which may achieve and cherish a just, and a lasting peace, among ourselves, and with all nations.''

Today, this important work of caring for our veterans is carried on by the Department of Veterans Affairs at a time when American troops are engaged in combat under very trying circumstances overseas.

In order to address the clearly emerging needs of the newest veterans, I am today introducing the ''Post-Traumatic Stress Disorder Treatment Improvement Act.''

This bill requires the Department of Veterans Affairs to hire the number of mental health professionals which the Department's own internal panel of experts has for years recommended as that required to provide an appropriate

level of treatment for veterans suffering from post-traumatic stress disorder or PTSD.

PTSD is a fairly new term but it is by no means a new problem. People exposed to extremely traumatic stressful events can suffer lasting and long-term mental health problems as a result. Soldiers who have endured the horrors—of the battlefield—who've experienced and had to participate in deeply troubling events—have long been susceptible to this problem. Among Civil War veterans it was called ''the soldier's heart.'' Among World War I veterans it was called ''shell shock.'' In World War II it was called ''battle fatigue.'' Many people will remember the incident during World War II in which General George Patton slapped a soldier hospitalized with battle fatigue. The American public reacted angrily to Patton's action because they understood that Patton was wrong; needing medical treatment to help recover from the psychological trauma of war was not any sign of weakness or cowardice but rather simply one of the understandable hazards of the very violent modern battlefield. In the aftermath of Vietnam, our understanding of what is today known as post-traumatic stress disorder or PTSD has grown tremendously and so has our ability to treat it. Today, as a result of its work with Vietnam Veterans, the Department of Veterans Affairs is the world leader in diagnosing and treating PTSD.

While the quality of the expertise in the VA is high, we need to improve the quantity. The Department of Veterans Affairs needs more mental health professionals to meet the needs of the coming influx of new veterans from Iraq and Afghanistan.

Two articles in the July 2004 issue of the New England Journal of Medicine indicate that the nature of the war in Iraq is producing a new generation of American veterans who will require treatment for PTSD. The data gathered from recently returned troops suggests that about 1 in 6 of our Iraq veterans will develop this serious problem. One of the articles cautions that the actual numbers will probably be even higher because the data of the reported study was collected from soldiers and marines who served in the theater before the Iraqi insurgency rose to its current level of intensity. The conditions are now made even more stressful by the hidden enemy, frequently concealed among civilians and attacking suddenly with roadside explosions and suicide bombers. The uncertainly, the shock, the blood and destruction of this type of warfare understandably takes a toll on the feelings of even the toughest of our warriors. We know from experience that roughly 30 percent of Vietnam veterans suffered from PTSD sometime in their lifetime.

Senators don't have to read the New England Journal of Medicine to know that our returning veterans will need a little help to overcome some terrible memories and troubling mental images. We can hear it from the veterans in our own States.

Several weeks ago I traveled across my State of Illinois to five different locations for roundtable discussions about this subject. I invited veterans as well as medical counselors from the Veterans' Administration to tell me about former service members who were trying to come to grips with this torment in their minds over what they had been through and what they had seen. I was nothing short of amazed at what happened. At every single stop, these men and women came forward and sat at tables before groups in their communities, before the media, and told their stories of being trained to serve this country, being proud to serve, and going into battle situations which caused an impact on their mind they never could have imagined. They talked about coming home with their minds in this turmoil over the things they had done and seen. Many of them told of having to wait months and, in one case, a year before they could see a doctor at a VA hospital.

I heard from veterans from Iraq, Vietnam, Korea and World War II. One veteran in southern Illinois who was in the Philippines couldn't come to my meeting because ''I just can't face talking about it.'' This was 60 years after his experience. Veterans of Vietnam, coming home, facing animosity from others, then being unable to address their emotional and psychological anguish and difficulty because they were afraid to even acknowledge they were veterans. They were left tormented by this for decades.

The ones that gripped my heart the most were the Iraqi veterans. I will never forget these men and women. The one I sat next to at Collinsville, a bright, handsome, young Marine, talked about going into Fallujah with his unit and how his point man was riddled with bullets, and he had to carry the parts of his body out of that street into some side corner where the remains could be evacuated. Then he took over his friend's job as point man and went forward. A rocket-propelled grenade was shot at him, and it bounced off his helmet. One of the insurgents came up and shot him twice in the chest. This happened just this past November.

When he came home, he said he couldn't understand who he was because of what he had seen and been involved in. He had problems with his wife—difficult, violent problems, and he turned to the VA for help.

I said to this young Marine: I am almost afraid to ask you this, but how old are you? He said, ''I am 19.''

Think of what he has been through. Thank goodness he is in the hands of counselors. Thank goodness he is getting some help and moving in the right direction.

But in another meeting in southern Illinois, another soldier said, in front of the group, ''As part of this battle, I killed children, women. I killed old people. I am trying to come to grips with this in my mind as I try to come back into civilian life.''

A young woman, a member of the Illinois National Guard, said when she returned to the United States, still in distress over what she had seen and done, she was released from active duty through Fort McCoy in Wisconsin where the Army sat her down and asked, ''Any problems?'' Of course, that should have been the time for her to come forward and say: I have serious problems. She didn't. She'd heard that if you said you had a problem, you had to stay at Fort McCoy for several more months. She was so desperate to get home she said, ''No problems.''

She came home and finally realized that was not true. She had serious psychological problems over what she had been through. When she turned to the VA and asked for help, they said: You can come in and see a counselor at the VA in a year.

What happens to these veterans, victims of post-traumatic stress disorder, without counseling at an early stage? Sadly, many of them see their marriages destroyed. One I met was on his fourth marriage. Many of them self-medicate with alcohol, sometimes with drugs, desperate to find some relief from the nightmares they face every night. These are the real stories of real people, our sons and daughters, our brothers and sisters, our husbands and wives who go to battle to defend this country and come home with the promise that we will stand behind them.

So, in addition to the Vietnam, Gulf War and other veterans already being treated, it is clear that we will soon see large numbers of Iraq veterans coming to the VA for help with PTSD. What is our capacity to help them? Unfortunately, it does not look good.

Disturbingly, the Department of Veterans Affairs may lack the capacity to treat those with PTSD. The Government Accountability Office recently concluded, and the Department of Veterans Affairs concurred, that the Department has not kept adequate accounting of the numbers of patients it currently treats for PTSD. Without any reliable numbers of patients currently receiving treatment, the VA cannot deliver to us any assurance about having the facilities or staff needed to treat the coming influx of new veterans.

The VA has demonstrated an inability to forecast the number of patients it must be ready to treat. In three of the past four years, the Department of Veterans Affairs has submitted budget requests that included patient estimates which turned out to be too low in four different areas. In three of the past four years, the VA has underestimated its number of acute hospital care patients, the number of medical visits, the dependents and survivors' hospital census, and the numbers of dependent and survivor outpatients that it would see.

Now, just a couple of weeks ago, the VA had to acknowledge that its budget for the current fiscal year was going to be $1 billion short because they got their estimate of Iraq veteran patients wrong. The VA had forecasted a 2.3 percent growth in healthcare demand this year but the actual increase turned out to be 5.2 percent—more than twice the VA estimate. The VA budget assumed that 23,553 VA patients would be veterans of the Global War on Terrorism. The number of these patients in 2005 is now estimated to be 103,000—more than four times what VA had estimated.

In the absence of reliable patient information and patient estimates from the Department of Veterans Affairs, how can we know that the VA healthcare system lacks the capability to treat the incoming number of veterans needing PTSD treatment? That's easy—we can simply listen to the VA medical professionals who provide the treatment.

In the course of conducting its investigation, the Government Accountability Office asked officials at VA facilities if they would be able to meet this coming demand. The answer they received was very disturbing. Fully six out of these seven VA healthcare officials stated that their facilities may be unable to handle the influx of new veterans needing PTSD treatment. Six out of seven!

In addition, another set of internal VA mental health professionals has repeatedly recommended that VA expand its capability to treat PTSD. The Department's own Special Committee on Post-Traumatic Stress Disorder has issued a long list of recommended improvements. When the Government Accountability Office studied the progress on implementing these expert recommendations, it found that the Department of Veterans Affairs hadn't fully implemented any of them.

Enough is enough!

When the VA fails to count its current PTSD patients; when the VA consistently underestimates its number of future patients; when the VA ignores the improvement recommendations of its own internal mental health professionals it is time for Congress to step in, demonstrate the leadership that is required, and take action to provide the treatment capability that our veterans deserve.

The bill I am introducing today accomplishes this by requiring the Department of Veterans Affairs to implement three of the key treatment improvement recommendations made by the Department's own Special Committee on Post-Traumatic Stress Disorder.

The bill requires the Secretary of Veterans Affairs to do three things. First, it requires the Secretary to establish a Post-Traumatic Stress Disorder Clinical Team at every Medical Center within the Department of Veterans Affairs. Second, it requires the Secretary to provide a certified family therapist within each Vet Center. Finally, the bill requires the appointment of a regional PTSD Coordinator within each Veteran Integrated Service Network (VISN) and Readjustment Counseling Service region to evaluate programs, promote best practices and make resource recommendations.

Let me explain the importance of these three provisions.

The majority of the major VA hospitals already have a clinical team of mental health experts focused on providing treatment for post-traumatic stress disorder. These teams include psychiatrists, psychologists, and psychotherapists who bring their varied skills together. However, approximately 60 of our VA hospitals currently do not have a PTSD clinical team. This bill requires that these teams be established.

Nationwide, the Department of Veterans Affairs operates 207 ''Vet Centers.'' The community-based, informal atmosphere of these centers has proven to be a highly effective way to provide counseling and other services to veterans who might not want or be able to go to a formal VA hospital for help. The Special Committee has recognized the importance of family relationships in helping veterans deal with their PTSD and has recommended that there be a certified marriage and family therapist at each Vet Center.

Currently only 17 centers have these specialists on staff. This bill helps keep families strong for our veterans by adding 190 family therapists to Vet Centers nationwide.

Finally, the bill ensures that PTSD treatment capability gets the attention and management needed to keep it strong by requiring the appointment of PTSD coordinators at the regional level.

Altogether, this bill will add about 400 mental health professionals to the Department of Veterans Affairs' capability to treat those of our veterans whose wounds are not visible, whose thoughts are continually troubled by the horrors of war, who need just a little help to get past the nightmares and get their life back on track.

Even the toughest of warriors can have troubled feelings following the stress of combat. It is no sign of weakness—it is no sign of failure to ask for a little help in getting past some of those feelings. That message must be clearly conveyed to all of our veterans.

By acting now, we can ensure that this help is available to our veterans when they return. This is crucial because the effects of post-traumatic stress disorder are sometimes left undiagnosed and untreated for years. If we delay, we virtually guarantee a future shortage of treatment capability and, in so doing, we lay the groundwork for the plague of drug abuse, domestic violence, homelessness, unemployment and even suicide that so often is the result of post-traumatic stress disorder which is left untreated.

America's newest generation of young veterans certainly deserve better than that!

We in the Congress can step up and require that the Department of Veterans Affairs hire a full staff of mental health professionals that can help our veterans to move past the psychological trauma of war and to lead healthy, happy and productive lives.

I encourage my colleagues to join me in supporting our returning veterans by supporting the Post-Traumatic Stress Disorder Treatment Improvement Act.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1448

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 ''Post-Traumatic Stress Disorder Treatment Improvement Act''.

SEC. 2. IMPROVED TREATMENT OF POST-TRAUMATIC STRESS DISORDER.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall—

(1) establish a post-traumatic stress disorder clinical team at every Medical Center of the Department of Veterans Affairs;

(2) provide a certified family therapist for each Vet Center of the Department of Veterans Affairs; and

(3) appoint a post-traumatic stress disorder coordinator within each Veteran Integrated Service Network and within each Readjustment Counseling Service Region.

(b) DUTIES OF PTSD COORDINATOR.—Each coordinator appointed for a network or region under subsection (a)(3) shall—

(1) evaluate post-traumatic stress disorder and family therapy treatment programs within the network or region;

(2) identify and disseminate best practices on evaluation and treatment of post-traumatic stress disorder, and on family therapy treatment, within the network or region and to other networks and regions; and

(3) recommend the resource allocation necessary to meet post-traumatic stress disorder and family therapy treatment needs within the network or region.

(c) WAIVER.—Beginning on the date that is 5 years after the date of the enactment of this Act, the Secretary of Veterans Affairs may waive any requirement of this Act for the fiscal year beginning after that date if the Secretary, not later than 90 days before the beginning of such fiscal year, submits to Congress a report—

(1) notifying Congress of the proposed waiver;

(2) explaining why the requirement is not necessary; and

(3) describing how post-traumatic stress disorder services and family therapy services will be provided to all veterans who may need such services.

By Mr. SHELBY:

S. 1461. A bill to establish procedures for the protection of consumers from misuse of, and unauthorized access to, sensitive personal information contained in private information files maintained by commercial entities engaged in, or affecting, interstate commerce, provide for enforcement of those procedures by the Federal Trade Commission, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. SHELBY. Mr. President, I rise today to introduce the Consumer Identity Protection and Security Act. This legislation provides consumers the ability to place credit freezes on their credit reports.

My sole intent in introducing this legislation is to address a jurisdictional question that has recently arisen with respect to the Fair Credit Reporting Act. I want to make sure that the referral precedent with respect to legislation that amends the Fair Credit Reporting Act, or touches upon the substance covered by that Act, is entirely clear. I believe the Parliamentarian's decision to refer this bill to the Senate Banking Committee establishes that there is no question in this regard and that this subject matter is definitively and singularly in the jurisdiction of the Senate Banking Committee.

By Mr. BROWNBACK (for himself, Mr. CORZINE, Mr. DEWINE, Mr. DURBIN, Mr. COBURN, Mr. LAUTENBERG, Mr. SCHUMER, Mr. BINGAMAN, Mr. COLEMAN, Mr. TALENT, Mr. SALAZAR, Mrs. DOLE, and Mr. BAYH):

S. 1462. A bill to promote peace and accountability in Sudan, and for other purposes; to the Committee on Foreign Relations.

Mr. BROWNBACK. Mr. President, I rise with my colleague Senator CORZINE and 11 other cosponsors to introduce the Darfur Peace and Accountability Act of 2005. I applaud Senator CORZINE for his tireless work on this issue—he has traveled on several occasions to Sudan, and was instrumental in moving the U.S. to declare the atrocities genocide. In addition, there is a strong bipartisan coalition forming to address one of the greatest moral issues that faces our world today.

I wish to thank many of my colleagues for their support for the Darfur Accountability Act that was introduced in March and passed unanimously by this body as an amendment to the Emergency Supplemental. Unfortunately, that provision was stripped in conference.

Since that time, several relevant U.N. Security Council resolutions have been passed, NATO has committed to assisting the African Union Mission in Sudan (AMIS), and the National Unity Government of Sudan was established just two weeks ago on July 9, following the Comprehensive Peace Agreement between the North and the South. While we applaud the recent peace agreement ending the longest civil war in Africa, we pause with great concern that genocide continues in Darfur. There can be no comprehensive peace in Sudan until the crisis in Darfur has been resolved.

Just today news reports were swarming about the Sudanese officials who manhandled Secretary Rice's staff and reporters during their meeting with President Bashir. When a U.S. reporter asked a question about the killing of innocent civilians, she was taken by the arm and promptly removed from the meeting.

It is unfortunate that the ''international incident'' not being reported is about the hundreds of thousands of lives lost, or the 2 million refugees who live day to day on inadequate portions of food and very little clean water.

In remarks prior to the G–8 summit on June 30, 2005, President Bush declared, ''the violence in Darfur is clearly genocide,'' and ''the human cost is beyond calculation.''

While momentum for international support to end this crisis has been building, the violence and humanitarian crisis continues. Rape is still being used as weapon against women. Some women who have become pregnant due to brutal rape, have been forced to abort their babies and other women have been imprisoned for bearing illegitimate children. In addition, the government seems to be prepared to raze the Kalma refugee camp of 120,000 people against their wishes, sending them back into areas where there is no security against these rapes and killings.

I remind my colleagues that it was one year ago, on July 22, we stood together in Congress to denounce the atrocities in Darfur as genocide. Twelve long months later is not the time to start thinking about easing sanctions or restoring certain diplomatic ties, rather it is time to address the needs of the African Union and it is time to sanction those responsible for genocide.

That is why we are joining with colleagues in the House to introduce new bipartisan legislation called the Darfur Peace and Accountability act of 2005. This bill increases pressure on Khartoum, provides greater support to the African Union mission in Darfur to help protect civilians, imposes sanctions on individuals responsible for atrocities, and encourages the appointment of a U.S. special envoy to help advance a peace process for Darfur. I applaud our colleagues in the House, including Congressmen HYDE, TANCREDO, PAYNE, WOLF, SMITH and others, who have diligently worked with us to ensure a strong piece of legislation that we hope will move quickly and be enacted so that we may provide further relief to the suffering victims.

I urge my colleagues to support this very important piece of legislation. For the first time in history we publicly speak of genocide while it is underway, yet we have broken our promise of ''Never Again.'' We can no longer be indifferent to the suffering Africans of Darfur. We have got to move beyond partisan politics, and agree on the fundamentals that will help save lives immediately.

Mr. CORZINE. Mr. President, I rise today to introduce the Darfur Peace and Accountability Act. This bill, which is the latest version of legislation Senator BROWNBACK and I have been pushing for almost six months, will provide the tools and authorizations and put forth the policies necessary to stop the genocide in Darfur. This bill also has support in the House, where it has been introduced by Representatives HYDE, PAYNE and others.

Sudan is in the news today because of Secretary Rice's trip, and because of the rough treatment her entourage has received. But let's not lose sight of what has happened in Sudan over the last two years, and what is still happening. 2 million Darfurian civilians have been displaced from their homes. 1.8 million have been forced into camps in Darfur. There are 200,000 Darfur refugees in Chad. Hundreds of thousands have died, with some estimates up to 400,000. The Government of Sudan and the janjaweed militias it supports are responsible for systematic, targeted and premeditated violence, including murder and rape.

It was one year ago tomorrow that the Senate recognized these atrocities as genocide. One long, horrible, violent, tragic year for the people of Darfur.

We can stop this genocide, and we know how to do it. It just takes the will.

Three months ago, the Senate passed the Darfur Accountability Act as an amendment to the Supplemental Appropriations bill. Despite overwhelming bipartisan support, it was stripped out in conference. Meanwhile, the genocide continued and now we are forced to revisit many of the same issues.

First, it is time we put real pressure on the Government of Sudan. While I welcome Secretary Rice's trip to Sudan, and Deputy Secretary Zoellick's two trips, diplomacy only goes so far. When the world threatens sanctions, Khartoum moderates its behavior. This bill calls for a UN Security Council resolution to impose real sanctions on the Government of Sudan.

Second, we need boots on the ground. When I visited Darfur in August last year, there were only a couple hundred African Union troops on the ground. There are not more than 3,000. But this number is far from adequate to patrol a region the size of Texas. There are over 50,000 police officers in Texas, yet we are still struggling to deploy 7,000 AU soldiers in Darfur, where genocide and civil war are raging, and where transportation and communications are limited.

The AU has been effective where it is deployed and I applaud the AU's leadership on this issue. But we have to be realistic about what they are up against. They need an explicit mandate to protect civilians and they need much more support.

It also requires that, 30 days after we learn the names of those the UN has identified as having committed atrocities, the President report to Congress on whether he is sanctioning those people and the reasons for his decision.

This is not about the past. Those who have committed genocide are still

doing so. While we debate this legislation, brutal killers continue to terrorize the people of Darfur with impunity. They must be named, they must be sanctioned, and they must be brought to justice.

Fifth, we need a Special Presidential Envoy. Secretary Rice and Deputy Secretary Zoellick simply cannot devote themselves full time to this crisis.

A high-profile envoy will make sustain the pressure on the Government, get the UN Security Council to act, keep tract of what the African Union really needs to be effective and accelerate NATO involvement, and make sure that peace talks with the Darfur rebels don't drift. A Special Envoy will be able to visit all of Darfur, not just the camps that have been cleaned up for visiting VIPs. And a Special Envoy will be able to address related problems, from northern Uganda to Sudan's troubled East.

We can do all of this. We just need the political will But, that has always been the problem. From Cambodia to the Balkans to Rwanda, we failed to act or acted too late. And this time, we can't even claim not to know what is happening. We know all too well.

We can't claim that we haven't had the time to act. It's been a year since we declared the atrocities in Darfur to be genocide. We can't claim that we are not responsible. What greater responsibility can there be than to stop a genocide?

We're out of excuses, and we're out of time. I hope this bipartisan bill and its House counterpart are quickly passed. I urge my colleagues to support this bill.

By Mr. KERRY:

S. 1463. A bill to clarify that the Small Business Administration has authority to provide emergency assistance to non-farm-related small business concerns that have suffered substantial economic harm from drought; to the Committee on Small Business and Entrepreneurship.

Mr. KERRY. Mr. President, drought continues to be a serious problem for many States in this country, and I rise to re-introduce legislation to help small businesses that need disaster assistance but can't get it through the Small Business Administration's disaster loan program.

You see, the SBA doesn't treat all drought victims the same. The Agency only helps those small businesses whose income is tied to farming and agriculture. However, farmers and ranchers are not the only small business owners whose livelihoods are at risk when drought hits their communities. The impact can be just as devastating to the owners of rafting businesses, marinas, and bait and tackle shops. Sadly, these small businesses cannot get help through the SBA's disaster loan program because of something taxpayers hate about government—buraucracy.

The SBA denies these businesses access to disaster loans because its lawyers say drought is not a sudden event and therefore it is not a disaster by definition. However, contrary to the Agency's position that drought is not a disaster, in July of 2002, when this Act was originally introduced, the SBA had in effect drought disaster declarations in 36 States. As of July 2005, 11 States remain declared drought disasters and 19 States are suffering from severe to extreme drought conditions. Adding insult to injury, in those States where the Agency declares drought disaster, it limits assistance to only farm-related small businesses. Take, for instance, South Carolina. A couple of years ago that entire State had been declared a disaster by the SBA, but the Administration would not help all drought victims. Let met read to you from the declaration:

Small businesses located in all 46 counties may apply for economic injury disaster loan assistance through the SBA. These are working capital loans to help the business continue to meet its obligations until the business returns to normal conditions. . . . Only small, non-farm agriculture dependent and small agricultural cooperative are eligible to apply for assistance. Nurseries are also eligible for economic injury caused by drought conditions.

The SBA has the authority to help all small businesses hurt by drought in declared disaster areas, but the Agency won't do it. For years the Agency has been applying the law unfairly, helping some and not others, and it is out of compliance with the law. The Small Business Drought Relief Act of 2005 would force SBA to comply with existing law, restoring fairness to an unfair system, and get help to small business drought victims that need it.

Time is of the essence for drought victims, and I am hopeful that Congress will consider passing this legislation soon. This Act has been thoroughly reviewed, passing the committee of jurisdiction three times and the Senate twice, with supporters numbering up to 25, from both sides of the aisle. In addition to approval by the committee of jurisdiction, OMB approved virtually identical legislation in 2003. The bill I am introducing today includes those changes we worked out with the Administration, and I see no reason for delay.

I thank Senators SNOWE and BOND, our current and past chairs, both of whom have been supportive of this legislation each time it was introduced and passed.

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. 1463

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 as the ''Small Business Drought Relief Act of 2005''.

SEC. 2. FINDINGS.

Congress finds that—

(1) as of July 2002, when this Act was originally introduced in the 107th Congress as Senate Bill S. 2734, more than 36 States (including Massachusetts, Montana, Texas, and Nevada) had suffered from continuing drought conditions;

(2) as of July 2005, drought continues to be a serious national problem, with 19 States suffering from severe to extreme drought conditions;

(3) droughts have a negative effect on State and regional economies;

(4) many small businesses in the United States sell, distribute, market, or otherwise engage in commerce related to water and water sources, such as lakes, rivers, and streams;

(5) many small businesses in the United States suffer economic injury from drought conditions, leading to revenue losses, job layoffs, and bankruptcies;

(6) these small businesses need access to low-interest loans for business-related purposes, including paying their bills and making payroll until business returns to normal;

(7) absent a legislative change, the practice of the Small Business Administration of permitting only agriculture and agriculture-related businesses to be eligible for Federal disaster loan assistance as a result of drought conditions would likely continue;

(8) during the past several years small businesses that rely on the Great Lakes have suffered economic injury as a result of lower than average water levels, resulting from low precipitation and increased evaporation, and there are concerns that small businesses in other regions could suffer similar hardships beyond their control and that they should also be eligible for assistance; and

(9) it is necessary to amend the Small Business Act to clarify that non-farm-related small businesses that have suffered economic injury from drought are eligible to receive financial assistance through Small Business Administration Economic Injury Disaster Loans.

SEC. 3. DISASTER RELIEF FOR SMALL BUSINESS CONCERNS DAMAGED BY DROUGHT.

(a) DROUGHT DISASTER AUTHORITY.—

(1) DEFINITION OF DISASTER.—Section 3(k) of the Small Business Act (15 U.S.C. 632(k)) is amended—

(A) by inserting ''(1)'' after ''(k)''; and

(B) by adding at the end the following:

''(2) For purposes of section 7(b)(2), the term 'disaster' includes—

''(A) drought; and

''(B) below average water levels in the Great Lakes, or on any body of water in the United States that supports commerce by small business concerns.''

(2) DROUGHT DISASTER RELIEF AUTHORITY.—Section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) is amended—

(A) by inserting ''(including drought), with respect to both farm-related and non-farm-related small business concerns,'' before ''if the Administration''; and

(B) in subparagraph (B), by striking ''the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961)'' and inserting the following: ''section 321 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961), in which case, assistance under this paragraph may be provided to farm-related and non-farm-related small business concerns, subject to the other applicable requirements of this paragraph''.

(b) LIMITATION ON LOANS.—From funds otherwise appropriated for loans under section 7(b) of the Small Business Act (15 U.S.C. 636(b)), not more than $9,000,000 may be used during each of fiscal years 2005 through 2008, to provide drought disaster loans to non-farm-related small business concerns in accordance with this Act and the amendments made by this Act.

(c) PROMPT RESPONSE TO DISASTER REQUESTS.—Section 7(b)(2)(D) of the Small Business Act (15 U.S.C. 636(b)(2)(D)) is amended by striking ''Upon receipt of such certification, the Administration may'' and inserting ''Not later than 30 days after the date of receipt of such certification by a Governor of a State, the Administration shall respond in writing to that Governor on its determination and the reasons therefore, and may''.

SEC. 4. RULEMAKING.

Not later than 45 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall promulgate final rules to carry out this Act and the amendments made by this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 203—RECOGNIZING THE 75TH ANNIVERSARY OF THE ESTABLISHMENT OF THE VETERANS' ADMINISTRATION AND ACKNOWLEDGING THE ACHIEVEMENTS OF THE VETERANS' ADMINISTRATION AND THE DEPARTMENT OF VETERANS AFFAIRS

Mr. CRAIG (for himself and Mr. AKAKA) submitted the following resolution; which was considered and agreed to:

S. RES. 203

Whereas in the history of the United States more than 48,000,000 citizen-soldiers have served the United States in uniform and more than 1,000,000 have given their lives as a consequence of their duties;

Whereas as of July 21, 2005, there are more than 25,000,000 living veterans;

Whereas on March 4, 1865, President Abraham Lincoln expressed in his Second Inaugural Address the obligation of the United States ''to care for him who shall have borne the battle and for his widow and his orphan'';

Whereas on July 21, 1930, President Herbert Hoover issued an executive order creating a new agency, the Veterans' Administration, to ''consolidate and coordinate Government activities affecting war veterans'';

Whereas on October 25, 1988, President Ronald Reagan signed into law the Department of Veterans Affairs Act (Public Law 100-527; 102 Stat. 2635), effective March 15, 1989, redesignating the Veterans' Administration as the Department of Veterans Affairs and establishing it as an executive department with the mission of providing Federal benefits to veterans and their families; and

Whereas in 2005, the 230,000 employees of the Department of Veterans Affairs continue the tradition of their predecessors of caring for the veterans of the United States with dedication and compassion and upholding the high standards required of them as stewards of the gratitude of the public to those veterans: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 75th anniversary of the establishment of the Veterans' Administration; and

(2) acknowledges the achievements of the employees of the Veterans' Administration and the Department of Veterans Affairs and commends these employees for serving the veterans of the United States.

Mr. CRAIG. Mr. President, I seek recognition today to submit a resolution recognizing the 75th anniversary of the establishment of the Veterans' Administration and acknowledging the achievements of the employees, past and present, of the Veterans' Administration and the Department of Veterans Affairs. As Chairman of the Senate Veterans' Affairs Committee, I am honored to offer public recognition of this auspicious anniversary and, more importantly, the fine work being done every day by over 230,000 VA employees.

The Veterans' Administration was created by an Executive Order signed by President Herbert Hoover on July 21, 1930, 75 years ago today. Prior to 1930, of course, Federal programs existed to assist war veterans. For example, early in the Revolutionary War, the Continental Congress created the first veterans' benefits package, which included life-long pensions for both disabled veterans and the survivors of soldiers killed in battle. Other veterans benefits—for example, ''mustering out'' pay—were also provided to veterans of the War of 1812, the Mexican War, the Civil War, the Indian wars, and the Spanish-American War, and the first educational assistance benefits for veterans were enacted as part of the Rehabilitation Act of 1919 which provided for a monthly education assistance allowance to disabled World War I veterans. But it was not until 1930—75 years ago today—that a Federal agency recognizable by today's standards was created by President Hoover.

The VA has a unique place in history having administered one of the most significant pieces of legislation ever enacted in the Nation's history, the ''Servicemen's Readjustment Act of 1944,'' better known as the ''GI Bill of Rights.'' This legislation, it is now generally recognized, revolutionized American society after World War II by providing educational opportunity to an entire generation of Americans—opportunity which otherwise would not have been available and which changed the Nation and ushered in the space age. During the period, VA's capability to provide medical care and rehabilitation services to disabled and needy veterans also grew significantly, leading ultimately to a health care system which is today recognized as a provider of ''the best care, anywhere.''

In the Nation's history, more than 48 million citizen-soldiers have worn the uniform, and more than 1 million have perished as a result of their service. More than 25 million men and women are alive today who proudly acknowledge the title ''veteran''. The Department of Veterans Affairs, as VA is designated today, exists solely for the reason articulated by President Abraham Lincoln in his Second Inaugural Address: ''. . . to care for him who shall have borne the battle and for his widow and his orphan.'' I applaud the efforts of the more than 230,000 VA employees who keep faith, every day, with President Lincoln's words. They—and we—could have no higher calling.

SENATE RESOLUTION 204—RECOGNIZING THE 75TH ANNIVERSARY OF THE AMERICAN ACADEMY OF PEDIATRICS AND SUPPORTING THE MISSION AND GOALS OF THE ORGANIZATION

Mr. DURBIN (for himself, Mr. BINGAMAN, Mr. CHAFEE, Mrs. CLINTON, Mr. DEWINE, Mr. DODD, Mr. GRASSLEY, Mr. HARKIN, Mr. INOUYE, Mr. KENNEDY, Mr. LAUTENBERG, Mr. LEAHY, Mr. OBAMA, Mr. REED, Mr. REID, and Mr. ROCKEFELLER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 204

Whereas 2005 marks the 75th anniversary of the American Academy of Pediatrics (referred to in this resolution as the ''Academy'');

Whereas in 1930, 35 pediatricians founded the Academy to attain optimal physical, mental, and social health and well-being for all infants, children, adolescents, and young adults;

Whereas in 2005, the Academy is the largest membership organization in the United States dedicated to child and adolescent health and well-being, with more than 60,000 primary care pediatricians, pediatric medical subspecialists, and pediatric surgical specialists belonging to its 59 chapters in the United States and 7 chapters in Canada;

Whereas, in addition to promoting good physical health, the Academy also promotes early childhood education, good mental health, reading, environmental health, safety, pediatric research, and the elimination of disparities in health care;

Whereas the Academy serves as a voice for the most vulnerable people in the United States by advocating for the needs of children with special health care needs, low-income families, victims of abuse and neglect, individuals in under-served communities, and the uninsured;

Whereas the Academy is dedicated to improving child health and well-being through numerous efforts and initiatives, including continuing medical education, the promotion of optimal standards for pediatric education, the authorship and dissemination of materials which advance its mission, and advocacy on improvements in child health;

Whereas the Academy promotes the use of evidence-based research and ''best practices'' to drive major improvements in child health and well-being, such as the use of immunizations to decrease the rates of infectious childhood diseases;

Whereas the Academy promotes the pediatric ''medical home'' as the most effective approach to guaranteeing the highest quality care for all children;

Whereas the Academy provides international leadership on child health issues, including translating child health materials into more than 40 languages;

Whereas Academy members have organized numerous child health initiatives at the State and community levels; and

Whereas, throughout its history, the Academy has been instrumental in the passage of several Federal child health laws, including poison prevention measures, the medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), Federal child safety seat initiatives, the State Children's Health Insurance Program under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.), universal immunization, and the Best Pharmaceuticals for Children Act (Public Law 107-109): Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 75th anniversary of the American Academy of Pediatrics;

(2) supports the mission and goals of the Academy;

(3) commends the Academy for its commitment to attaining optimal physical, mental, and social health and well-being for all infants, children, adolescents, and young adults;

(4) encourages the people of the United States to observe this anniversary and support the Academy on behalf of the children of the United States; and

(5) encourages the Academy to continue striving to improve the health and well-being of all infants, children, adolescents, and young adults of the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1337. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table.

SA 1338. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1339. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1340. Mr. WYDEN (for himself and Mr. SMITH) submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1341. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1342. Mr. FRIST (for himself, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BENNETT, Mr. BINGAMAN, Mr. BOND, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. BURR, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. DEMINT, Mrs. DOLE, Mr. DOMENICI, Mr. ENSIGN, Mr. ENZI, Mr. GRAHAM, Mr. GRASSLEY, Mr. HAGEL, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. ISAKSON, Mr. KYL, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCONNELL, Ms. MURKOWSKI, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. PRYOR, Mr. ROBERTS, Mr. SANTORUM, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Mr. STEVENS, Mr. SUNUNU, Mr. TALENT, Mr. THOMAS, Mr. THUNE, Mr. VITTER, Ms. LANDRIEU, and Mr. WARNER) proposed an amendment to the bill S. 1042, supra.

SA 1343. Mr. ALLEN submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1344. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1345. Ms. COLLINS (for herself, Mr. AKAKA, Mr. LIEBERMAN, Mr. CARPER, and Mr. OBAMA) submitted an amendment intended to be proposed by her to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1346. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1347. Mrs. CLINTON (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1348. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1349. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1350. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1351. Mr. LAUTENBERG (for himself, Mr. CORZINE, Mrs. CLINTON, and Mr. FEINGOLD) proposed an amendment to the bill S. 1042, supra.

SA 1352. Mr. REED (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1353. Mr. SHELBY submitted an amendment intended to be proposed to amendment SA 1311 proposed by Mr. INHOFE to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1354. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1355. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1356. Mr. DEWINE submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1357. Mrs. HUTCHISON (for herself, Mr. NELSON of Florida, and Mr. SESSIONS) submitted an amendment intended to be proposed by her to the bill S. 1042, supra.

SA 1358. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1359. Mr. THOMAS (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1360. Mr. GRASSLEY (for himself and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1361. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1362. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1363. Mr. GRAHAM (for himself, Mrs. CLINTON, Mr. LEAHY, Mr. LAUTENBERG, Mr. DEWINE, Mr. KERRY, Mr. PRYOR, Mr. REID, Mr. COLEMAN, Mr. DAYTON, Mr. ALLEN, Ms. CANTWELL, Ms. MURKOWSKI, Mr. WARNER, Mr. LEVIN, and Mrs. MURRAY) proposed an amendment to the bill S. 1042, supra.

SA 1364. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1365. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1366. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1367. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1368. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1369. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1370. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1371. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1372. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1373. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1374. Mr. ENSIGN proposed an amendment to the bill S. 1042, supra.

SA 1375. Mr. ENSIGN proposed an amendment to the bill S. 1042, supra.

SA 1376. Mr. LEVIN (for himself, Mr. WARNER, and Mr. KERRY) proposed an amendment to the bill S. 1042, supra.

SA 1377. Ms. COLLINS proposed an amendment to amendment SA 1351 proposed by Mr. LAUTENBERG (for himself, Mr. CORZINE, Mrs. CLINTON, and Mr. FEINGOLD) to the bill S. 1042, supra.

SA 1378. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1379. Mr. DURBIN (for himself and Mrs. FEINSTEIN) proposed an amendment to the bill S. 1042, supra.

SA 1380. Mr. LUGAR (for himself, Mr. LEVIN, Mr. DOMENICI, Mr. OBAMA, Mr. LOTT, Mr. JEFFORDS, Mr. NELSON of Florida, Mr. VOINOVICH, Mr. DODD, Mr. LEAHY, Mr. NELSON of Nebraska, Ms. MURKOWSKI, Mr. KENNEDY, Mr. CHAFEE, Ms. COLLINS, Mr. ALEXANDER, Mr. ALLEN, Mr. SALAZAR, Mr. HAGEL, Mr. DEWINE, Mr. REED, Mr. DORGAN, Mrs. CLINTON, Ms. MIKULSKI, Mr. BIDEN, Ms. STABENOW, Mr. BINGAMAN, Mr. AKAKA, Mr. LAUTENBERG, Mrs. FEINSTEIN, Mr. ENZI, Mr. CONRAD, Mrs. BOXER, Mr. DURBIN, Mr. SARBANES, Ms. LANDRIEU, Mr. SUNUNU, Mr. BAYH, Mr. SMITH, and Mr. CARPER) proposed an amendment to the bill S. 1042, supra.

SA 1381. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1382. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1383. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1384. Mr. BYRD submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1385. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1386. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1387. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1388. Mr. INHOFE submitted an amendment intended to be proposed by him to the

bill S. 1042, supra; which was ordered to lie on the table.

SA 1389. Mr. THUNE (for himself, Mr. LIEBERMAN, Ms. SNOWE, Mr. LAUTENBERG, Mr. JOHNSON, Mr. DODD, Ms. COLLINS, Mr. CORZINE, Mr. BINGAMAN, and Mr. DOMENICI) proposed an amendment to the bill S. 1042, supra.

SA 1390. Mr. WARNER proposed an amendment to the bill S. 1042, supra.

SA 1391. Mr. WARNER (for Mr. WYDEN (for himself and Mr SMITH)) proposed an amendment to the bill S. 1042, supra.

SA 1392. Mr. WARNER proposed an amendment to the bill S. 1042, supra.

SA 1393. Mr. WARNER (for Mr. INOUYE) proposed an amendment to the bill S. 1042, supra.

SA 1394. Mr. WARNER (for Mr. SESSIONS) proposed an amendment to the bill S. 1042, supra.

SA 1395. Mr. WARNER (for Mr. REED) proposed an amendment to the bill S. 1042, supra.

SA 1396. Mr. WARNER (for Mr. STEVENS) proposed an amendment to the bill S. 1042, supra.

SA 1397. Mr. WARNER (for Mrs. FEINSTEIN) proposed an amendment to the bill S. 1042, supra.

SA 1398. Mr. WARNER (for Mr. LOTT (for himself and Mr. COCHRAN)) proposed an amendment to the bill S. 1042, supra.

SA 1399. Mr. WARNER (for Mrs. FEINSTEIN (for herself and Mr. GRASSLEY)) proposed an amendment to the bill S. 1042, supra.

SA 1400. Mr. WARNER (for Mr. LOTT) proposed an amendment to the bill S. 1042, supra.

SA 1401. Mr. KENNEDY (for himself, Ms. COLLINS, Mrs. CLINTON, Mr. ROBERTS, Ms. MIKULSKI, Mr. SANTORUM, Mr. LIEBERMAN, and Mrs. DOLE) submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1402. Mr. AKAKA (for himself, Mr. COCHRAN, and Mr. DODD) submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table

SA 1403. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1404. Mr. AKAKA (for himself and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1405. Mr. ALLARD (for himself and Mr. MCCONNELL) submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1406. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1407. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1408. Mr. HAGEL submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1409. Mr. HAGEL submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1410. Mrs. FEINSTEIN (for herself and Mr. HAGEL) submitted an amendment intended to be proposed by her to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1411. Mr. WARNER (for Mr. ENZI (for himself, Mr. JEFFORDS, Mr. GREGG, Mr. KENNEDY, Mr. FRIST, Mrs. MURRAY, and Mr. BINGAMAN)) proposed an amendment to the bill S. 544, 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 effect patient safety.

SA 1412. Mr. HATCH (for himself, Mr. INHOFE, Mr. BENNETT, and Mr. CHAMBLISS) submitted an amendment Intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1337. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

SEC. 642. INCLUSION OF VETERANS WITH SERVICE-CONNECTED DISABILITIES RATED AS TOTAL BY REASON OF UNEMPLOYABILITY UNDER TERMINATION OF PHASE-IN OF CONCURRENT RECEIPT OF RETIRED PAY AND VETERANS' DISABILITY COMPENSATION.

(a) INCLUSION OF VETERANS.—Section 1414(a)(1) of title 10, United States Code, is amended by inserting ''or a qualified retiree receiving veterans' disability compensation for a disability rated as total (within the meaning of subsection (e)(3)(B))'' after ''rated as 100 percent''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on December 31, 2004.

SA 1338. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following;

SEC. 573. REQUIREMENT FOR MEMBERS OF THE ARMED FORCES TO DESIGNATE A PERSON TO BE AUTHORIZED TO DIRECT THE DISPOSITION OF THE MEMBER'S REMAINS.

(a) DESIGNATION REQUIRED.—Section 655 of title 10, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection (b):

''(b) The Secretary concerned shall, upon the enlistment or appointment of a person in the armed forces, require that the person specify in writing the person authorized to direct the disposition of the person's remains under section 1482 of this title. The Secretary shall periodically, and whenever the member is deployed as part of a contingency operation or in other circumstances specified by the Secretary, require that such designation be reconfirmed, or modified, by the member.''.

(b) CHANGE IN DESIGNATION.—Subsection (c) of such section, as redesignated by subsection (a)(1), is amended by inserting ''or (b)'' after ''subsection (a)''.

(c) PERSONS AUTHORIZED TO DIRECT DISPOSITION OF REMAINS.—Section 1482(c) of such title is amended—

(1) by striking the matter preceding paragraph (1) and inserting the following:

''(c) The person designated under section 655(b) of this title shall be considered for all purposes to be the person designated under this subsection to direct disposition of the remains of a decedent covered by this chapter. If the person so designated is not available, or if there was no such designation under that section one of the following persons, in the order specified, shall be the person designated to direct the disposition of remains:'' and

(2) in paragraph (4), by striking ''clauses (1)–(3)'' and inserting ''paragraph (1), (2), or (3)''.

(d) EFFECTIVE DATE.—Subsection (b) of section 655 of title 10, United States Code, as added by subsection (a)(2), shall take effect at the end of the 30-day period beginning on the date of the enactment of this Act and shall be applied to persons enlisted or appointed in the Armed Forces after the end of such period. In the case of persons who are members of the Armed Forces as of the end of such 30-day period, such subsection—

(1) shall be applied to any member who is deployed to a contingency operation after the end of such period; and

(2) in the case of any member not sooner covered under paragraph (1), shall be applied before the end of the 180-day period beginning on the date of the enactment of this Act.

(e) TREATMENT OF PRIOR DESIGNATIONS.—

(1) IN GENERAL.—A qualifying designation by a decedent covered by section 1481 of title 10, United States Code, shall be treated for purposes of section 1482 of such title as having been made under section 655(b) of such title.

(2) QUALIFYING DESIGNATIONS.—For purposes of paragraph (1), a qualifying designation is a designation by a person of the person to be authorized to direct disposition of the remains of the person making the designation that was made before the date of the enactment of this Act and in accordance with regulations and procedures of the Department of Defense in effect at the time.

SA 1339. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 303, strike line 3 and all that follows through page 304, line 24, and insert the following:

(3) For other procurement, $105,000,000.

(b) AVAILABILITY OF CERTAIN AMOUNTS.—Of the amount authorized to be appropriated by subsection (a)(3), $105,000,000 shall be available for the procurement of so-called ''b'' armor kits for M1151 and M1152 high mobility multipurpose wheeled vehicles.

SEC. 1404. MARINE CORPS PROCUREMENT.

(a) MARINE CORPS PROCUREMENT.—Funds are hereby authorized to be appropriated for fiscal year 2006 for the procurement account of the Marine Corps in the amount of $340,400,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by subsection (a), $340,000,000 shall be available for purposes as follows:

(1) Procurement of Up-Armored Humvees.

(2) Procurement of so-called ''b'' armor kits for M1151 and M1152 high mobility multipurpose wheeled vehicles.

(3) Procurement of M1151 and M1152 high mobility multipurpose wheeled vehicles.

SA 1340. Mr. WYDEN (for himself and Mr. SMITH) submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 378, between lines 10 and 11, insert the following:

SEC. 3___. CLARIFICATION OF COOPERATIVE AGREEMENT AUTHORITY UNDER CHEMICAL DEMILITARIZATION PROGRAM.

(a) IN GENERAL.—Section 1412(c)(4) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(c)(4)), is amended—

(1) by inserting ''(A)'' after ''(4)'';

(2) in the first sentence—

(A) by inserting ''and tribal organizations'' after ''State and local governments''; and

(B) by inserting ''and tribal organizations'' after ''those governments'';

(3) in the third sentence—

(A) by striking ''Additionally, the Secretary'' and inserting the following:

''(B) Additionally, the Secretary''; and

(B) by inserting ''and tribal organizations'' after ''State and local governments''; and

(4) by adding at the end the following:

''(C) In this paragraph, the term 'tribal organization' has the meaning given the term in section 4(*l*) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(*l*)).''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a)—

(1) take effect on December 5, 1991; and

(2) apply to any cooperative agreement entered into on or after that date.

SA 1341. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title III, add the following:

SEC. 330. STUDY ON USE OF GROUND SOURCE HEAT PUMPS.

(a) IN GENERAL.—The Secretary of Defense shall conduct a study on the feasibility of the use of ground source heat pumps in current and future Department of Defense facilities.

(b) ELEMENTS.—The study shall include an examination of—

(1) the life cycle costs, including maintenance costs, of the operation of such heat pumps compared to generally available heating, cooling, and water heating equipment;

(2) barriers to installation, such as availability and suitability of terrain; and

(3) such other matters as the Secretary considers appropriate.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the study conducted under subsection (a).

(d) GROUND SOURCE HEAT PUMP DEFINED.—In this section, the term ''ground source heat pump'' means an electric powered system that uses the relatively constant temperature of the earth to provide heating, cooling, or hot water.

SA 1342. Mr. FRIST (for himself, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BENNETT, Mr. BINGAMAN, Mr. BOND, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. BURR, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. DEMINT, Mrs. DOLE, Mr. DOMENICI, Mr. ENSIGN, Mr. ENZI, Mr. GRAHAM, Mr. GRASSLEY, Mr. HAGEL, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. ISAKSON, Mr. KYL, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCONNELL, Ms. MURKOWSKI, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. PRYOR, Mr. ROBERTS, Mr. SANTORUM, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Mr. STEVENS, Mr. SUNUNU, Mr. TALENT, Mr. THOMAS, Mr. THUNE, Mr. VITTER, Ms. LANDRIEU, and Mr. WARNER) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle G of title X, insert the following:

SEC. 1073. SUPPORT FOR YOUTH ORGANIZATIONS.

(a) SHORT TITLE.—This Act may be cited as the ''Support Our Scouts Act of 2005''.

(b) SUPPORT FOR YOUTH ORGANIZATIONS.—

(1) DEFINITIONS.—In this subsection—

(A) the term ''Federal agency'' means each department, agency, instrumentality, or other entity of the United States Government; and

(B) the term ''youth organization''—

(i) means any organization that is designated by the President as an organization that is primarily intended to—

(I) serve individuals under the age of 21 years;

(II) provide training in citizenship, leadership, physical fitness, service to community, and teamwork; and

(III) promote the development of character and ethical and moral values; and

(ii) shall include—

(I) the Boy Scouts of America;

(II) the Girl Scouts of the United States of America;

(III) the Boys Clubs of America;

(IV) the Girls Clubs of America;

(V) the Young Men's Christian Association;

(VI) the Young Women's Christian Association;

(VII) the Civil Air Patrol;

(VIII) the United States Olympic Committee;

(IX) the Special Olympics;

(X) Campfire USA;

(XI) the Young Marines;

(XII) the Naval Sea Cadets Corps;

(XIII) 4-H Clubs;

(XIV) the Police Athletic League;

(XV) Big Brothers—Big Sisters of America; and

(XVI) National Guard Youth Challenge.

(2) IN GENERAL.—

(A) SUPPORT FOR YOUTH ORGANIZATIONS.—No Federal law (including any rule, regulation, directive, instruction, or order) shall be construed to limit any Federal agency from providing any form of support for a youth organization (including the Boy Scouts of America or any group officially affiliated with the Boy Scouts of America) that would result in that Federal agency providing less support to that youth organization (or any similar organization chartered under the chapter of title 36, United States Code, relating to that youth organization) than was provided during the preceding fiscal year.

(B) TYPES OF SUPPORT.—Support described under this paragraph shall include—

(i) holding meetings, camping events, or other activities on Federal property;

(ii) hosting any official event of such organization;

(iii) loaning equipment; and

(iv) providing personnel services and logistical support.

(c) SUPPORT FOR SCOUT JAMBOREES.—

(1) FINDINGS.—Congress makes the following findings:

(A) Section 8 of article I of the Constitution of the United States commits exclusively to Congress the powers to raise and support armies, provide and maintain a Navy, and make rules for the government and regulation of the land and naval forces.

(B) Under those powers conferred by section 8 of article I of the Constitution of the United States to provide, support, and maintain the Armed Forces, it lies within the discretion of Congress to provide opportunities to train the Armed Forces.

(C) The primary purpose of the Armed Forces is to defend our national security and prepare for combat should the need arise.

(D) One of the most critical elements in defending the Nation and preparing for combat is training in conditions that simulate the preparation, logistics, and leadership required for defense and combat.

(E) Support for youth organization events simulates the preparation, logistics, and leadership required for defending our national security and preparing for combat.

(F) For example, Boy Scouts of America's National Scout Jamboree is a unique training event for the Armed Forces, as it requires the construction, maintenance, and disassembly of a ''tent city'' capable of supporting tens of thousands of people for a week or longer. Camporees at the United States Military Academy for Girl Scouts and Boy Scouts provide similar training opportunities on a smaller scale.

(2) SUPPORT.—Section 2554 of title 10, United States Code, is amended by adding at the end the following:

''(i)(1) The Secretary of Defense shall provide at least the same level of support under this section for a national or world Boy Scout Jamboree as was provided under this section for the preceding national or world Boy Scout Jamboree.

''(2) The Secretary of Defense may waive paragraph (1), if the Secretary—

''(A) determines that providing the support subject to paragraph (1) would be detrimental to the national security of the United States; and

''(B) reports such a determination to the Congress in a timely manner, and before such support is not provided.''.

(d) EQUAL ACCESS FOR YOUTH ORGANIZATIONS.—Section 109 of the Housing and Community Development Act of 1974 (42 U.S.C. 5309) is amended—

(1) in the first sentence of subsection (b) by inserting ''or (e)'' after ''subsection (a)''; and

(2) by adding at the end the following:

''(e) EQUAL ACCESS.—

''(1) DEFINITION.—In this subsection, the term 'youth organization' means any organization described under part B of subtitle II of title 36, United States Code, that is intended to serve individuals under the age of 21 years.

''(2) IN GENERAL.—No State or unit of general local government that has a designated open forum, limited public forum, or nonpublic forum and that is a recipient of assistance under this chapter shall deny equal access or a fair opportunity to meet to, or discriminate against, any youth organization, including the Boy Scouts of America or any group officially affiliated with the Boy Scouts of America, that wishes to conduct a meeting or otherwise participate in that designated open forum, limited public forum, or nonpublic forum.''.

SA 1343. Mr. ALLEN submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 237, after line 17, add the following:

SEC. 846. INCREASED LIMIT APPLICABLE TO ASSISTANCE PROVIDED UNDER CERTAIN PROCUREMENT TECHNICAL ASSISTANCE PROGRAMS.

Section 2414(a)(2) of title 10, United States Code, is amended by striking ''$150,000'' and inserting ''$300,000''.

SA 1344. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title X, add following:

SEC. 1009. USE OF FUNDS FOR COSTS ASSOCIATED WITH SPECIAL CATEGORY RESIDENTS AT NAVAL STATION GUANTANAMO BAY, CUBA.

(a) AUTHORIZATION TO USE FUNDS.—The Secretary of the Navy may obligate and expend funds authorized to be appropriated to the Department of the Navy for the purposes of covering the costs associated with Special Category Residents residing at Naval Station Guantanamo Bay, Cuba, including costs associated with medical care, transportation, legal services, and subsistence.

(b) RATIFICATION OF USE OF FUNDS.—Any obligation or expenditure of funds by the Secretary of the Navy for the purposes described in subsection (a) during the period beginning on January 1, 1959, and ending on the date of the enactment of this Act is hereby deemed to have complied with the provisions of section 1301 of title 31, United States Code.

SA 1345. Ms. COLLINS (for herself, Mr. AKAKA, Mr. LIEBERMAN, Mr. CARPER, and Mr. OBAMA) submitted an amendment intended to be proposed by her to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 292, between lines 15 and 16, insert the following:

SEC. 1106. BID PROTESTS BY FEDERAL EMPLOYEES IN ACTIONS UNDER OFFICE OF MANAGEMENT AND BUDGET CIRCULAR A–76.

(a) ELIGIBILITY TO PROTEST.—(1) Section 3551(2) of title 31, United States Code, is amended to read as follows:

''(2) The term 'interested party'—

''(A) with respect to a contract or a solicitation or other request for offers described in paragraph (1), means an actual or prospective bidder or offeror whose direct economic interest would be affected by the award of the contract or by failure to award the contract; and

''(B) with respect to a public-private competition conducted under Office of Management and Budget Circular A–76 regarding performance of an activity or function of a Federal agency, includes—

''(i) any official who submitted the agency tender in such competition; and

''(ii) any one person who, for the purpose of representing them in a protest under this subchapter that relates to such competition, has been designated as their agent by a majority of the employees of such Federal agency who are engaged in the performance of such activity or function.''.

(2)(A) Subchapter V of chapter 35 of such title is amended by adding at the end the following new section:

''§ 3557. Expedited action in protests for Public-Private competitions

''For protests in cases of public-private competitions conducted under Office of Management and Budget Circular A–76 regarding performance of an activity or function of Federal agencies, the Comptroller General shall administer the provisions of this subchapter in a manner best suited for expediting final resolution of such protests and final action in such competitions.''.

(B) The chapter analysis at the beginning of such chapter is amended by inserting after the item relating to section 3556 the following new item:

''3557. Expedited action in protests for public-private competitions.''.

(b) RIGHT TO INTERVENE IN CIVIL ACTION.—Section 1491(b) of title 28, United States Code, is amended by adding at the end the following new paragraph:

''(5) If a private sector interested party commences an action described in paragraph (1) in the case of a public-private competition conducted under Office of Management and Budget Circular A–76 regarding performance of an activity or function of a Federal agency, then an official or person described in section 3551(2)(B) of title 31 shall be entitled to intervene in that action.''.

(c) APPLICABILITY.—Subparagraph (B) of section 3551(2) of title 31, United States Code (as added by subsection (a)), and paragraph (5) of section 1491(b) of title 28, United States Code (as added by subsection (b)), shall apply to—

(1) protests and civil actions that challenge final selections of sources of performance of an activity or function of a Federal agency that are made pursuant to studies initiated under Office of Management and Budget Circular A–76 on or after January 1, 2004; and

(2) any other protests and civil actions that relate to public-private competitions initiated under Office of Management and Budget Circular A–76 on or after the date of the enactment of this Act.

SA 1346. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title V, add the following:

SEC. 596. COLD WAR SERVICE MEDAL.

(a) AUTHORITY.—Chapter 57 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 1135. Cold War service medal

''(a) MEDAL AUTHORIZED.—The Secretary concerned shall issue a service medal, to be known as the 'Cold War service medal', to persons eligible to receive the medal under subsection (b). The Cold War service medal shall be of an appropriate design approved by the Secretary of Defense, with ribbons, lapel pins, and other appurtenances.

''(b) ELIGIBLE PERSONS.—The following persons are eligible to receive the Cold War service medal:

''(1) A person who—

''(A) performed active duty or inactive duty training as an enlisted member during the Cold War;

''(B) completed the person's initial term of enlistment or, if discharged before completion of such initial term of enlistment, was honorably discharged after completion of not less than 180 days of service on active duty; and

''(C) has not received a discharge less favorable than an honorable discharge or a release from active duty with a characterization of service less favorable than honorable.

''(2) A person who—

''(A) performed active duty or inactive duty training as a commissioned officer or warrant officer during the Cold War;

''(B) completed the person's initial service obligation as an officer or, if discharged or separated before completion of such initial service obligation, was honorably discharged after completion of not less than 180 days of service on active duty; and

''(C) has not been released from active duty with a characterization of service less favorable than honorable and has not received a discharge or separation less favorable than an honorable discharge.

''(c) ONE AWARD AUTHORIZED.—Not more than one Cold War service medal may be issued to any person.

''(d) ISSUANCE TO REPRESENTATIVE OF DECEASED.—If a person described in subsection (b) dies before being issued the Cold War service medal, the medal shall be issued to the person's representative, as designated by the Secretary concerned.

''(e) REPLACEMENT.—Under regulations prescribed by the Secretary concerned, a Cold War service medal that is lost, destroyed, or rendered unfit for use without fault or neglect on the part of the person to whom it was issued may be replaced without charge.

''(f) APPLICATION FOR MEDAL.—The Cold War service medal shall be issued upon receipt by the Secretary concerned of an application for such medal, submitted in accordance with such regulations as the Secretary prescribes.

''(g) UNIFORM REGULATIONS.—The Secretary of Defense shall ensure that regulations prescribed by the Secretaries of the military departments under this section are uniform so far as is practicable.

''(h) DEFINITION.—In this section, the term 'Cold War' means the period beginning on September 2, 1945, and ending at the end of December 26, 1991.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1135. Cold War service medal.''.

SA 1347. Mrs. CLINTON (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 653. CONSUMER EDUCATION FOR MEMBERS OF THE ARMED FORCES AND THEIR SPOUSES ON INSURANCE AND OTHER FINANCIAL SERVICES.

(a) EDUCATION AND COUNSELING REQUIREMENTS.—

(1) IN GENERAL.—Chapter 50 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 992. Consumer education: financial services

''(a) REQUIREMENT FOR CONSUMER EDUCATION PROGRAM FOR MEMBERS.—(1) The Secretary concerned shall carry out a program to provide comprehensive education to members of the armed forces under the jurisdiction of the Secretary on—

''(A) financial services that are available under law to members;

''(B) financial services that are routinely offered by private sector sources to members;

''(C) practices relating to the marketing of private sector financial services to members;

''(D) such other matters relating to financial services available to members, and the marketing of financial services to members, as the Secretary considers appropriate; and

''(E) such other financial practices as the Secretary considers appropriate.

''(2) Training under this subsection shall be provided to members as—

''(A) a component of the members' initial entry training;

''(B) a component of each level of the members' professional development training that is required for promotion; and

''(C) a component of periodically recurring required training that is provided for the members at military installations.

''(3) The training provided at a military installation under paragraph (2)(C) shall include information on any financial services marketing practices that are particularly prevalent at that military installation and in the vicinity.

''(b) COUNSELING FOR MEMBERS AND SPOUSES.—(1) The Secretary concerned shall provide counseling on financial services to each member of the armed forces under the jurisdiction of the Secretary.

''(2) The Secretary concerned shall, upon request, provide counseling on financial services to the spouse of any member of the armed forces under the jurisdiction of the Secretary.

''(2) The Secretary concerned shall provide counseling on financial services under this subsection as follows:

''(A) In the case of members, and the spouses of members, assigned to a military installation to which at least 750 members of the armed forces are assigned, through a full-time financial services counselor at such installation.

''(B) In the case of members, and the spouses of members, assigned to a military installation other than an installation described in subparagraph (A), through such mechanisms as the Secretary considers appropriate, including through the provision of counseling by a member of the armed forces in grade E–7 or above, or a civilian, at such installation who provides such counseling as a part of the other duties performed by such member or civilian, as the case may be, at such installation.

''(3) Each financial services counselor under paragraph (2)(A), and each individual providing counseling on financial services under paragraph (2)(B), shall be an individual who, by reason of education, training, or experience, is qualified to provide helpful counseling to members of the armed forces and their spouses on financial services and marketing practices described in subsection (a)(1). Such individual may be a member of the armed forces or an employee of the Federal Government.

''(4) The Secretary concerned shall take such action as is necessary to ensure that each financial services counselor under paragraph (2)(A), and each individual providing counseling on financial services under paragraph (2)(B), is free from conflicts of interest relevant to the performance of duty under this section and, in the performance of that duty, is dedicated to furnishing members of the armed forces and their spouses with helpful information and counseling on financial services and related marketing practices.

''(5) The Secretary concerned may authorize financial services counseling to be provided to members of a unit of the armed forces by unit personnel under the guidance and with the assistance of a financial services counselor under paragraph (2)(A) or an individual providing counseling on financial services under paragraph (2)(B), as applicable.

''(c) LIFE INSURANCE.—(1) In counseling a member of the armed forces, or spouse of a member of the armed forces, under this section regarding life insurance offered by a private sector source, a financial services counselor under subsection (b)(2)(A), or an individual providing counseling on financial services under subsection (b)(2)(B), shall furnish the member or spouse, as the case may be, with information on the availability of Servicemembers' Group Life Insurance under subchapter III of chapter 19 of title 38, including information on the amounts of coverage available and the procedures for electing coverage and the amount of coverage.

''(2)(A) A covered member of the armed forces may not authorize payment to be made for private sector life insurance by means of an allotment of pay to which the member is entitled under chapter 3 of title 37 unless the authorization of allotment is accompanied by a written certification by a commander of the member, or by a financial services counselor referred to in subsection (b)(2)(A) or an individual providing counseling on financial services under subsection (b)(2)(B), as applicable, that the member has received counseling under paragraph (1) regarding the purchase of coverage under that private sector life insurance.

''(B) Subject to subparagraph (C), a written certification described in subparagraph (A) may not be made with respect to a member's authorization of allotment as described in subparagraph (A) until 7 days after the date of the member's authorization of allotment in order to facilitate the provision of counseling to the member under paragraph (1).

''(C) The commander of a member may waive the applicability of subparagraph (B) to a member for good cause, including the member's imminent change of station.

''(D) In this paragraph, the term 'covered member of the armed forces' means a member of the armed forces in pay grades E–1 through E–4.

''(d) FINANCIAL SERVICES DEFINED.—In this section, the term 'financial services' includes the following:

''(1) Life insurance, casualty insurance, and other insurance.

''(2) Investments in securities or financial instruments.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''992. Consumer education: financial services.''.

(b) CONTINUING EFFECT OF EXISTING ALLOTMENTS FOR LIFE INSURANCE.—Subsection (c)(2) of section 992 of title 10, United States Code (as added by subsection (a)), shall not affect any allotment of pay authorized by a member of the Armed Forces before the effective date of such section.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first month that begins more than 120 days after the date of the enactment of this Act.

SA 1348. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 582 of the bill and insert the following:

SEC. 582. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES WITH SIGNIFICANT ENROLLMENT CHANGES IN MILITARY DEPENDENT STUDENTS DUE TO FORCE STRUCTURE CHANGES, TROOP RELOCATIONS, CREATION OF NEW UNITS, AND REALIGNMENT UNDER BRAC.

(a) AVAILABILITY OF ASSISTANCE.—To assist communities making adjustments resulting from changes in the size or location of the Armed Forces, the Secretary of Defense shall make payments to eligible local educational agencies that, during the period between the end of the school year preceding the fiscal year for which the payments are authorized and the beginning of the school year immediately preceding that school year, had (as determined by the Secretary of Defense in consultation with the Secretary of Education) an overall increase or reduction of—

(1) not less than 5 percent in the average daily attendance of military dependent students enrolled in the schools served by the eligible local educational agencies; or

(2) not less than 250 military dependent students enrolled in the schools served by the eligible local educational agencies.

(b) NOTIFICATION.—Not later than June 30, 2006, and June 30 of each of the next 2 fiscal years, the Secretary of Defense shall notify each eligible local educational agency for such fiscal year—

(1) that the local educational agency is eligible for assistance under this section; and

(2) of the amount of the assistance for which the eligible local educational agency qualifies, as determined under subsection (c).

(c) AMOUNT OF ASSISTANCE.—

(1) IN GENERAL.—The Secretary of Defense shall, in consultation with the Secretary of Education, make assistance available to eligible local educational agencies for a fiscal year on a pro rata basis, as described in paragraph (2).

(2) PRO RATA DISTRIBUTION.—

(A) IN GENERAL.—The amount of the assistance provided under this section to an eligible local educational agency for a fiscal year shall be equal to the product obtained by multiplying—

(i) the per-student rate determined under subparagraph (B) for such fiscal year; by

(ii) the overall increase or reduction in the number of military dependent students in the schools served by the eligible local educational agency, as determined under subsection (a).

(B) PER-STUDENT RATE.—For purposes of subparagraph (A), the per-student rate for a fiscal year shall be equal to the dollar amount obtained by dividing—

(i) the amount of funds available for such fiscal year to provide assistance under this section; by

(ii) the sum of the overall increases and reductions, as determined under subparagraph (A)(ii), for all eligible local educational agencies for that fiscal year.

(d) DISBURSEMENT OF FUNDS.—The Secretary of Defense shall disburse assistance made available under this section for a fiscal year, not later than 30 days after the date on which the Secretary of Defense notified the eligible local educational agencies under subsection (b) for the fiscal year.

(e) CONSULTATION.—The Secretary of Defense shall carry out this section in consultation with the Secretary of Education.

(f) REPORTS.—

(1) REPORTS REQUIRED.—Not later than May 1 of each of the years 2007, 2008, and 2009, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the assistance provided under this section during the fiscal year preceding the date of such report.

(2) ELEMENT OF REPORT.—Each report described in paragraph (1) shall include an assessment and description of the current compliance of each eligible local educational agency with the requirements of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

(g) FUNDING.—Of the amount authorized to be appropriated to the Department of Defense for fiscal years 2006, 2007, and 2008 for operation and maintenance for Defense-wide activities, $15,000,000 shall be available for each such fiscal year only for the purpose of providing assistance to eligible local educational agencies under this section.

(h) TERMINATION.—The authority of the Secretary of Defense to provide financial assistance under this section shall expire on September 30, 2008.

(i) DEFINITIONS.—In this section:

(1) BASE CLOSURE PROCESS.—The term ''base closure process'' means the 2005 base closure and realignment process authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) or any base closure and realignment process conducted after the date of the enactment of this Act under section 2687 of title 10, United States Code, or any other similar law enacted after that date.

(2) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—The term ''eligible local educational agency'' means, for a fiscal year, a local educational agency—

(A)(i) for which not less than 20 percent (as rounded to the nearest whole percent) of the students in average daily attendance in the schools served by the local educational agency during the preceding school year were military dependent students that were counted under section 8003(a)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a)(1)); or

(ii) that would have met the requirements of clause (i) except for the reduction in military dependent students in the schools served by the local educational agency; and

(B) for which the required overall increase or reduction in the number of military dependent students enrolled in schools served by the local educational agency, as described in subsection (a), occurred as a result of—

(i) the global rebasing plan of the Department of Defense;

(ii) the official creation or activation of 1 or more new military units;

(iii) the realignment of forces as a result of the base closure process; or

(iv) a change in the number of required housing units on a military installation, due to the military housing privatization initiative of the Department of Defense undertaken under the alternative authority for the acquisition and improvement of military housing under subchapter IV of chapter 169 of title 10, United States Code.

(3) LOCAL EDUCATIONAL AGENCY.—The term ''local educational agency'' has the meaning given the term in section 8013 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713).

(4) MILITARY DEPENDENT STUDENT.—The term ''military dependent student'' means—

(A) an elementary school or secondary school student who is a dependent of a member of the Armed Forces; or

(B) an elementary school or secondary school student who is a dependent of a civilian employee of the Department of Defense.

SA 1349. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 653. CHILD CARE FOR CHILDREN OF MEMBERS OF ARMED FORCES ON ACTIVE DUTY FOR OPERATION ENDURING FREEDOM OR OPERATION IRAQI FREEDOM.

(a) CHILD CARE FOR CHILDREN WITHOUT ACCESS TO MILITARY CHILD CARE.—

(1) IN GENERAL.—In any case where the children of a covered member of the Armed Forces are geographically dispersed and do not have practical access to a military child development center, the Secretary of Defense may, to the extent funds are available for such purpose, provide such funds as are necessary permit the member's family to secure access for such children to State licensed child care and development programs and activities in the private sector that are similar in scope and quality to the child care and development programs and activities the Secretary would otherwise provide access to under subchapter II of chapter 88 of title 10, United States Code, and other applicable provisions of law.

(2) PROVISION OF FUNDS.—Funds may be provided under paragraph (1) in accordance with the provisions of section 1798 of title 10, United States Code, or by such other mechanism as the Secretary considers appropriate.

(3) PRIORITIES FOR ALLOCATION OF FUNDS IN CERTAIN CIRCUMSTANCES.—The Secretary shall prescribe in regulations priorities for the allocation of funds for the provision of access to child care under paragraph (1) in circumstances where funds are inadequate to provide all children described in that paragraph with access to child care as described in that paragraph.

(b) PRESERVATION OF SERVICES AND PROGRAMS.—The Secretary shall provide for the attendance and participation of children in military child development centers and child care and development programs and activities under subsection (a) in a manner that preserves the scope and quality of child care and development programs and activities otherwise provided by the Secretary.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of Defense $25,000,000 to carry out this section for fiscal year 2006.

(d) DEFINITIONS.—In this section:

(1) The term ''covered members of the Armed Forces'' means members of the Armed Forces on active duty, including members of the Reserves who are called or ordered to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code, for Operation Enduring Freedom or Operation Iraqi Freedom.

(2) The term ''military child development center'' has the meaning given such term in section 1800(1) of title 10, United States Code.

SEC. 654. EMERGENCY FUNDING FOR LOCAL EDUCATIONAL AGENCIES ENROLLING MILITARY DEPENDENT CHILDREN.

(a) SHORT TITLE.—This section may be cited as the ''Help for Military Children Affected by War Act of 2005''.

(b) GRANTS AUTHORIZED.—The Secretary of Defense is authorized to award grants to eligible local educational agencies for the additional education, counseling, and other needs of military dependent children who are affected by war or dramatic military decisions.

(c) DEFINITIONS.—In this section:

(1) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—The term ''eligible local educational agency'' means a local educational agency that—

(A) had a number of military dependent children in average daily attendance in the schools served by the local educational agency during the school year preceding the school year for which the determination is made, that—

(i) equaled or exceeded 20 percent of the number of all children in average daily attendance in the schools served by such agency during the preceding school year; or

(ii) was 1,000 or more,

whichever is less; and

(B) is designated by the Secretary of Defense as impacted by—

(i) Operation Iraqi Freedom;

(ii) Operation Enduring Freedom;

(iii) the global rebasing plan of the Department of Defense;

(iv) the realignment of forces as a result of the base closure process;

(v) the official creation or activation of 1 or more new military units; or

(vi) a change in the number of required housing units on a military installation, due to the Military Housing Privatization Initiative of the Department of Defense.

(2) LOCAL EDUCATIONAL AGENCY.—The term ''local educational agency'' has the meaning

given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(3) MILITARY DEPENDENT CHILD.—The term ''military dependent child'' means a child described in subparagraph (B) or (D)(i) of section 8003(a)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a)(1)).

(d) USE OF FUNDS.—Grant funds provided under this section shall be used for—

(1) tutoring, after-school, and dropout prevention activities for military dependent children with a parent who is or has been impacted by war-related action described in clause (i), (ii), or (iii) of subsection (c)(1)(B);

(2) professional development of teachers, principals, and counselors on the needs of military dependent children with a parent who is or has been impacted by war-related action described in clause (i), (ii), or (iii) of subsection (c)(1)(B);

(3) counseling and other comprehensive support services for military dependent children with a parent who is or has been impacted by war-related action described in clause (i), (ii), or (iii) of subsection (c)(1)(B), including the hiring of a military-school liaison; and

(4) other basic educational activities associated with an increase in military dependent children.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Department of Defense such sums as may be necessary to carry out this section for fiscal year 2006 and each of the 2 succeeding fiscal years.

(2) SPECIAL RULE.—Funds appropriated under paragraph (1) are in addition to any funds made available to local educational agencies under section 582, 583 or 584 of this Act or section 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703).

SA 1350. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXII, add the following:

SEC. 2207. WHARF UPGRADES, NAVAL STATION MAYPORT, FLORIDA.

Of the amount authorized to be appropriated by section 2204(a)(4) for the Navy for architectural and engineering services and construction design, $500,000 shall be available for the design of wharf upgrades at Naval Station Mayport, Florida.

SA 1351. Mr. LAUTENBERG (for himself, Mr. CORZINE, Mrs. CLINTON, and Mr. FEINGOLD) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of the bill, add the following:

TITLE XXXIV—FINANCING OF TERRORISM

SEC. 3401. SHORT TITLE.

This title may be cited as the ''Stop Business with Terrorists Act of 2005''.

SEC. 3402. DEFINITIONS.

In this title:

(1) CONTROL IN FACT.—The term ''control in fact'', with respect to a corporation or other legal entity, includes—

(A) in the case of—

(i) a corporation, ownership or control (by vote or value) of at least 50 percent of the capital structure of the corporation; and

(ii) any other kind of legal entity, ownership or control of interests representing at least 50 percent of the capital structure of the entity; or

(B) control of the day-to-day operations of a corporation or entity.

(2) PERSON SUBJECT TO THE JURISDICTION OF THE UNITED STATES.—The term ''person subject to the jurisdiction of the United States'' means—

(A) an individual, wherever located, who is a citizen or resident of the United States;

(B) a person actually within the United States;

(C) a corporation, partnership, association, or other organization or entity organized under the laws of the United States, or of any State, territory, possession, or district of the United States;

(D) a corporation, partnership, association, or other organization, wherever organized or doing business, that is owned or controlled in fact by a person or entity described in subparagraph (A) or (C); and

(E) a successor, subunit, or subsidiary of an entity described in subparagraph (C) or (D).

(3) FOREIGN PERSON.—The term ''foreign person'' means—

(A) an individual who is an alien;

(B) a corporation, partnership, association, or any other organization or entity that is organized under the laws of a foreign country or has its principal place of business in a foreign country;

(C) a foreign governmental entity operating as a business enterprise; and

(D) a successor, subunit, or subsidiary of an entity described in subparagraph (B) or (C).

SEC. 3403. CLARIFICATION OF SANCTIONS.

(a) PROHIBITIONS ON ENGAGING IN TRANSACTIONS WITH FOREIGN PERSONS.—

(1) IN GENERAL.—In the case of a person subject to the jurisdiction of the United States that is prohibited as described in subsection (b) from engaging in a transaction with a foreign person, that prohibition shall also apply to—

(A) each subsidiary and affiliate, wherever organized or doing business, of the person prohibited from engaging in such a transaction; and

(B) any other entity, wherever organized or doing business, that is controlled in fact by that person.

(2) PROHIBITION ON CONTROL.—A person subject to the jurisdiction of the United States that is prohibited as described in subsection (b) from engaging in a transaction with a foreign person shall also be prohibited from controlling in fact any foreign person that is engaged in such a transaction whether or not that foreign person is subject to the jurisdiction of the United States.

(b) IEEPA SANCTIONS.—Subsection (a) applies in any case in which—

(1) the President takes action under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) or the Trading with the Enemy Act (50 U.S.C. App.) to prohibit a person subject to the jurisdiction of the United States from engaging in a transaction with a foreign person; or

(2) the Secretary of State has determined that the government of a country that has jurisdiction over a foreign person has repeatedly provided support for acts of international terrorism under section 6(j) of the Export Administration Act of 1979 (as in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)), or any other provision of law, and because of that determination a person subject to the jurisdiction of the United States is prohibited from engaging in transactions with that foreign person.

(c) CESSATION OF APPLICABILITY BY DIVESTITURE OR TERMINATION OF BUSINESS.—

(1) IN GENERAL.—In any case in which the President has taken action described in subsection (b) and such action is in effect on the date of enactment of this Act, the provisions of this section shall not apply to a person subject of the jurisdiction of the United States if such person divests or terminates its business with the government or person identified by such action within 1 year after the date of enactment of this Act.

(2) ACTIONS AFTER DATE OF ENACTMENT.—In any case in which the President takes action described in subsection (b) on or after the date of enactment of this Act, the provisions of this section shall not apply to a person subject to the jurisdiction of the United States if such person divests or terminates its business with the government or person identified by such action within 1 year after the date of such action.

(d) PUBLICATION IN FEDERAL REGISTER.—Not later than 90 days after the date of enactment of this Act, the President shall publish in the Federal Register a list of persons with respect to whom there is in effect a sanction described in subsection (b) and shall publish notice of any change to that list in a timely manner.

SEC. 3404. NOTIFICATION OF CONGRESS OF TERMINATION OF INVESTIGATION BY OFFICE OF FOREIGN ASSETS CONTROL.

(a) REQUIREMENT FOR NOTIFICATION.—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.) is amended by adding at the end the following new section:

''SEC. 42. NOTIFICATION OF CONGRESS OF TERMINATION OF INVESTIGATION BY OFFICE OF FOREIGN ASSETS CONTROL.

''The Director of the Office of Foreign Assets Control shall notify Congress upon the termination of any investigation by the Office of Foreign Assets Control of the Department of the Treasury if any sanction is imposed by the Director of such office as a result of the investigation.''.

(b) CLERICAL AMENDMENT.—The table of contents in subsection (b) of such Act is amended by adding at the end the following new item:

''Sec. 42. Notification of Congress of termination of investigation by Office of Foreign Assets Control.''.

SEC. 3405. ANNUAL REPORTING.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that investors and the public should be informed of activities engaged in by a person that may threaten the national security, foreign policy, or economy of the United States, so that investors and the public can use the information in their investment decisions.

(b) REGULATIONS.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Securities and Exchange Commission shall issue regulations that require any person subject to the annual reporting requirements of section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m) to disclose in that person's annual reports—

(A) any ownership stake of at least 10 percent (or less if the Commission deems appropriate) in a foreign person that is engaging

in a transaction prohibited under section 3403(a) of this title or that would be prohibited if such person were a person subject to the jurisdiction of the United States; and

(B) the nature and value of any such transaction.

(2) PERSON DESCRIBED.—A person described in this section is an issuer of securities, as that term is defined in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c), that is subject to the jurisdiction of the United Sates and to the annual reporting requirements of section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m).

SA 1352. Mr. REED (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 296, after line 19, add the following:

SEC. 3114. REPORT ON ASSISTANCE FOR COMPREHENSIVE INVENTORY OF RUSSIAN NONSTRATEGIC NUCLEAR WEAPONS.

(a) FINDINGS.—Congress makes the following findings:

(1) The nonstrategic nuclear weapons of the Russian Federation are insufficiently accounted for and insufficiently secure.

(2) Because of the dangers posed by such insufficient accounting and security, it is in the national security interest of the United States to assist the Russian Federation in the conduct of a comprehensive inventory of its nonstrategic nuclear weapons.

(3) It is in the interests of the United States and Russia to begin negotiations on a verifiable agreement leading to the reduction and dismantlement of nonstrategic Russian nuclear weapons and the corresponding reduction of excess United States nuclear forces.

(4) In the March 2003 Senate resolution advising and consenting to the ratification of the Moscow Treaty, the Senate urged the President ''to engage the Russian Federation with the objectives of establishing cooperative measures to give each party to the Treaty improved confidence regarding the accurate accounting and security of nonstrategic nuclear weapons maintained by the other party; and providing the United States or other international assistance to help the Russian Federation ensure the accurate accounting and security of its nonstrategic nuclear weapons.''

(b) REPORT.—

(1) REPORT REQUIRED.—Not later than March 1, 2006, the Secretary of State and the Secretary of Energy shall, in consultation with the Secretary of Defense, submit to Congress a joint report on the accounting for and security of the nonstrategic nuclear weapons of the Russian Federation.

(2) CONTENT.—The report shall include—

(A) An assessment of the actions of the Government of Russia and the United States Government toward the fulfillment of their commitments under the 1991 Presidential Nuclear Initiatives;

(B) an evaluation of the past and current efforts of the United States Government to encourage or facilitate a proper accounting for and securing of the nonstrategic nuclear weapons of the Russian Federation, and the strategy of the United States Government to overcome obstacles to realize joint measures that would lead to the further withdrawal, reductions, and verifiable dismantlement of Russian and United States substrategic weapons; and

(C) a strategy for, and recommendations regarding, actions by the United States Government that are most likely to lead to progress in improving the accounting for, securing of, and elimination of such weapons.

(c) REVIEW OF UNITED STATES STOCKPILE OF NONSTRATEGIC NUCLEAR WEAPONS.—

(1) REVIEW REQUIRED.—Not later than February 1, 2006, the Secretary of Defense and the Secretary of State shall conduct a joint review of the military missions and strategic rationale for the remaining United States stockpile of nonstrategic nuclear weapons stationed at NATO bases in Europe, including—

(A) an investigation of alternative options for meeting such missions by using other elements of the United States nuclear weapons stockpile; and

(B) an assessment of the circumstances that would facilitate further reductions of the United States stockpile of nonstrategic nuclear weapons.

(2) REPORT REQUIRED.—The Secretary of Defense and the Secretary of State shall submit a joint report on the results of the review under paragraph (1) with the report submitted under subsection (b).

(d) FORM.—The reports required under subsections (b) and (c) shall be submitted in unclassified form, but may include a classified annex.

SA 1353. Mr. SHELBY submitted an amendment intended to be proposed to amendment SA 1311 proposed by Mr. INHOFE to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. ___. CONGRESSIONAL AUTHORITY UNDER DEFENSE PRODUCTION ACT.

Section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) is amended—

(1) in subsection (a)—

(A) by striking ''30'' and inserting ''60''; and

(B) by adding at the end the following: ''The findings and recommendations of any such investigation shall be sent immediately to the President and to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives for review.'';

(2) in subsection (b)—

(A) by inserting before the first period '', or in such instance at the request of the chairman and ranking member of the Committee on Banking, Housing, and Urban Affairs of the Senate or the Committee on Financial Services of the House of Representatives'';

(B) in paragraph (2), by inserting before the period '', and the findings and recommendations of such investigation shall be sent immediately to the President and to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives for review''; and

(C) by striking ''30'' and inserting ''60'';

(3) in subsection (f)—

(A) by striking ''designee may'' and inserting ''designee shall'';

(B) in paragraph (4), by striking ''and'' at the end;

(C) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(6) the long-term projections of United States requirements for sources of energy and other critical resources and materials.''.

(4) in subsection (g)—

(A) by striking ''The President'' and inserting the following:

''(1) IN GENERAL.—The President''; and

(B) by adding at the end the following:

''(2) QUARTERLY SUBMISSIONS.—The Secretary of the Treasury shall transmit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on a quarterly basis, a detailed summary and analysis of each merger, acquisition, or takeover that is being reviewed, was reviewed during the preceding 90-day period, or is likely to be reviewed in the coming quarter by the President or the President's designee under subsection (a) or (b). Each such summary and analysis shall be submitted in unclassified form, with classified annexes as the Secretary determines are required to protect company proprietary information and other sensitive information.''; and

(5) by adding at the end the following new subsections:

''(l) CONGRESSIONAL AUTHORITY.—

''(1) IN GENERAL.—If the President does not suspend or prohibit an acquisition, merger, or takeover under subsection (d), the Congress may enact a joint resolution suspending or prohibiting such acquisition, merger, or takeover, not later than 30 days after the date of receipt of findings and recommendations with respect to the transaction under subsection (a) or (b).

''(2) CONSIDERATIONS.—The Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives shall review any findings and recommendations submitted under subsection (a) or (b), and any joint resolution under paragraph (1) of this subsection shall be based on the factors outlined in subsection (f).

''(3) SENATE PROCEDURE.—Any joint resolution under paragraph (1) shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94-329, 90 Stat. 765).

''(4) HOUSE CONSIDERATION.—For the purpose of expediting the consideration and enactment of a joint resolution under paragraph (1), a motion to proceed to the consideration of any such joint resolution shall be treated as highly privileged in the House of Representatives.

''(m) THOROUGH REVIEW.—The President, or the President's designee, shall ensure that an acquisition, merger, or takeover that is completed prior to a review or investigation under this section shall be fully reviewed for national security considerations, even in the event that a request for such review is withdrawn.''.

SA 1354. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other

purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title V, insert the following:

SEC. ___. PARTICIPATION OF MEMBERS OF THE ARMED FORCES IN THE PARALYMPIC GAMES.

Section 717(a)(1) of title 10, United States Code, is amended by striking ''and Olympic Games'' and inserting '', Olympic Games, and Paralympic Games,''.

SA 1355. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 359, between lines 3 and 4, insert the following:

SEC. 2862. LAND CONVEYANCE, AIR FORCE PROPERTY, LA JUNTA, COLORADO.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the City of La Junta, Colorado (in this section referred to as the ''City''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 8 acres located at the USA Bomb Plot in the La Junta Industrial Park for the purpose of training local law enforcement officers.

(b) PAYMENT OF COSTS OF CONVEYANCE.—

(1) IN GENERAL.—The Secretary shall require the City to cover costs to be incurred by the Secretary after the date of enactment of the Act, or to reimburse the Secretary for costs incurred by the Secretary after that date, to carry out the conveyance under subsection (a), including any survey costs, costs related to environmental assessments, studies, analyses, or other documentation, and other administrative costs related to the conveyance. If amounts are collected from the City in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the City.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SA 1356. Mr. DEWINE submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title IX, add the following:

SEC. 924. AUTHORITY FOR UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY TO RECEIVE FACULTY RESEARCH GRANTS FOR CERTAIN PURPOSES.

Section 9314 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(d) ACCEPTANCE OF RESEARCH GRANTS.—(1) The Secretary of the Air Force may authorize the Commandant of the United States Air Force Institute of Technology to accept qualifying research grants. Any such grant may only be accepted if the work under the grant is to be carried out by a professor or instructor of the Institute for a scientific, literary, or educational purpose.

''(2) For purposes of this subsection, a qualifying research grant is a grant that is awarded on a competitive basis by an entity referred to in paragraph (3) for a research project with a scientific, literary, or educational purpose.

''(3) An entity referred to in this paragraph is a corporation, fund, foundation, educational institution, or similar entity that is organized and operated primarily for scientific, literary, or educational purposes.

''(4) The Secretary shall establish an account for the administration of funds received as qualifying research grants under this subsection. Funds in the account with respect to a grant shall be used in accordance with the terms and condition of the grant and subject to applicable provisions of the regulations prescribed under paragraph (6).

''(5) Subject to such limitations as may be provided in appropriations Acts, appropriations available for the United States Air Force Institute of Technology may be used to pay expenses incurred by the Institute in applying for, and otherwise pursuing, the award of qualifying research grants.

''(6) The Secretary of the Air Force shall prescribe regulations for purposes of the administration of this subsection.''.

SA 1357. Mrs. HUTCHISON (for herself, Mr. NELSON of Florida, and Mr. SESSIONS) submitted an amendment intended to be proposed by her to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING MANNED SPACE FLIGHT.

(a) FINDINGS.—The Congress finds that—

(1) human spaceflight preeminence allows the United States to project leadership around the world and forms an important component of United States national security;

(2) continued development of human spaceflight in low-Earth orbit, on the Moon, and beyond adds to the overall national strategic posture;

(3) human spaceflight enables continued stewardship of the region between the earth and the Moon—an area that is critical and of growing national and international security relevance;

(4) human spaceflight provides unprecedented opportunities for the United States to lead peaceful and productive international relationships with the world community in support of United States security and geopolitical objectives;

(5) a growing number of nations are pursuing human spaceflight and space-related capabilities, including China and India;

(6) past investments in human spaceflight capabilities represent a national resource that can be built upon and leveraged for a broad range of purposes, including national and economic security; and

(7) the industrial base and capabilities represented by the Space Transportation System provide a critical dissimilar launch capability for the nation.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that it is in the national security interest of the United States to maintain uninterrupted preeminence in human spaceflight.

SA 1358. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 178, strike lines 20 through 24 and insert the following:

(4) Department of Defense participation in the Medicare Advantage Program, formerly Medicare plus Choice;

(5) the use of flexible spending accounts and health savings accounts for military retirees under the age of 65;

(6) incentives for eligible beneficiaries of the military health care system to retain private employer-provided health care insurance;

(7) means of improving integrated systems of disease management, including chronic illness management;

(8) means of improving the safety and efficiency of pharmacy benefits management;

(9) the management of enrollment options for categories of eligible beneficiaries in the military health care system;

(10) reform of the provider payment system, including the potential for use of a pay-for-performance system in order to reward quality and efficiency in the TRICARE System;

(11) means of improving efficiency in the administration of the TRICARE program, to include the reduction of headquarters and redundant management layers, and maximizing efficiency in the claims processing system;

(12) other improvements in the efficiency of the military health care system; and

(13) any other matters the Secretary considers appropriate to improve the efficiency and quality of military health care benefits.

SA 1359. Mr. THOMAS (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the

Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 326, in the table following line 4, insert after the item relating to Fairchild Air Force Base, Washington, the following:

Wyoming ...	F.E. Warren Air Force Base.	$10,000,000

On page 326, in the table following line 4, strike the amount identified as the total in the amount column and insert ''$1,058,106,000''.

On page 329, line 8, strike ''$3,116,982,000'' and insert ''$3,126,982,000''.

On page 329, line 11, strike ''$923,106,000'' and insert ''$933,106,000''.

SA 1360. Mr. GRASSLEY (for himself and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 337, between lines 4 and 5, insert the following:

SEC. 2602. CONSTRUCTION OF ARMY NATIONAL GUARD READINESS CENTER, IOWA CITY, IOWA.

Of the amount authorized to be appropriated for the Department of the Army for the Army National Guard of the United States under section 2601(1)(A), $10,724,000 is available for the construction of an Army National Guard Readiness Center in Iowa City, Iowa.

SA 1361. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title II, add the following:

SEC. 244. SEMICONDUCTOR MANUFACTURING AND TECHNOLOGY.

(a) PLAN TO SUSTAIN UNITED STATES LEADERSHIP.—The Secretary of Defense shall develop a plan to ensure that the United States sustains its worldwide leadership in semiconductor manufacturing and technology over the long-term.

(b) CONSULTATION.—The Secretary of Defense shall consult in the development of the plan required by subsection (a) with the following:

(1) The Secretary of the Treasury.

(2) The Secretary of Commerce.

(3) The United States Trade Representative.

(4) The Office of Science and Technology Policy.

(5) The National Science Foundation.

(c) INCORPORATION OF RECOMMENDATIONS.—In developing the plan required by subsection (a), the Secretary of Defense shall take into account the recommendations contained in the report of the Defense Science Board Task Force on High Performance Microchip Supply.

(d) REPORT.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report setting forth the plan developed under subsection (a).

SA 1362. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VII, add the following:

SEC. 718. REPORT ON THE DEPARTMENT OF DEFENSE COMPOSITE HEALTH CARE SYSTEM II.

(a) REPORT REQUIRED.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the Department of Defense Composite Health Care System II (CHCS II).

(b) REPORT ELEMENTS.—The report under subsection (a) shall include the following:

(1) A chronology and description of previous efforts undertaken to develop an electronic medical records system capable of maintaining a two-way exchange of data between the Department of Defense and the Department of Veterans Affairs.

(2) The plans as of the date of the report, including any projected commencement dates, for the implementation of the Composite Health Care System II.

(3) A statement of the amounts obligated and expended as of the date of the report on the development of a system for the two-way exchange of data between the Department of Defense and the Department of Veterans Affairs, including the Composite Health Care System II.

(4) An estimate of the amounts that will be required for the completion of the Composite Health Care System II.

(5) A detailed description of the manpower allocated as of the date of the report to the development of the Composite Health Care System II.

(6) A description of the software and hardware being considered as of the date of the report for use in the Composite Health Care System II.

(7) A description of the management structure used in the development of the Composite Health Care System II.

(8) A description of the accountability measures utilized during the development of the Composite Health Care System II in order to evaluate progress made in the development of that System.

(9) The schedule for the remaining development of the Composite Health Care System II.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committees on Armed Services, Appropriations, Veterans' Affairs, and Health, Education, Labor, and Pensions of the Senate; and

(2) the Committees on Armed Services, Appropriations, Veterans' Affairs, and Energy and Commerce of the House of Representatives.

SA 1363. Mr. GRAHAM (for himself, Mrs. CLINTON, Mr. LEAHY, Mr. LAUTENBERG, Mr. DEWINE, Mr. KERRY, Mr. PRYOR, Mr. REID, Mr. COLEMAN, Mr. DAYTON, Mr. ALLEN, Ms. CANTWELL, Ms. MURKOWSKI, Mr. WARNER, Mr. LEVIN, and Mrs. MURRAY) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle A of title VII, add the following:

SEC. 705. EXPANDED ELIGIBILITY OF MEMBERS OF THE SELECTED RESERVE UNDER THE TRICARE PROGRAM.

(a) GENERAL ELIGIBILITY.—Subsection (a) of section 1076d of title 10, United States Code, is amended—

(1) by striking ''(a) ELIGIBILITY.—A member'' and inserting ''(a) ELIGIBILITY.—(1) Except as provided in paragraph (2), a member'';

(2) by striking ''after the member completes'' and all that follows through ''one or more whole years following such date''; and

(3) by adding at the end the following new paragraph:

''(2) Paragraph (1) does not apply to a member who is enrolled, or is eligible to enroll, in a health benefits plan under chapter 89 of title 5.''.

(b) CONDITION FOR TERMINATION OF ELIGIBILITY.—Subsection (b) of such section is amended by striking ''(b) PERIOD OF COVERAGE.—(1) TRICARE Standard'' and all that follows through ''(3) Eligibility'' and inserting ''(b) TERMINATION OF ELIGIBILITY UPON TERMINATION OF SERVICE.—Eligibility''.

(c) CONFORMING AMENDMENTS.—

(1) Such section is further amended—

(A) by striking subsection (e); and

(B) by redesignating subsection (g) as subsection (e) and transferring such subsection within such section so as to appear following subsection (d).

(2) The heading for such section is amended to read as follows:

''§ 1076d. TRICARE program: TRICARE Standard coverage for members of the Selected Reserve''.

(d) REPEAL OF OBSOLETE PROVISION.—Section 1076b of title 10, United States Code, is repealed.

(e) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 55 of title 10, United States Code, is amended—

(1) by striking the item relating to section 1076b; and

(2) by striking the item relating to section 1076d and inserting the following:

''1076d. TRICARE program: TRICARE Standard coverage for members of the Selected Reserve.''.

(f) SAVINGS PROVISION.—Enrollments in TRICARE Standard that are in effect on the day before the date of the enactment of this Act under section 1076d of title 10, United States Code, as in effect on such day, shall be continued until terminated after such day under such section 1076d as amended by this section.

SA 1364. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction,

and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 653. SERVICEMEMBERS RIGHTS UNDER THE HOUSING AND URBAN DEVELOPMENT ACT OF 1968.

(a) IN GENERAL.—Section 106(c)(5)(A)(ii) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(c)(5)(A)(ii)) is amended—

(1) in subclause (II), by striking ''; and'' and inserting a semicolon;

(2) in subclause (III), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(IV) notify the homeowner or mortgage applicant by a statement or notice, written in plain English by the Secretary of Housing and Urban Development, in consultation with the Secretary of Defense and the Secretary of the Treasury, explaining the mortgage and foreclosure rights of servicemembers, and the dependents of such servicemembers, under the Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.), including the toll-free military one source number to call if servicemembers, or the dependents of such servicemembers, require further assistance.''.

(b) NO EFFECT ON OTHER LAWS.—Nothing in this section shall relieve any person of any obligation imposed by any other Federal, State, or local law.

(c) DISCLOSURE FORM.—Not later than 150 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall issue a final disclosure form to fulfill the requirement of section 106(c)(5)(A)(ii)(IV) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(c)(5)(A)(ii)).

(d) EFFECTIVE DATE.—The amendments made under subsection (a) shall take effect 150 days after the date of enactment of this Act.

SA 1365. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1073. DISCLOSURE OF CERTAIN INFORMATION DURING MILITARY RECRUITMENT ACTIVITIES.

(a) IN GENERAL.—The Secretary of Defense shall require that each individual being recruited for service in the Armed Forces is provided, before making a formal enlistment in the Armed Forces, precise and detailed information on the period or periods of service to which such individual may be obligated by reason of enlistment in the Armed Forces.

(b) PARTICULAR INFORMATION.—The information provided under subsection (a) shall include the following:

(1) A description of the so-called ''stop loss'' authority and of the manner in which exercise of such authority could affect the duration of an individual service on active duty.

(2) A description of the authority for the call or order to active duty of members of the Individual Ready Reserve and of the manner in which such a call or order to active duty could affect an individual following the completion of the individual's expected period of service on active duty or in the Individual Ready Reserve.

(3) A description of any other authorities applicable to the call or order to active duty or the Reserves, or of the retention of members of the Armed Forces on active duty, that could affect the period of service of an individual on active duty or in the Armed Forces.

(4) Such other information as the Secretary considers appropriate.

SA 1366. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 309, after line 24, add the following new title:

TITLE XV—TRANSITIONAL SERVICES

SEC. 1501. SHORT TITLE.

This title may be cited as the ''Veterans' Enhanced Transition Services Act of 2005''.

SEC. 1502. IMPROVED ADMINISTRATION OF TRANSITIONAL ASSISTANCE PROGRAMS.

(a) PRESEPARATION COUNSELING.—Section 1142 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''provide for individual preseparation counseling'' and inserting ''shall provide individual preseparation counseling'';

(B) by redesignating paragraph (4) as paragraph (6); and

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

''(4) For members of the reserve components who have been serving on active duty continuously for at least 180 days, the Secretary concerned shall require that preseparation counseling under this section be provided to all such members (including officers) before the members are separated.

''(5) The Secretary concerned shall ensure that commanders of members entitled to services under this section authorize the members to obtain such services during duty time.''.

(2) in subsection (b)—

(A) in paragraph (4), by striking ''(4) Information concerning'' and inserting the following:

''(4) Provision of information on civilian occupations and related assistance programs, including information concerning—

''(A) certification and licensure requirements that are applicable to civilian occupations;

''(B) civilian occupations that correspond to military occupational specialties; and

''(C)''; and

(B) by adding at the end the following:

''(11) Information concerning the priority of service for veterans in the receipt of employment, training, and placement services provided under qualified job training programs of the Department of Labor.

''(12) Information concerning veterans small business ownership and entrepreneurship programs of the Small Business Administration and the National Veterans Business Development Corporation.

''(13) Information concerning employment and reemployment rights and obligations under chapter 43 of title 38.

''(14) Information concerning veterans preference in federal employment and federal procurement opportunities.

''(15) Information concerning homelessness, including risk factors, awareness assessment, and contact information for preventative assistance associated with homelessness.

''(16) Contact information for housing counseling assistance.

''(17) A description, developed in consultation with the Secretary of Veterans Affairs, of health care and other benefits to which the member may be entitled under the laws administered by the Secretary of Veterans Affairs.

''(18) If a member is eligible, based on a preseparation physical examination, for compensation benefits under the laws administered by the Secretary of Veterans Affairs, a referral for a medical examination by the Secretary of Veterans Affairs (commonly known as a 'compensation and pension examination').'';

(3) by adding at the end the following:

''(d) ADDITIONAL REQUIREMENTS.—(1) The Secretary concerned shall ensure that—

''(A) preseparation counseling under this section includes material that is specifically relevant to the needs of—

''(i) persons being separated from active duty by discharge from a regular component of the armed forces; and

''(ii) members of the reserve components being separated from active duty;

''(B) the locations at which preseparation counseling is presented to eligible personnel include—

''(i) each military installation under the jurisdiction of the Secretary;

''(ii) each armory and military family support center of the National Guard;

''(iii) inpatient medical care facilities of the uniformed services where such personnel are receiving inpatient care; and

''(iv) in the case of a member on the temporary disability retired list under section 1202 or 1205 of this title who is being retired under another provision of this title or is being discharged, a location reasonably convenient to the member;

''(C) the scope and content of the material presented in preseparation counseling at each location under this section are consistent with the scope and content of the material presented in the preseparation counseling at the other locations under this section; and

''(D) follow up counseling is provided for each member of the reserve components described in subparagraph (A) not later than 180 days after separation from active duty.

''(2) The Secretary concerned shall, on a continuing basis, update the content of the materials used by the National Veterans Training Institute and such officials' other activities that provide direct training support to personnel who provide preseparation counseling under this section.

''(e) NATIONAL GUARD MEMBERS ON DUTY IN STATE STATUS.—(1) Members of the National Guard, who are separated from long-term duty to which ordered under section 502(f) of title 32, shall be provided preseparation counseling under this section to the same extent that members of the reserve components being discharged or released from active duty are provided preseparation counseling under this section.

''(2) The preseparation counseling provided personnel under paragraph (1) shall include material that is specifically relevant to the needs of such personnel as members of the National Guard.

''(3) The Secretary of Defense shall prescribe, by regulation, the standards for determining long-term duty under paragraph (1).''; and

(4) by amending the heading to read as follows:

"§ 1142. Members separating from active duty: preseparation counseling".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 58 of title 10, United States Code, is amended by striking the item relating to section 1142 and inserting the following:

''1142. Members separating from active duty: preseparation counseling.''.

(c) DEPARTMENT OF LABOR TRANSITIONAL SERVICES PROGRAM.—Section 1144 of title 10, United States Code, is amended—

(1) in subsection (a)(1), by striking ''paragraph (4)(A)'' in the second sentence and inserting ''paragraph (6)(A)'';

(2) by amending subsection (c) to read as follows:

''(c) PARTICIPATION.—(1) Subject to paragraph (2), the Secretary and the Secretary of Homeland Security shall require participation by members of the armed forces eligible for assistance under the program carried out under this section.

''(2) The Secretary and the Secretary of Homeland Security need not require, but shall encourage and otherwise promote, participation in the program by the following members of the armed forces described in paragraph (1):

''(A) Each member who has previously participated in the program.

''(B) Each member who, upon discharge or release from active duty, is returning to—

''(i) a position of employment; or

''(ii) pursuit of an academic degree or other educational or occupational training objective that the member was pursuing when called or ordered to such active duty.

''(3) The Secretary concerned shall ensure that commanders of members entitled to services under this section authorize the members to obtain such services during duty time.''; and

(3) by adding at the end the following:

''(e) UPDATED MATERIALS.—The Secretary concerned shall, on a continuing basis, update the content of all materials used by the Department of Labor that provide direct training support to personnel who provide transitional services counseling under this section.''.

SEC. 1503. BENEFITS DELIVERY AT DISCHARGE PROGRAMS.

(a) PLAN FOR MAXIMUM ACCESS TO BENEFITS.—

(1) IN GENERAL.—The Secretary of Defense, the Secretary of Homeland Security, and the Secretary of Veterans Affairs shall jointly submit to Congress a plan to maximize access to benefits delivery at discharge programs for members of the Armed Forces.

(2) CONTENTS.—The plan submitted under paragraph (1) shall include a description of efforts to ensure that services under programs described in paragraph (1) are provided, to the maximum extent practicable—

(A) at each military installation under the jurisdiction of the Secretary;

(B) at each armory and military family support center of the National Guard;

(C) at each installation and inpatient medical care facility of the uniformed services at which personnel eligible for assistance under such programs are discharged from the armed forces; and

(D) in the case of a member on the temporary disability retired list under section 1202 or 1205 of title 10, United States Code, who is being retired under another provision of such title or is being discharged, at a location reasonably convenient to the member.

(b) DEFINITION.—In this section, the term ''benefits delivery at discharge program'' means a program administered jointly by the Secretary of Defense and the Secretary of Veterans Affairs to provide information and assistance on available benefits and other transition assistance to members of the Armed Forces who are separating from the Armed Forces, including assistance to obtain any disability benefits for such members may be eligible.

SEC. 1504. POST-DEPLOYMENT MEDICAL ASSESSMENT AND SERVICES.

(a) IMPROVEMENT OF MEDICAL TRACKING SYSTEM FOR MEMBERS DEPLOYED OVERSEAS.—Section 1074f of title 10, United States Code, is amended—

(1) in subsection (b), by striking ''(including an assessment of mental health'' and inserting ''(which shall include mental health screening and assessment'';

(2) by redesignating subsections (c) and (d) as subsections (e) and (f), respectively; and

(3) by inserting after subsection (b) the following:

''(c) PHYSICAL MEDICAL EXAMINATIONS.—(1) The Secretary shall—

''(A) prescribe the minimum content and standards that apply for the physical medical examinations required under this section; and

''(B) ensure that the content and standards prescribed under subparagraph (A) are uniformly applied at all installations and medical facilities of the armed forces where physical medical examinations required under this section are performed for members of the armed forces returning from a deployment described in subsection (a).

''(2) An examination consisting solely or primarily of an assessment questionnaire completed by a member does not meet the requirements under this section for—

''(A) a physical medical examination; or

''(B) an assessment.

''(3) The content and standards prescribed under paragraph (1) for mental health screening and assessment shall include—

''(A) content and standards for screening mental health disorders; and

''(B) in the case of acute post-traumatic stress disorder and delayed onset post-traumatic stress disorder, specific questions to identify stressors experienced by members that have the potential to lead to post-traumatic stress disorder, which questions may be taken from or modeled after the post-deployment assessment questionnaire used in June 2005.

''(4) An examination of a member required under this section may not be waived by the Secretary (or any official exercising the Secretary's authority under this section) or by the member.

''(d) FOLLOW UP SERVICES.—(1) The Secretary, in consultation with the Secretary of Veterans Affairs, shall ensure that appropriate actions are taken to assist a member who, as a result of a post-deployment medical examination carried out under the system established under this section, receives an indication for a referral for follow up treatment from the health care provider who performs the examination.

''(2) Assistance required to be provided to a member under paragraph (1) includes—

''(A) information regarding, and any appropriate referral for, the care, treatment, and other services that the Secretary or the Secretary of Veterans Affairs may provide to such member under any other provision of law, including—

''(i) clinical services, including counseling and treatment for post-traumatic stress disorder and other mental health conditions; and

''(ii) any other care, treatment, and services;

''(B) information on the private sector sources of treatment that are available to the member in the member's community; and

''(C) assistance to enroll in the health care system of the Department of Veterans Affairs for health care benefits for which the member is eligible under laws administered by the Secretary of Veterans Affairs.''.

(b) REPORT ON PTSD CASES.—(1) The Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a report on the services provided to members and former members of the Armed Forces who experience post-traumatic stress disorder (and related conditions) associated with service in the Armed Forces.

(2) The report submitted under paragraph (1) shall include—

(A) the number of persons treated;

(B) the types of interventions; and

(C) the programs that are in place for each of the Armed Forces to identify and treat cases of post-traumatic stress disorder and related conditions.

SEC. 1505. ACCESS OF MILITARY AND VETERANS SERVICE AGENCIES AND ORGANIZATIONS.

(a) DEPARTMENT OF DEFENSE.—

(1) IN GENERAL.—Chapter 58 of title 10, United States Code, is amended by adding at the end the following:

"§ 1154. Veteran-to-veteran preseparation counseling

''(a) COOPERATION REQUIRED.—The Secretary shall carry out a program to facilitate the access of representatives of military and veterans' service organizations and representatives of veterans' services agencies of States to provide preseparation counseling and services to members of the armed forces who are scheduled, or are in the process of being scheduled, for discharge, release from active duty, or retirement.

''(b) REQUIRED PROGRAM ELEMENT.—The program under this section shall provide for representatives of military and veterans' service organizations and representatives of veterans' services agencies of States to be invited to participate in the preseparation counseling and other assistance briefings provided to members under the programs carried out under sections 1142 and 1144 of this title and the benefits delivery at discharge programs.

''(c) LOCATIONS.—The program under this section shall provide for access to members—

''(1) at each installation of the armed forces;

''(2) at each armory and military family support center of the National Guard;

''(3) at each inpatient medical care facility of the uniformed services administered under chapter 55 of this title; and

''(4) in the case of a member on the temporary disability retired list under section 1202 or 1205 of this title who is being retired under another provision of this title or is being discharged, at a location reasonably convenient to the member.

''(d) CONSENT OF MEMBERS REQUIRED.—Access to a member of the armed forces under the program under this section is subject to the consent of the member.

''(e) DEFINITIONS.—In this section:

''(1) The term 'benefits delivery at discharge program' means a program administered jointly by the Secretary and the Secretary of Veterans Affairs to provide information and assistance on available benefits and other transition assistance to members of the armed forces who are separating from the armed forces, including assistance to obtain any disability benefits for which such members may be eligible.

''(2) The term 'representative', with respect to a veterans' service organization, means a representative of an organization who is recognized by the Secretary of Veterans Affairs for the representation of veterans under section 5902 of title 38.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 58 of title 10, United States Code, is amended by adding at the end the following:

''1154. Veteran-to-veteran preseparation counseling.''.

(b) DEPARTMENT OF VETERANS AFFAIRS.—

(1) IN GENERAL.—Subchapter I of chapter 17 of title 38, United States Code, is amended by adding at the end the following:

''§ 1709. Veteran-to-veteran counseling

''(a) COOPERATION REQUIRED.—The Secretary shall carry out a program to facilitate the access of representatives of military and veterans' service organizations and representatives of veterans' services agencies of States to veterans furnished care and services under this chapter to provide information and counseling to such veterans on—

''(1) the care and services authorized by this chapter; and

''(2) other benefits and services available under the laws administered by the Secretary.

''(b) FACILITIES COVERED.—The program under this section shall provide for access to veterans described in subsection (a) at each facility of the Department and any non-Department facility at which the Secretary furnishes care and services under this chapter.

''(c) CONSENT OF VETERANS REQUIRED.—Access to a veteran under the program under this section is subject to the consent of the veteran.

''(d) DEFINITION.—In this section, the term 'veterans' service organization' means an organization who is recognized by the Secretary for the representation of veterans under section 5902 of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of title 38, United States Code, is amended by inserting after the item relating to section 1708 the following:

''1709. Veteran-to-veteran counseling.''.

SA 1367. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

(a) AUTHORITY TO CONTINUE ALLOWANCE.—Effective as of September 30, 2005, section 1026 of division A of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13), is amended by striking subsections (d) and (e).

(b) CODIFICATION OF REPORTING REQUIREMENT.—Section 411h of title 37, United States Code, is amended by adding at the end the following new subsection:

''(e) If the amount of travel and transportation allowances provided in a fiscal year under clause (ii) of subsection (a)(2)(B) exceeds $20,000,000, the Secretary of Defense shall submit to Congress a report specifying the total amount of travel and transportation allowances provided under such clause in such fiscal year.''.

(c) CONFORMING AMENDMENT.—Subsection (a)(2)(B)(ii) of such section, as added by section 1026 of division A of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13), is amended by striking ''under section 1967(c)(1)(A) of title 38''.

(d) FUNDING.—Funding shall be provided out of existing funds.

SA 1368. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

SEC. 538. MODIFICATION OF LIMITATION ON NUMBER OF MONTHS MEMBERS OF THE READY RESERVE MAY BE ORDERED TO ACTIVE DUTY WITHOUT THEIR CONSENT.

Section 12302(a) of title 10, United States Code, is amended by striking ''24 consecutive months'' and inserting ''24 cumulative months''.

SA 1369. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title III, add the following:

SEC. 330. CHILD AND FAMILY ASSISTANCE BENEFITS FOR MEMBERS OF THE RESERVES.

(a) ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE, DEFENSE-WIDE.—The amount authorized to be appropriated by section 301(5) for operation and maintenance, Defense-wide activities, is hereby increased by $120,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance, Defense-wide activities, as increased by subsection (a), $120,000,000 may be available as follows:

(1) $100,000,000 for childcare services for families of members of the National Guard and Reserves who are mobilized.

(2) $20,000,000 for family assistance centers that primarily serve members of the National Guard and Reserves and their families.

SA 1370. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

SEC. 1205. COMPTROLLER GENERAL REVIEW OF THE UNITED STATES EXPORT CONTROL SYSTEM.

(a) COMPTROLLER GENERAL REVIEW.—The Comptroller General of the United States shall carry out a review of the current United States export control system in order to determine—

(1) the extent to which the export control system is efficient and effective; and

(2) the extent to which the export control system is focused on controlling articles and technology that are critical to the national security of the United States.

(b) MATTERS TO BE ADDRESSED.—In carrying out the review required by subsection (a), the Comptroller General shall address the following:

(1) The percentage of license applications involving commercial components or technologies that were included on the United States Munitions List because such components or technologies were designed or modified for specific military applications.

(2) The extent to which the inclusion of such components or technologies on the Munitions List has had an impact on limiting the ability of foreign countries to build or repair foreign equipment.

(3) The availability of similar or alternative components and technologies from non-United States manufacturers.

(c) REPORT.—Not later than October 1, 2006, the Comptroller General shall submit to the appropriate committees of Congress a report on the review required by subsection (a). The report shall include—

(1) the results of the review; and

(2) such recommendations for legislative or administrative action as the Comptroller General considers appropriate to make the United States export control system more effective, including by reducing controls and paperwork that do not promote United States security and economic interests.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committees on Armed Services, Appropriations, and Foreign Relations of the Senate; and

(2) the Committees on Armed Services, Appropriations, and International Relations of the House of Representatives.

SA 1371. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 237, after line 17, insert the following:

SEC. 846. ECONOMIC DISADVANTAGE.

Section 8(a)(6) of the Small Business Act (15 U.S.C. 637(a)(6)) is amended to read as follows:

''(6)(A)(i) Economically disadvantaged individuals are those socially disadvantaged individuals whose ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities, as compared to others in the same business area who are not socially disadvantaged.

''(ii) In determining the degree of diminished credit and capital opportunities of a socially disadvantaged individual for purposes of clause (i), the Administrator shall consider the assets and net worth of that individual as they relates to—

''(I) the assets and net worth of a business owner who is not socially disadvantaged; and

''(II) the capital needs of the primary industry in which the owner of the business is engaged.

''(iii) In determining the economic disadvantage of an Indian tribe for purposes of clause (i), the Administrator shall consider, where available—

''(I) the per capita income of members of the tribe excluding judgment awards;

''(II) the percentage of the local Indian population below the poverty level; and

''(III) the access of the tribe to capital markets.

''(B) Except as provided in paragraph (21), for purposes of this section, an individual who has been determined by the Administrator to be economically disadvantaged at the time of program entry shall be deemed to be economically disadvantaged for the term of the program.

''(C) In computing personal net worth for the purpose of program entry under subparagraph (B), the Administrator shall exclude—

''(i) the value of investments that a disadvantaged owner has in the business concern of the owner, except that such value shall be taken into account under this paragraph when comparing such concerns to other concerns in the same business area that are owned by other than socially disadvantaged persons; and

''(ii) the equity that a disadvantaged owner has in the primary personal residence of the owner.

''(D) The Administrator shall not establish a maximum net worth that prohibits program entry that is less than $750,000.''.

SA 1372. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

SEC. 1205. THRESHOLDS FOR ADVANCE NOTICE TO CONGRESS OF SALES OR UPGRADES OF DEFENSE ARTICLES, DESIGN AND CONSTRUCTION SERVICES, AND MAJOR DEFENSE EQUIPMENT.

(a) LETTERS OF OFFER TO SELL.—Subsection (b) of section 36 of the Arms Export Control Act (22 U.S.C. 2776) is amended—

(1) in the first sentence of paragraph (1)—

(A) by striking ''Subject to paragraph (6), in'' and inserting ''In'';

(B) by striking ''Act for $50,000,000'' and inserting ''Act for $100,000,000'';

(C) by striking ''services for $200,000,000'' and inserting ''services for $350,000,000'';

(D) by striking ''$14,000,000'' and inserting ''$50,000,000''; and

(E) by inserting ''and in other cases if the President determines it is appropriate,'' before ''before such letter'';

(2) in the first sentence of paragraph (5)(C)—

(A) by striking ''Subject to paragraph (6), if'' and inserting ''If'';

(B) by striking ''costs $14,000,000'' and inserting ''costs $50,000,000'';

(C) by striking ''equipment, $50,000,000'' and inserting ''equipment, $100,000,000'';

(D) by striking ''or $200,000,000'' and inserting ''or $350,000,000''; and

(E) by inserting ''and in other cases if the President determines it is appropriate,'' before ''then the President''; and

(3) by striking paragraph (6).

(b) EXPORT LICENSES.—Subsection (c) of section 36 of the Arms Export Control Act is amended—

(1) in the first sentence of paragraph (1)—

(A) by striking ''Subject to paragraph (5), in'' and inserting ''In'';

(B) by striking ''$14,000,000'' and inserting ''$50,000,000'';

(C) by striking ''services sold under a contract in the amount of $50,000,000'' and inserting ''services sold under a contract in the amount of $100,000,000''; and

(D) by inserting ''and in other cases if the President determines it is appropriate,'' before ''before issuing such'';

(2) in the last sentence of paragraph (2), by striking ''(A) and (B)'' and inserting ''(A), (B), and (C)''; and

(3) by striking paragraph (5).

(c) PRESIDENTIAL CONSENT.—Section 3(d) of the Arms Export Control Act (22 U.S.C. 2753(d)) is amended—

(1) in paragraphs (1) and (3)(A)—

(A) by striking ''Subject to paragraph (5), the'' and inserting ''The'';

(B) by striking ''$14,000,000'' and inserting ''$50,000,000''; and

(C) by striking ''service valued (in terms of its original acquisition cost) at $50,000,000'' and inserting ''service valued (in terms of its original acquisition cost) at $100,000,000''; and

(2) by striking paragraph (5).

SA 1373. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

SEC. 538. COMMENCEMENT OF RECEIPT OF NON-REGULAR SERVICE RETIRED PAY BY MEMBERS OF THE READY RESERVE ON ACTIVE FEDERAL STATUS OR ACTIVE DUTY FOR SIGNIFICANT PERIODS.

(a) REDUCED ELIGIBILITY AGE.—Section 12731 of title 10, United States Code, is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

''(1) has attained the eligibility age applicable under subsection (f) to that person;''; and

(2) by adding at the end the following new subsection:

''(f)(1) Subject to paragraph (2), the eligibility age for the purposes of subsection (a)(1) is 60 years of age.

''(2)(A) In the case of a person who serves on active service (other than for training) for a period of 179 or more consecutive days commencing on or after September 11, 2001, the eligibility age for the purposes of subsection (a)(1) shall be reduced below 60 years of age by one year for each period of 179 consecutive days on which such person so performs, subject to subparagraph (B). A day of duty may be included in only one period of duty for purposes of this paragraph.

''(B) The eligibility age may not be reduced below 50 years of age for any person under subparagraph (A).''.

(b) CONTINUATION OF AGE 60 AS MINIMUM AGE FOR ELIGIBILITY OF NON-REGULAR SERVICE RETIREES FOR HEALTH CARE.—Section 1074(b) of such title is amended—

(1) by inserting ''(1)'' after ''(b)''; and

(2) by adding at the end the following new paragraph:

''(2) Paragraph (1) does not apply to a member or former member entitled to retired pay for non-regular service under chapter 1223 of this title who is under 60 years of age.''.

(c) ADMINISTRATION OF RELATED PROVISIONS OF LAW OR POLICY.—With respect to any provision of law, or of any policy, regulation, or directive of the executive branch that refers to a member or former member of the uniformed services as being eligible for, or entitled to, retired pay under chapter 1223 of title 10, United States Code, but for the fact that the member or former member is under 60 years of age, such provision shall be carried out with respect to that member or former member by substituting for the reference to being 60 years of age a reference to having attained the eligibility age applicable under subsection (f) of section 12731 of title 10, United States Code (as added by subsection (a)), to such member or former member for qualification for such retired pay under subsection (a) of such section.

(d) EFFECTIVE DATE AND APPLICABILITY.—The amendment made by subsection (a) shall take effect as of September 11, 2001, and shall apply with respect to applications for retired pay that are submitted under section 12731(a) of title 10, United States Code, on or after the date of the enactment of this Act.

SA 1374. Mr. ENSIGN proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 296, after line 19, insert the following:

SEC. 1205. REPORT ON USE OF RIOT CONTROL AGENTS.

(a) STATEMENT OF POLICY.—It remains the longstanding policy of the United States, as provided in Executive Order 11850 (40 Fed Reg 16187) and affirmed by the Senate in the resolution of ratification of the Chemical Weapons Convention, that riot control agents are not chemical weapons but are legitimate, legal, and non-lethal alternatives to the use of lethal force that may be employed by members of the Armed Forces in combat and in other situations for defensive purposes to save lives, particularly for those illustrative purposes cited specifically in Executive Order 11850.

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the President shall submit to Congress a report on the use of riot control agents.

(2) CONTENT.—The reports required under paragraph (1) shall include—

(A) a listing of international and multilateral forums that occurred in the preceding 12 months at which—

(i) the United States was represented; and

(ii) the issues of the Chemical Weapons Convention, riot control agents, or non-lethal weapons were raised or discussed;

(B) with regard to the forums described in subparagraph (A), a listing of those events at which the attending United States representatives publicly and fully articulated the United States policy with regard to riot control agents, as outlined and in accordance with Executive Order 11850, the Senate resolution of ratification to the Chemical Weapons Convention, and the statement of policy set forth in subsection (a);

(C) a description of efforts by the United States Government to promote adoption by other states-parties to the Chemical Weapons Convention of the United States policy

and position on the use of riot control agents in combat;

(D) the legal interpretation of the Department of Justice with regard to the current legal availability and viability of Executive Order 11850, to include the rationale as to why Executive Order 11850 remains permissible under United States law;

(E) a description of the availability of riot control agents, and the means to deploy them, to members of the Armed Forces deployed in Iraq;

(F) a description of the doctrinal publications, training, and other resources available to members of the Armed Forces on an annual basis with regard to the tactical employment of riot control agents in combat; and

(G) a description of cases in which riot control agents were employed, or requested to be employed, during combat operations in Iraq since March, 2003.

(3) FORM.—The reports required under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(c) DEFINITIONS.—In this section—

(1) the term ''Chemical Weapons Convention'' means the Convention on the Prohibitions of Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, with annexes, done at Paris, January 13, 1993, and entered into force April 29, 1997 (T. Doc. 103–21); and

(2) the term ''resolution of ratification of the Chemical Weapons Convention'' means Senate Resolution 75, 105th Congress, agreed to April 24, 1997, advising and consenting to the ratification of the Chemical Weapons Convention.

SA 1375. Mr. ENSIGN proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 286, between lines 7 and 8, insert the following:

SEC. 1073. REPORT ON COSTS TO CARRY OUT UNITED NATIONS RESOLUTIONS.

(a) ASSIGNMENT AUTHORITY OF SECRETARY OF DEFENSE.—The Secretary of Defense shall submit, on a quarterly basis, a report to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on International Relations of the House of Representatives that sets forth all costs (including incremental costs) incurred by the Department of Defense during the preceding quarter in implementing or supporting any resolution adopted by the United Nations Security Council, including any such resolution calling for international sanctions, international peacekeeping operations, or humanitarian missions undertaken by the Department of Defense. Each such quarterly report shall include an aggregate of all such Department of Defense costs by operation or mission.

(b) COSTS FOR TRAINING FOREIGN TROOPS.—The Secretary of Defense shall detail in the quarterly reports all costs (including incremental costs) incurred in training foreign troops for United Nations peacekeeping duties.

(c) CREDIT AND COMPENSATION.—The Secretary of Defense shall detail in the quarterly reports all efforts made to seek credit against past United Nations expenditures and all efforts made to seek compensation from the United Nations for costs incurred by the Department of Defense in implementing and supporting United Nations activities.

SA 1376. Mr. LEVIN (for himself, Mr. WARNER, and Mr. KERRY) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 159, strike line 20 and all that follows through page 161, line 9, and insert the following:

SEC. 641. ENHANCEMENT OF DEATH GRATUITY AND ENHANCEMENT OF LIFE INSURANCE BENEFITS FOR CERTAIN COMBAT RELATED DEATHS.

(a) INCREASED AMOUNT OF DEATH GRATUITY.—

(1) INCREASED AMOUNT.—Section 1478(a) of title 10, United States Code, is amended by striking ''$12,000'' and inserting ''$100,000''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect on October 7, 2001, and shall apply with respect to deaths occurring on or after that date.

(3) COORDINATION WITH OTHER ENHANCEMENTS.—If the date of the enactment of this Act occurs before October 1, 2005—

(A) effective as of such date of enactment, the amendments made to section 1478 of title 10, United States Code, by the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13) are repealed; and

(B) effective immediately before the execution of the amendment made by paragraph (1), the provisions of section 1478 of title 10, United States Code, as in effect on the date before the date of the enactment of the Act referred to in subparagraph (A), shall be revived.

SA 1377. Ms. COLLINS proposed an amendment to amendment SA 1351 proposed by Mr. LAUTENBERG (for himself, Mr. CORZINE, Mrs. CLINTON, and Mr. FEINGOLD) to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. ___. PROHIBITION ON ENGAGING IN CERTAIN TRANSACTIONS.

(a) APPLICATION OF IEEPA PROHIBITIONS TO THOSE ATTEMPTING TO EVADE OR AVOID THE PROHIBITIONS.—Section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) is amended to read as follows:

''PENALTIES

''SEC. 206. (a) It shall be unlawful for—

''(1) a person to violate or attempt to violate any license, order, regulation, or prohibition issued under this title;

''(2) a person subject to the jurisdiction of the United States to take any action to evade or avoid, or attempt to evade or avoid, a license, order, regulation, or prohibition issued this title; or

''(3) a person subject to the jurisdiction of the United States to approve, facilitate, or provide financing for any action, regardless of who initiates or completes the action, if it would be unlawful for such person to initiate or complete the action.

''(b) A civil penalty of not to exceed $250,000 may be imposed on any person who commits an unlawful act described in paragraph (1), (2), or (3) of subsection (a).

''(c) A person who willfully commits, or willfully attempts to commit, an unlawful act described in paragraph (1), (2), or (3) of subsection (a) shall, upon conviction, be fined not more than $500,000, or a natural person, may be imprisoned not more than 10 years, or both; and any officer, director, or agent of any person who knowingly participates, or attempts to participate, in such unlawful act may be punished by a like fine, imprisonment, or both.''.

(b) PRODUCTION OF RECORDS.—Section 203(a)(2) of the International Emergency Economic Powers Act (50 U.S.C. 1702(a)(2)) is amended to read as follows:

''(2) In exercising the authorities granted by paragraph (1), the President may require any person to keep a full record of, and to furnish under oath, in the form of reports, testimony, answers to questions, or otherwise, complete information relative to any act or transaction referred to in paragraph (1), either before, during, or after the completion thereof, or relative to any interest in foreign property, or relative to any property in which any foreign country or any national thereof has or has had any interest, or as may be otherwise necessary to enforce the provisions of such paragraph. The President may require by subpoena or otherwise the production under oath by any person of all such information, reports, testimony, or answers to questions, as well as the production of any required books of accounts, records, contracts, letters, memoranda, or other papers, in the custody or control of any person. The subpoena or other requirement, in the case of contumacy or refusal to obey, shall be enforceable by order of any appropriate United States district court.''.

(c) CLARIFICATION OF JURISDICTION TO ADDRESS IEEPA VIOLATIONS.—Section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702) is further amended by adding at the end the following:

''(d) The district courts of the United States shall have jurisdiction to issue such process described in subsection (a)(2) as may be necessary and proper in the premises to enforce the provisions of this title.''.

SA 1378. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title III, add the following:

SEC. 330. FUNDING PRIORITIES FOR INNOVATIVE READINESS TRAINING PROGRAMS.

In establishing funding priorities for Innovative Readiness Training (IRT) Programs, the Secretary of Defense shall give significant weight to training missions under such programs that enhance United States border security.

SA 1379. Mr. DURBIN (for himself and Mrs. FEINSTEIN) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year

2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle C of title III, add the following:

SEC. 330. REPORTING OF SERIOUS ADVERSE HEALTH EVENTS.

(a) IN GENERAL.—The Secretary of Defense may not permit a dietary supplement containing a stimulant to be sold on a military installation or in a commissary store, exchange store, or other store under chapter 147 of title 10, United States Code, unless the manufacturer of such dietary supplement submits any report of a serious adverse health event associated with such dietary supplement to the Secretary of Health and Human Services, who shall make such reports available to the Surgeon Generals of the Armed Forces.

(b) EFFECT OF SECTION.—Notwithstanding section 201(ff)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(ff)(2)) and subsection (c)(3) of this section, this section shall not apply to a dietary supplement that is intended to be consumed in liquid form if the only stimulant contained in such supplement is caffeine.

(c) DEFINITIONS.—In this section:

(1) DIETARY SUPPLEMENT.—The term ''dietary supplement'' has the same meaning given the term in section 201(ff) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(ff)).

(2) SERIOUS ADVERSE HEALTH EVENT.—The term ''serious adverse health event'' means an adverse event that may reasonably be suspected to be associated with the use of a dietary supplement in a human, without regard to whether the event is known to be causally related to the dietary supplement, that—

(A) results in—

(i) death;

(ii) a life-threatening experience;

(iii) inpatient hospitalization or prolongation of an existing hospitalization;

(iv) a persistent or significant disability or incapacity; or

(v) a congenital anomaly or birth defect; or

(B) requires, based on reasonable medical judgment, medical or surgical intervention to prevent an outcome described in subparagraph (A).

(3) STIMULANT.—The term ''stimulant'' means a dietary ingredient that has a stimulant effect on the cardiovascular system or the central nervous system of a human by any means, including—

(A) speeding metabolism;

(B) increasing heart rate;

(C) constricting blood vessels; or

(D) causing the body to release adrenaline.

SA 1380. Mr. LUGAR (for himself, Mr. LEVIN, Mr. DOMENICI, Mr. OBAMA, Mr. LOTT, Mr. JEFFORDS, Mr. NELSON of Florida, Mr. VOINOVICH, Mr. DODD, Mr. LEAHY, Mr. NELSON of Nebraska, Ms. MURKOWSKI, Mr. KENNEDY, Mr. CHAFEE, Ms. COLLINS, Mr. ALEXANDER, Mr. ALLEN, Mr. SALAZAR, Mr. HAGEL, Mr. DEWINE, Mr. REED, Mr. DORGAN, Mrs. CLINTON, Ms. MIKULSKI, Mr. BIDEN, Ms. STABENOW, Mr. BINGAMAN, Mr. AKAKA, Mr. LAUTENBERG, Mrs. FEINSTEIN, Mr. ENZI, Mr. CONRAD, Mrs. BOXER, Mr. DURBIN, Mr. SARBANES, Ms. LANDRIEU, Mr. SUNUNU, Mr. BAYH, Mr. SMITH, and Mr. CARPER) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 302, between lines 2 and 3, insert the following:

SEC. 1306. REMOVAL OF CERTAIN RESTRICTIONS ON PROVISION OF COOPERATIVE THREAT REDUCTION ASSISTANCE.

(a) REPEAL OF RESTRICTIONS.—

(1) SOVIET NUCLEAR THREAT REDUCTION ACT OF 1991.—Section 211(b) of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102–228; 22 U.S.C. 2551 note) is repealed.

(2) COOPERATIVE THREAT REDUCTION ACT OF 1993.—Section 1203(d) of the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103–160; 22 U.S.C. 5952(d)) is repealed.

(3) RUSSIAN CHEMICAL WEAPONS DESTRUCTION FACILITIES.—Section 1305 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 22 U.S.C. 5952 note) is repealed.

(b) INAPPLICABILITY OF OTHER RESTRICTIONS.—

Section 502 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (Public Law 102–511; 106 Stat. 3338; 22 U.S.C. 5852) shall not apply to any Cooperative Threat Reduction program.

SA 1381. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

SEC. 538. MILITARY RETIREMENT CREDIT FOR CERTAIN SERVICE BY NATIONAL GUARD MEMBERS PERFORMED WHILE IN A STATE DUTY STATUS IMMEDIATELY AFTER THE TERRORIST ATTACKS OF SEPTEMBER 11, 2001.

(a) RETIREMENT CREDIT.—Service of a member of the Ready Reserve of the Army National Guard or Air National Guard described in subsection (b) shall be deemed to be service creditable under section 12732(a)(2)(A)(i) of title 10, United States Code.

(b) COVERED SERVICE.—Service referred to in subsection (a) is full-time State active duty service that a member of the National Guard performed on or after September 11, 2001, and before October 1, 2002, in any of the counties specified in subsection (c) to support a Federal declaration of emergency following the terrorist attacks on the United States of September 11, 2001.

(c) COVERED COUNTIES.—The counties referred to in subsection (b) are the following counties in the State of New York: Bronx, Kings, New York (boroughs of Brooklyn and Manhattan), Queens, Richmond, Delaware, Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk, Sullivan, Ulster, and Westchester.

(d) APPLICABILITY.—Subsection (a) shall take effect as of September 11, 2001.

SA 1382. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title III, add the following:

SEC. 330. REPORT ON AIRCRAFT TO PERFORM HIGH-ALTITUDE AVIATION TRAINING SITE OF THE ARMY NATIONAL GUARD.

Not later than December 15, 2005, the Secretary of the Army shall submit to the congressional defense committee a report containing the following:

(1) An identification of the type of aircraft in the inventory of the Army that is most suitable to perform the High-altitude Aviation Training Site (HAATS) of the Army National Guard.

(2) A schedule for assigning such aircraft to the Training Site.

SA 1383. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 378, between lines 10 and 11, insert the following:

SEC. 3114. MANAGEMENT OF POST-PROJECT COMPLETION RETIREMENT BENEFITS FOR EMPLOYEES AT DEPARTMENT OF ENERGY PROJECT COMPLETION SITES.

(a) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Secretary of Energy shall carry out a program under which the Secretary shall use competitive procedures to enter into an agreement with a contractor for the plan sponsorship and program management of post-project completion retirement benefits for eligible employees at each Department of Energy project completion site.

(2) REQUIREMENT OF NO REDUCTION IN TOTAL VALUE OF RETIREMENT BENEFITS.—The total value of post-project completion retirement benefits provided to eligible employees at a Department of Energy project completion site may not be reduced under the program required under paragraph (1) without the specific authorization of Congress.

(b) AGREEMENT FOR BENEFITS MANAGEMENT.—

(1) IN GENERAL.—The Secretary of Energy shall, in accordance with procurement rules and regulations applicable to the Department of Energy, enter into the agreement described in subsection (a) not later than 90 days after the date of the physical completion date for the Department of Energy project completion site covered by the agreement.

(2) TERMS OF AGREEMENT.—The agreement under this section shall—

(A) provide for the plan sponsorship and program management of post-project completion retirement benefits;

(B) fully describe the post-project completion retirement benefits to be provided to employees at the Department of Energy project completion site; and

(C) require that the Secretary reimburse the contractor for the costs of plan sponsorship and program management of post-project completion retirement benefits.

(3) RENEWAL OF AGREEMENT.—The agreement shall be subject to renewal every 5 years until all the benefit obligations have been met.

(c) REPORT.—

(1) IN GENERAL.—Not later than 30 days after signing of the agreement described in subsection (a), the Secretary of Energy shall submit to the congressional defense committees a report on the program established under such subsection.

(2) CONTENTS.—The report submitted under paragraph (1) shall describe—

(A) the costs of plan sponsorship and program management of post-project completion retirement benefits;

(B) the funding profile in the Department of Energy's future year budget for the plan sponsorship and program management of post-project completion retirement benefits under the agreement entered into under subsection (b);

(C) the amount of unfunded accrued liability for eligible workers at the Department of Energy project completion site; and

(D) the justification for awarding the agreement entered into under subsection (b) to the selected contractor.

(d) DEFINITIONS.—In this section:

(1) PHYSICAL COMPLETION DATE.—The term ''physical completion date'' means—

(A) the date of physical completion or achievement of a similar milestone defined by or calculated in accordance with the terms of the completion project contract; or

(B) if the completion project contract specifies no such date, the date declared by the site contractor and accepted by the Department of Energy that the site contractor has completed all services required by the project completion contract other than close-out tasks and any other tasks excluded from the contract.

(2) DEPARTMENT OF ENERGY PROJECT COMPLETION SITE.—The term ''Department of Energy project completion site'' means a site, or a project within a site, in the Department of Energy's nuclear weapons complex that has been designated by the Secretary of Energy for closure or completion without any identified successor contractor.

(3) POST-PROJECT COMPLETION RETIREMENT BENEFITS.—The term ''post-project completion retirement benefits'' means those benefits provided to eligible employees at a Department of Energy project completion site as of the physical completion date through collective bargaining agreements, projects, or contracts for work scope, including pension, health care, life insurance benefits, and other applicable welfare benefits.

(4) ELIGIBLE EMPLOYEES.—The term ''eligible employees'' includes—

(A) any employee who—

(i) was employed by the Department of energy or by contract or first or second tier subcontract to perform cleanup, security, or administrative duties or responsibilities at a Department of Energy project completion site; and

(ii) has met applicable eligibility requirements for post-project completion retirement benefits as of the physical completion date; and

(B) any eligible dependant of such an employee, as defined in the post-project completion retirement benefits plan documents.

(5) UNFUNDED ACCRUED LIABILITY.—The term ''unfunded accrued liability'' means, with respect to eligible employees, the accrued liability, as determined in accordance with an actuarial cost method, that exceeds the present value of the assets of a pension plan and the aggregate projected life-cycle health care costs.

(6) PLAN SPONSORSHIP AND PROGRAM MANAGEMENT OF POST-PROJECT COMPLETION RETIREMENT BENEFITS.—The term ''plan sponsorship and program management of post-project completion retirement benefits'' means those duties and responsibilities that are necessary to execute, and are consistent with, the terms and legal responsibilities of the instrument under which the post-project completion retirement benefits are provided to employees at a Department of Energy project completion site.

SA 1384. Mr. BYRD submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VIII, add the following:

SEC. 824. REPORTS ON CERTAIN DEFENSE CONTRACTS IN IRAQ AND AFGHANISTAN.

(a) QUARTERLY REPORTS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of Defense shall submit to the appropriate committees of Congress a report that lists and describes each task or delivery order contract or other contract related to security and reconstruction activities in Iraq and Afghanistan in which an audit conducted by an investigative or audit component of the Department of Defense during the 90-day period ending on the date of such report resulted in a finding described in subsection (b).

(2) COVERAGE OF SUBCONTRACTS.—For purposes of this section, any reference to a contract shall be treated as a reference to such contract and to any subcontracts under such contract.

(b) COVERED FINDING.—A finding described in this subsection with respect to a task or delivery order contract or other contract described in subsection (a) is a finding by an investigative or audit component of the Department of Defense that the contract includes costs that are unsupported, questioned, or both.

(c) REPORT INFORMATION.—Each report under subsection (a) shall include, with respect to each task or delivery order contract or other contract covered by such report—

(1) a description of the costs determined to be unsupported, questioned, or both; and

(2) a statement of the amount of such unsupported or questioned costs and the percentage of the total value of such task or delivery order that such costs represent.

(d) WITHHOLDING OF PAYMENTS.—In the event that any costs under a task or delivery order contract or other contract described in subsection (a) are determined by an investigative or audit component of the Department of Defense to be unsupported, questioned, or both, the appropriate Federal procurement personnel shall withhold from amounts otherwise payable to the contractor under such contract a sum equal to 100 percent of the total amount of such costs.

(e) RELEASE OF WITHHELD PAYMENTS.—Upon a subsequent determination by the appropriate Federal procurement personnel, or investigative or audit component of the Department of Defense, that any unsupported or questioned costs for which an amount payable was withheld under subsection (d) has been determined to be allowable, the appropriate Federal procurement personnel may release such amount for payment to the contractor concerned.

(f) INCLUSION OF INFORMATION ON WITHHOLDING AND RELEASE IN QUARTERLY REPORTS.—Each report under subsection (a) after the initial report under that subsection shall include the following:

(1) A description of each action taken under subsection (d) or (e) during the period covered by such report.

(2) A justification of each determination under subsection (d) or (e) that appropriately explains the determination of the appropriate Federal procurement personnel in terms of reasonableness, allocability, or other factors affecting the acceptability of the costs concerned.

(g) DEFINITIONS.—In this section:

(1) The term ''appropriate committees of Congress'' means—

(A) the Committees on Appropriations, Armed Services, and Homeland Security and Governmental Affairs of the Senate; and

(B) the Committees on Appropriations, Armed Services, and Government Reform of the House of Representatives.

(2) The term ''investigative or audit component of the Department of Defense'' means any of the following:

(A) The Office of the Inspector General of the Department of Defense.

(B) The Defense Contract Audit Agency.

(C) The Defense Contract Management Agency.

(D) The Army Audit Agency.

(E) The Naval Audit Service.

(F) The Air Force Audit Agency.

(3) The term ''questioned'', with respect to a cost, means an unreasonable, unallocable, or unallowable cost.

SA 1385. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 653. LIABILITY FOR NONCOMPLIANCE WITH SERVICEMEMBERS CIVIL RELIEF ACT.

(a) IN GENERAL.—The Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.) is amended by adding at the end the following new title:

''TITLE VIII—CIVIL LIABILITY AND ENFORCEMENT

''SEC. 801. CIVIL LIABILITY FOR NONCOMPLIANCE.

''(a) IN GENERAL.—Any person or entity (other than a servicemember or dependent) who fails to comply with any requirement imposed by this Act with respect to a servicemember or dependent is liable to such servicemember or dependent in an amount equal to the sum of—

''(1) any actual damages sustained by such servicemember or dependent as a result of the failure;

''(2) such additional damages as the court may allow, in an amount not less than $100 or more than $5,000 (as determined appropriate by the court), for each violation; and

''(3) in the case of any successful action to enforce liability under this section, the cost of the action together with reasonable attorneys fees as determined by the court.

''(b) ATTORNEY FEES.—On a finding by the court that an unsuccessful pleading, motion, or other paper filed in connection with an action under this section was filed in bad faith or for the purposes of harassment, the court shall award to the prevailing party attorney fees in amount that is reasonable in relation to the work expended in responding to such pleading, motion, or other paper.

''SEC. 802. ADMINISTRATIVE ENFORCEMENT.

''(a) ENFORCEMENT BY FEDERAL TRADE COMMISSION.—(1) Except as provided in subsection (b), compliance with the requirements imposed by this Act shall be enforced by the Federal Trade Commission in accordance with the Federal Trade Commission Act with respect to entities and persons subject to the Federal Trade Commission Act.

''(2) For the purpose of the exercise by the Commission under this subsection of its functions and powers under the Federal Trade Commission Act, a violation of any requirement or prohibition imposed by this Act shall constitute an unfair or deceptive act or practice in commerce in violation of section 5(a) of the Federal Trade Commission Act, and shall be subject to enforcement by the Commission with respect to any entity or person subject to enforcement by the Commission pursuant to this subsection, irrespective of whether such person or entity is engaged in commerce or meets any other jurisdictional tests under the Federal Trade Commission Act.

''(3) The Commission shall have such procedural, investigative, and enforcement powers, including the power to issue procedural rules in enforcing compliance with the requirements imposed by this Act and to require the filing of reports, the production of documents, and the appearance of witnesses, as though the applicable terms and conditions of the Federal Trade Commission Act were part of this Act.

''(4) Any person or entity violating any provision of this Act shall be subject to the penalties, and entitled to the privileges and immunities, provided in the Federal Trade Commission Act as though the applicable terms and provisions of the Federal Trade Commission Act were part of this Act.

''(5)(A) The Commission may commence a civil action to recover a civil penalty in a district court of the United States against any person or entity that has engaged in such violation. In such action, such person or entity shall be liable, in addition to any amounts otherwise recoverable, for a civil penalty in the amount of $5,000 to $50,000, as determined appropriate by the court for each violation.

''(B) In determining the amount of a civil penalty under subparagraph (A), the court shall take into account the degree of culpability, any history of prior such conduct, ability to pay, effect on ability to continue to do business, and such other matters as justice may require.

''(b) ENFORCEMENT BY OTHER REGULATORY AGENCIES.—Compliance with the requirements imposed by this Act with respect to financial institutions shall be enforced under—

''(1) section 8 of the Federal Deposit Insurance Act, in the case of—

''(A) national banks, and Federal branches and Federal agencies of foreign banks, and any subsidiaries of such (except brokers, dealers, persons providing insurance, investment companies, and investment advisers) by the Office of the Comptroller of the Currency;

''(B) member banks of the Federal Reserve System (other than national banks), branches and agencies of foreign banks (other than Federal branches, Federal agencies, and insured State branches of foreign banks), commercial lending companies owned or controlled by foreign banks, and organization operating under section 25 or 25A of the Federal Reserve Act, and bank holding companies and their nonbank subsidiaries or affiliates (except brokers, dealers, persons providing insurance, investment companies, and investment advisers) by the Board of Governors of the Federal Reserve System; and

''(C) banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System) and insured State branches of foreign banks, and any subsidiaries of such entities (except brokers, dealers, persons providing insurance, investment companies, and investment advisers) by the Board of Directors of the Federal Deposit Insurance Corporation;

''(2) section 8 of the Federal Deposit Insurance Act, by the Director of the Office of Thrift Supervision, in the case of a savings association the deposits of which are insured by the Federal Deposit Insurance Corporation and any subsidiaries of such saving associations (except brokers, dealers, persons providing insurance, investment companies, and investment advisers);

''(3) the Federal Credit Union Act, by the Administrator of the National Credit Union Administration with respect to any federally insured credit union, and any subsidiaries of such an entity;

''(4) State insurance law, by the applicable State insurance authority of the State in which a person is domiciled, in the case of a person providing insurance; and

''(5) the Federal Trade Commission Act, by the Federal Trade Commission for any other financial institution or other person that is not subject to the jurisdiction of any agency or authority under paragraphs (1) through (4).''.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by adding at the end the following new items:

''TITLE VIII—CIVIL LIABILITY AND ENFORCEMENT

''Sec. 801. Civil liability for noncompliance.

''Sec. 802. Administrative enforcement.''.

SA 1386. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 371, between lines 8 and 9, insert the following:

SEC. 2887. EFFECT OF CERTAIN FACILITIES ADMINISTRATION AND MILITARY HOUSING ACTIVITIES ON ALLOCATIONS OR ELIGIBILITY OF MILITARY INSTALLATIONS FOR POWER FROM FEDERAL POWER MARKETING AGENCIES.

Notwithstanding any other provision of law, a Federal power marketing agency may not terminate the eligibility of a military installation for power, or reduce the allocation of power to a military installation, as a result of the exercise at the military installation of any authority as follows:

(1) The conveyance of a utility system of the military installation under section 2688 of title 10, United States Code.

(2) The acquisition or improvement of military housing for the military installation under the alternative authority for the acquisition and improvement of military housing under subchapter IV of chapter 169 of title 10, United States Code.

SA 1387. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 378, between lines 10 and 11, insert the following:

SEC. 31____. SAVANNAH RIVER NATIONAL LABORATORY.

The Savannah River National Laboratory shall be a participating laboratory in the Department of Energy laboratory directed research and development program.

SA 1388. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 286, between lines 7 and 8, insert the following:

SEC. 10____. ESTABLISHMENT OF THE USS OKLAHOMA MEMORIAL.

(a) SITE AND FUNDING FOR MEMORIAL.—Not later than 6 months after the date of enactment of this section, the Secretary of the Navy, in consultation with the Secretary of the Interior shall identify an appropriate site on Ford Island for a memorial for the USS Oklahoma consistent with the ''Pearl Harbor Naval Complex Design Guidelines and Evaluation Criteria for Memorials, April 2005''. The USS Oklahoma Foundation shall be solely responsible for raising the funds necessary to design and erect a dignified and suitable memorial to the naval personnel serving aborad the USS Oklahoma when it was attacked on December 7, 1941.

(b) ADMINISTRATION AND MAINTENANCE OF MEMORIAL.—After the site has been selected, the Secretary of the Interior shall administer and maintain the site as part of the USS Arizona Memorial, a unit of the National Park System, in accordance with the laws and regulations applicable to land administered by the National Park Service and any Memorandum of Understanding between the Secretary of the Navy and the Secretary of the Interior. The Secretary of the Navy shall continue to have jurisdiction over the land selected as the site.

(c) FUTURE MEMORIALS.—Any future memorials for U.S. Naval Vessels that were attacked at Pearl Harbor on December 7, 1941, shall be consistent with the ''Pearl Harbor Naval Complex Design Guidelines and Evaluation Criteria for Memorials, April 2005''.

SA 1389. Mr. THUNE (for himself, Mr. LIEBERMAN, Ms. SNOWE, Mr. LAUTENBERG, Mr. JOHNSON, Mr. DODD, Ms. COLLINS, Mr. CORZINE, Mr. BINGAMAN and Mr. DOMENICI) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of

Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 371, between lines 8 and 9, insert the following:

SEC. 2887. POSTPONEMENT OF 2005 ROUND OF DEFENSE BASE CLOSURE AND REALIGNMENT.

The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(1) by adding at the end the following:

''SEC. 2915. POSTPONEMENT OF 2005 ROUND OF DEFENSE BASE CLOSURE AND REALIGNMENT.

''(a) IN GENERAL.—Notwithstanding any other provision of this part, the round of defense base closure and realignment otherwise scheduled to occur under this part in 2005 by reasons of sections 2912, 2913, and 2914 shall occur instead in the year following the year in which the last of the actions described in subsection (b) occurs (in this section referred to as the 'postponed closure round year').

''(b) ACTIONS REQUIRED BEFORE BASE CLOSURE ROUND.—(1) The actions referred to in subsection (a) are the following actions:

''(A) The complete analysis, consideration, and, where appropriate, implementation by the Secretary of Defense of the recommendations of the Commission on Review of Overseas Military Facility Structure of the United States.

''(B) The return from deployment in the Iraq theater of operations of substantially all (as determined by the Secretary of Defense) major combat units and assets of the Armed Forces.

''(C) The receipt by the Committees on Armed Services of the Senate and the House of Representatives of the report on the quadrennial defense review required to be submitted in 2006 by the Secretary of Defense under section 118(d) of title 10, United States Code.

''(D) The complete development and implementation by the Secretary of Defense and the Secretary of Homeland Security of the National Maritime Security Strategy.

''(E) The complete development and implementation by the Secretary of Defense of the Homeland Defense and Civil Support directive.

''(F) The receipt by the Committees on Armed Services of the Senate and the House of Representatives of a report submitted by the Secretary of Defense that assesses military installation needs taking into account—

''(i) relevant factors identified through the recommendations of the Commission on Review of Overseas Military Facility Structure of the United States;

''(ii) the return of the major combat units and assets described in subparagraph (B);

''(iii) relevant factors identified in the report on the 2005 quadrennial defense review;

''(iv) the National Maritime Security Strategy; and

''(v) the Homeland Defense and Civil Support directive.

''(2) The report required under subparagraph (F) of paragraph (1) shall be submitted not later than one year after the occurrence of the last action described in subparagraphs (A) through (E) of such paragraph.

''(c) ADMINISTRATION.—For purposes of sections 2912, 2913, and 2914, each date in a year that is specified in such sections shall be deemed to be the same date in the postponed closure round year, and each reference to a fiscal year in such sections shall be deemed to be a reference to the fiscal year that is the number of years after the original fiscal year that is equal to the number of years that the postponed closure round year is after 2005.''; and

(2) in section 2904(b)(1)—

(A) in subparagraph (A), by striking ''the date on which the President transmits such report'' and inserting ''the date by which the President is required to transmit such report''; and

(B) in subparagraph (B), by striking ''such report is transmitted'' and inserting ''such report is required to be transmitted''.

SA 1390. Mr. WARNER proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of title XI, add the following:

SEC. 1106. INCREASE IN AUTHORIZED NUMBER OF DEFENSE INTELLIGENCE SENIOR EXECUTIVE SERVICE EMPLOYEES.

Section 1606(a) of title 10, United States Code, is amended by striking ''544'' and inserting ''the following:

''(1) In fiscal year 2005, 544.

''(2) In fiscal year 2006, 619.

''(3) In fiscal years after fiscal year 2006, 694.''.

SA 1391. Mr. WARNER (for Mr. WYDEN, (for himself and Mr. SMITH)) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 378, between lines 10 and 11, insert the following:

SEC. 3___. CLARIFICATION OF COOPERATIVE AGREEMENT AUTHORITY UNDER CHEMICAL DEMILITARIZATION PROGRAM.

(a) IN GENERAL.—Section 1412(c)(4) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(c)(4)), is amended—

(1) by inserting ''(A)'' after ''(4)'';

(2) in the first sentence—

(A) by inserting ''and tribal organizations'' after ''State and local governments''; and

(B) by inserting ''and tribal organizations'' after ''those governments'';

(3) in the third sentence—

(A) by striking ''Additionally, the Secretary'' and inserting the following:

''(B) Additionally, the Secretary''; and

(B) by inserting ''and tribal organizations'' after ''State and local governments''; and

(4) by adding at the end the following:

''(C) In this paragraph, the term 'tribal organization' has the meaning given the term in section 4(*l*) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(*l*)).''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a)—

(1) take effect on December 5, 1991; and

(2) apply to any cooperative agreement entered into on or after that date.

SA 1392. Mr. WARNER proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle A of title IX, add the following:

SEC. 903. PROVISION OF AUDIOVISUAL SUPPORT SERVICES BY THE WHITE HOUSE COMMUNICATIONS AGENCY.

(a) PROVISION ON NONREIMBURSABLE BASIS.—Section 912 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2623; 10 U.S.C. 111 note) is amended—

(1) in subsection (a)—

(A) in the subsection caption, by inserting ''AND AUDIOVISUAL SUPPORT SERVICES'' after ''TELECOMMUNICATIONS SUPPORT''; and

(B) by inserting ''and audiovisual support services'' after ''provision of telecommunications support''; and

(2) in subsection (b), by inserting ''and audiovisual'' after ''other than telecommunications''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2005, and shall apply with respect to the provision of audiovisual support services by the White House Communications Agency in fiscal years beginning on or after that date.

SA 1393. Mr. WARNER (for Mr. INOUYE) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle C of title IX, add the following:

SEC. 924. UNITED STATES MILITARY CANCER INSTITUTE.

(a) ESTABLISHMENT.—Chapter 104 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2117. United States Military Cancer Institute

''(a) ESTABLISHMENT.—(1) There is a United States Military Cancer Institute in the University. The Director of the United States Military Cancer Institute is the head of the Institute.

''(2) The Institute is composed of clinical and basic scientists in the Department of Defense who have an expertise in research, patient care, and education relating to oncology and who meet applicable criteria for participation in the Institute.

''(3) The components of the Institute include military treatment and research facilities that meet applicable criteria and are designated as affiliates of the Institute.

''(b) RESEARCH.—(1) The Director of the United States Military Cancer Institute shall carry out research studies on the following:

''(A) The epidemiological features of cancer, including assessments of the carcinogenic effect of genetic and environmental factors, and of disparities in health, inherent or common among populations of various ethnic origins.

''(B) The prevention and early detection of cancer.

''(C) Basic, translational, and clinical investigation matters relating to the matters described in subparagraphs (A) and (B).

''(2) The research studies under paragraph (1) shall include complementary research on oncologic nursing.

''(c) COLLABORATIVE RESEARCH.—The Director of the United States Military Cancer Institute shall carry out the research studies

under subsection (b) in collaboration with other cancer research organizations and entities selected by the Institute for purposes of the research studies.

''(d) ANNUAL REPORT.—(1) Promptly after the end of each fiscal year, the Director of the United States Military Cancer Institute shall submit to the President of the University a report on the results of the research studies carried out under subsection (b).

''(2) Not later than 60 days after receiving the annual report under paragraph (1), the President of the University shall transmit such report to the Secretary of Defense and to Congress.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2117. United States Military Cancer Institute.''.

SA 1394. Mr. WARNER (for Mr. SESSIONS) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle B of title II, add the following:

SEC. 213. TELEMEDICINE AND ADVANCED TECHNOLOGY RESEARCH CENTER.

(a) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby increased by $1,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army, as increased by subsection (a), $1,000,000 may be available for Medical Advanced Technology (PE #603002A) for the Telemedicine and Advanced Technology Research Center.

(c) OFFSET.—The amount authorized to be appropriated by section 101(4) for procurement of ammunition for the Army is hereby reduced by $1,000,000, with the amount of the reduction to be allocated to amounts available for Ammunition Production Base Support, Production Base Support for the Missile Recycling Center (MRC).

SA 1395. Mr. WARNER (for Mr. REED) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle B of title II, add the following:

SEC. 213. TOWED ARRAY HANDLER.

(a) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy, the amount available for Program Element 0604503N for the design, development, and test of improvements to the towed array handler is hereby increased by $5,000,000 in order to increase the reliability of the towed array and the towed array handler by capitalizing on ongoing testing and evaluation of such systems.

(b) OFFSET.—Of the amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy, the amount available for Program Element 0604558N for new design for the Virginia Class submarine for the large aperture bow array is hereby reduced by $5,000,000.

SA 1396. Mr. WARNER (for Mr. STEVENS) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 310, in the table following line 16, strike ''$39,160,000'' in the amount column of the item relating to Fort Wainwright, Alaska, and insert ''$44,660,000''.

On page 311, in the table preceding line 1, strike the amount identified as the total in the amount column and insert ''$2,000,622,000''.

On page 313, line 4, strike ''$2,966,642,000'' and insert ''$2,972,142,000''.

On page 313, line 7, strike ''$1,007,222,000'' and insert ''$1,012,722,000''.

On page 326, in the table following line 4, strike ''$92,820,000'' in the amount column of the item relating to Elmendorf Air Force Base, Alaska, and insert ''$84,820,000''.

On page 326, in the table following line 4, strike the amount identified as the total in the amount column and insert ''$1,040,106,000''.

On page 329, line 8, strike ''$3,116,982,000'' and insert ''$3,008,982,000''.

On page 329, line 11, strike ''$923,106,000'' and insert ''$915,106,000''.

SA 1397. Mr. WARNER (for Mrs. FEINSTEIN) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 326, in the table following line 4, strike the item relating to Los Angeles Air Force Base, California.

On page 326, in the table following line 4, strike ''$6,800,000'' in the amount column of the item relating to Fairchild Air Force Base, Washington, and insert ''$8,200,000''.

On page 326, in the table following line 4, strike the amount identified as the total in the amount column and insert ''$1,047,006,000''.

On page 329, line 8, strike ''$3,116,982,000'' and insert ''$3,115,882,000''.

On page 329, line 11, strike ''$923,106,000'' and insert ''$922,006,000''.

On page 336, line 22, strike ''$464,680,000'' and insert ''$445,100,000''.

On page 337, line 2, strike ''$245,861,000'' and insert ''$264,061,000''.

On page 337, between lines 4 and 5, insert the following:

SEC. 2602. SPECIFIC AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION PROJECTS.

(a) CAMP ROBERTS, CALIFORNIA.—Of the amount authorized to be appropriated for the Department of the Army for the Army National Guard of the United States under section 2601(1)(A)—

(1) $1,500,000 is available for the construction of an urban combat course at Camp Roberts, California; and

(2) $1,500,000 is available for the addition or alteration of a field maintenance shop at Fort Dodge, Iowa.

SEC. 2603. CONSTRUCTION OF FACILITIES, NEW CASTLE COUNTY AIRPORT AIR GUARD BASE, DELAWARE.

Of the amount authorized to be appropriated for the Department of the Air Force for the Air National Guard of the United States under section 2601(3)(A)—

(1) $1,400,000 is available for the construction of a security forces facility at New Castle County Airport Air Guard Base, Delaware; and

(2) $1,500,000 is available for the construction of a medical training facility at New Castle County Airport Air Guard Base, Delaware.

SA 1398. Mr. WARNER (for Mr. LOTT (for himself and Mr. COCHRAN)) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 18, beginning on line 20, strike ''and advance construction'' and insert ''advance construction, detail design, and construction''.

On page 19, beginning on line 10, strike ''fiscal year 2007'' and insert ''fiscal year 2006''

On page 19, between lines 18 and 19, insert the following:

(e) FUNDING AS INCREMENT OF FULL FUNDING.—The amounts available under subsections (a) and (b) for the LHA Replacement ship are the first increments of funding for the full funding of the LHA Replacement (LHA(R)) ship program.

SA 1399. Mr. WARNER (for Mrs. FEINSTEIN (for herself and Mr. GRASSLEY)) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

Strike section 1021 and insert the following:

SEC. 1021. TRANSFER OF BATTLESHIPS.

(a) TRANSFER OF BATTLESHIP WISCONSIN.—The Secretary of the Navy is authorized—

(1) to strike the Battleship U.S.S. WISCONSIN (BB–64) from the Naval Vessel Register; and

(2) subject to section 7306 of title 10, United States Code, to transfer the vessel by gift or otherwise provided that the Secretary requires, as a condition of transfer, that the transferee locate the vessel in the Commonwealth of Virginia.

(b) TRANSFER OF BATTLESHIP IOWA.—The Secretary of the Navy is authorized—

(1) to strike the Battleship U.S.S. IOWA (BB–61) from the Naval Vessel Register; and

(2) subject to section 7306 of title 10, United States Code, to transfer the vessel by gift or otherwise provided that the Secretary requires, as a condition of transfer, that the transferee locate the vessel in the State of California.

(c) INAPPLICABILITY OF NOTICE AND WAIT REQUIREMENT.—Notwithstanding any provision of subsection (a) or (b), section 7306(d) of

title 10, United States Code, shall not apply to the transfer authorized by subsection (a) or the transfer authorized by subsection (b).

(d) REPEAL OF SUPERSEDED REQUIREMENTS AND AUTHORITIES.—

(1) Section 1011 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 421) is repealed.

(2) Section 1011 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2118) is repealed.

SA 1400. Mr. WARNER (for Mr. LOTT) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle D of title VI, add the following:

SEC. 642. IMPROVEMENT OF MANAGEMENT OF ARMED FORCES RETIREMENT HOME.

(a) REDESIGNATION OF CHIEF OPERATING OFFICER AS CHIEF EXECUTIVE OFFICER.—

(1) IN GENERAL.—Section 1515 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 415) is amended—

(A) by striking ''Chief Operating Officer'' each place it appears and inserting ''Chief Executive Officer''; and

(B) in subsection (e)(1), by striking ''Chief Operating Officer's'' and inserting ''Chief Executive Officer's''.

(2) CONFORMING AMENDMENTS.—Such Act is further amended by striking ''Chief Operating Officer'' each place it appears in a provision as follows and inserting ''Chief Executive Officer'':

(A) In section 1511 (24 U.S.C. 411).

(B) In section 1512 (24 U.S.C. 412).

(C) In section 1513(a) (24 U.S.C. 413(a)).

(D) In section 1514(c)(1) (24 U.S.C. 414(c)(1)).

(E) In section 1516(b) (24 U.S.C. 416(b)).

(F) In section 1517 (24 U.S.C. 417).

(G) In section 1518(c) (24 U.S.C. 418(c)).

(H) In section 1519(c) (24 U.S.C. 419(c)).

(I) In section 1521(a) (24 U.S.C. 421(a)).

(J) In section 1522 (24 U.S.C. 422).

(K) In section 1523(b) (24 U.S.C. 423(b)).

(L) In section 1531 (24 U.S.C. 431).

(3) CLERICAL AMENDMENTS.—(A) The heading of section 1515 of such Act is amended to read as follows:

''SEC. 1515. CHIEF EXECUTIVE OFFICER.''.

(B) The table of contents for such Act is amended by striking the item relating to section 1515 and inserting the following new item:

''Sec. 1515. Chief Executive Officer.''.

(4) REFERENCES.—Any reference in any law, regulation, document, record, or other paper of the United States to the Chief Operating Officer of the Armed Forces Retirement Home shall be considered to be a reference to the Chief Executive Officer of the Armed Forces Retirement Home.

(b) PHYSICIANS AND DENTISTS FOR EACH RETIREMENT HOME FACILITY.—Section 1513 of such Act (24 U.S.C. 413) is amended—

(1) in subsection (a), by striking ''subsection (b)'' and inserting ''subsections (b), (c), and (d)''; and

(2) by adding at the end the following new subsection:

''(c) PHYSICIANS AND DENTISTS FOR EACH RETIREMENT HOME FACILITY.—(1) In providing for the health care needs of residents under subsection (c), the Retirement Home shall have in attendance at each facility of the Retirement Home, during the daily business hours of such facility, a physician and a dentist, each of whom shall have skills and experience suited to residents of such facility.

''(2) In providing for the health care needs of residents, the Retirement shall also have available to residents of each facility of the Retirement Home, on an on-call basis during hours other than the daily business hours of such facility, a physician and a dentist each of whom have skills and experience suited to residents of such facility.

''(3) In this subsection, the term 'daily business hours' means the hours between 9 o'clock ante meridian and 5 o'clock post meridian, local time, on each of Monday through Friday.''.

(c) TRANSPORTATION TO MEDICAL CARE OUTSIDE RETIREMENT HOME FACILITIES.—Section 1513 of such Act is further amended—

(1) in the third sentence of subsection (b), by inserting '', except as provided in subsection (d),'' after ''shall not''; and

(2) by adding at the end the following new subsection:

''(d) TRANSPORTATION TO MEDICAL CARE OUTSIDE RETIREMENT HOME FACILITIES.—The Retirement Home shall provide to any resident of a facility of the Retirement Home, upon request of such resident, transportation to any medical facility located not more than 30 miles from such facility for the provision of medical care to such resident. The Retirement Home may not collect a fee from a resident for transportation provided under this subsection.''.

(d) MILITARY DIRECTOR FOR EACH RETIREMENT HOME.—Section 1517(b)(1) of such Act (24 U.S.C. 417(b)(1)) is amended by striking ''a civilian with experience as a continuing care retirement community professional or''.

SA 1401. Mr. KENNEDY (for himself, Ms. COLLINS, Mrs. CLINTON, Mr. ROBERTS, Ms. MIKULSKI, Mr. SANTORUM, Mr. LIEBERMAN, and Mrs. DOLE) submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 213. DEFENSE BASIC RESEARCH PROGRAMS.

(a) ARMY PROGRAMS.—(1) The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby increased by $10,000,000.

(2) Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army, as increased by paragraph (1), $10,000,000 shall be available for Program Element 0601103A for University Research Initiatives.

(b) NAVY PROGRAMS.—(1) The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy is hereby increased by $10,000,000.

(2) Of the amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy, as increased by paragraph (1), $10,000,000 shall be available for Program Element 0601103N for University Research Initiatives.

(c) AIR FORCE PROGRAMS.—(1) The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby increased by $10,000,000.

(2) Of the amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force, as increased by paragraph (1), $10,000,000 shall be available for Program Element 0601103F for University Research Initiatives.

(d) DEFENSE-WIDE ACTIVITIES.—(1) The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities is hereby increased by $20,000,000.

(2) Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities, as increased by paragraph (1)—

(A) $10,000,000 shall be available for Program Element 0601120D8Z for the SMART National Defense Education Program; and

(B) $10,000,000 shall be available for Program Element 0601101E for the Defense Advanced Research Projects Agency for fundamental research in computer science and cybersecurity.

(e) OFFSET.—The amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities is hereby reduced by $50,000,000, with the amount of the reduction to be allocated to amounts available for information technology initiatives.

(f) SENSE OF SENATE.—It is the sense of the Senate that it should be a goal of the Department of Defense to allocate to basic research programs each fiscal year an amount equal to 15 percent of the funds available to the Department of Defense for science and technology in such fiscal year.

SA 1402. Mr. AKAKA (for himself, Mr. COCHRAN, and Mr. DODD) submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 286, between lines 7 and 8, insert the following:

SEC. 1073. ESTABLISHMENT OF NATIONAL FOREIGN LANGUAGE COORDINATION COUNCIL.

(a) ESTABLISHMENT.—There is established the National Foreign Language Coordination Council (in this section referred to as the ''Council''), which shall be an independent establishment as defined under section 104 of title 5, United States Code.

(b) MEMBERSHIP.—The Council shall consist of the following members or their designees:

(1) The National Language Director, who shall serve as the chairperson of the Council.

(2) The Secretary of Education.

(3) The Secretary of Defense.

(4) The Secretary of State.

(5) The Secretary of Homeland Security.

(6) The Attorney General.

(7) The Director of National Intelligence.

(8) The Secretary of Labor.

(9) The Director of the Office of Personnel Management.

(10) The Director of the Office of Management and Budget.

(11) The Secretary of Commerce.

(12) The Secretary of Health and Human Services.

(13) The Secretary of the Treasury.

(14) The Secretary of Housing and Urban Development.

(15) The Secretary of Agriculture.
(16) The heads of such other Federal agencies as the Council considers appropriate.
(c) RESPONSIBILITIES.—
(1) IN GENERAL.—The Council shall be charged with—
(A) developing a national foreign language strategy, within 18 months of the date of enactment of this section, in consultation with—
(i) State and local government agencies;
(ii) academic sector institutions;
(iii) foreign language related interest groups;
(iv) business associations;
(v) industry;
(vi) heritage associations; and
(vii) other relevant stakeholders;
(B) conducting a survey of Federal agency needs for foreign language area expertise; and
(C) overseeing the implementation of such strategy through—
(i) execution of subsequent law; and
(ii) the promulgation and enforcement of rules and regulations.
(2) STRATEGY CONTENT.—The strategy developed under paragraph (1) shall include—
(A) identification of crucial priorities across all sectors;
(B) identification and evaluation of Federal foreign language programs and activities, including—
(i) recommendations on coordination;
(ii) program enhancements; and
(iii) allocation of resources so as to maximize use of resources;
(C) needed national policies and corresponding legislative and regulatory actions in support of, and allocation of designated resources to, promising programs and initiatives at all levels (Federal, State, and local), especially in the less commonly taught languages that are seen as critical for national security and global competitiveness in the next 20 to 50 years;
(D) effective ways to increase public awareness of the need for foreign language skills and career paths in all sectors that can employ those skills, with the objective of increasing support for foreign language study among—
(i) Federal, State, and local leaders;
(ii) students;
(iii) parents;
(iv) elementary, secondary, and postsecondary educational institutions; and
(v) potential employers;
(E) incentives for related educational programs, including foreign language teacher training;
(F) coordination of cross-sector efforts, including public-private partnerships;
(G) coordination initiatives to develop a strategic posture for language research and recommendations for funding for applied foreign language research into issues of national concern;
(H) assistance for—
(i) the development of foreign language achievement standards; and
(ii) corresponding assessments for the elementary, secondary, and postsecondary education levels, including the National Assessment of Educational Progress in foreign languages;
(I) development of —
(i) language skill-level certification standards;
(ii) an ideal course of pre-service and professional development study for those who teach foreign language;
(iii) suggested graduation criteria for foreign language studies and appropriate non-language studies, such as—
(I) international business;
(II) national security;
(III) public administration;
(IV) health care;
(V) engineering;
(VI) law;
(VII) journalism; and
(VIII) sciences; and
(J) identification of and means for replicating best practices at all levels and in all sectors, including best practices from the international community.
(d) MEETINGS.—The Council may hold such meetings, and sit and act at such times and places, as the Council considers appropriate, but shall meet in formal session at least 2 times a year. State and local government agencies and other organizations (such as academic sector institutions, foreign language-related interest groups, business associations, industry, and heritage community organizations) shall be invited, as appropriate, to public meetings of the Council at least once a year.
(e) STAFF.—
(1) IN GENERAL.—The Director may appoint and fix the compensation of such additional personnel as the Director considers necessary to carry out the duties of the Council.
(2) DETAILS FROM OTHER AGENCIES.—Upon request of the Council, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of such agency to the Council.
(3) EXPERTS AND CONSULTANTS.—With the approval of the Council, the Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.
(f) POWERS.—
(1) DELEGATION.—Any member or employee of the Council may, if authorized by the Council, take any action that the Council is authorized to take in this section.
(2) INFORMATION.—The Council may secure directly from any Federal agency such information, consistent with Federal privacy laws, the Council considers necessary to carry out its responsibilities. Upon request of the Director, the head of such agency shall furnish such information to the Council.
(3) DONATIONS.—The Council may accept, use, and dispose of gifts or donations of services or property.
(4) MAIL.—The Council may use the United States mail in the same manner and under the same conditions as other Federal agencies.
(g) CONFERENCES, NEWSLETTER, AND WEBSITE.—In carrying out this section, the Council—
(1) may arrange Federal, regional, State, and local conferences for the purpose of developing and coordinating effective programs and activities to improve foreign language education;
(2) may publish a newsletter concerning Federal, State, and local programs that are effectively meeting the foreign language needs of the nation; and
(3) shall create and maintain a website containing information on the Council and its activities, best practices on language education, and other relevant information.
(h) REPORTS.—Not later than 90 days after the date of enactment of this section, and annually thereafter, the Council shall prepare and transmit to the President and Congress a report that describes the activities of the Council and the efforts of the Council to improve foreign language education and training and impediments, including any statutory and regulatory restrictions, to the use of each such program.
(i) ESTABLISHMENT OF A NATIONAL LANGUAGE DIRECTOR.—
(1) IN GENERAL.—There is established a National Language Director who shall be appointed by the President. The National Language Director shall be a nationally recognized individual with credentials and abilities across all of the sectors to be involved with creating and implementing long-term solutions to achieving national foreign language and cultural competency.
(2) RESPONSIBILITIES.—The National Language Director shall—
(A) develop and oversee the implementation of a national foreign language strategy across all sectors;
(B) establish formal relationships among the major stakeholders in meeting the needs of the Nation for improved capabilities in foreign languages and cultural understanding, including Federal, State, and local government agencies, academia, industry, labor, and heritage communities; and
(C) coordinate and lead a public information campaign that raises awareness of public and private sector careers requiring foreign language skills and cultural understanding, with the objective of increasing interest in and support for the study of foreign languages among national leaders, the business community, local officials, parents, and individuals.
(3) COMPENSATION.—The National Language Director shall be paid at a rate of pay payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.
(j) ENCOURAGEMENT OF STATE INVOLVEMENT.—
(1) STATE CONTACT PERSONS.—The Council shall consult with each State to provide for the designation by each State of an individual to serve as a State contact person for the purpose of receiving and disseminating information and communications received from the Council.
(2) STATE INTERAGENCY COUNCILS AND LEAD AGENCIES.—Each State is encouraged to establish a State interagency council on foreign language coordination or designate a lead agency for the State for the purpose of assuming primary responsibility for coordinating and interacting with the Council and State and local government agencies as necessary.
(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary to carry out this section.

SA 1403. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title III, add the following:

SEC. 330. DEMONSTRATION PROJECT ON EMERGENCY COMMUNICATIONS NETWORK IN HAWAII.

(a) IN GENERAL.—The Secretary of Defense shall carry out a demonstration project in the State of Hawaii to assess the feasability and advisability of utilizing an emergency communications network (ECN) to link civil defense sites in the State of Hawaii with Federal, State, and local emergency responder organizations in that State.
(b) EMERGENCY COMMUNICATIONS NETWORK.—
(1) IN GENERAL.—In carrying out the demonstration project, the Secretary shall establish in the State of Hawaii an emergency communications network to be known as the Emergency Communications Network–Hawaii (in this section referred to as the ''Network'' or ''ECN–H'').

(2) ELEMENTS.—The Network shall, to the extent practicable, consist of the elements as follows:

(A) Wireless satellite interactive ground terminals and mobile terminals.

(B) A remote teleport service enabling the high-speed Internet transmission of voice, video, data, and fax information, teleconferencing, and related applications.

(C) Commercially available technologies, including technologies that integrate digital broadcast with return channel over satellite (DVB–RCS) with voice over Internet Protocol (VOIP) conversion.

(D) Radio interoperability units to assemble each ground terminal [it's not clear what this means].

(3) CAPABILITIES.—The Network shall, to the extent practicable, have the capabilities as follows:

(A) To provide a link between civil defense sites in the State of Hawaii and Federal, State, and local emergency responder organizations in that State.

(B) To further enhance interoperability among emergency responder organizations in the State of Hawaii.

(C) To facilitate the evaluation of the Network by appropriate Federal agencies for purposes of determining the feasability and advisability of adding additional functions to the Network.

(4) LOCATION OF CERTAIN COMPONENTS.—(A) In order to facilitate uninterrupted communications for emergency responder organizations in the State of Hawaii, the return channel over satellite (RCS) hub for the Network shall be located at an appropriate location in the continental United States selected by the Secretary for purposes of the demonstration project.

(B) Not less than 13 grounds terminals, and not less than 6 mobile terminals, of the Network shall be provided to appropriate elements of State civil defense agencies and county law enforcement offices in the State of Hawaii selected by the Secretary for purposes of the demonstration project upon recommendations made by State civil defense authorities in that State.

(5) ASSIGNMENT OF ADDITIONAL COMPONENTS TO FEDERAL UNITS.—The Secretary shall assign a terminal for the Network, and provide for the full integration of each terminal so assigned with the Network, to each unit as follows:

(A) The 93rd Weapons of Mass Destruction Civil Support Team (CST) of the Army National Guard of the State of Hawaii.

(B) The Joint Rear Area Coordinator for Hawaii.

(c) REPORT.—Not later than _____, the Secretary shall submit to the congressional defense committees a report on the demonstration project carried out under this section. The report shall include—

(1) a description of the Network;

(2) an assessment of the utility of the Network in providing a link between civil defense sites in the State of Hawaii and Federal, State, and local emergency responder organizations in that State; and

(3) such recommendations for legislative or administrative action as the Secretary considers appropriate in light of the demonstration project.

(d) FUNDING.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance, Defense–wide activities, $4,000,000 shall be available to carry out the demonstration project required by this section.

SA 1404. Mr. AKAKA (for himself and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

SEC. 538. PILOT PROGRAM ON ENHANCED QUALITY OF LIFE FOR MEMBERS OF THE ARMY RESERVE AND THEIR FAMILIES.

(a) PILOT PROGRAM REQUIRED.—

(1) IN GENERAL.—The Secretary of the Army shall carry out a pilot program to assess the feasability and advisability of utilizing a coalition of military and civilian community personnel at military installations in order to enhance the quality of life for members of the Army Reserve who serve at such installations and their families.

(2) LOCATIONS.—The Secretary shall carry out the pilot program at a military installation selected by the Secretary for purposes of the pilot program in each State as follows:

(A) The State of Hawaii.

(B) The State of Utah.

(b) PARTICIPATING PERSONNEL.—A coalition of personnel under the pilot program shall consist of—

(1) such command personnel at the installation concerned as the commander of such installation considers appropriate;

(2) such other military personnel at such installation as the commander of such installation considers appropriate; and

(3) appropriate members of the civilian community of installation, such as clinicians and teachers, who volunteer for participation in the coalition.

(c) OBJECTIVES.—

(1) PRINCIPLE OBJECTIVE.—The principle objective of the pilot program shall be to enhance the quality of life for members of the Army Reserve and their families in order to enhance the mission readiness of such members, to facilitate the transition of such members to and from deployment, and to enhance the retention of such members.

(2) OBJECTIVES RELATING TO DEPLOYMENT.—In seeking to achieve the principle objective under paragraph (1) with respect to the deployment of members of the Army Reserve, each coalition under the pilot program shall seek to assist members of the Army Reserve and their families in—

(A) successfully coping with the absence of such members from their families during deployment; and

(B) successfully addressing other difficulties associated with extended deployments, including difficulties of members on deployment and difficulties of family members at home.

(3) METHODS TO ACHIEVE OBJECTIVES.—The methods selected by each coalition under the pilot program to achieve the objectives specified in this subsection shall include methods as follows:

(A) Methods that promote a balance of work and family responsibilities through a principle-centered approach to such matters.

(B) Methods that promote the establishment of appropriate priorities for family matters, such as the allocation of time and attention to finances, within the context of meeting military responsibilities.

(C) Methods that promote the development of meaningful family relationships.

(D) Methods that promote the development of parenting skills intended to raise emotionally healthy and empowered children.

(d) REPORT.—Not later than April 1, 2007, the Secretary shall submit to the congressional defense committees a report on the pilot program carried out under this section. The report shall include—

(1) a description of the pilot program;

(2) an assessment of the benefits of utilizing a coalition of military and civilian community personnel on military installations in order to enhance the quality of life for members of the Army Reserve and their families; and

(3) such recommendations for legislative or administrative action as the Secretary considers appropriate in light of the pilot program.

(e) FUNDING.—

(1) IN GENERAL.—The amount authorized to be appropriated by section 301(6) for operation and maintenance for the Army Reserve is hereby increased by $160,000, with the amount of the increase to be available to carry out the pilot program required by this section.

(2) OFFSET.—The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy and available for Ship Self Defense (Detect and Control) (PE #0604775N) is hereby reduced by $160,000, with the amount of the reduction to be allocated to amounts for Autonomous Unmanned Surface Vessel.

SA 1405. Mr. ALLARD (for himself and Mr. MCCONNELL) submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 66, after line 22, insert the following:

SEC. 330. LIFE CYCLE COST ESTIMATES FOR THE DESTRUCTION OF LETHAL CHEMICAL MUNITIONS UNDER ASSEMBLED CHEMICAL WEAPONS ALTERNATIVES PROGRAM.

Upon completion of 60 percent of the design build at each site of the Assembled Chemical Weapons Alternatives program, the Program Manager for Assembled Chemical Weapons Alternatives shall, after consultation with the congressional defense committees, certify in writing to such committees updated and revised life cycle cost estimates for the destruction of lethal chemical munitions for each site under such program.

SA 1406. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 296, after line 19, add the following:

SEC. 1205. SECURITY AND STABILIZATION ASSISTANCE.

(a) ASSISTANCE AUTHORIZED.—Notwithstanding any other provision of law, the Secretary of Defense may, upon the request of the Secretary of State, authorize the use or transfer of defense articles, services, training, or other support, including support acquired by contract or otherwise, to provide

reconstruction, security, or stabilization assistance to a foreign country for the purpose of restoring or maintaining peace and security in that country if the Secretary of Defense determines that—

(1) an unforeseen emergency exists in that country that requires the immediate provision of such assistance; and

(2) the provision of such assistance is in the national security interests of the United States.

(b) AVAILABILITY OF FUNDS.—Subject to subsection (a), the Secretary of Defense may transfer funds available to the Department of Defense to the Department of State or any other department or agency of the United States Government to carry out the purposes of this section. Funds so transferred shall remain available until expended.

(c) LIMITATION.—The aggregate value of assistance provided or funds transferred under the authority of this section may not exceed $200,000,000.

(d) COMPLEMENTARY AUTHORITY.—The authority to provide assistance and transfer funds under this section shall be in addition to any other authority to provide assistance to a foreign country or to transfer funds.

(e) EXPIRATION.—The authority to provide assistance and transfer funds under this section shall expire on September 30, 2006.

SA 1407. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1008.

SA 1408. Mr. HAGEL submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 170, between lines 16 and 17, insert the following:

SEC. 653. EXEMPTION FROM PAYMENT OF INDIVIDUAL CONTRIBUTIONS UNDER MONTGOMERY GI BILL OF ACTIVE DUTY MEMBERS OF THE ARMED FORCES UNDER EXECUTIVE ORDER 13235.

(a) ACTIVE DUTY PROGRAM.—Notwithstanding section 3011(b) of title 38, United States Code, no reduction in basic pay otherwise required by such section shall be made in the case of a covered member of the Armed Forces.

(b) SELECTED RESERVE PROGRAM.—Notwithstanding section 3012(c) of title 38, United States Code, no reduction in basic pay otherwise required by such section shall be made in the case of a covered member of the Armed Forces.

(c) TERMINATION OF ON-GOING REDUCTIONS IN BASIC PAY.—In the case of a covered member of the Armed Forces who first became a member of the Armed Forces or first entered on active duty as a member of the Armed Forces before the date of the enactment of this Act and whose basic pay would, but for subsection (a) or (b), be subject to reduction under section 3011(b) or 3012(c) of title 38, United States Code, for any month beginning on or after that date, the reduction of basic pay of such covered member of the Armed Forces under such section 3011(b) or 3012(c), as applicable, shall cease commencing with the first month beginning on or after that date.

(d) COVERED MEMBER OF THE ARMED FORCES DEFINED.—In this section, the term ''covered member of the Armed Forces'' means any individual who serves on active duty as a member of the Armed Forces during the period—

(1) beginning on November 16, 2001, the date of Executive Order 13235, relating to National Emergency Construction Authority; and

(2) ending on the termination date of the Executive order referred to in paragraph (1).

SEC. 654. OPPORTUNITY FOR ACTIVE DUTY MEMBERS OF THE ARMED FORCES UNDER EXECUTIVE ORDER 13235 TO WITHDRAW ELECTION NOT TO ENROLL IN MONTGOMERY GI BILL.

Section 3018 of title 38, United States Code, is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(2) by inserting after subsection (b) the following:

''(c)(1) Notwithstanding any other provision of this chapter, during the 1-year period beginning on the date of enactment of this subsection, an individual who—

''(A) serves on active duty as a member of the Armed Forces during the period beginning on November 16, 2001, and ending on the termination date of Executive Order 13235, relating to National Emergency Construction Authority; and

''(B) has served continuously on active duty without a break in service following the date the individual first becomes a member or first enters on active duty as a member of the Armed Forces,

shall have the opportunity, on such form as the Secretary of Defense shall prescribe, to withdraw an election under section 3011(c)(1) or 3012(d)(1) not to receive education assistance under this chapter.

''(2) An individual described paragraph (1) who made an election under section 3011(c)(1) or 3012(d)(1) and who—

''(A) while serving on active duty during the 1-year period beginning on the date of the enactment of this subsection makes a withdrawal of such election;

''(B) continues to serve the period of service which such individual was obligated to serve;

''(C) serves the obligated period of service described in subparagraph (B) or before completing such obligated period of service is described by subsection (b)(3)(B); and

''(D) meets the requirements set forth in paragraphs (4) and (5) of subsection (b), is entitled to basic educational assistance under this chapter.''; and

(3) in subsection (e), as redesignated, by inserting ''or (c)(2)(A)'' after ''(b)(1)''.

SA 1409. Mr. HAGEL submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

SEC. 642. COMMENCEMENT OF RECEIPT OF NON-REGULAR SERVICE RETIRED PAY BY RESERVES WHO SERVED ON ACTIVE DUTY FOR SIGNIFICANT PERIODS DURING THE GLOBAL WAR ON TERRORISM.

(a) REDUCED ELIGIBILITY AGE.—Section 12731 of title 10, United States Code, is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

''(1) has attained the eligibility age applicable under subsection (f) to that person;''; and

(2) by adding at the end the following new subsection:

''(f)(1) Subject to paragraph (2), the eligibility age for the purposes of subsection (a)(1) is 60 years of age.

''(2)(A) In the case of a person who, as a member of a reserve component of an armed force, served on active duty during a global war on terrorism service year under a provision of law referred to in section 101(a)(13)(B) of this title, the eligibility age for the purposes of subsection (a)(1) is reduced below 60 years of age by one year for each global war on terrorism service year during which such person so served on active duty for at least 90 consecutive days, subject to subparagraph (B).

''(B) The eligibility age may not be reduced below 55 years of age for any person under subparagraph (A).

''(C) In this paragraph, the term 'global war on terrorism service year' means—

''(i) the one-year period beginning on November 16, 2001, and ending on November 15, 2002; and

''(ii) each successive one-year period beginning on November 16 of a year.

(b) ADMINISTRATION OF RELATED PROVISIONS OF LAW OR POLICY.—With respect to any provision of law, or of any policy, regulation, or directive of the executive branch, that refers to a member or former member of the uniformed services as being eligible for, or entitled to, retired pay under chapter 1223 of title 10, United States Code, but for the fact that the member or former member is under 60 years of age, such provision shall be carried out with respect to that member or former member by substituting for the reference to being 60 years of age a reference to having attained the eligibility age applicable under subsection (f) of section 12731 of title 10, United States Code (as added by subsection (a)), to such member or former member for qualification for such retired pay under subsection (a) of such section.

(c) EFFECTIVE DATE AND APPLICABILITY.—The amendment made by subsection (a) shall take effect as of November 16, 2001, and shall apply with respect to applications for retired pay that are submitted under section 12731(a) of title 10, United States Code, on or after the date of the enactment of this Act.

SA 1410. Mrs. FEINSTEIN (for herself and Mr. HAGEL) submitted an amendment intended to be proposed by her to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 296, after line 19, add the following:

SEC. 1205. SENSE OF CONGRESS ON SUPPORT FOR NUCLEAR NON-PROLIFERATION TREATY.

Congress—

(1) reaffirms its support for the objectives of the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (the ''Nuclear Non-Proliferation Treaty'');

(2) expresses its support for all appropriate measures to strengthen the Nuclear Non-Proliferation Treaty and to attain its objectives; and

(3) calls on all parties to the Nuclear Non-Proliferation Treaty—

(A) to insist on strict compliance with the non-proliferation obligations of the Nuclear Non-Proliferation Treaty and to undertake effective enforcement measures against states that are in violation of their obligations under the Treaty;

(B) to agree to establish more effective controls on enrichment and reprocessing technologies that can be used to produce materials for nuclear weapons;

(C) to expand the ability of the International Atomic Energy Agency to inspect and monitor compliance with safeguard agreements and standards to which all states should adhere through existing authority and the additional protocols signed by the states party to the Nuclear Non-Proliferation Treaty;

(D) to demonstrate the international community's unified opposition to a nuclear weapons program in Iran by—

(i) supporting the efforts of the United States and the European Union to prevent the Government of Iran from acquiring a nuclear weapons capability; and

(ii) using all appropriate diplomatic means at their disposal to convince the Government of Iran to abandon its uranium enrichment program;

(E) to strongly support the ongoing United States diplomatic efforts in the context of the six-party talks that seek the verifiable and irreversible disarmament of North Korea's nuclear weapons programs and to use all appropriate diplomatic means to achieve this result;

(F) to pursue diplomacy designed to address the underlying regional security problems in Northeast Asia, South Asia, and the Middle East, which would facilitate non-proliferation and disarmament efforts in those regions;

(G) to accelerate programs to safeguard and eliminate nuclear weapons-usable material to the highest standards to prevent access by terrorists and governments;

(H) to halt the use of highly enriched uranium in civilian reactors;

(I) to strengthen national and international export controls and relevant security measures as required by United Nations Security Council Resolution 1540;

(J) to agree that no state may withdraw from the Nuclear Non-Proliferation Treaty and escape responsibility for prior violations of the Treaty or retain access to controlled materials and equipment acquired for ''peaceful'' purposes;

(K) to accelerate implementation of disarmament obligations and commitments under the Nuclear Non-Proliferation Treaty for the purpose of reducing the world's stockpiles of nuclear weapons and weapons-grade fissile material; and

(L) to strengthen and expand support for the Proliferation Security Initiative.

SA 1411. Mr. WARNER (for Mr. ENZI (for himself, Mr. JEFFORDS, Mr. GREGG, Mr. KENNEDY, Mr. FRIST, Mrs. MURRAY, and Mr. BINGAMAN)) proposed an amendment to the bill S. 544, 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 effect patient safety; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Patient Safety and Quality Improvement Act of 2005''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Amendments to Public Health Service Act.
''PART C—PATIENT SAFETY IMPROVEMENT
''Sec. 921. Definitions.
''Sec. 922. Privilege and confidentiality protections.
''Sec. 923. Network of patient safety databases.
''Sec. 924. Patient safety organization certification and listing.
''Sec. 925. Technical assistance.
''Sec. 926. Severability.

SEC. 2. AMENDMENTS TO PUBLIC HEALTH SERVICE ACT.

(a) IN GENERAL.—Title IX of the Public Health Service Act (42 U.S.C. 299 et seq.) is amended—

(1) in section 912(c), by inserting '', in accordance with part C,'' after ''The Director shall'';

(2) by redesignating part C as part D;

(3) by redesignating sections 921 through 928, as sections 931 through 938, respectively;

(4) in section 938(1) (as so redesignated), by striking ''921'' and inserting ''931''; and

(5) by inserting after part B the following:

''PART C—PATIENT SAFETY IMPROVEMENT

''SEC. 921. DEFINITIONS.

''In this part:

''(1) HIPAA CONFIDENTIALITY REGULATIONS.—The term 'HIPAA confidentiality regulations' means regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191; 110 Stat. 2033).

''(2) IDENTIFIABLE PATIENT SAFETY WORK PRODUCT.—The term 'identifiable patient safety work product' means patient safety work product that—

''(A) is presented in a form and manner that allows the identification of any provider that is a subject of the work product, or any providers that participate in activities that are a subject of the work product;

''(B) constitutes individually identifiable health information as that term is defined in the HIPAA confidentiality regulations; or

''(C) is presented in a form and manner that allows the identification of an individual who reported information in the manner specified in section 922(e).

''(3) NONIDENTIFIABLE PATIENT SAFETY WORK PRODUCT.—The term 'nonidentifiable patient safety work product' means patient safety work product that is not identifiable patient safety work product (as defined in paragraph (2)).

''(4) PATIENT SAFETY ORGANIZATION.—The term 'patient safety organization' means a private or public entity or component thereof that is listed by the Secretary pursuant to section 924(d).

''(5) PATIENT SAFETY ACTIVITIES.—The term 'patient safety activities' means the following activities:

''(A) Efforts to improve patient safety and the quality of health care delivery.

''(B) The collection and analysis of patient safety work product.

''(C) The development and dissemination of information with respect to improving patient safety, such as recommendations, protocols, or information regarding best practices.

''(D) The utilization of patient safety work product for the purposes of encouraging a culture of safety and of providing feedback and assistance to effectively minimize patient risk.

''(E) The maintenance of procedures to preserve confidentiality with respect to patient safety work product.

''(F) The provision of appropriate security measures with respect to patient safety work product.

''(G) The utilization of qualified staff.

''(H) Activities related to the operation of a patient safety evaluation system and to the provision of feedback to participants in a patient safety evaluation system.

''(6) PATIENT SAFETY EVALUATION SYSTEM.—The term 'patient safety evaluation system' means the collection, management, or analysis of information for reporting to or by a patient safety organization.

''(7) PATIENT SAFETY WORK PRODUCT.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'patient safety work product' means any data, reports, records, memoranda, analyses (such as root cause analyses), or written or oral statements—

''(i) which—

''(I) are assembled or developed by a provider for reporting to a patient safety organization and are reported to a patient safety organization; or

''(II) are developed by a patient safety organization for the conduct of patient safety activities;

and which could result in improved patient safety, health care quality, or health care outcomes; or

''(ii) which identify or constitute the deliberations or analysis of, or identify the fact of reporting pursuant to, a patient safety evaluation system.

''(B) CLARIFICATION.—

''(i) Information described in subparagraph (A) does not include a patient's medical record, billing and discharge information, or any other original patient or provider record.

''(ii) Information described in subparagraph (A) does not include information that is collected, maintained, or developed separately, or exists separately, from a patient safety evaluation system. Such separate information or a copy thereof reported to a patient safety organization shall not by reason of its reporting be considered patient safety work product.

''(iii) Nothing in this part shall be construed to limit—

''(I) the discovery of or admissibility of information described in this subparagraph in a criminal, civil, or administrative proceeding;

''(II) the reporting of information described in this subparagraph to a Federal, State, or local governmental agency for public health surveillance, investigation, or other public health purposes or health oversight purposes; or

''(III) a provider's recordkeeping obligation with respect to information described in this subparagraph under Federal, State, or local law.

''(8) PROVIDER.—The term 'provider' means—

''(A) an individual or entity licensed or otherwise authorized under State law to provide health care services, including—

''(i) a hospital, nursing facility, comprehensive outpatient rehabilitation facility, home health agency, hospice program, renal dialysis facility, ambulatory surgical center, pharmacy, physician or health care practitioner's office, long term care facility, behavior health residential treatment facility, clinical laboratory, or health center; or

''(ii) a physician, physician assistant, nurse practitioner, clinical nurse specialist, certified registered nurse anesthetist, certified nurse midwife, psychologist, certified social worker, registered dietitian or nutrition professional, physical or occupational therapist, pharmacist, or other individual health care practitioner; or

''(B) any other individual or entity specified in regulations promulgated by the Secretary.

''SEC. 922. PRIVILEGE AND CONFIDENTIALITY PROTECTIONS.

''(a) PRIVILEGE.—Notwithstanding any other provision of Federal, State, or local law, and subject to subsection (c), patient safety work product shall be privileged and shall not be—

''(1) subject to a Federal, State, or local civil, criminal, or administrative subpoena or order, including in a Federal, State, or local civil or administrative disciplinary proceeding against a provider;

''(2) subject to discovery in connection with a Federal, State, or local civil, criminal, or administrative proceeding, including in a Federal, State, or local civil or administrative disciplinary proceeding against a provider;

''(3) subject to disclosure pursuant to section 552 of title 5, United States Code (commonly known as the Freedom of Information Act) or any other similar Federal, State, or local law;

''(4) admitted as evidence in any Federal, State, or local governmental civil proceeding, criminal proceeding, administrative rulemaking proceeding, or administrative adjudicatory proceeding, including any such proceeding against a provider; or

''(5) admitted in a professional disciplinary proceeding of a professional disciplinary body established or specifically authorized under State law.

''(b) CONFIDENTIALITY OF PATIENT SAFETY WORK PRODUCT.—Notwithstanding any other provision of Federal, State, or local law, and subject to subsection (c), patient safety work product shall be confidential and shall not be disclosed.

''(c) EXCEPTIONS.—Except as provided in subsection (g)(3)—

''(1) EXCEPTIONS FROM PRIVILEGE AND CONFIDENTIALITY.—Subsections (a) and (b) shall not apply to (and shall not be construed to prohibit) one or more of the following disclosures:

''(A) Disclosure of relevant patient safety work product for use in a criminal proceeding, but only after a court makes an in camera determination that such patient safety work product contains evidence of a criminal act and that such patient safety work product is material to the proceeding and not reasonably available from any other source.

''(B) Disclosure of patient safety work product to the extent required to carry out subsection (f)(4)(A).

''(C) Disclosure of identifiable patient safety work product if authorized by each provider identified in such work product.

''(2) EXCEPTIONS FROM CONFIDENTIALITY.—Subsection (b) shall not apply to (and shall not be construed to prohibit) one or more of the following disclosures:

''(A) Disclosure of patient safety work product to carry out patient safety activities.

''(B) Disclosure of nonidentifiable patient safety work product.

''(C) Disclosure of patient safety work product to grantees, contractors, or other entities carrying out research, evaluation, or demonstration projects authorized, funded, certified, or otherwise sanctioned by rule or other means by the Secretary, for the purpose of conducting research to the extent that disclosure of protected health information would be allowed for such purpose under the HIPAA confidentiality regulations.

''(D) Disclosure by a provider to the Food and Drug Administration with respect to a product or activity regulated by the Food and Drug Administration.

''(E) Voluntary disclosure of patient safety work product by a provider to an accrediting body that accredits that provider.

''(F) Disclosures that the Secretary may determine, by rule or other means, are necessary for business operations and are consistent with the goals of this part.

''(G) Disclosure of patient safety work product to law enforcement authorities relating to the commission of a crime (or to an event reasonably believed to be a crime) if the person making the disclosure believes, reasonably under the circumstances, that the patient safety work product that is disclosed is necessary for criminal law enforcement purposes.

''(H) With respect to a person other than a patient safety organization, the disclosure of patient safety work product that does not include materials that—

''(i) assess the quality of care of an identifiable provider; or

''(ii) describe or pertain to one or more actions or failures to act by an identifiable provider.

''(3) EXCEPTION FROM PRIVILEGE.—Subsection (a) shall not apply to (and shall not be construed to prohibit) voluntary disclosure of nonidentifiable patient safety work product.

''(d) CONTINUED PROTECTION OF INFORMATION AFTER DISCLOSURE.—

''(1) IN GENERAL.—Patient safety work product that is disclosed under subsection (c) shall continue to be privileged and confidential as provided for in subsections (a) and (b), and such disclosure shall not be treated as a waiver of privilege or confidentiality, and the privileged and confidential nature of such work product shall also apply to such work product in the possession or control of a person to whom such work product was disclosed.

''(2) EXCEPTION.—Notwithstanding paragraph (1), and subject to paragraph (3)—

''(A) if patient safety work product is disclosed in a criminal proceeding, the confidentiality protections provided for in subsection (b) shall no longer apply to the work product so disclosed; and

''(B) if patient safety work product is disclosed as provided for in subsection (c)(2)(B) (relating to disclosure of nonidentifiable patient safety work product), the privilege and confidentiality protections provided for in subsections (a) and (b) shall no longer apply to such work product.

''(3) CONSTRUCTION.—Paragraph (2) shall not be construed as terminating or limiting the privilege or confidentiality protections provided for in subsection (a) or (b) with respect to patient safety work product other than the specific patient safety work product disclosed as provided for in subsection (c).

''(4) LIMITATIONS ON ACTIONS.—

''(A) PATIENT SAFETY ORGANIZATIONS.—

''(i) IN GENERAL.—A patient safety organization shall not be compelled to disclose information collected or developed under this part whether or not such information is patient safety work product unless such information is identified, is not patient safety work product, and is not reasonably available from another source.

''(ii) NONAPPLICATION.—The limitation contained in clause (i) shall not apply in an action against a patient safety organization or with respect to disclosures pursuant to subsection (c)(1).

''(B) PROVIDERS.—An accrediting body shall not take an accrediting action against a provider based on the good faith participation of the provider in the collection, development, reporting, or maintenance of patient safety work product in accordance with this part. An accrediting body may not require a provider to reveal its communications with any patient safety organization established in accordance with this part.

''(e) REPORTER PROTECTION.—

''(1) IN GENERAL.—A provider may not take an adverse employment action, as described in paragraph (2), against an individual based upon the fact that the individual in good faith reported information—

''(A) to the provider with the intention of having the information reported to a patient safety organization; or

''(B) directly to a patient safety organization.

''(2) ADVERSE EMPLOYMENT ACTION.—For purposes of this subsection, an 'adverse employment action' includes—

''(A) loss of employment, the failure to promote an individual, or the failure to provide any other employment-related benefit for which the individual would otherwise be eligible; or

''(B) an adverse evaluation or decision made in relation to accreditation, certification, credentialing, or licensing of the individual.

''(f) ENFORCEMENT.—

''(1) CIVIL MONETARY PENALTY.—Subject to paragraphs (2) and (3), a person who discloses identifiable patient safety work product in knowing or reckless violation of subsection (b) shall be subject to a civil monetary penalty of not more than $10,000 for each act constituting such violation.

''(2) PROCEDURE.—The provisions of section 1128A of the Social Security Act, other than subsections (a) and (b) and the first sentence of subsection (c)(1), shall apply to civil money penalties under this subsection in the same manner as such provisions apply to a penalty or proceeding under section 1128A of the Social Security Act.

''(3) RELATION TO HIPAA.—Penalties shall not be imposed both under this subsection and under the regulations issued pursuant to section 264(c)(1) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d-2 note) for a single act or omission.

''(4) EQUITABLE RELIEF.—

''(A) IN GENERAL.—Without limiting remedies available to other parties, a civil action may be brought by any aggrieved individual to enjoin any act or practice that violates subsection (e) and to obtain other appropriate equitable relief (including reinstatement, back pay, and restoration of benefits) to redress such violation.

''(B) AGAINST STATE EMPLOYEES.—An entity that is a State or an agency of a State government may not assert the privilege described in subsection (a) unless before the time of the assertion, the entity or, in the case of and with respect to an agency, the State has consented to be subject to an action described in subparagraph (A), and that consent has remained in effect.

''(g) RULE OF CONSTRUCTION.—Nothing in this section shall be construed—

''(1) to limit the application of other Federal, State, or local laws that provide greater privilege or confidentiality protections than the privilege and confidentiality protections provided for in this section;

''(2) to limit, alter, or affect the requirements of Federal, State, or local law pertaining to information that is not privileged or confidential under this section;

''(3) except as provided in subsection (i), to alter or affect the implementation of any provision of the HIPAA confidentiality regulations or section 1176 of the Social Security

Act (or regulations promulgated under such section);

''(4) to limit the authority of any provider, patient safety organization, or other entity to enter into a contract requiring greater confidentiality or delegating authority to make a disclosure or use in accordance with this section;

''(5) as preempting or otherwise affecting any State law requiring a provider to report information that is not patient safety work product; or

''(6) to limit, alter, or affect any requirement for reporting to the Food and Drug Administration information regarding the safety of a product or activity regulated by the Food and Drug Administration.

''(h) CLARIFICATION.—Nothing in this part prohibits any person from conducting additional analysis for any purpose regardless of whether such additional analysis involves issues identical to or similar to those for which information was reported to or assessed by a patient safety organization or a patient safety evaluation system.

''(i) CLARIFICATION OF APPLICATION OF HIPAA CONFIDENTIALITY REGULATIONS TO PATIENT SAFETY ORGANIZATIONS.—For purposes of applying the HIPAA confidentiality regulations—

''(1) patient safety organizations shall be treated as business associates; and

''(2) patient safety activities of such organizations in relation to a provider are deemed to be health care operations (as defined in such regulations) of the provider.

''(j) REPORTS ON STRATEGIES TO IMPROVE PATIENT SAFETY.—

''(1) DRAFT REPORT.—Not later than the date that is 18 months after any network of patient safety databases is operational, the Secretary, in consultation with the Director, shall prepare a draft report on effective strategies for reducing medical errors and increasing patient safety. The draft report shall include any measure determined appropriate by the Secretary to encourage the appropriate use of such strategies, including use in any federally funded programs. The Secretary shall make the draft report available for public comment and submit the draft report to the Institute of Medicine for review.

''(2) FINAL REPORT.—Not later than 1 year after the date described in paragraph (1), the Secretary shall submit a final report to the Congress.

''SEC. 923. NETWORK OF PATIENT SAFETY DATABASES.

''(a) IN GENERAL.—The Secretary shall facilitate the creation of, and maintain, a network of patient safety databases that provides an interactive evidence-based management resource for providers, patient safety organizations, and other entities. The network of databases shall have the capacity to accept, aggregate across the network, and analyze nonidentifiable patient safety work product voluntarily reported by patient safety organizations, providers, or other entities. The Secretary shall assess the feasibility of providing for a single point of access to the network for qualified researchers for information aggregated across the network and, if feasible, provide for implementation.

''(b) DATA STANDARDS.—The Secretary may determine common formats for the reporting to and among the network of patient safety databases maintained under subsection (a) of nonidentifiable patient safety work product, including necessary work product elements, common and consistent definitions, and a standardized computer interface for the processing of such work product. To the extent practicable, such standards shall be consistent with the administrative simplification provisions of part C of title XI of the Social Security Act.

''(c) USE OF INFORMATION.—Information reported to and among the network of patient safety databases under subsection (a) shall be used to analyze national and regional statistics, including trends and patterns of health care errors. The information resulting from such analyses shall be made available to the public and included in the annual quality reports prepared under section 913(b)(2).

''SEC. 924. PATIENT SAFETY ORGANIZATION CERTIFICATION AND LISTING.

''(a) CERTIFICATION.—

''(1) INITIAL CERTIFICATION.—An entity that seeks to be a patient safety organization shall submit an initial certification to the Secretary that the entity—

''(A) has policies and procedures in place to perform each of the patient safety activities described in section 921(5); and

''(B) upon being listed under subsection (d), will comply with the criteria described in subsection (b).

''(2) SUBSEQUENT CERTIFICATIONS.—An entity that is a patient safety organization shall submit every 3 years after the date of its initial listing under subsection (d) a subsequent certification to the Secretary that the entity—

''(A) is performing each of the patient safety activities described in section 921(5); and

''(B) is complying with the criteria described in subsection (b).

''(b) CRITERIA.—

''(1) IN GENERAL.—The following are criteria for the initial and subsequent certification of an entity as a patient safety organization:

''(A) The mission and primary activity of the entity are to conduct activities that are to improve patient safety and the quality of health care delivery.

''(B) The entity has appropriately qualified staff (whether directly or through contract), including licensed or certified medical professionals.

''(C) The entity, within each 24-month period that begins after the date of the initial listing under subsection (d), has bona fide contracts, each of a reasonable period of time, with more than 1 provider for the purpose of receiving and reviewing patient safety work product.

''(D) The entity is not, and is not a component of, a health insurance issuer (as defined in section 2791(b)(2)).

''(E) The entity shall fully disclose—

''(i) any financial, reporting, or contractual relationship between the entity and any provider that contracts with the entity; and

''(ii) if applicable, the fact that the entity is not managed, controlled, and operated independently from any provider that contracts with the entity.

''(F) To the extent practical and appropriate, the entity collects patient safety work product from providers in a standardized manner that permits valid comparisons of similar cases among similar providers.

''(G) The utilization of patient safety work product for the purpose of providing direct feedback and assistance to providers to effectively minimize patient risk.

''(2) ADDITIONAL CRITERIA FOR COMPONENT ORGANIZATIONS.—If an entity that seeks to be a patient safety organization is a component of another organization, the following are additional criteria for the initial and subsequent certification of the entity as a patient safety organization:

''(A) The entity maintains patient safety work product separately from the rest of the organization, and establishes appropriate security measures to maintain the confidentiality of the patient safety work product.

''(B) The entity does not make an unauthorized disclosure under this part of patient safety work product to the rest of the organization in breach of confidentiality.

''(C) The mission of the entity does not create a conflict of interest with the rest of the organization.

''(c) REVIEW OF CERTIFICATION.—

''(1) IN GENERAL.—

''(A) INITIAL CERTIFICATION.—Upon the submission by an entity of an initial certification under subsection (a)(1), the Secretary shall determine if the certification meets the requirements of subparagraphs (A) and (B) of such subsection.

''(B) SUBSEQUENT CERTIFICATION.—Upon the submission by an entity of a subsequent certification under subsection (a)(2), the Secretary shall review the certification with respect to requirements of subparagraphs (A) and (B) of such subsection.

''(2) NOTICE OF ACCEPTANCE OR NON-ACCEPTANCE.—If the Secretary determines that—

''(A) an entity's initial certification meets requirements referred to in paragraph (1)(A), the Secretary shall notify the entity of the acceptance of such certification; or

''(B) an entity's initial certification does not meet such requirements, the Secretary shall notify the entity that such certification is not accepted and the reasons therefor.

''(3) DISCLOSURES REGARDING RELATIONSHIP TO PROVIDERS.—The Secretary shall consider any disclosures under subsection (b)(1)(E) by an entity and shall make public findings on whether the entity can fairly and accurately perform the patient safety activities of a patient safety organization. The Secretary shall take those findings into consideration in determining whether to accept the entity's initial certification and any subsequent certification submitted under subsection (a) and, based on those findings, may deny, condition, or revoke acceptance of the entity's certification.

''(d) LISTING.—The Secretary shall compile and maintain a listing of entities with respect to which there is an acceptance of a certification pursuant to subsection (c)(2)(A) that has not been revoked under subsection (e) or voluntarily relinquished.

''(e) REVOCATION OF ACCEPTANCE OF CERTIFICATION.—

''(1) IN GENERAL.—If, after notice of deficiency, an opportunity for a hearing, and a reasonable opportunity for correction, the Secretary determines that a patient safety organization does not meet the certification requirements under subsection (a)(2), including subparagraphs (A) and (B) of such subsection, the Secretary shall revoke the Secretary's acceptance of the certification of such organization.

''(2) SUPPLYING CONFIRMATION OF NOTIFICATION TO PROVIDERS.—Within 15 days of a revocation under paragraph (1), a patient safety organization shall submit to the Secretary a confirmation that the organization has taken all reasonable actions to notify each provider whose patient safety work product is collected or analyzed by the organization of such revocation.

''(3) PUBLICATION OF DECISION.—If the Secretary revokes the certification of an organization under paragraph (1), the Secretary shall—

''(A) remove the organization from the listing maintained under subsection (d); and

''(B) publish notice of the revocation in the Federal Register.

''(f) STATUS OF DATA AFTER REMOVAL FROM LISTING.—

''(1) NEW DATA.—With respect to the privilege and confidentiality protections described in section 922, data submitted to an entity within 30 days after the entity is removed from the listing under subsection (e)(3)(A) shall have the same status as data submitted while the entity was still listed.

''(2) PROTECTION TO CONTINUE TO APPLY.—If the privilege and confidentiality protections described in section 922 applied to patient safety work product while an entity was listed, or to data described in paragraph (1), such protections shall continue to apply to such work product or data after the entity is removed from the listing under subsection (e)(3)(A).

''(g) DISPOSITION OF WORK PRODUCT AND DATA.—If the Secretary removes a patient safety organization from the listing as provided for in subsection (e)(3)(A), with respect to the patient safety work product or data described in subsection (f)(1) that the patient safety organization received from another entity, such former patient safety organization shall—

''(1) with the approval of the other entity and a patient safety organization, transfer such work product or data to such patient safety organization;

''(2) return such work product or data to the entity that submitted the work product or data; or

''(3) if returning such work product or data to such entity is not practicable, destroy such work product or data.

''SEC. 925. TECHNICAL ASSISTANCE.

''The Secretary, acting through the Director, may provide technical assistance to patient safety organizations, including convening annual meetings for patient safety organizations to discuss methodology, communication, data collection, or privacy concerns.

''SEC. 926. SEVERABILITY.

''If any provision of this part is held to be unconstitutional, the remainder of this part shall not be affected.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 937 of the Public Health Service Act (as redesignated by subsection (a)) is amended by adding at the end the following:

''(e) PATIENT SAFETY AND QUALITY IMPROVEMENT.—For the purpose of carrying out part C, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2006 through 2010.''.

(c) GAO STUDY ON IMPLEMENTATION.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study on the effectiveness of part C of title IX of the Public Health Service Act (as added by subsection (a)) in accomplishing the purposes of such part.

(2) REPORT.—Not later than February 1, 2010, the Comptroller General shall submit a report on the study conducted under paragraph (1). Such report shall include such recommendations for changes in such part as the Comptroller General deems appropriate.

SA 1412. Mr. HATCH (for himself, Mr. INHOFE, Mr. BENNETT, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 66, after line 22, insert the following:

SEC. 330. SENSE OF THE SENATE REGARDING DEPOT MAINTENANCE.

(a) FINDINGS.—The Senate finds that—

(1) the Depot Maintenance Strategy and Master Plan of the Air Force reflects the essential requirements for the Air Force to maintain a ready and controlled source of organic technical competence, thereby ensuring an effective and timely response to national defense contingencies and emergency requirements;

(2) since the publication of the Depot Maintenance Strategy and Master Plan of the Air Force in 2002, the service has made great progress toward modernizing all 3 of its Depots, in order to maintain their status as ''world class'' maintenance repair and overhaul operations;

(3) one of the indispensable components of the Depot Maintenance Strategy and Master Plan of the Air Force is the commitment of the Air Force to allocate $150,000,000 a year over 6 years, beginning in fiscal year 2004, for recapitalization and investment, including the procurement of technologically advanced facilities and equipment, of our Nation's 3 Air Force depots; and

(4) the funds expended to date have ensured that transformation projects, such as the initial implementation of ''Lean'' and ''Six Sigma'' production techniques, have achieved great success in dramatically reducing the time necessary to perform depot maintenance on aircraft.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Air Force should be commended for the implementation of its Depot Maintenance Strategy and Master Plan and, in particular, meeting its commitment to invest $150,000,000 a year over 6 years, since fiscal year 2004, in the Nation's 3 Air Force Depots; and

(2) the Air Force should continue to fully fund its commitment of $150,000,000 a year through fiscal year 2009 in investments and recapitalization projects pursuant to the Depot Maintenance Strategy and Master Plan.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition and Forestry be authorized to conduct a committee business meeting during the session of the Senate on Thursday, July 21, 2005 at 10:30 a.m. in SR–328A, Russell Senate Office Building. The purpose of this business meeting is to mark up an original bill regarding the reauthorization of the Commodity Futures Trading Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 21, 2005, at 10 a.m., to conduct a hearing on the ''The Semiannual Monetary Policy Report to the Congress.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, July 21, 2005, at 10 a.m., on pending committee business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, July 21, at 10 a.m.

The purpose of this hearing is to receive testimony regarding the current state of climate change scientific research and the economics of strategies to manage climate change.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, on Thursday, July 21 at 10 a.m. to consider pending nominations:

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; James A. Rispoli to be Assistant Secretary of Energy for Environmental Management; R. Thomas Weimer to be an Assistant Secretary of the Interior for Policy, Management and Budget; Mark A. Limbaugh to be an Assistant Secretary of the Interior for Water and Science.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, July 21, 2005, at 10 a.m. to hold a hearing on United Nations Reform.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, July 21, 2005, at 2:30 p.m. to hold a hearing on Nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to hold an off-the-floor markup during the session on Thursday, July 21, 2005, to consider the nominations of Richard L. Skinner to be Inspector General of the U.S. Department of Homeland Security, Brian David Miller to be Inspector General of the General Services Administration, and Edmund S. Hawley to be Assistant Secretary of the U.S. Department of Homeland Security.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, July 21, 2005, at 9:30 a.m., in Room 485 of the Russell Senate Office Building to conduct a hearing on S. 1003, the Navajo-Hopi Land Settlement Amendments Act of 2005.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, July 21, 2005 at 9:30 a.m., in Senate Dirksen Office Building, Room 226.

Agenda

I. Bills: S. 1088, Streamlined Procedures Act of 2005, Kyl, Cornyn, Grassley, Hatch; S. ___, Personal Data Privacy and Security Act of 2005, Specter, Leahy, Feingold; S. 751, Notification of Risk to Personal Data Act, Feinstein, Kyl; S. 1326, Notification of Risk to Personal Data Act, Sessions; S. 155, Gang Prevention and Effective Deterrence Act of 2005, Feinstein, Hatch, Grassley, Cornyn, Kyl, Specter; S. 103, Combat Meth Act of 2005, Talent, Feinstein, Kohl, Schumer, Feingold; S. 1086, A Bill to Improve the National Program to Register and Monitor Individuals Who Commit Crimes Against Children or Sex Offenses, Hatch, Biden, Schumer; S. 956, Jetseta Gage Prevention and Deterrence of Crimes Against Children Act of 2005, Grassley, Kyl, Cornyn; S. 1389, To authorize and improve the USA PATRIOT Act, Specter, Feinstein, Kyl.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. WARNER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 21, at 2:30 p.m., to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON BIOTERRORISM AND PUBLIC HEALTH PREPAREDNESS

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on Bioterrorism and Public Health Preparedness, be authorized to hold a hearing during the session of the Senate on Thursday, July 21, at 10 a.m., in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION AND INTERNATIONAL SECURITY

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on Federal Management, Government Information, and International Security be authorized to meet on Thursday, July 21, 2005 at 2:30 p.m., for a hearing regarding ''U.S. Financial Involvement in Renovation of U.N. Headquarters in New York City''.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TAXATION AND IRS OVERSIGHT

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on Taxation and IRS Oversight be authorized to meet during the session on Thursday, July 21, 2003, at 2:30 p.m., to hear testimony on ''Updating Depreciable Lives: Is there Salvage Value in the Current System?

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Jonathan Brostoff be granted floor privileges for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DAYTON. I ask unanimous consent that Brigit Helgen on my staff be granted the privilege of the floor during the remainder of the debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I ask unanimous consent that my Air Force fellow, LTC Carlos Hill, be granted the privileges of the floor during consideration of the Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I ask unanimous consent that Ken Casey, in Senator CHAMBLISS' office, be granted floor privileges for the duration of the Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I ask unanimous consent that Katy Hagan, a detailee with the Defense Appropriations Subcommittee, be granted floor privileges during the consideration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that Mike Dodson, a fellow in my office, be granted the privilege of the floor during the consideration of amendment No. 1357.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. CLINTON. I ask unanimous consent that Charlie Perham, a fellow in my office, be granted the privilege of the floor during the full consideration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I ask unanimous consent, on behalf of Senator REID, that Richard Ferguson, a Defense fellow, be granted the privilege of the floor during debate on the Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

TEMPORARY EXTENSION OF THE HIGHWAY BILL

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3377 which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3377) to provide extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st century.

There being no objection, the Senate proceeded to consider the bill.

Mr. WARNER. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

Mr. LEVIN. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3377) was read the third time and passed.

AUTHORITY TO SIGN DULY ENROLLED BILLS AND JOINT RESOLUTIONS

Mr. WARNER. Mr. President, I ask unanimous consent that during the adjournment of the Senate, the majority whip be authorized to sign duly enrolled bills and joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING USE OF THE ROTUNDA OF THE CAPITOL

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 202, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 202) permitting the use of the rotunda of the Capitol for a ceremony to honor Constantino Brumidi on the 200th anniversary of his birth.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. WARNER. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the concurrent resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (H. Con. Res. 202) was agreed to.

THE 75TH ANNIVERSARY OF THE ESTABLISHMENT OF THE VETERANS' ADMINISTRATION

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S.

Res. 203, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 203) recognizing the 75th anniversary of the establishment of the Veterans' Administration.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WARNER. Mr. President, 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. 203) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 203

Whereas in the history of the United States more than 48,000,000 citizen-soldiers have served the United States in uniform and more than 1,000,000 have given their lives as a consequence of their duties;

Whereas as of July 21, 2005, there are more than 25,000,000 living veterans;

Whereas on March 4, 1865, President Abraham Lincoln expressed in his Second Inaugural Address the obligation of the United States ''to care for him who shall have borne the battle and for his widow and his orphan'';

Whereas on July 21, 1930, President Herbert Hoover issued an executive order creating a new agency, the Veterans' Administration, to ''consolidate and coordinate Government activities affecting war veterans'';

Whereas on October 25, 1988, President Ronald Reagan signed into law the Department of Veterans Affairs Act (Public Law 100-527; 102 Stat. 2635), effective March 15, 1989, redesignating the Veterans' Administration as the Department of Veterans Affairs and establishing it as an executive department with the mission of providing Federal benefits to veterans and their families; and

Whereas in 2005, the 230,000 employees of the Department of Veterans Affairs continue the tradition of their predecessors of caring for the veterans of the United States with dedication and compassion and upholding the high standards required of them as stewards of the gratitude of the public to those veterans: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 75th anniversary of the establishment of the Veterans' Administration; and

(2) acknowledges the achievements of the employees of the Veterans' Administration and the Department of Veterans Affairs and commends these employees for serving the veterans of the United States.

DISCHARGE AND REFERRAL—H.R. 2385

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be discharged from further consideration of the bill H.R. 2385, and that the bill be referred to the Committee on Homeland Security and Governmental Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

PATIENT SAFETY AND QUALITY IMPROVEMENT ACT OF 2005

Mr. WARNER. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. 544 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 544) to amend title IX of Public Health Service Act to provide for the improvement of patient safety and to reduce the incidence of events that adversely affect patient safety.

There being no objection, the Senate proceeded to consider the bill.

Mr. KENNEDY. Mr. President, I commend Senator ENZI, Senator GREGG, Senator JEFFORDS, Senator FRIST, and all of the other members of our Health Committee who have done so much to achieve this bipartisan consensus on the complex issue of preventing medical errors and improving patient safety. I also commend our colleagues in the House of Representatives, especially Chairman BARTON of the Committee on Energy and Commerce, and the ranking member of that committee, Representative DINGELL, for their willingness to work with us to resolve the differences between the House and Senate bills on this important issue.

For even one American to die from an avoidable medical error is a tragedy. When thousands die every year from such errors, it is a national tragedy, and it is also a national disgrace, and an urgent call to action.

Five years ago, the Institute of Medicine reported that medical errors cause 98,000 deaths every year. That is an average of 268 deaths a day, every day. If errors in aviation killed 200 passengers a day in plane crashes, we would do more than simply encourage voluntary reporting. If errors at factories caused the deaths of 200 workers a day, we would demand more than corporate reports. We would require real changes.

Unfortunately, the culture of medicine has an expectation of infallibility in health professionals, and this unrealistic assumption has been reinforced by generations of medical training and medical practice.

When confronted with a mistake in health care, doctors and patients and citizens often ask, ''How can there be errors without negligence?'' Obviously, the fear of legal liability or embarrassment among peers and in the press leads to strong pressure to cover up mistakes.

In many cases, however, the inadequate design and implementation of health systems are responsible for the problem, including excessive work schedules and unreasonable time pressures.

We can do better. We can encourage the development of a safer health care system. We can learn important lessons from other dangerous fields, such as the aviation industry and the military, which are skillful in designing ways to provide maximum feasible safety.

The Institute of Medicine has called for strong action, and our proposal is responding to that call. The Institute's series of reports on health care quality contain numerous recommendations for improving patient safety, and if we work together, we can make more of them a reality.

The Institute recommended that health care professionals should be encouraged to report medical errors, without fearing that their reports will be used against them. Our legislation implements this sensible recommendation by establishing patient safety organizations to analyze medical errors and recommend ways to avoid them in the future. The legislation also creates a legal privilege for information reported to the safety organizations, but still guaranteeing that original records, such as patients' charts will remain accessible to patients.

Drawing the boundaries of this privilege requires a careful balance, and I believe the legislation has found that balance. The bill is intended to make medical professionals feel secure in reporting errors without fear of punishment, and it is right to do so. But the bill tries to do so carefully, so that it does not accidentally shield persons who have negligently or intentionally caused harm to patients. The legislation also upholds existing state laws on reporting patient safety information.

The legislation can be the beginning of more effective action on patient safety, but other reforms are also necessary. The Federal Government should have a leading role in improving safety and improving the quality of care for patients. The title of one of IOM's most important reports, Leadership by Example, highlights the central role that the Federal Government should have on this issue.

Other actions are also necessary. Hospital systems that have improved health care quality have done so by making far-reaching reforms in which improving health care quality is a key part of the practice of medicine. To turn best practices into everyday practices, hospitals have created clinical guidelines and assessments of outcomes to help see that every patient receives the best possible care.

The Senate is acting to approve needed legislation on the use of information technology in health care, such as in electronic medical records, decision support software, and computer reminders for needed screening tests. These and other features of health IT systems can improve overall health care. In a culture where doctors can learn from mistakes and near misses, these IT systems can dramatically improve health care for all Americans.

I commend my colleagues on both sides of the aisle and both sides of the Capitol, who came together to bring this major legislation to a vote, so that

every patient in America will receive effective, high quality health care.

AMENDMENT NO. 1411

(Purpose: In the nature of a substitute)

Mr. WARNER. I ask unanimous consent that the amendment at the desk be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1411) was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The bill (S. 544), as amended, was read the third time and passed.

THANKING STAFF

Mr. WARNER. Mr. President, there is one matter remaining. I want to thank all of those who have been working very hard on the Defense authorization bill. I am not just speaking of the Senators or their staffs but all of those who make it possible for this venerable and great institution to work. Long hours are expended here. This Chamber remains open, and while there are not many people to be seen, there are many people around this Chamber working diligently to keep it open. I thank them all, and I would assure them that momentarily this final matter will be concluded and we will be able to stand in adjournment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

CORRECTING ENROLLMENT OF H.R. 3377

Mr. SESSIONS. I ask unanimous consent that notwithstanding the recess or the adjournment of the Senate, that when the Senate receives from the House a concurrent resolution relating to the enrollment of H.R. 3377, the text of which is at the desk, the resolution be considered agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR FRIDAY, JULY 22, 2005

Mr. SESSIONS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. on Friday, July 22. 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 Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SESSIONS. Tomorrow the Senate will resume consideration of the Defense authorization bill. We hope to make further progress on the bill. A number of colleagues have indicated they will be available to offer amendments to the Defense bill, and I encourage them to come over early tomorrow morning. Although we will not have any rollcall votes, we will be able to debate amendments and agree to any amendments that can be cleared on both sides of the aisle.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. SESSIONS. If there is no further business, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:58 p.m., adjourned until Friday, July 22, 2005, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate July 21, 2005:

DEPARTMENT OF STATE

WILLIAM J. BURNS, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE RUSSIA FEDERATION.

FEDERAL MEDIATION AND CONCILIATION SERVICE

ARTHUR F. ROSENFELD, OF VIRGINIA, TO BE FEDERAL MEDIATION AND CONCILIATION DIRECTOR, VICE PETER J. HURTGEN, RESIGNED.

ELECTION ASSISTANCE COMMISSION

DONETTA DAVIDSON, OF COLORADO, TO BE A MEMBER OF THE ELECTION ASSISTANCE COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 12, 2007, VICE DEFOREST B. SOARIES, JR., RESIGNED.

CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, July 21, 2005:

DEPARTMENT OF AGRICULTURE

THOMAS C. DORR, OF IOWA, TO BE UNDER SECRETARY OF AGRICULTURE FOR RURAL DEVELOPMENT.

THOMAS C. DORR, OF IOWA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION.

EXTENSIONS OF REMARKS

RECOGNIZING CHRISTINA REIN

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 2005

Mr. BURGESS. Mr. Speaker, I rise today to commend Christina Rein for her creativity and ingenuity.

Last year, like many parents, Christina felt the frustration of crumpled diapers when they were placed in her diaper bags. She decided she was going to do something about it. With the inspiration from her children, she designed Diapees and Wipees, a pouch created to carry a few diapers and wipes that has helped her tremendously in raising her baby boy.

After numerous hours of research on how and where to market her invention, Christina founded the Christina Leigh & Company in 2004. Through her company, she has been able to help relieve the stress of many other parents, as well as starting a fashion trend. Recently, she attended the annual International Juvenile Products Manufacturers Association Trade Show and appeared on morning shows to advertise her product. Her product comes in many fashionable designs and can be purchased in baby boutiques and stores in several states or from her website.

Today, I want to recognize Christina Rein for her outstanding accomplishments. Her success as a loving mother and a successful entrepreneur is admirable, and we wish her the best in her future endeavors.

EXPRESSING GRATITUDE TO THE MEMBERS OF BRAVO BATTERY FORWARD, FIRST BATTALION, 109TH FIELD ARTILLERY DIVISION OF THE PENNSYLVANIA ARMY NATIONAL GUARD

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 2005

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to the 126 members of the Bravo Battery Forward of the First Battalion of the 109th Field Artillery, based in Nanticoke, Pennsylvania, who have returned after service in Iraq.

We welcome home our brave soldiers with gratitude for their selflessness. During times of war, it is important that we realize the sacrifices our troops endure. Through voluntary military service, Americans proudly uphold ideals, consistently emerge as leaders and valiantly ensure democracy.

The Bravo Battery consists of: Richard Osborne Adams, David Paul Anthony, Stephen John Arnold, Richard Anthony Aulicino, Joseph John Baloh III, Michael William Bauder, James Lee Bell, Joshua Michael Bohinski, Jason Otto Bolesta, Joshua Brandes, Dennis Michael Bressler, Travis C. Brigalia;

Christian Benjamin Brown, Mark Earl Brown, Ronald Joseph Bruza Jr., Kyle Edward Buff, Robert Anthony Burge, Kevin Thomas Burritt, Raymond Charles Cannell, Gary Bruce Caton Jr., John Lawrence Cavanaugh, Richard Lloyd Chesnet Jr., Gerald B. Cobb, Scott Elliott Cousins, Ryan Hazen Craig, Christopher Alan Daniel, Scott Anthony Domanowski, Robert Patrick Donahue, Dean Emery Doty, Nicholas Andrew Dulina, William Sanderson Dutzar, Jason John Ellison, Eric Anthony Eppler, Eugene Joseph Everett;

Rodney Stephen Fedorchak, Robert Allen Franks, Terrance Charles Frederick, James Joseph Gallagher, James Michael Gallagher, Patrick Edward Gallagher, Tomas Rafael Garcia, Mario Luis Gonzalez Jr., Jeremy James Granahan, Nicholas Joseph Guzenski, Justin Matthew Harris, William Joseph Harris, Kelly Scott Harter, Kevin Patrick Hettler, Bruce Alan Hinds II, David Andrew Hoover, Kevin Thomas Hoover, Christopher Andrew Hudock, Matthew David Jacobs, Elijah Kareeme Jones, James Joseph Kania;

Daniel Steven Kankiewicz, Christopher James Keen, Christopher Warren Keller, Brendan Kevin Kelly, Jared Raymond Kennedy, David John Kinney, Rory Francis Kirwan, Rhyan Lee Kleiner, Neil Charles Klinges, Nicholas Andrews Kopco, Raymond Louis Krzak, Brett David Kunkle, Charles Cushing Ladd V, George Leibman, Matthew Lipo, Billy Joe Lorah, Phillip Glenn Losito, Andrew Lukashewski, Brian Lukashewski, Joseph Andrew Lukashewski, Matthew Lupico;

Nicholas Richard Lynn, Leonard John Macking III, Brian Jason Martin, William Frank Marusak, Michael Aloysius McKeown, Adam Charles Metz, Kenneth Paul Miller Jr., Robert Jason Miller, Robert John Miller, Paul Minnicks IV, David Joseph Miscavage, Cliff Antonio Morales, Joseph John Novackowski, Patrick Francis O'Boyle, Walter Robert Ohl, Thomas Robert O'Leary, Charles Alex Pavlick, Francis William Petroski, Kris Sean Petrosky Sr., Tony Phan;

Francis Joseph Poperowitz, Neil Aaron Ravitz, Jason Rexford Robbins, Timothy Michael Roberts, Jeremy John Rusczyk, Stephen Mark Rutkowski, Sean Paul Sarokas, John Sedon IV, Daniel Thomas Seip IV, Christopher Jude Sicurella, Jonathan Neil Silva, Anthony William Skrypski, K. Jaime Sorber, Daniel Christian Stella, Robert Paul Stemick, William Fredrick Stiefel Jr., Jamie Lee Sult;

Justin George Thomas, William Lewis Thubbron, Jonathan David Torres, Daniel Kieran Walsh, Nicholas William Walters, Wesley James Waters, Leonard Kenneth Weston Jr., Adam Thomas Wilcox, Aron Preston Wright, Joshua Paul Yetter, Michael Lee Yetter, Eric Mark Zagata, and Robert Louis Zamoch.

Mr. Speaker, I ask that you join me in thanking these soldiers for their courage and love of country. It is truly an honor to serve them in the United States Congress. Please join me in welcoming these fine Americans home.

A TRIBUTE TO CAPTAIN JANE M. HARTLEY, UNITED STATES COAST GUARD RESERVE

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 2005

Mr. McINTYRE. Mr. Speaker, it is with great pleasure that I rise today to honor Captain Jane M. Hartley of the United States Coast Guard Reserve. Captain Hartley is retiring after serving the people of this great Nation for 27 years.

Captain Hartley was an accomplished officer who always put country, duty, and honor first. Throughout her illustrious career, Captain Hartley was honored with the Coast Guard Meritorious Service Medal, Coast Guard Commendation Medal twice, 9/11 Medal, Coast Guard Achievement Medal, Commandant's Letter of Commendation, and Armed Forces Reserve Medal twice.

In addition, Captain Hartley blazed a path of progress by being the first woman to have a command in the Fifth Coast Guard District and the first woman in the Coast Guard to become Captain of the Port of Wilmington.

Mr. Speaker, I am pleased that Captain Hartley will remain in our area after her retirement and continue to be an important part of our community.

Captain Jane M. Hartley has served her nation and citizens in an exemplary manner, and her devotion to the security of our country should serve as an example to us all.

May God bless her and her family, and may God bless the men and women in the U.S. Coast Guard.

RECOGNIZING THE 75TH ANNIVERSARY OF THE ESTABLISHMENT OF THE VETERANS ADMINISTRATION

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 2005

Mr. EVANS. Mr. Speaker, today marks the 75th anniversary of the establishment of the Veterans Administration, what is now the Department of Veterans Affairs. Since the VA's inception, more than 33 million Americans have become veterans, and 25 million veterans are alive today.

When President Hoover declared the Veterans Administration to be ''one of the most important functions of Government,'' he couldn't have been more right. It is one of our greatest callings and duties to provide care for those who sacrificed so much to preserve the liberties and freedoms we enjoy.

The importance of this anniversary isn't just to mark the longevity of a federal agency, it is to honor and recognize the department's quality execution of its great and noble mission

". . . to care for him who shall have borne the battle and for his widow and his orphan."

The Department of Veterans Affairs operates the largest integrated health care system in the country, maintaining 1,300 clinics, nursing homes, hospitals, and other medical sites, and it is a system which pioneers advances in medicine, such as telemedicine and prosthetics, which improves the lives of all Americans, not just veterans. In fact, three Nobel Prize in Medicine recipients were VA doctors.

Indeed, in keeping true to its mission, the VA has provided benefits to many spouses and dependents of our Nation's veterans by providing housing loan assistance and education benefits; and, when a veteran's noble life comes to its end, the VA's mission does not end, as it provides burial assistance for families, operating 120 national cemeteries in the United States and Puerto Rico.

It is our responsibility, Mr. Speaker, as representatives of this great Nation's veterans, to uphold our commitment to them; to provide for them and their families the best care available; and to do that, we must enable the Department of Veterans Affairs to endure and build upon its impressive legacy.

Today a new generation is coming to understand the sacrifices that come with service. As they join the ranks of our Nation's veterans, our commitment to them cannot be any less than it has been to past generations, and to the veterans still with us that depend so greatly on the Department's care.

And so, though we mark a great milestone in the Department of Veterans Affairs history, let us not forget that its mission continues and that its success is dependent on our dedication to its cause.

Mr. Speaker, I would like to submit for the RECORD an article from U.S. News and World Report, dated July 18 of this year, "Military Might," that powerfully demonstrates the impact of today's Department of Veterans Affairs and the legacy it is building for future veterans.

[U.S. News & World Report, July 18, 2005]

MILITARY MIGHT

TODAY'S VA HOSPITALS ARE MODELS OF TOP-NOTCH CARE

(By Christopher J. Gearon)

Three summers ago, Augustin Martinez's skin was yellow. He was in pain. And physicians at Kaiser Permanente, his usual source of care, were baffled. The frustrated Martinez, a retired Lockheed Martin engineer in San Jose, Calif., asked his brother, a New York physician, for advice. After consulting colleagues, his brother advised him to go to the Department of Veterans Affairs hospital in nearby Palo Alto. Martinez, a former Navy petty officer 2nd class, was entitled to VA care (eligibility depends on several factors, including date and length of military service, injury, and income). But his brother's recommendation took him by surprise. Better care at a VA hospital? But he went—and was quickly diagnosed with pancreatic cancer by Sherry Wren, chief of general surgery, who operated on him within days. He has relied on VA hospitals and clinics ever since. ''They run a good ship,'' says Martinez, now age 72.

That they do, say healthcare experts. Routinely criticized for decades for indifferent care, attacked by Oliver Stone in Born on the Fourth of July, the VA health system has performed major surgery on itself. The care provided to 5.2 million veterans by the nation's largest healthcare system has improved so much that often it is the best around. And in the new VA, patient safety is a particular priority. Before making the first incision, for example, surgeons conduct a five-step audit to be sure they don't cut into the wrong body part or person. Doctors and nurses are unusually conscientious about hand hygiene, to reduce infections caused by carrying germs from one patient to another.

Technology helps, as would be expected. Martinez is particularly impressed by the computerization of patient records. When he visits, his doctors and nurses instantly call up his medical records, including test results (his cholesterol is high and he suffers from asthma), CT scans, and medications via laptop, which has become as ubiquitous a tool at VA facilities as a stethoscope.

Paper delay. But computerized records are more than a convenience. If all patient information could be reviewed on a computer screen and updated with each new test and observation, studies suggest that many of the medical errors that kill hospital patients would be prevented. Keeping everything on paper has been shown to delay care, force 1 in every 5 lab tests to be repeated, and cause unnecessary hospitalizations. But switching to computerized records can cost millions of dollars at a single hospital, so relatively few medical centers outside the VA have changed over.

''The information is right at your fingertips, right at the bedside, right when you're making decisions,'' Wren says. Besides giving her a quick snapshot of a patient's progress, the system automatically displays the latest and best studies and guidelines for that patient's condition. The screen also prompts her about preventive measures. If she calls up the record of a diabetic patient, for example, she is reminded to perform or schedule foot and eye exams, which diabetics must have regularly to prevent amputation or blindness.

Such prompting is largely why the VA vaccinates 92 percent of patients ages 65 and older against pneumonia versus 29 percent 10 years ago, says Jonathan Perlin, the top doctor in the Department of Veterans Affairs. Outside the VA, he says, the rate averages below 55 percent. ''The increase not only has saved the lives of 6,000 patients with emphysema,'' says Perlin; ''we've halved hospitalizations for [patients with] community-acquired pneumonia.''

And the computerized system reduces medication errors, blamed for thousands of deaths in hospitalized patients, by flagging an order if there's a possible drug interaction, if the dosage doesn't match a doctor's order, or if there is a potential allergic reaction. Retired Army Sgt. Maj. Lance Sweigart of Laurel, Md., takes six medications for arthritis, high cholesterol, and depression. The 61–year-old Sweigart says he has ''never gotten the wrong medication'' at VA facilities in Baltimore.

All drugs carry bar codes, as do patients' ID bracelets. Both are scanned before a medication is administered to make sure the drug and patient match and last-minute order changes are caught. It's not yet sophisticated enough to offer the appropriate dosage, but Isabel Sotomayor, a nurse at the VA Medical Center in Washington, D.C., says the system snags one or two potential errors every day during her medication rounds.

The impact of such changes is real, says Harvard School of Public Health professor and renowned patient-safety advocate Lucian Leape. ''Recent evidence shows [that care at the VA system] is at least as good as, if not better,'' he says, than care delivered elsewhere. In the 1990s, for example, the VA began using a new way—since adopted by the American College of Surgeons—to evaluate surgical quality. It enabled VA surgeons to reduce postoperative deaths by 27 percent and post-surgical complications by 45 percent. Recently published studies have found that the VA rates much better than Medicare fee-for-service providers in 11 basic measures of quality, such as regular mammograms and counseling for smokers. Late last year, the Annals of Internal Medicine published a study showing that the VA had ''substantially better quality of care'' than other providers in many of nearly 350 indicators of quality, such as screening and treating depression, diabetes, and hypertension.

Overhauling a system of 157 hospitals, 134 nursing homes, and 887 clinics is never finished. Recent reports by the inspector general of the Department of Veterans Affairs have highlighted such problems as cancellation of surgeries, unexpected deaths, and radiology backups at VA facilities in Florida. Surgeries have had to be canceled at some facilities because surgical supplies were unavailable or improperly sterilized. But John Daigh, who as assistant inspector general for healthcare inspections is responsible for exposing such flaws, says that VA top brass haven't retreated into denial. They ''have stepped up to the plate and fixed the problems'' that his investigators uncover.

That, too, is evidence of a seismic shift, brought about not by high-tech breakthroughs but by a fundamental change in VA culture. A new emphasis, on patient safety and on a work ethic that stresses constant examination of the processes and procedures that go into caregiving, arrived in 1994 when Kenneth Kizer, former director of California's Department of Health Services, was tapped to run the VA health empire. His mission, as he saw it, was to remake the unwieldy system into one of the world's safest and finest. Kizer started holding doctors, administrators, and managers directly accountable for the quality of their patient care, linking, for example, how many heart-attack patients received recommended beta blockers and aspirin to job reviews. And the performance for each facility was made public, which turned out to be a major motivator. ''People competed like hell,'' says Kizer, now president of the nonprofit National Quality Forum, which develops national standards for assessing the quality of healthcare.

Kizer was immersed in studies of patient safety years before the Institute of Medicine's jolting report in 1999 of hospital errors that kill tens of thousands of patients. To cultivate a ''culture of safety'' at the VA, he created a National Center for Patient Safety, and to head it up he brought in James Bagian, a former astronaut who had investigated the space shuttle Challenger accident for NASA.

Bagian's hire was ''one of the smartest things [Kizer] did,'' says Leape. Both an engineer and physician, Bagian brought to the VA unique skills and a zealous commitment to safety. ''It was like being in two different worlds,'' Bagian says of the move from NASA to the VA. ''One had a very constructive and methodical approach to how we identify problems, decide whether they are worth fixing and then fix them versus one that was done much more like a cottage industry, where decisions are based on what's my opinion or how do I feel about it today, which is not how you should run healthcare today.''

Out loud. Bagian wanted people to report mistakes or close calls in treating patients. Such intelligence was crucial if safety was to be improved, because many errors happen because of a flawed system rather than a careless individual—a chart mix-up that could have ended in surgery on the wrong patient, the incorrect medication given to a patient because it was stored next to another one with nearly the same name. At today's VA

hospitals, patient safety teams identify every step that led up to a blunder or close call to determine needed changes. For example, the VA has instituted a process to ensure that surgeons operate on the correct person or body part. One step includes asking patients to say their full names and birth dates out loud and to identify the body part to be cut.

Bagian's greatest challenge was shifting the attitudes of VA staffers. Few people reported a gaffe, for fear that they or the person who made it would suffer. ''The VA had the most punitive, hardest culture I had ever seen,'' says Kizer; he and Bagian wanted to change the VA's punishment-oriented ways to an open, nonpunitive environment. But the staff didn't begin to respond until top managers showed they were serious. In the new VA, for example, managers could be fired, fined, and even jailed for retaliating against workers who file mistake reports.

Reports began coming in. More than 200,000 close-call and error reports have been filed at the VA without anyone being punished. ''Staff gets to have input about how to provide better care,'' says Sotomayor, a VA nurse for 15 years. ''The attitudes of people have changed.'' They take pride in the results, such as a decline in patient falls and a pacemaker redesigned by the manufacturer because of a close call. And other hospitals have noticed. Jennifer Daley, chief medical officer and senior vice president of clinical quality at Tenet Healthcare Corp., is using the VA as a blueprint to improve performance at the nation's second-largest for-profit hospital operator.

''There is room for improvement,'' says Bagian. ''We're not perfect, make no mistake about it.'' But now the drive to enhance safety has become an accepted part of the VA. Caregivers on the front lines turn in a steady flow of ideas, such as requiring that doctors key in the full name rather than the first few letters when ordering a prescription. That minimizes the chance, say, that a patient who needs clonidine, a blood-pressure medicine, will get clozapine, an antipsychotic.

Augustin Martinez simply appreciates that he took his brother's advice. ''I was fortunate I was a veteran. Otherwise, I don't know what else I would have done,'' Martinez says. ''I don't think I would be here today.''

SMALL STEPS THAT MADE A DIFFERENCE

These are a few of the changes the VA has put in place to make patients safer.

FALLS

Problem: In older patients, falls were the top cause of injury and the No. 1 cause of deaths resulting from injury.

Solution: Bedside floor mats. Putting the bedside table, call button, and light switch within easy patient reach. Outfitting at-risk patients with hip protectors.

Did it work? In a six-month trial at 31 VA facilities, there were 62 percent fewer major injuries from falls.

INFECTIONS

Problem: Infections caused by an antibiotic-resistant strain of Staphylococcus aureus, largely spread by healthcare workers' hands, were killing patients or making them very ill.

Solution: In 2001, the VA's Pittsburgh Healthcare System mounted a hand hygiene campaign, raising awareness of the need for disinfecting hands and for gloving and using gowns and masks, and making sure such supplies were always at hand. At the same time, infection monitoring was increased.

Did it work? Such infections have been cut 85 percent in the general surgical unit, 50 percent in the surgical ICU.

BLOOD THINNERS

Problem: Delays in follow-up care for discharged patients taking blood thinners such as warfarin, which can cause bleeding complications if patients are not carefully monitored.

Solution: The VA Ann Arbor Healthcare System in Michigan recently required doctors to ensure that these discharged patients are seen within a week in one of its clinics. Their blood levels and medication dosage can be checked, and they can be counseled about diet, because certain foods interfere with blood thinners.

Did it work? It's too early for clinical results, but reportedly all such patients have had follow-ups, lab tests, and counseling within one week of discharge.

HONORING PHIL AND BRYSON GAPPA

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 2005

Mr. BURGESS. Mr. Speaker, I rise today to recognize Phil and Bryson Gappa for their act of patriotism and selflessness.

As a visual statement to help others remember, Mr. and Mrs. Gappa created a memorial dedicated to honor those who sacrificed their lives for our country. One hundred and seventy hand-painted ornaments, each recognizing and honoring a Texas soldier killed in Iraq, adorn two large trees in the front lawn of their Lewisville home.

The memorial and tribute to the soldiers also serve as a heartwarming display for families of the victims. One family described seeing the memorial as a special and spiritual experience. They were moved that the couple had put time and effort into a cause when never even having met many of the soldiers.

It is with great honor that I stand here today to honor Phil and Bryson Gappa for their wholehearted public display of respect and patriotism. Through their contribution, they not only stand as devoted American citizens, but serve as an inspiration to others.

EXPRESSING GRATITUDE TO THE MEMBERS OF ALPHA BATTERY FORWARD, FIRST BATTALION, 109TH FIELD ARTILLERY DIVISION OF THE PENNSYLVANIA ARMY NATIONAL GUARD

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 2005

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to the 124 members of the Alpha Battery Forward of the First Battalion of the 109th Field Artillery, based in Kingston, Pennsylvania, who have returned after service in Iraq.

We welcome home our brave soldiers with gratitude for their selflessness. During times of war, it is important that we realize the sacrifices our troops endure. Through voluntary military service, Americans proudly uphold ideals, consistently emerge as leaders and valiantly ensure democracy.

The Alpha Battery consists of: Jean Luc Robert Adams, Thomas Charles Albanese, James Robert Albright, Kevin Francis Armitage, Tyler Scott Barnes III, Bernard Alfred Barry III, Jason John Bedew, John Willard Bedew, John A. Bilski, Jarrad J. Bogaski, Craig Joseph Bondra, Charles Earl Boyer;

Donald Brenner, Frank Donald Brizgint Jr., Andrew Khareme Brown Jr., Nikolas James Butrej, David Wayne Butz, Robert Leo Charnichko, Stephen Nicholas Chronowski, Nicholas Anthony Cipriani, Kevin Jeffrey Clocker, Michael Thomas Collis, Richard John Colorusso, James Randall Conley, James Henry Crawn, John Daniel Crispell, William Patrick Cunningham, Erik Lee Daniels, Robert Darin Davis, Brian Lee Deats, Steven Eugene Deininger, Anthony Delgiudice, Anthony Joseph Derosia, Timothy James Dickson, Matthew Christopher Dohman, David Russell Duke Jr.;

Cory Alfred Dumont, Rodney Everett Durant Jr., Anthony Thomas Eddy, Matthew Charles Eddy, Jason Daniel Ellis, Jeremy Edward Endrusick, William Andrew Eppley, Gomez Juan Francis Fernandez, Timothy James Finley, James Carl Fisher, Hando David Galutia, Michael Brian Gifford, Daniel Robert Giniewski, Steven Frederick Griffiths, William Robert Grosz Jr., Charles David Gundrum, James Allie Harper III, Pierce Samuel Heffner, Sean Michael Hess, Joseph Patrick Hogan Jr.;

Eric Ronald Holzman, James Jesse Hoskins, Ian Charles Hughes, Michael Huntzinger, Michael Joseph Jeziorski, Gerald Wayne Johnson II, Dylan Stewart Jones, Richard Michael Jones, Christopher Kashi, Matthew Thomas Kearns, Peter Scott Kelchner, Avery Reed Kessler, Sean Paul Kilbourn, Joshua Boyd Kimmins, Ronald Joseph Knorr Jr., William Lawrence Koepke Jr., Paul Anthony Konschnik;

Mark Steven Kozen, David James Krzak, Jeffrey Anthony Kwiecien, Joshua James Lake, Sean Michael Lehman, Colin Michael Liput, James Edwards Mason II, Jeffrey Charles Mead, Michael Carmine Meloro, Heath Adam Middaugh, Dominic Michael Nardelli, Ronald Otto Neher Jr., Jed Joseph Nolan, Matthew Brent Noll, Adam Charles Olisewski, John David Oros, Keith Leon Paller, Jason Palmer, Joseph Michael Perrins, Robert Richard Perrins, Robert A. Pissott Jr., Charles William Plantamura, Brian Douglas Powell, Richard Lee Herman Price II, Mark Anthony Robinson, Anthony Jason Rodriguez, Donald Paul Rorick Jr.;

William Roy Ross Jr., Edward Arnold Rowell, Walter Charles Rudaski Sr., Joseph Andrew Ruotolo, Scott Allen Seelye Sr., Robert Daniel Senchak, Erik William Shaw, Jeremy Paul Shuman, Gordon Alan Simerson, Robert J. Slovik, Andrew Sromovski, Bret Joseph Stemrich, James Reeves Stokes, Brian Patrick Turlip, Jarret Paul Tuttle, Jason Francis Veneziale, Victor Verdekal, Randy Joseph Wagner, Charles A. Williams, Geoffrey Michael Williams, Lawrence Michael Wolfe, Michael Anthony Yuscavage, Vincent Roger Zardus, and Daniel Joseph Zyskowski.

Mr. Speaker, I ask that you join me in thanking these soldiers for their courage and love of country. It is truly an honor to serve them in the United States Congress. Please join me in welcoming these fine Americans home.

HONORING THE LIFE AND SERVICE OF DANIEL DAVID CAMERON

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 2005

Mr. MCINTYRE. Mr. Speaker, I rise today to pay special tribute to an outstanding leader in Southeastern North Carolina, Mr. Daniel David Cameron. Mr. Cameron passed away on July 2, 2005, after a lengthy battle with cancer. However, his legacy and contributions will live on in the hearts and minds of many for generations to come.

Born and raised in his beloved City of Wilmington, Dan served his city, state, and nation with distinction, dedication, and determination. As a graduate of Virginia Military Institute, and as a Major in the U.S. Army, Dan was a part of the distinguished ''Greatest Generation'' serving in World War II, having landed at Normandy during the Allied invasion of France following ''D-Day''. He understood the price of freedom and risked his life so others can rest peacefully each night.

After the war, Dan came home to Wilmington and began a decades long career that truly made a difference in the city and community. From his position as Mayor to his work in forming the Committee of 100, from his affiliation with WECT–TV to his love for the Boys and Girls Club, from his support for the University of North Carolina at Wilmington to his contributions to the Salvation Army and the United Negro College Fund, the efforts of Daniel David Cameron have truly been a foundation on which Wilmington and New Hanover County have blossomed.

Samuel Logan Bringle, the legendary leader in the Salvation Army, once said some very important words that reflect the character and life of Dan. He said, ''The final estimate of a man will show that history cares not one iota about the title he has carried or the rank he has borne, but only about the quality of his deeds and the character of his heart.'' Indeed, Dan Cameron has reflected this through his sacrifice and commitment. He was known by persons of all races, ages, and religions for both his kind deeds and his loving, unselfish heart.

Mr. Speaker, dedicated service to others combined with dynamic leadership has been the embodiment of Dan's life. May we all use his wisdom, selflessness, and integrity as a beacon of direction and a source of true enlightenment for many, many years to come. Indeed, may God bless to all our memories the tremendous life and legacy of Daniel David Cameron.

IN REFERENCE TO HALL RESOLUTION (H.R. 261)

HON. ALBERT RUSSELL WYNN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 2005

Mr. WYNN. Mr. Speaker, my distinguished colleague from Texas, Mr. HALL is to be commended for authoring a resolution to get a sense of the Congress on the issue of extending the CMS quality of cancer care demonstration project. I share his concern to preserve this country's cancer care treatment system and expressed this, in a bipartisan letter sent to the President, along with Mr. HALL and 95 of my House colleagues.

For the record, I note that Mr. HALL's resolution makes no mention of extending the demonstration project at the current funding level of $300 million. Additionally, as mentioned in our letter to the President, the resolution does not mention the real problems with the new Medicare payment system for cancer care, but only addresses the short-term fix of extending the demonstration project.

Among other problems, the new Medicare system pays closer to market rates for cancer drugs. This is a step in the right direction. However, it now does not pay for the pharmacy costs related to those drugs. As another example, Medicare does not pay community oncologists for the treatment planning that provides for each new cancer case.

I implore my colleagues to support the extension of the cancer care demonstration project at the level of $300 million. I also ask my colleagues to direct CMS to work with community cancer care on permanent solutions. American's access to quality, affordable, and accessible cancer treatment needs to be preserved.

COMMENDING THE CONTINUING IMPROVEMENT IN RELATIONS BETWEEN THE UNITED STATES AND THE REPUBLIC OF INDIA

SPEECH OF

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 18, 2005

Mr. EMANUEL. Mr. Speaker, today I rise in strong support of H. Con. Res. 364, commending the continuing improvement in relations between the United States and the Republic of India. This historic relationship is exemplified by the current official visit of the Prime Minister of India, His Excellency Dr. Manmohan Singh. This important resolution recognizes the benefits of our two nations working together towards our common goals of promoting peace, prosperity, and freedom among all countries of the world.

The Fifth District of Illinois is enriched by the presence of long-time residents and recent immigrants from India. Indian-Americans have proven that America is made stronger by their contributions to our cultural richness and diversity.

I am also pleased to recognize the continuing and growing friendship between the nations of India and the United States. India is the most populous democratic country in the world and has historically been a steadfast ally and loyal friend of the United States. We have benefited from our close and mutual friendship with India, through cooperation on security, trade and technological advancements which improve lives in both countries and help promote safety throughout the world.

It is a particular pleasure to pass this Resolution on the occasion of His Excellency Dr. Manmohan Singh's visit. His Excellency has, in his previous capacity as Finance Minister, helped shape India's economic policies to permit the growth of free markets, which has led to much greater economic prosperity for many people in India and the creation of a large middle class.

With this bipartisan resolution, the American people recognize that we will be more effective and successful with India as a partner in achieving our mutual objectives to promote democracy, combat terrorism, pursue nuclear non-proliferation, strengthen the global economy and trade, and slow the spread of HIV/AIDS.

Mr. Speaker, I strongly support this concurrent resolution and I look forward to continue working with my colleagues on all of our efforts to promote peace and cooperation between these two great nations.

RECOGNIZING LARRY SIGLER

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 2005

Mr. BURGESS. Mr. Speaker, I rise today to recognize the service and commitment of Larry Sigler for his lifelong dedication and commitment to the education and development of our youth.

After attending North Texas to receive his math degree and Master's in secondary education, Larry taught at Dallas Hillcrest High School and at Lewisville Middle School, now DeLay Middle School. He then served as assistant principal at DeLay, Hedrick Middle School, and Lewisville High School. He also served as principal of Hedrick before serving as the first principal of Marcus High School.

After 19 years as principal at Marcus, Larry retired in 2000. While there, he helped to develop the school into one of the best academic schools in the state. Also, despite graduating from and playing football for the rival school, Lewisville High, he helped to build Marcus's strong athletic program. The Marcus High athletic program has been recognized with both state and district championship on many occasions.

It is with great honor that I stand here today to recognize Larry Sigler for his contributions in improving the quality of our secondary education. His commitment serves as inspiration to others in his field and those who wish to make a positive difference in the lives of young people.

EXPRESSING GRATITUDE TO THE MEMBERS OF HEADQUARTERS BATTERY FORWARD, FIRST BATTALION, 109TH FIELD ARTILLERY DIVISION OF THE PENNSYLVANIA ARMY NATIONAL GUARD

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 2005

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to the 44 members of the Headquarters Battery Forward of the First Battalion of the 109th Field Artillery, based in Kingston, Pennsylvania, who have returned after service in Iraq.

We welcome home our brave soldiers with gratitude for their selflessness. During times of

war, it is important that we realize the sacrifices our troops endure. Through voluntary military service, Americans proudly uphold ideals, consistently emerge as leaders and valiantly ensure democracy.

The 109th Field Artillery enjoys a rich heritage. It is one of the oldest units in continuous existence in the United States Armed Forces. It was organized under Col. Zebulon Butler in the Wyoming Valley of northeastern Pennsylvania on October 17, 1775, nearly a year before the signing of the Declaration of Independence.

Since the Wyoming Valley was then part of Connecticut, the unit was formed as the 24th Regiment, Connecticut Militia. The Regiment carries both the Connecticut and Pennsylvania state flags in its color guard. It is also officially named ''The Wyoming Valley Guards.''

The 109th, under various unit designations, fought in the Revolutionary War, mustered into service for the War of 1812, fought in the Mexican-American War, the Civil War, the Spanish American War, World War I in France and in World War II in both France and Germany.

In World War II, the unit distinguished itself during the Battle of the Bulge when the 109th fought valiantly to oppose the German Ardennes Offensive. After its guns were destroyed, the unit fought as infantry often in vicious hand-to-hand combat. For its valor, the battalion was awarded a Presidential Unit Citation, the highest decoration a unit can receive.

On September 5, 1950, the 109th was mobilized for the Korean War. On September 11, 1950, the unit was en route to Camp Atterbury, Indiana, when a passenger train struck the battalion's troop train in Coshocton, Ohio, killing 33 soldiers and wounding scores.

On April 26, 2004, the unit lost its first soldier in combat since 1945 when Sgt. Sherwood Baker was killed after a building he was inspecting in Baghdad, Iraq, exploded.

The Headquarters Battery consists of: Christopher A. Barnes, James J. Belusko, Clinton R. Bollinger, John D. Borger, Raymond T. Bozek, Benjamin B. Chamberlin, Daryl A. Crawford, Matthew J. Deacon, Joseph A. Didino, Mark A. Gordon, John Gowin, Travis L. Haldeman, Kevin M. Hayes, Shaun A. Hineline, John L. Hosey, Louis F. Johnson, Dean C. Jones, Terry D. Ketchem, William H. Maclunny, Jeffrey E. Marriott, Jeffrey Martin, Joseph J. May, Joseph A. McHugh, Jonathan Mitchell, Brian J. Moore, Troy D. Mueller, Armando Pascale, Casey J. Poeth, Robert R. Rae, Roger E. Reed, Evan L. Reibsome, Michael R. Shoffler, John Shulskie, Michael K. Skoniecki, Damien J. Smith, Stephen S. Stankavage, William P. Verbyla, Brian J. Vest, James E. Waldrop, Patrick L. Walsh, Ralph M. Watkins, Valroy Williams, Michael Wisnewski, and Michael Yavorski.

Mr. Speaker, I ask that you join me in thanking these soldiers for their courage and love of country. It is truly an honor to serve them in the United States Congress. Please join me in welcoming these fine Americans home.

INTRODUCTION OF THE PRESERVING PATIENT ACCESS TO INPATIENT REHABILITATION HOSPITALS ACT OF 2005

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 2005

Mr. LoBIONDO. Mr. Speaker, I rise today in support of the ''Preserving Patient Access to Inpatient Rehabilitation Hospitals Act of 2005.'' This important piece of legislation will ensure that patients across America will continue to have access to the rehabilitative care they need, and that experts in this community are organized to advise and make recommendations to Congress and the appropriate federal agencies based on the realities and challenges facing the rehabilitative field today and in the future.

Rehabilitation hospitals provide essential care to patients recovering from conditions such as stroke, hip replacement, and cardiopulmonary disease. They treat patients young and old, temporarily and permanently disabled. They allow their patients not only the chance to recover quicker, but to resume active and high quality lifestyles.

Unfortunately, with each passing month fewer and fewer Americans will have access to the unique care and services that rehab hospitals provide. A Centers for Medicare and Medicaid Services' (CMS) policy, commonly known as the ''75% Rule'', is being enforced in such a way that many patients, often regardless of their unique and pressing needs, are being turned away from facilities that could otherwise provide them with the best available care.

The ''75% Rule'' requires a rehab facility to ensure that a percentage of its patients are receiving treatment for one or more conditions as specified by Medicare. When the current rule went into effect in July of 2004, 50% of a rehab facility's admissions were required to fall within the list of conditions, on July 1st this percentage rose to 60%, and will continue to rise until it returns to 75% in 2007. According to a Government Accountability Office report, many rehab facilities will not be able to meet this 75% threshold required at full implementation of the rule.

In an effort to comply with the 75% Rule over the past year, thousands of patients across the country have been turned away from the care they desperately need. Rehab hospitals have been forced to tell patients recovering from cancer and strokes to look elsewhere for care, and have been forced instead to leave beds empty and reduce their staffs so that they can continue to provide care to the patients they are still able to treat. And with each coming year the situation will only get more dire.

The ''Preserving Patient Access to Inpatient Rehabilitation Hospitals Act of 2005'' will help ease this problem by allowing hospitals additional time to figure out how to ensure they are in compliance with CMS's rules, while still providing the unique care and services they are able to provide to the patients most in need. It will also create a National Advisory Council on Medical Rehabilitation to ensure that future policies created by Federal agencies and Congress reflect the realities and challenges facing the field of rehabilitative care without denying needed care to patients.

The American Hospital Association, American Medical Rehabilitation Providers Association, Federation of American Hospitals and numerous other associations and advocacy groups join me in supporting the ''Preserving Patient Access to Inpatient Rehabilitation Hospitals Act of 2005.'' Their members are seeing first hand the devastating effect the ''75% Rule'' is having on those in need of rehab care today and the enormous impact further implementation of this Rule will have.

Each and every day, patients across America are being denied the rehab care they need and deserve and which could be available to them. I urge you to speak for them and to support the ''Preserving Patient Access to Inpatient Rehabilitation Hospitals Act of 2005.''

RECALLING THE INFAMOUS ANNIVERSARY OF THE INVASION OF CYPRUS

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 2005

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise to recall the tragic anniversary of the Turkish invasion of Cyprus.

On July 20, 1974, the nation of Cyprus was viscously attacked by Turkey. This abominable act of violence against the people of Cyprus has never been undone. To this day, Turkish troops illegally occupy Cyprus, splitting the nation into two areas.

Since 1974, the nation has been divided, but progress is being made toward the reunification of Cyprus. In late April 2004, the people of Cyprus went to the polls to vote on a plan of reunification. Unfortunately, this reunification proposal was rushed, allegedly to coincide with the ascension of Cyprus into the European Union. Because of many legitimate concerns, including security, and in a demonstration of great courage and independence, approximately 75 percent of Greek Cypriots opposed the plan. However, this rushed and unfortunate effort must not, and will not, be the end of attempts to reunify the island. A lasting and equitable solution for the people of Cyprus, and the goal of a united Cyprus, is too important to abandon, now or ever.

The goal of the process must be to attain a just and lasting solution, not a rushed or imposed solution. Currently, the Republic of Cyprus is seeking a plan that truly reunifies both its society and economy, while allowing each community to retain its own identity and culture, without foreign occupation.

I remain committed to achieving a solution to this problem so that we never have to gather again to commemorate an anniversary of this condemnable and unjustifiable invasion. Mr. Speaker, I pray that this will be the last year of a divided Cyprus. It is my fervent hope that, 31 years after Cyprus was torn asunder, all Cypriots can be reunited, living in peace and freedom forever.

RECOGNITION OF THE 2005 SANTA ROSA COUNTY OUTSTANDING FARM FAMILY

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 2005

Mr. MILLER of Florida. Mr. Speaker, it is a great honor for me to rise today to extend congratulations to the Jimmy W. Nelson family for being selected the 2005 Santa Rosa County Outstanding Farm Family. The Nelson family has been involved in farming in Northwest Florida through four generations.

Both Jimmy and his wife Wynell are fourth generation farmers born in Santa Rosa County in my district. Their extensive history with working the land has helped them instill in their children the same love and appreciation of farming. Their son and two daughters helped with the family's farmwork up until the time they went off to college, and they still frequently visit to make sure the family business is still going strong.

Active in farming through all of his school years, Jimmy was also a member of the FFA in high school. In 1967, Jimmy began working as a pilot with Jay Flying Service, which he and his wife Wynell now own. The company has been the longest running crop spraying business in the Jay area, and Jimmy has helped with spraying crops since his first day with the business in addition to farming the 80 acres that he and his wife live on.

Mr. Speaker, on behalf of the United States Congress, I would like to offer my sincere commendation to a family that could serve as a role model to us all. A deep sense of work ethic and values has been instilled through all the generations of the Jimmy W. Nelson family. It is my hope that this family tradition continues for many generations to come.

HONORING ROBERT ATKINSON

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 2005

Mr. BURGESS. Mr. Speaker, I rise today to honor the courageous and heroic efforts of Mr. Robert Atkinson.

On June 25th of 2005, when vacationing at Destin Beach with his wife and two daughters, Mr. Atkinson acted above and beyond the duties of an ordinary citizen. While others ran for safety, he did what many would not think of doing—he jumped into the water while a shark was still in the water.

Mr. Atkinson's instinctive and courageous act was an attempt to save the life of Jamie Daigle, a 14 year old girl from Gonzales, Louisiana. He had put himself in danger's way and risked his own life to save another.

A hero is someone who shows great courage and is to be admired for his achievements and noble qualities. I feel that Mr. Atkinson's act of selflessness and courage is one that we all can admire. Therefore, it is with great honor that I stand here today to recognize Mr. Robert Atkinson as a hero in the not only the eyes of his daughters and his hometown of Argyle, Texas, but also the 26th District of Texas.

PERMITTING USE OF ROTUNDA OF CAPITOL FOR A CEREMONY TO HONOR CONSTANTINO BRUMIDI ON THE 200TH ANNIVERSARY OF HIS BIRTH

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 2005

Mrs. MALONEY. Mr. Speaker, I rise today in strong support of H. Con. Res. 202, which will permit the use of the Rotunda for a ceremony honoring Constantino Brumidi on the 200th anniversary of his birth. I would like to thank my colleagues, Representative PASCRELL, MICA, and BILIRAKIS, for their efforts in getting this bill to the Floor today.

As a founder and co-chair of the Congressional Caucus on Hellenic Issues, I am especially proud of Brumidi's Greek heritage. The son of a Greek father and Italian mother, Constantino Brumidi, fled Rome and immigrated to the United States on September 18, 1852. From 1868–1879 as a resident of New York City, Brumidi painted forty-three murals and paintings at St. Stephen's Church which is located in my congressional district.

Brumidi is most famous, however, for his artistic achievements in the U.S. Capitol. ''The Apotheosis of George Washington,'' on the dome in the Rotunda, is one of the highlights of his work here. Although he worked flat on his back on wooden scaffolding through the intense summer temperatures, Brumidi created a masterpiece. Additionally, his artwork can be found in the House of Representatives Chamber, several committee rooms, the President's Room, the Senate Reception Room, and throughout the corridors of the Capitol.

I am thrilled that we are recognizing such an outstanding artist and an important contributor to the history of our Nation. The Capitol Building is truly special because of its beautiful architecture and priceless artistic treasures. Without Brumidi's influence, tours of the Capitol simply would not be as interesting and exciting for our constituents.

I am pleased to see the Hellenic Caucus join with the co-chairs of the Italian American Congressional Delegation in bringing this resolution to the Floor, and I urge my colleagues to support it.

HONORING THE CITY OF LOUISVILLE

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 2005

Mr. UDALL of Colorado. Mr. Speaker, I rise today in recognition of the City of Louisville and to congratulate the citizens of this great community for the recent honor bestowed upon them. MONEY magazine and CNN spent months looking for towns across America worthy of being called ''Great American Towns.'' A criterion for the search included a safe, enjoyable environment in which anyone would want to raise their children. Out of more than 1,300 cities eligible for CNN/MONEY's ''Best Places to Live 2005,'' Louisville, Colorado placed fifth.

Louisville is located six miles from Boulder, a dynamic college town home to the University of Colorado, and just twenty-five miles from Denver, Colorado's metropolitan capital. Louisville started as a coal mining town in the 1880s, and has since grown to be home to some 19,000 residents and 1,700 acres of open space. While the city has undergone significant development from its humble beginnings, it has not forgotten its roots. The city gets much of its charm through the preservation of its history. Main Street is filled with historic buildings giving it an old-time feel, and the Louisville Historical Museum keeps the past alive for generations to come. Despite its nostalgic past, Louisville is forward thinking with a thriving high-tech industry. The combination of small-town history and charm juxtaposed with modern advantages are at the heart of Louisville's success.

Louisville enjoys a low crime rate, strong environmental values, affordable housing prices, and close proximity to the Rocky Mountains—which provide boundless opportunities for outdoor activity including skiing, hiking, and camping.

Parades color Louisville's downtown streets on holidays. Schoolchildren discuss ways to improve the city in Youth Advisory Board meetings. Families watch classic movies in Louisville's picturesque parks. A lively, involved community keeps the city's traditions and a myriad of available activities alive.

I take great pride in representing Louisville, and commend Mayor Chuck Sisk and the city council for their work to ensure a safe and enjoyable community for its citizens. Cities like Louisville instill pride in the officials who govern them and the citizens who inhabit them, and serve to enrich the lives of all who live in them, work in them, or visit them.

FORCED REPATRIATION OF MONTAGNARDS BY CAMBODIA

HON. JAMES A. LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 2005

Mr. LEACH. Mr. Speaker, yesterday—notwithstanding numerous international humanitarian appeals, including several from Members of Congress and from the Executive Branch—the Government of Cambodia forcibly deported nearly 100 Montagnards to Vietnam, into uncertain circumstances where their well-being is not subject to effective international monitoring. Indeed, credible reporting by established nongovernmental organizations has documented recent cases in which Montagnard returnees were arrested and beaten after their repatriation. From a humanitarian vantage, the repatriation of Montagnard families in these circumstances was unacceptable, and was carried out to the discredit of both Cambodian authorities and the United Nations High Commissioner for Refugees (UNHCR).

Two months ago, in a letter to UN High Commissioner Wendy Chamberlin, I and my Ranking Member on the Subcommittee on Asia and the Pacific [Mr. FALEOMAVAEGA] raised the details of this very case, and expressed our deep concerns that this situation ''sets a dangerous precedent for refugee protection in Cambodia and elsewhere by lowering the standards for refugee repatriation.'' I ask that a copy of that May 4, 2005 letter be included in the RECORD. Sadly, the worst-

case-scenario outlined in that letter came to pass yesterday mornmg; when the visibly distraught families were forced onto buses by Cambodian police, and sent back across the border to Vietnam.

At this point, I believe that the international community bears the remedial burden of seeking robust, credible access to the Montagnard returnees to help ensure their well-being. I earnestly hope that the Government of Vietnam, in a tangible demonstration of the goodwill generated during the Prime Minister's visit to Washington last month, will favorably accommodate this request.

COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC, May 4, 2005.

MS. WENDY CHAMBERLIN,
Acting High Commissioner for Refugees, United Nations High Commission for Refugees.

DEAR MS. CHAMBERLIN: We are writing to express our serious concerns about the Memorandum of Understanding (MOU) signed in January of this year by UNCHR, Cambodia, and Vietnam. In particular, we are concerned that the MOU does not ensure that adequate safeguards are in place to guarantee that refugee decisions are fully informed and voluntary, and does not provide UNHCR with unfettered access to returnees inside Vietnam. Accordingly, we urge the suspension of all repatriations of Montagnards to Vietnam until credible international monitoring of returnees is established in the Central Highlands.

While the MOU commits Cambodia to provide temporary protection to Montagnard refugees and asylum seekers, we are troubled by ongoing reports of their forcible repatriation by Cambodian authorities. As you are likely aware, credible reports describe continuing persecution, repression, and mistreatment of Montagnards in Vietnam, including those who have returned from refugee camps in Cambodia. The fact that UNHCR has had no access to the 35 Montagnards repatriated to Vietnam under the MOU thus far is particularly problematic. More immediately, we are concerned for the welfare of the approximately 100 rejected asylum seekers in Cambodia, and urge that none of them be forced back to Vietnam in current circumstances.

Against this background, we respectfully request that UNHCR:

Seriously reevaluate the MOU and work with Cambodia and Vietnam to revise it to ensure that refugee decisions are fully informed and truly voluntary, and that UNHCR has full and unfettered access to returnees inside Vietnam;

Suspend all repatriation of Montagnards until adequate monitoring is in place in the Central Highlands;

Maintain its protective mandate over all Montagnard shelters in Phnom Penh, including Site 1, which currently houses rejected cases;

Re-open the rejected caseload in Phnom Penh for those interested in having their cases considered on appeal again; and

Press the Vietnamese government to streamline the procedures for family reunification of Montagnards in Vietnam for those who have received authorization from the U.S. government to join family members in the United States.

Historically, UNHCR has taken the lead in protecting refugees around the world, important work that we strongly support. However, we are concerned that, unless it is promptly remedied, the January MOU sets a dangerous precedent for refugee protection in Cambodia and elsewhere by lowering the standards for refugee repatriation. Thank you for your consideration.

Sincerely,

JAMES A. LEACH,
Chairman, Subcommittee on Asia and the Pacific.
ENI F.H. FALEOMAVAEGA,
Ranking Member, Subcommittee on, Asia and the Pacific.

DR. FREDERICK K.C. PRICE: LIFETIME OF SERVICE

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 2005

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I want to recognize and congratulate one of the most distinguished pastors serving in the Los Angeles area, Mr. Frederick K.C. Price. Dr. Price, founder and pastor of Crenshaw Center and host of ''Ever-Increasing Ministries'', has accomplished a feat that very few have achieved in life—50 years of ministering the uncompromising Word of God. In 2005, Dr. Price will celebrate his ''Golden Anniversary'' as a minister, pastor and teacher of the Gospel.

It all began on January 3, 1932, in Santa Monica, California, when Frederick Kenneth Cercie Price, Jr. was born as the eldest of two sons to Fred and Winifred Price. He has one sister, Delores W. Jones. A product of the Los Angeles public school system, Fred Price attended McKinley Elementary School in Santa Monica, Foshay Junior High, Manual Arts and Dorsey High School in Los Angeles, and Los Angeles City College. He received an honorary diploma from the Rhema Bible Training Center in 1976 and an honorary Doctorate of Divinity Degree from Oral Roberts University in 1982; both institutions are based in Tulsa, Oklahoma. He was then referred to as Dr. Frederick K.C. Price.

Dr. Price met the former Betty Ruth Scott while attending Dorsey High School. They were married in March 1953 and have four children Angela Marie Evans, Cheryl Ann Price, Stephanie Pauline Buchanan, and Frederick Kenneth Price, Jr. All of the Price children and their spouses (A. Michael Evans, Jr. and Danon Buchanon, Angel Price) work in the family ministry. Drs. Fred and Betty Price also have six grandchildren; Alan Michael and Adrian Marie Evans; Nicole Denise and Allen L. Crabbe III; and Tyler Stephen Buchanan and Justin Eric Buchanan. The marriage of Fred and Betty Price spans more than 50 years.

Dr. Price was an assistant pastor in the Baptist church from 1955 to 1957, and then pastured an AME (African Methodist Episcopal) church in Val Verde, California from 1957 to 1959. He went from there to the Presbyterian Church, then to the Christian and Missionary Alliance in 1965. In 1973, Dr. Price and 300 parishioners moved from West Washington to establish Crenshaw Christian Center (CCC) in Inglewood, CA. In 1984, CCC outgrew its Inglewood facility and purchased the former Pepperdine University Los Angeles campus. CCC is not the home of the Faith Dome, with approximately 10,000 seats, is the largest church sanctuary in the United States. Construction on the FaithDome began in 1986, finished in 1989, and the Dome was dedicated on January 21, 1990. Currently, CCC's church membership totals over 27,000.

In addition, in 1990, Dr. Price founded the Fellowship of Inner City Word of Faith Ministries (FICWFM). Members of FICWFM include pastors and ministers from all over the world. The Fellowship's mission is to provide fellowship, leadership, guidance a spiritual covering for those desiring a standard of excellence in ministry: In May 21, 2001, Dr. Price established CCC East, in Manhattan, New; the current membership is approximately 1,000. Dr. Price travels to New York every month to teach the weekly Bible Study and Sunday service.

People all over the world know of Dr. Price through the ''Ever Increasing Faith'' television, radio and tape ministry. The Ever Increasing Faith Ministries program reaches more than 15 million households each week throughout the United States, according to recent Neilson ratings. Dr. Price is the author of some 50 books on faith, healing, prosperity, and the Holy Spirit. ''How Faith Works'' is a classic book on the operation of faith and its life-changing principles. He has sold over 2.1 million books since 1976. His most recent projects include, ''Race, Religion and Racism, Volume 1: A bold Encounter with Racism in The Church''.

In September, 2000, Dr. Price was the first black Pastor to speak at Town Hall Los Angeles. In 1998, he was the recipient of two prestigious awards; the Horatio Alger Award, presented by an Alexandria, Virginia based association honoring those who exemplify inspirational success. He also received the Kelly Miller Smith Interfaith Award, presented by the Southern Christian Leadership Conference, honoring those who have made the most significant contribution through religious expression affecting the nation and world, and most recently, he was presented the Living History Makers Award by Turning Point Magazine, honoring those while they walk among us leaving an indelible footprint of their deeds while making our world a better place.

RECOGNIZING DOUG AND HEATHER HUTCHENS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 2005

Mr. BURGESS. Mr. Speaker, I rise today to recognize Doug and Heather Hutchens, of Argyle, Texas. Their love for children led them to embark on a fairly new procedure.

Mr. and Mrs. Hutchens are pioneers in the area of embryo adoptions. This procedure allows infertile couples to adopt excess embryos from genetic parents who participated in the process of in vitro fertilization. Unlike traditional adoptions, this procedure allowed Heather to carry and give birth to her children.

After a home study, background check, financial check, and completing the paperwork, the Hutchens created a profile for the genetic parents of the embryos. On their second attempt, Heather gave birth to two twin boys—Sam and Ben, and then two years later, David.

Satisfied with their decision, the Hutchens play a key part in promoting the process of adopting embryos. They have taken their efforts to Washington, DC to protest legislation to expand stem cell research.

Today, I want to recognize and congratulate Doug and Heather Hutchens. Their commitment to their pro-life and conservative views on life has made them the proud parents of three beautiful boys, and we wish them well in their future endeavors.

HONORING THE WORK OF WYCLEF JEAN AND HERMAN MENDOZA IN STRENGTHENING DOMINICAN/HAITIAN RELATIONS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 2005

Mr. RANGEL. Mr. Speaker, I rise today to recognize the humanitarian efforts of Mr. Wyclef Jean and Herman Mendoza in addressing the needs of the Dominican and Haitian communities through their newly formed organization, ''One Voice'' in a much needed effort to create goodwill between Haitians and Dominicans on the Caribbean island of Hispaniola.

Hip-hop musician Wyclef Jean, founder of Yele Haiti, a nonpolitical, nonprofit foundation that provides education and other opportunities for children in his impoverished nation, is working with Herman Mendoza, co-founder and director of operations for Stepping Stones Ministries, a College Point, New York nonprofit organization that provides humanitarian aid to countries hit by disasters and funds programs for troubled youth.

''One Voice'' is geared toward uniting Dominicans and Haitians through mutual support and aid. Its design is to encourage Dominicans in the U.S. to help Haitians in Haiti, and Haitians in the U.S. to help Dominicans back home.

Relations between Haiti and the Dominican Republic have been fractious for generations. Haiti—a prosperous French colony known as St. Domingue in the 17th century and later, the first black republic—annexed the Dominican Republic (when it was known as Santo Domingo) in the 19th century. Haiti ruled all of Hispaniola from 1822 to 1844, when forces led by Juan Pablo Duarte established the Dominican Republic as an independent state.

Other conflicts between the two countries have fueled mutual distrust. In 1937, under orders from President Rafael Trujillo, Dominican soldiers killed close to 30,000 Haitian sugar cane workers along the border. These events occurred in a matter of weeks for various reasons but mainly because the skin of the Haitians was a few shades darker than that of the Dominicans.

The historical events surrounding the Dominican/Haitian relationship have continued to divide the Dominican Republic and Haiti so deeply that there may as well be an ocean not only around them but between them.

The tenuousness of the Dominican/Haitian relationship remains, but the efforts of Mr. Wyclef Jean and Herman Menendez are an important first step in developing a mutual understanding between the two nations.

I applaud their leadership on this issue and am pleased with their commitment to giving back to their communities in an effort to ease long seated resentment and unify the island and its people to achieve political, social, and economic development that will benefit the people of both nations.

[From Newsday, July 3, 2005]

HAITIANS, DOMINICANS JOIN VOICES TO HELP

A popular Haitian-American entertainer and a Dominican-American have joined forces to create goodwill between Haitians and Dominicans on the Caribbean island of Hispaniola.

Hip-hop musician Wyclef Jean, founder of Yele Haiti, a nonpolitical, nonprofit foundation that provides education and other opportunities for children in his impoverished nation, is working with Herman Mendoza, co-founder and director of operations for Stepping Stones Ministries, a College Point nonprofit organization that provides humanitarian aid to countries hit by disasters and funds programs for troubled youth.

Jean said the movement he and Mendoza started, called One Voice, ''will encourage Dominicans in the U.S. to help Haitians in Haiti, and Haitians in the U.S. to help Dominicans back home. This never happens,'' he said. ''Believe me.''

Relations between Haiti and the Dominican Republic have been fractious for generations. Haiti—a prosperous French colony known as St. Domingue in the 17th century and later, the first black republic—annexed the Dominican Republic (when it was known as Santo Domingo) in the 19th century. Haiti ruled all of Hispaniola from 1822 to 1844, when forces led by Juan Pablo Duarte established the Dominican Republic as an independent state.

Other conflicts between the two countries have fueled mutual distrust. In 1937, under orders from President Rafael Trujillo, thousands of Haitian sugar cane workers in the Dominican Republic were massacred.

Jean pointed to striking disparities between Haitians and Dominicans. He said in his country—which has been wracked by coups and invasions and is now the poorest nation in the hemisphere—most Haitians live on less than $1 a day; unemployment is close to 80 percent; more than 50 percent of the people are illiterate. In contrast, he said, there is 15 percent unemployment in the Dominican Republic and 15 percent of the population is illiterate.

Mendoza said he did not notice tension during a recent visit to his homeland, but he said numerous Haitians are there looking for work and are subject to checks by immigration officials. ''As far as Dominicans embracing Haiti, I don't see a problem,'' Mendoza said. ''We want to work out our differences socially, politically and economically. People will see there's no bias.''

One Voice is reaching out for medical and educational supplies for needy areas of both countries, sections of which were devastated by floods last year. Jean and Mendoza are asking the public to share some of what's in their medicine cabinets. They are collecting items for babies and adults, such as disinfectant and toothpaste, plus pens, crayons and notebooks, among other things.

''Numerous humanitarian service organizations as well as entertainment and music celebrities have pledged their support of this drive,'' Jean said. ''If each family puts together one kit, it can mean so much to our countries.''

A service that Stepping Stones Ministries sponsored on April 15 in Washington Heights—home to many Dominicans in New York—raised $1,000 to support the cause. A similar service is scheduled for July 30 at the True Worship Church in the East New York section of Brooklyn.

One Voice hopes to help children in both countries fulfill their dreams.

''Despite what history tells them about the conflicts between Haiti and the Dominican Republic, we want them to know they are one,'' said Jean. ''Our project is set up to show them that at least Dominicans and Haitians in the U.S. can live that reality.

''The first step,'' Jean added, ''is for us to send aid to the most impoverished communities, not as Haitians or Dominicans, but as One Voice.''

RECOGNIZING THE 110TH ANNIVERSARY OF IMMACULATE CONCEPTION LITHUANIAN CATHOLIC PARISH

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 2005

Mr. SHIMKUS. Mr. Speaker, I rise today to pay tribute to Immaculate Conception Lithuanian Catholic Parish as it celebrates its 110th Anniversary on October 16, 2005. Since its founding in 1895, the Parish has been symbol of faith to the East St. Louis community.

The church was founded by Lithuanian immigrants after they fled religious bondage and famine occurring in Russia during the late 1800s. The first purely Lithuanian Catholic congregation was organized in 1885 in New York. Soon afterwards separate Lithuanian churches were built in other places like Immaculate Conception of East St. Louis in 1895.

The challenge of the Church is to be a constant light in a dark world and to bring resilience and hope to the people who need it most. Throughout these 110 years Immaculate Conception Lithuanian Catholic Parish has done just that. My family and I are proud to have attended mass at Immaculate Conception Lithuanian Catholic Parish.

My prayer is that God will continue to bless this small congregation and that they would remain a positive influence for the future of the Parish and the community of East St. Louis.

CONGRATULATING MR. PERRY M. SIMMONS ON HIS ACHIEVEMENTS AND SERVICE TO THE PUBLIC

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 2005

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today to commend Mr. Perry M. Simmons on a lifetime of work and dedication to the public. Mr. Simmons has spent his life serving the city of Baytown, Harris County, the State of Texas, and his country.

Mr. Simmons served in the Navy during World War II on board the ship that carried General Douglas MacArthur back to the Philippines, the USS *LST 709*. He would advance through the ranks to become lieutenant and go on to earn four combat medals and a Philippine Liberation Medal. After serving in World War II Mr. Simmons returned to Texas to earn his bachelors degree in Journalism. After short but successful careers in advertising and management, Governor Dolph Briscoe personally appointed Mr. Simmons Deputy Director for the Governor's Committee on Aging.

Mr. Simmons won his first election to Baytown City Council in 1980, and was hired by then-Harris County Judge Jon Lindsay as his

administrative assistant in 1981. He served on the Baytown City Council throughout the 1980s, and was instrumental in securing funds for the West Main Bridge—now named, in his honor, the Perry Simmons Bridge. In 1995, he retired from Judge Lindsay's office, at the age of 75.

Mr. Simmons can look back with pride at his life's accomplishments. I applaud him for his efforts and service to the public and wish him well in future endeavors.

TRIBUTE TO LEWIS H. FISHER—DEDICATED COMMUNITY LEADER

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 2005

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today with profound sadness and tremendous gratitude to honor the life of my good friend, Lew Fisher, a generous and dedicated community leader who will be greatly missed in Aston, Delaware County, Pennsylvania. As his family, friends and neighbors mourn the passing of Lew Fisher, I want to take a few moments to remember his work and difference he made in the community he served so faithfully for over 20 years.

Lew spent almost his entire life in Aston, he loved it there and spent 20 years giving his service as a Township Commissioner without reserve to the people he called his neighbors. He leaves behind an impressive list of accomplishments that most people only hope to achieve in their lifetime. Lew will be remembered for many different reasons, including his generosity to the Aston community. His inspirational leadership had a profound effect on helping people better their lives. Even with all of his work in public service and with community organizations, Lew endeared himself to many because of his generous spirit and wise counsel. On a personal note, I benefited tremendously from his advice during my years of public service. Whether it was a township concern or just a relaxed visit with an old friend, the Aston locals always knew they would find the support and guidance they were looking for in a chat with Lew. While in his presence you were immediately put at ease with his warm smile, his firm handshake, his gentle voice and his admirable character.

Mr. Speaker, I ask my colleagues to join me in remembering a dedicated community leader and friend to many in the 7th Congressional District. I wish Lew's wife of 52 years, Florence and family, my heartfelt condolences and may they find comfort in knowing that the many people he impacted deeply value his dedication and generosity and the example of his life and work.

100TH ANNIVERSARY OF MELROSE, NEW MEXICO

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 2005

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to commemorate the kickoff of centennial festivities in the town of Melrose, New Mexico. The annual Old Timer's Festival on August 11th marks the beginning of an entire year devoted to celebrating the founding of this high-plains hamlet. In Melrose, the past will be commingled with the future as young and old stand together in tribute to one hundred years of perseverance and determination.

The town was originally called BrownHorn, after two local cattle ranchers. The Santa Fe Railway earmarked the area for its division switching point and requested that the name be changed to Melrose, purportedly after a town in Ohio. Soon after construction had started, the Melrose location was abandoned and the division switch was moved to a larger town nearby.

J.L. Downing, an early settler in the area, has been called the father of Melrose by some and is given much credit for the survival of this rural village. Downing is noted for encouraging early settlers by offering free water to residents until they could dig wells of their own; a feat of generosity that remains unrivalled to this date. The settlers stayed and the town continued despite the many challenges faced by early settlers.

Widespread availability of water led to agriculture which became a mainstay for Melrose residents who were now able to irrigate the arid land and produce life-sustaining crops. Once known as the broom-corn capital of New Mexico, Melrose stayed alive as enterprising folks opened businesses to service the area. The struggle for survival was exacerbated by severe winters, drought and fire but hard work and dedication prevailed as Melrose residents toughed it out and stayed.

In 1914, Melrose was reported to have had an Opera House, several businesses, a legendary girls' basketball team and a growing population. Some years later, however, WWI and the flu epidemic greatly depleted the town's population. Once again, residents of Melrose plowed through the hard times and in the 1930's organized a Chamber of Commerce for the betterment of the town and its people. In the WWII era, the population swelled to over 1500 from just a few hundred in 1940.

Today, the town encompasses 1.72 miles and averages 750 residents from all walks of life who engage in many career activities although ranching and farming remain at the heart of the Melrose economy. Located just 21 miles west of Cannon Air Force Base, the Melrose Bombing Range has been an integral part of testing and training operations. Many citizens of Melrose are employed by Cannon Air Force Base and local businesses benefit economically from it as well.

Melrose is also the birthplace of William Hanna, one-half of the legendary Hanna-Barbera, whose credits include cartoons such as, ''Tom and Jerry, Yogi Bear and Huckleberry Hound.'' And the largest collection of Depression-era art in New Mexico can be viewed at the Melrose library.

Mr. Speaker, I salute the citizens of Melrose, New Mexico, as they reflect on the past and look toward the future of this unique rural community. The town of Melrose has endured despite many challenges and setbacks over the year through the determination and of residents through the ages. In the coming year, townspeople will pay tribute to one hundred years on the high plains of New Mexico and honor their forefathers whose actions by many accounts, led to the successful town we see today.

It is places such as Melrose that shaped this country into what it is today, which is why this fine community deserves our recognition.

Melrose has a proud past and a bright future.

HONORING THE DEDICATED SERVICE OF GREG HOLYFIELD

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 2005

Mr. GORDON. Mr. Speaker, I rise today to recognize the invaluable service and tremendous contributions that Greg Holyfield has made to Tennessee's Sixth Congressional District while serving as a member of my Washington, DC, staff.

Greg is leaving our Nation's capital to attend graduate school at the University of Arkansas, where he will be part of the inaugural class at the Clinton School of Public Service. My staff and I are sad to see him leave, but we are proud of him for earning a spot in this select class.

While working on Capitol Hill, Greg has proven himself to be an outstanding legislative assistant. His hard work and insight have helped me do my job better. And those same abilities have gained the respect of his colleagues.

Greg is a talented professional who always completes the task at hand, no matter how complicated or tedious. He has truly excelled in the fast-paced environment of Congress. Through it all, though, Greg always took the time to bestow a compliment or kind word to those around him.

The Clinton School will be fortunate to have you, Greg. Thank you for all your help, and good luck in all your future endeavors.

CURRENT STATE OF RELATIONS BETWEEN THE U.S. AND THE NATION OF BELIZE AS REPORTED BY AMBASSADOR LISA SHOMAN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 2005

Mr. RANGEL. Mr. Speaker, I rise today to bring to the attention of my colleagues the important and significant words of the Ambassador of Belize to the United States Her Excellency Lisa Shoman in her opinion editorial in today's edition of The Hill newspaper.

As Ambassador of Belize in Washington, Ambassador Shoman has been a powerful and effective advocate for the interest of the people of Belize. She has brought to the attention of this Congress individually and collectively the importance of building, strengthening, and nurturing good relations between our two countries, not simply out of economic incentive, but for cultural and development purposes as well. Belize is truly privileged to have such an effective representative here in Washington, DC.

Belize admittedly is a small country in size, covering an area about the size of Massachusetts and with a population of only 275,000. It faces many of the challenges of small and developing nations as well as those pertinent to

Central America. Nonetheless, it has a literacy rate of over 90 percent, an average life expectancy of 67 years, and a diverse background of religious and racial groups. With a gross domestic product of $1.778 billion and a third of the population living below the poverty line, Belize still faces many challenges to its economic development and stability.

Nonetheless, the government of Belize has worked to nurture and support business relationships with the United States. Its leaders have reached out to the American government to find mechanisms for tackling the issues of homeland and domestic security needs. It has shown considerable willingness to assist in the reduction of drug trafficking from the country and has worked impressively to address the health care needs and concerns of its citizens.

More still should be done to assist the people of Belize as they pursue means of economic and social advancement and tackle the crippling problems facing smaller nations. As they have reached out to us in the pursuit of answers and support to their problems, we should recognize the need for assistance and aid in their development. I believe that it is important that the U.S. Government continues to develop a strong relationship with our Belizean neighbors. Our global connectedness and shared interests are important causes that unite us today and will continue to draw us closer together.

I therefore submit for the RECORD a copy of The Hill's op-ed column written by Ambassador Lisa Shoman, discussing the connectedness and relationship between the small but important country of Belize and the United States. I hope my colleagues understand the significance of nurturing this relationship and continuing to build an ever closer relationship with the nation of Belize.

BELIZE: SMALL COUNTRY, BIG PROGRESS

While media attention has been firmly focused on the proposed Dominican Republic-Central America Free Trade Agreement, a regional success story that has captured virtually no attention is unfolding.

The small nation of Belize (that I have the privilege of representing in Washington) has made significant strides over the past few years that have strengthened the bilateral relationship with the United States and attracted the attention of America's business community.

Belize, a nation of about 275,000 people situated at the crossroads of Central America and the Caribbean, is a staunch friend of America; a solid, strong and peaceful democracy with an independent judiciary; and a nation open and welcoming to the American private sector. It became a British Crown colony in 1862 and achieved independence in 1981.

Our two nations have had a long history of cordial relations. The United States is the home to the largest expatriate Belizean community in the world, some 150,000 strong, and thousands of American tourists visit my country each year, either by air or by cruise ship.

But there is a more profound reason for why the nations are so close: The dedication of both governments to common objectives has naturally led to an increasingly cooperative and productive diplomatic relationship. Belize shares the central U.S. goals of eradicating terrorism, bolstering security, combating the scourges of drugs and international crime and protecting human rights. And we have put real action and effort to these tasks.

Over just the past three to four years, Belize has agreed in principle to sign the Proliferation Security Initiative, a key initiative of the Bush administration intended to impede or stop shipments of weapons of mass destruction. Our ports were upgraded to meet the International Maritime Organization's International Shipping and Ports Security Code. Our Cabinet has approved the Agreement Concerning Cooperation in Suppressing Illicit Maritime and Air Trafficking in Narcotic Drugs and Psychotropic Substances in the Caribbean Area (CRA), a key objective of the U.S. government. The CRA will not only pay dividends in reducing drug trafficking but also assist law-enforcement cooperation in areas such as arms smuggling and money laundering.

Our two governments' determination to stamp out the drug trade yielded a concrete success last December in the conviction of a Belizean gang leader for multi-ton cocaine-importation offenses. The success of the operation was made possible through the cooperative efforts of the U.S. Attorney's Office in New York City and officials in the Belizean Office of Public Prosecutions and our Police Department.

We have acceded to the U.N. Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, and we are committed to work together to stamp out all forms of human slavery. Our two nations have signed and brought into force an extradition treaty and a mutual legal-assistance treaty intended to strengthen law-enforcement cooperation.

This fast-paced diplomatic activity is not only a direct result of the excellent relations between Belize and the United States but also an important expression of my country's fundamental commitment to the principle of the rule of law and of the necessity for a rules-based world.

That commitment governs Belize's relationship with her international investors and commercial firms operating in and with the country. And the results speak for themselves.

We are a beneficiary of the Caribbean Basin Initiative, and the United States is our largest trading partner. Two-way trade reached about $259 million in 2004 and, according to early 2005 statistics, is over 35 percent greater this year than over the corresponding period in 2004.

The United States has consistently enjoyed a trade surplus. Our investment levels have also grown. The World Bank reports that from 2002 to 2003 (latest figures available) net inflows of foreign direct investment have increased by 60 percent.

These are encouraging numbers but clearly are below Belize's potential. We are focused on lifting trade and investment levels and believe that we shall, given the foundation we have already built.

Foreign investors are hardheaded businesspeople. They will not move into a country if the conditions are not right. The 2005 Index of Economic Freedom, jointly produced by the Heritage Foundation and The Wall Street Journal, is of particular interest to any investor. This careful analysis shows Belize outranking virtually all nations with which the United States is currently negotiating a free-trade-area agreement or providing funding through the U.S. government's Millennium Challenge Corp.

The Belizean Constitution provides for an independent judiciary and, according to the State Department's Report on Human Rights Practices, the government generally respects this provision in practice. The report certifies that people accused of civil or criminal offenses have constitutional rights to presumption of innocence, protection against self-incrimination, defense by counsel, a public trial and appeal. Belize has a Freedom of Information Act and an independent ombudsman who acts as a check on government power.

Abuses occur in every country. The report noted that when instances of alleged inappropriate behavior by a government agency arose, the matters were settled under the rule of law and due process.

Belize is making significant progress, strengthening its commitment to a secure world, helping the United States in our common cause to fight terrorism, protecting human rights and promoting and welcoming trade and investment.

Belize is a small country with much to offer the United States and its investors. We pledge to work with Congress and the U.S. business community so that you will get to know us better.

THANKING CITY OF TRENTON, ILLINOIS

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 2005

Mr. SHIMKUS. Mr. Speaker, I rise today to both congratulate and express my gratitude to the City of Trenton, Illinois for hosting the Illinois State Junior Legion Baseball Tournament for 2005.

American Legion baseball gives youth an opportunity to understand teamwork, discipline, and leadership through experience in the sport. It helps our youth build personal physical fitness and leadership skills. I am delighted to see the support City of Trenton is providing the youth of Illinois in hosting this tournament.

I welcome all those participating in the tournament to southern Illinois. I wish each of the teams the best as they participate in the 2005 Illinois State Junior Legion Baseball Tournament.

A TRIBUTE TO COL. MICHAEL J. SMITH

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 2005

Mr. LEWIS of California. Mr. Speaker, I rise today to pay tribute to Colonel Michael J. Smith, Project Manager Soldier Weapons, for his support of our Soldiers in their ongoing war on terrorism and in particular for his innovative approach to shortening the acquisition cycle for critical new weapon systems. Of particular note was his success in rapidly fielding the Common Remotely Operated Weapon Station (CROWS). Through his vision and calculated risk taking, he has rapidly fielded this and other systems which have demonstrably led to the saving Soldier and civilian lives in Iraq. This has been a true force protection success story and a force multiplier for the Army.

Col. Smith's innovations benefit Soldiers, policy makers, and tax payers by streamlining the costly test and acquisition process. His wise use of tax dollars resulted in Soldiers receiving the best possible equipment and enabling the rapid fielding of new technologies to enhance soldier capability while ensuring soldier safety. Through his leadership, Col. Smith

established new levels of cooperation and teamwork between his program office and the numerous contractors involved in his programs. He embodies the highest tenants of Acquisition Reform and the Army's innovative Rapid Fielding Initiative.

RECOGNIZING SOMERSET COUNTY AS ''AMERICA'S COUNTY''

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 2005

Mr. SHUSTER. Mr. Speaker, I rise today to recognize Somerset County which has received the honorary title of ''America's County.'' This title, given to the county, recognizes its people whose hard work and determination made Somerset County the extraordinary place it is today.

To many Americans, Somerset County is known as the site of the United Airlines Flight 93 crash during the tragic terrorist attacks of September 11, 2001. Despite these sorrowful events, the people of Somerset have been looking into the future with enduring hope and pride. It is their patriotic determination to achieve American greatness that we commemorate today. It is their heroic determination that made Somerset County the ''America's County,'' the source of inspiration and hope to millions of Americans.

The people of this great county are viewed as having traditional values and a strong vision of the future. Because of their hard work, Somerset County is taking pride in its schools and its emergency providers; it is taking pride in its agriculture, in its recreation, and in its industry. Somerset County is a great place to live, work, and visit, not only because it is blessed with an abundance of natural resources and breathtaking beauty, but most importantly because it is blessed with dedicated and courageous people.

For decades now the people of Somerset County have been working together to accomplish common goals for the future, while respecting the history and heritage of the past. Always welcoming to visitors, always loyal to their friends, these people make Somerset County a shining example of American greatness. Today their hard work and determination are deservedly recognized, and I rise to honor Somerset County, as it will always be known as a little piece of Heaven on Earth, as the ''America's County.''

INTRODUCING THE SEXUAL PREDATOR EFFECTIVE MONITORING ACT OF 2005

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 2005

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to introduce the Sexual Predator Effective Monitoring Act of 2005. I am pleased to introduce this bill with Florida's senior Senator BILL NELSON, and I pledge my full commitment to helping communities throughout the country take the necessary steps to protect the vulnerable from sexual predators.

A recent report done by my hometown newspaper, The South Florida Sun-Sentinel, discovered that more registered sex offenders live in a zip code located completely in my district than any other zip code in Florida. The fact that no one living in the area knew the magnitude of the problem until the story was written is beyond troubling; it's absolutely scary.

In 2003, the Justice Department completed a report on recidivism rates of sex offenders. The report provided some very disturbing statistics. The Department of Justice tracked 9,691 male sex offenders released from 15 state prisons, including Florida. They tracked them for a 3-year period and found that 40 percent of the sex offenders who re-offended did so within the first year, and within 3 years of their release from prison, 5.3 percent of those sex offenders were rearrested for another sex crime. Even more, half of the sex offenders tracked in this study included men who molested children, and within the first 3 years of their release from prison, 3.3 percent of these convicts were rearrested for another sex crime against a child.

Even more, there are more than 30,000 registered sex offenders in the state of Florida alone. Nationwide, there are more than 300,000 registered sex offenders, of which the victims of some 70 percent of all the men in prison for sex crimes were children.

It is these statistical realities combined with The Sun-Sentinel's report that led me to cohost a community forum with the Broward County Urban League. At that meeting, our community had an opportunity to discuss how to best protect our children from those who prey on the vulnerable. The forum provided law enforcement, civic leaders, elected officials, and community residents the opportunity to voice their concerns and chart a path toward making our neighborhoods safe from sex offenders.

The legislation which I am introducing today expresses Congressional support for the tracking of sex offenders on probation through the use of Global Positioning Systems. The Sexual Predator Effective Monitoring Act also establishes a grant program that will allow states to improve their ability to track and monitor the movement and activities of sexual predators. The bill authorizes a total of $30 million over 2 years to assist states in accomplishing this critical task.

Mr. Speaker, I can think of no greater mechanism by which Congress can assist states in protecting children from sexual predators than to provide them with the financial assistance to develop and implement effective tracking tools to monitor these sick individuals. I ask for my colleagues' support for this legislation, and I urge its swift passage.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2006 AND 2007

SPEECH OF

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 2005

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2601) to authorize appropriations for the Department of State for fiscal years 2006 and 2007, and for other purposes:

Mr. OBERSTAR. Mr. Chairman, I take this opportunity to state my opposition to the amendment offered by Mr. ROGERS of Michigan.

The language of the amendment is based upon a misinterpretation of the precedents concerning the management and control of the Great Lakes, and section 1109 of the Water Resources Development Act of 1986, in particular.

The Great Lakes are not possessed by the 8 states that border them. The United States maintains sovereign power over the Great Lakes under its authority to regulate commerce and to control the navigable waters within its jurisdiction. As the Supreme Court specifically recognized, the United States' ultimate interest in the Great Lakes is greater than those of any state.

It is the United States, not the states, that manages the Great Lakes. For example, the Great Lakes' role as a national transportation corridor is vital to the national economy. The Great Lakes navigation system generates more than 150,000 jobs for the U.S. economy, $4.3 billion in personal income, and $3.4 billion in transportation-related business revenue.

The United States has sovereign power over the Great Lakes and frequently exercises this power through control of water pollution, reducing the introduction of invasive species, protecting endangered species, and exercising water management functions generally.

Mr. ROGERS's amendment misinterprets section 1109 of the Water Resources Development Act to mean that Congress ceded authority over the Great Lakes to the Governors of the Great Lakes States. Congress did not.

The legislative history of section 1109 of the Water Resources Development Act of 1986 clearly indicates that Congress was acting to protect the limited quantity of water available from the Great Lakes system for use by the Great Lakes States and to prohibit any diversion unless that diversion was approved by the Governors of all the Great Lakes States. This ''veto'' authority granted to the Governors of the 8 Great Lakes States was the implementation mechanism for the Federal policy, not a relinquishment of authority. Therefore, it is inconsistent with law and precedent to indicate that Congress recognizes that management authority over the Great Lakes should be vested with the Governors of the 8 Great Lakes States, and the Premiers of the Canadian provinces.

For these reasons, I state my strong belief that the amendment erroneously characterizes Congressional policy and law.

A TRIBUTE TO DR. BOISEY O. BARNES

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 2005

Mr. BUTTERFIELD. Mr. Speaker, I rise and ask my colleagues to join me in paying tribute to Dr. Boisey O. Barnes who will be honored by the Association of Black Cardiologists, Inc.

in conjunction with the National Medical Association on Friday, July 22, 2005 at the Sheraton New York Hotel. Dr. Barnes is being honored for his outstanding contributions to cardiology as an acclaimed physician, researcher, educator, humanitarian and spokesman.

Mr. Speaker, Dr. Barnes is a native of my hometown of Wilson, North Carolina. His parents were Dr. B.O. Barnes and Flossie Howard Barnes. He graduated from Charles H. Darden High School in 1960, Johnson C. Smith University in 1964, and the Howard University School of Medicine in 1968. While in high school, Dr. Barnes distinguished himself as a scholar and an outstanding quarterback on the football team.

Dr. Barnes' father practiced medicine in our hometown for many years prior to his untimely death in 1956. His patients were the poor and disadvantaged minority citizens of the county who basically could not afford health care but he provided it without reservation. One of the local elementary schools in our community is named ''B.O. Barnes Elementary School.'' Mr. Speaker, it was this family background of public service that has laid the foundation for the great work of Dr. Barnes.

Mr. Speaker, Dr. Barnes has held a number of significant positions over the years including that of Founding Member of the Association of Black Cardiologists, Inc; developer of the Echocardiography, Laboratory at Howard University Hospital; Lead Investigator for ARIES, the first national cholesterol study in African Americans; and recipient of the Favorite Doctor in D.C. Award.

However, it is not the work for which he has already been honored that is most impressive nor is it the numerous accolades he has received from such notables as the D.C. Medical Society, Providence Hospital and President Bill Clinton. Rather it is the work that has received no recognition that makes Dr. Barnes a truly special individual.

Over the last 30 years, Dr. Barnes has acted as a dedicated servant to one of our nation's most disadvantaged communities. As the only Board Certified Cardiologist in Anacostia, Dr. Barnes has devoted his career, his talents and his long list of credentials to fighting the number one killer in our nation, heart disease. Over three decades, Dr. Barnes has stood for dedication, service and compassion in an environment that rarely affords either.

For his steadfast work through adversity and breakthrough accomplishments in the field of cardiology, I call upon my colleagues to join me today in rising to honor this truly great man and praise not simply his individual deeds but the body of his work. Dr. Barnes is a remarkable physician and a credit to his field; I thank him for his service, and thank his lovely wife of decades, Bernadine and their two precious daughters, Tamera and Bridget, for sharing Dr. Barnes with us.

RECOGNIZING THE 100TH ANNIVERSARY OF GM POWERTRAIN FLINT NORTH

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 2005

Mr. KILDEE. Mr. Speaker, I am very pleased to rise before you today to ask my colleagues in the 109th Congress to join me in celebrating a milestone happening in my hometown of Flint, Michigan. On Thursday, July 21, civic and community leaders will join General Motors and the United Auto Workers to commemorate the 100th anniversary of GM's Powertrain Flint North plant.

Originally a tract of farmland owned by the Durant-Dort Carriage Company, William Crapo Durant and J. Dallas Dort used the site to create a network of factories with the intention of maintaining all aspects of carriage production in close proximity. This network was the basis on which General Motors was formed. On September 4, 1905, a construction contract was signed for the creation of Buick Factory 1, and the company broke ground on November 1 that same year. Other factories followed, including the Weston-Mott Axle Factory and the Imperial Wheel Building, among many others that added to the history of General Motors, and the City of Flint.

The Buick site, where my father worked, became one of America's greatest contributors during both World Wars, producing many engines and parts used by the United States and the Allied Forces. Following World War II, the site experienced a period of growth and prosperity, with the development of new onsite foundries and factories, as well as several administrative and support buildings. The site was also home to Buick City, a multi-million dollar manufacturing project that garnered international attention. Today, under the name of GM Powertrain Flint North, the site remains home to four factories, five support buildings, a Cultural and Diversity Center, and the dedicated men and women of UAW Local 599, which has represented its members for 66 years.

Mr. Speaker, Flint, Michigan is still known to many as ''Buick City.'' This name signifies the level of pride GM employees, UAW members, and Flint residents have in the Buick name, their product, and the community in which they have invested much of their lives. I have a personal reason to be proud of Powertrain Flint North's centennial; my father was a founding member of Local 599, joining the UAW in the 1930's. From my own family's experience, I know the impact the site's presence has made in the quality of life for many Flint households. As the Member of Congress representing the City of Flint, home of Powertrain Flint North and as the proud owner of a Buick LeSabre, I again ask my colleagues to join me in congratulating General Motors and the UAW.

HONORING ARTHUR A. FLETCHER

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 2005

Ms. LEE. Mr. Speaker, Mr. WATT, CBC chairman, and I rise today to honor the extraordinary life and achievements of Arthur A. Fletcher of Washington, DC. Known for his lifelong commitment to advancing civil rights and increasing educational and professional opportunity for African Americans and other minorities, Mr. Fletcher was a true pioneer in the movement for racial and socioeconomic equality in America. He passed away at his home in Washington on July 12, 2005 at the age of 80.

Mr. Fletcher was born in Phoenix, Arizona in 1924, but grew up in California, Oklahoma, Arizona and Kansas due to his father's career in the military. While attending high school in Junction City, Kansas, he organized his first civil rights protest after being told that African American student photographs would only be included in the back of the yearbook. Remaining in Kansas for college, he attended Washburn University in Topeka, earning degrees in political science and sociology, and later went on to earn a law degree and a Ph.D. in education.

Mr. Fletcher served in World War II under General George Patton, earning a purple heart after being shot while fighting with his Army tanker division. He went on to become a professional football player in 1950, joining the Los Angeles Rams and later the Baltimore Colts, where he was one of the team's first African American players.

Mr. Fletcher entered politics in 1954, working first on Fred Hall's gubernatorial campaign in Kansas, and later taking a post working for the Kansas Highway Commission. Central to his work in that position and in subsequent ones was his determination to use his knowledge of government contracts to encourage African Americans to bid on contracts and grow their businesses.

Mr. Fletcher lived in the San Francisco Bay Area during the late 1960s and later moved to Washington, where he served as a special assistant to the governor and was the first black candidate to run for lieutenant governor or any statewide office. In 1969, President Nixon appointed him assistant secretary of wage and labor standards in the Department of Labor. There he became best known for devising the ''Philadelphia plan,'' which set and enforced equal opportunity employment standards for companies with federal contracts and their labor unions.

Given Congresswoman LEE's history as a small business owner, we can personal attest to the positive impact of Mr. Fletcher's work to extend federal contracting opportunities to African Americans has had on the minority business community. As a federal contractor in the SBA 8A program in the 1980s, Congresswoman LEE was able to directly benefit from his vision and foresight with regard to getting minorities involved in business, as have countless others.

In 1972, Mr. Fletcher became the Executive Director of the United Negro College Fund, where he fought to extend equal educational opportunity to African Americans, and coined the slogan ''a mind is a terrible thing to waste.'' Known as ''the father of affirmative action,'' he was later asked to serve on the U.S. Commission on Civil Rights under Presidents Ford, Reagan and Bush as a commissioner, and later as chairman, until 1993. Prompted by a series of attacks on longstanding affirmative action policies in the mid–1990s, Mr. Fletcher ran for president in 1996, and later became president and CEO of Fletcher's Learning Systems and publisher of USA Tomorrow/The Fletcher Letter, Mr. Fletcher served as a delegate to the United Nations and as the chairman of the National Black Chamber of Commerce, and spent a great deal of time speaking at venues across the country on the benefits of affirmative action and equal opportunity,

Many have benefited from the affirmative action policies and Mr. Fletcher's unyielding

commitment and work for equal opportunity, Clearly, this giant of a human being has paved the way for the success of countless individuals. For this, we are deeply grateful.

During a time when bipartisanship cooperation is badly needed for addressing the critical issues of our time, Mr. Fletcher stands out as one who truly embodied this spirit. We personally remember his efforts at working "both sides of the aisle," never forgetting what was fair and good for Black America was good for our Nation. We owe Mr. Fletcher a tremendous debt of gratitude for setting this exceptional standard of leadership.

On July 21, 2005, Mr. Fletcher's wife Bernyce, his three children and the rest of his family and friends will gather in Washington, DC to celebrate his extraordinary life. Mr. Fletcher's work as a presidential adviser and a champion of civil rights and affirmative action shaped the course of countless individual lives. Mr. Fletcher's tireless advocacy for equal opportunity made higher education and professional success possible for entire sectors of our society that otherwise would not have had those chances, and the effects of his activism will continue to be felt for generations to come. On behalf of the Congressional Black Caucus, we thank Mr. Fletcher for his truly invaluable contributions to our society, and for his work in making success, opportunity and the American dream possible for all people.

SUSPEND RESTRICTIONS TO CUBA TO ALLOW FAMILY ASSISTANCE IN AFTERMATH OF HURRICANE DENNIS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 2005

Mr. RANGEL. Mr. Speaker, I rise today to support a resolution to temporarily suspend restrictions on remittances, gift parcels, and family travel to Cuba in order to allow Cuban-Americans to assist their relatives in the aftermath of Hurricane Dennis.

I have long opposed the embargo against Cuba, as I strongly believe that restricting travel and trade is a failed policy that harms the people of Cuba, and works against the promotion of democracy on the island. This is clearly evidenced in the wake of Hurricane Dennis when due to political sanctions Cuban Americans are powerless to reach out and assist their loved ones in a time of need.

Hurricane Dennis was a disastrous force that killed 16 people, destroyed numerous buildings and homes and left Cuba with $1.4 billion in property damage. The embarrassingly small $50,000 in aid offered by the U.S. is not nearly enough to address the needs of the millions of Cubans who have been left without food, clean water, electricity, and shelter caused by the devastation of Hurricane Dennis.

It is unfortunate that the U.S. government is unwilling to make a substantial contribution to the humanitarian mission in Cuba, but to deny Cuban Americans the right to help their families in a time of overwhelming need is an outrage. It is a policy that is both unethical and un-American.

The Cuban people are the ones who are suffering and it is time to put politics aside and ease restrictions to allow Cuban-Americans to help their families and assist in disaster relief. This disaster is a prime example of why U.S. policy towards Cuba must be reevaluated. As it stands there is no exception in the law for emergency situations on the island and is therefore inhumane and serves as punishment to the people who are most vulnerable: Cuban citizens.

The recent case of Sgt. Carlos Lazo and his inability to visit his sons in Cuba is another example of why rigid U.S. policy towards Cuba must be reevaluated. Sgt. Lazo deserves the opportunity to visit his sons in Cuba. His story has become well known to many in Congress through his activism in trying to change Cuba policy. He has served in war for his adopted Nation, and the fact that he is denied the ability to see his sons more often than once every three years is absurd and indefensible.

For years Cuba policy has been driven by the Cuban-American community in Miami. It is clear, however, that the community no longer supports a hard-line approach. Many Cuban-Americans feel betrayed that their government dictates which family members they travel to see and how often they may do so. Cuban-Americans should have the right to visit their families, send them gifts, needed supplies, and money without the government restrictions now in place.

Developing a relationship with Cuba is an important foreign policy goal and in order to achieve this goal a new and rational approach to relations between our countries is urgently needed, based on dialogue, open travel and increased trade.

[From the New York Times, July 6, 2005]

FLORIDA'S ZEAL AGAINST CASTRO IS LOSING HEAT

MIAMI.—Fidel Castro is not dead, but he has haunted Miami for nearly 50 years. This is a city where newscasters still scrutinize Mr. Castro's health and workers conduct emergency drills to prepare for the chaos expected upon his demise. Spy shops still flourish here, and a store on Calle Ocho does brisk business in reprints of the Havana phone book from 1959, the year he seized power. But if Mr. Castro's grip on Cuban Miami remains strong, the fixation is expressed differently these days. The monolithic stridency that once defined the exile community has faded. There is less consensus on how to fight Mr. Castro and even, as Cuban-Americans grow more politically and economically diverse, less intensity of purpose. Some call it shrewd pragmatism, others call it fatigue.

In May, Luis Posada Carriles, a militant anti-Castro fighter from the cold war era, was arrested here on charges of entering the country illegally and was imprisoned in EI Paso, where he awaits federal trial. Barely anyone in Miami protested, even though many Cuban-Americans consider Mr. Posada, 77, to be a hero who deserves asylum.

A month earlier, two milestones—the 25th anniversary of the Mariel boatlift, which brought 125,000 Cubans to the United States and transformed Miami, and the fifth anniversary of the seizure of Elián González—passed almost quietly.

When a Miami Herald columnist went to Cuba in June and filed dispatches critical of Mr. Posada, who is suspected in a deadly airline bombing and other violent attacks, indignant letters to the editor were the only protest. In the past, Cuban-Americans boycotted The Herald and smeared feces on its vending boxes to protest what they considered pro-Castro coverage.

This city where raucous demonstrations by exiles were once as regular as summer storms has seen few lately. One theory is that the people whose life's mission was to defeat Mr. Castro and return to the island one day—those who fled here in the early years of his taking power—have grown old and weary.

"We are all exhausted from so much struggle", said Ramón Saul Sánchez, leader of the Democracy Movement, an exile organization that once ran flotillas to the waters off Cuba to protest human-rights abuses. Mr. Sánchez, 50, also belonged to Alpha 66, an exile paramilitary group that trained in the Everglades, mostly in the 1960's and 70's, for an armed invasion of Cuba, and later protested around the clock outside Elián González's house. Now, he said, he prefers less attention-grabbing tactics, quietly supporting dissidents on the island from an office above a Laundromat.

The subtler approach is gaining favor. Cuban-Americans have grown more politically aware since the Elián González episode, many say, when their fervor to thwart the Clinton administration and the boy's return to his father in Cuba drew national contempt. Americans who had paid little attention to the policy debate over Cuba tended to support sending Elian home, polls showed, and were put off by images of exiles blocking traffic and flying American flags upside down in protest.

"Elián González was a great lesson, a brutal lesson," said Joe Garcia, the former executive director of the Cuban-American National Foundation, a once belligerent but now more measured exile group. "It woke us up."

Mayor Manny Diaz, a Cuban-American whose political career took off after he served as a lawyer for Elián's Miami relatives, said he decided afterward it was more important to heal the wounds in Miami than to criticize the Castro government. Mr. Diaz did not mention Cuba in his State of the City speech this spring—an absence the local alternative newspaper called "downright revolutionary." In fact, Mr. Diaz said he had never used Mr. Castro's name to rouse support.

"I wish he'd get run over by an 18-wheeler tomorrow," Mr. Diaz said of Mr. Castro. "But as mayor, I'm supposed to fix your streets and your parks and your potholes."

Also revolutionary is that Cuban-Americans, solidly Republican since President John F. Kennedy's decision not to support the 1961 Bay of Pigs invasion, are reconsidering their allegiance. Most still stand by President Bush, which helps explain their silence after the arrest of Mr. Posada. Yet they also say Mr. Bush has repeatedly let them down.

He has continued the "wet foot, dry foot" policy that President Bill Clinton adopted, letting Cuban refugees who make it to shore remain in this country but sending back those stopped at sea. Mr. Bush also adopted new restrictions last year on visiting and sending money to relatives in Cuba, which all but the most hard-line exiles say hurts Cuban families more than Mr. Castro.

More recently, the Bush administration discussed reassigning to Iraq a special military plane it bought to help broadcast TV and Radio Marti in Cuba, a priority of exile groups.

"The Cuban-American community helped elect this guy," Mr. Garcia said, "and even then Cuban-Americans get short shrift."

Mr. Garcia made waves last fall by resigning from the Cuban-American National Foundation to join a Democratic advocacy group. José Basulto, the leader of Brothers to the Rescue, a group that flew over the Florida Strait in the 1990s seeking rafters in distress, held a news conference in 2003 to announce that he was abandoning the Republican Party.

But while Mr. Garcia, 41, has severed ties with the Bush White House, Mr. Basulto, 64, has hope. His new goal is the indictment of Mr. Castro's brother and chosen successor, Raúl Castro, for drug trafficking or for the 1996 shooting down of two Brothers to the Rescue planes by Cuban fighters, in which four men were killed.

Mr. Basulto announced in May that he was offering $1 million for information that could lead to the indictment. So far, he said, he has received no word from Washington.

''The United States is duty bound, duty bound to act in bringing justice for these guys,'' Mr. Basulto said, speaking of the downed pilots. Like other outspoken exiles, he questions the administration's ousting of Saddam Hussein in Iraq before Mr. Castro.

''We don't want to see a double standard,'' he said. ''We don't want to see democracy in Iraq and not in Cuba. We are owed that much.''

His frustration was echoed by Miguel Saavedra, the leader of Vigilia Mambisa, a hard-line exile group. Mr. Saavedra said some exiles had been discouraging protests for fear of antagonizing the White House—but not his faction.

''We're not calming down,'' he said. ''We're not tired. We haven't surrendered.''

But when Vigilia Mambisa tried to rally support for Mr. Posada in May at the revered Cuban restaurant Versailles in Little Havana, and at the Torch of Friendship, a downtown monument, only a few dozen people showed up. Their shouts could not pierce the buzz of traffic.

The eclipse of the old exile passions is looming in a more literal way down the street from the Torch of Friendship, at the Freedom Tower, an elegant yellow beacon where more than half a million Cuban refugees were processed in the early years of the Castro government.

The family of Jorge Mas Canosa, the founder of the Cuban American National Foundation, once had plans to spend $40 million restoring the building as a museum of the exile experience. The tower's new owner is Pedro Martin, a Cuban-American who remembers going there in the 1960s to pick up food for his family.

The museum is still in the works, but Mr. Martin's larger plan is to erect a 62-story condominium building around it, all but making the Freedom Tower vanish from the Miami skyline.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2006 AND 2007

SPEECH OF

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 2005

The House in Committee of the Whole House on the State of the Union had under consideration the bill. (H.R. 2601) to authorize appropriations for the Department of State for fiscal years 2006 and 2007, and for other purposes:

Mr. HONDA. Mr. Chairman. I rise today to address H.R. 2601, legislation to authorize appropriation for the Department of State for FY '06 and '07. While I firmly support the underlying measure and the essential funding it provides, I opposed final passage to underscore my disappointment over several amendments that were made part of the legislation.

I opposed the Hyde amendment, which will withhold U.S. dues unless the international body adopts a specified list of reforms. Based on the United Nations Reform Act, the Hyde Amendment also requires the U.S. to veto new or expanded peacekeeping missions if the reforms are not implemented. Reforms are necessary, but the Hyde Amendment requires unreasonable timetables for reform and requires punitive action that is counterproductive.

The Rohrabacher amendment also concerned me because it gives the appearance that we support the operations at Guantanamo Bay. I believe that our actions at Guantanamo are causing more harm than good for American interests as it has become one of the most potent propaganda and recruiting tools for terrorists.

Finally, I opposed the Ros-Lehtinen amendment which would have us to stay in Iraq indefinitely. I strongly believe that the American people have been misled into war with Iraq and much of what we have been told about this war has been wrong. It has created even more terrorists in the region. It has not made us more secure. It has made us less secure. It has diminished our standing in the world. It has even compromised our credibility as a defender of human rights.

PERSONAL EXPLANATION

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 2005

Mr. FRELINGHUYSEN. Mr. Speaker, had I been present on Monday, July 18 and Tuesday, July 19, I would have voted ''aye'' on: Monday's Rollcall vote #380—Motion to Suspend the Rules and pass House Resolution 328; Monday's Rollcall vote #381—Motion to Suspend the Rules and pass H. Con. Res. 175; Monday's Rollcall vote #382—Motion to Suspend the Rules and pass H. Res. 364; Tuesday's Rollcall vote #383—Ordering the previous question on House Resolution 365; Tuesday's Rollcall vote #384—Passage of House Resolution 365; Tuesday's Rollcall vote #385—The Hyde amendment to H.R. 2601, the Foreign Relations Authorization Act for Fiscal 2006 and 2007.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2006 AND 2007

SPEECH OF

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 2005

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2601) to authorize appropriations for the Department of State for fiscal years 2006 and 2007, and for other purposes:

Mr. SMITH of Washington. Mr. Chairman, ''Today, I rise to discuss the need for the United States to be a true leader in the fight against global poverty. More than 1 billion people live on less than $1 a day and another 2.7 billion people struggle to survive on less than $2 a day. So what do these numbers really mean? They mean that well over half of the world's population is struggling in poverty and one-sixth of the world's population can't meet even the most basic needs for survival. This is morally unacceptable.

I applaud the President's leadership on the issue, including his commitments to increased debt relief and direct assistance to Africa that were discussed recently at the G–8 summit in Scotland. Programs like the Millennium Challenge Account, which have allowed us to increase development aid and target it more effectively, are an important part of the solution. But, the United States still lacks a comprehensive strategy to help eliminate extreme global poverty. We need to leverage development aid, debt relief, technical assistance and public private partnerships. We need to coordinate with world bodies, including the United Nations, in helping impoverished'' countries devise plans that will work for them.

I'm pleased that this bill includes language that will move us in the right direction. The language, that I requested be added to the bill as it was being drafted in committee, declares that the elimination of extreme global poverty should be a top foreign policy priority for the United States and that the U.S. should work with all the players involved in this fight, including developing and donor countries and multilateral institutions to coordinate polices to address global poverty. Most importantly, the language urges the President to develop a comprehensive strategy to eliminate extreme global poverty. It says this plan should include foreign assistance, foreign and local private investment, technical assistance, private-public partnerships and debt relief.

I'd like to thank Chairman HYDE and the entire International Relations Committee for including this language in the bill. The United States has the opportunity to take a firm leadership role in bringing relief and a better future for billions of people around the world. The time to act is now and we can get started with developing a comprehensive plan and I look forward to continuing to work in a bipartisan fashion on increasing the United States commitment to global poverty.''

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2006 AND 2007

SPEECH OF

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 2005

The House in Committee of the Whole House on the State of the Union had under consideration the bill. (H.R. 2601) to authorize appropriations for the Department of State for fiscal years 2006 and 2007, and for other purposes:

Ms. MOORE of Wisconsin. Mr. Chairman, yesterday I voted in favor of H.R. 2601 which authorizes multilateral aid for the Department of State, the primary diplomatic arm of our government. It is more important than ever that we resolve international conflicts through persuasion and negotiation where it is possible, and I believe this bill, on balance, strengthens our ability to pursue that strategy. I am also pleased that this bill takes much needed steps to dismantle global nuclear

black-market supplier networks, which pose a very real threat to our national security.

That being said, I remain concerned about several ill-conceived amendments that were approved by this body. One such amendment attached the United Nations Reform Act, legislation which would almost certainly force the United States to withhold 50 percent of the dues owed the U.N. because the measure's reform benchmarks are simply not achievable within the required timeframe. Even the Bush administration opposes this bill on the grounds that it would handicap our ability to work with other countries to make the U.N. a stronger and more effective organization. I voted against the United Nations Reform Act when it was brought before the full House as a stand-alone measure last month, and again when it was offered as an amendment yesterday.

I am also disappointed that my colleagues voted to approve an amendment that removes contraception from the fistula-prevention section of the bill. Fistula is a devastating injury that occurs when a woman suffers prolonged, obstructed labor. Very often, this befalls young girls living in impoverished, underdeveloped countries where birth control is unavailable and basic medical treatment doesn't exist. One of the best ways to prevent fistula is to prevent pregnancies from occurring to begin with. That's why H.R. 2601 included a bipartisan fistula prevention section which would, among other things, expand the use of contraception in countries where this injury is prevalent. Unfortunately, this body approved an amendment cutting contraception from this section of the bill, thereby weakening good faith efforts to prevent this terrible condition.

Mr. Chairman, although I have concerns about both of these amendments, I am hopefully optimistic that they will be removed when a House-Senate conference convenes later this year.

RECOGNITION OF THE 2005 SANTA ROSA COUNTY OUTSTANDING FARM FAMILY

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 2005

Mr. MILLER of Florida. Mr. Speaker, it is a great honor for me to rise today to extend congratulations to the Jimmy W. Nelson family for being selected the 2005 Santa Rosa County Outstanding Farm Family. The Nelson family has been involved in farming in Northwest Florida through four generations.

Both Jimmy and his wife Wynell are fourth generation farmers born in Santa Rosa County in my district. Their extensive history with working the land has helped them instill in their children the same love and appreciation of farming. Their son and two daughters helped with the family's farmwork up until the time they went off to college, and they still frequently visit to make sure the family business is still going strong.

Active in farming through all of his school years, Jimmy was also a member of the FFA in high school. In 1967, Jimmy began working as a pilot with Jay Flying Service, which he and his wife Wynell now own. The company has been the longest running crop spraying business in the Jay area, and Jimmy has helped with spraying crops since his first day with the business in addition to farming the 80 acres that he and his wife live on.

Mr. Speaker, on behalf of the United States Congress, I would like to offer my sincere commendation to a family that could serve as a role model to us all. A deep sense of work ethic and values has been instilled through all the generations of the Jimmy W. Nelson Family. It is my hope that this family tradition continues for many generations to come.

IN HONOR OF MASTER SERGEANT ARTHUR C. AGPALASIN

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 2005

Mr. FARR. Mr. Speaker, I rise today to honor the life of United States Army Master Sergeant Arthur C. Agpalasin who served our country for 33 years, earning many medals as a result of his bravery and dedication. He passed away peacefully on July 13, 2005, in the company of his family. He is survived by his wife of 50 years, Shirley and nine children.

Enlisted in 1940, MSG Agpalasin saw combat duty in World War II, the Korean war and the Vietnam war. Despite being wounded and captured as a POW during the Bataan campaign, MSG Agpalasin continued his military service to the United States through covert guerrilla operations against the occupying forces. During the Korean war, MSG Agpalasin participated in and survived the Inchon landing. He was wounded and captured as a POW at Hagaru ri but successfully escaped his captors.

In 1961, MSG Agpalasin continued his service to our country as a Drill Instructor at Fort Ord. He trained countless young soldiers for the war in Vietnam and in 1969, he joined his soldiers for what would be his final combat tour of duty.

Upon retiring from the U.S. Army, MSG Agpalasin continued his spirit of service by becoming involved in various community and civic organizations including the Fort Ord Retiree Council.

Mr. Speaker I wish to honor this man for his relentless commitment and service to our country, as well as his contribution as a role model for younger troops. Long into his retirement, MSG Agpalasin often visited the Defense Language Institute, DLI, located in Monterey Bay where he became a mentor and a heroic example for the soldiers. He was recently honored by the DLI troops at a picnic for war veterans for his utmost dedication to the core tenets of the U.S. Army. His contributions will be remembered and appreciated by citizens and his legacy will serve as an inspiration to future generations of soldiers.

HONORING DR. BARBARA HELLER

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 2005

Mr. CARDIN. Mr. Speaker, I rise today to recognize Dr. Barbara R. Heller, Rauschenbach Distinguished Professor of Nursing and Executive Director, Center for Health Workforce Development, University of Maryland, Baltimore for her many years of service to the citizens of Maryland, and to commend her for her leadership and unwavering commitment to help alleviate the shortage of nurses and allied health care workers.

The Center for Health Workforce Development at the University of Maryland is dedicated to analyzing and understanding health workforce issues, dynamics and trends with the goal of translating knowledge derived from research and evaluation studies into policies and programs to enhance the nursing and health workforce. Since its inception in 2002, the Center has produced documentation of the extent of the nursing shortage in Maryland; sponsored interdisciplinary consensus conferences on seeking solutions to nursing and health workforce shortages in acute and long term care; collaborated in the development of innovative nurse retention initiatives; and designed and implemented a model AmeriCorps Health Care Volunteer Service Program to train a cadre of skilled volunteers who are assigned to serve as auxiliary health care workers in hospitals and nursing homes. This program aims to lessen critical nursing and health workforce shortages and augment service delivery to patients while at the same time establishing an educational pipeline that encourages AmeriCorps members to pursue nursing and other health careers.

Dr. Heller has more than 30 years of academic and administrative experience. She served as Dean of the University of Maryland School of Nursing from 1990 until 2002, and previously held senior academic administrative posts at Villanova University in Pennsylvania, and the State University of New York. Her past experience also includes an inter-governmental personnel assignment at the Clinical Center, National Institutes of Health; a Congressional Fellowship in the U.S. House of Representatives; an appointment to the Commission on Health, Montgomery County, Maryland; as well as service as a member of the Board of Directors of the Southern Council on Collegiate Education for Nurses; the Board of Governors of the National League for Nursing; and the Board of Directors of Hadassah Medical Organization in Jerusalem. She currently serves as a member of the Boards of Directors of the Washington Hospital Center and Nurses Educational Funds, Inc.; as a member of the Greater Baltimore Health Subcommittee; as well as my Health Care Advisory Committee. She is an alumna of Leadership Maryland, Class of 1996; the 1998 class of the Robert Wood Johnson Executive Nurse Fellows Program; and has been named to the Circle of Excellence of Maryland's Top 100 Women.

Mr. Speaker, it is for her dedication to the pursuit of academic excellence and her contributions to improvements in nursing and health care that I rise to thank Dr. Heller. Nurses across the Nation and the people of Maryland are in her debt. I ask my colleagues to join me today in recognizing Dr. Heller's accomplishments and thanking her for her service to Maryland.

TRIBUTE TO HARRIET HENDERSON

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 2005

Mr. VAN HOLLEN. Mr. Speaker, it is with great pleasure that I rise to commend one of my constituents, Harriet Henderson, on her outstanding service as the Director of Public Libraries in Montgomery County, Maryland.

As Director for the past eight years, Ms. Henderson has helped make the Montgomery County library system the envy of library systems throughout the country. The Montgomery County library system consistently ranks among the nation's top ten, often noted as ''one of the best...in the country.'' Working to increase library hours and expand the materials collection, Henderson has demonstrated a profound commitment to improving the quality and accessibility of our region's public libraries.

The impact of Ms. Henderson's work is not limited to her role in Montgomery County. A former president of the Public Library Association and the Virginia Library Association, Ms. Henderson has made contributions on a national scale. She has also served in leadership positions with the Urban Libraries Council as well as other organizations.

Ms. Henderson will soon assume a new position as Director of the Richmond Public Library. I am confident that she will excel in all of her future endeavors and that the Richmond libraries will benefit greatly from her wisdom and experience.

I applaud Harriet Henderson and wish her continued success in the years ahead.

IN HONOR OF THE RED WING SHOE COMPANY ON THE OCCASION OF THEIR 200TH ANNIVERSARY

HON. JOHN KLINE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 2005

Mr. KLINE. Mr. Speaker, I rise today to recognize an icon in the state of Minnesota and a symbol of small business success.

This year the Red Wing Shoe Company celebrates its 100th anniversary. A cornerstone of the Red Wing Community and the great state of Minnesota, Red Wing Shoes represents a proud tradition of excellence.

I have enjoyed the opportunity to visit the Red Wing facility and meet many of the dedicated employees. If the strength of a company is its workers, it is easy to see how the Red Wing Shoe Company has come to enjoy a century of success.

On the occasion of this milestone achievement, I want to thank the men and women of the Red Wing Shoe Company for their service to the community and the state of Minnesota. I commend the employees and leaders of this great institution and wish them much continued success.

STATEMENT ON THE PASSING OF GREG GUND

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 2005

Ms. PELOSI. Mr. Speaker, it is with great sorrow that I come to the floor of the House to mourn the passing of Greg Gund, who was tragically killed last week in a plane crash. I extend my deepest sympathies to his parents, my dear friends Theo and George, and his brother George.

I remember when Greg was born, how much joy ''Silvo'' brought to his parents. I hope it is a comfort to them that Greg was so loved, and that so many people mourn their loss and are praying for them at this sad time.

In his short life of 32 years, Greg touched the lives of so many. A curiosity of different cultures and people led him to travel around the world, establishing friendships everywhere he went. His love of travel and adventurous spirit brought Greg to Costa Rica, where he had been living for the past 5 years.

An avid adventurer, Greg loved to snowboard, surf, skydive and fly his plane. Greg spent countless hours over the past five years soaring off the coast of Costa Rica, and even recently completed a solo flight around the world.

''Live as if you were to die tomorrow. Learn as if you were to live forever.'' Greg embodied this quote from Mahatma Ghandi that he taped to his passport as constant reminder to live life to the fullest. Greg enjoyed more adventures in his 32 years than most will in a lifetime.

Greg will be sorely missed by all of us who were fortunate enough to have him touch our lives. His indomitable spirit will long be remembered and live on in our hearts. My thoughts and prayers, and those of my husband Paul and the entire Pelosi family are with the Gund family at this sad time.

IN HONOR OF THE 100TH BIRTHDAY OF WILMA B. WOODRUFF

HON. TIM MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 2005

Mr. MURPHY. Mr. Speaker, I rise today to honor the life of one of my constituents. On August 10, 2005, Wilma Bane Woodruff will celebrate her 100th birthday.

Born August 10, 1905, in Cameron, West Virginia, Wilma is the youngest of three daughters born to William and Clara Fletcher Bane. On December 10, 1923, at the age of 18 she and Dorsey Woodruff were married. The couple raised four children: Willadeen Johnston, Frank, Ada Stimmel, and Eilleen Dobbin and spent 59 years farming in Southwestern Pennsylvania.

After Wilma and Dorsey farmed as tenants for 13 years, they bought a 325 acre property on the main highway from Pittsburgh to Washington, PA The attractive white brick farmhouse and other buildings, lying across a deep valley, caught the eye of many travelers. It was here that Wilma and Dorsey raised beef cattle and sold hay and straw to manufacturers and other farmers. Dorsey was recognized as a Master Farmer in 1951. The couple bought two other properties in South Strabane and Hickory, PA, and in later years also raised horses. Dorsey passed away in 1982 and the farm is now the Woodruff Memorial Park.

Wilma has been a member of the Chartiers Hill Presbyterian Church and North Strabane Grange for more than 70 years. She was also active in the A.A.R.P. and Senior Citizens of Canonsburg.

At the age of 21 Wilma registered to vote, and she is very proud of the fact that she has never missed a year of voting until she was 96 years old.

In her life Wilma has accomplished many great things, but perhaps the most important was raising her wonderful family of 4 children, 11 grandchildren, and 17 great grandchildren.

Mr. Speaker, I ask you in joining me to celebrate the life of Wilma Bane Woodruff. Her life has been a great influence to many people in Pennsylvania and across the country.

Daily Digest

HIGHLIGHTS

The House passed H.R. 3199, USA PATRIOT and Terrorism Prevention Reauthorization Act of 2005.

Senate

Chamber Action

Routine Proceedings, pages S8589–S8714

Measures Introduced: Twenty-four bills and two resolutions, were introduced, as follows: S. 1440–1463, and S. Res. 203–204. **Pages S8664–65**

Measures Reported:

S. 1446, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2006. (S. Rept. No. 109–106)

H.R. 2528, making appropriations for military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2006, with an amendment in the nature of a substitute. **Page S8664**

Measures Passed:

Highway Extension: Senate passed H.R. 3377, to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century, clearing the measure for the President. **Page S8712**

Use of Capitol Rotunda: Senate agreed to H. Con. Res. 202, permitting the use of the rotunda of the Capitol for a ceremony to honor Constantino Brumidi on the 200th anniversary of his birth. **Page S8712**

VA 75th Anniversary: Senate agreed to S. Res. 203, recognizing the 75th anniversary of the establishment of the Veterans' Administration and acknowledging the achievements of the Veterans' Administration and the Department of Veterans Affairs. **Pages S8712–13**

Patient Safety and Quality Improvement Act: Committee on Health, Education, Labor and Pensions was discharged from further consideration of S. 544, 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 effect patient safety, and the bill was then passed, after agreeing to the following amendment, proposed thereto:

Warner (for Enzi) Amendment No. 1411, in the nature of a substitute. **Pages S8713–114**

Department of Defense Authorization: Senate continued consideration of S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, taking action on the following amendments proposed thereto: **Pages S8602–60**

Adopted:

By a unanimous vote of 100 yeas (Vote No. 199), Warner Modified Amendment No. 1314, to increase, with an offset, amounts available for the procurement of wheeled vehicles for the Army and the Marine Corps and for armor for such vehicles. **Pages S8607–08, S8614–17**

Graham Amendment No. 1363, to expand the eligibility of members of the Selected Reserve under the TRICARE program. **Pages S8625–31**

Levin/Kerry Amendment No. 1376, to enhance and extend the increase in the amount of the death gratuity. **Pages S8632–33**

Warner Amendment No. 1390, to increase the authorized number of Defense Intelligence Senior Executive Service employees. **Page S8651**

Warner (for Wyden/Smith) Amendment No. 1391, to provide for cooperative agreements with tribal organizations relating to the disposal of lethal chemical agents and munitions. **Page S8652**

Warner Amendment No. 1392, to provide for the provision by the White House Communications Agency of audiovisual support services on a non-reimbursable basis. **Page S8652**

Warner (for Inouye) Amendment No. 1393, to establish the United States Military Cancer Institute. **Page S8652**

Warner (for Sessions) Amendment No. 1394, to make available, with an offset, an additional $1,000,000 for research, development, test, and evaluation, Army, for the Telemedicine and Advanced Technology Research Center. **Page S8652**

Warner (for Reed) Amendment No. 1395, to make available, with an offset, $5,000,000 for research, development, test, and evaluation, Navy, for the design, development, and test of improvements to the towed array handler. **Page S8652**

Warner (for Stevens) Amendment No. 1396, to authorize $5,500,000 for military construction for the Army for the construction of a rotary wing landing pad at Fort Wainwright, Alaska, and to provide an offset of $8,000,000 by canceling a military construction project for the construction of an F–15E flight simulator facility at Elmendorf Air Force Base, Alaska. **Page S8652**

Warner (for Feinstein) Amendment No. 1397, to reduce funds for an Army Aviation Support Facility for the Army National Guard at New Castle, Delaware, and to modify other military construction authorizations. **Pages S8652–53**

Warner (for Lott/Cochran) Amendment No. 1398, relating to the LHA Replacement Ship. **Page S8653**

Warner (for Feinstein/Grassley) Amendment No. 1399, to provide for the transfer of the Battleship U.S.S. Iowa (BB–61). **Page S8653**

Warner (for Lott) Amendment No. 1400, to improve the management of the Armed Forces Retirement Home. **Page S8653**

By 78 yeas to 19 nays (Vote No. 200), Lugar Amendment No. 1380, to improve authorities to address urgent nonproliferation crises and United States nonproliferation operations. **Pages S8640–50, S8654–57**

Pending:

Frist Amendment No. 1342, to support certain youth organizations, including the Boy Scouts of America and Girl Scouts of America. **Pages S8602–07**

Inhofe Amendment No. 1311, to protect the economic and energy security of the United States. **Pages S8608–09**

Inhofe/Collins Amendment No. 1312, to express the sense of Congress that the President should take immediate steps to establish a plan to implement the recommendations of the 2004 Report to Congress of the United States-China Economic and Security Review Commission. **Pages S8609–11**

Inhofe/Kyl Amendment No. 1313, to require an annual report on the use of United States funds with respect to the activities and management of the International Committee of the Red Cross. **Pages S8611–13**

Lautenberg Amendment No. 1351, to stop corporations from financing terrorism. **Pages S8613–14, S8618–25**

Ensign Amendment No. 1374, to require a report on the use of riot control agents. **Page S8631**

Ensign Amendment No. 1375, to require a report on the costs incurred by the Department of Defense in implementing or supporting resolutions of the United Nations Security Council. **Pages S8631–32**

Collins Amendment No. 1377 (to Amendment No. 1351), to ensure that certain persons do not evade or avoid the prohibition imposed under the International Emergency Economic Powers Act. **Pages S8633–35**

Durbin Amendment No. 1379, to require certain dietary supplement manufacturers to report certain serious adverse events. **Pages S8635–38**

Hutchison/Nelson (FL) Amendment No. 1357, to express the sense of the Senate with regard to manned space flight. **Pages S8638–40**

Thune Amendment No. 1389, to postpone the 2005 round of defense base closure and realignment. **Pages S8650–51, S8657–60**

A unanimous-consent agreement was reached providing for further consideration of the bill at 10 a.m. on Friday, July 22, 2005. **Page S8714**

Signing Authority—Agreement: A unanimous-consent agreement was reached providing that during this adjournment of the Senate, the Majority Whip, be authorized to sign duly enrolled bills or joint resolutions. **Page S8712**

Quarterly Financial Report Program—Referral: A unanimous-consent agreement was reached providing that the Committee on Commerce, Science, and Transportation be discharged from further consideration of H.R. 2385, to extend by 10 years the authority of the Secretary of Commerce to conduct the quarterly financial report program, and the bill then be referred to the Committee on Homeland Security and Governmental Affairs. **Page S8713**

Highway Extension Enrollment—Agreement: A unanimous-consent agreement was reached providing that notwithstanding the recess or adjournment of the Senate, that when the Senate receives from the House of Representatives a concurrent resolution relating to the enrollment of H.R. 3377, to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for

the 21st Century, the resolution be considered, agreed to and the motion to reconsider be laid upon the table. **Page S8714**

Nominations Confirmed: Senate confirmed the following nominations:

By 62 yeas 38 nays (Vote No. EX. 198), Thomas C. Dorr, of Iowa, to be Under Secretary of Agriculture for Rural Development. **Pages S8590–S8602**

(Prior to this action, the vote on the motion to invoke cloture on the nomination was vitiated.) **Page S8601**

Thomas C. Dorr, of Iowa, to be a Member of the Board of Directors of the Commodity Credit Corporation. **Page S8602**

Nominations Received: Senate received the following nominations:

William J. Burns, of the District of Columbia, to be Ambassador to the Russia Federation.

Arthur F. Rosenfeld, of Virginia, to be Federal Mediation and Conciliation Director.

Donetta Davidson, of Colorado, to be a Member of the Election Assistance Commission for the remainder of the term expiring December 12, 2007. **Page S8714**

Messages From the House: **Pages S8662–63**

Executive Communications: **Pages S8663–64**

Executive Reports of Committees: **Page S8664**

Additional Cosponsors: **Pages S8665–67**

Statements on Introduced Bills/Resolutions: **Pages S8667–84**

Additional Statements: **Pages S8661–62**

Amendments Submitted: **Pages S8684–S8711**

Authority for Committees to Meet: **Pages S8711–12**

Privilege of the Floor: **Page S8712**

Record Votes: Three record votes were taken today. (Total—200) **Pages S8602, S8617, S8654**

Adjournment: Senate convened at 9:30 a.m., and adjourned at 8:58 p.m. until 10 a.m., on Friday, July 22, 2005. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S8714.)

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on Agriculture, Nutrition, and Forestry: Committee ordered favorably reported an original bill entitled ''Commodity Exchange Reauthorization Act of 2005.''

BUSINESS MEETING

Committee on Appropriations: Committee ordered favorably reported the following bills:

H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, with an amendment in the nature of a substitute;

H.R. 2528, making appropriations for military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2006, with an amendment in the nature of a substitute; and

An original bill (S. 1446), making appropriations for the government of the District of Columbia for the fiscal year ending September 30, 2006, with an amendment in the nature of a substitute.

MONETARY POLICY REPORT

Committee on Banking, Housing, and Urban Affairs: Committee concluded an oversight hearing to examine the Semi-Annual Monetary Policy Report of the Federal Reserve, after receiving testimony from Alan Greenspan, Chairman, Board of Governors of the Federal Reserve System.

BUSINESS MEETING

Committee on Commerce, Science, and Transportation: Committee ordered favorably reported the following bills:

An original bill to amend and enhance certain maritime programs of the Department of Transportation;

S. 1390, to reauthorize the Coral Reef Conservation Act of 2000, with amendments;

S. 363, to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to establish vessel ballast water management requirements, with an amendment in the nature of a substitute;

S. 360, to amend the Coastal Zone Management Act, with an amendment in the nature of a substitute;

S. 1392, to reauthorize the Federal Trade Commission, with amendments; and

The nominations of Rebecca F. Dye, of North Carolina, to be a Federal Maritime Commissioner, and certain Coast Guard officer nomination lists.

CLIMATE CHANGE

Committee on Energy and Natural Resources: Committee concluded a hearing to examine the current state of climate change scientific research and the economics of strategies to manage climate change, focusing on the relationship between energy consumption and

climate change, new developments in climate change research and the potential effects on the U.S. economy of climate change and strategies to control greenhouse gas emissions, after receiving testimony from Ralph J. Cicerone, National Academy of Sciences, Washington, D.C.; Mario Molina, University of California, San Diego; James W. Hurrell, National Center for Atmospheric Research, Boulder, Colorado; and John Houghton, Intergovernmental Panel on Climate Change, London, England.

NOMINATIONS

Committee on Energy and Natural Resources: Committee ordered favorably reported the nominations of Jill L. Sigal, of Wyoming, to be Assistant Secretary for Congressional and Intergovernmental Affairs, David R. Hill, of Missouri, to be General Counsel, and James A. Rispoli, of Virginia, to be Assistant Secretary for Environmental Management, all of the Department of Energy; and R. Thomas Weimer, of Colorado, to be Assistant Secretary for Policy, Management, and Budget, and Mark A. Limbaugh, of Idaho, to be Assistant Secretary for Water and Science, both of the Department of the Interior.

TAX CODE'S DEPRECIATION SYSTEM

Committee on Finance: Subcommittee on Long-term Growth and Debt Reduction held a hearing to examine the Federal Tax Code's depreciation system focusing on how to amend the current depreciation system to provide simplification and updated guidance for areas such as emerging industries and technologies, and the role that depreciation should play in providing fiscal stimulus or encouraging economic growth for particular industries of the U.S. economy at large, receiving testimony from Jane G. Gravelle, Senior Specialist in Economic Policy, Congressional Research Service, Library of Congress; Joseph M. Mikrut, Capitol Tax Partners, and Thomas S. Neubig, Ernst & Young, LLP, both of Washington, D.C.; Kenneth D. Simonson, The Associated General Contractors of America, Alexandria, Virginia; and Christopher R. Anderson, Massachusetts High Technology Council, Inc., Waltham.

Hearings recessed subject to the call.

UNITED NATIONS REFORM

Committee on Foreign Relations: Committee concluded a hearing to examine reforms at the United Nations, focusing on expansion of the Security Council, the U.N. Human Rights Commission, and budget and management reform recommendations and proposed performance measures, after receiving testimony from former Senator George Mitchell, and former Representative Newt Gingrich, both on behalf of the Task Force on the United Nations, United States Institute of Peace; and R. Nicholas Burns, Under Secretary of State for Political Affairs.

NOMINATIONS

Committee on Foreign Relations: Committee concluded a hearing to examine the nominations of Michael Retzer, of Mississippi, to be Ambassador to the United Republic of Tanzania, who was introduced by Senators Cochran and Lott, Katherine Hubay Peterson, of California, to be Ambassador to the Republic of Botswana, and Alan W. Eastham, Jr., of Arkansas, to be Ambassador to the Republic of Malawi, after the nominees testified and answered questions in their own behalf.

NOMINATIONS

Committee on Homeland Security and Governmental Affairs: Committee ordered favorably reported the nominations of Richard L. Skinner, of Virginia, to be Inspector General, and Edmund S. Hawley, of California, to be Assistant Secretary, both of the Department of Homeland Security, and Brian David Miller, of Virginia, to be Inspector General, General Services Administration.

UNITED NATIONS RENOVATION

Committee on Homeland Security and Governmental Affairs: Subcommittee on Federal Financial Management, Government Information, and International Security concluded a hearing to examine United States financial involvement relative to the United Nations' Capital Master Plan to renovate the United Nations headquarters in New York City, after receiving testimony from Senators Inhofe and Sessions; Anne W. Patterson, Deputy Permanent United States Representative to the United Nations, Department of State; New York State Senator Martin J. Golden, Albany; and Christopher B. Burnham, United Nations Department of Management, and Donald J. Trump, The Trump Organization, both of New York, New York.

BIOSHIELD II

Committee on Health, Education, Labor, and Pensions: Subcommittee on Bioterrorism and Public Health Preparedness met to discuss S. 975, to provide incentives to increase research by private sector entities to develop medical countermeasures to prevent, detect, identify, contain, and treat illnesses, including those associated with biological, chemical, nuclear, or radiological weapons attack or an infectious disease outbreak, with Senators Lieberman, Schumer, and Hatch.

NAVAJO-HOPI LAND SETTLEMENT

Committee on Indian Affairs: Committee concluded a hearing to examine S. 1003, to amend the Act of

December 22, 1974, relating to Navajo-Hopi land settlement, after receiving testimony from William P. Ragsdale, Director, Bureau of Indian Affairs, Christopher J. Bavasi and Paul Tessler, both of the Office of Navajo and Hopi Indian Relocation, all of the Department of the Interior; Wayne Taylor, Jr., The Hopi Tribe, Kykotsmovi, Arizona; and Joe Shirley, Jr., Louis Denetsosie, and Roman Bitsuie, all of The Navajo Nation, Window Rock, Arizona.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported S. 1389, to reauthorize and improve the USA PATRIOT Act, with an amendment in the nature of a substitute.

NOMINATION

Select Committee on Intelligence: Committee concluded a hearing to examine the nomination of John S. Redd, of Georgia, to be Director of the National Counterterrorism Center, Office of the Director of National Intelligence, after the nominee, who was introduced by Senator Chambliss and former Senator Robb, testified and answered questions in his own behalf.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 31 public bills, H.R. 5; and 6 resolutions, H. Con. Res. 212–215; and H. Res. 374–375 were introduced.

Pages H6326–28

Additional Cosponsors: **Pages H6328–29**

Reports Filed: Reports were filed today as follows:

H.R. 2130, to amend the Marine Mammal Protection Act of 1972 to authorize research programs to better understand and protect marine mammals (H. Rept. 109–180). **Page H6326**

USA PATRIOT and Terrorism Prevention Reauthorization Act of 2005: The House passed H.R. 3199, to extend and modify authorities needed to combat terrorism, by a recorded vote of 257 ayes to 171 noes, Roll No. 414.

Pages H6210–20, H6221–69, H6273–H6309

Rejected the Boucher motion to recommit the bill to the Committee on the Judiciary with instructions to report the same back to the House forthwith with amendments, by a yea-and-nay vote of 209 yeas to 218 nays, Roll No. 413. **Pages H6306–08**

Pursuant to the rule the amendment in the nature of a substitute printed in part A of H. Rept. 109–178 is considered as the original bill for the purpose of amendment, in lieu of the amendments reported by the Committee on the Judiciary and the Permanent Select Committee on Intelligence now printed in the bill. **Page H6210**

Agreed to:

Flake amendment (no. 2 printed in H. Rept. 109–178) that states that the Director of the FBI must personally approve any library or bookstore request for records by the FBI under section 215 (by a recorded vote of 402 ayes to 26 noes, Roll No. 403); **Pages H6249–52, H6265–66**

Issa amendment (no. 3 in H. Rept. 109–178) that increases the oversight over the use of roving wiretaps by requiring timely notification to the issuing judge of any changes of location (by a recorded vote of 406 ayes to 21 noes, Roll No. 404);

Pages H6252–54, H6266–67

Capito amendment (no. 4 printed in H. Rept. 109–178) that standardizes the penalties for terrorist attacks and other violence against railroad carriers and mass transportation systems on land, water, or in the air (by a recorded vote of 362 ayes to 66 noes, Roll No. 405); **Pages H6254–56, H6267**

Flake amendment (no. 5 printed in H. Rept. 109–178) that specifies that the recipient of a national security letter may consult an attorney, and may also challenge national security letters in court (by a recorded vote of 394 ayes to 32 noes, Roll No. 406); **Pages H6556–60, H6267–68**

Delahunt amendment (no. 7 printed in H. Rept. 109–178) that changes the reference in the forfeiture statute from 2331 (domestic terrorism) to 2332(b) and 2332 (g)(5)(B) (the Federal crime of terrorism definition) (by a recorded vote of 418 ayes to 7 noes, Roll No. 407); **Pages H6262–63, H6268–69**

Flake amendment (no. 8 printed in H. Rept. 109–178) that requires reporting by the Administrative Office of the Courts on search warrants and also eliminates the provision ''unduly delaying trial'' in the delayed notification section of the Patriot Act for ''sneak and peak'' searches (by a recorded vote of 407 ayes to 21 noes, Roll No. 408); **Pages H6263–65, H6269**

Lungren amendment (no. 10 printed in H. Rept. 109–178) that adds to the list of offenses that are

predicates for obtaining electronic surveillance to include offenses which are related to terrorism;

Pages H6276–77

Coble amendment (no. 12 printed in H. Rept. 109–178), as modified by unanimous consent agreement, that amends the Contraband Cigarette Trafficking Act, which makes it unlawful to knowingly ship, possess, sell, distribute or purchase contraband cigarettes; **Pages H6282–85**

Carter amendment (no. 13 printed in H. Rept. 109–178) that amends the Federal criminal code to apply the death penalty or life imprisonment for a terrorist offense that results in death; **Pages H6285–87**

Hyde amendment (no. 16 printed in H. Rept. 109–178) that establishes a new criminal offense of narco-terrorism; **Pages H6292–94**

Sessions amendment (no. 18 printed in H. Rept. 109–178) that provides additional protection to all aircraft in the special aircraft jurisdiction of the U.S. the same protection currently provided to passenger aircraft; **Pages H6294–95**

Paul amendment (no. 19 printed in H. Rept. 109–178) that expresses the sense of Congress that no American citizen should be the target of a Federal investigation solely as a result of that person's political activities; **Pages H6295–97**

Lowey amendment (no. 20 printed in H. Rept. 109–178) that strikes section 1014(c) of PL 107–56 as it applies to Homeland Security Grant Funding; and adds H.R. 1544, The Faster and Smarter Funding for First Responders Act of 2005, as passed by the House as a new section of the bill;

Pages H6297–H6303

Berman amendment (no. 9 printed in H. Rept. 109–178), that requires a report to Congress on the development and use of data-mining technology by departments and agencies of the Federal government (by a recorded vote of 261 ayes to 165 noes, Roll No. 409); **Pages H6274–76, H6303–04**

Schiff amendment (no. 11 printed in H. Rept. 109–178) that adds a new title to the bill regarding Reducing Crime and Terrorism at America's Seaports (by a recorded vote of 381 ayes to 45 noes, Roll No. 410); **Pages H6277–82, H6304–05**

Hart amendment (no. 14 printed in H. Rept. 109–178) that increases the penalties and criminal sentences for activities constituting terrorism financing (by a recorded vote of 387 ayes to 38 noes, Roll No. 411); and **Pages H6287–90, H6305**

Jackson-Lee amendment (no. 15 printed in H. Rept. 109–178), as modified by unanimous consent agreement, that allows the attachment of property and the enforcement of judgment against a judgment debtor that has engaged in planning or perpetrating any act of terrorism (by a recorded vote of 233 ayes to 192 noes, Roll No. 412).

Pages H6290–92, H6305–06

Rejected:

Waters amendment (no. 6 printed in H. Rept. 109–178) that sought to establish under section 505 of the USA PATRIOT Act, a recipient of a national security letter may not be penalized for violating the non disclosure requirement if the recipient is mentally incompetent, under undue stress, under threat of bodily harm, or a threat of being discharged from employment. **Pages H6260–62**

Agreed that the Clerk be authorized to make technical and conforming changes in the engrossment of the bill to reflect the actions of the House.

Page H6309

H. Res. 369, the rule providing for consideration of the bill was agreed to by a recorded vote of 224 ayes to 196 noes and 3 voting "present", Roll No. 402, after agreeing to order the previous question by a yea-and-nay vote 224 yea to 197 nay, Roll No. 401. **Pages H6210–20**

Surface Transportation Extension Act: The House passed H.R. 3377, to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century. **Pages H6269–73**

Later agreed to H. Con. Res. 212, to correct technical errors in the enrollment of the bill. **Page H6309**

Senate Message: Messages received from the Senate today appears on pages H6293, H6314.

Senate Referrals: S. 45 was held at the desk, S. 544 was referred to Energy and Commerce and S. Con. Res. 212 was held at the desk. **Pages H6293, H6314**

Quorum Calls—Votes: Two yea-and-nay votes and 12 recorded votes developed during the proceedings of today and appear on pages H6219–20, H6220, H6265–66, H6266–67, H6267, H6268, H6268–69, H6269, H6303–04, H6304, H6305, H6305–06, H6307–08, H6308–09. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 11:35 p.m.

Committee Meetings

RENEWABLE FUELS STANDARD REVIEW USDA'S ROLE

Committee on Agriculture: Held a hearing to Review Agriculture's Role in a Renewable Fuels Standard. Testimony was heard from Keith Collins, Chief Economist, USDA; Tim Pawlenty, Governor, State of Minnesota; and public witnesses.

U.S. COAST GUARD DEEPWATER PROGRAM

Committee on Appropriations: Subcommittee on Homeland Security held a hearing on U.S. Coast Guard Deepwater Program, Part II. Testimony was heard from the following officials of the U.S. Coast Guard, Department of Homeland Security: ADM Thomas H. Collins, Commandant; and ADM Patrick Stillman, Deepwater Program Manager.

COUNTER TERRORISM TECHNOLOGY SHARING

Committee on Armed Services: Subcommittee on Terrorism, Unconventional Threats and Capabilities and the Subcommittee on Emergency Preparedness, Science and Technology of the Committee on Homeland Security held a joint hearing on counter terrorism technology sharing. Testimony was heard from the following officials of the Department of Defense: Sue Payton, Deputy Under Secretary, Advanced Systems and Concepts; Peter F. Verga, Principal Deputy Assistant Secretary, Homeland Defense; and Tony Tether, Director, Defense Advanced Research Projects Agency; and John Kubricky, Acting Director, Homeland Security Advanced Research Projects Agency and Director, Systems Engineering and Development, Department of Homeland Security.

COLLEGE ACCESS AND OPPORTUNITY ACT

Committee on Education and the Workforce: Continued markup of H.R. 609, College Access and Opportunity Act.

Will continue tomorrow.

CREDIT CARD DATA PROCESSING

Committee on Financial Service: Subcommittee on Oversight and Investigations held a hearing entitled "Credit Card Data Processing: How Secure Is It?" Testimony was heard from public witnesses.

CONTROLLING RESTRICTED AIRSPACE

Committee on Government Reform: Held a hearing entitled "Controlling Restricted Airspace: An Examination of the Management and Coordination of Our National Air Defense." Testimony was heard from Davi M. D'Agostino, Director, Defense Capabilities and Management, GAO; the following officials of the Department of Defense: Paul McHale, Assistant Secretary, Homeland Defense; and MG Marvin S. Mayes, USAF, Commander, 1st Air Force and Continental U.S. North American Aerospace Defense Command Region; and Robert A. Sturgell, Deputy Administrator, FAA, Department of Transportation.

DARFUR PEACE AND ACCOUNTABILITY ACT;

Committee on International Relations: Subcommittee on Africa, Global Human Rights and International Operations approved for full Committee action, as amended, H.R. 3127, Darfur Peace and Accountability Act of 2005.

CHINA HUMAN RIGHTS

Committee on International Relations: Subcommittee on Africa, Global Human Rights and International Operations and the Subcommittee on Oversight and Investigations held a joint hearing on Falun Gong and China's Continuing War on Human Rights. Testimony was heard from Gretchen Berkel, Acting Principal Deputy Assistant Secretary, Bureau for Democracy, Human Rights and Labor, Department of State; and public witnesses.

ELECTRONIC DUCK STAMP ACT; JUNIOR DUCK STAMP REAUTHORIZATION AMENDMENTS

Committee on Resources: Subcommittee on Fisheries and Oceans held a hearing on the following bills: H.R. 1494, Electronic Duck Stamp Act of 2005; and H.R. 3179, Junior Duck Stamp Reauthorization Amendments Act of 2005. Testimony was heard from Paul R. Schmidt, Assistant Director, Migratory Birds, U.S. Fish and Wildlife Service, Department of the Interior; and public witnesses.

U.S. COMPETITIVENESS

Committee on Science: Held a hearing on U.S. Competitiveness: The Innovation Challenge. Testimony was heard from public witnesses.

OVERSIGHT—RAILROAD GRADE CROSSING SAFETY ISSUES

Committee on Transportation and Infrastructure: Subcommittee on Railroads held an oversight hearing on Railroad Grade Crossing Safety Issues. Testimony was heard from Senator Vitter; Representative Kucinich; the following officials of the Department of Transportation: Joseph Boardman, Administrator, Federal Railroad Administration; and Kenneth M. Mead, Inspector General; Mark V. Rosenker, Acting Chairman, National Transportation Safety Board; and public witnesses.

OVERSIGHT—VETERANS HEALTH CARE BUDGET AMENDMENT

Committee on Veterans' Affairs: Held an oversight hearing on the amendment the Administration submitted to Congress for the Department of Veterans Affairs Fiscal Year 2006 budget, requesting an additional $1.977 billion for higher-than-expected veterans' health care needs. Testimony was heard from

Jonathan B. Perlin, M.D., Under Secretary, Health, Department of Veterans Affairs.

MEDICARE—PHYSICIAN VALUE-BASED PURCHASING

Committee on Ways and Means: Subcommittee on Health held a hearing on Value-Based Purchasing for Physicians under Medicare. Testimony was heard from Mark McClellan, M.D., Administrator, Centers for Medicare and Medicaid Services, Department of Health and Human Services; and public witnesses.

Joint Meetings

ENERGY POLICY ACT

Conferees continued in evening session to resolve the differences between the Senate and House passed versions of H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D 758–759)*

H.R. 3332, to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century. Signed on July 20, 2005 (Public Law 109–35)

COMMITTEE MEETINGS FOR FRIDAY, JULY 22, 2005

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Foreign Relations: to hold hearings to examine the nominations of Karen P. Hughes, of Texas, to be Under Secretary of State for Public Diplomacy, with the rank of Ambassador, Josette Sheeran Shiner, of Virginia, to be Under Secretary of State for Economic, Business, and Agricultural Affairs, Kristen Silverberg, of Texas, to be Assistant Secretary of State for International Organization Affairs, and Jendayi Elizabeth Frazer, of Virginia, to be Assistant Secretary of State for African Affairs, 10 a.m., SD–419.

House

Committee on Education and the Workforce, to continue markup of H.R. 690, College Access and Opportunity Act, 9:30 a.m., 2175 Rayburn.

Next Meeting of the SENATE

10 a.m., Friday, July 22

Senate Chamber

Program for Friday: Senate will continue consideration of S. 1042, Department of Defense Authorization.

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Friday, July 22

House Chamber

Program for Friday: Consideration of H.R. 3070, National Aeronautics and Space Administration Authorization Act of 2005 (structured rule, one hour of debate).

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