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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. MILLER of Michigan).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

Washington, DC, September 21, 2005.

I hereby appoint the Honorable CANDICE S. MILLER to act as Speaker pro tempore on this day.

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

PRAYER

The Reverend Monsignor Kenneth Velo, Office of Catholic Collaboration, DePaul University, Chicago, Illinois, offered the following prayer:

E Pluribus Unum, out of many one, is not only an expression fundamental to these United States but also a reality we experience so often and one you visit each day as you seek consensus in this great Chamber.

So many differences, yet one great Nation, America. If there is one desire we all have, I believe it is peace. We bow our heads this morning, for though there are varied religious traditions here, it is faith and service that calls us together.

Our prayer this day includes family and friends, young and old. Our thoughts embrace the poor, the sick, the less fortunate. Our remembrances recall our beloved dead. For the people of the Middle East, for our women and men in uniform serving there and beyond, give peace, O God, give peace again.

For our brothers and sisters on the gulf coast and in particular New Orleans, Biloxi, and these days Texas as well, give peace, O God, give peace again.

For those who suffer in mind or body, those in pain from grief or loss, give peace, O God, give peace again.

May those who are homeless have shelter, the sick have comfort, and the dying have dignity. May those who are hungry have bread, and may we who have bread hunger for justice and peace.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. REYES led the Pledge of Allegiance as follows:

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

WELCOMING MONSIGNOR KENNETH VELO

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

Mr. EMANUEL. Madam Speaker, it is my great pleasure to recognize and welcome Monsignor Velo, one of Chicago's most distinguished religious leaders, as today's guest chaplain.

Born on Chicago's south side, the Monsignor was ordained in 1973. In 1985, Monsignor Velo became the executive assistant to the late Joseph Cardinal Bernardin, a position he held for 14 years. Monsignor Velo and Cardinal Bernardin were close friends, and it was Monsignor Velo who cared for Cardinal Bernardin's mother after the Cardinal passed away.

Impressed by his reputation as a public servant, the late Pope John Paul, II appointed Monsignor Velo to be president of the Catholic Church Extension Society. Today he is senior executive of the Office of Catholic Collaboration at DePaul University, the largest Catholic university in the country, located in Chicago's Lincoln Park.

Monsignor Velo is an important Chicagoan with an impressive background and résumé. But more important, Monsignor Velo is a humanitarian who has dedicated his life to God and to improving the lives of everyone around him. Chicago is blessed by Monsignor Velo. Madam Speaker, I thank him for his service and for being here today.

NATIONAL EMPLOY THE OLDER WORKER WEEK

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

Ms. FOXX. Madam Speaker, I rise today to highlight that we are currently celebrating National Employ the Older Worker Week. This week, which is sponsored by the American Legion, has been observed for over 40 years. It is appropriate to recognize and appreciate this growing demographic workforce.

After all, our country is witnessing major growth in the number of Americans that are nearing the traditional retirement age. It is estimated that by 2008 nearly half of the workforce will be over 45 years old.

As our population continues to grow older, these citizens will play an even more important role in our economy. Older workers bring many assets to the workplace, including good work ethics, motivation, experience, and knowledge. My hat goes off to our older

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workers who are learning new skills and are exercising the many skills they already know in order to give back to society.

I am a firm believer that every single person at any age has certain gifts and talents from God. I am pleased our older workers are committed to sharing their talents with others. It is my hope that employers around the country will continue to recognize the many benefits of hiring older workers and expand job opportunities for these fine citizens.

THE NEED FOR AN EXIT STRATEGY IN IRAQ

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

Mr. KUCINICH. Madam Speaker, 3 years ago we heard the drums of war beating in this House Chamber, and Congress voted to take this Nation to war against Iraq.

We later learned that Iraq had no weapons of mass destruction, was not trying to get uranium from Niger, had no intention nor capability of attacking the United States. Yet we went to war and war against Iraq remains.

We went to war without any thought of how we would get out of that war. We went to war with a big buildup; but when it came to talking about an exit from Iraq, there was very little or no discussion except for the one thing, Democrats and Republicans alike to come together, in support of House Joint Resolution 55, a resolution that requires the administration to produce, by the end of the year, an exit strategy and to begin the execution of that strategy by October 1 of 2006.

We owe it to those who serve. We owe it to the troops who gave their lives. We owe it to their parents and to their families, to have an exit strategy so that we can let the world community take the burden of the years ahead in Iraq.

CONGRATULATING NORFOLK PUBLIC SCHOOLS

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

Mrs. DRAKE. Madam Speaker, it is with great pride that I congratulate Norfolk public schools for winning the Broad Prize for Urban Education. Eighty-two school districts participated. Five finalists were selected. Yesterday the winner was announced: Norfolk public schools.

The criterion for this award is significantly improving student achievement and reducing the performance gap. Congratulations to Norfolk, Virginia, for their hard work, their dedication and their creativity, and a heartfelt thanks to the Broad Foundation for their vision and their commitment to America's children.

These models and programs will be used across America to improve the quality of education for all children.

DO THE KATRINA RECOVERY RIGHT

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

Mr. BLUMENAUER. Madam Speaker, we are united not just in our compassion for the victims of Katrina, but a sincere interest in doing recovery right.

Republicans and Democrats, both ends of the political spectrum, can agree that we do not want some Stalinist plan imposed on a manufactured community doomed to fail.

We need the courage to be partners respectfully, the wisdom to define the role carefully, the stamina to follow through thoroughly, and the integrity to avoid partisanship. We must meet the immediate needs of the refugees affected; but we must restore communities that are stronger, safer, and more sustainable.

We must involve all Americans with the skills and concerns starting with locals, wherever they may be. We must make this a model for how to do it right because it is not just about rescuing a damaged region; it is about how to make the Federal Government more effective.

KATRINA ABUSE

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

Mr. POE. Madam Speaker, as the skies have cleared in the aftermath of Katrina, and the howling winds and rain of Rita develop in the gulf and head for Texas, we have learned that giving away American money in the form of emergency debit cards should be reevaluated.

There are reports in Houston of evacuees using their taxpayer debit cards to buy expensive jewelry, $800 Louis Vuitton purses. $2,000 cards are exchanged on the black market for cash in order to buy drugs, alcohol, and as they say, street entertainment.

There are reports of individuals using multiple stolen identifications to get numerous cards. At the Astrodome there are reports of dice games with the pot being debit cards.

Madam Speaker, we are also hearing the topless clubs are doing a booming business thanks to the evacuees. A local bartender has reported that the debit cards are used at his topless club to gain admission and purchase lap dances. Maybe these are emergency lap dances for the displaced and distressed evacuees.

Madam Speaker, when American money is given away in the name of compassion without adequate control, we see the above abuse. Those who take advantage of this disaster should be held accountable.

As the saying goes, Madam Speaker, no good deed goes unpunished. This ought not to be.

RECOGNIZING THE 80TH ANNIVERSARY OF CATHEDRAL HIGH SCHOOL OF EL PASO, TEXAS

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

Mr. REYES. Madam Speaker, I am proud to rise today in recognition of the 80th anniversary of Cathedral High School located in my district in El Paso, Texas.

Since Cathedral High School opened its doors with a faculty of four LaSallian brothers in 1925, it has woven itself into the fabric of the El Paso-Ciudad Juarez community.

The school has educated and taught the histories of two cultures and two nations to the sons of both. Over the years, Cathedral has produced thousands of college-bound graduates, many of whom have become great civic leaders and accomplished professionals. Among these men we count Ambassador Raymond Telles.

Ambassador Telles' Cathedral education prepared him to become the first Hispanic mayor of El Paso and to be appointed ambassador to Costa Rica, among many distinguished posts which he held.

He is an inspiration to generations of Cathedral graduates, to El Pasoans, and to Hispanics across the United States. Madam Speaker, I ask my colleagues to join me in recognizing the 80th anniversary of Cathedral High School and wishing them continued success and excellence.

IN TRIBUTE TO AMERICA'S FIRST RESPONDERS

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

Mr. NEY. Madam Speaker, I rise today to pay tribute to the firefighters, police officers, and other first responders who have answered the call of duty and traveled from around the country to the gulf coast in order to help their fellow citizens and communities who have been devastated by Hurricane Katrina.

Many in this country sometimes forget that men and women put their lives on the line every day seeking not headlines or glory, but the simple satisfaction of helping and saving their fellow citizens. Their brave deeds, good work, and tremendous dedication deserve and demand the grateful respect and recognition of all.

And now more than ever, in recent days we have literally seen thousands of firefighters, police officers, EMS workers, and others pour into New Orleans and other devastated gulf coast areas to bolster relief efforts and save hundreds, if not thousands, of lives.

I am particularly proud to recognize those who have volunteered from around Ohio's 18th District as well as a number of our own United States Capitol Hill police officers who are currently on their way to the gulf coast.

These men and women are a shining example of everything that is good about our country today. The least we can do is to honor them and recognize them on the floor.

KATRINA AND RELIEF FOR LATINOS

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

Ms. SOLIS. Madam Speaker, I am discouraged to learn that FEMA's approach towards Latinos seeking hurricane relief assistance is woefully inadequate.

Yesterday the Los Angeles Times highlighted the neighborhood in Kenner, Louisiana, that has failed to receive emergency shelter assistance from FEMA. The article quoted a FEMA spokesperson who stated, ''Part of the problem for the Hispanic community is that if you are illegal, you cannot apply for housing.''

It is unfortunate, however, that FEMA made such an ignorant and false assumption. About 1,500 to 1,800 people living in the HUD subsidized apartments are legal residents. Legal. And they qualify for assistance according to city officials.

□ 1015

Latinos contribute significantly to the social and economic fabric of the gulf coast, working in casinos, in the poultry industry, in hotels, and on construction sites. These communities should also be eligible for emergency aid and ensure that their families are safe and healthy. They should not be made victims because of someone's ignorance.

Just as Hurricane Katrina did not discriminate when it swooped along the gulf coast, neither should FEMA make such a gross, negligent, and ignorant assumption about a person's immigration status.

HONORING SIMON WIESENTHAL

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

Mr. STEARNS. Madam Speaker, I rise today to honor Holocaust survivor and freedom advocate Simon Wiesenthal. An extraordinary man of courage, he believed there can be no freedom without justice.

Dedicating his life to this pursuit, he was responsible for finding and bringing to trial over 1,100 Nazi war criminals. A survivor of several different concentration camps through the course of World War II, he was finally liberated May 5, 1945. Sadly, most of his family had perished in the camps, over 89 persons. However, he cherished their memories and was strengthened with purpose.

In an interview years later he said, ''I want to be their mouthpiece. I want to keep their memory alive, to make sure the dead live on in that memory.''

Simon Wiesenthal is a legendary example of what a person with a vision and a will can do. They can change the world.

CANDLELIGHT VIGIL

(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. Madam Speaker, as we have begun to attempt to rebuild the gulf coast region, tonight the Congressional Black Caucus and the Congressional Black Caucus Foundation will host and hold a candlelight vigil on the west steps of the United States Capitol at 8 p.m. As we do that, we hope that it will recommit both this government and our Nation to the survival of the survivors and the rebuilding of their region.

Might I also say that I join in offering the immigration relief for hurricane victims' legislation that will be on the floor, which is H.R. 3827, that will provide for benefits for immigrants that may have lost those papers or documents relevant to their pending case, and we should be concerned.

Finally, as Hurricane Rita comes upon us in the gulf coast, in my city of Houston, might I ask for FEMA to be prepared and on the ground. And might I say to Houstonians and Galvestonians and others, follow the instructions, go to the evacuation sites, and make sure that all of the people of that region are safe. Our prayers are with you.

SHARED SACRIFICE

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

Mr. PITTS. Madam Speaker, much has been said about leadership in the Katrina response. Some elected leaders failed because they were not decisive and did not make tough choices when the times called for them. We should not repeat those mistakes.

True leaders make tough choices and inspire shared sacrifice when times get tough. President Bush outlined an unprecedented Federal commitment to cleaning up the mess left by Hurricane Katrina, and this body will give him a plan that largely reflects what he wants.

The devil, as it is said, is in the details. How do we pay for this? We cannot just throw money into programs and ideas. A successful plan to rebuild the region will be limited in scope, targeted to specific needs, and its cost offset from other areas of the budget.

It is wrong to use this tragedy as an excuse to pile more debt onto future generations. Let us help Katrina's victims but let us also tighten our belts and pay for it today.

REMEMBERING SIMON WIESENTHAL

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

Ms. WASSERMAN SCHULTZ. Madam Speaker, I too rise to reflect on the life and contributions of Simon Wiesenthal who passed away 2 days ago at the age of 96.

Simon Wiesenthal is known by many to be the ''conscience of the Holocaust,'' for after the atrocities ended, he spent his entire life researching and locating former Nazis to bring them to justice.

Throughout the course of the Holocaust, Simon Wiesenthal and his wife lost a total of 89 family members. American soldiers liberated him from the Mauthausen concentration camp in 1945. He was barely alive, weighing less than 100 pounds.

As a prisoner in 12 concentration camps, Simon Wiesenthal memorized the names of his perpetrators and later he embarked on his mission to bring them to justice. He created the Jewish Documentation Center to assemble evidence for trial. His most famous cases included the capture of Adolf Eichmann, the man who supervised the implementation of the ''Final Solution.'' Wiesenthal also helped locate the Gestapo officer who arrested Anne Frank. In total, he helped trace some 1,100 Nazis.

In a conversation with a former concentration camp inmate, Wiesenthal explained, when we come to the other world and meet the millions of Jews who died in the camps and they ask us, What have you done, there will be many answers. But I will say, we did not forget you.

Now it is our turn to say to Mr. Wiesenthal, we will not forget you. We will honor his life and his work by continuing to bring perpetrators to justice and continuing to fight intolerance and anti-Semitism wherever it exists.

SINGAPORE SHINES IN AFTERMATH OF HURRICANE KATRINA

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

Mr. WILSON of South Carolina. Madam Speaker, our Nation has been appreciative of the tremendous outpouring of support from other nations for the survivors of Hurricane Katrina.

After playing a critical role in the tsunami relief efforts earlier this year, the Republic of Singapore was one of the first countries that understood the devastation in our Nation and immediately reached out to help those left in Katrina's wake.

In the beginning of September, Singapore's Air Force deployed four Chinook helicopters to Fort Polk, Louisiana, to assist in relief operations. As they worked side by side with members of the Texas Army National Guard, Singapore's airmen flew more than 80 sorties to transport over 800 evacuees and security personnel. They also flew more than 540 tons of equipment, humanitarian supplies, and sand to help

fix the breaches in the levees of New Orleans.

Ambassador Chan Heng Chee's leadership and support has been particularly helpful during this time of crisis. As our nations continue to work together, America remains grateful for its strong friendship with Singapore as allies in the war on terrorism.

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

FREEDOM'S PROGRESS

(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. Madam Speaker, I rise today to congratulate the people of Afghanistan on the elections they just held.

The saying that ''freedom is not free'' rings true for those who defied the Taliban, defied the warlords, and made history by freely electing their leaders this past Sunday.

During the past 4 years, people have forgotten what the Taliban stood for: public executions at soccer stadiums; banning the Internet, music, television and education; preventing women from going to school or work outside the home. A woman caught wearing fingernail polish may have had her fingertips chopped off.

This week however, Afghans, 12 million strong, have shown the world that they will not go back to tyranny, they will not take a step back into oppression, and will not buckle when taking on the challenges of democracy.

Madam Speaker, Afghanistan demonstrates the most recent chapter in freedom's march. It is a glorious story whose success should be recognized and applauded.

OPERATION OFFSET

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

Mrs. BLACKBURN. Madam Speaker, today at 11:30 I will join some of my colleagues in a press conference for Operation Offset.

I want to thank the leadership for the opportunity to participate in providing offsets as we look at ways to fund Hurricane Katrina's disaster relief program. I want to thank them for leading the way with the 2006 budget that this body recently passed. And I want to thank them for the opportunity to focus on what I think is the heart and soul of our conference, fiscal stewardship.

As I make my remarks today, my focus is going to be on government overpayments, one of which is the earned income tax credit which is overpaid by $9 billion annually over a 10-year period. A savings of $90 billion could be realized here. The GAO, the CBO, and the Inspectors General have numerous ideas and suggestions and ways that we can rein in government spending. It is time for us to heed our own advice.

PROPER CONGRESSIONAL INVESTIGATION

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

Mr. BURGESS. Madam Speaker, we are starting to hear a lot of talk about where is the proper place for the investigation into the response and the aftermath of Hurricane Katrina.

Madam Speaker, I submit that the proper place for that investigation is here in the United States Congress. We have the responsibility, indeed, we have the constitutional obligation to be the ones responsible for this oversight investigation. In fact, my committee, the Committee on Energy and Commerce, maintains a standing subcommittee called the Subcommittee on Oversight and Investigations, a committee that already has subpoena power, a committee that has a history of bipartisanship.

No matter which party was in power, this committee does have a history of bipartisanship, and I think it is the correct committee to investigate the response in the aftermath to the hurricane.

An independent commission, as we have already seen in the last year, can become a side show for partisanship, and yet we still have to convene our own congressional committees in order to write the legislation.

No, the correct path for this Congress to take is to use an already established committee for the investigation of the response and aftermath of Hurricane Katrina.

THANKING AMERICA'S FIRST RESPONDERS

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

Mr. GINGREY. Madam Speaker, I rise today to pay tribute to America's first responders, the men and women who work every day to safeguard our communities. This Nation owes so much to the firemen, the EMTs and other emergency workers who put themselves in harm's way to keep us and our loved ones safe.

In the aftermath of Hurricane Katrina, our country is once again reminded of the dedication and bravery of our first responders. Their contributions in the gulf coast were felt by every person rescued from a rooftop, by every person receiving medical care, and every person evacuated from a flooded city.

These past few weeks, we have been able to watch the valor of our first responders on TV and we have read about it in the newspapers, but we should remember that these men and women are protecting our community every single day, not just when a disaster strikes. And while it may not be televised every day, their heroism is certainly valued every day.

Madam Speaker, I ask that you join me in thanking America's first responders.

APPLAUDING GOVERNOR HALEY BARBOUR

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

Mr. KINGSTON. Madam Speaker, we just had the opportunity this morning, some of us, to hear from the Governor of Mississippi, Haley Barbour.

What a refreshing example of leadership Mr. Barbour has offered our country. Unfortunately, as compared to the Governor of his neighboring State, Louisiana, faced with the same disasters, faced with loss of life, faced with billions of dollars in property damage, Mr. Barbour did not take the opportunity to bash Washington, to whine about what the Federal Government did or did not do; but, rather, on a local level, with folks like the mayor of Biloxi and the mayors of all the other towns and the police chiefs and the police forces and the local emergency management agencies, faced up to the disaster, did everything that they could to show folks that yes, this is tough, and unfortunately government is not the answer to everything, but we can work together, we can face up to this thing and we can bring Mississippi back and bring Mississippi back strong.

I applaud Governor Barbour for the leadership he has provided. He gave us a case of one police force where the police station was flooded. The police officers did not cut and run. They did not evacuate. They went to the top floor. The top floor got flooded. They went to the roof of the building. It got flooded. They swam to nearby tree tops. They spent the night on trees. And yet the next morning rather than whine and say, oh, pity me, they came back to work and never evacuated, even though on a personal level all of those police officers from this particular precinct lost all their houses. Their homes were gone and their families had to evacuate for many weeks of separation.

That is the face of some of the great American people that we are seeing, not just in Mississippi but also in Louisiana and Alabama, but I particularly applaud Governor Barbour for his leadership.

RED TAPE HINDERING AID TO EVACUEES

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

Ms. MCKINNEY. Madam Speaker, it is amazing to me that American troops can get sick off Halliburton food, yet

Halliburton continues to get contract after contract after contract after contract. But when tons of British food rations are provided to the Hurricane Katrina survivors, all they get is red tape from the FDA and the Bush administration. For crying out loud.

If the report is to be believed, tons of British aid donated to help Hurricane Katrina survivors is to be burned by the Americans because U.S. red tape is stopping it from reaching the hungry evacuees. But these are the same food rations that are eaten by the British troops in Iraq, and the USDA has condemned them as unfit for human consumption while Halliburton continues to serve unfit rations to our troops in Afghanistan and Iraq.

It is a crying shame. When will the incompetence end?

□ 1030

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

RECORD votes on postponed questions will be taken later today.

PROVIDING FOR ACCEPTANCE OF STATUE OF PO'PAY FOR PLACEMENT IN NATIONAL STATUARY HALL

Mr. NEY. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 242) providing for acceptance of a statue of Po'Pay, presented by the State of New Mexico, for placement in National Statuary Hall, and for other purposes.

The Clerk read as follows:

H. CON. RES. 242

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. ACCEPTANCE OF STATUE OF PO'PAY FROM THE PEOPLE OF NEW MEXICO FOR PLACEMENT IN NATIONAL STATUARY HALL.

(a) IN GENERAL.—The statue of Po'Pay, furnished by the people of New Mexico for placement in National Statuary Hall in accordance with section 1814 of the Revised Statutes of the United States (2 U.S.C. 2131), is accepted in the name of the United States, and the thanks of the Congress are tendered to the people of New Mexico for providing this commemoration of one of New Mexico's most eminent personages.

(b) PRESENTATION CEREMONY.—The State of New Mexico is authorized to use the Rotunda of the Capitol on September 22, 2005, for a presentation ceremony for the statue. The Architect of the Capitol and the Capitol Police Board shall take such action as may be necessary with respect to physical preparations and security for the ceremony.

(c) DISPLAY IN ROTUNDA.—The statue shall be displayed in the Rotunda of the Capitol for a period of not more than 6 months, after which period the statue shall be moved to its permanent location in the National Statuary Hall Collection.

SEC. 2. TRANSMITTAL TO GOVERNOR OF NEW MEXICO.

The Clerk of the House of Representatives shall transmit an enrolled copy of this concurrent resolution to the Governor of New Mexico.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. NEY) and the gentlewoman from California (Ms. MILLENDER-MCDONALD) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. NEY).

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

I rise today in support of House Concurrent Resolution 242. As the chairman of the Joint Committee on the Library, which has the privilege and responsibility for the acceptance and placement of statues, the National Statuary Hall collection, I want to first thank my colleagues from the New Mexico delegation and their constituents for the statue of the Indian Pueblo leader Po'Pay. This resolution was introduced by the gentlewoman from New Mexico (Mrs. WILSON) and also supported by the gentleman from New Mexico (Mr. UDALL) and the gentleman from New Mexico (Mr. PEARCE). I also want to thank all three of those Members for bringing this resolution before us.

Po'Pay was the San Juan Pueblo Indian leader and organizer of the Pueblo Revolt of 1680 that drove the Spanish colonials from Pueblo lands. It was not until after his death that the Spanish recolonized the land. But because of Po'Pay, they granted the Pueblo more rights and freedoms during their recolonization.

This statue will join the six other Native American leaders honored in the collection. It is significant because not only is it New Mexico's second; it is the 100th and final original statute to be accepted into the National Statuary Hall collection.

Approximately 3 years after the bare 7.5-ton mass of Tennessee marble arrived in New Mexico, Native American sculptor Cliff Fragua unveiled his statue of Po'Pay at San Juan Pueblo.

Again, I want to thank the gentlewoman from New Mexico (Mrs. WILSON), the gentleman from New Mexico (Mr. PEARCE), and the gentleman from New Mexico (Mr. UDALL). I want to thank the gentlewoman from California (Ms. MILLENDER-MCDONALD), who serves as our ranking member but also as a member of the Joint Committee on the Library for helping us get this work product out so swiftly and for her concern about this issue.

Madam Speaker, I reserve the balance of my time.

Ms. MILLENDER-MCDONALD. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, I am pleased to support House Concurrent Resolution 242, authorizing use of the Capitol Rotunda on September 22 for a ceremony to receive the statue of the Indian leader Po'Pay, leader of the Pueblo Revolt of 1680 against the Spanish, from the State of New Mexico.

This is New Mexico's second statute to be submitted for the National Statuary Hall Collection and the last of the 100 statues authorized to be submitted by the States since the collection was established by law in 1864. The collection is now finally complete, though in the future, some States may choose to replace their existing statues with different significant historical figures.

In 1998, the New Mexico legislature selected Po'Pay as a subject of the State's second statue for the National Statuary Hall Commission and created the New Mexico Statuary Hall Commission, whose members were appointed by the Governor. Sculptor Cliff Fragua, a Pueblo Indian himself, was awarded the commission to create the statue in December 1999.

The 7-foot-high statue is carved from pink Tennessee marble and will stand on a 3-foot-high pedestal comprised of a steel frame clad in black granite.

Po'Pay was born around 1630 in the San Juan Pueblo, in what is now called New Mexico. As an adult, he became a medicine man and was responsible for his people's spiritual life. He also shared their suffering at the hands of Spanish settlers and missionaries, who forced them to provide labor and food to support the Spanish community. The Spaniards also pressured them to give up their religion and way of life and to adopt Christianity, and those found practicing their religion were tortured and flogged, while others were executed.

In 1675, Po'Pay and 46 other Pueblo leaders were convicted of sorcery. He was among those flogged while others were executed.

In 1680, Po'Pay organized the Pueblo Revolt against the Spanish. To coordinate the timing of the uprising, he and his followers sent runners to each pueblo with knotted deerskin strips. One knot was to be untied each day, and the revolt would begin on the day the last one was untied. After the Spaniards arrested two of the runners, the pueblos were quickly notified to accelerate the revolt. The attacks began on August 10, 2 days before the last knot would have been untied. The Spaniards took refuge at Santa Fe; the besieging Indians cut off their water supply, but soon permitted them to leave the area.

While the Spanish ultimately returned in 1692 and restored control over New Mexico as a Spanish territory, their interest in and ability to disrupt the native cultures were severely diminished. The Pueblo Revolt helped to ensure the survival of the Pueblo culture and shaped the history of the American Southwest.

Madam Speaker, as a member of the Joint Committee on the Library, which supervises the National Statuary Hall Collection, I am pleased to participate in this significant milestone for such a piece of art to be placed in the Nation's Capitol Building.

Madam Speaker, I reserve the balance of my time.

Mr. NEY. Madam Speaker, I yield 5 minutes to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON of New Mexico. Madam Speaker, I thank my colleague very much for bringing this resolution forward today. I wanted to thank the Statuary Hall Commission for its work and particularly to recognize the gentleman from New Mexico (Mr. UDALL) and his wife, Jill Cooper, who serves on that commission, and thank her for her work, as well as the sculptor, Cliff Fragua from Jemez Pueblo.

This has been a great effort on the part of New Mexico, and it completes a collection here in the Capitol that was started in 1864. Every State can provide two statues of people from their States that are significant in the history of their States to a collection that is housed here in the Capitol. This statue will complete that collection for the first time in 141 years of this Nation's history, and this new statue will now be here so that the people of the country, the some 2 million visitors who come here each year, can see this collection.

Po'Pay represents a time in New Mexico's history that really shapes our heritage and our culture to this day. As my colleague mentioned, and explained the history of this very important man, when Francisco Vasquez de Coronado came to New Mexico in 1540 and then de Onate came in 1598, they took formal possession of New Mexico for Spain.

In 1598, 7 years before the English landed at Jamestown, New Mexico was permanently settled by a European power. But the way they treated the Indians at that time was nothing to be proud of. The Indians were forced to work on Spanish grants. They were not recognized in their religion. At that time, Juan de Onate tried to exterminate the Pueblo religion. The treatment of the Indians led to a revolt in 1680 led by Po'Pay.

Po'Pay is not without controversy. He suppressed others and served as kind of a dictator from Santa Fe for several years until his death. But he did have an important effect on New Mexico's history, because when Diego de Vargas returned in 1692 to New Mexico, the attitude toward the Pueblo people was profoundly different.

The Spanish established an office of Indian protection that recognized the territorial integrity of the Pueblos and offered protection from outsiders. Where in other parts of America the Indian culture and territory were all displaced, in New Mexico they were protected.

In particular, they allowed the blending of cultures; and while de Vargas brought with him priests and Catholicism was established and proselytized in New Mexico, they continued to recognize and allow the unique Pueblo religion, which is why in New Mexico today, just about two miles north of my home at Sandia Pueblo, is one of the most beautiful, newest Catholic churches in New Mexico on Sandia Pueblo, which also has its own unique traditional religious rights.

The blending of cultures in New Mexico is one of the things that makes it unique. Po'Pay's revolt is one of the things that made that possible. It is with tremendous honor that this week we will offer this statue from the State of New Mexico and its people to the Capitol collection.

Ms. MILLENDER-MCDONALD. Madam Speaker, it gives me great pleasure to yield 4½ minutes to the gentleman from New Mexico (Mr. UDALL) who really this Po'Pay would have been his constituent had we had a country at that time.

Mr. UDALL of New Mexico. Madam Speaker, as a cosponsor of the resolution before us, I rise in strong support of its passage and am looking forward to the unveiling of this beautiful statue at tomorrow's ceremony in the rotunda. My district is home to 14 of the 19 Pueblos in New Mexico, and I am very pleased this moment has finally arrived.

Today and tomorrow are exciting days for our State as we at long last unveil our second statue in the United States Capitol. As every New Mexican knows, we are proud of our other statue, that of Senator Dennis Chavez, El Senador, the first Hispanic Member of the United States Senate and a champion of civil rights.

The statue of Po'Pay has had a long journey to get here. The journey began in 1997 when State Senator Manny Aragon and State Representative Nick Salazar introduced Senate bill 404 to the New Mexico State legislature which formally nominated Po'Pay to be the second figure placed in Statuary Hall to represent our State. The bill was soon passed and signed by the Governor, leading to the creation of the Statuary Hall Commission and Foundation which was responsible for determining the statue's appearance and fundraising.

The appearance of Po'Pay was a particularly difficult problem because there are no pictures or physical descriptions of him. Nevertheless, the stunning sculpture that will be unveiled tomorrow gives us a powerful glimpse of who Po'Pay was.

And who was Po'Pay? Very little is known of this man's life; but he was a native of San Juan Pueblo, soon to officially change its name to what it was before Spanish missionaries arrived in New Mexico more than 400 years ago, Ohkay Owingeh, located in northern New Mexico and which I today have the honor of representing in the Congress. He was by most accounts a religious leader. But in 1680 he organized a widespread rebellion against the Spanish throughout the region on a single day.

Po'Pay is considered to be the leader of the first American Revolution. He has been recognized throughout history as the man who made it possible for Pueblo culture to live and to sustain itself through the centuries. The 19 New Mexico Pueblos and Hopi villages in Arizona attribute their ability to continue their traditions and way of life to the efforts of the Pueblo revolt and its leader Po'Pay.

The Pueblo Revolt of 1680, as it is now known, was the single most successful act of resistance by Native Americans against a European colonial power. It established Indian independence in the Pueblos for more than a decade; and even after Spanish rule was reimposed, it forced the imperial authorities to observe religious tolerance. Ever since the 17th century, the cross and the kiva have existed side by side in Pueblo communities.

It is for these reasons that Po'Pay is being honored with a statue in the Capitol. It is fitting that Po'Pay is joining Senator Dennis Chavez as our State's representative in the Halls of Congress. As one member of the Statuary Hall Commission stated recently, ''The selection of Po'Pay to be placed in Statuary Hall serves as a unique reminder to the world that two unique cultures can coexist without destruction of their traditional cultural values and beliefs.''

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Cliff Fragua, the sculptor who crafted this rendering of Po'Pay out of a 7-foot slab of Tennessee marble, also deserves a word of praise for his beautiful work. Thousands of visitors to Washington, D.C., each year will see this work and gain a sense of New Mexico's history and our country's history. I would also like to point out that this statue created by Mr. Fragua will be the first in Statuary Hall created by a Native American.

Madam Speaker, passage of this resolution today is a precursor to what will be a great day and celebration tomorrow for our State. I am honored to be a part of it. I would also like to recognize my wife Jill's role on the Statuary Hall Commission and to thank Chris Romero and Theresa Aguilar of my staff for all the hard work they have put in with the commission during the planning of this event. I would also like to recognize Mr. Benny Shendo, secretary of the Department of Indian Affairs in New Mexico, who will be in Washington for this ceremony. And to close, to thank the gentleman from Ohio (Mr. NEY) and the gentlewoman from California (Ms. MILLENDER-MCDONALD) for yielding me the time.

Mr. NEY. Madam Speaker, I yield 5 minutes to the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. Madam Speaker, I rise today to urge strong support for House Concurrent Resolution 242 and join with the other members of New Mexico's congressional delegation to celebrate the presentation of the Po'Pay statue for placement in the National Statuary Hall here in the United States Capitol.

My colleagues have mentioned most of the specifics already, but the event

is particularly an honor for the State of New Mexico as the Po'Pay statue is the 100th and last presented to the hall, completing the Capitol's collection which began in 1864. The statue also completes the Capitol's collection in another way. As the gentleman from New Mexico mentioned, Mr. Fragua is the only American Indian sculptor who will be represented among the 100 statues here in Statuary Hall.

It is fitting that the last vacancy memorializing America's heroes be filled by a statue that represents not only New Mexico's rich and unique multicultural heritage, but America's great multicultural composition of many languages, customs, and traditions.

In facing the monumental task of creating Po'Pay out of a 7.5-ton block of pink Tennessee marble, sculptor Cliff Fragua began with no physical references of his subject. There was no drawing, no description of Po'Pay's features, only a rich oral history manifesting a humble man who, caring deeply about the survival of his culture, became a hero for defending his way of life.

Madam Speaker, what a superb way to complete America's storybook of characters. America has no one face, no one color, no one feature from which to reference its likeness, only a humble determination for freedom and liberty that unites us all.

Ms. MILLENDER-MCDONALD. Madam Speaker, I fully support H. Con. Res. 242, and I yield back the balance of my time.

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

Again I want to thank the gentlewoman from New Mexico (Mrs. WILSON), the gentleman from New Mexico (Mr. PEARCE) and the gentleman from New Mexico (Mr. UDALL) for bringing this important resolution to us and, again, our ranking member from California (Ms. MILLENDER-MCDONALD) for her service on both committees. Also, I would note we are going to have an historic unveiling today at 2 o'clock with the gentlewoman from California (Ms. MILLENDER-MCDONALD) and the gentleman from Pennsylvania (Mr. FATTAH) of Representative Rainey, who was the first elected African American to the U.S. House, and will be the first time an African American portrait will be placed in the House, which is going to be a glorious ceremony we will be sharing with our ranking member. So we are busy today with the committees. It has been a pleasure to be a part of this.

Ms. NORTON. Madam Speaker, I congratulate the New Mexico delegation and urge the House to approve this resolution placing a second statue honoring a New Mexico citizen in Statuary Hall. I must take this opportunity as well to urge the House to do the same for the District of Columbia. Our citizens do not have even one statue. Surely, the time is overdue for the District to receive at least this small recognition of our citizenship for all to see.

The District of Columbia was born with the Nation itself. The city has more than two centuries of its very own rich and uniquely American history. The District boasts distinguished figures in history from whom selections for statues could readily be made. It should go without saying that the almost 600,000 American citizens who live in the Nation's capital deserve the honor of having two of their history makers represented in the Capitol as citizens of New Mexico and all 50 States have long enjoyed. D.C. residents have not yet obtained the same full political equality and voting rights as States, but they have always had every one of the responsibilities of the States, including paying all Federal taxes and serving in all wars. Every time we allow the District to be excluded from its place among the 50 States, we undermine our own leadership role for democracy around the world. Authorizing two District statues has special importance for our residents because the statues would be seen by millions of visitors every year, reinforcing our proud citizenship and unity with other Americans, whose historical figures are commemorated.

A bill for the District has failed to get the necessary word from the Speaker, which is necessary for hearings, despite my request and the written request from Leader Pelosi. Yet, this recognition for the District of Columbia, whose citizens are serving our country as I speak, in Iraq, Afghanistan, and throughout the world is no more controversial—nor should it be—than the New Mexico bill.

New Mexico and its citizens deserve this honor and get it simply because they are American citizens. As we pass this resolution for New Mexico and its citizens today, I ask the House to remember that we are all equal in this country, and that it is time that our legislature and the halls where these statues will stand reflected that equality.

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

The SPEAKER pro tempore (Mrs. MILLER of Michigan). The question is on the motion offered by the gentleman from Ohio (Mr. NEY) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 242.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NEY. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of H. Con. Res. 242.

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

There was no objection.

UNITED STATES PAROLE COMMISSION EXTENSION AND SENTENCING COMMISSION AUTHORITY ACT OF 2005

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1368) to extend the existence of the Parole Commission, and for other purposes.

The Clerk read as follows:

S. 1368

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 ''United States Parole Commission Extension and Sentencing Commission Authority Act of 2005''.

SEC. 2. EXTENSION OF EXISTENCE OF THE PAROLE COMMISSION.

For purposes of section 235(b) of the Sentencing Reform Act of 1984 (98 Stat. 2032) as such section relates to chapter 311 of title 18, United States Code, and the United States Parole Commission, each reference in such section to ''eighteen years'' or ''eighteen-year period'' shall be deemed a reference to ''21 years'' or ''21-year period'', respectively.

SEC. 3. PROVISION OF EMERGENCY AMENDMENT AUTHORITY FOR SENTENCING COMMISSION.

In accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987 (Public Law 100–182), as though the authority under that Act had not expired, the United States Sentencing Commission shall—

(1) not later than 60 days after the date of the enactment of this Act, amend the Federal sentencing guidelines, commentary, and policy statements to implement section 6703 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458); and

(2) not later than 180 days after the date of the enactment of this Act, amend the Federal sentencing guidelines, commentary, and policy statements to implement section 3 of the Anabolic Steroid Control Act of 2004 (Public Law 108–358).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

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

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 S. 1368, the Senate bill currently under consideration.

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

There was no objection.

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

Madam Speaker, I rise in support of S. 1368, the United States Parole Commission Extension and Sentencing Commission Authority Act of 2005. This bill extends the Parole Commission for an additional 3 years and provides the Sentencing Commission with authority to adopt emergency guideline changes for obstruction of justice and anabolic steroids offenses.

Congress initially created the Parole Commission in 1976. However, with the creation of Federal sentencing guidelines, the Parole Commission was slated to expire 5 years after the new sentencing system was implemented.

Since the enactment of the Sentencing Reform Act of 1984, Congress has extended the Parole Commission on several occasions. Without further congressional action, the Parole Commission is currently scheduled to expire on October 31, 2005.

The Parole Commission is responsible for handling parole cases for offenders who were sentenced prior to the enactment of the Sentencing Reform Act of 1984, which created the Sentencing Commission, and eventually led to the elimination of Federal parole for offenders sentenced after 1987. Additionally, in 1997, the Parole Commission was assigned responsibility for supervising offenders in the District of Columbia, which were previously supervised by the D.C. Board of Parole. Enacting this bill is necessary in order for the Parole Commission to continue to carry on these important functions.

The provisions in this bill relating to the Sentencing Commission's authority are needed to ensure that the Commission can expeditiously adopt new sentencing guidelines pursuant to two laws enacted during the previous Congress. Under this legislation, the Sentencing Commission will have 60 days to implement the new sentencing guidelines of section 6703 of the Intelligence Reform Terrorism Prevention Act of 2004, which increases penalties for obstruction of justice offenses involving international or domestic terrorism.

Additionally, this legislation directs the Commission within 180 days to amend the Federal sentencing guidelines to reflect the seriousness of steroid offenses in accordance with the Anabolic Steroid Control Act of 2004. Granting emergency amendment authority to the Commission in these two areas will permit the Commission to promulgate appropriate amendments as quickly as possible.

I urge my colleagues to support this measure.

Madam Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, S. 1368, which passed the Senate by unanimous consent, is identical to H.R. 3020, which was reported out of the Committee on the Judiciary by voice vote without apparent opposition.

For the reasons outlined by the chairman of the Committee on the Judiciary, the bill will reauthorize the U.S. Parole Commission for an additional 3 years. It will also give the Sentencing Commission emergency authority to promulgate sentencing guidelines which will implement sentencing policies reflective of recent changes in Federal law relating to sentencing in areas of obstruction of justice and anabolic steroids. Both provisions are necessary to continue to properly implement Federal sentencing laws, and I, therefore, urge my colleagues to support the bill.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the Senate bill, S. 1368.

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

A motion to reconsider was laid on the table.

IMMIGRATION RELIEF FOR HURRICANE KATRINA VICTIMS ACT OF 2005

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3827) to preserve certain immigration benefits for victims of Hurricane Katrina, and for other purposes.

The Clerk read as follows:

H.R. 3827

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 ''Immigration Relief for Hurricane Katrina Victims Act of 2005''.

SEC. 2. SPECIAL IMMIGRANT STATUS.

(a) IN GENERAL.—For purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), the Secretary of Homeland Security may provide an alien described in subsection (b) with the status of a special immigrant under section 101(a)(27) of such Act (8 U.S.C. 1101(a(27)), if the alien—

(1) files with the Secretary of Homeland Security a petition under section 204 of such Act (8 U.S.C. 1154) for classification under section 203(b)(4) of such Act (8 U.S.C. 1153(b)(4)); and

(2) is otherwise eligible to receive an immigrant visa and is otherwise admissible to the United States for permanent residence, except in determining such admissibility, the grounds for inadmissibility specified in section 212(a)(4) of such Act (8 U.S.C. 1182(a)(4)) shall not apply.

(b) ALIENS DESCRIBED.—

(1) PRINCIPAL ALIENS.—An alien is described in this subsection if—

(A) the alien was the beneficiary of—

(i) a petition that was filed with the Secretary of Homeland Security on or before August 29, 2005—

(I) under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) to classify the alien as a family-sponsored immigrant under section 203(a) of such Act (8 U.S.C. 1153(a)) or as an employment-based immigrant under section 203(b) of such Act (8 U.S.C. 1153(b)); or

(II) under section 214(d) (8 U.S.C. 1184(d)) of such Act to authorize the issuance of a nonimmigrant visa to the alien under section 101(a)(15)(K) of such Act (8 U.S.C. 1101(a)(15)(K)); or

(ii) an application for labor certification under section 212(a)(5)(A) of such Act (8 U.S.C. 1182(a)(5)(A)) that was filed under regulations of the Secretary of Labor on or before such date; and

(B) such petition or application was revoked or terminated (or otherwise rendered null), either before or after its approval, due to a specified hurricane disaster that had as a consequence—

(i) the death or disability of the petitioner, applicant, or alien beneficiary; or

(ii) loss of employment due to physical damage to, or destruction of, the business of the petitioner or applicant.

(2) SPOUSES AND CHILDREN.—

(A) IN GENERAL.—An alien is described in this subsection if—

(i) the alien was, on August 29, 2005, the spouse or child of a principal alien described in paragraph (1); and

(ii) the alien—

(I) is accompanying such principal alien; or

(II) is following to join such principal alien not later than August 29, 2007.

(B) CONSTRUCTION.—For purposes of construing the terms ''accompanying'' and ''following to join'' in subparagraph (A)(ii), any death of a principal alien that is described in paragraph (1)(B)(i) shall be disregarded.

(3) GRANDPARENTS OF ORPHANS.—An alien is described in this subsection if the alien is a grandparent of a child, both of whose parents died as a consequence of a specified hurricane disaster, if either of such deceased parents was, on August 29, 2005 a citizen or national of the United States or an alien lawfully admitted for permanent residence in the United States.

(c) PRIORITY DATE.—Immigrant visas made available under this section shall be issued to aliens in the order in which a petition on behalf of each such alien is filed with the Secretary of Homeland Security under subsection (a)(1), except that if an alien was assigned a priority date with respect to a petition described in subsection (b)(1)(A)(i), the alien may maintain that priority date.

(d) NUMERICAL LIMITATIONS.—For purposes of the application of sections 201 through 203 of the Immigration and Nationality Act (8 U.S.C. 1151–1153) in any fiscal year, aliens eligible to be provided status under this section shall be treated as special immigrants described in section 101(a)(27) of such Act (8 U.S.C. 1101(a)(27)) who are not described in subparagraph (A), (B), (C), or (K) of such section.

SEC. 3. EXTENSION OF FILING OR REENTRY DEADLINES.

(a) AUTOMATIC EXTENSION OF NONIMMIGRANT STATUS.—

(1) IN GENERAL.—Notwithstanding section 214 of the Immigration and Nationality Act (8 U.S.C. 1184), in the case of an alien described in paragraph (2) who was lawfully present in the United States as a nonimmigrant on August 29, 2005, the alien may remain lawfully in the United States in the same nonimmigrant status until the later of—

(A) the date such lawful nonimmigrant status otherwise would have terminated if this subsection had not been enacted; or

(B) 1 year after the death or onset of disability described in paragraph (2).

(2) ALIENS DESCRIBED.—

(A) PRINCIPAL ALIENS.—An alien is described in this paragraph if the alien was disabled as a consequence of a specified hurricane disaster.

(B) SPOUSES AND CHILDREN.—An alien is described in this paragraph if the alien was, on August 29, 2005, the spouse or child of—

(i) a principal alien described in subparagraph (A); or

(ii) an alien who died as a consequence of a specified hurricane disaster.

(3) AUTHORIZED EMPLOYMENT.—During the period in which a principal alien or alien spouse is in lawful nonimmigrant status under paragraph (1), the alien shall be provided an ''employment authorized'' endorsement or other appropriate document signifying authorization of employment not later

than 30 days after the alien requests such authorization.

(b) NEW DEADLINES FOR EXTENSION OR CHANGE OF NONIMMIGRANT STATUS.—

(1) FILING DELAYS.—In the case of an alien who was lawfully present in the United States as a nonimmigrant on August 29, 2005, if the alien was prevented from filing a timely application for an extension or change of nonimmigrant status due to a circumstance described in paragraph (3)(A) that is a consequence of a specified hurricane disaster, the alien's application shall be considered timely filed if it is filed not later than 180 days after it otherwise would have been due.

(2) DEPARTURE DELAYS.—In the case of an alien who was lawfully present in the United States as a nonimmigrant on August 29, 2005, if the alien was prevented from timely departing the United States due to a circumstance described in paragraph (3)(B) that is a consequence of a specified hurricane disaster, the alien shall not be considered to have been unlawfully present in the United States during the period beginning on August 30, 2005, and ending on the date of the alien's departure, if such departure occurs on or before December 31, 2005.

(3) CIRCUMSTANCES PREVENTING TIMELY ACTION.—

(A) FILING DELAYS.—For purposes of paragraph (1), circumstances preventing an alien from filing a timely application are—

(i) injury;

(ii) office closures;

(iii) mail or courier service cessations or delays; and

(iv) other closures, cessations, or delays affecting case processing or travel necessary to satisfy legal requirements.

(B) DEPARTURE DELAYS.—For purposes of paragraph (2), circumstances preventing an alien from timely departing the United States are—

(i) injury;

(ii) office closures;

(iii) airline flight cessations or delays; and

(iv) other closures, cessations, or delays affecting case processing or travel necessary to satisfy legal requirements.

(c) DIVERSITY IMMIGRANTS.—

(1) WAIVER OF FISCAL YEAR LIMITATION.—Notwithstanding section 203(e)(2) of the Immigration and Nationality Act (8 U.S.C. 1153(e)(2)), an immigrant visa number issued to an alien under section 203(c) of such Act for fiscal year 2005 may be used by the alien during the period beginning on October 1, 2005, and ending on April 1, 2006, if the alien establishes that the alien was prevented from using it during fiscal year 2005 due to a circumstance described in paragraph (4) that is a consequence of a specified hurricane disaster.

(2) WORLDWIDE LEVEL.—In the case of an alien entering the United States as a lawful permanent resident, or adjusting to that status, under paragraph (1) or (3), the alien shall be counted as a diversity immigrant for fiscal year 2005 for purposes of section 201(e) of the Immigration and Nationality Act (8 U.S.C. 1151(e)), unless the worldwide level under such section for such year has been exceeded, in which case the alien shall be counted as a diversity immigrant for fiscal year 2006.

(3) TREATMENT OF FAMILY MEMBERS OF CERTAIN ALIENS.—In the case of a principal alien issued an immigrant visa number under section 203(c) of the Immigration and Nationality Act (8 U.S.C. 1153(c)) for fiscal year 2005, if such principal alien died as a consequence of a specified hurricane disaster, the aliens who were, on August 29, 2005, the spouse and children of such principal alien shall, until June 30, 2006, if not otherwise entitled to an immigrant status and the immediate issuance of a visa under subsection (a), (b), or (c) of section 203 of such Act, be entitled to the same status, and the same order of consideration, that would have been provided to such alien spouse or child under section 203(d) of such Act as if the principal alien were not deceased and as if the spouse or child's visa application had been adjudicated by September 30, 2005.

(4) CIRCUMSTANCES PREVENTING TIMELY ACTION.—For purposes of paragraph (1), circumstances preventing an alien from using an immigrant visa number during fiscal year 2005 are—

(A) office closures;

(B) mail or courier service cessations or delays;

(C) airline flight cessations or delays; and

(D) other closures, cessations, or delays affecting case processing or travel necessary to satisfy legal requirements.

(d) EXTENSION OF EXPIRATION OF IMMIGRANT VISAS.—

(1) IN GENERAL.—Notwithstanding the limitations under section 221(c) of the Immigration and Nationality Act (8 U.S.C. 1201(c)), in the case of any immigrant visa issued to an alien that expires or expired before February 26, 2006 if the alien was unable to effect entry into the United States due to a circumstance described in paragraph (2) that is a consequence of a specified hurricane disaster, then the period of validity of the visa is extended until February 26, 2006, unless a longer period of validity is otherwise provided under this Act.

(2) CIRCUMSTANCES PREVENTING ENTRY.—For purposes of paragraph (1), circumstances preventing an alien from effecting entry into the United States are—

(A) destruction of, or damage rendering uninhabitable, the intended residence of the alien;

(B) a legal prohibition on inhabiting or accessing the intended residence of the alien;

(C) office closures;

(D) airline flight cessations or delays; and

(E) other closures, cessations, or delays affecting case processing or travel necessary to satisfy legal requirements.

(e) GRANTS OF PAROLE EXTENDED.—

(1) IN GENERAL.—In the case of any parole granted by the Secretary of Homeland Security under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)) that expires on a date on or after August 26, 2005, if the alien beneficiary of the parole was unable to return to the United States prior to the expiration date due to a circumstance described in paragraph (2) that is a consequence of a specified hurricane disaster, the parole is deemed extended for an additional 90 days.

(2) CIRCUMSTANCES PREVENTING RETURN.—For purposes of paragraph (1), circumstances preventing an alien from timely returning to the United States are—

(A) office closures;

(B) airline flight cessations or delays; and

(C) other closures, cessations, or delays affecting case processing or travel necessary to satisfy legal requirements.

(f) VOLUNTARY DEPARTURE.—Notwithstanding section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c), if a period for voluntary departure of an alien under such section expired during the period beginning on August 26, 2005, and ending on October 26, 2005, and the alien was unable voluntarily to depart as a consequence of a specified hurricane disaster, such voluntary departure period is deemed extended for an additional 60 days.

SEC. 4. HUMANITARIAN RELIEF FOR CERTAIN SURVIVING SPOUSES AND CHILDREN.

(a) TREATMENT AS IMMEDIATE RELATIVES.—

(1) SPOUSES.—Notwithstanding the second sentence of section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)), in the case of an alien who was the spouse of a citizen of the United States at the time of the citizen's death and was not legally separated from the citizen at the time of the citizen's death, if the citizen died as a consequence of a specified hurricane disaster, the alien (and each child of the alien) shall be considered, for purposes of section 201(b) of such Act, to be an immediate relative after the date of the citizen's death, but only if the alien files a petition under section 204(a)(1)(A)(ii) of such Act within 2 years after such date and only until the date the alien remarries. For purposes of such section 204(a)(1)(A)(ii), an alien granted relief under the preceding sentence shall be considered an alien spouse described in the second sentence of section 201(b)(2)(A)(i) of such Act.

(2) CHILDREN.—

(A) IN GENERAL.—In the case of an alien who was the child of a citizen of the United States at the time of the citizen's death, if the citizen died as a consequence of a specified hurricane disaster, the alien shall be considered, for purposes of section 201(b) of the Immigration and Nationality Act (8 U.S.C. 1151(b)), to remain an immediate relative after the date of the citizen's death (regardless of changes in age or marital status thereafter), but only if the alien (or a parent or guardian of the alien) files a petition under subparagraph (B) within 2 years after such date.

(B) PETITIONS.—An alien (or parent or guardian) described in subparagraph (A) may file a petition with the Secretary of Homeland Security for classification of the alien under section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)). For purposes of such Act, such a petition shall be considered a petition filed under section 204(a)(1)(A) of such Act (8 U.S.C. 1154(a)(1)(A)).

(3) UNCONDITIONAL STATUS.—An alien who obtains the status of an alien lawfully admitted for permanent residence pursuant to this subsection shall not be considered to have obtained such status on a conditional basis, and shall not be subject to section 216 of the Immigration and Nationality Act (8 U.S.C. 1186a).

(b) SPOUSES, CHILDREN, UNMARRIED SONS AND DAUGHTERS OF LAWFUL PERMANENT RESIDENT ALIENS.—

(1) IN GENERAL.—Any spouse, child, or unmarried son or daughter of an alien described in paragraph (3) who is included in a petition for classification as a family-sponsored immigrant under section 203(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1153(a)(2)) that was filed by such alien before August 29, 2005, shall be considered (if the spouse, child, son, or daughter has not been admitted or approved for lawful permanent residence by such date) a valid petitioner for preference status under such section with the same priority date as that assigned prior to the death described in paragraph (3)(A). No new petition shall be required to be filed. Such spouse, child, son, or daughter may be eligible for deferred action and work authorization.

(2) SELF-PETITIONS.—Any spouse, child, or unmarried son or daughter of an alien described in paragraph (3) who is not a beneficiary of a petition for classification as a family-sponsored immigrant under section 203(a)(2) of the Immigration and Nationality Act may file a petition for such classification with the Secretary of Homeland Security, if the spouse, child, son, or daughter was present in the United States on August 29, 2005. Such spouse, child, son, or daughter may be eligible for deferred action and work authorization.

(3) ALIENS DESCRIBED.—An alien is described in this paragraph if the alien—

(A) died as a consequence of a specified hurricane disaster; and

(B) on the day of such death, was lawfully admitted for permanent residence in the United States.

(4) UNCONDITIONAL STATUS.—An alien who obtains the status of an alien lawfully admitted for permanent residence pursuant to this subsection shall not be considered to have obtained such status on a conditional basis, and shall not be subject to section 216 of the Immigration and Nationality Act (8 U.S.C. 1186a).

(c) APPLICATIONS FOR ADJUSTMENT OF STATUS BY SURVIVING SPOUSES AND CHILDREN OF EMPLOYMENT-BASED IMMIGRANTS.—

(1) IN GENERAL.—Any alien who was, on August 29, 2005, the spouse or child of an alien described in paragraph (2), and who applied for adjustment of status prior to the death described in paragraph (2)(A), may have such application adjudicated as if such death had not occurred.

(2) ALIENS DESCRIBED.—An alien is described in this paragraph if the alien—

(A) died as a consequence of a specified hurricane disaster; and

(B) on the day before such death, was—

(i) an alien lawfully admitted for permanent residence in the United States by reason of having been allotted a visa under section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)); or

(ii) an applicant for adjustment of status to that of an alien described in clause (i), and admissible to the United States for permanent residence.

(d) APPLICATIONS FOR ASYLUM OR ADMISSION AS REFUGEE BY SURVIVING SPOUSES AND CHILDREN OF ASYLEES AND REFUGEES.—

(1) ASYLUM.—

(A) IN GENERAL.—Any alien who was, on August 29, 2005, the spouse or child of an individual described in subparagraph (B), may have the alien's eligibility to be granted asylum determined under section 208(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(3)) as if such individual had not died.

(B) PRINCIPALS DESCRIBED.—An individual is described in this subparagraph if the individual—

(i) died as a consequence of a specified hurricane disaster; and

(ii) before such death, was granted asylum under section 208 of such Act (8 U.S.C. 1158).

(2) ADMISSION AS A REFUGEE.—

(A) IN GENERAL.—Any alien who was, on August 29, 2005, the spouse or child of an individual described in subparagraph (B), may have the alien's eligibility to be admitted to the United States as a refugee determined under section 207(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1157(c)(2)) as if such individual had not died.

(B) PRINCIPALS DESCRIBED.—An individual is described in this subparagraph if the individual—

(i) died as a consequence of a specified hurricane disaster; and

(ii) before such death, was admitted to the United States as a refugee under section 207 of such Act (8 U.S.C. 1157).

(e) WAIVER OF PUBLIC CHARGE GROUNDS.—In determining the admissibility of any alien accorded an immigration benefit under this section, the grounds for inadmissibility specified in section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)) shall not apply.

SEC. 5. NATURALIZATION.

(a) IN GENERAL.—With respect to an applicant for naturalization who resided, on August 29, 2005, within a portion of a district of U.S. Citizenship and Immigration Services that was declared by the President to be affected by a specified hurricane disaster, the Secretary of Homeland Security may administer the provisions of title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.) without regard to any provision of such title otherwise requiring residence to be maintained, or any other action to be taken, in any specific State or district of U.S. Citizenship and Immigration Services.

(b) COURT AUTHORITY TO ADMINISTER OATHS.—Notwithstanding section 310(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1421(b)(1)), with respect to an applicant for naturalization described in subsection (a), an eligible court (as defined in section 310(b)(5) of such Act (8 U.S.C. 1421(b)(5))) may administer the oath of allegiance under section 337(a) of such Act (8 U.S.C. 1448(a)) to the applicant regardless of whether the applicant is permanently residing within the jurisdiction of the court.

SEC. 6. FOREIGN STUDENTS AND EXCHANGE PROGRAM PARTICIPANTS.

(a) IN GENERAL.—In the case of an nonimmigrant alien described in subsection (b), the alien's nonimmigrant status shall be considered to have been maintained during the period beginning on August 29, 2005, and ending on February 1, 2006, if, on February 1, 2006, the alien is enrolled in a course of study, or participating in a designated exchange visitor program, sufficient to satisfy the terms and conditions of the alien's nonimmigrant status on August 29, 2005.

(b) ALIENS DESCRIBED.—An alien is described in this subsection if the alien—

(1) was, on August 29, 2005, lawfully present in the United States in the status of a nonimmigrant described in subparagraph (F), (J), or (M) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S. C. 1101(a)(15)); and

(2) fails to satisfy a term or condition of such status as a consequence of a specified hurricane disaster.

SEC. 7. NOTICES OF CHANGE OF ADDRESS.

(a) IN GENERAL.—In the case of any notice of change of address otherwise required to be submitted to the Secretary of Homeland Security by an alien described in subsection (b)—

(1) if the notice relates to a change of address occurring during the period beginning on August 29, 2005, and ending on November 15, 2005, the alien shall have until December 1, 2005, to submit such notice; and

(2) if the notice relates to a change of address occurring during the period beginning on November 16, 2005, and ending on February 16, 2006, the alien shall have until February 28, 2006, to submit such notice.

(b) ALIENS DESCRIBED.—An alien is described in this subsection if the alien—

(1) resided, on August 29, 2005, within a district of U.S. Citizenship and Immigration Services that was declared by the President to be affected by a specified hurricane disaster; and

(2) is required, under section 265 of the Immigration and Nationality Act (8 U.S.C. 1305) or any other provision of law, to notify the Secretary of Homeland Security in writing of a change of address.

SEC. 8. TEMPORARY ADMINISTRATIVE RELIEF.

The Secretary of Homeland Security, for humanitarian purposes or to ensure family unity, may provide temporary administrative relief to any alien who—

(1) was lawfully present in the United States on August 29, 2005;

(2) was on such date the spouse, parent, or child of an individual who died or was disabled as a consequence of a specified hurricane disaster; and

(3) is not otherwise entitled to relief under any other provision of this Act.

SEC. 9. EMPLOYMENT VERIFICATION DURING EFFECTIVENESS OF MAJOR DISASTER DECLARATION.

(a) IN GENERAL.—Section 274A(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)(1)) is amended—

(1) in subparagraph (A), by striking ''The person'' and inserting ''Subject to subparagraph (F), the person''; and

(2) by adding at the end the following:

''(F) SPECIAL RULE DURING MAJOR DISASTER DECLARATION.—In a case in which the President has declared a major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Secretary of Homeland Security may provide, in the Secretary's sole and unreviewable discretion and only during the period in which such declaration is in effect, that a person or other entity hiring, recruiting, or referring an individual for employment in the United States is not required to make the attestation or conduct the verification required under subparagraph (A) until, at the latest, 90 days after the hiring, recruitment, or referral, if the individual hired, recruited or referred attests under penalty of perjury at the time of being hired, recruited, or referred that the individual does not possess the documents necessary to satisfy clause (i) or (ii) of subparagraph (A) as a result of such disaster.''.

(b) CONFORMING AMENDMENT.—Section 274A(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)(2)) is amended by adding at the end the following:

''Paragraph (1)(F) shall not be construed to affect the obligation under the preceding sentence.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to hiring, recruitment, or referral of an individual for employment in the United States occurring on or after August 29, 2005.

SEC. 10. REPLACEMENT OF DOCUMENTS EVIDENCING IDENTITY AND EMPLOYMENT AUTHORIZATION FOR VICTIMS OF HURRICANE KATRINA.

(a) IMMEDIATE ASSISTANCE.—

(1) DOCUMENT REPLACEMENT.—The Secretary of Homeland Security is authorized to provide immediate assistance in States in which persons displaced by a specified hurricane disaster are residing for the purpose of replacing for such persons documents that were—

(A) previously issued by the Secretary and described in subparagraph (B), (C), or (D) of section 274A(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)(1)); and

(B) lost, stolen, or destroyed due to such disaster.

(2) SUBSTITUTE.—Where replacement of a document described in paragraph (1) is not feasible, the Secretary of Homeland Security may provide to a displaced person described in such paragraph a temporary substitute document.

(b) PROCEDURES FOR DOCUMENT REPLACEMENT.—The Secretary of Homeland Security shall ensure that, when the Secretary replaces (or provides a temporary substitute for) a document relating to an alien and described in subparagraph (B), (C), or (D) of section 274A(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)(1)) that was lost, stolen, or destroyed due to a specified hurricane disaster, the Secretary—

(1) authenticates information using biometric identifiers contained in records of the Department of Homeland Security; and

(2) annotates the records in U.S. Citizenship and Immigration Services information systems in such a way as to indicate that the replacement or substitute document was issued in the absence of an original due to such disaster.

(c) WAIVER OF FEES FOR DATABASE ACCESS.—

(1) U.S. CITIZENSHIP AND IMMIGRATION SERVICES.—The Director of U.S. Citizenship and Immigration Services is authorized to waive fees and costs associated with a request, made by a person or agency described in paragraph (2), for use of the Verification Information System database associated with the Systematic Alien Verification for Entitlements Program in order to verify immigration status or employment eligibility with respect to a displaced person described in subsection (a)(1).

(2) REQUESTING PERSONS.—The persons described in this paragraph are as follows:

(A) Employers.

(B) State or local government agencies.

(C) The American National Red Cross.

(D) Organizations described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code whose mission is to assist displaced persons described in subsection (a)(1).

SEC. 11. AGE-OUT PROTECTIONS.

In administering Federal immigration laws, the Secretary of Homeland Security may grant any application or benefit notwithstanding the applicant or beneficiary (including a derivative beneficiary of a principal applicant or beneficiary) reaching an age that would render the applicant or beneficiary ineligible for the relief or benefit sought, if the failure to meet the age requirement is a consequence of a specified hurricane disaster.

SEC. 12. EVIDENCE OF DEATH, DISABILITY, OR LOSS OF EMPLOYMENT.

(a) IN GENERAL.—The Secretary of Homeland Security shall establish appropriate standards for evidence demonstrating, for purposes of this Act, that any of the following occurred as a consequence of a specified hurricane disaster.

(1) Death.

(2) Disability.

(3) Loss of employment due to physical damage to, or destruction of, a business.

(b) DEATH CERTIFICATES.—The standards established under subsection (a) shall authorize the Secretary to make a determination of death in the absence of a death certificate, where appropriate.

(c) AFFIDAVIT OF SURVIVING SPOUSE.—For purposes of a benefit under section 2, or subsection (b) or (c) of section 4, that is conditioned on the beneficiary having been the spouse of an individual who died as a consequence of a specified hurricane disaster, the standards established under subsection (a) shall authorize the Secretary to make a determination of death based on the sworn affidavit of such surviving spouse, in the absence of evidence to the contrary.

SEC. 13. WAIVER OF REGULATIONS.

The Secretary of Homeland Security shall carry out this Act as expeditiously as possible. The Secretary of Homeland Security is not required to promulgate regulations prior to implementing this Act.

SEC. 14. DEFINITIONS.

(a) APPLICATION OF IMMIGRATION AND NATIONALITY ACT PROVISIONS.—Except as otherwise specifically provided in this Act, the definitions used in the Immigration and Nationality Act (excluding the definitions applicable exclusively to title III of such Act) shall apply in the administration of this Act.

(b) SPECIFIED HURRICANE DISASTER.—For purposes of this Act, the term ''specified hurricane disaster'' means any major disaster resulting from Hurricane Katrina declared by the President under the Robert T. Stafford Disaster and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

The SPEAKER pro tempore (Mr. CULBERSON). Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

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

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. 3827, the bill currently under consideration.

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

There was no objection.

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

Mr. Speaker, Hurricane Katrina has devastated the lives of hundreds of thousands of individuals living along the gulf coast. This population includes legal aliens who may now face hardships under our immigration laws as a result of being displaced by the storm or, worse yet, due to the loss of a loved one. Today we have the opportunity to provide humanitarian relief to these hurricane victims by passing H.R. 3827.

I have worked with my ranking member, the gentleman from Michigan (Mr. CONYERS), to develop this legislation to help law-abiding aliens and their families avoid unfair consequences and get back on their feet. It is similar to the relief that we provided in the USA PATRIOT Act of 2001 for the legal immigrant victims of September 11. I will briefly outline some of the bill's most significant provisions.

First, the bill provides special immigration status to individuals whose immigration petitions were nullified as a result of Hurricane Katrina. This relief would be available to aliens who were the beneficiary of an immigration petition or labor certification application before Katrina struck if the petitioner or applicant died or was disabled or, in the case of an employment-based petition, the placement was destroyed.

Grandparents of orphans are also provided special immigration status in cases where both parents died as a result of the hurricane, if at least one of those parents was a citizen or legal permanent resident.

The bill also allows spouses and children of citizens and legal permanent residents who died as a consequence of the hurricane to continue their petitions as if the death had not occurred. Without this relief, many spouses and children would have their visa petitions nullified. This legislation also provides similar relief for the immediate relatives of asylees and refugees who died because of the hurricane.

Many people were displaced from their homes and stranded in other locations during and after Hurricane Katrina. As a result, there may be instances in which an alien might not be able to meet the deadline set forth in our immigration laws. This bill provides an extension of status until December 31 for nonimmigrant aliens who were lawfully present on the date of the hurricane but who were unable to timely depart the country as a result of Hurricane Katrina.

H.R. 3827 also provides relief for individuals who were the recipients of immigrant visas but who were not able to use them immediately as a consequence of the hurricane. Additionally, this bill assists aliens, lawfully in the United States on student visas, by preventing them from falling out of status due to hurricane-related circumstances, provided they are reenrolled in another qualifying school by February 1, 2006.

Undoubtedly, some lawful aliens lost their green cards and other federally issued work authorization documents as a result of Hurricane Katrina.

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In order to help these people get back on their feet as soon as possible, this bill authorizes expeditious replacement of these documents. Further, the bill allows employers to make jobs available to citizens and aliens who lost their work authorization documents in the hurricane. Employers will be required to check the documents of these workers within 90 days after the worker has received replacement documents. Individuals will be able to begin working and supporting themselves and their families while providing sufficient time for the employee to obtain replacement documents.

Finally, for individuals who resided in the hurricane-affected regions, this legislation allows individuals to take the oath of citizenship in any Federal court without regard to residence.

Mr. Speaker, the Immigration Relief for Hurricane Katrina Victims Act of 2005 is one more way we can help gulf coast residents rebuild their lives. I urge my colleagues to support this bipartisan bill.

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

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

H.R. 3827 was introduced by the gentleman from Wisconsin (Chairman SENSENBRENNER); the ranking member of the Committee on the Judiciary, the gentleman from Michigan (Mr. CONYERS); and the ranking member of the Subcommittee on Immigration, the gentlewoman from Texas (Ms. JACKSON-LEE).

Mr. Speaker, among the many tragic consequences of Hurricane Katrina, immigrants and foreign visitors lost important immigration benefits; as the gentleman from Wisconsin (Mr. SENSENBRENNER) indicated, spouses who had filed family-based visa petition on behalf of their family members who may have died, and that obviously nullifies those petitions. This bill would provide special immigration status for the surviving family members.

Another example is the plight of foreign students who lost their schools in

the hurricane. This bill would allow them to continue their student status at a new school if they can resume their studies by February 1. This bill was the result of bipartisan cooperation, and I urge my colleagues to support the Immigration Relief for Hurricane Katrina Victims Act of 2005.

Ms. JACKSON-LEE of Texas. Mr. Speaker, hurricane Katrina may be the worst natural disaster to hit the United States in the last hundred years. As of September 15, 2005, Federal disaster declarations have been issued which cover 90,000 square miles of affected areas. More than 71,100 federal personnel have been deployed; 122,000 people are housed in shelters throughout the 50 states and the District of Columbia; and 509,000 households have received $1.1 billion in disaster assistance.

As the ranking member of the Subcommittee on Immigration, Border Security, and Claims, I also am concerned about the impact the hurricane has had on the foreign nationals who were residing in the disaster area. I rise today in support of a bipartisan bill that was introduced by my colleague Congressman F. JAMES SENSENBRENNER which would provide relief to these disaster victims too, the Immigration Relief for Hurricane Katrina Victims Act of 2005. I am pleased to be an original cosponsor of this bill.

I want to thank Congressman SENSENBRENNER for his leadership on this issue and for his willingness to work with me and with my colleague, Congressman JOHN CONYERS, in drafting the provisions of the bill. The Immigration Relief for Hurricane Katrina Victims Act is an example of what can be accomplished when we work together.

Among other things, it would provide special immigrant status for aliens who were the beneficiaries of immigrant petitions or labor certification applications pending on the date of Hurricane Katrina's arrival. It also would provide special immigrant status for the grandparents of orphans in cases where both parents died as a consequence of the hurricane and one of the parents was a citizen or a lawful permanent resident.

It would provide nonimmigrant status for aliens who were disabled, or whose spouse or parent died or was disabled, as a consequence of Hurricane Katrina. It would provide that the spouses and children of citizens who died as a consequence of the hurricane would continue to be considered ''immediate relatives'' for visa petition purposes.

It would provide further that the spouses, children, and unmarried sons and daughters of lawful permanent residents who died as a consequence of the hurricane while a visa petition was pending in their behalf, would continue to be eligible for the preference classification they would have had if the deaths had not occurred.

The Immigration Relief for Hurricane Katrina Victims Act would provide relief for nonimmigrant students and exchange program participants by giving them enough time to enroll in a new program.

The Immigration Relief for Hurricane Katrina Victims Act also would provide a variety of fixes for administrative problems. For instance, it would extend the deadline for notifying the Department of Homeland Security regarding a change of address. It would allow the Secretary of Homeland Security to postpone employment eligibility requirements for employers for a 90-day period when a natural disaster has been declared.

It would authorize the Secretary to provide immediate assistance for replacing documents issued by the Secretary that were lost, stolen, or destroyed due to the hurricane. Where replacement of a document is not feasible, the Secretary would be authorized to issue temporary substitute documents.

One of my goals in working on this bill was to ensure that people will be able to establish eligibility for the relief that they are entitled to receive. For instance, it may not be possible to obtain a death certificate as proof that a spouse or parent was killed by the hurricane. The Immigration Relief for Hurricane Katrina Victims Act would provide the Secretary with the authority to make a determination of death in the absence of a death certificate where this is appropriate. In other situations, it would authorize the Secretary to make the death determination solely on the basis of a sworn affidavit.

I urge you to vote for the Immigration Relief for Hurricane Katrina Victims Act of 2005.

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

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

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 3827.

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

A motion to reconsider was laid on the table.

KARL MALDEN STATION

Mr. GUTKNECHT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3667) to designate the facility of the United States Postal Service located at 200 South Barrington Street in Los Angeles, California, as the ''Karl Malden Station''.

The Clerk read as follows:

H.R. 3667

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

SECTION 1. KARL MALDEN STATION.

(a) DESIGNATION.—The facility of the United States Postal Service located at 200 South Barrington Street in Los Angeles, California, shall be known and designated as the ''Karl Malden Station''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Karl Malden Station''.

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

The Chair recognizes the gentleman from Minnesota (Mr. GUTKNECHT).

GENERAL LEAVE

Mr. GUTKNECHT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, on behalf of the Committee on Government Reform, I rise to consider H.R. 3667. This worthwhile legislation, introduced by the distinguished ranking member of the committee, the gentleman from California (Mr. WAXMAN), designates the postal facility located at 200 South Barrington Street in Los Angeles, California, as the Karl Malden Station.

Born to immigrant parents in Chicago in 1912, Karl Malden worked for several years within the steel factories of Gary, Indiana. He attended acting school, and as a young man he moved to New York City. At age 25, he made his Broadway debut in 1937. Malden's promising career was interrupted during World War II when he served the Nation in the Air Force.

Following the war, Mr. Malden transitioned from stage to screen where he immediately won an Oscar for his portrayal of Mitch in ''A Streetcar Named Desire,'' the famous Tennessee Williams show. Mr. Malden's list of other prestigious films includes ''On the Waterfront,'' ''Baby Doll,'' and ''Cheyenne Autumn.''

Mr. Malden became a television star. Perhaps his most notable TV role was in the 1970s police drama, ''The Streets of San Francisco.'' The show ran from 1972 until 1977 and starred Malden as Detective Lt. Mike Stone alongside a young actor by the name of Michael Douglas as Inspector Steve Keller.

Notably, Malden won an Emmy for his performance in the 1984 TV miniseries ''Fatal Vision.'' Malden's career peaked when he was elected president of the Academy of the Motion Picture Arts and Sciences in 1988. Mr. Malden recently completed a book entitled, ''When Do I Start: A Memoir.''

In October of 2003, Malden was named the 40th recipient of the Screen Actor's Guild's Life Achievement Award for career achievement and humanitarian accomplishments.

This post office in Los Angeles, California, will be a fitting tribute to his legacy and his pursuit of excellence in the theater arts.

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

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

Mr. Speaker, as a member of the Committee on Government Reform, I am pleased to join my colleagues in the consideration of H.R. 3667, legislation naming a post office in Los Angeles, California, after Karl Malden. This bill, which was jointly introduced by the gentleman from California (Mr. WAXMAN) and the gentleman from New

York (Mr. MCHUGH) on September 7, 2005, was unanimously reported by our committee on September 15.

Karl Malden was born in Chicago, and at the age of 5 moved to Gary, Indiana. After high school, he attended and graduated from the Goodman Theater Dramatic School. He met his wife at Goodman, and they moved to New York City, my hometown, when Broadway called.

Karl began his acting career on Broadway in 1937 before entering the film industry in 1940. His acting career was interrupted by World War II where he served as a noncommissioned officer in the U.S. 8th Air Force. When he returned from the war, Karl Malden moved from Broadway to film.

His first appearance on the small screen was the movie ''They Knew What They Wanted'' in 1940, and in 1951 he won the Academy Award for the Best Supporting Actor in ''A Streetcar Named Desire.'' He appeared in over 50 different films. These films included ''On the Waterfront'' in 1954, ''Pollyanna'' in 1960, ''How the West Was Won'' in 1962, and ''Patton'' in 1970, in which he played the role of Omar Bradley. His notable TV appearances included ''The Streets of San Francisco'' and the film ''The Hijacking of Achille Lauro'' in 1989, and a series of commercials for American Express in the 1970s and 1980s in which he delivered the now-famous line ''Don't leave home without it.''

In October 2003, Karl Malden was named the 40th recipient of the Screen Actors Guild's Lifetime Achievement Award. Mr. Malden has lived in Brentwood, California since 1960 and served for nearly 15 years as a member of the Citizens' Stamp Advisory Committee which selects the subjects and design of postal issues. I am pleased to note that four of Mr. Malden's colleagues on the advisory committee, Cary Brick, Michael Brock, Jean Firstenberg and Ron Robinson, contacted the gentleman from California (Mr. WAXMAN) and the gentleman from New York (Mr. MCHUGH) requesting that this legislation naming the Brentwood post office in Mr. Malden's honor be introduced and passed. His colleagues viewed the designation as a fitting tribute to his dedication and service, and we agreed and reported it out unanimously from the committee.

I commend my colleagues for seeking to honor the legacy of Karl Malden, a distinguished actor and active member of his community. I would like to thank the House leadership and the gentleman from Virginia (Chairman TOM DAVIS) for moving so quickly on this legislation, and I would also like to acknowledge the hard work of the gentleman from California (Mr. WAXMAN) and his staff; the gentleman from New York (Mr. MCHUGH) and his chief of staff, Robert Taub; and Michael Layman of the chairman's staff. I join my colleagues on the committee in urging the swift passage of this legislation.

Mr. WAXMAN. Mr. Speaker, I am pleased to rise in support of H.R. 3667, which names a post office in Brentwood, California after Karl Malden. This bill, jointly sponsored by me and my colleague, Representative MCHUGH was unanimously reported by the Government Reform Committee on September 15, 2005.

Mr. Malden, a 93-year-old World War II veteran and Oscar-winning actor, has lived in Brentwood, California since 1960. He has served for nearly 15 years as a member of the United States Postal Service Citizens' Stamp Advisory Committee, which selects the subjects and design of postal issues.

Mr. Malden's colleagues on the Advisory Committee believe that naming a post office in his honor would be a fitting tribute to his many years of service to the mission of the United States Postal Service. I agree, and I am very pleased that this bill will make that happen.

I wish to thank my colleague, Representative MCHUGH, Chairman DAVIS, and the members of the Citizen's Stamp Advisory Committee for their work to honor Mr. Malden. I want to extend a special thank you to Michael Layman, professional staff member to Chairman DAVIS, and Robert Taub, chief of staff to Representative MCHUGH for their hard work in getting this bill through committee to the House floor.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. GUTKNECHT) that the House suspend the rules and pass the bill, H.R. 3667.

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

A motion to reconsider was laid on the table.

JACOB L. FRAZIER POST OFFICE BUILDING

Mr. GUTKNECHT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3767) to designate the facility of the United States Postal Service located at 2600 Oak Street in St. Charles, Illinois, as the ''Jacob L. Frazier Post Office Building''.

The Clerk read as follows:

H.R. 3767

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

SECTION 1. JACOB L. FRAZIER POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 2600 Oak Street in St. Charles, Illinois, shall be known and designated as the ''Jacob L. Frazier Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Jacob L. Frazier Post Office Building''.

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

The Chair recognizes the gentleman from Minnesota (Mr. GUTKNECHT).

GENERAL LEAVE

Mr. GUTKNECHT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of H.R. 3767. This legislation, introduced by the very distinguished Speaker of the House, the gentleman from Illinois (Mr. HASTERT), and cosponsored by the entire Illinois State delegation, recognizes the remarkable life of an amazing young man.

Staff Sergeant Jacob Frazier of the 169th Air Support Operation Squadron, 182nd Airlift Wing, Illinois Air National Guard loved his family, and he loved his country.

Growing up, he was an outstanding football player and golfer. He was also a member of the school choir at Burlington Central High School in Burlington, Illinois. After graduation from high school, he joined the Illinois Air National Guard. Sergeant Frazier was an integral contributor to America's fight in the war on terror.

Sadly, he was killed during an ambush on his reconnaissance convoy in southern Afghanistan on March 29, 2003. He was 24 years old. During the mission, Jacob was bravely serving with the Army's Green Berets as part of a special operations team.

Mr. Speaker, Jacob was survived by his fiancee, Jessica Fregin; his loving parents, Joyce and Jim Frazier; and four loyal siblings, two sisters, Jessica and Kathryn, and two brothers, Zachary and Daniel.

I know this legislation meant a great deal to the Speaker, and I salute him for advancing H.R. 3767. This is such a deserved memorial for Jacob, to whom all American citizens owe a solemn debt. I know my colleagues will join the Speaker and me in support of this bill to honor Jacob Frazier's priceless life and his immeasurable contributions to our Nation.

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

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

Mr. Speaker, as a member of the Committee on Government Reform, I am very pleased to join my colleagues in the consideration of H.R. 3767, which designates a postal service in St. Charles, Illinois, after the late Jacob L. Frazier.

This legislation was introduced by the gentleman from Illinois (Mr. HASTERT) on September 14 and unanimously passed out of the Committee on Government Reform on September 15. This legislation has the support and cosponsorship of the entire Illinois delegation.

Jacob Frazier, 24, was a staff sergeant in the U.S. Air Force attached to special forces. A native of St. Charles, he enlisted in the Illinois Air National Guard in 1997. He was assigned to the 169th Air Support Operations Squadron, 182nd Airlift Wing in Peoria, Illinois.

Sadly, Staff Sergeant Frazier died on March 23, 2003, from wounds sustained from an ambush in Geresk, southern Afghanistan. He was the Illinois Air National Guard's first combat casualty in Afghanistan.

Jacob Frazier leaves behind his parents, Jim and Joyce; four younger siblings, sisters Jessica and Kathryn, and twin brothers, Zachary and Daniel; his fiancee, Jessica Fregin; and a host of other family members.

□ 1115

Mr. Speaker, it is always an honor to stand on the House floor and recognize the ultimate sacrifice of a soldier. Our thoughts and prayers are with the Frazier family and Ms. Fregin. It is indeed proper and fitting that we honor Staff Sergeant Jacob Frazier by designating the St. Charles Post Office, and I urge the swift passage of this legislation.

Mr. HASTERT. Mr. Speaker, I rise today in support of H.R. 3767, a bill to designate the U.S. postal facility at 2600 Oak Street in St. Charles, Illinois, the Jacob L. Frazier Post Office Building.

I thank the entire Illinois delegation for cosponsoring this legislation honoring Jacob L. Frazier, the first soldier from my district to lose his life in the War on Terror.

Staff Sergeant Jacob Frazier served as a tactical air controller with the Illinois National Guard 182nd Airlift Wing based in Peoria, Illinois.

Jacob was killed while working with the Army's elite Green Berets on March 29, 2003.

His team was ambushed in a southern province of Afghanistan as it returned from touring a clinic and school that were recently built with American aid.

Staff Sergeant Jacob Frazier was 24 years old.

He left behind his proud and loving family, parents Joyce and Jim, sisters Jessica and Kathryn, brothers Zachary and Daniel, and fiancee Jessica Fregin.

To his family, Jacob was more than a brother and son—he was a compassionate and loyal friend.

To his classmates at Burlington Central High School in Burlington, Illinois, Jacob was a natural leader who consistently thought of others before himself.

And to his fellow soldiers, Jacob was the tireless worker who never turned down a mission.

Faced with unlimited potential in his young life, Jacob made the courageous and conscious decision to put himself in harm's way to defend the people and ideals of his country.

It is only because of such selflessness that our Nation enjoys peace and freedom at home—and we must never forget his sacrifice.

By dedicating the St. Charles postal facility in Jacob's name, we ensure that his legacy will carry on for years to come.

Family, friends and community members will have an enduring reminder of the man they knew and loved.

And those who never had the honor of meeting Jacob will be reminded of the American patriot who set aside his self-interest and safety to achieve a greater good.

Further, the Jacob L. Frazier Post Office will serve as a memorial to all the brave men and women from the Fox Valley who have given their lives while serving this great Nation.

Once again, I thank the members of the Illinois delegation for co-sponsoring this legislation and urge my colleagues to approve H.R. 3767 and create a lasting memory for this truly great American.

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

Mr. GUTKNECHT. Mr. Speaker, I urge all Members to join me in passage of H.R. 3767.

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

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Minnesota (Mr. GUTKNECHT) that the House suspend the rules and pass the bill, H.R. 3767.

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

A motion to reconsider was laid on the table.

CONGRATULATING THE WEST OAHU LITTLE LEAGUE BASEBALL TEAM FOR WINNING THE 2005 LITTLE LEAGUE WORLD SERIES

Mr. GUTKNECHT. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 429) congratulating the West Oahu Little League Baseball team for winning the 2005 Little League Baseball World Series.

The Clerk read as follows:

H. RES. 429

Whereas on Sunday, August 28, 2005, the West Oahu Little League baseball team of Ewa Beach, Hawaii, defeated the Curacao Little League team by a score of 7–6 to win the 2005 Little League World Series Championship at South Williamsport, Pennsylvania;

Whereas the Championship game was one of the most exciting in Little League history, with West Oahu overcoming a 3-run deficit and winning the game in the seventh inning;

Whereas the 2005 West Oahu Little League World Championship team consists of players Layson ''Kaeo'' Aliviado, Harrison Kam, Ty Tirpak, Zachary Ranit, Ethan Javier, Vonn Fe'ao, Quentin Guevara, Sheyne Baniaga, Michael Memea, Zachary Rosete, Myron ''Kini'' Enos, Jr., Alaka'i Aglipay, Manager Layton Aliviado, Dugout Coach Tyron Kitashima, and First Base Coach Clint Tirpak;

Whereas the championship victory of the West Oahu Little League Baseball Team testifies to the sportsmanship, hard work, and dedication of its members; and

Whereas the achievement of the West Oahu Little League Baseball Team is the cause of enormous pride for the Nation, the State of Hawaii and the community of Ewa Beach: Now, therefore, be it

Resolved, That the House of Representatives congratulates the West Oahu Little League Baseball Team on its victory in the 2005 Little League World Series Championship games.

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

The Chair recognizes the gentleman from Minnesota (Mr. GUTKNECHT).

GENERAL LEAVE

Mr. GUTKNECHT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

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

Mr. Speaker the West Oahu Little League Baseball team in Ewa Beach, Hawaii defeated Curacao by a score of 7–6 to win the 2005 Little League World Series Championship at South Williamsport, Pennsylvania on August 28. This resolution congratulates the team, their coaches, their parents, families, and friends for their incredible journey to the world championship.

Mr. Speaker, this was the first American team to win the World Series since Louisville, Kentucky defeated Japan in 2002. The road to the world championship and the experience of playing against the best players in the world at their age will be remembered and cherished by these young men for the rest of their lives.

I thank the gentleman from Hawaii (Mr. ABERCROMBIE) for introducing this measure on behalf of the Ewa Beach Little League championship team.

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

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

Mr. Speaker, on August 28, 2005, the West Oahu Little League Baseball team, hailing from Ewa Beach, Hawaii, won the Little League World Series championship in South Williamsport, Pennsylvania. They beat the defending champions from Willemstad, Curacao by a score of 7–6 in dramatic fashion.

Trailing for much of the game, the West Oahu team rallied in the bottom of the sixth inning, evening the score at 6–6 and sending the game into extra innings. The first batter in the bottom of the seventh inning hit a spectacular home run over the center field wall to seal the victory for the West Oahu team, the first Little League World Series champions in the history of the State of Hawaii.

The West Oahu victory in the 59th Little League World Series championship is and likely will remain one of the most exciting finishes in the championship's storied history. The hard work and dedication of West Oahu team members and their coaches and

their families and friends are reflected in this tremendous accomplishment.

I hope my colleagues will join me in congratulating this team in their momentous achievement in winning the Little League World Series championship.

Mr. Speaker, I yield 3 minutes to the gentleman from the great State of Hawaii (Mr. ABERCROMBIE), the author of this resolution.

Mr. ABERCROMBIE. Mr. Speaker, I rise to speak in favor of House Resolution 429, as one might imagine.

As has been indicated, on Sunday August 28, 2005, the West Oahu Little League team from Ewa Beach, Hawaii won the Little League World Series in South Williamsport, Pennsylvania. They overcame a three-run deficit to win the world championship by defeating the Curacao team 7–6 in an extra-inning cliff-hanger.

It was one of the most exciting championship games in Little League history. And I thank many of the Members, Mr. Speaker, who commented upon it to me when I returned to the House. They enjoyed it as well.

The 2005 West Oahu Little League championship team consists of players Layson ''Kaeo'' Aliviado, Harrison Kam, Ty Tirpak, Zachary Ranit, Ethan Javier, Vonn Fa'eo, Quentin Guuevera, Sheyne Baniaga, Michael Memea, Zachary Rosete, Myron ''Kini'' Enos, Jr., Alaka'i Aglipay, and Manager Layton Aliviado, dugout coach Tyron Kitashima, and first base coach Clint Tirpak.

In their quest for the championship, the West Oahu Little League team demonstrated the highest level of achievement, commitment, self-discipline, and sportsmanship. Their achievement has generated enormous pride in their hometown of Ewa Beach, throughout the State of Hawaii, and across the Nation.

Aloha, and a well-earned congratulations to the world championships: the West Oahu Little League team.

And may I conclude, Mr. Speaker, by thanking the chairman and the good representative from New York (Mrs. MALONEY) for their help in putting this resolution forward and for their support.

Mrs. MALONEY. Mr. Speaker, I yield 2 minutes to the gentleman from Hawaii (Mr. CASE).

Mr. CASE. Mr. Speaker, I am very happy to join the gentleman from Hawaii (Mr. ABERCROMBIE) in introducing this resolution. I also thank our colleagues for bringing it forward on to the floor to give us a chance to show our pride in our great Hawaii as well as our country.

I remember as a young boy being given a book by my parents. It was one of those Reader's Digest books of annotated inspirational stories, and in that book was a story of an American team who came from great odds to win the Little League World championship. I wish I could remember today what year that was or what team that was, but never in my wildest dreams would I have expected to be standing here on the floor of the House congratulating a team from my Hawaii for doing the exact same thing so many decades later.

Anybody that watched this team come through the brackets to win the championship of our Nation could not help but have incredible pride at their achievements, and anybody that watched that game watched one of the great sporting events in history when the team came back from incredible odds to tie the score and then go on through fierce determination to win the championship of the world, and a team from Ewa Beach, Hawaii. Such an amazing, amazing accomplishment for the boys from Ewa Beach. And as we watched that game, we saw not only the epitome of Little League, not only the epitome of our country, but the very epitome of team spirit and team aloha. We saw parents urging that team on. We saw willpower. We saw commitment. We saw fire coming out of that pitcher's eyes in the bottom of that last inning, and we saw that home run being hit off of sheer determination.

We are so proud in Hawaii of our Ewa Beach World Series champions. We are so proud of what we have accomplished. We are so proud to do this on behalf of our entire country.

I wish all of our team the very best as they go forward with their lives, having had the experience of their lives. And I wish to this House and to the Senate and to this Congress a great gratitude for being able to stand here and brag about the great team from Hawaii. Mahalo aloha.

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

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

I do want to just personally, as one who loves baseball, who believes that baseball is America's pastime, congratulate this wonderful team and all of its supporters in the aloha State for bringing the trophy back to the United States of America.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in support of H. Res. 429 congratulating the West Oahu Little League baseball team for winning the 2005 Little League Baseball World Series. I commend my good friends Mr. ABERCROMBIE and Mr. CASE for introducing this Resolution.

The West Oahu Little League baseball team truly deserves the accolades this Resolution bestows upon these young boys deserve to be recognized for their tremendous accomplishment as the first Little League World Series Champions from the state of Hawaii.

With one swing of the bat, the simple joy of baseball was transformed into a monumental achievement as Michael Memea's home run lifted the West Oahu Team to the Little League World Championship title. Now, this team is a source of great pride for Hawaii and for all Americans. Throughout the Series, people in Hawaii were glued to their television sets for news of the progress of the West Oahu team. When the travel-weary, newly crowned Champions arrived at the airport in Honolulu, they were greeted by a crowd of over 700 people, including Governor Lingle, Mayor Mufi Hanneman, and the state representatives from Ewa Beach.

The young men on this team and their coaches deserve the highest praise for winning the Little League World Series and I am proud to support this Resolution honoring their achievement.

Mr. CASE. Mr. Speaker, I rise with deep pride today to honor and congratulate the West Oahu Little League Baseball Team of Ewe Beach, Hawaii for winning the 2005 Little League World Series Championship in one of the most exciting championship games ever played, in any sport, any league!

It was almost a miracle that these champions, the very best of our Hawaii and country, even made it to the championship, fighting their way through some of the toughest brackets and past great teams from throughout our nation. And in the bottom of the sixth and last inning, down 6–3, their great coach, Layton Aliviado, told them: ''If you guys want it, let's go get it.''

That's exactly what the team did, scoring three runs to tie the game and send it into extra innings. Then, in the top of the first extra inning, a fiery and determined Vonn Fe'ao shut down opposing Curacao, last year's world champs, striking out the batters in order. And in the bottom of that inning, Jason Memea blasted a walk-off solo home run to win the game and world championship.

To all the members of our West Oahu team—Alaka'i Aglipay, Layson Aliviado, Sheyne Baniaga, Myron ''Kini'' Enos, Vonn Fe'ao, Quentin Guevara, Ethan Javier, Harrison Kam, Michael Memea, Zachary Ranit, Zachary Rosete, Ty Tirpak—and their coaches—Layton Aliviado, Tyron Kitashima and Clint Tirpak—mahalo nui loa—(thank you very much) for representing our state of Hawaii and the rest of our Nation with great pride and aloha that exemplifies ''one team, one dream.'' You showed the heart of champions, epitomizing the best of baseball, sport, our Hawaii and the indomitable spirit of our country.

Mr. HONDA. Mr. Speaker, I rise today as Chair of the Congressional Asian Pacific American Caucus in strong support of H. Res. 429, introduced by my colleagues from Hawaii, Representatives ABERCROMBIE and CASE, to congratulate this year's Little League World Series Champions.

On Sunday, August 28, 2005, the West Oahu Little League Baseball team was thrust into the international spotlight by winning the Little League Baseball World Series. This victory brought enormous pride to the United States as well as the Asian and Pacific Islander American (APIA) community. In one of the most exciting championship game in Little League history, athletes and coaches from Eva Beach, Hawaii, primarily of APIA decent, exemplified the American ''can-do-spirit'' with a come from behind victory over the equally talented Little League team from Curacao.

For many of the international participants in the Little League World Series Championships, this tournament held in Williamsport, Pennsylvania is their first trip to the continental United States. This was also true for the team from West Oahu. Their dramatic victory is a testament to their determination, courage and perseverance.

Although the championship was ultimately delivered with one dramatic swing of the bat, getting to that position results from tremendous work, commitment and sacrifices made by players, coaches, volunteers, municipal park employees, teachers and most importantly the families of the players.

Mr. Speaker, let us encourage our young champions from Eva Beach to keep swinging for the fence, on and off the field and let them be role models for all of us.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. GUTKNECHT) that the House suspend the rules and agree to the resolution, H. Res. 429.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

SUPPORTING GOLD STAR MOTHERS DAY

Mr. GUTKNECHT. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 61) supporting the goals and ideals of Gold Star Mothers Day.

The Clerk read as follows:

H.J. RES. 61

Whereas the American Gold Star Mothers have suffered the supreme sacrifice of motherhood by losing sons and daughters who served in the Armed Forces, and thus perpetuate the memory of all whose lives were sacrificed in our wars;

Whereas the American Gold Star Mothers assist veterans of the Armed Forces and their dependents in the presentation of claims to the Veterans' Administration, and aid the men and women who served and died or were wounded or incapacitated during hostilities;

Whereas the services rendered to the United States by the mothers of America have strengthened and inspired our Nation throughout our history;

Whereas we honor ourselves and the mothers of America when we revere and emphasize the role of the home and the family as the true foundations of our Nation;

Whereas by doing so much for the home, the American mother is a source of moral and spiritual guidance for the people of the United States and thus acts as a positive force to promote good government and peace among all mankind; and

Whereas September 25, 2005, is being recognized as Gold Star Mothers Day: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress—

(1) supports the goals and ideals of Gold Star Mothers Day; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

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

The Chair recognizes the gentleman from Minnesota (Mr. GUTKNECHT).

GENERAL LEAVE

Mr. GUTKNECHT. 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 therein on the joint resolution under consideration.

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

There was no objection.

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

Gold Star Mothers is an organization that was founded back in 1928, and it is an organization that no one would ever want to join.

For the benefit of those who do not know, there is only one way that one can become a member of the Gold Star Mothers Association, and that is that they receive a message from the Pentagon, and normally that comes in the form of two uniformed officers coming to their door to inform them that they have lost a son or a daughter in combat.

The organization was started back in 1928 by a group of mothers who thought that they could help each other in the healing process by coming together. They also thought it was important to advance the goals of the United States of America and to continue to remind us about our patriotic responsibilities as Americans.

The Gold Star Mothers have been around a long time. In 1936 President Franklin Delano Roosevelt signed a proclamation designating that the fourth Sunday in September will be Gold Star Mothers Day, and, unfortunately, we as Americans began to forget that the fourth Sunday in September was designated as Gold Star Mothers Day.

A year ago I was at a special celebration in Rochester, Minnesota at our veterans memorial where they unveiled a new statue depicting a Gold Star Mother, and many of the veterans that were there and some of the leaders of that group asked if I would do all that I could to remind Americans that there is a special day for Gold Star Mothers and to do what I could to at least bring attention to the fact that the fourth Sunday this year, September 25, is Gold Star Mothers Day. So we began that process almost a year ago of putting together this joint resolution of doing what we can to call attention to the fact, that they do have a special day and they deserve special recognition not only by Members of this House and the United States Congress but by all Americans. So we have put together this joint resolution. I am happy to say that we have well over 200 cosponsors in the House. And, frankly, I suspect if we were given enough time, we would have virtually every Member of this House in support of this joint resolution.

This is not about making any political statement of any kind. These are very special people. They deserve our recognition. This Sunday, September 25, is their day. So this joint resolution is just calling attention not only to the House, but hopefully to all Americans, that Gold Star Mothers are special people, they have a special day, and we recognize them on September 25.

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

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

Mr. Speaker, the American Gold Star Mothers is an organization of women whose sons and daughters gave their lives in the service of their country. It is a group no one wishes to be a member of, but as their children answered the call of duty, so do mothers who are left behind.

Grace Darling Seibold was compelled to help others grieve and veterans heal upon learning of her own son's death in 1918 during World War I. ''Realizing that self-contained grief is self-destructive,'' Seibold formed a group of grieving mothers to comfort not only each other but wounded soldiers as well.

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The group of 25 mothers who bonded by sacrifice and tragedy was formally established as Gold Star Mothers, Inc., on January 5, 1929. The Gold Star Mothers organization now consists of over 900 members. The organization assists veterans with benefit claims, families with funeral arrangements, and, of course, mothers with grief. The Gold Star Mothers are a true representation of the many levels of service and sacrifice that exists in the defense of our country.

The Gold Star Mothers are a true testament to American patriotism and should be recognized for their sacrifice. Mr. Speaker, I move that my colleagues in the Senate and the House of Representatives join me in recognizing the establishment of Gold Star Mothers Day.

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

Mr. GUTKNECHT. Mr. Speaker, I yield such time as he may consume to my distinguished colleague from the State of New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I thank my good friend and colleague, the gentleman from Minnesota (Chairman GUTKNECHT), for offering this legislation. It is very timely and extremely important. I also thank him for his sensitivity to our Nation's Gold Star Mothers who have suffered so much.

I am proud to rise today, Mr. Speaker, to strongly support H.J. Res. 61, which recognizes a group of very, very special women, American's Gold Star Mothers. These women are from different parts of our great country and have different backgrounds, are of varying age, hold different beliefs, and practice different religions.

Despite so many differences, they share the same experience. Each of these women raised a young man or

woman who served their country in the Armed Forces. Their children helped to bring freedom and promote peace and justice for those who have never felt its touch. Sadly, Mr. Speaker, each raised a young man or woman who gave their life for their country, the ultimate sacrifice.

These special women, the Gold Star Mothers of America, are members of a congressionally chartered organization. They are part of a group that had its beginning in the first great conflict of the 20th century, World War I. At the time, service flags were displayed on homes that had family members serving the country and blue stars were displayed for each family member in the Armed Forces. Eventually, as casualties grew, the blue stars were turned to gold stars in recognition of each servicemember who died for their country. In 1936, as my friend and colleague, the gentleman from Minnesota (Chairman GUTKNECHT), said, Congress designated the last Sunday in September as Gold Star Mothers Day.

Mr. Speaker, as we know, their loss is unimaginable, their pain is unspeakable; yet these women find the spirit to walk together simply for the benefit of others and to work very hard for the benefit of others, to make sure that each of us remembers the sacrifice of their son or beloved daughter. They have a unique ability to remind us of our noble cause, ensuring that we will forever remember that America's freedom originated and is maintained through a constant struggle that is still being fought today.

In addition, they remind us that the decision to send troops into harm's way is made with severe consequence, the loss of the precious life of a young American. The way in which these ladies channel their sorrow, their grief, their anger, to further the ideals to which their sons and daughters gave their lives, is truly remarkable.

The actions of these women are amazing. I have met them for years as a Member of this Congress. Every year we would have them testify before the House Committee on Veterans' Affairs, and then in meetings afterwards, as well as in my own district and State, and I have met with so many Gold Star Mothers who tell their stories of their son or daughter, often accompanied with tears.

But they can also teach us a very important lesson, Mr. Speaker. At a time when overt partisanship seems rampant, while our country yearns so desperately for its people to come together on so many fronts, the Gold Star Mothers represent the very best of American values and ideals. If they, despite their grief, can come together to provide so much to other veterans and the community at large, surely we can all take the time to let them know that their country is proud of them and salutes them on their Mothers Day.

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

Mr. GUTKNECHT. Mr. Speaker, I yield myself such time as I may consume. I want to thank my colleague, the gentlewoman from New York (Mrs. MALONEY); and I especially want to thank my colleague, the gentleman from New Jersey (Mr. SMITH), for his very, very special speech that he just gave.

Mr. Speaker, I would like to recognize personally five very special women from my congressional district who have received that call or had that visit from military officials.

First, let me recognize Vickie Bruce from Rochester, Minnesota. Her son, Corporal Travis Bruce, graduated from Mayo High School in Rochester, Minnesota. He also served as a personal security officer for Ambassador Bremmer. He was killed in the line of duty March 23, 2005.

Marny Fasnacht from Janesville, Minnesota. Her son, First Lieutenant Michael Fasnacht of the U.S. Army, graduated from Minnesota State University in Mankato, Minnesota. He was an Army Ranger. He was hit by a remote bomb while on patrol in a Bradley fighting vehicle and died June 8, 2005.

Maria Bernal of Alden, Minnesota. Her son, Juan, graduated from Weslaco High School in Texas. He served in the Marines for 5 years. He was injured during security and stability operations in Anbar Province, Iraq. He died August 2, 2005.

Deb Goodnature, Clarks Grove, Minnesota. Her son, Chief Warrant Officer Corey Goodnature, served in the United States Army. He graduated from the University of Minnesota. He was in Special Operations, and he was a Night Stalker. He was shot down flying his helicopter in eastern Afghanistan and died June 28 of 2005.

Finally, let me recognize Norma Benson from Winona, Minnesota. Her son, Sergeant Mike Benson of the U.S. Army, was a Winona native. He had served 19 years in the United States military. He was a victim of a suicide bomb attack in Iraq. He died August 10 of 2005.

Mr. Speaker, this is not about making some political statement; it is simply about saying thank you, congratulations, we appreciate you, and recognizing that the fourth Sunday in September is Gold Star Mothers Day. They deserve this day. They deserve our appreciation.

Mr. MATHESON. Mr. Speaker, I rise today in support of a resolution honoring the Gold Star Mothers of America.

As a parent, I can only imagine the pain that is felt by surviving family members after the death of child. To the Gold Star Mothers in Utah and throughout our Nation, this nation is deeply in your debt. Your children served this great country of ours and they have paid the highest price. We can ask no more of any American.

In the past 3 years, I have had the honor and the privilege to meet many soldiers as they leave for war. These brave soldiers are not complaining in their last moments in America, rather, they are strong, and proud to serve this country. They remind me that the price of freedom is terribly high. It's a cost they have agreed to bear, but those of us here at home cannot take it for granted.

The American Gold Star Mothers organization was founded by Grace Darling Seibold after the death of her son in 1918, during World War I. Somehow, through her pain and her loss, Grace still managed to devote her time to organizing a group of other mothers who had lost soldiers in combat. In the years since the Gold Star Mothers was founded, these women have always honored fallen soldiers and they have channeled their own grief into lessening the pain of other families.

It's easy to talk about the sacrifices made by brave Americans, but the pain and the memories are always carried by the loved ones left behind. Many families have soldiers who come home wounded; some families have soldiers who do not make it home at all. The hardship that these families face may seem unbearable and it is our duty as members of Congress to do whatever we can to ease their burden.

Homes in Utah that have received Gold Stars, Purple Hearts, folded flags and last letters home know the price of freedom. They pray to end this war and all wars, so that others may be spared such a loss.

I believe that we will never be able to thank those soldiers and their families enough for the sacrifice that they make, but I do believe we should try. This resolution is one small way for us to honor mothers who have lost children in service to this nation. I am proud to support making September 25th Gold Star Mothers Day.

Mr. VISCLOSKY. Mr. Speaker, it is with great pride and respect that I wish to commend the mothers of Indiana's First Congressional District who have suffered the ultimate sacrifice of motherhood by losing sons and daughters who served in the Armed Forces. Their courage and perseverance perpetuate the memory of all whose lives were sacrificed in our wars.

In honor of Gold Star Mother's Day 2005, I would in particular like to recognize the mothers of the First Congressional District who have lost a child in Operation Enduring Freedom and Operation Iraqi Freedom. They are Katherine Brown, the mother of Army Specialist Adam J. Harting; Kim Greenberg, the mother of Army Specialist Nicholas R. Idalski; Summer Lipford, the mother of Army Private First Class Steven F. Sirko; Towina ''Gail'' Nightingale, the mother of Army Private First Class Nathan E. Stahl; Marie Lisa Campos Miranda, the mother of Army Private Luis Perez; Susan Amos, the mother of Army Private First Class John Amos; Janie Espinoza, the mother of Army Reserve Specialist Roy Russell Buckley; Roberta Rios, the mother of Marine Sergeant Duane R. Rios; Leslie Sanders, the mother of Army Specialist Gregory P. Sanders; the late Janet Winters, the mother of Marine Sergeant Jeannette L. Winters.

The Gold Star Mothers and the soldiers of the First Congressional District are powerful examples of service and sacrifice for us all. With dignity, bravery, and compassion, they have worked to promote patriotism, foster peace, and encourage goodwill. Their generosity of spirit has touched the lives of countless Americans and made certain that the selflessness they demonstrated in service to our

country remains a prominent part of our national character. I speak for this entire body when I say that words cannot express the gratitude we have for these courageous individuals.

Gold Star Mother's Day was established in respect and recognition of the sacrifices our Gold Star Mothers have made. The Congress designated the last Sunday in September as "Gold Star Mother's Day" in 1936 and authorized and requested the President to issue a proclamation in observance of this day. This day is a fitting public salute of the sympathy and the respect that our Nation holds for its Gold Star Mothers.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in honoring the mothers of the fallen heroes of the First Congressional District. Today, as we enjoy the peace and security our Nation has achieved through the sacrifices of American citizens, Gold Star Mothers can take solace in knowing that their sons and daughters left all humanity a legacy of invaluable meaning. Let us never forget the sacrifices they made to preserve the ideals of freedom and democracy.

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

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Minnesota (Mr. GUTKNECHT) that the House suspend the rules and pass the joint resolution, H.J. Res. 61.

The question was taken.

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

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

The yeas and nays were ordered.

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

PROVIDING FOR CONSIDERATION OF H.R. 250, MANUFACTURING TECHNOLOGY COMPETITIVENESS ACT OF 2005

Mr. GINGREY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 451 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 451

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. 250) to establish an interagency committee to coordinate Federal manufacturing research and development efforts in manufacturing, strengthen existing programs to assist manufacturing innovation and education, and expand outreach programs for small and medium-sized manufacturers, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Science. After general debate the bill shall be considered for amendment under the five-minute rule. 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 recommended by the Committee on Science now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such 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 committee amendment in the nature of a substitute. 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. 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 gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 451 is a structured rule. It provides 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Science. The rule waives all points of order against consideration of the bill. It provides that the amendment in the nature of a substitute recommended by the Committee on Science and now printed in the bill shall be considered as an original bill for the purpose of amendment, and shall be considered as read.

It waives all points of order against the committee amendment in the nature of a substitute. It makes in order only those amendments printed in the Committee on Rules report accompanying the resolution. It provides that the amendments printed in the report may be offered only in the order printed in the report, may be offered only by the 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 a 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 the report, and it provides one motion to recommit, with or without instructions.

Mr. Speaker, I rise today in support of House Resolution 451 and its underlying bill, H.R. 250, the Manufacturing Technology Competitiveness Act of 2005.

Mr. Speaker, I first want to recognize the contributions of the Committee on Science chairman, the gentleman from New York (Mr. BOEHLERT); the gentleman from Tennessee (Ranking Member GORDON); the gentleman from Oregon (Ranking Member WU); and the gentleman from Michigan (Subcommittee Chairman EHLERS), of course, the author of H.R. 250. I thank all of them for this timely piece of legislation.

Today, the House has an opportunity to consider legislation that will make the United States even more competitive in the global economy. Through the establishment of an interagency committee to coordinate Federal manufacturing research and development efforts, H.R. 250 provides many useful tools to keep the United States on the cutting edge of technological and manufacturing innovation.

H.R. 250 would direct the President to establish or designate an interagency committee on manufacturing, research, and development. And in order to ensure sufficient review and diverse input, the committee would also receive assistance from an advisory committee representing nongovernmental interests. This essential component ensures that government efforts are as relevant and responsive as possible to the needs of our manufacturing base.

Without question, Mr. Speaker, some of this country's greatest intellectual and innovative resources rest in the halls of our educational institutions and in the research and development departments of our businesses across the country. Therefore, this bill establishes a pilot grant program within the Department of Commerce's National Institute of Standards and Technology to fund research partnerships between firms, community colleges, universities, research institutions, State agencies, and nonprofits to develop new, cutting-edge manufacturing technologies.

Additionally, through the Manufacturing Extensive Partnerships, the MEP program, there are regional centers across the country that provide States with grants to allow the successful transfer of technology from the Federal Government to the private sector.

Obviously, there is no sense in developing new and innovative technology if it cannot be successfully passed on to the manufacturing sector of our economy, the true engine of economic growth.

□ 1145

H.R. 250 would refine the guidelines and the requirements established through the Manufacturing Extension Program to ensure that these regional centers are fulfilling their duty to keep innovative manufacturing technology flowing.

Mr. Speaker, I can personally speak to the successes of the Manufacturing Extension Program. The Georgia Manufacturing Extension Partnership is led by my alma mater, the Georgia Institute of Technology, Georgia Tech.

Georgia Tech's Economic Development Institute, along with the University of Georgia, Georgia Power, and others coordinate and deploy experts to advise and work with manufacturers throughout the State of Georgia, so they can be more innovative, more productive, and maximize their efficiency.

Mr. Speaker, on a couple of occasions I have had the opportunity to tour facilities in my district that have been assisted through Georgia's MEP program. Specifically, I toured A&L Shielding, Inc., in Rome, Georgia; and I was able to see concrete improvements made to their facility. These improvements enhanced their efficiency, increased their productivity, making A&L Shielding much more competitive.

So, Mr. Speaker, I do not think there is any Member of this House who does not realize the importance of education and fostering new and more efficient technology. Therefore, this act would establish a standards education program at the National Institute of Standards and Technology to award grants on a cost-shared basis to institutions of higher education.

These grants will go a long way to develop top-notch curricula related to engineering, business, science, and economic standards. This investment in educational standards is not only an investment in future development, but it also is an insurance policy for American competitives.

In closing, Mr. Speaker, H.R. 250 marks an excellent opportunity for the House to improve this country's manufacturing and technological potential for many years to come. Again, I would like to encourage each of my colleagues to support not only this rule but also the underlying bill.

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

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

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

Mr. MCGOVERN. Mr. Speaker, the Bush administration's record on manufacturing is abysmal: 2.8 million manufacturing jobs have been lost since 2001, including 24,000 this year alone. It is clear that they either do not know or do not care about the disappearing manufacturing sector of our economy.

For example, last year the administration requested $39 million for the Manufacturing Extension Partnership Program, a severe reduction over the previous year. Fortunately, the Congress provided $106 million for this important program.

However, the administration was not done in their attempts to kill this program. They opposed efforts to extend the MEP in last year's version of the Manufacturing Technology Competitiveness Act. As if that were not bad enough, Mr. Speaker, this year's $46.8 million budget request would again have decimated the MEP and punished the small business manufacturers the Republican leadership claims they want to help.

Fortunately, the bill before us today fully authorizes the MEP. Mr. Speaker, let me give you just one MEP success story. In my district, Chase Leather Products of Fall River, Massachusetts, has been manufacturing high-quality leather and synthetic fabric products for nearly a century.

Faced with a 25 percent reduction in business over the past several years, Chase turned to the Massachusetts MEP for help. After training Chase's personnel in lean manufacturing techniques, such as value stream mapping and revising the plant layout, Chase was able to deliver 100 percent on-time delivery to their customers. This improved performance has caused one of Chase's customers, Motorola, to move a $2 million-plus contract back from India to Massachusetts.

Small improvements in technology helped this company not only make a better product but a better economy for the Fall River community.

Like other State MEPs, the Massachusetts Manufacturing Extension Partnership Program is supported by the National Institute of Standards and Technology and the U.S. Department of Commerce and the State of Massachusetts to help small and medium-sized manufacturers identify and implement advanced manufacturing and management technologies.

Through a network of resources, the MEP links client firms with local and national sources of expertise to address specific problems. By 2004, the MEP program in Massachusetts had created or retained 2,224 jobs that paid a total of $116.4 million of wages and benefits, increased economic output worth $365.1 million, and generated or retained over $46.8 million in additional tax and nontax revenues at the Federal, State and local levels.

There are success stories like this all over the country. But the Bush administration and the Republican leadership refuse to recognize them. Simply, Mr. Speaker, we are not doing what it takes to keep manufacturing jobs in the United States, and part of the problem is that the Bush administration continually drags its feet.

Earlier investments in technology, manufacturing, and education have made the United States economy the strongest in the world. We must continue investing in these important efforts. With 87,200 manufacturing jobs lost in Massachusetts, 349,000 lost in California, 67,000 lost in Georgia, we cannot continue to sit on our hands. We must make the necessary investments.

Fortunately, Mr. Speaker, the gentleman from New York (Chairman BOEHLERT) and the gentleman from Tennessee (Mr. GORDON) have come together to produce the Manufacturing Technology Competitiveness Act. It includes the reauthorization of the MEP as well as other important job creation programs.

They have fashioned, mostly, a good bill. However, I am extremely disappointed that this bill does not include the reauthorization of the Advanced Technology Program, a program that is widely supported. And I am disappointed that this rule does not make the Honda amendment in order.

The Honda amendment would reauthorize the Advanced Technology Program, and it deserves an up-or-down vote in this House. If it were allowed, I believe it would pass. Therefore, Mr. Speaker, because we have been denied an up-or-down vote on this important issue, and we have not been given a good reason why we cannot have an up-or-down vote on this important issue, I would urge all of my colleagues, Democrats and Republicans, to vote ''no'' on this rule.

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

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

Mr. Speaker, I would like to point out that in response to some of the remarks made by my friend, the gentleman from Massachusetts (Mr. MCGOVERN), in regard to the funding of this bill, I want to point out to my colleagues that it does create additional competitive grant programs from which the MEP centers can obtain supplemental funding for manufacturing-related projects.

H.R. 250 would also allow MEPs to accept and distribute funds from other Federal agencies without requiring matching funds, and the MEP funding would be authorized at $110 million in fiscal year 2006, including funds for a competitive grant program. The authorization would actually increase by $5 million per year to $120 million in fiscal year 2008.

I want to also, Mr. Speaker, highlight again an outstanding MEP program in my State of Georgia, as I mentioned in my opening remarks, my alma mater, Georgia Tech, and the Economic Development Initiative.

Let me just highlight Georgia's MEP partnership. It is led by Georgia Tech's Economic Development Institute, and it provides technical assistance, management training and other types of assistance intended to increase productivity and help companies become more competitive in the global market.

We know how important that is. This program comprises a team of more than 125 professionals located both at Georgia Tech and throughout regional offices across the State of Georgia. This incredible staff offers a number of vital services and programs to business and industry.

Mr. Speaker, I would like to take this opportunity to name a few of these services and programs to demonstrate the extensive range of assistance that is available: Quality and International Standards, Lean Enterprise, Energy Management, Environmental Management, Information Technology, Trade Adjustment Assistance for Firms, Government Procurement Assistance, B2B Marketing For Manufacturers, Strategic Planning, Economic Development Research, Community Services, Economic Development Training, Tourism, Facilitec, Georgia State-Wide Minority Business Development Center.

While this is not an exhaustive list, it is a long one, and I believe it clearly attests to the important impact MEPs have had on and continue to have on business and industry in Georgia.

The criticism that this administration or this leadership is not doing enough and is not concerned enough about manufacturing job losses is certainly not true. This is a good bill. As I say, I commend the chairman and the ranking member.

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

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

Mr. Speaker, let me just again say to the gentleman from Georgia (Mr. GINGREY), whom I have great respect for, I repeat my claim that this administration has an abysmal record when it comes to protecting manufacturing jobs: 2.8 million manufacturing jobs have been lost since 2001. And that number continues to grow. So they do have an abysmal record.

The gentleman from Georgia (Mr. GINGREY) mentioned all of these wonderful new programs that are going to be authorized in this bill. And it is nice to be able to say all of those things, because we all like to talk about all of these great new programs.

But it is important to note that all of these new programs you talk about, none of them are appropriated. So if they are not appropriated, they are not real. And I would also say to the gentleman from Georgia (Mr. GINGREY) that, again, I was hoping that he would answer the question as to why the advanced technology program was cut out of this bill or why the gentleman from California (Mr. HONDA) cannot have his amendment.

This is about taking our manufacturing base and bringing it from 20th-century technology to 21st-century technology. It is incredibly important, and yet we do not even have the right to be able to vote up or down on it.

Mr. Speaker, I yield 8 minutes to the gentlemen from Tennessee (Mr. GORDON).

Mr. GORDON. Mr. Speaker, I rise today in opposition to the rule for H.R. 250, the Manufacturing Technology Competitiveness Act.

I had requested the Rules Committee to allow the bill to come to the floor under an open rule. As we continue to lose manufacturing jobs, which used to be the bulk of middle-class jobs, all Members should be allowed to offer their best ideas on the floor to reverse this trend.

I am especially disappointed that the Rules Committee did not allow the gentleman from California's amendment authorizing funding for the Advanced Technology Program.

H.R. 250 is essentially a complete authorization of the programs of the National Institute of Standards and Technology except ATP. We keep saying that we need to maintain our innovative edge to remain competitive in the ever-increasing global market. The ATP is designed to do just that, to bring research results to proof of concept so they can be commercialized by industry.

The ATP program is not some experimental program or a gamble. First funded during the first Bush administration, ATP is a successful program with a proven track record. It has the stamp of approval of the National Academy of Science, it has the strong support of the business community, including the National Association of Manufacturers, the Industrial Research Institute, the Information Technology Association of America, and the National Governors Association.

All of these groups believe ATP plays an important role in maintaining our lead in innovation. Even the administration's own analysis of the program shows that it is highly successful and has generated millions of dollars and the creation of new technologies.

During the past 3 years, the Science Committee has held numerous committees on nanotechnology, innovation and technology development. The one recurring theme of the witnesses has become clear: fund the advanced technology program.

There were other amendments not allowed by this rule, which would have also improved H.R. 250. Frankly, I just do not know why we cannot openly debate the merits of any good idea that is going to help us create more jobs and be more competitive.

□ 1200

As China, India, and other countries increase not only the amount of scientists and engineers they graduate, but also their research and technology and development funding, we need to support proven programs and effective programs like the ATP.

Now, I would like to ask my friend from Georgia who also sits on the Committee on Science, who sits through all of these hearings, heard witness after witness, the Governors Association and others, said the ATP program is important.

Mr. Speaker, I yield to my friend to explain why the ATP amendment was not allowed in this rule.

Mr. GINGREY. I thank the gentleman from Tennessee for yielding to me.

I want to point out to him that of the amendments that were made in order, other than the manager's amendment, these were all, all four amendments made in order were Democratic amendments.

Mr. GORDON. Were all the amendments that were left out also Democratic amendments?

Mr. GINGREY. No, I think there were probably some Republican amendments that were left out as well.

If the gentleman will continue to yield, the Udall amendment is the one I particularly wanted to reference. The gentleman from Colorado (Mr. UDALL) has an amendment that will be thoroughly discussed here this morning, which actually increases the authorization level of the National Science Foundation's Advanced Technology Education Program.

Mr. GORDON. Reclaiming my time, I will sort of refocus the question. The question was after sitting through all the hearings, with everyone saying that the ATP program was good, and with job losses in Georgia and Tennessee and all across the country, when we could have improved this bill with a program that President Bush's father started, I would just like to ask why were we not allowed an amendment to continue this program?

Mr. GINGREY. Let me again say the gentleman, as ranking member of the Committee on Science, knows that I was not there for subcommittee markup or whole committee markup to debate these amendments that came through committee. I am not a member of that committee, as the gentleman knows.

All I can say is in this rule we are giving the minority side an opportunity to bring this issue in the form of an amendment to the floor so we can have a fair and open debate and we can have an up-or-down vote on it. And I am not going to discuss the merits of the amendment. We will let the Member presenting the amendment, the gentleman from Colorado (Mr. UDALL), do that, and then we will vote on it.

Mr. GORDON. Reclaiming my time, I do not want to discuss the merits right now. I want to know why the ATP program, started by the Bush administration, supported by a bipartisan group of Governors, every other manufacturing group that came before our committee, I assume these same arguments were made. As the gentleman sat through the Committee on Rules, I am sure you did not hear anyone say that the ATP program would not create jobs and be good for this country. I just want to know why we are not allowed to do that.

The gentleman said we were going to have an open debate. We do not have an open debate. This is not an open rule.

It would seem to me, and we are appreciative of three or four Democratic amendments, but I do not care if they are Democratic or Republican amendments, I want good ideas from anybody that has got them, how to create jobs in this country and be more competitive.

We ought to have an open rule. I am sure Republicans have good ideas. Let them come in here. Let us have an open rule on having more and better jobs in this country. We do not have that, obviously, which is a shame. But I would be happy to yield once again to my friend to explain to me why the ATP program, which was endorsed by all these folks, why we are not allowed to let that go forward, a program that President Bush started himself. Also, the other question is why should we not get all the good ideas possible?

Mr. GINGREY. Again, in response to the gentleman from Tennessee, I am not going to stand here in presenting the rule and try to discuss the merits of the amendments that were made in order.

I would just say to the gentleman that the Committee on Rules, I think in an abundance of fairness, looked at these amendments. There were other amendments submitted, probably on both sides of the aisle, that were not made in order; but these four amendments submitted by Members of the gentleman from Tennessee's party, and that means that we felt these should be discussed and that these are reasonable amendments. They are germane to the issue. And the gentleman will have an opportunity to do that.

Mr. GORDON. Reclaiming my time, I come from a part of Tennessee where, and I do not think it is unique, that we are losing jobs every day. They are going overseas. They are going to Mexico. My constituents, and I would assume most everyone's here constituents, are saying we need more ideas, we do not like what is going on, bring us some ideas, let us have some changes.

So we are limiting ourselves now to four amendments? Four ways to try to bring jobs back into this country?

Why in the world do we not have an open rule and find all the ideas, Democrats, Republicans? We have an independent in this body. If he has some ideas, bring it on. If they are bad ones, vote them down. If they are not, then let us vote for them. We need more and better jobs in this country. This is the way to do it.

I am really shocked and, I would have to say, offended that we are not given the opportunity to try to find more and better ways to bring jobs to this country.

Mr. GINGREY. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. EHLERS), the subcommittee chairman and author of the bill.

Mr. EHLERS. Mr. Speaker, I rise today in strong support of the rule to bring up H.R. 250, the Manufacturing Technology Competitiveness Act.

I believe this rule is fair and balanced. The main goal of H.R. 250 is to authorize manufacturing programs at the National Institute of Standards and Technology that help small- and medium-sized manufacturers innovate so that they can remain competitive in the global marketplace. One of these programs is a highly successful manufacturing extension partnership program, better known as the MEP program. This program has roughly 60 centers and 350 satellite offices throughout the country. These centers provide small manufacturers with tools and assistance on how to increase productivity and efficiency. They do many things. For example, they might help to redesign a factory floor or help to train workers on how to use the latest technology or equipment.

This legislation also creates a collaborative grant pilot program to support research partnerships between academia, industry, nonprofits, and other entities to develop innovative technologies and solutions to scientific problems in manufacturing.

To truly help the manufacturers, we must have a bill that can be passed into law. Therefore, I want to keep this legislation focused on these specific programs that have strong bipartisan support. However, others have wanted to add extraneous provisions that, while well intentioned, take away from the focus of the bill. This is why I oppose some of the amendments made in order, because I believe they will detract from the bill.

This rule largely helps ensure the debate will remain on the manufacturing programs at NIST. I think that is fair and is in the best interest of our manufacturing community.

I urge my colleagues to support this fair and balanced rule.

Mr. MCGOVERN. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee (Mr. GORDON).

Mr. GORDON. Mr. Speaker, my friend from Michigan (Mr. EHLERS), who does a wonderful job on our Committee on Science, I think did a very good job there in talking about a lot of good things in this bill. And there are a lot of good things in this bill. But I want to yield some additional time to him so he can explain why the ATP program, another good idea, why we cannot even have a vote on putting it in this bill today?

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

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

Mr. EHLERS. Mr. Speaker, the gentleman from Tennessee raises a valid question.

I understand the gentleman's concern about the actions of the Committee on Rules; I have served in the minority at the State and Federal level myself. But I also want to tell the gentleman that members in the majority upon occasion are also disappointed by the decisions of the Committee on Rules. I recently jested, during the famous annual ice cream socials that committee has, that my ice cream was the first thing I had received from the Committee on Rules. But I must add that they have been very kind to me.

In response to the gentleman's question, the ATP program is, by and large, a good program. But it needs improvement. And I am willing to put in the time and energy to try to improve that program and to have it be accepted by all.

Mr. MCGOVERN. Mr. Speaker, I want to thank the gentleman for acknowledging the unfairness of the Committee on Rules.

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

Mr. MILLER of North Carolina. Mr. Speaker, I also rise to oppose this rule because it does not allow this Congress to consider the amendments offered by the gentleman from California (Mr. HONDA) to authorize or reauthorize the advanced technology program.

Mr. Speaker, in the almost 3 years that I have served in the House of Representatives, I am not sure that I have heard any words spoken on this floor with which I have disagreed more strongly than with the statement of the gentleman from Georgia (Mr. GINGREY) just a few minutes ago that we were doing enough already to address the problem of manufacturing job loss. I think his exact words were it is simply not true that we are not doing enough, that Congress and the President are not doing enough to address manufacturing job loss.

If the gentleman from Georgia (Mr. GINGREY) thinks this, if any Member of Congress thinks that, I invite them to come and visit my district. I want to introduce them to some of the people who have lost their jobs. My State has lost almost 200,000 manufacturing jobs in the last 4 years. They are in industries that have been the backbone of my State's economy: tobacco, textiles, furniture. And those were jobs that people depended upon to build their lives around, to support themselves and to support their families, and they are gone.

It is not that they have laid off a shift until the economy turns around. The plants are closed. The equipment is sold. The jobs are gone forever.

What to do about that was part of the debate about CAFTA, about any kind of trade agreement that we have. And I voted against CAFTA, but I also agree that that is not the entire answer because it cannot possibly be our Nation's economic future to build our economy around low-skilled jobs and labor-intensive industries.

We have got to be the most innovative economy in the world. When I meet with the workers who have lost their jobs, they do not say, What are you going to do to make the plant reopen? They do ask, Where are the new jobs going to come from and what is Congress doing about it?

I certainly do not tell them what the gentleman from Georgia said. I do not

say we are already doing everything that can be done. I say we are doing not nearly enough, but I am working hard to do more.

We have got to be the most innovative economy in the world. We have got to be where every new research, where all the new research happens first, and where we turn that research into a commercial application to create jobs.

Mr. Speaker, the advanced technology program, ATP, works with industry in this very, very competitive world market, to work with industry to create new technologies, to get them up, to get them running, to get patents, to do a proof of concept. It is about the only source of patient capital for many high-tech small companies in areas like nanotechnology where we really need to be at the forefront.

Most of the debate about jobs, Mr. Speaker, is what are we going to do about jobs between now and the next election. The ATP should be a debate about what are we going to do about jobs for the next generation.

Mr. Speaker, I oppose this rule without the Honda amendment.

Mr. GINGREY. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. GILLMOR), a member of the Committee on Energy and Commerce.

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

I rise in support of the rule and in support of H.R. 250. I would like to commend the gentleman from New York (Mr. BOEHLERT) and also my colleague, the gentleman from Michigan (Mr. EHLERS), for their leadership on this very important issue.

On August 1, I had the opportunity to host the Manufacturing Roundtable in my district with assistant secretaries from the Departments of Commerce and Labor, Al Frink and Emily DeRocco. During this event we listened to the concerns of a wide variety of manufacturers, large and small, about the future of their industry. Among their main interests was the role that technology will play in keeping America competitive in the global marketplace.

This industry remains vital to our standing in the world and necessitates a continued and sincere investment in the future of manufacturing. Through H.R. 250, we begin to manage a problem facing manufacturers of all sizes: the use of emerging technologies.

Mr. Speaker, the government does not create jobs or grow the economy. Instead, the government can produce an environment conducive to economic growth and job creation.

□ 1215

Thanks to sound public policy decisions such as H.R. 250, we are now able to effectively address the problems facing the manufacturing community and create the environment in which manufacturers can grow and flourish.

By passing H.R. 250, Congress is producing a climate in the manufacturing industry that can yield more jobs, improve productivity, and increase our competitive advantage in the global economy.

I would urge all our colleagues to support this positive and pro-growth legislation. Let us support our country's manufacturers and pass this important legislation.

Mr. MCGOVERN. Mr. Speaker, I yield 1 additional minute to the gentleman from Tennessee (Mr. GORDON).

Mr. GORDON. Mr. Speaker, I have asked a member of the Committee on Rules to explain why we did not have an opportunity to vote on the ATP program to bring more jobs to this country, and I did not get a satisfactory answer.

I asked a very informed member of the Committee on Science to explain why we could not get a vote on the ATP program, which is so important.

Now we have a member of the Committee on Energy and Commerce, the gentleman from Ohio (Mr. GILLMOR) here. Before the gentleman leaves, let us give the Committee on Energy and Commerce an opportunity to explain why we should not have a vote on the ATP program to bring more and better jobs to this country.

I yield to the gentleman from Ohio (Mr. GILLMOR).

Mr. GILLMOR. Mr. Speaker, I yield back.

Mr. GORDON. Mr. Speaker, it is beyond me why we do not bring the best of ideas, Democrat, Republican, Independent, in here to try and create more and better jobs. I am really startled and shocked.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HONDA).

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

Mr. HONDA. Mr. Speaker, I rise today in opposition to the rule for consideration of H.R. 250, the Manufacturing Technology Competitiveness Act.

I oppose this rule because it does not make in order a very reasonable amendment which would have added a 1-year authorization for the Advanced Technology Program at the National Institute of Standards and Technology.

There is no real logical reason for not allowing me to offer the amendment, and I think the gentleman from Tennessee (Mr. GORDON) has proven that over and over again when we provide opportunities for the other side to respond to the question. I think I have the answer.

In our subcommittee meeting, we had a conversation when we were dealing with ATP, my amendment; and when I asked the question, why has this not been supported, the chairman said a little bit hesitantly, and I think he was a little embarrassed, he said that the President does not want to see this in the bill, and I will be just straightforward; that is what he said.

It seems to me that the President proposes, as the saying goes, and Congress disposes. It is our job to put things into the bill. It is his job to either sign the bill or not sign the bill. If he does not like this, he should veto it; but at least we should have the opportunity to debate this on the floor, because we did not have that opportunity in subcommittee.

It seems to me that if we understand that small business is 70 percent of the economic machine of this country, and if the President himself has said that he adores and he embraces small business in this country, his words seem to ring very hollow if he is not willing to fund ATP.

There are no problems with ATP. It is a program that has been going for years, since the first Bush administration. It has been supported bipartisanly. What is happening is the funding is being cut slowly over and over and over again, so that what we do is end up starving the beast.

Mr. Speaker, I urge that we allow this to be heard. It is an egregious abuse of power.

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

Mr. MCGOVERN. Mr. Speaker, I yield 2½ minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, I thank my friend from Massachusetts for the time.

H.R. 250 should have been a good idea. It makes sense to encourage ties between manufacturers and academic institutions; but as the gentleman from Tennessee (Mr. GORDON) and the gentleman from California (Mr. HONDA) said, the restrictive rule prevented consideration of a number of amendments that would have improved the bill, especially amendments to strengthen the Advanced Technology Program, which is especially important in manufacturing-intensive States like the gentleman from Ohio's (Mr. GILLMOR) and mine, which struggles with ever-increasing energy costs.

We also missed an opportunity today to dramatically increase funding for MEP and to target increased Federal assistance to States that have suffered especially high manufacturing job-loss rates.

The story of this bill is a story of missed opportunity. This Congress has no manufacturing policy. We pass trade bill after trade bill. Our trade deficit has gone from $38 billion my first year when I ran for Congress 12 years, 13 years ago, to $617 billion, from $38 billion to $617 billion in a dozen years. Job loss has become more and more prevalent.

Whether it is Tennessee or Michigan or California or Massachusetts or my State of Ohio, we have lost almost a quarter million manufacturing jobs in the last 5 years; and as the gentleman from New York (Mr. RANGEL) and the gentleman from Michigan (Mr. LEVIN) know, we continue passing tax legislation that gives incentives to companies, the large manufacturers that

outsource to India and China, rather than giving incentives to companies that manufacture in this country.

Mr. Speaker, we need a manufacturing policy. What the gentleman from California (Mr. HONDA) and the gentleman from Tennessee (Mr. GORDON) have advocated will move us in that direction. We should defeat the rule. We should start again and do it right.

Mr. MCGOVERN. Mr. Speaker, I yield 2½ minutes to the gentleman from Massachusetts (Mr. FRANK).

(Mr. FRANK of Massachusetts asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. FRANK of Massachusetts. Mr. Speaker, the senior Democrat on the committee, the gentleman from Tennessee, has tried very hard to get an answer as to why a very straightforward amendment could not be voted on, and he could not get an answer.

I will tell him he could not get an answer because the real answer is embarrassing. We have got now increasing unhappiness on the conservative wing of the Republican Party, its dominant wing, about the notion that we should have democracy on the floor of the House of Representatives.

We had a bill that was voted out of the Committee on Financial Services 65 to 5. It is being held off the floor despite the urgings of the chairman of the committee and the two relevant subcommittee chairmen because the conservatives think the House might vote wrong, and they have now acknowledged this.

In the September 19 Washington Times, talking about the hate crimes amendment which was adopted because we had an open rule, here is what the gentleman from Indiana (Mr. PENCE), the chairman of the Republican Study Committee, says: ''Our side lets this hate-crimes amendment get into a children's protection bill because we let it come to the floor on an open rule, a vehicle made for liberals to use.''

So that is the problem. Apparently the right wing has gotten so little confidence in its ability to win votes on the floor that they now consider openness a liberal plot.

The gentleman from North Carolina (Mr. MCHENRY), according to the article, says he does not know how or why the House leadership allowed the children's safety bill to come to the floor under an open rule, meaning unlimited amendments could be proposed and voted on.

To quote the gentleman from North Carolina (Mr. MCHENRY): ''As members of the majority party, we're asking: How could we allow this to happen? Why did we give the opposition an easy route to victory?''

Well, it used to be called democracy and open procedures. So what we have is an acknowledgment by this very conservative wing that their position could not sustain itself in open debate and vote on the floor of the House, and so they are insisting that the House Committee on Rules not let things come up.

That is the answer to the gentleman from Tennessee. His amendment was not allowed in order because it would have won. I guarantee him, if they were convinced they could have beat it, they would have let it come in.

I have to repeat, with this now open repudiation of the notion that the House should be allowed to work its will, and I know we do not address people watching on television, I will say this to my colleagues, Mr. Speaker, if there are people in the newly elected parliament of Afghanistan or the constituent assembly in Iraq are watching, as we preach to them democracy, as we tell them as members of a legislative body they should express the will of the people, if they understand this new opposition on the part of the conservatives who dominate the Republican Party, the openness on the floor of the House, please do not try this at home.

[From the Washington Times, Sept. 19, 2005]

HATE-CRIME ADD-ON TO CHILD SAFETY BILL IRKS HOUSE GOP

(By Ralph Z. Hallow)

The chairman of the 100-member House Republican Study Committee says conservative lawmakers, already angry about what they see as out-of-control spending, are furious over passage last week of a bill that included an amendment expanding federal hate-crimes protections.

''House conservatives barraged me with their frustration and concern over this bill,'' said Indiana Rep. Mike Pence, the RSC chairman. ''Our guys are starting to spoil for a fight after this bill.''

The bill, which passed 223–199, would federalize local crimes if the suspected motive is animosity toward homosexuals or ''transgender'' persons. Existing federal hate-crimes laws already cover women and minorities.

With the help of 30 mostly liberal Republicans, Democrats succeeded in making the measure part of a children's safety bill in a move that took conservatives by surprise.

''First, we have $50 billion in new spending for Hurricane Katrina relief, with no offsets in other spending,'' Mr. Pence said, ''Next thing, our side lets this hate-crimes amendment get into a children's protection bill because we let it come to the floor on an open rule—a vehicle made for liberals to use.''

North Carolina Rep. Patrick T. McHenry, another conservative Republican, says he doesn't know how or why the House Republican leadership allowed the children's safety bill to come to the floor under an open rule, meaning unlimited amendments could be proposed and voted on.

''We gave the far left a ripe opportunity for success,'' Mr. McHenry said. ''As members of the majority party, we're asking: How could we allow this to happen? Why did we give the opposition an easy route to victory?''

Conservatives in Congress have fought hate-crimes measures, saying such legislation bestows on government the power to presume to know and to punish criminal motives, rather than the crimes themselves.

Rep. John Conyers Jr., Michigan Democrat, presented the hate-crimes legislation in the form of an amendment to House Judiciary Chairman F. James Sensenbrenner Jr.'s children's safety bill, which strengthens the monitoring of child sex offenders and increases penalties for molestation.

Co-sponsors of the hate-crimes amendment included Massachusetts Rep. Barney Frank and Wisconsin Rep. Tammy Baldwin, both Democrats, and Connecticut Rep. Christopher Shays and Florida Rep. Ileana Ros-Lehtinen, both Republicans.

Mr. Pence says House Republicans voted to pass the child-safety bill—it sailed through on a 371–52 vote—with the Conyers hate-crimes amendment attached because they wanted the children's protection portion and thought the Conyers amendment would not survive joint House-Senate conference reworking of the bill.

''I voted for [the measure] thinking it would be fixed in conference,'' Mr. Pence said. ''I hope it will, but there are rumblings that the Senate may take the bill as is and pass it and send it to the president, which would be very frustrating to a lot of us.''

''But I have enough confidence in Chairman Sensenbrenner that he will clean this bill up.''

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

Mr. LEVIN. Mr. Speaker, I simply want to say, listening to this debate, to the gentleman from Georgia; to my friend from Michigan; to the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules; and to the Speaker of the House; and to the gentleman from Texas (Mr. DELAY), this is outrageous. You have no excuse. Three million manufacturing jobs lost in the last 4 years or so, another 110,000 the first 8 months, and you will not allow a debate on an amendment that relates to manufacturing, the ATP amendment of Mr. HONDA's.

This shows two things: number one, an abuse of power. This is no longer the House of the people. This is the House of people who mistake autocracy for democracy. Secondly, do not stand up with your platitudes about caring about manufacturing when you will not even allow us to debate a bill that relates to an instrumentality. What has ATP done? Oh, not industrial policy. It has funded path-finding research in composites, high temperature superconductors, next-generation liquid crystal displays, and low-cost manufacturing for digital mammography which is in the news every day now. And you will not even debate it. It is a shame.

Mr. MCGOVERN. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I come from the State of Ohio where any debate over manufacturing technology is taken to heart because Ohio is one of those States which has had heavy job losses in manufacturing; but I look at this bill and this restrictive rule, and it really does not address some of the underlying issues.

How can we advance manufacturing technology competitiveness in this country if we really do not have a national strategy to do so? We are legislating piecemeal here and often missing the mark. We cannot have a manufacturing strategy if it does not take into account manufacturing job losses that come because of our trade practices.

So what has happened here is that Congress is called upon to take action in areas that are only piecemeal; that are not going to protect existing industries; that will not surely provide opportunities for the future. We are already being overtaken by China and other countries. This bill falls short. The rule is restrictive, and I join my colleagues in raising objections.

Mr. MCGOVERN. Mr. Speaker, I yield 30 seconds to the gentleman from Tennessee (Mr. GORDON).

Mr. GORDON. Mr. Speaker, let me just first say I do not want to offend anyone personally here today, and this is not a personal argument. It is just that because I know the Republicans here just like myself work hard, they care about their country and they go home most every weekend like I do. I want to go home again this weekend. I will meet somebody else with tears in their eyes saying I have lost my job, help me.

We have a chance to help them today. Why in the world can we not have an open rule, bring every idea, Democrat, Republican, Independent, before us and try to create more and better jobs?

I am going to vote against this rule so that we can have an open debate and bring more and better jobs to this country.

Mr. MCGOVERN. Mr. Speaker, I yield myself the remaining time.

Let me close by again urging all my colleagues to vote ''no'' on this rule. The Committee on Rules used to be a tool to manage debate. It is now used as a weapon to stifle debate.

There is no excuse whatsoever why the gentleman from California's (Mr. HONDA) amendment was not made in order, and no one on the other side has been able to even defend the omission of the gentleman from California's (Mr. HONDA) amendment.

Yesterday, when Democrats balked at an amendment to the Head Start reauthorization bill that would allow religious institutions to discriminate, the other side, the Republicans, said, no, well, let the House work its will; that is what the House of Representatives is there for. Why is it okay for the House to work its will on that amendment, but not on the gentleman from California's (Mr. HONDA) amendment?

The fact of the matter is this economy under Bush has performed abysmally when it has come to manufacturing. We have lost millions and millions and millions of jobs. We need to do more. The administration needs to do more, but Congress needs to do more as well.

Another 7,000 manufacturing jobs were lost in May. The manufacturing sector in this country continues to suffer. They do not want reauthorization bills with new programs that are not funded. They want us to actually put our money where our rhetoric is.

Mr. Speaker, I urge a ''no'' vote on the rule.

□ 1230

Mr. GINGREY. Mr. Speaker, I yield myself the balance of my time. I rise again in support of House Resolution 451 and the underlying bill.

I want to thank my colleagues for a very productive discussion on this very important piece of legislation. Additionally, I would again like to recognize the chairman of the Committee on Science, the gentleman from New York (Mr. BOEHLERT), and the subcommittee chairman, the gentleman from Michigan (Mr. EHLERS), for all of their work on the committee and the final result, H.R. 250.

Mr. Speaker, despite the fact that this economy has added over 4 million jobs in less than 2 years, we should not limit our potential growth or fail to protect against any future threats to our economic base. For this reason, H.R. 250 epitomizes innovative thinking in an ever-competitive global marketplace. From the establishment of an Interagency Committee on Manufacturing Research and Development, to the reauthorization of the Manufacturing Extension Partnership program, this bill goes a long way to ensure that our manufacturers are partnered with the resources they need to retool for more efficient production and to be innovative in the future.

I want to point out to my colleagues on the other side that this bill in the last Congress was killed in the Senate over disagreement regarding ATP, the Advanced Technology Program. One of Abraham Lincoln's famous quotes was this: ''When it is not possible to achieve the best, it is best to achieve the possible.'' And these manufacturers need this MEP program and they need this bill, and that is what we are doing here today.

Mr. Speaker, I wholeheartedly believe American manufacturers should be allowed to compete openly and fairly in this global marketplace. This Congress must ensure that our manufacturers have every tool available to grow and to sell in any and all markets. Therefore, let us pass this bill and make sure that we are untying the hands of our manufacturers so they can fight and win in a global market. Mr. Speaker, I encourage my colleagues to support the rule and the underlying bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am disappointed that despite the fact that the Manufacturing Technology Competitiveness Act of 2005 represents an important piece of legislation for this Congress as it did previously in the Science Committee and it is because of that I hoped this body would have taken into account all points of view. Unfortunately, four key Democratic amendments were rejected by the Rules Committee.

Mr. HONDA's amendment would have authorized $140 million for the vitally important Advanced Technology Program for Fiscal Year 2006. Mr. STUPAK's amendment would have also authorized $20 million for the Advanced Technology Program to hold a competition and issue awards for research to improve energy efficient and reduce domestic dependence on gasoline and heating oil. Clearly, this kind of amendment is desperately needed at a time when people can barely afford to heat their homes and still have money left over to buy food. Mr. COSTELLO's amendment would have required the Department of Commerce to release all staff reports done by Technology Administration staff relating to the off-shoring of American jobs, an issue that has never been fully addressed. Finally, Mr. CARNAHAN's amendment would have struck the current language creating an Advisory Committee and established a Presidential Council on Manufacturing. It would have directed the Council to issue reports on selected topic areas and within 18 months issue a National Manufacturing Strategy. Clearly, these four amendments would have provided a more comprehensive approach to solving our manufacturing crisis.

In essence H.R. 250 is simply an authorization bill for all of the programs at the National Institute of Standards and Technology, NIST, except for the NIST's Advanced Technology Program, ATP. H.R. 250 does authorize full funding for the Manufacturing Extension Partnership, MEP, which is also a NIST program. With the exception of ATP funding, H.R. 250 is an acceptable NIST authorization bill. However, it purports to be a manufacturing competitiveness and innovation bill—in these goals it falls far short.

Clearly, some of the provisions of this bill are positive in their intent, but they can be expanded without interfering with the core of the legislation. My Democratic colleagues have offered a number of good Amendments which should have been allowed through the Rules Committee in order to take in all points of view. Together this body could have truly enhanced the Manufacturing Technology Competitiveness Act of 2005.

Mr. UDALL of Colorado. Mr. Speaker, I rise in opposition of this rule, though there are some positive aspects to highlight.

I am pleased that the Rules Committee made several amendments in order, specifically my own amendment increasing funding to the Advance Technological Education program and Mr. GORDON's amendment requesting a three-year programmatic and operational plan for the Manufacturing Extension Partnership.

However, I feel this rule would have been improved by making in order Mr. HONDA's amendment authorizing the Advanced Technology Program. This legislation has been described as a means to create jobs and support manufacturing. ATP does just this. This program has proven results and is an effective investment for our manufacturing and technological industries. The Committee's decisions seem short-sighted, especially since the manufacturing sector is still suffering. Mr. HONDA's amendment deserves debate on the floor and I feel the Rules Committee has missed an opportunity to improve this bill.

In the end I did not feel that the good outweighed the bad in this rule. So I will be voting against the rule and I urge members to do the same.

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 (Mr. SHIMKUS). The question is on ordering the previous question.

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

Mr. GINGREY. 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. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PROVIDING FOR CONCURRENCE BY HOUSE WITH AMENDMENT IN SENATE AMENDMENT TO H.R. 3768, KATRINA EMERGENCY TAX RELIEF ACT OF 2005

Mr. MCCRERY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 454) providing for the concurrence by the House with an amendment in the amendment of the Senate to H.R. 3768.

The Clerk read as follows:

H. RES. 454

Resolved, That, upon the adoption of this resolution, the House shall be considered to have taken from the Speaker's table the bill H.R. 3768, with the Senate amendment thereto, and to have concurred in the Senate amendment to the bill with the following amendment:

In lieu of the matter proposed to be inserted by the amendment of the Senate to the bill, insert the following:

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the ''Katrina Emergency Tax Relief Act of 2005''.

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

Sec. 1. Short title, etc.
Sec. 2. Hurricane Katrina disaster area.
TITLE I—SPECIAL RULES FOR USE OF RETIREMENT FUNDS FOR RELIEF RELATING TO HURRICANE KATRINA
Sec. 101. Tax-favored withdrawals from retirement plans for relief relating to Hurricane Katrina.
Sec. 102. Recontributions of withdrawals for home purchases cancelled due to Hurricane Katrina.
Sec. 103. Loans from qualified plans for relief relating to Hurricane Katrina.
Sec. 104. Provisions relating to plan amendments.
TITLE II—EMPLOYMENT RELIEF
Sec. 201. Work opportunity tax credit for Hurricane Katrina employees.
Sec. 202. Employee retention credit for employers affected by Hurricane Katrina.
TITLE III—CHARITABLE GIVING INCENTIVES
Sec. 301. Temporary suspension of limitations on charitable contributions.
Sec. 302. Additional exemption for housing Hurricane Katrina displaced individuals.
Sec. 303. Increase in standard mileage rate for charitable use of vehicles.
Sec. 304. Mileage reimbursements to charitable volunteers excluded from gross income.
Sec. 305. Charitable deduction for contributions of food inventory.
Sec. 306. Charitable deduction for contributions of book inventories to public schools.
TITLE IV—ADDITIONAL TAX RELIEF PROVISIONS
Sec. 401. Exclusions of certain cancellations of indebtedness by reason of Hurricane Katrina.
Sec. 402. Suspension of certain limitations on personal casualty losses.
Sec. 403. Required exercise of authority under section 7508A for tax relief relating to Hurricane Katrina.
Sec. 404. Special rules for mortgage revenue bonds.
Sec. 405. Extension of replacement period for nonrecognition of gain for property located in Hurricane Katrina disaster area.
Sec. 406. Special rule for determining earned income.
Sec. 407. Secretarial authority to make adjustments regarding taxpayer and dependency status.
TITLE V—EMERGENCY REQUIREMENT
Sec. 501. Emergency requirement.

SEC. 2. HURRICANE KATRINA DISASTER AREA.

For purposes of this Act—

(1) HURRICANE KATRINA DISASTER AREA.—The term ''Hurricane Katrina disaster area'' means an area with respect to which a major disaster has been declared by the President before September 14, 2005, under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of Hurricane Katrina.

(2) CORE DISASTER AREA.—The term ''core disaster area'' means that portion of the Hurricane Katrina disaster area determined by the President to warrant individual or individual and public assistance from the Federal Government under such Act.

TITLE I—SPECIAL RULES FOR USE OF RETIREMENT FUNDS FOR RELIEF RELATING TO HURRICANE KATRINA

SEC. 101. TAX-FAVORED WITHDRAWALS FROM RETIREMENT PLANS FOR RELIEF RELATING TO HURRICANE KATRINA.

(a) IN GENERAL.—Section 72(t) of the Internal Revenue Code of 1986 shall not apply to any qualified Hurricane Katrina distribution.

(b) AGGREGATE DOLLAR LIMITATION.—

(1) IN GENERAL.—For purposes of this section, the aggregate amount of distributions received by an individual which may be treated as qualified Hurricane Katrina distributions for any taxable year shall not exceed the excess (if any) of—

(A) $100,000, over

(B) the aggregate amounts treated as qualified Hurricane Katrina distributions received by such individual for all prior taxable years.

(2) TREATMENT OF PLAN DISTRIBUTIONS.—If a distribution to an individual would (without regard to paragraph (1)) be a qualified Hurricane Katrina distribution, a plan shall not be treated as violating any requirement of the Internal Revenue Code of 1986 merely because the plan treats such distribution as a qualified Hurricane Katrina distribution, unless the aggregate amount of such distributions from all plans maintained by the employer (and any member of any controlled group which includes the employer) to such individual exceeds $100,000.

(3) CONTROLLED GROUP.—For purposes of paragraph (2), the term ''controlled group'' means any group treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of such Code.

(c) AMOUNT DISTRIBUTED MAY BE REPAID.—

(1) IN GENERAL.—Any individual who receives a qualified Hurricane Katrina distribution may, at any time during the 3-year period beginning on the day after the date on which such distribution was received, make one or more contributions in an aggregate amount not to exceed the amount of such distribution to an eligible retirement plan of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), 408(d)(3), or 457(e)(16) of such Code, as the case may be.

(2) TREATMENT OF REPAYMENTS OF DISTRIBUTIONS FROM ELIGIBLE RETIREMENT PLANS OTHER THAN IRAS.—For purposes of such Code, if a contribution is made pursuant to paragraph (1) with respect to a qualified Hurricane Katrina distribution from an eligible retirement plan other than an individual retirement plan, then the taxpayer shall, to the extent of the amount of the contribution, be treated as having received the qualified Hurricane Katrina distribution in an eligible rollover distribution (as defined in section 402(c)(4) of such Code) and as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

(3) TREATMENT OF REPAYMENTS FOR DISTRIBUTIONS FROM IRAS.—For purposes of such Code, if a contribution is made pursuant to paragraph (1) with respect to a qualified Hurricane Katrina distribution from an individual retirement plan (as defined by section 7701(a)(37) of such Code), then, to the extent of the amount of the contribution, the qualified Hurricane Katrina distribution shall be treated as a distribution described in section 408(d)(3) of such Code and as having been transferred to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

(d) DEFINITIONS.—For purposes of this section—

(1) QUALIFIED HURRICANE KATRINA DISTRIBUTION.—Except as provided in subsection (b), the term ''qualified Hurricane Katrina distribution'' means any distribution from an eligible retirement plan made on or after August 25, 2005, and before January 1, 2007, to an individual whose principal place of abode on August 28, 2005, is located in the Hurricane Katrina disaster area and who has sustained an economic loss by reason of Hurricane Katrina.

(2) ELIGIBLE RETIREMENT PLAN.—The term ''eligible retirement plan'' shall have the meaning given such term by section 402(c)(8)(B) of such Code.

(e) INCOME INCLUSION SPREAD OVER 3 YEAR PERIOD FOR QUALIFIED HURRICANE KATRINA DISTRIBUTIONS.—

(1) IN GENERAL.—In the case of any qualified Hurricane Katrina distribution, unless the taxpayer elects not to have this subsection apply for any taxable year, any amount required to be included in gross income for such taxable year shall be so included ratably over the 3-taxable year period beginning with such taxable year.

(2) SPECIAL RULE.—For purposes of paragraph (1), rules similar to the rules of subparagraph (E) of section 408A(d)(3) of such Code shall apply.

(f) SPECIAL RULES.—

(1) EXEMPTION OF DISTRIBUTIONS FROM TRUSTEE TO TRUSTEE TRANSFER AND WITHHOLDING RULES.—For purposes of sections 401(a)(31), 402(f), and 3405 of such Code, qualified Hurricane Katrina distributions shall not be treated as eligible rollover distributions.

(2) QUALIFIED HURRICANE KATRINA DISTRIBUTIONS TREATED AS MEETING PLAN DISTRIBUTION REQUIREMENTS.—For purposes of such Code, a qualified Hurricane Katrina distribution shall be treated as meeting the requirements of sections 401(k)(2)(B)(i),

403(b)(7)(A)(ii), 403(b)(11), and 457(d)(1)(A) of such Code.

SEC. 102. RECONTRIBUTIONS OF WITHDRAWALS FOR HOME PURCHASES CANCELLED DUE TO HURRICANE KATRINA.

(a) RECONTRIBUTIONS.—

(1) IN GENERAL.—Any individual who received a qualified distribution may, during the period beginning on August 25, 2005, and ending on February 28, 2006, make one or more contributions in an aggregate amount not to exceed the amount of such qualified distribution to an eligible retirement plan (as defined in section 402(c)(8)(B) of the Internal Revenue Code of 1986) of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), or 408(d)(3) of such Code, as the case may be.

(2) TREATMENT OF REPAYMENTS.—Rules similar to the rules of paragraphs (2) and (3) of section 101(c) of this Act shall apply for purposes of this section.

(b) QUALIFIED DISTRIBUTION DEFINED.—For purposes of this section, the term ''qualified distribution'' means any distribution—

(1) described in section 401(k)(2)(B)(i)(IV), 403(b)(7)(A)(ii) (but only to the extent such distribution relates to financial hardship), 403(b)(11)(B), or 72(t)(2)(F) of such Code,

(2) received after February 28, 2005, and before August 29, 2005, and

(3) which was to be used to purchase or construct a principal residence in the Hurricane Katrina disaster area, but which was not so purchased or constructed on account of Hurricane Katrina.

SEC. 103. LOANS FROM QUALIFIED PLANS FOR RELIEF RELATING TO HURRICANE KATRINA.

(a) INCREASE IN LIMIT ON LOANS NOT TREATED AS DISTRIBUTIONS.—In the case of any loan from a qualified employer plan (as defined under section 72(p)(4) of the Internal Revenue Code of 1986) to a qualified individual made after the date of enactment of this Act and before January 1, 2007—

(1) clause (i) of section 72(p)(2)(A) of such Code shall be applied by substituting ''$100,000'' for ''$50,000'', and

(2) clause (ii) of such section shall be applied by substituting ''the present value of the nonforfeitable accrued benefit of the employee under the plan'' for ''one-half of the present value of the nonforfeitable accrued benefit of the employee under the plan''.

(b) DELAY OF REPAYMENT.—In the case of a qualified individual with an outstanding loan on or after August 25, 2005, from a qualified employer plan (as defined in section 72(p)(4) of such Code)—

(1) if the due date pursuant to subparagraph (B) or (C) of section 72(p)(2) of such Code for any repayment with respect to such loan occurs during the period beginning on August 25, 2005, and ending on December 31, 2006, such due date shall be delayed for 1 year,

(2) any subsequent repayments with respect to any such loan shall be appropriately adjusted to reflect the delay in the due date under paragraph (1) and any interest accruing during such delay, and

(3) in determining the 5-year period and the term of a loan under subparagraph (B) or (C) of section 72(p)(2) of such Code, the period described in paragraph (1) shall be disregarded.

(c) QUALIFIED INDIVIDUAL.—For purposes of this section, the term ''qualified individual'' means an individual whose principal place of abode on August 28, 2005, is located in the Hurricane Katrina disaster area and who has sustained an economic loss by reason of Hurricane Katrina.

SEC. 104. PROVISIONS RELATING TO PLAN AMENDMENTS.

(a) IN GENERAL.—If this section applies to any amendment to any plan or annuity contract, such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in subsection (b)(2)(A).

(b) AMENDMENTS TO WHICH SECTION APPLIES.—

(1) IN GENERAL.—This section shall apply to any amendment to any plan or annuity contract which is made—

(A) pursuant to any amendment made by this title, or pursuant to any regulation issued by the Secretary of the Treasury or the Secretary of Labor under this title, and

(B) on or before the last day of the first plan year beginning on or after January 1, 2007, or such later date as the Secretary of the Treasury may prescribe.

In the case of a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986), subparagraph (B) shall be applied by substituting the date which is 2 years after the date otherwise applied under subparagraph (B).

(2) CONDITIONS.—This section shall not apply to any amendment unless—

(A) during the period—

(i) beginning on the date the legislative or regulatory amendment described in paragraph (1)(A) takes effect (or in the case of a plan or contract amendment not required by such legislative or regulatory amendment, the effective date specified by the plan), and

(ii) ending on the date described in paragraph (1)(B) (or, if earlier, the date the plan or contract amendment is adopted),

the plan or contract is operated as if such plan or contract amendment were in effect; and

(B) such plan or contract amendment applies retroactively for such period.

TITLE II—EMPLOYMENT RELIEF

SEC. 201. WORK OPPORTUNITY TAX CREDIT FOR HURRICANE KATRINA EMPLOYEES.

(a) IN GENERAL.—For purposes of section 51 of the Internal Revenue Code of 1986, a Hurricane Katrina employee shall be treated as a member of a targeted group.

(b) HURRICANE KATRINA EMPLOYEE.—For purposes of this section, the term ''Hurricane Katrina employee'' means—

(1) any individual who on August 28, 2005, had a principal place of abode in the core disaster area and who is hired during the 2-year period beginning on such date for a position the principal place of employment of which is located in the core disaster area, and

(2) any individual who on such date had a principal place of abode in the core disaster area, who is displaced from such abode by reason of Hurricane Katrina, and who is hired during the period beginning on such date and ending on December 31, 2005.

(c) REASONABLE IDENTIFICATION ACCEPTABLE.—In lieu of the certification requirement under subparagraph (A) of section 51(d)(12) of such Code, an individual may provide to the employer reasonable evidence that the individual is a Hurricane Katrina employee, and subparagraph (B) of such section shall be applied as if such evidence were a certification described in such subparagraph.

(d) SPECIAL RULES FOR DETERMINING CREDIT.—For purposes of applying subpart F of part IV of subchapter A of chapter 1 of such Code to wages paid or incurred to any Hurricane Katrina employee—

(1) section 51(c)(4) of such Code shall not apply, and

(2) section 51(i)(2) of such Code shall not apply with respect to the first hire of such employee as a Hurricane Katrina employee, unless such employee was an employee of the employer on August 28, 2005.

SEC. 202. EMPLOYEE RETENTION CREDIT FOR EMPLOYERS AFFECTED BY HURRICANE KATRINA.

(a) IN GENERAL.—In the case of an eligible employer, there shall be allowed as a credit against the tax imposed by chapter 1 of the Internal Revenue Code of 1986 for the taxable year an amount equal to 40 percent of the qualified wages with respect to each eligible employee of such employer for such taxable year. For purposes of the preceding sentence, the amount of qualified wages which may be taken into account with respect to any individual shall not exceed $6,000.

(b) DEFINITIONS.—For purposes of this section—

(1) ELIGIBLE EMPLOYER.—The term ''eligible employer'' means any employer—

(A) which conducted an active trade or business on August 28, 2005, in a core disaster area, and

(B) with respect to whom the trade or business described in subparagraph (A) is inoperable on any day after August 28, 2005, and before January 1, 2006, as a result of damage sustained by reason of Hurricane Katrina.

(2) ELIGIBLE EMPLOYEE.—The term ''eligible employee'' means with respect to an eligible employer an employee whose principal place of employment on August 28, 2005, with such eligible employer was in a core disaster area.

(3) QUALIFIED WAGES.—The term ''qualified wages'' means wages (as defined in section 51(c)(1) of such Code, but without regard to section 3306(b)(2)(B) of such Code) paid or incurred by an eligible employer with respect to an eligible employee on any day after August 28, 2005, and before January 1, 2006, which occurs during the period—

(A) beginning on the date on which the trade or business described in paragraph (1) first became inoperable at the principal place of employment of the employee immediately before Hurricane Katrina, and

(B) ending on the date on which such trade or business has resumed significant operations at such principal place of employment.

Such term shall include wages paid without regard to whether the employee performs no services, performs services at a different place of employment than such principal place of employment, or performs services at such principal place of employment before significant operations have resumed.

(c) CREDIT NOT ALLOWED FOR LARGE BUSINESSES.—The term ''eligible employer'' shall not include any trade or business for any taxable year if such trade or business employed an average of more than 200 employees on business days during the taxable year.

(d) CERTAIN RULES TO APPLY.—For purposes of this section, rules similar to the rules of sections 51(i)(1), 52, and 280C(a) of such Code shall apply.

(e) EMPLOYEE NOT TAKEN INTO ACCOUNT MORE THAN ONCE.—An employee shall not be treated as an eligible employee for purposes of this section for any period with respect to any employer if such employer is allowed a credit under section 51 of such Code with respect to such employee for such period.

(f) CREDIT TO BE PART OF GENERAL BUSINESS CREDIT.—The credit allowed under this section shall be added to the current year business credit under section 38(b) of such Code and shall be treated as a credit allowed under subpart D of part IV of subchapter A of chapter 1 of such Code.

TITLE III—CHARITABLE GIVING INCENTIVES

SEC. 301. TEMPORARY SUSPENSION OF LIMITATIONS ON CHARITABLE CONTRIBUTIONS.

(a) IN GENERAL.—Except as otherwise provided in subsection (b), section 170(b) of the Internal Revenue Code of 1986 shall not apply

to qualified contributions and such contributions shall not be taken into account for purposes of applying subsections (b) and (d) of section 170 of such Code to other contributions.

(b) TREATMENT OF EXCESS CONTRIBUTIONS.—For purposes of section 170 of such Code—

(1) INDIVIDUALS.—In the case of an individual—

(A) LIMITATION.—Any qualified contribution shall be allowed only to the extent that the aggregate of such contributions does not exceed the excess of the taxpayer's contribution base (as defined in subparagraph (F) of section 170(b)(1) of such Code) over the amount of all other charitable contributions allowed under such section 170(b)(1).

(B) CARRYOVER.—If the aggregate amount of qualified contributions made in the contribution year (within the meaning of section 170(d)(1) of such Code) exceeds the limitation of subparagraph (A), such excess shall be added to the excess described in the portion of subparagraph (A) of such section which precedes clause (i) thereof for purposes of applying such section.

(2) CORPORATIONS.—In the case of a corporation—

(A) LIMITATION.—Any qualified contribution shall be allowed only to the extent that the aggregate of such contributions does not exceed the excess of the taxpayer's taxable income (as determined under paragraph (2) of section 170(b) of such Code) over the amount of all other charitable contributions allowed under such paragraph.

(B) CARRYOVER.—Rules similar to the rules of paragraph (1)(B) shall apply for purposes of this paragraph.

(c) EXCEPTION TO OVERALL LIMITATION ON ITEMIZED DEDUCTIONS.—So much of any deduction allowed under section 170 of such Code as does not exceed the qualified contributions paid during the taxable year shall not be treated as an itemized deduction for purposes of section 68 of such Code.

(d) QUALIFIED CONTRIBUTIONS.—

(1) IN GENERAL.—For purposes of this section, the term ''qualified contribution'' means any charitable contribution (as defined in section 170(c) of such Code)—

(A) paid during the period beginning on August 28, 2005, and ending on December 31, 2005, in cash to an organization described in section 170(b)(1)(A) of such Code (other than an organization described in section 509(a)(3) of such Code),

(B) in the case of a contribution paid by a corporation, such contribution is for relief efforts related to Hurricane Katrina, and

(C) with respect to which the taxpayer has elected the application of this section.

(2) EXCEPTION.—Such term shall not include a contribution if the contribution is for establishment of a new, or maintenance in an existing, segregated fund or account with respect to which the donor (or any person appointed or designated by such donor) has, or reasonably expects to have, advisory privileges with respect to distributions or investments by reason of the donor's status as a donor.

(3) APPLICATION OF ELECTION TO PARTNERSHIPS AND S CORPORATIONS.—In the case of a partnership or S corporation, the election under paragraph (1)(C) shall be made separately by each partner or shareholder.

SEC. 302. ADDITIONAL EXEMPTION FOR HOUSING HURRICANE KATRINA DISPLACED INDIVIDUALS.

(a) IN GENERAL.—In the case of taxable years of a natural person beginning in 2005 or 2006, for purposes of the Internal Revenue Code of 1986, taxable income shall be reduced by $500 for each Hurricane Katrina displaced individual of the taxpayer for the taxable year.

(b) LIMITATIONS.—

(1) DOLLAR LIMITATION.—The reduction under subsection (a) shall not exceed $2,000, reduced by the amount of the reduction under this section for all prior taxable years.

(2) INDIVIDUALS TAKEN INTO ACCOUNT ONLY ONCE.—An individual shall not be taken into account under subsection (a) if such individual was taken into account under such subsection by the taxpayer for any prior taxable year.

(3) IDENTIFYING INFORMATION REQUIRED.—An individual shall not be taken into account under subsection (a) for a taxable year unless the taxpayer identification number of such individual is included on the return of the taxpayer for such taxable year.

(c) HURRICANE KATRINA DISPLACED INDIVIDUAL.—For purposes of this section, the term ''Hurricane Katrina displaced individual'' means, with respect to any taxpayer for any taxable year, any natural person if—

(1) such person's principal place of abode on August 28, 2005, was in the Hurricane Katrina disaster area,

(2)(A) in the case of such an abode located in the core disaster area, such person is displaced from such abode, or

(B) in the case of such an abode located outside of the core disaster area, such person is displaced from such abode, and

(i) such abode was damaged by Hurricane Katrina, or

(ii) such person was evacuated from such abode by reason of Hurricane Katrina, and

(3) such person is provided housing free of charge by the taxpayer in the principal residence of the taxpayer for a period of 60 consecutive days which ends in such taxable year.

Such term shall not include the spouse or any dependent of the taxpayer.

(d) COMPENSATION FOR HOUSING.—No deduction shall be allowed under this section if the taxpayer receives any rent or other amount (from any source) in connection with the providing of such housing.

SEC. 303. INCREASE IN STANDARD MILEAGE RATE FOR CHARITABLE USE OF VEHICLES.

Notwithstanding section 170(i) of the Internal Revenue Code of 1986, for purposes of computing the deduction under section 170 of such Code for use of a vehicle described in subsection (f)(12)(E)(i) of such section for provision of relief related to Hurricane Katrina during the period beginning on August 25, 2005, and ending on December 31, 2006, the standard mileage rate shall be 70 percent of the standard mileage rate in effect under section 162(a) of such Code at the time of such use. Any increase under this section shall be rounded to the next highest cent.

SEC. 304. MILEAGE REIMBURSEMENTS TO CHARITABLE VOLUNTEERS EXCLUDED FROM GROSS INCOME.

(a) IN GENERAL.—For purposes of the Internal Revenue Code of 1986, gross income of an individual for taxable years ending on or after August 25, 2005, does not include amounts received, from an organization described in section 170(c) of such Code, as reimbursement of operating expenses with respect to use of a passenger automobile for the benefit of such organization in connection with providing relief relating to Hurricane Katrina during the period beginning on August 25, 2005, and ending on December 31, 2006. The preceding sentence shall apply only to the extent that the expenses which are reimbursed would be deductible under chapter 1 of such Code if section 274(d) of such Code were applied—

(1) by using the standard business mileage rate in effect under section 162(a) at the time of such use, and

(2) as if the individual were an employee of an organization not described in section 170(c) of such Code.

(b) APPLICATION TO VOLUNTEER SERVICES ONLY.—Subsection (a) shall not apply with respect to any expenses relating to the performance of services for compensation.

(c) NO DOUBLE BENEFIT.—No deduction or credit shall be allowed under any other provision of such Code with respect to the expenses excludable from gross income under subsection (a).

SEC. 305. CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) IN GENERAL.—Paragraph (3) of section 170(e) of the Internal Revenue Code of 1986 (relating to special rule for certain contributions of inventory and other property) is amended by redesignating subparagraph (C) as subparagraph (D) and by inserting after subparagraph (B) the following new subparagraph:

''(C) SPECIAL RULE FOR CONTRIBUTIONS OF FOOD INVENTORY.—

''(i) GENERAL RULE.—In the case of a charitable contribution of food from any trade or business of the taxpayer, this paragraph shall be applied—

''(I) without regard to whether the contribution is made by a C corporation, and

''(II) only to food that is apparently wholesome food.

''(ii) LIMITATION.—In the case of a taxpayer other than a C corporation, the aggregate amount of such contributions for any taxable year which may be taken into account under this section shall not exceed 10 percent of the taxpayer's aggregate net income for such taxable year from all trades or businesses from which such contributions were made for such year, computed without regard to this section.

''(iii) APPARENTLY WHOLESOME FOOD.—For purposes of this subparagraph, the term 'apparently wholesome food' has the meaning given to such term by section 22(b)(2) of the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. 1791(b)(2)), as in effect on the date of the enactment of this subparagraph.

''(iv) TERMINATION.—This subparagraph shall not apply to contributions made after December 31, 2005.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made on or after August 28, 2005, in taxable years ending after such date.

SEC. 306. CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF BOOK INVENTORIES TO PUBLIC SCHOOLS.

(a) IN GENERAL.—Paragraph (3) of section 170(e) of the Internal Revenue Code of 1986 (relating to certain contributions of ordinary income and capital gain property), as amended by section 305, is amended by redesignating subparagraph (D) as subparagraph (E) and by inserting after subparagraph (C) the following new subparagraph:

''(D) SPECIAL RULE FOR CONTRIBUTIONS OF BOOK INVENTORY TO PUBLIC SCHOOLS.—

''(i) CONTRIBUTIONS OF BOOK INVENTORY.—In determining whether a qualified book contribution is a qualified contribution, subparagraph (A) shall be applied without regard to whether the donee is an organization described in the matter preceding clause (i) of subparagraph (A).

''(ii) QUALIFIED BOOK CONTRIBUTION.—For purposes of this paragraph, the term 'qualified book contribution' means a charitable contribution of books to a public school which is an educational organization described in subsection (b)(1)(A)(ii) and which provides elementary education or secondary education (kindergarten through grade 12).

''(iii) CERTIFICATION BY DONEE.—Subparagraph (A) shall not apply to any contribution unless (in addition to the certifications required by subparagraph (A) (as modified by

this subparagraph)), the donee certifies in writing that—

''(I) the books are suitable, in terms of currency, content, and quantity, for use in the donee's educational programs, and

''(II) the donee will use the books in its educational programs.

''(iv) TERMINATION.—This subparagraph shall not apply to contributions made after December 31, 2005.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made on or after August 28, 2005, in taxable years ending after such date.

TITLE IV—ADDITIONAL TAX RELIEF PROVISIONS

SEC. 401. EXCLUSIONS OF CERTAIN CANCELLATIONS OF INDEBTEDNESS BY REASON OF HURRICANE KATRINA.

(a) IN GENERAL.—For purposes of the Internal Revenue Code of 1986, gross income shall not include any amount which (but for this section) would be includible in gross income by reason of the discharge (in whole or in part) of indebtedness of a natural person described in subsection (b) by an applicable entity (as defined in section 6050P(c)(1) of such Code).

(b) PERSONS DESCRIBED.—A natural person is described in this subsection if the principal place of abode of such person on August 25, 2005, was located—

(1) in the core disaster area, or

(2) in the Hurricane Katrina disaster area (but outside the core disaster area) and such person suffered economic loss by reason of Hurricane Katrina.

(c) EXCEPTIONS.—

(1) BUSINESS INDEBTEDNESS.—Subsection (a) shall not apply to any indebtedness incurred in connection with a trade or business.

(2) REAL PROPERTY OUTSIDE CORE DISASTER AREA.—Subsection (a) shall not apply to any discharge of indebtedness to the extent that real property constituting security for such indebtedness is located outside of the Hurricane Katrina disaster area.

(d) DENIAL OF DOUBLE BENEFIT.—For purposes of the Internal Revenue Code of 1986, the amount excluded from gross income under subsection (a) shall be treated in the same manner as an amount excluded under section 108(a) of such Code.

(e) EFFECTIVE DATE.—This section shall apply to discharges made on or after August 25, 2005, and before January 1, 2007.

SEC. 402. SUSPENSION OF CERTAIN LIMITATIONS ON PERSONAL CASUALTY LOSSES.

Paragraphs (1) and (2)(A) of section 165(h) of the Internal Revenue Code of 1986 shall not apply to losses described in section 165(c)(3) of such Code which arise in the Hurricane Katrina disaster area on or after August 25, 2005, and which are attributable to Hurricane Katrina. In the case of any other losses, section 165(h)(2)(A) of such Code shall be applied without regard to the losses referred to in the preceding sentence.

SEC. 403. REQUIRED EXERCISE OF AUTHORITY UNDER SECTION 7508A FOR TAX RELIEF RELATING TO HURRICANE KATRINA.

(a) AUTHORITY INCLUDES SUSPENSION OF PAYMENT OF EMPLOYMENT AND EXCISE TAXES.—Subparagraphs (A) and (B) of section 7508(a)(1) of the Internal Revenue Code of 1986 are amended to read as follows:

''(A) Filing any return of income, estate, gift, employment, or excise tax;

''(B) Payment of any income, estate, gift, employment, or excise tax or any installment thereof or of any other liability to the United States in respect thereof;''.

(b) APPLICATION WITH RESPECT TO HURRICANE KATRINA.—In the case of any taxpayer determined by the Secretary of the Treasury to be affected by the Presidentially declared disaster relating to Hurricane Katrina, any relief provided by the Secretary of the Treasury under section 7508A of the Internal Revenue Code of 1986 shall be for a period ending not earlier than February 28, 2006, and shall be treated as applying to the filing of returns relating to, and the payment of, employment and excise taxes.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply for any period for performing an act which has not expired before August 25, 2005.

SEC. 404. SPECIAL RULES FOR MORTGAGE REVENUE BONDS.

(a) IN GENERAL.—In the case of financing provided with respect to a qualified Hurricane Katrina recovery residence, subsection (d) of section 143 of the Internal Revenue Code of 1986 shall be applied as if such residence were a targeted area residence.

(b) QUALIFIED HURRICANE KATRINA RECOVERY RESIDENCE.—For purposes of this section, the term ''qualified Hurricane Katrina recovery residence'' means—

(1) any residence in the core disaster area, and

(2) any other residence if—

(A) such other residence is located in the same State as the principal residence referred to in subparagraph (B), and

(B) the mortgagor with respect to such other residence owned a principal residence on August 28, 2005, which—

(i) was located in the Hurricane Katrina disaster area, and

(ii) was rendered uninhabitable by reason of Hurricane Katrina.

(c) SPECIAL RULE FOR HOME IMPROVEMENT LOANS.—In the case of any loan with respect to a residence in the Hurricane Katrina disaster area, section 143(k)(4) of such Code shall be applied by substituting $150,000 for the dollar amount contained therein to the extent such loan is for the repair of damage by reason of Hurricane Katrina.

(d) APPLICATION.—Subsection (a) shall not apply to financing provided after December 31, 2007.

SEC. 405. EXTENSION OF REPLACEMENT PERIOD FOR NONRECOGNITION OF GAIN FOR PROPERTY LOCATED IN HURRICANE KATRINA DISASTER AREA.

Clause (i) of section 1033(a)(2)(B) of the Internal Revenue Code of 1986 shall be applied by substituting ''5 years'' for ''2 years'' with respect to property in the Hurricane Katrina disaster area which is compulsorily or involuntarily converted on or after August 25, 2005, by reason of Hurricane Katrina, but only if substantially all of the use of the replacement property is in such area.

SEC. 406. SPECIAL RULE FOR DETERMINING EARNED INCOME.

(a) IN GENERAL.—In the case of a qualified individual, if the earned income of the taxpayer for the taxable year which includes August 25, 2005, is less than the earned income of the taxpayer for the preceding taxable year, the credits allowed under sections 24(d) and 32 of the Internal Revenue Code of 1986 may, at the election of the taxpayer, be determined by substituting—

(1) such earned income for the preceding taxable year, for

(2) such earned income for the taxable year which includes August 25, 2005.

(b) QUALIFIED INDIVIDUAL.—For purposes of this section, the term ''qualified individual'' means any individual whose principal place of abode on August 25, 2005, was located—

(1) in the core disaster area, or

(2) in the Hurricane Katrina disaster area (but outside the core disaster area) and such individual was displaced from such principal place of abode by reason of Hurricane Katrina.

(c) EARNED INCOME.—For purposes of this section, the term ''earned income'' has the meaning given such term under section 32(c) of such Code.

(d) SPECIAL RULES.—

(1) APPLICATION TO JOINT RETURNS.—For purpose of subsection (a), in the case of a joint return for a taxable year which includes August 25, 2005—

(A) such subsection shall apply if either spouse is a qualified individual, and

(B) the earned income of the taxpayer for the preceding taxable year shall be the sum of the earned income of each spouse for such preceding taxable year.

(2) UNIFORM APPLICATION OF ELECTION.—Any election made under subsection (a) shall apply with respect to both section 24(d) and section 32 of such Code.

(3) ERRORS TREATED AS MATHEMATICAL ERROR.—For purposes of section 6213 of such Code, an incorrect use on a return of earned income pursuant to subsection (a) shall be treated as a mathematical or clerical error.

(4) NO EFFECT ON DETERMINATION OF GROSS INCOME, ETC.—Except as otherwise provided in this section, the Internal Revenue Code of 1986 shall be applied without regard to any substitution under subsection (a).

SEC. 407. SECRETARIAL AUTHORITY TO MAKE ADJUSTMENTS REGARDING TAXPAYER AND DEPENDENCY STATUS.

With respect to taxable years beginning in 2005 or 2006, the Secretary of the Treasury or the Secretary's delegate may make such adjustments in the application of the internal revenue laws as may be necessary to ensure that taxpayers do not lose any deduction or credit or experience a change of filing status by reason of temporary relocations by reason of Hurricane Katrina. Any adjustments made under the preceding sentence shall ensure that an individual is not taken into account by more than one taxpayer with respect to the same tax benefit.

TITLE V—EMERGENCY REQUIREMENT

SEC. 501. EMERGENCY REQUIREMENT.

Any provision of this Act causing an effect on receipts, budget authority, or outlays is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

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

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

GENERAL LEAVE

Mr. MCCRERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject matter of the resolution under consideration, H. Res. 454.

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

There was no objection.

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

Mr. Speaker, the bill before us today is a bicameral, bipartisan compromise on the bill that we passed through this House last week dealing with tax relief primarily for individuals who were affected by Hurricane Katrina. The Senate, as you know, Mr. Speaker, passed a slightly different bill, and in the time since the passage in the House and the Senate, we have gotten together with our colleagues from the other body and worked out those differences, and

today we have on the floor a bill that, when it passes the House today, should immediately pass the Senate thereafter and be sent to the President for his signature.

I am pleased to say that the level of cooperation across the aisle and across the Capitol with respect to taking care of the needs of individuals who were affected by Hurricane Katrina continues in a manner that does us all proud.

So the bill today on the floor, Mr. Speaker, as I said, primarily provides for individual tax relief. There are several provisions which provide tax relief to businesses in the affected areas, but of course those businesses, we hope, will be employing and paying residents of the affected areas. So at least indirectly, even those provisions promote the welfare of those individuals who were affected by Hurricane Katrina.

Just to enumerate some of the provisions in this bill that will help individuals over these troubled times for them, any loss of tax benefits that would occur under current law, due to the relocation of that individual or family, would not take place because this House will pass this bill. In other words, this bill will hold harmless those families and individuals who might have lost some tax benefit due to a temporary relocation that was necessary due to the storm. Any debt that is forgiven to these individuals, those individuals will not be taxed on that debt. The debt forgiveness will not be counted as income to those individuals, as it would be under current law.

Also, anybody that provides housing assistance to dislocated persons will, under this bill, be given a tax deduction of $500 per person they are housing, up to a maximum of $2,000 tax deduction. And, of course, that is meant to help with the burden of bringing people into one's home and thereby encouraging people to house dislocated persons from that affected area.

Also, under current law, there is a deduction for personal casualty losses, but there is a limit on that deduction. This bill would waive that limit and allow individuals to fully deduct their loss.

This bill would allow affected individuals to withdraw from their IRAs and pensions. For those individuals, the 10 percent penalty or 10 percent tax for early withdrawal of those funds, up to a maximum of $100,000, those affected people could withdraw from those vehicles and put that money into their home, helping them with repairs and so forth, and that would be a big help to those individuals. There are provisions that would allow those folks to repay their IRA over time and avoid any tax on those withdrawals as well.

Several of these provisions, as I said, help businesses, help employers; and, of course, we are trying to encourage employers in these affected areas to bring workers back and to create jobs so that people can come back and have an income. One thing that we will extend to employers in this area is the work opportunity tax credit. The credit will give a 40 percent credit for the first $6,000 of wages paid to an employee in the first year, so up to $2,400 tax credit for hiring somebody in these affected areas.

There is also an employee retention tax credit, which is very important. As you know, Mr. Speaker, many of the businesses in these affected areas are basically out of business now. Their businesses were destroyed, so they have no ongoing business at this time. Yet many of those employers have the wherewithal to continue paying their employees until their business can get back up and running. And while we certainly congratulate those employers, we know they cannot do that, many of them cannot do that for long. Because we want to encourage them to continue paying their employees even though their business is not up and going, we have an employee retention tax credit available to those employers who wish to continue paying their employees.

With respect to replacing damaged property, under current law, if it is business property, the insurance proceeds are not taxable if they replace that business property within 2 years. And for individuals replacing individual property, they have 4 years to replace that property. This bill will make the time period 5 years for either businesses or individuals.

Also, another help to businesses and employers in this bill is an extension of the deadline for paying excise and employment taxes. That is going to be a problem for some of those businesses, particularly small businesses who were destroyed by the storm.

Also, on the business side, Mr. Speaker, we encourage cash donations by corporations by removing the limit on those corporate donations, as well as we provide the same charitable donation the deduction for charitable donation of food inventory to S corporations, partnerships, and sole proprietors that is now available under the law to C corporations.

So, in sum, Mr. Speaker, this bill provides a number of tax benefits to both individuals and businesses to help them get over these very difficult times that they are experiencing because of their losses due to Hurricane Katrina, and also starts us on the way to rebuilding a business infrastructure, a jobs infrastructure, in these affected areas which will be so critical to the overall recovery of the area.

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

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

First, let me thank the leadership on the other side of the aisle for the cooperation that they have given. I have worked very closely with the chairman, the gentleman from California (Mr. THOMAS), and I am so pleased the gentleman from Louisiana (Mr. MCCRERY) and the gentleman from Louisiana (Mr. JEFFERSON), who come from the affected areas, have been able to work together to assist the Congress, and especially those of us on the committee, to see how fast we could get some type of assistance to the victims of this horrendous disaster.

As the gentleman from Louisiana (Mr. MCCRERY) stated, this is a temporary provision that is not meant to indicate that the Congress has completed its work on this task. As a matter of fact, it is hardly even a beginning, but that is what we thought we could do.

The good that has come out of this is a sense of bipartisanship, that Katrina was not a Republican or a Democratic disaster, it was one that struck America. And I think the President of the United States has definitely set the tone as to what most all Americans, and certainly people from all over the world realize, that this is not just building or rebuilding a city, it is not just restoring a culture, but it certainly is making the people there whole. So as we pass this bill on the consent calendar, I hope that the tone that has been set on the other side of the aisle can continue to be a bipartisan and bicameral effort in order to do the best we can in terms of restoring the dignity and the culture of this great city.

To do this, some of us are working very closely with the people that come from this area, hoping that we can get an authority on the empowerment zone concept that goes far beyond the limitations that we have on the tax-writing committee. We hope that we can get the local officials, the State officials, as well as the business people, to come up with a comprehensive plan that would allow all of us, no matter what committees that we sit on, to be a part of this great American recovery effort.

□ 1245

We also have to make certain that the people that are providing the assistance down there are held accountable and that every effort is made to make certain that, one, the people who were forced to leave the area have an opportunity to return; and to some extent our tax policy will reflect what we can do to provide incentives for them to come back home. It is also important that we take into consideration the environmental conditions that exist there to make certain that it is not contaminated when the people come back.

We would also like to see an independent commission that goes far beyond what has been suggested by the Speaker to make certain that as we move forward that we do not make the same mistakes that were made in the past, and where there have been mistakes, we do not give medals of honor to those people who made them, but rather work to correct them and make certain we have competent bipartisan workers doing the Nation's business to rebuild the area that has been affected.

Some Members on this side will share their experiences with 9/11, some of the

things that did and did not happen; and I would hope that we would be able to share those views today and as we move forward to make certain that when we do have a plan, there are jobs there and we deal with housing, schools, and deal with all of these things with the same vigor as the President had indicated that we would do.

Again, I would like to thank the gentleman from California (Chairman THOMAS), the gentleman from Louisiana (Mr. MCCRERY), and the members of the Committee on Ways and Means for the speed with which we reacted to this. I hope it has set a tone, if not for the entire Congress as we relate to other things, at least to begin with Hurricane Katrina and see what we can do to set an example for the other committees in working together.

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

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

Mr. Speaker, I rise just to thank the gentleman from New York (Mr. RANGEL), the distinguished ranking member of the Committee on Ways and Means, for his work in putting together not only this bill but also in gathering ideas from his experiences with New York following 9/11 and also ideas that he has gathered from Members on his side of the aisle with how we best deal with the tragedy that has occurred and the rebuilding efforts that necessarily have to follow, not only in terms of the jurisdiction of our committee, but other areas that this Congress must address to adequately ensure the recovery of the devastated areas along the gulf coast. I thank the gentleman for his help.

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

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY), who has done a great deal of work on 9/11; and she would like to share some of her views with us today.

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

Mrs. MALONEY. Mr. Speaker, I thank the gentleman from New York (Mr. RANGEL) for his leadership. This country is united and determined to help the victims of Hurricane Katrina. By passing this important bill, we can quickly move refunds into the hands of families and businesses that have worked hard and paid their taxes.

I do want to provide and share with my colleagues a report that the New York delegation, under the leadership of the gentleman from New York (Mr. RANGEL) and others, developed for our gulf coast colleagues that outlines the experiences that we had, the challenges that we had in the recovery process in our efforts to help New Yorkers.

I thank this body for their swift and committed help in helping New Yorkers. But despite the efforts of our entire delegation to get a report about what exactly happened in the seven tax benefit programs that came into New York, we asked for a GAO report, again under the leadership of the gentleman from New York (Mr. RANGEL) and others, and they have told us that they do not track this information and do not have any information on whether the tax benefits were used, who they went to, or if anyone even benefited from them.

I share that experience with my colleagues so they might want to add to the legislation, if it is not already in it, that there be a mandate that the impact of what we are trying to do to help people in fact is tracked when we are spending, or may spend, billions of dollars. The taxpayers, the victims, and this body deserve an accurate tracking of what exactly happened and if our intentions to help people really was realized in dollars in their pockets and dollars in economic development. I want to share with my colleagues from the gulf region this report.

Our recovery in New York is still ongoing 4 years afterwards. I hope we are not here 4 years from now waving a similar report from Louisiana, Mississippi and Alabama trying to find out what happened with the efforts that I truly support today to help families and victims of Hurricane Katrina, and I strongly support this legislation.

Mr. Speaker, anyone interested in viewing the reports mentioned in my speech please visit my website at www.house.gov/maloney.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I will vote for this bill; but I have to hand it to this administration, they want to lower your taxes so earnestly that they will even lower your wages to do it.

Through an executive order, the President lowered the wages workers will be paid to rebuild the hurricane-affected region. He suspended the Davis-Bacon Act, a 74-year-old law which requires that companies receiving Federal contracts pay the average wage to employees hired to perform those Federal contracts. With smaller incomes, workers will pay less.

But corporate income, unlike worker incomes, will rise. The corporate contractors will be able to keep more of the contract for themselves through a combination of setting lower wages for workers and receiving tax exemptions under the provisions of H.R. 3768. Suspension of the Davis-Bacon Act will give contractors unprecedented power to set wages. That is because the hurricane destroyed the labor market in the region. Nearly everyone is out of work; nearly everyone needs a job. After losing everything, how many people will be able to hold out for higher wages? Not many.

Thus, labor market forces will not determine wages. Instead, hurricane victims and workers who may be brought into the region are at the mercy of Halliburton and Fluor corporations, just to name a couple contractors who have won or will win construction contracts in hurricane reconstruction and which will dictate wage levels.

The bottom line is this: hurricane tax relief means one thing if you are a hurricane victim and another if you a corporate contractor receiving Federal funds to rebuild the hurricane-affected region. Tax relief for hurricane victims will primarily take the form of paying less taxes on smaller wages. But tax relief means something very different to the corporate contractors. They will be paying less taxes on increased income.

Mr. RANGEL. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Ohio (Mrs. JONES), an outstanding member of the Committee on Ways and Means.

Mrs. JONES of Ohio. Mr. Speaker, I would like to compliment both the gentleman from New York (Mr. RANGEL) and the gentleman from Louisiana (Mr. MCCRERY) on the work they have done on this legislation.

I introduced a piece of legislation. This bill's number is H.R. 3768, mine is H.R. 3769. I hope as we go through the process you would take a look at the legislation that I have. The legislation I have has two of the same provisions, the temporary housing tax credit as well as the work opportunity tax credit for Hurricane Katrina victims.

But I would ask Members to consider expanding the low-income tax credit to assist Katrina victims in obtaining affordable housing. This legislation would make the following changes to low-income housing tax credit. It will double the housing tax credit authority for Louisiana, Mississippi, and Alabama for 2006 and 2007 to $3.70 times State population. The current cap is $1.85.

It would extend difficult development area designation to Federal disaster areas in Louisiana, Mississippi, Alabama, and Florida through 2007. The difficult development areas are currently those areas with high construction land and utility costs because of their location. In DDAs, the tax credit is based on 130 percent of the project's total cost instead of the normal 100 percent, providing an incentive to developers to invest in these most-distressed areas.

This legislation will make affordable housing projects in Federal disaster areas in Louisiana, Mississippi, Alabama, and Florida eligible for the DDA designation and the basis boost, increasing investment and economic development in the region.

It would also waive the national pool ''full subscription'' requirement for Louisiana, Mississippi, Alabama, and Florida through 2007. Currently, the low-income housing tax credit not used by States is added to a national pool. The tax credit in that national pool is then distributed to those States that apply for the excess credits. However, to be eligible for those credits, a State must have used all of its previously allocated tax credits, or full subscription.

This legislation waives the requirement for Louisiana, Alabama, Mississippi, and Florida. I would hope that you would take a look at this piece of legislation because I think it will also help Katrina victims.

Last, I would ask you to consider giving them a home buyer tax credit that would encourage people from these States to go back to the States where they lived and they would get a $5,000 tax credit to rebuild a new home in those communities. I support this legislation. I would encourage you to consider the two areas that I mentioned.

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

I want to congratulate the gentlewoman from Ohio, a distinguished member of the Committee on Ways and Means for coming up with some good ideas to assist in getting people back home and into housing. Her ideas are on a list that we are examining. I am very attracted to the substance of her ideas on this matter.

I cannot guarantee that it is going to be in future legislation; but it is something that I am looking at very closely, as are others on the committee, including the gentleman from New York (Mr. RANGEL), I am sure. I think we will be able to get together on some of the gentlewoman's comments. I thank the gentlewoman for her assistance in helping us put together even more legislation following today's bill to help those folks get back home.

Mr. RANGEL. Mr. Speaker, I yield 2½ minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Speaker, I want to commend the gentleman from California (Chairman THOMAS); the ranking member, the gentleman from New York (Mr. RANGEL); and the gentleman from Louisiana (Mr. MCCRERY) for working on a bipartisan basis to bring this legislation to the floor. It will go a long ways towards helping the 1.3 million families devastated by Hurricane Katrina.

I am especially pleased that this bill prevents the loss of tax benefits, like the earned income tax credit and the child credit, by reason of job loss or relocation due to Hurricane Katrina. I believe, as I have talked on the floor, that we can do more in this area.

I hope in the future tax bills that we look at, we will consider legislation introduced by the gentleman from Georgia (Mr. LEWIS), the gentleman from Mississippi (Mr. TAYLOR), and the gentleman from Louisiana (Mr. MELACON), and I to immediately fast track the earned income tax credit and the child tax credit refunds earned by working families so they receive them now rather than later.

Many constituents of the gentleman from Mississippi (Mr. TAYLOR) and the gentleman from Louisiana (Mr. MELACON) have lost their belongings and their homes. Others have been left destitute with nothing more than the clothes on their backs. The Federal Government can respond as they have in past instances, advancing the refunds that Hurricane Katrina victims have earned. By taking these steps, we can fast track the refunds to families that have worked, paid taxes and earned them, all the while stimulating local economies. It is a win-win for those families and communities in America.

I would like to draw attention to the Congressional Research Service that on Monday issued a report entitled ''Tax Policy Options After Hurricane Katrina.'' The study says that measures directed at the earned income tax credit and refundable child credits are the best ways to stimulate the local economy.

I understand that the gentleman from California (Chairman THOMAS) and the gentleman from Louisiana (Mr. MCCRERY) plan to introduce a third Hurricane Katrina tax bill in the coming weeks. I hope that they look at this report just issued on Monday by the Congressional Research Service that this would be the best way to help families and local communities through fast-tracking the earned income tax credits and the refundable child credit.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

□ 1300

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the esteemed ranking member for yielding me this time, and I thank the sponsor of this legislation and the bipartisan effort that has been offered here today.

Mr. Speaker, as the Members well know, Hurricane Rita is fast approaching the gulf coast again. My own community of Galveston, Houston, and other surrounding areas that many of us represent is about to face the unknown, and it is important for the face of Congress today to be bipartisan.

I want to congratulate the gentleman from New York (Mr. RANGEL), the gentleman from Louisiana (Mr. MCCRERY), and all of the supporters, the gentleman from Louisiana (Mr. JEFFERSON), all who have lived this in a very unique and special way.

But as we move toward this legislation, might I reinforce some concepts that are so very important, particularly if the New Orleans region is hit again and the tragedy of the levees again spills water into that region, we want to go forward in the reconstruction in a bipartisan way. We want Members and local leaders to be consulted. We also want regional development authorities to be developed. And, particularly, as I was asked today, we want an inspector general or a recovery czar to make sure that, as we give tax relief, that we also give dollars for reconstruction. These dollars will be used effectively and invested not only in the large corporations, the standard bearers of Rebuild America that have gone on to Iraq and other places, but let us put those dollars that will help rebuild small businesses in the hands of small businesses, minority-owned businesses and women-owned businesses. Let us make sure that the relief that has been given impacts individuals in their properties that still exist in New Orleans, for example, although under water. The physical structure of the house may be leveled, but they will need to have the tax benefits so that they can make sure that they are able to rebuild.

This legislation, for example, exempts income from forgiveness of debt from tax. It prevents loss of tax benefits such as the earned income tax credit, waives the 10 percent penalty on early distributions from retirement plans, provides the work opportunity tax credit, and many others. It also deals with the charitable incentives that will allow people to give.

But I think the main point is we are still facing the forward road. It is time to work together for the rebuilding of the region and to prepare us for whatever the results are of Hurricane Rita.

May God bless those in Houston and the surrounding areas and those who will be facing this horrible storm. May they know that we are focused on their work and on their future. May God bless them, and our prayers are with them.

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

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

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Louisiana (Mr. MCCRERY) that the House suspend the rules and agree to the resolution, H. Res. 454.

The question was taken.

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

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

The yeas and nays were ordered.

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

RECESS

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

Accordingly (at 1 o'clock and 3 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1330

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. BIGGERT) at 1 o'clock and 30 minutes p.m.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the house by Ms. Wanda Evans, one of his secretaries.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

H. Res. 451, de novo;

H.J. Res. 61, by the yeas and nays;

H. Res. 454, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PROVIDING FOR CONSIDERATION OF H.R. 250, MANUFACTURING TECHNOLOGY COMPETITIVENESS ACT OF 2005

The SPEAKER pro tempore. The pending business is the question on agreeing to House Resolution 451 on which further proceedings were postponed earlier today.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 222, nays 198, not voting 13, as follows:

[Roll No. 478]

YEAS—222

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Calvert
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
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 (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
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)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—198

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
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
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
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—13

Barton (TX)
Boswell
Buyer
Camp
DeLay
Doolittle
Hefley
Kind
Linder
McKinney
Ortiz
Towns
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1354

Mr. BLUMENAUER, Mr. HOLT and Mr. ROSS changed their vote from ''yea'' to ''nay.''

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.

SUPPORTING GOLD STAR MOTHERS DAY

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the joint resolution, H.J. Res. 61.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. GUTKNECHT) that the House suspend the rules and pass the joint resolution, H.J. Res. 61, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 419, nays 0, not voting 14, as follows:

[Roll No. 479]

YEAS—419

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bass
Bean
Beauprez
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Cannon
Cantor
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
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

Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
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
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
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
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
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)
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—14

Barton (TX)
Becerra
Boswell
Camp
DeLay
Doolittle
Fossella
Hefley
Kind
Linder
Ortiz
Sanders
Towns
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1402

So (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FOSSELLA. Mr. Speaker, on rollcall No. 479 I was unavoidably detained. Had I been present, I would have voted "yea."

Mr. BECERRA. Mr. Speaker, on Wednesday, September 21, 2005, I was unable to cast my floor vote on rollcall 479. The vote I missed was a motion to suspend the rules and pass H.J. Res. 61, supporting the goals and ideals of Gold Star Mothers Day.

Had I been present for the vote, I would have voted "yea" on rollcall 479.

PROVIDING FOR CONCURRENCE BY HOUSE WITH AMENDMENT IN SENATE AMENDMENT TO H.R. 3768, KATRINA EMERGENCY TAX RELIEF ACT OF 2005

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 454.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. MCCRERY) that the House suspend the rules and agree to the resolution, H. Res. 454, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 422, nays 0, not voting 11, as follows:

[Roll No. 480]

YEAS—422

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
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Cannon
Cantor
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
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
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
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 (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
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
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen

Ross	Shuster	Turner
Rothman	Simmons	Udall (CO)
Roybal-Allard	Simpson	Udall (NM)
Royce	Skelton	Upton
Ruppersberger	Slaughter	Van Hollen
Rush	Smith (NJ)	Velázquez
Ryan (OH)	Smith (TX)	Visclosky
Ryan (WI)	Smith (WA)	Walden (OR)
Ryun (KS)	Snyder	Walsh
Sabo	Sodrel	Wamp
Salazar	Solis	Wasserman Schultz
Sánchez, Linda T.	Souder	Waters
Sanchez, Loretta	Spratt	Watson
Sanders	Stark	Watt
Saxton	Stearns	Waxman
Schakowsky	Strickland	Weiner
Schiff	Stupak	Weldon (FL)
Schmidt	Sullivan	Weldon (PA)
Schwartz (PA)	Sweeney	Westmoreland
Schwarz (MI)	Tancredo	Wexler
Scott (GA)	Tanner	Whitfield
Scott (VA)	Tauscher	Wicker
Sensenbrenner	Taylor (MS)	Wilson (NM)
Serrano	Taylor (NC)	Wilson (SC)
Sessions	Terry	Wolf
Shadegg	Thomas	Woolsey
Shaw	Thompson (CA)	Wu
Shays	Thompson (MS)	Wynn
Sherman	Thornberry	Young (AK)
Sherwood	Tiahrt	Young (FL)
Shimkus	Tiberi	
	Tierney	

NOT VOTING—11

Barton (TX)	Doolittle	Ortiz
Boswell	Hefley	Towns
Camp	Kind	Weller
DeLay	Linder	

□ 1412

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BOEHLERT. Madam 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. 250, as amended.

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

There was no objection.

MANUFACTURING TECHNOLOGY COMPETITIVENESS ACT OF 2005

The SPEAKER pro tempore. Pursuant to House Resolution 451 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. 250.

□ 1414

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. 250) to establish an interagency committee to coordinate Federal manufacturing research and development efforts in manufacturing, strengthen existing programs to assist manufacturing innovation and education, and expand outreach programs for small and medium-sized manufacturers, and for other purposes, with Mrs. CAPITO in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from New York (Mr. BOEHLERT) and the gentleman from Tennessee (Mr. GORDON) each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. BOEHLERT).

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

I rise in support of H.R. 250, and I want to congratulate the gentleman from Michigan (Mr. EHLERS) and all the members of the Committee on Science on both sides of the aisle who contributed so significantly to this bill; but before I begin to speak about the bill, let me say something about the rule because I was not available to participate in the debate.

□ 1415

The Committee on Rules acted reasonably, following my request, for not making the amendments on the Advanced Technology Program in order. We did debate ATP fully in committee. I suspect we will debate ATP again during a motion to recommit. This is not a subject on which anyone has been denied process.

But our goal with this bill is to improve the lot of American manufacturers. ATP is a controversial issue that will weigh down the progress on this bill. There is no reason for that to happen. We ought to debate this bill on its merits, which are not contested, and then handle ATP separately. I support ATP. I helped create the program. I will work with the appropriators to try to keep it funded. But I also support this bill, and I see no reason to kill this important bill to allow a political debate on ATP.

Now, let me turn to the bill we are actually debating. This bill passed the House by voice vote last year, and this time around we should have enough to get time to get this measure to the President's desk. I expect another strong show of support from the House today.

It is easy to see why this bill has garnered such overwhelming support. It deals with a real problem by bolstering successful programs and authorizing innovative new approaches based on those programs. The problem the bill addresses is the decline of U.S. manufacturing. Our Nation needs a diverse economy, and that economy must include manufacturing. We cannot be wholly dependent on others for the goods that enable American families and American businesses to function. Manufacturing provides high-paying jobs and helps us hone our technical edge. Yet the signs of manufacturing decline are all about us.

So what can we do? Well, for starters, we can be sure we are adequately funding programs that have already proven themselves successful at helping domestic manufacturers. This bill does that by authorizing funding for the laboratories of the National Institute of Standards and Technology, for its Manufacturing Extension Partnership, and for the Advanced Technology Education program of the National Science Foundation.

All these programs have proven track records. NIST, the Nation's oldest Federal laboratory, has long been a reliable partner of the private sector, conducting research needed to keep American industry at the cutting edge of technology. The MEP program, which provides technical assistance to small- and medium-sized manufacturers, has helped ensure that smaller businesses can apply the latest advances in technology and manufacturing know-how. Every study of this popular program has found that it has saved and created new jobs. And the ATE program has channeled critical funding to community colleges to enable the U.S. to have the technical workforce we need to retain manufacturing jobs. So this bill targets money to programs that have truly made a difference in helping American manufacturing.

But we cannot rest on our laurels, because the U.S. manufacturing sector is still not as robust as we would like. So while being mindful of fiscal constraints, and we have to be mindful of that, our bill authorizes pilot efforts to see if programs like MEP can be made even more effective. We create a program that would bring manufacturers and universities together to conduct research on specific problems of concern to manufacturers. We create fellowships to encourage more students to pursue research in areas related to manufacturing. In short, this is a targeted, practical bill that will provide real assistance to the Nation's manufacturers.

For that reason, the bill is endorsed by the National Association of Manufacturers, and I urge my colleagues to continue their overwhelming bipartisan support for this meritorious bill.

Madam Chairman, I reserve the balance of my time.

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

Madam Chairman, the bill we have before us today is, in essence, an authorization for the National Institute of Standards and Technology. H.R. 250 authorizes all of NIST programs, except for the Advanced Technology Program.

I strongly support NIST and realize the importance of all its programs to the U.S. industrial sector. Dollar for dollar, NIST represents an excellent return for the investment to the American taxpayer in terms of its impact on our economy. However, H.R. 250 purports to be a bill to help the U.S. manufacturing base and to stimulate innovation. Unfortunately, H.R. 250 falls far short of these goals.

U.S. manufacturing is facing a crisis. Since 2001, we have lost 2.8 million

manufacturing jobs. While there is bipartisan agreement that we need to retain our high-skill, high-wage manufacturing jobs, this crisis has received little attention from the administration or Congress.

What we have today is a missed opportunity. Even within the bill's scope, H.R. 250 does little to address education or workforce training. For example, the only NIST program not included in this legislation is, once again, the Advanced Technology Program. The ATP is one NIST program designed to bridge the gap between basic research and proof of concept. Currently, almost one-third of all ATP projects focus on some aspect of manufacturing.

Long before the National Nanotechnology Initiative, with its hundreds of millions of Federal dollars to support nanotechnology research, ATP had already supported successful nanotechnology projects. An early nanotech project resulted in one of the earliest commercial successes. Currently, 10 percent of ATP projects are in the field of nanotechnology, representing a public-private investment of over $170 million. Time and again witnesses have appeared before the Committee on Science recommending that ATP be fully funded.

Just last month, at the Committee on Science hearing on innovation, high-level business experts recommended that ATP be fully funded. As my chairman knows, the National Governors Association supports it, the National Association of Manufacturers, and the ITAA. It makes no sense that a bill whose goal it is to bolster manufacturing competitiveness and innovation does not include ATP funding.

In closing, I will vote for H.R. 250, but I am sorely disappointed that H.R. 250 does so little to rebuild the U.S. manufacturing base. And let me also conclude with this, Madam Chairman. My chairman spoke earlier about how we had already debated ATP; that we have had a chance. The committee debated ATP, but we did not have a chance on this floor. Why in the world should we not take every type of Democrat, Republican, and independent suggestion to help our manufacturing base? I would like to pose that question.

Also, and correct me if I am wrong, but I do not think a single person has come before our committee and said that the ATP program is not important, not as good, and does not create jobs. The idea that, well, let us not put it on here because it might weigh the bill down and the President may not like this, well, we know the President does not like it. But the fact of the matter is that the Senate has already appropriated money for it. Last week, the Senate voted 2 to 1 to reject taking it out, so why can the House of Representatives not stand up here also and get a majority vote, which we will get on the ATP program, which is a good program and would make H.R. 250 really a bill worth doing.

Madam Chairman, I reserve the balance of my time.

Mr. BOEHLERT. Madam Chairman, I yield 6 minutes to the gentleman from Michigan (Mr. EHLERS), the very distinguished author of this bill. And I say that with some reservations, because as is the habit of the Committee on Science, bills are reported out after very thorough and complete consultation with the minority, and so a lot of fingerprints are all over the bill. But the driving force behind this very important legislation is my distinguished colleague from Michigan.

Mr. EHLERS. Madam Chairman, I thank the gentleman for yielding me this time, and I rise today in strong support of H.R. 250, the Manufacturing Technology Competitiveness Act.

This bill is essentially the same bill that I authored and which the House passed in July 2004. Unfortunately, the Senate did not take up the legislation because of a dispute involving the ATP program, so the bill died in the Senate. I am hopeful that this time the bill will make it all the way through the process and be signed into law by the President.

The goal of my legislation is simple: It is to help small- and medium-sized manufacturers be more competitive in the global marketplace. However, my passion for this issue is not related or restricted just to manufacturing. For some 20 years, I have been speaking out about the need for a better technology transfer system in this country, and repeatedly throughout that time I have used an existing system as a model; that existing program is the cooperative extension service in the Department of Agriculture.

I was amazed, when I was in the State legislature in Michigan, to learn that a new discovery made in the labs of Michigan State University one year was used by the farmers in the field the next year. That is a model of tech transfer that is worth copying. That is partly what this bill attempts to do, to strengthen a manufacturing extension service. I believe it is absolutely essential for us to do this. It is even more essential for us to fund it appropriately.

For those who have objected to the money authorized in this bill, I would simply remind them that every year, without the blink of an eye or a single question, this Congress appropriates over $400 million for the agricultural extension service, which serves an industry which is very, very important but employs less than 2 percent of the people in this country. In view of that, I have always been troubled why it is so difficult for us to find $100 million to help a manufacturing industry that employs 14 to 15 percent of the workers in this country.

Grand Rapids, Michigan, my hometown, like other communities all over the U.S., has been struggling with multiple threats to its industries. Globalization is rapidly changing the way business is done, and our small- and medium-sized firms in particular are at the mercy of this process and the exposure to the increased competition that it brings. As the Congressman from Grand Rapids, I wanted to do what I could to help these small but important firms.

In talking to manufacturers in my district, one thing was clear: They said that the MEP program was a tremendously important program in helping them remain competitive. MEP has over 350 manufacturing extension offices located in all 50 States and Puerto Rico. These centers provide small manufacturers with tools and assistance in how to increase productivity and efficiency.

For example, the Michigan MEP center in Grand Rapids, known as the Right Place program, helped a struggling company, Wolverine Coil Spring, to develop more efficient packaging and auditing systems, and in this case turned it into a very successful company.

In the fiscal year 2004 appropriation, Congress cut funding from $106 million in fiscal year 2003 to $39 million in 2004. This limited funding caused many centers to lay off people and cut back their services. Fortunately, Congress has now restored their funding in the current fiscal year and the program has recovered. I am pleased that this year both House and Senate Appropriation Committees are recommending appropriate funding.

Another major concern that has been raised is the increasing technological advances being made by other countries. For our firms to compete today and in the future, we need more research and development into how to manufacture things better, faster, and cheaper, and that is also handled in this bill.

With all these thoughts in mind, I developed this bill, which will specifically:

Authorize the MEP program at $110 million to ensure all centers remain open and provide additional ways for MEP to help small- and medium-sized manufacturers by establishing a competitive grant program for the centers;

Ensure that Federal agencies will coordinate their programs related to manufacturing R&D and target them on concerns that matter most to industry; help industry improve their manufacturing processes and technology by establishing a pilot grant program that would fund joint efforts by universities and industry to solve problems in manufacturing technology;

Authorize the laboratory programs at the National Institute for Standards and Technology, better known as NIST, which provide critical research and standards for most of our industries;

And train more students and senior researchers in the manufacturing sciences, and provide technology training programs for future manufacturing workers by establishing postdoctoral and senior research fellowships at

NIST. It will also increase support for the Advanced Technological Education program (ATE) at the National Science Foundation.

This legislation has received widespread and bipartisan support. I note that the National Association of Manufacturers, the American Small Manufacturers Coalition, and the National Coalition for Advanced Manufacturing, just to name a few, all support this legislation.

□ 1430

I also want to thank my colleagues on the Committee on Appropriations, the gentleman from Virginia (Mr. WOLF) and the gentleman from Michigan (Mr. KNOLLENBERG), for their help in providing the program with $106 million in the next fiscal year budget.

As I said from the beginning, my goal was to develop legislation that would help our small manufacturers better compete in the global marketplace, and H.R. 250 does just that.

I want to conclude by thanking the gentleman from Oregon (Mr. WU), the ranking member of my subcommittee, and the gentleman from Tennessee (Mr. GORDON), the ranking member of the full committee, for their help and input throughout this process; and especially I want to thank the gentleman from New York (Chairman BOEHLERT) for his unwavering commitment to help move this legislation through Congress and get it signed into law.

I strongly urge all of my colleagues to support their small and medium-sized manufacturers by supporting this bill.

Mr. GORDON. Madam Chairman, I yield 2 minutes to the gentleman from Maine (Mr. MICHAUD).

Mr. MICHAUD. Madam Chairman, I rise in support of the Manufacturing Technology Competitiveness Act because this legislation will take some small steps to help strengthen manufacturing technology and education. It will help small and medium-sized manufacturing in Maine by authorizing $2.1 billion for various activities intended to improve the competitiveness of our businesses.

Maine's manufacturing economy has been hard hit in recent years. Since the passage of NAFTA, Maine has lost over 24,000 manufacturing jobs. Job loss is all too familiar to too many Mainers.

During my first term in office after I was sworn in as a Member of Congress, I learned that the mill where I worked for over 28 years was closing its doors. It is the mill my father worked at for 43 years, my grandfather for 40 years, as did a lot of friends and neighbors. The region was devastated.

It is time to turn this economy around for all the mills all across the country. As a member of the House Manufacturing Task Force and Manufacturing Caucus, I have been working hard to promote Federal opportunities for businesses and nonprofit centers. I am also a strong supporter of the Manufacturing Extension Partnership. I am glad to see that MEP gets some funding in this bill even though they deserve more after years of proposed cuts by this administration.

Madam Chairman, the fact is that this should only be a start. I believe this bill is a small step in the right direction, but our Nation is facing a massive loss of manufacturing jobs and businesses. We should pass this bill today; but if we let this be the only thing that we do to help manufacturing this year, then Congress has failed and our businesses and our workers will lose out.

Mr. BOEHLERT. Madam Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. MANZULLO), one of the most outspoken and effective advocates for manufacturing.

Mr. MANZULLO. Madam Chairman, I rise today in strong support of H.R. 250. I want to thank the gentleman from New York (Chairman BOEHLERT) for his leadership on the bill and commend the gentleman from Michigan (Chairman EHLERS) for introducing legislation that is so vital to the future of manufacturing in our country.

Recently, I met with a representative of Honeywell Federal Manufacturing & Technologies out of Kansas City. He discussed his research and development activities on micromechanical parts, such as gears and other smaller devices. This work is very similar to that performed at the EIGERlab which is also a Federal micro-manufacturing research and development facility that I recently helped establish in the district I represent.

EIGERlab has attracted a collection of scientists and researchers and has already proven to be a valuable center for advanced manufacturing R&D. H.R. 250 would help decentralize and streamline this type of manufacturing research so that efforts and duplication would be minimized, helping to ensure that American manufacturers can not only stay competitive, but thrive. The Kansas City facility uses a German process similar to an EDM wire. The EIGERlab uses a milling process, both making gears the size of Lincoln's nose on a Lincoln penny.

H.R. 250 also provides robust authorizations for numerous manufacturing initiatives, including the Manufacturing Extension Partnership, which is quite active in the area that I represent.

Steve Yagle, the president of Reliable Machine Company in Rockford, Illinois said ''the training he received from IMEC has made Reliable more profitable, higher level of quality to our customers, increased our efficiency to be competitive,'' and, ''from this will be job creation, and a plan to handle company development as we grow.''

As we can see, funding programs like MEP are vital to helping our small manufacturers. I spend 75 to 80 percent of my time in Congress working on manufacturing issues, traveling the country and looking at new machines and new manufacturing processes. The American manufacturer needs as much help as he can get. H.R. 250 goes a long way, and I would urge its passage.

Mr. GORDON. Madam Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Madam Chairman, I thank the gentleman from Tennessee (Mr. GORDON), the ranking member, and the gentleman from New York (Chairman BOEHLERT). I rise to express my support for a comprehensive Federal manufacturing policy. I have been calling for this for at least 10 years. This is necessary. This is important.

This bill is doing more today to stimulate the economy than anyone realizes. We have been gimmicked on both sides of the aisle about how we are going to get people back to work. This is real. This is not reality TV. I want to associate myself with the words of my good friend, the gentleman from Michigan (Mr. EHLERS). He has hit the nail on the head. If we do not deal with this now, we will be so far behind we will never be able to catch up.

Members have to admit, not here on the floor, of course, that the manufacturing czar was a joke, was an absolute joke. I am not impressed with the fact that the National Association of Manufacturers supports this bill because they were at the throttle when New Jersey lost 40 percent of its manufacturing jobs since 1990. They were there as the guardians, and they did absolutely nothing, zero.

The Larson amendment, which will be offered later, would create a meaningful Under Secretary of manufacturing and technology. I plead with Members, I think this is a good move, not a bureaucratic move. I think it is important that we send a message to the entire Congress of the United States.

I am a native of Paterson, with one T, New Jersey. The gentleman has one in New York with two T's. I deeply understand the value of working with one's hands and the value that a manufacturing base can bring to individual communities. Paterson was founded by none other than Alexander Hamilton. It is interesting, as a Democrat I became a Hamiltonian.

Looking back, we find that things have not changed so much in the past 2 centuries. In his day, Hamilton urged Congress to promote manufacturing so the United States could be independent of other nations for military and other essential supplies. Once we have lost the manufacturing apparatus, our ability even to manufacture weapons, weapons, diminishes. God forbid if we ever get to that point, but we are talking about two gentlemen here. What you are talking about is critical, very critical to the economic base of this Nation. Unfortunately, a lot of the meeting is not listening because this is not a sexy enough subject. It is only about jobs.

Hamilton also rightly foresaw the importance of a diversified economy. Remember the battle with Jefferson?

Jefferson wanted to continue this as an agrarian society for the rest of the 18th and 19th centuries. It was impossible. We need a diversified economy. We cannot rely solely on an agrarian economy, and we cannot rely on the service sector. That has not worked.

As I said, we have lost over 40 percent of our jobs. New Jersey, New England, the Midwest, the whole Nation needs a manufacturing administration to step up to the plate, to focus on the ways we can keep a thriving manufacturing sector from all angles. I think this is important to homeland security. We need to discuss that more often.

We must have an agency dedicated to addressing some of our failed trade policies and the outsourcing of American jobs. Some of that outsourcing is good. Some of it is horrible. Service jobs, such as part-timing the American working force, and even we are paying for the folks that work at Wal-Mart whether they are full-time or part-time. We are picking up their medical services. This is a cost to the taxpayers of this country never mentioned. The middle class is paying for health services for these people. The loss of manufacturing jobs is leading to an erosion of the middle class with more families seeing their salaries and quality of life decrease.

This bill does some very good things. I ask that we support the amendments that are going to be put forward and also the Larson amendment. Let us make the bill a little better, and I want to thank the chairman and the ranking member. They are ahead of their time, but we need to catch up with what has happened in the past 20 years.

Mr. BOEHLERT. Madam Chairman, I yield 2 minutes to the gentlewoman from Pennsylvania (Ms. HART), who is a leader in the manufacturing and steel caucuses, and so many other caucuses that are involved with protecting American jobs and growing American jobs.

Ms. HART. Madam Chairman, I thank the chairman for his kind words and for recognizing me on this bill and for his continued support of manufacturing technology and advancements for our manufacturers so they can compete effectively.

I also am pleased that the ranking member and the subcommittee chairman also support this moving forward because H.R. 250 supports a number of important initiatives that will help American manufacturers be more competitive in the world economy. We live in a real world, a world economy.

One of the provisions in this bill that is most important to that competition is the reauthorization of the MEP, Manufacturing Extension Partnership.

MEP makes it possible for even the smallest firms to tap into expertise and knowledge that they could not afford on their own. Each center, such as Catalyst Connection in Pittsburgh, works directly with area manufacturers to provide expertise as well as services tailored to the most critical needs of these manufacturers. The organization provides a wide variety of assistance. Some examples are process improvements, worker training, business practices, and applications of information technology.

Many of these items are required for firms to be competitive in today's market. Small manufacturers are the driving force behind our U.S. economy, and increasing productivity and job creation in this sector is critical.

In fact, the National Institute of Standards and Technology, which manages this program, recently showed positive results nationwide. In a single year, MEP clients reported a $2.8 billion increase in sales. They have hired new workers and retained 35,000 workers; experienced $681 million in cost savings; and $941 million in plant and equipment investments have been made.

Last month I visited Sharon Custom Metal Forming in Farrell, Pennsylvania, and met with management and employees of this country. One of the issues they highlighted was how their utilization of MEP has improved their business and made them more competitive. They are not alone. That happens all over my district, and continuing to fund this program means we will continue to give our entrepreneurs and small business people a competitive edge that will help them to continue to succeed in today's global market.

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

Mr. BOEHLERT. Madam Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. DENT), who is one of the Members who gets it, who understands how important it is to protect our manufacturing base.

Mr. DENT. Madam Chairman, I rise today to speak in support of H.R. 250, the Manufacturing Technology Competitiveness Act. Promotion of manufacturing technologies has traditionally been a key to wealth creation in this country. Manufacturing a better product, from automobiles to chemicals to computers to airplanes, has provided the means for this country to become the wealthiest in the history of the world.

As we enter the 21st century, our challenge to remain competitive becomes even more difficult. H.R. 250 provides many tools that will help us meet this challenge. For one thing, it reauthorizes funding for MEP. This is a highly successful program which has just been discussed. It brings together businesses and consultants and provides technical expertise for manufacturing and marketing in those particular businesses. In doing this, it helps small manufacturers improve performance, productivity and helps them remain competitive.

In my congressional district, the MEP has provided assistance to the Manufacturers Resource Center located at Lehigh University, which is a State-funded program. I should also mention we have the highly successful and critically acclaimed Ben Franklin Technology Development Authority, which I served on for many years, along with the NRC board at the State level.

I can tell Members firsthand that those programs have provided tremendous support to people in my community. I can give Members specific examples that are not far from home. I can take Members to Apollo Metals in the city of Bethlehem. There are about 125 people at Apollo Metals. They have become more productive as a result of the assistance they have received through this Manufacturers Resource Center.

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In fact, I will just read a testimonial. ''We will be implementing the changes recommended by the Manufacturers Resource Center and looking forward to our improved ability to add to our already excellent customer service by shortening lead times, improving the customers' ability to get information in a timely fashion, and in maintaining our cost competitiveness.'' And that is from their president.

I can also point to Solartech, another company in my district. Those solar panels we see on the road that tell us to slow down, tell us what the traffic conditions are, a small company of about 100 people in my district exports, again assisted by these particular operations.

I urge adoption of this bill.

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

Madam Chairman, let me sincerely say that I do not think anybody in the United States Congress serves with a better chairman than I do, with the gentleman from New York (Chairman BOEHLERT). I also sincerely believe that there is not a more constructive voice on the Committee on Science than the gentleman from Michigan (Mr. EHLERS), and I want to thank them for really bucking the President and helping us to work to save the MEP program. It was important.

But I still have to say I am disappointed in this bill. I am disappointed that it is a missed opportunity. I am going to have to go home this weekend, and I am going to see folks as I travel around the district, as always, that are going to tell me they have lost their job, some with tears in their eyes. They are going to say, What can you do to help us? I am going to tell them we passed H.R. 250. But I am going to do so embarrassed, embarrassed that we did not do all that we could do.

It has been said before and I will say it again. The ATP program is a proven job-creating program. It is endorsed by the National Governors Association. It is endorsed by the National Association of Manufacturing. We had not one single witness before our committee to say it is not a good bill. The only thing that we said is that we cannot add this, we cannot even vote on it because the President might veto this bill, and we

had better have a little bit than the best we can.

The fact of the matter is that the other body has already voted money for the ATP program. Last week the other body voted down, more than 2 to 1, an amendment to do away with the program. And we have a President who in almost 5 years has never vetoed a single bill. I think that is a record, an historic record. Yet we are afraid to do our best when our constituents are losing their jobs left and right because of offshoring.

I am going to vote for this bill, but I am going to do so, and be embarrassed when I go home this weekend, that we did not do the best job we could.

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

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

Before I close on a bill that we can all be proud of, Republicans and Democrats alike, I want to thank the staff on both sides of the aisle who have worked on this bill over the past several years, including, not exclusive, but including Olwen Huxley and Amy Carroll, and particularly Eric Webster of our committee staff.

I want to give special thanks to Mr. Webster, who is leaving the Hill this week, after 12 years, to join the National Oceanic and Atmospheric Administration. We are sure Mr. Webster will be just as effective at prodding NOAA from the inside as he has been for us, and that is very effective. We will sorely miss Eric Webster, who started in my office several years ago as an intern and became our top legislative assistant and also worked for the very distinguished gentleman from Maryland (Mr. GILCHREST) as legislative director before coming to the Committee on Science. He has added immeasurably to the products that we have produced in our committee, and all of us want to thank him for his efforts. And we want to wish him, his wife Natalie, and daughter Gabriella, all the best as they go forward in this new chapter in the continuing saga of ''Eric Webster Comes to Washington.''

Mr. UDALL of Colorado. Madam Chairman, I rise in support of this bill even though we have missed an opportunity to improve upon it.

While I am pleased that we are providing an authorization for the National Institute of Standards and Technology and supporting the vital MEP program, this bill falls short by failing to authorize the Advanced Technology Partnership, ATP.

I am also disappointed that this body did not pass my amendment increasing funding for the Advanced Technological Education program. ATE works with community colleges and industry to assure that students entering the workforce have the skills they need to be competitive. A technologically trained workforce is vital to strong manufacturing and technological industries, and ATE directly impacts the workforce.

We have heard over and over again today the need to better support our manufacturing industry. And I believe there are portions of this bill that make important strides in that direction. For example, this bill includes authorizing the Manufacturing Extension Partnership, MEP, program at $110 million for FY06. MEP provides vital support to small manufacturing companies in our country to remain successful and competitive in a global market. These small manufacturing companies make up 98 percent of the manufacturing industry in this country, yet they are continually struggling and jobs are being lost. MEP centers works directly with local manufacturers to provide expertise and services tailored to their most critical needs, which range from process improvements and worker training to business practices and information technology applications. This is a Federal, State, and private-sector partnership where every Federal dollar leverages two dollars in state and private-sector funding. A small Federal investment leverages billions of dollars in benefits for the economy in terms of jobs created and retained, investment and sales.

This bill also provides authorization numbers for the construction and maintenance of NIST facilities. The urgency of this is shown by the facilities in my district, which are 50 plus years old and in need of maintenance. These authorization levels will allow NIST to upgrade these facilities to ensure they continue to perform cutting edge research.

While this bill widely supports MEP it leaves behind another highly successful program, ATP. We have continually heard the majority express their support for this program, but time and time again they have not taken the opportunity to fund it. During the markup of this bill in the Science Committee Mr. HONDA offered a similar amendment to the one he offered before the Rules Committee. His amendment had the same authorization levels that were upheld in the Senate a week ago. Unfortunately, the majority did not support it. When I offered an amendment to fund current ATP projects through completion and cover closeout costs, Chairman BOEHLERT indicated that my amendment would mean that we have ''given up on ATP.'' But what I see is that the Republican majority supports this important program with words, rather than deeds. I was hopeful that we would agree with the Senate and support ATP aggressively since the program has proven to be effective. Now we must look to the Senate to improve this bill.

Madam Chairman, though we face a tough budgetary future we need to realign our priorities to provide the foundation for our economy to grow. We no longer have the luxury of only competing with ourselves. Countries across the globe have the skills, knowledge, and workforce to compete in manufacturing and technological innovation. At the same time, we are witnessing in this country a decline in science and math graduates, below average test scores in math, and jobs continually being moved overseas.

While this bill does improve upon the current situation, it in no way solves enough to truly invigorate our manufacturing industry. We need to truly support research and development, science and math education, and workforce training.

So Madam Chairman, it is with disappointment that I support this bill. It is a modest and narrow effort to support this country's manufacturing base, but it is better than nothing in terms of supporting manufacturing.

Mr. CASTLE. Madam Chairman, I rise today to strongly support swift passage of this legislation. I thank Representative EHLERS and Chairman BOEHLERT for their work on this important measure. I would like to highlight the success of The Delaware Manufacturing Extension Partnership, DEMEP, in its contributions to manufacturing across the First State.

The Federal funding Delaware MEP receives through the national MEP program has helped them to develop the resources necessary to contribute to the success of Delaware's small and medium-sized manufacturers in improving their global competitiveness. By identifying, transferring, and implementing appropriate best practices, Delaware MEP has helped manufacturers to substantially improve their quality, productivity, and profitability.

The manufacturing sector in Delaware is dealing with the same burdens that are affecting all U.S. manufacturers—rising costs of labor, health care, energy, and regulatory compliance. The Delaware MEP exists to strengthen local manufacturers by assisting them in dealing with these important issues. Of the 60 MEP centers in the U.S. and Puerto Rico, the Delaware MEP ranks No. 1 in impact to Client's bottom line dollars generated per Federal dollar invested, meaning $65.08 for every $1 invested in 2004; and they rank No. 2 in customer satisfaction. Additionally, the Delaware MEP helped retain or create 1,020 jobs in Delaware in 2003.

The Delaware MEP offers Delaware manufacturers a variety of public seminars and workshops, as well as confidential management assistance to help companies improve their competitiveness. Programs include: the Lean Enterprises program to support growth by enhancing work processes; the Quality Management program that ensures consistent product quality and minimizes waste; and the Driving Revenue Growth program to increase sales using marketing strategies. Programs such as these have helped Delaware companies record significant improvements in productivity and profitability while decreasing waste.

In its 11th year of service, Delaware MEP has successfully strengthened competitiveness, improved productivity, and increased profits for Delaware manufacturers by guiding them in the implementation of best practices.

The Delaware MEP will continue to work with its many local, regional, and national partners—including the United States Department of Commerce, National Institute of Standards and Technology, NIST, the Delaware Office of Economic Development, DEDO, Delaware Technical and Community College, and the Delaware State and local Chambers of Commerce—to bring innovative programs to Delaware manufacturers to serve their competitive needs and to help them compete and prosper.

Madam Chairman, these programs will continue to support manufacturing in Delaware and in the United States, contributing greatly to job creation and a stronger economy. I urge my colleagues to support this legislation.

Mr. KNOLLENBERG. Madam Chairman, I rise in strong support of H.R. 250, the Manufacturing Technology Competitiveness Act of 2005. First allow me to congratulate my colleague from Michigan for his hard work in bringing this bill to the floor of the House today. He has been an important champion for manufacturing and this bill is a great example.

American businesses and workers are the most productive in the world. However, because of massive global competition and increasing non-direct costs, our manufacturers are under severe pressure. In many cases these businesses are being forced to deliver their products at constant or even lower prices in order to get their products sold.

At the same time, the costs of inputs they cannot directly control like health care, litigation, raw materials, energy, and many others are increasing. These trends are squeezing the industry incredibly hard.

Manufacturers throughout the country are reacting to this environment by taking the steps they can to become even more efficient and competitive. And they're continually making progress.

While American manufacturers are taking the steps they need to take, it's important for the government to look at appropriate ways we can help. Technology is an area where the federal government has an enormous impact. This bill includes some important steps forward in enhancing American manufacturing technology.

H.R. 250 provides grants, encourages scholarship and strengthens the Manufacturing Extension Partnership. MEP is an important Federal program that has had a documented positive impact on our manufacturing sector, and which is particularly vital to our small and medium-sized manufacturers.

As many Members of Congress know, MEP is a Federal-State-private network of over 60 centers with 400 locations in all 50 States. These not-for-profit centers work with small and medium-sized manufacturers to help them adopt and use the latest and most efficient technologies, processes, and business practices.

The results of MEP speak for themselves. In fiscal year 2003 alone, MEP served more than 18,000 manufacturers nationwide. Those manufacturers reported an additional $2.6 billion in sales, $686 million more in cost savings, $912 million of additional investment in plant modernization, and more than 50,000 more jobs just as a result of their projects with MEP Centers that year. Additionally, an estimate of the federal return on our investment in MEP Centers is $4 in Federal tax revenue for every $1 invested in the program.

Madam Chairman, for all these reasons, it is important for Congress to pass this bill. I urge my colleagues to join me in supporting American manufacturing by supporting this bill.

Mr. BLUMENAUER. Madam Chairman, I am proud to support H.R. 250, the Manufacturing Technology Competitiveness Act. In this era of globalization, Congress must make a commitment to providing the right incentives and resources to keep our manufacturing sector competitive. I have met with a group of public and private organizations in Portland, Oregon, the Manufacturing 21 Coalition, and was told that a skilled workforce and incentives for innovation are their priorities.

This bill will provide funding for valuable research and development programs to develop new technologies and education dollars that will help ensure we develop a workforce that is able to efficiently work with new technologies. I was displeased to see that the Rules Committee ruled out of order some amendments that would have enhanced the benefits of this legislation. Nevertheless, I am pleased that the House is taking steps to ensure that we enhance manufacturing businesses in our local communities.

Ms. JACKSON-LEE of Texas. Madam Chairman, the Manufacturing Technology Competitiveness Act of 2005 represents an important piece of legislation for this Congress as it did previously in the Science Committee and it is because of that I hoped this body would have taken into account all points of view.

After 8 years I am pleased that the Science Committee has decided to move an almost complete authorization for the National Institute of Standards and Technology, NIST. H.R. 250, the Manufacturing Technology Competitiveness Act of 2005, authorizes all of NIST's programs except for the Advanced Technology Program, ATP. I have always strongly supported NIST and fully recognize the importance of all of its programs to the US industrial sector. However, H.R. 250 purports to be a bill to help the American manufacturing base. I unfortunately feel that H.R. 250 falls far short of this goal.

This is virtually the same bill that passed the Committee and House a year ago and that the Senate never took up. The U.S. manufacturing sector is facing a crisis—since 2001 we have lost 2.7 million manufacturing jobs. In the first 3 months of this year, we have lost another 24,000 manufacturing jobs. A year ago, the administration announced its Manufacturing Initiative, the creation of an Assistant Secretary for Manufacturing and Services supported by a $40 million dollar-plus bureaucracy, and established a Manufacturing Council. Since these announcements, very little has been heard from these organizations. While there is bipartisan agreement that the Federal Government needs to retain high-skill, high-pay, manufacturing jobs in the U.S., I am disappointed that this crisis has received so little attention from the Administration, the House, and the Senate.

This legislation directs the President to establish or designate an Interagency Committee to plan and coordinate Federal efforts in manufacturing research and development, with an Advisory Committee from the non-Federal sector. In addition, this bill amends the National Institute of Standards and Technology Act, NIST Act, to establish: (1) a pilot program of collaborative manufacturing research grants; (2) manufacturing sciences research fellowships; (3) manufacturing extension center competitive grants; and (4) standards education grants to develop higher education curricula on the role of standards in engineering, business, science, and economics.

Clearly, these provisions are positive in their intent, but they can be expanded without interfering with the core of the legislation. My Democratic colleagues have offered a number of good amendments which should be adopted in order to take in all points of view. Together this body can enhance the Manufacturing Technology Competitiveness Act of 2005.

Mr. BACA. Madam Chairman, I ask unanimous consent to revise and extend my remarks.

Madam Chairman, I am a strong supporter of American manufacturing and think this bill can be a good step in the right direction.

For too long, this administration's trade policies have led to a hemorrhage of manufacturing jobs out of Main Street and into Mainland China.

There is one particular program authorized by this bill that is important to my constituents in California—that is the Manufacturing Extension Partnership, MEP.

The MEP provides our manufacturers with the tools to compete in a competitive marketplace. It helps maintain our country's manufacturing productivity and competitiveness.

A survey of just one-third of MEP customers found that they had created or saved more than 35,000 jobs, and that is just one-third of the customers, thanks to this program. And the MEP centers help more than 18,000 small companies each and every year.

Assistance to manufacturers is more important than ever due to this administration's misguided view that sending American manufacturing jobs overseas is good for the economy.

We need more American jobs, not less.

We need expanded economic activity and an enhanced tax base, not residential communities with nothing but service sector jobs.

Madam Chairman, I strongly support H.R. 250 for these very reasons. I hope that as the bill moves to conference, that Chairman GORDON will include Mr. HONDA'S proposal to extend the authorization of the Advanced Technology Program for an additional year.

Mr. TURNER. Madam Chairman, I support H.R. 250, the Manufacturing Technology Competitiveness Act of 2005.

Mr. Chairman, Dayton, Ohio, in my district is a center for manufacturing innovation. Manufacturers from Dayton have invented everything from the airplane to the electric car starter. Dayton is one of the top cities in America for patents per capita. H.R. 250 will ensure that Dayton's strong tradition of innovation will continue into the future.

H.R. 250 reauthorizes the Manufacturing Extension Partnership, MEP, Program, a program that has created centers throughout the country which help teach manufacturers technology developed by the National Institute of Standards and Technology. The National Institute of Standards and Technology, NIST, helps American businesses move into new manufacturing frontiers, expanding opportunities for the American manufacturing sector.

The Edison Materials Technology Center, or EMTEC located in my district, Kettering, Ohio, is an NIST center, and recipient of MEP Program grant money. EMTEC has partnered with over 125 businesses, universities and government agencies to bring new technologies to the factory floor.

Additionally, H.R. 250 authorizes funding for the National Science Foundation's Advanced Technological Education, ATE, program. This program provides funds to community and technical colleges for workforce education and training at the university and secondary levels. The continuation of the ATE program will assure that Ohio manufacturers have the best trained personnel.

Madam Chairman, this legislation will help our manufacturers maintain and enhance their competitive edge. I urge my colleagues to vote for this bill.

Mr. WU. Madam Chairman, I am pleased that Congress is considering the authorization of the National Institute of Standards and Technology. There is no other federal agency that more directly supports American industrial innovation and competitiveness than NIST.

NIST's standards and metrology activities support the chemical, telecommunications, and energy sectors to name a few.

The Manufacturing Extension Partnership is a successful program under NIST that helps our small manufacturing community remain competitive in the face of increasing global competition. The result: high-wage, high-skill jobs remain in the U.S. rather than moving offshore.

While I believe that H.R. 250, the Manufacturing Technology Competitiveness Act, is a good start, we must do much more to make the bill's contents live up to its title. Our manufacturing base is facing a crisis. Since 2001, we have lost 2.7 million manufacturing jobs.

However, the Advanced Technology Program, which spurs the development of broad-based technologies that can create the industries of tomorrow, is not being included in this bill. This is a terrible mistake. The future of American manufacturing lies in our ability to promote risk taking and to promote the pursuit of new technologies that go well beyond the limits of conventional practices. ATP is a logical tool to use to achieve these goals.

For all the hype given to the Nanotechnology Initiative, few recall that it was an early ATP award that fostered the development of the use of nanoparticles in the cosmetic industry. This is one of the few examples of commercially viable nanotechnology. Yet, this bill ignores the potential that can come out of ATP.

If we wish to truly strengthen the U.S. manufacturing base, we need to bring our full resources to bear on this issue—including ATP and technical education.

Unfortunately, the underlying bill does not do this. I am extremely disappointed that this bill does not include ATP and vocational education. If we are going to grow our economy in the 21st century, we have to be the most innovative country in the world. This bill will not get us there.

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

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 250

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 ''Manufacturing Technology Competitiveness Act of 2005''.

SEC. 2. INTERAGENCY COMMITTEE AND ADVISORY COMMITTEE.

(a) INTERAGENCY COMMITTEE.—

(1) ESTABLISHMENT.—The President shall establish or designate an interagency committee on manufacturing research and development, which shall include representatives from the Office of Science and Technology Policy, the National Institute of Standards and Technology, the Science and Technology Directorate of the Department of Homeland Security, the National Science Foundation, the Department of Energy, and any other agency that the President may designate. The Chair of the Interagency Committee shall be designated by the Director of the Office of Science and Technology Policy.

(2) FUNCTIONS.—The Interagency Committee shall be responsible for the planning and coordination of Federal efforts in manufacturing research and development through—

(A) establishing goals and priorities for manufacturing research and development, including the strengthening of United States manufacturing through the support and coordination of Federal manufacturing research, development, technology transfer, standards, and technical training;

(B) developing, within 6 months after the date of enactment of this Act, and updating every 3 years for delivery with the President's annual budget request to Congress, a strategic plan, to be transmitted to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, for manufacturing research and development that includes an analysis of the research, development, technology transfer, standards, technical training, and integration needs of the manufacturing sector important to ensuring and maintaining United States competitiveness;

(C) proposing an annual coordinated interagency budget for manufacturing research and development to the Office of Management and Budget; and

(D) developing and transmitting to Congress an annual report on the Federal programs involved in manufacturing research, development, technical training, standards, and integration, their funding levels, and their impacts on United States manufacturing competitiveness, including the identification and analysis of the manufacturing research and development problems that require additional attention, and recommendations of how Federal programs should address those problems.

(3) RECOMMENDATIONS AND VIEWS.—In carrying out its functions under paragraph (2), the Interagency Committee shall consider the recommendations of the Advisory Committee and the views of academic, State, industry, and other entities involved in manufacturing research and development.

(b) ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—Not later than 6 months after the date of enactment of this Act, the President shall establish or designate an advisory committee to provide advice and information to the Interagency Committee.

(2) RECOMMENDATIONS.—The Advisory Committee shall assist the Interagency Committee by providing it with recommendations on—

(A) the goals and priorities for manufacturing research and development;

(B) the strategic plan, including proposals on how to strengthen research and development to help manufacturing; and

(C) other issues it considers appropriate.

(3) REPORT.—The Advisory Committee shall provide an annual report to the Interagency Committee and the Congress that shall assess—

(A) the progress made in implementing the strategic plan and challenges to this progress;

(B) the effectiveness of activities under the strategic plan in improving United States manufacturing competitiveness;

(C) the need to revise the goals and priorities established by the Interagency Committee; and

(D) new and emerging problems and opportunities affecting the manufacturing research community, research infrastructure, and the measurement and statistical analysis of manufacturing that may need to be considered by the Interagency Committee.

(4) FEDERAL ADVISORY COMMITTEE ACT APPLICATION.—Section 14 of the Federal Advisory Committee Act shall not apply to the Advisory Committee.

SEC. 3. COLLABORATIVE MANUFACTURING RESEARCH PILOT GRANTS.

The National Institute of Standards and Technology Act is amended—

(1) by redesignating the first section 32 (15 U.S.C. 271 note) as section 34 and moving it to the end of the Act; and

(2) by inserting before the section moved by paragraph (1) the following new section:

''SEC. 33. COLLABORATIVE MANUFACTURING RESEARCH PILOT GRANTS.

''(a) AUTHORITY.—

''(1) ESTABLISHMENT.—The Director shall establish a pilot program of awards to partnerships among participants described in paragraph (2) for the purposes described in paragraph (3). Awards shall be made on a peer-reviewed, competitive basis.

''(2) PARTICIPANTS.—Such partnerships shall include at least—

''(A) 1 manufacturing industry partner; and

''(B) 1 nonindustry partner.

''(3) PURPOSE.—The purpose of the program under this section is to foster cost-shared collaborations among firms, educational institutions, research institutions, State agencies, and nonprofit organizations to encourage the development of innovative, multidisciplinary manufacturing technologies. Partnerships receiving awards under this section shall conduct applied research to develop new manufacturing processes, techniques, or materials that would contribute to improved performance, productivity, and competitiveness of United States manufacturing, and build lasting alliances among collaborators.

''(b) PROGRAM CONTRIBUTION.—Awards under this section shall provide for not more than one-third of the costs of a partnership. Not more than an additional one-third of such costs may be obtained directly or indirectly from other Federal sources.

''(c) APPLICATIONS.—Applications for awards under this section shall be submitted in such manner, at such time, and containing such information as the Director shall require. Such applications shall describe at a minimum—

''(1) how each partner will participate in developing and carrying out the research agenda of the partnership;

''(2) the research that the grant would fund; and

''(3) how the research to be funded with the award would contribute to improved performance, productivity, and competitiveness of the United States manufacturing industry.

''(d) SELECTION CRITERIA.—In selecting applications for awards under this section, the Director shall consider at a minimum—

''(1) the degree to which projects will have a broad impact on manufacturing;

''(2) the novelty and scientific and technical merit of the proposed projects; and

''(3) the demonstrated capabilities of the applicants to successfully carry out the proposed research.

''(e) DISTRIBUTION.—In selecting applications under this section the Director shall ensure, to the extent practicable, a distribution of overall awards among a variety of manufacturing industry sectors and a range of firm sizes.

''(f) DURATION.—In carrying out this section, the Director shall run a single pilot competition to solicit and make awards. Each award shall be for a 3-year period.''.

SEC. 4. MANUFACTURING FELLOWSHIP PROGRAM.

Section 18 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–1) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''The Director is authorized''; and

(2) by adding at the end the following new subsection:

''(b) MANUFACTURING FELLOWSHIP PROGRAM.—

''(1) ESTABLISHMENT.—To promote the development of a robust research community working at the leading edge of manufacturing sciences, the Director shall establish a program to award—

''(A) postdoctoral research fellowships at the Institute for research activities related to manufacturing sciences; and

''(B) senior research fellowships to established researchers in industry or at institutions of higher education who wish to pursue studies related to the manufacturing sciences at the Institute.

''(2) APPLICATIONS.—To be eligible for an award under this subsection, an individual shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require.

''(3) STIPEND LEVELS.—Under this section, the Director shall provide stipends for postdoctoral research fellowships at a level consistent with the National Institute of Standards and Technology Postdoctoral Research Fellowship Program, and senior research fellowships at levels consistent with support for a faculty member in a sabbatical position.''.

SEC. 5. MANUFACTURING EXTENSION.

(a) MANUFACTURING CENTER EVALUATION.—Section 25(c)(5) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(c)(5)) is amended by inserting ''A Center that has not received a positive evaluation by the evaluation panel shall be notified by the panel of the deficiencies in its performance and may be placed on probation for one year, after which time the panel may reevaluate the Center. If the Center has not addressed the deficiencies identified by the panel, or shown a significant improvement in its performance, the Director may conduct a new competition to select an operator for the Center or may close the Center.'' after ''sixth year at declining levels.''.

(b) FEDERAL SHARE.—Strike section 25(d) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(d)) and insert the following:

''(d) ACCEPTANCE OF FUNDS.—In addition to such sums as may be appropriated to the Secretary and Director to operate the Centers program, the Secretary and Director also may accept funds from other Federal departments and agencies and under section 2(c)(7) from the private sector for the purpose of strengthening United States manufacturing. Such funds, if allocated to a Center or Centers, shall not be considered in the calculation of the Federal share of capital and annual operating and maintenance costs under subsection (c).''.

(c) MANUFACTURING EXTENSION CENTER COMPETITIVE GRANT PROGRAM.—Section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k) is amended by adding at the end the following new subsections:

''(e) COMPETITIVE GRANT PROGRAM.—

''(1) ESTABLISHMENT.—The Director shall establish, within the Manufacturing Extension Partnership program under this section and section 26 of this Act, a program of competitive awards among participants described in paragraph (2) for the purposes described in paragraph (3).

''(2) PARTICIPANTS.—Participants receiving awards under this subsection shall be the Centers, or a consortium of such Centers.

''(3) PURPOSE.—The purpose of the program under this subsection is to develop projects to solve new or emerging manufacturing problems as determined by the Director, in consultation with the Director of the Manufacturing Extension Partnership program, the Manufacturing Extension Partnership National Advisory Board, and small and medium-sized manufacturers. One or more themes for the competition may be identified, which may vary from year to year, depending on the needs of manufacturers and the success of previous competitions. These themes shall be related to projects associated with manufacturing extension activities, including supply chain integration and quality management, or extend beyond these traditional areas.

''(4) APPLICATIONS.—Applications for awards under this subsection shall be submitted in such manner, at such time, and containing such information as the Director shall require, in consultation with the Manufacturing Extension Partnership National Advisory Board.

''(5) SELECTION.—Awards under this subsection shall be peer reviewed and competitively awarded. The Director shall select proposals to receive awards—

''(A) that utilize innovative or collaborative approaches to solving the problem described in the competition;

''(B) that will improve the competitiveness of industries in the region in which the Center or Centers are located; and

''(C) that will contribute to the long-term economic stability of that region.

''(6) PROGRAM CONTRIBUTION.—Recipients of awards under this subsection shall not be required to provide a matching contribution.

''(f) AUDITS.—A center that receives assistance under this section shall submit annual audits to the Secretary in accordance with Office of Management and Budget Circular A–133 and shall make such audits available to the public on request.''.

SEC. 6. SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES.

(a) LABORATORY ACTIVITIES.—There are authorized to be appropriated to the Secretary of Commerce for the scientific and technical research and services laboratory activities of the National Institute of Standards and Technology—

(1) $426,267,000 for fiscal year 2006, of which—

(A) $50,833,000 shall be for Electronics and Electrical Engineering;

(B) $28,023,000 shall be for Manufacturing Engineering;

(C) $52,433,000 shall be for Chemical Science and Technology;

(D) $46,706,000 shall be for Physics;

(E) $33,500,000 shall be for Material Science and Engineering;

(F) $24,321,000 shall be for Building and Fire Research;

(G) $68,423,000 shall be for Computer Science and Applied Mathematics;

(H) $20,134,000 shall be for Technical Assistance;

(I) $48,326,000 shall be for Research Support Activities;

(J) $29,369,000 shall be for the National Institute of Standards and Technology Center for Neutron Research; and

(K) $18,543,000 shall be for the National Nanomanufacturing and Nanometrology Facility;

(2) $447,580,000 for fiscal year 2007; and

(3) $456,979,000 for fiscal year 2008.

(b) MALCOLM BALDRIGE NATIONAL QUALITY AWARD PROGRAM.—There are authorized to be appropriated to the Secretary of Commerce for the Malcolm Baldrige National Quality Award program under section 17 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a)—

(1) $5,654,000 for fiscal year 2006;

(2) $5,795,000 for fiscal year 2007; and

(3) $5,939,000 for fiscal year 2008.

(c) CONSTRUCTION AND MAINTENANCE.—There are authorized to be appropriated to the Secretary of Commerce for construction and maintenance of facilities of the National Institute of Standards and Technology—

(1) $58,898,000 for fiscal year 2006;

(2) $61,843,000 for fiscal year 2007; and

(3) $63,389,000 for fiscal year 2008.

(d) ADVANCED TECHNOLOGY PROGRAM ELIMINATION REPORT.—Not later than 3 months after the date of enactment of this Act, the Secretary shall provide to the Congress a report detailing the impacts of the possible elimination of the Advanced Technology Program on the laboratory programs at the National Institute of Standards Technology.

(e) LOSS OF FUNDING.—At the time of the President's budget request for fiscal year 2007, the Secretary shall provide the Congress a report on how the Department of Commerce plans to absorb the loss of Advanced Technology Program funds to the laboratory programs at the National Institute of Standards and Technology, or otherwise mitigate the effects of this loss on its programs and personnel.

SEC. 7. STANDARDS EDUCATION PROGRAM.

(a) PROGRAM AUTHORIZED.—(1) As part of the Teacher Science and Technology Enhancement Institute Program, the Director of the National Institute of Standards and Technology shall carry out a Standards Education program to award grants to institutions of higher education to support efforts by such institutions to develop curricula on the role of standards in the fields of engineering, business, science, and economics. The curricula should address topics such as—

(A) development of technical standards;

(B) demonstrating conformity to standards;

(C) intellectual property and antitrust issues;

(D) standardization as a key element of business strategy;

(E) survey of organizations that develop standards;

(F) the standards life cycle;

(G) case studies in effective standardization;

(H) managing standardization activities; and

(I) managing organizations that develop standards.

(2) Grants shall be awarded under this section on a competitive, merit-reviewed basis and shall require cost-sharing from non-Federal sources.

(b) SELECTION PROCESS.—(1) An institution of higher education seeking funding under this section shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require. The application shall include at a minimum—

(A) a description of the content and schedule for adoption of the proposed curricula in the courses of study offered by the applicant; and

(B) a description of the source and amount of cost-sharing to be provided.

(2) In evaluating the applications submitted under paragraph (1) the Director shall consider, at a minimum—

(A) the level of commitment demonstrated by the applicant in carrying out and sustaining lasting curricula changes in accordance with subsection (a)(1); and

(B) the amount of cost-sharing provided.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce for the Teacher Science and Technology Enhancement Institute program of the National Institute of Standards and Technology—

(1) $773,000 for fiscal year 2006;

(2) $796,000 for fiscal year 2007; and

(3) $820,000 for fiscal year 2008.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) MANUFACTURING EXTENSION PARTNERSHIP PROGRAM.—There are authorized to be appropriated to the Secretary of Commerce, or other appropriate Federal agencies, for the Manufacturing Extension Partnership program under sections 25 and 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278k and 278l)—

(1) $110,000,000 for fiscal year 2006, of which not more than $1,000,000 shall be for the competitive grant program under section 25(e) of such Act (15 U.S.C. 278k(e));

(2) $115,000,000 for fiscal year 2007, of which not more than $4,000,000 shall be for the competitive grant program under section 25(e) of such Act (15 U.S.C. 278k(e)); and

(3) $120,000,000 for fiscal year 2008, of which not more than $4,100,000 shall be for the competitive grant program under section 25(e) of such Act (15 U.S.C. 278k(e)).

(b) COLLABORATIVE MANUFACTURING RESEARCH PILOT GRANTS PROGRAM.—There are authorized to be appropriated to the Secretary of Commerce for the Collaborative Manufacturing Research Pilot Grants program under section 33 of the National Institute of Standards and Technology Act—

(1) $10,000,000 for fiscal year 2006;

(2) $10,000,000 for fiscal year 2007; and

(3) $10,000,000 for fiscal year 2008.

(c) FELLOWSHIPS.—There are authorized to be appropriated to the Secretary of Commerce for Manufacturing Fellowships at the National Institute of Standards and Technology under section 18(b) of the National Institute of Standards

and Technology Act, as added by section 4 of this Act—

(1) $1,500,000 for fiscal year 2006;

(2) $1,750,000 for fiscal year 2007; and

(3) $2,000,000 for fiscal year 2008.

SEC. 9. TECHNICAL WORKFORCE EDUCATION AND DEVELOPMENT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Director of the National Science Foundation, from sums otherwise authorized to be appropriated, for the Advanced Technological Education Program established under section 3 of the Scientific and Advanced-Technology Act of 1992 (42 U.S.C. 1862i)—

(1) $55,000,000 for fiscal year 2006, $5,000,000 of which may be used to support the education and preparation of manufacturing technicians for certification;

(2) $57,750,000 for fiscal year 2007, $5,000,000 of which may be used to support the education and preparation of manufacturing technicians for certification; and

(3) $60,600,000 for fiscal year 2008, $5,000,000 of which may be used to support the education and preparation of manufacturing technicians for certification.

(b) AMENDMENT.—Section 3 of the Scientific and Advanced-Technology Act of 1992 (42 U.S.C. 1862i) is amended—

(1) by inserting ``, including manufacturing'' after ``advanced-technology fields'' each place it appears other than in subsection (c)(2); and

(2) by inserting ``, including manufacturing,'' after ``advanced-technology fields'' in subsection (c)(2).

The CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 109–227. 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 109–227.

AMENDMENT NO. 1 OFFERED BY MR. BOEHLERT

Mr. BOEHLERT. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. BOEHLERT:

At the end of the bill, add the following new sections:

SEC. 10. KATRINA ASSISTANCE PROGRAM.

(a) PROGRAM ESTABLISHMENT.— Not later than 30 days after the date of enactment of this Act, the Director of the National Institute of Standards and Technology shall establish within the Manufacturing Extension Partnership program established under sections 25 and 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278k and 278l) a Katrina Assistance Program, to provide assistance to impacted small and medium-sized manufacturers in the areas affected by Hurricane Katrina.

(b) PURPOSES.—The Katrina Assistance Program shall—

(1) establish triage teams, consisting of personnel from within the national network of Manufacturing Extension Partnership Centers established under section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k) and local experts, the purpose of which shall be to assist impacted manufacturers;

(2) develop virtual assistance centers, consisting of databases incorporating the results and recommendations of the triage team assessments;

(3) assess the potential disruption on national manufacturing supply chains as a result of Hurricane Katrina, and develop recommendations of how to minimize such disruption; and

(4) provide assistance to small and medium-sized manufacturers in the areas affected by Hurricane Katrina, consistent with the authorities of the Manufacturing Extension Partnership program established under section 25 and 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278k and 278l).

(c) NO MATCHING FUND REQUIREMENT.—Assistance under the Program established under this section shall be exempt from matching requirements for the Manufacturing Extension Partnership program under the National Institute of Standards and Technology Act.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce such sums as may be necessary for the Katrina Assistance Program established under this section.

SEC. 11. BUILT ENVIRONMENT INVESTIGATION FOR HURRICANE KATRINA.

(a) IN GENERAL.—The Director of the National Institute of Standards and Technology shall carry out an engineering performance study of the effects of Hurricane Katrina in the areas of Louisiana, Alabama, and Mississippi covered by the President's major disaster declarations of August 29, 2005. The study shall be based on an examination of physical structures damaged due to excessive wind, storm surge, and flooding, including—

(1) key physical infrastructures such as ports, utilities, lifelines associated with infrastructure facilities, and transportation systems; and

(2) engineered and nonengineered buildings.

(b) PURPOSE.—The purpose of the study shall be to—

(1) develop new knowledge concerning practices related to building standards and codes; and

(2) review the adequacy of current building codes and standards for excessive wind, storm surge, and flooding.

(c) MEETINGS AND CONFERENCES.—The Director of the National Institute of Standards and Technology may convene public meetings and conferences to inform the public, government authorities, and relevant professional associations regarding findings and recommendations of the study.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Director of the National Institute of Standards and Technology $3,000,000 for carrying out this section.

The CHAIRMAN. Pursuant to House Resolution 451, the gentleman from New York (Mr. BOEHLERT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York (Mr. BOEHLERT).

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

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

Mr. BOEHLERT. Madam Chairman, I rise in support of the amendment. Let me start by thanking the gentleman from Louisiana (Mr. MELANCON) for bringing forward the proposal that led to this amendment. And let me thank him and the gentleman from Tennessee (Mr. GORDON) for working with us to craft this amendment in a way that should avoid controversy.

This amendment is designed to help the victims of Hurricane Katrina and to help save lives in future hurricanes, goals we obviously all share. The amendment would accomplish its goals in two ways.

First, it authorizes the Manufacturing Extension Partnership program to establish a special effort to help Katrina victims by drawing on all the resources of the nationwide network of MEP centers. The MEP centers have a wide variety of ways to help businesses that have had losses or have been wiped out by Hurricane Katrina. We all want to do everything possible to help gulf coast businesses and their owners and customers to get back on their feet, something that is critically important, brought to my attention once again very vividly in a meeting this morning with Governor Haley Barbour of Mississippi.

The Katrina program would also waive the usual matching requirements for assistance, as neither the States nor the businesses are in a position to provide such a matching payment now. I should add that we do not expect this program to be particularly costly as it draws on existing MEP resources, and the MEP program as a whole costs roughly $100 million, not a number that stands out in comparison to the mega numbers we are hearing about necessary hurricane relief.

The second part of the amendment draws on the expertise of the National Institute of Standards and Technology to investigate why buildings and other structures failed during the storm. This is a traditional role for NIST, and it has played it many times after building failures and has resulted in greater understanding of building performance and stronger building codes. We ought to be learning from this hurricane to prevent future losses of life and property in storms to come. A NIST investigation is the best way to do that.

This bill is silent as to what legal mechanisms NIST should use to carry out its investigation. I would prefer and I know my colleagues across the aisle would prefer that NIST invoke the National Construction Safety Team Act that was signed into law after the World Trade Center collapsed. But the bill does not mandate that NIST take that approach.

In short, this amendment instructs NIST to take reasonable, affordable steps to help the victims of Katrina and to prevent losses from future storms. I urge its adoption.

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

Mr. GORDON. Madam Speaker, I ask unanimous consent to claim the time in opposition under the rule.

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

There was no objection.

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

Madam Chairman, in 1969 I was a college student when Camille hit the gulf coast, and I went down to Pass Christian to try to help clean up with the National Guard. Let me say one really has to be there to fully appreciate the devastation and the despair in the victims' hearts. I know it is there this time also.

The gentleman from Louisiana (Mr. MELANCON) has been there. He has worked with his constituents and folks all across that area and has brought back to us some good sense, and that is how we can make the MEP program help that area, helping the businesses come back, helping people develop jobs. And I want to compliment the gentleman from New York (Chairman BOEHLERT), who I think well stated the purpose of this bill, for recognizing it, agreeing to accept it. I think this is going to be a positive addition to not only the bill but also to the lives and businesses in this hard-hit area.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BOEHLERT).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 109–227.

AMENDMENT NO. 2 OFFERED BY MR. GORDON

Mr. GORDON. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. GORDON:

At the end of section 5, add the following new subsection:

(d) PROGRAMMATIC AND OPERATIONAL PLAN.—Not later than 120 days after the date of enactment of this Act, the Director of the National Institute of Standards and Technology shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a 3-year programmatic and operational plan for the Manufacturing Extension Partnership program under sections 25 and 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278k and 278l). The plan shall include comments on the plan from the Manufacturing Extension Partnership State partners and the Manufacturing Extension Partnership National Advisory Board.

The CHAIRMAN. Pursuant to House Resolution 451, the gentleman from Tennessee (Mr. GORDON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. GORDON).

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

Madam Chairman, this is a very straightforward amendment. This amendment requires the Director of the National Institute of Standards and Technology to submit to Congress a 3-year operational and planning document for the Manufacturing Extension Partnership program. The past 4 years, the administration's MEP budget request has been much less than required to maintain the existing national network of MEP centers. In fact, for 2 years the administration has proposed eliminating MEP funding altogether. Despite their meager budget requests, the administration has consistently maintained that it will maintain a fully operational MEP network. However, the administration has not consulted with the State partners or MEP centers to explain the rationale for its funding request or how they intend to maintain the current MEP center structure.

Both States and small manufacturers have been frustrated by the administration's lack of planning and cooperation. My amendment would address this issue by requiring the administration to put together a 3-year MEP operation plan that would include commitments of its State partners and the MEP National Advisory Board. This amendment has also been endorsed by the American Small Manufacturers Coalition, the umbrella operation of the MEP centers and the small manufacturers they serve.

I would urge adoption of this amendment.

Mr. BOEHLERT. Madam Chairman, will the gentleman yield?

Mr. GORDON. I yield to the gentleman from New York.

Mr. BOEHLERT. Madam Chairman, I think this amendment enhances the bill. It adds to the quality of an already good bill, and we are pleased to accept it.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee (Mr. GORDON).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 109–227.

AMENDMENT NO. 3 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Ms. JACKSON-LEE of Texas:

Page 20, after line 14, insert the following:

Funds shall be made available under this subsection, to the maximum extent practicable, to diverse institutions, including Historically Black Colleges and Universities and other minority serving institutions.

The CHAIRMAN. Pursuant to House Resolution 451, 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).

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Ms. JACKSON-LEE of Texas. Madam Chairman, I yield myself such time as I may consume.

I thank the chairman of the full committee and the ranking member of the full committee, and if I might add my appreciation for the cooperation of both staffs and both the gentleman from New York (Chairman BOEHLERT) and the gentleman from Tennessee (Ranking Member GORDON) for helping with this amendment, and as well the cooperation and the timeliness of this amendment.

My amendment would ensure that minority-serving institutions, including Historically Black Colleges and Universities, have access to the National Science Foundation's Advanced Technological Education Program. The ATE program promotes improvement in technological education at the undergraduate and secondary school levels by supporting curriculum development; the preparation and professional development of college faculty and secondary schoolteachers; internships and field experiences for faculty, teachers, and students; and other activities. We have often, Madam Chairman, spoken in the Committee on Science about the broadness of opportunity, and here lies in this bill the opportunity to enhance that with this amendment.

The Manufacturing Technology Competitiveness Act of 2005 is a perfect vehicle to emphasize the involvement of a diverse community, and the focus of science and technology in our Historically Black Colleges and Hispanic-serving colleges. With an emphasis on 2-year colleges, the program focuses on the education of technicians for the high-technology fields that drive our Nation's economy. It is vitally important that this high-value program is made available to minority-serving institutions, including HBCUs.

Unfortunately, we do not have nearly enough minority representation in the fields of science and engineering. Minorities represent only a small proportion of scientists and engineers in the United States. Collectively, blacks, Hispanics, and other ethnic groups, the latter includes American Indians and Alaska natives, constituted 24 percent of the total U.S. population but only 7 percent of the total science and engineering workforce in 1999. Blacks and Hispanics each accounted for about 3 percent of scientists and engineers and other ethnic groups represented less than 0.5. Furthermore, for science and engineering graduates, there are only 835,000 scientists who are female in the United States. Meanwhile, white students number 2 million, black students account for only 121,000 scientists, and Hispanic students for only 120,000 scientists.

Madam Chairman, I want to see all Americans be engaged in the sciences because that is the wave of the future. I have always said that science is the work of the 21st century, and we are in

the 21st century. I believe it is important to offer an amendment that provides for the opportunities for minorities.

Might I say, in the backdrop of Hurricane Katrina, Mr. Chairman and Ranking Member, I want my colleagues to know that two of our Historically Black Colleges, Xavier and Dillard, are now underwater in New Orleans. We know that Dillard produced the most number of undergraduates that went into the sciences and then went on to medical school. So this amendment may be timely because of what we are going through, and prospectively what we might be going through with Hurricane Rita.

All I can say is that the opportunity for more in the sciences and more having the opportunity under this very important competitive bill, I believe makes a first step and a good step toward the improvement of the sciences and science graduates in America.

Madam Chairman, my amendment would ensure that minority serving institutions including Historically Black Colleges and Universities, HBCUs, have access to the National Science Foundation's Advanced Technological Education Program, ATE. The ATE program promotes improvement in technological education at the undergraduate and secondary school levels by supporting curriculum development; the preparation and professional development of college faculty and secondary school teachers; internships and field experiences for faculty, teachers, and students; and other activities. With an emphasis on two-year colleges, the program focuses on the education of technicians for the high-technology fields that drive our Nation's economy. It is vitally important that this high-value program is made available to minority serving institutions including HBCUs.

Unfortunately, we do not have nearly enough minority representation in the fields of science and engineering. Minorities represent only a small proportion of scientists and engineers in the United States. Collectively, Blacks, Hispanics, and other ethnic groups—the latter includes American Indian/Alaskan Natives—constituted 24 percent of the total U.S. population and only 7 percent of the total science and engineering workforce in 1999. Blacks and Hispanics each accounted for about 3 percent of scientists and engineers, and other ethnic groups represented less than 0.5 percent. Furthermore, for Science and Engineering graduates, there are only 835,000 scientists who are female in the United States, meanwhile white students number 2 million-plus, black students account for only 121,000 scientists and Hispanic students for only 120,000 scientists. This problem extends into the salaries paid to minorities in the fields of science and engineering. The median annual salaries of individuals in science and engineering show amongst individuals with less than 5 years experience, i.e. recent graduates, white individuals make an average of $61,000, while their black and Hispanic counterparts make only $53,000 and $55,000 respectively. Clearly, there is a disparity here that needs to be filled and I believe this amendment makes a positive step in that direction.

For most of America's history, African Americans who received a college education could only get it from an HBCU. Today, HBCUs remain one of the surest ways for an African American, or student of any race, to receive a high quality education. Seven of the top eleven producers of African American baccalaureates in engineering were HBCUs, including #1 North Carolina A&T State University. The top three producers of African American baccalaureates in health professions (#1 Southern University and A&M College, #2 Florida A&M University and #3 Howard University were HBCUs. The twelve top producers of African American baccalaureates in the physical sciences, including #1 Xavier University of Louisiana, were all HBCUs.

Hispanic Serving Institutions, HISs, are also instrumental in educating a growing minority population. According to the Hispanic Association of Colleges and Universities Hispanics are historically underrepresented in the areas of science, technology, engineering and mathematics. HSIs receive only half the Federal funding per student, on average, accorded to every other degree-granting institution. Indeed it seems sadly clear that HSIs are a long way from Federal funding parity with other institutions of higher learning.

I hope every Member of this Committee can agree on the importance of HBCUs and HSIs and I hope they will support my amendment to create equity in the fields of science and engineering.

Mr. BOEHLERT. Madam Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from New York.

Mr. BOEHLERT. Madam Chairman, I want to thank the gentlewoman for offering this amendment, particularly the timing of it. It is very significant. I understand the gentlewoman will be asking for a rollcall vote, and I will proudly vote ''aye.''

Ms. JACKSON-LEE of Texas. Madam Chairman, I thank the distinguished chairman of the committee. Again, that speaks to the work we do on this committee.

Madam Chairman, I am very honored to likewise yield to the distinguished ranking member, the gentleman from Tennessee (Mr. GORDON).

Mr. GORDON. Madam Chairman, this amendment builds upon the good work that the gentlewoman from Texas (Ms. JACKSON-LEE) does in ensuring that minority-serving institutions have equal access to Federal research and education programs. Our community colleges are at the forefront of educating minorities, and this amendment highlights their importance.

This is a good amendment, and I urge its adoption.

Ms. JACKSON-LEE of Texas. Madam Chairman, I thank the distinguished ranking member and the distinguished chairman. Let me also thank my staff, Assad Akhter for his work, and the staff of the Committee on Science both on the majority and minority side.

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

The Acting CHAIRMAN (Mr. TERRY). The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

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 will be postponed.

It is now in order to consider amendment No. 4 printed in House Report 109–227.

AMENDMENT NO. 4 OFFERED BY MR. LARSON OF CONNECTICUT

Mr. LARSON of Connecticut. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. LARSON of Connecticut:

At the end of the bill, add the following new section:

SEC. 10. MANUFACTURING AND TECHNOLOGY ADMINISTRATION.

Section 5 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3704) is amended to read as follows:

''SEC. 5. MANUFACTURING AND TECHNOLOGY ADMINISTRATION.

''(a) ESTABLISHMENT.—There is established in the Department of Commerce a Manufacturing and Technology Administration, which shall operate in accordance with the provisions, findings, and purposes of this Act. The Manufacturing and Technology Administration shall include—

''(1) the National Institute of Standards and Technology;

''(2) the National Technical Information Service; and

''(3) a policy analysis office, which shall be known as the Office of Manufacturing and Technology Policy.

''(b) UNDER SECRETARY AND ASSISTANT SECRETARIES.—The President shall appoint, by and with the advice and consent of the Senate, to the extent provided for in appropriations Acts—

''(1) an Under Secretary of Commerce for Manufacturing and Technology, who shall be compensated at the rate provided for level III of the Executive Schedule in section 5314 of title 5, United States Code;

''(2) an Assistant Secretary of Manufacturing who shall serve as a policy analyst for the Under Secretary; and

''(3) an Assistant Secretary of Technology who shall serve as a policy analyst for the Under Secretary.

''(c) DUTIES.—The Secretary, through the Under Secretary, as appropriate, shall—

''(1) manage the Manufacturing and Technology Administration and supervise its agencies, programs, and activities;

''(2) conduct manufacturing and technology policy analyses to improve United States industrial productivity, manufacturing capabilities, and innovation, and cooperate with United States industry to improve its productivity, manufacturing capabilities, and ability to compete successfully in an international marketplace;

''(3) identify manufacturing and technological needs, problems, and opportunities within and across industrial sectors, that, if addressed, could make significant contributions to the economy of the United States;

''(4) assess whether the capital, technical, and other resources being allocated to domestic industrial sectors which are likely to generate new technologies are adequate to

meet private and social demands for goods and services and to promote productivity and economic growth;

''(5) propose and support studies and policy experiments, in cooperation with other Federal agencies, to determine the effectiveness of measures for improving United States manufacturing capabilities and productivity;

''(6) provide that cooperative efforts to stimulate industrial competitiveness and innovation be undertaken between the Under Secretary and other officials in the Department of Commerce responsible for such areas as trade and economic assistance;

''(7) encourage and assist the creation of centers and other joint initiatives by State or local governments, regional organizations, private businesses, institutions of higher education, nonprofit organizations, or Federal laboratories to encourage technology transfer, to encourage innovation, and to promote an appropriate climate for investment in technology-related industries;

''(8) propose and encourage cooperative research involving appropriate Federal entities, State or local governments, regional organizations, colleges or universities, nonprofit organizations, or private industry to promote the common use of resources, to improve training programs and curricula, to stimulate interest in manufacturing and technology careers, and to encourage the effective dissemination of manufacturing and technology skills within the wider community;

''(9) serve as a focal point for discussions among United States companies on topics of interest to industry and labor, including discussions regarding manufacturing, competitiveness, and emerging technologies;

''(10) consider government measures with the potential of advancing United States technological innovation and exploiting innovations of foreign origin and publish the results of studies and policy experiments; and

''(11) assist in the implementation of the Metric Conversion Act of 1975 (15 U.S.C. 205a et seq.).''.

The Acting CHAIRMAN. Pursuant to House Resolution 451, the gentleman from Connecticut (Mr. LARSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Connecticut (Mr. LARSON).

Mr. LARSON of Connecticut. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first of all, let me start by associating myself with the remarks of the distinguished Democrat from Tennessee and the accolades that have been given to the gentleman from New York (Chairman BOEHLERT), the gentleman from Michigan (Mr. EHLERS), and the gentleman from Illinois (Mr. MANZULLO) who was on the floor earlier, for the hard work and effort that they have put forward.

My amendment cuts right to the chase of a deep and abiding concern that I and a number of small manufacturers in the State of Connecticut and, I dare say, across this Nation have. We all know the statistics: 3 million Americans employed in manufacturing have lost their jobs, 110,000 in this year alone; 57,000 jobs have been lost in the State of Connecticut since 2001.

The genesis of this amendment came at a Chamber of Commerce meeting when small businessmen got up and spoke out with great alarm, wondering out loud how is it that we can have a Department of Agriculture and not a department of manufacturing that focuses on these issues. Where is the ombudsman and voice for us at the national level? They prevailed upon me to introduce this legislation. I am proud to say it is endorsed by the National Council for the Advancement of Manufacturing and the IAM, to name a few. But the focus here is to make sure that we have an individual within a department that is doing its job.

Now, the President has appointed a so-called ''manufacturing czar,'' but he has no budget and he has no resources. This amendment is straightforward and pragmatic. It redirects and reorients the already existing resources that we have in order to create a position whose sole focus becomes manufacturing and who becomes the ombudsman for the small manufacturer who is crying out as they continue to see their jobs outsourced overseas, as they see very little voice that they have in terms of the larger scale dealing with the WTO and a number of the trade agreements that come forward.

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

Mr. BOEHLERT. Mr. Chairman, I rise to reluctantly claim the time in opposition, and I yield myself such time as I may consume.

Mr. Chairman, this might have been a reasonable amendment a couple of years ago, and, guess what? We are used to expecting reasonable amendments from my distinguished colleague from Connecticut. Back then, all of us, including the gentleman from Connecticut (Mr. LARSON) were calling on the administration to bring more focus on the Commerce Department to the problem of manufacturers. Quite frankly, I do not think they were paying enough attention. But guess what? The administration heeded our calls. It created a new Assistant Secretary for Manufacturing and took other steps to create a focus on manufacturers in the Department, and it did so in a streamlined way.

So I think it is really time to declare victory and go home on this issue. We have won what we were seeking: someone in that Department of Commerce to focus attention on manufacturing. The gentleman from Connecticut (Mr. LARSON) wanted it, I wanted it, the gentleman from Tennessee (Mr. GORDON) wanted it, the gentleman from Michigan (Mr. EHLERS) wanted it, we all wanted it, and they listened. It is not too often that the administration listens to the Congress. The legislative branch is sometimes considered politically inconvenient for the executive branch. This time they listened.

Indeed, the Larson amendment would override or duplicate the administration's efforts, it is hard to tell which, and reorganize the Department yet again. That is a waste of time and money; it is utterly unnecessary.

Now, the gentleman from Connecticut may respond that the Assistant Secretary appointed by the President has not accomplished very much. That person certainly has his hands full, and I am not going to debate his performance here. But if the gentleman is arguing that creating a new Assistant Secretary has not done any good, how is that an argument for his amendment? Why does he think that creating the similar positions he is proposing would be a panacea?

The way to help manufacturers is not by creating more bureaucracy in downtown Washington. What we need to do is fund programs that help manufacturers. That is what this bill would do by aiding the successful programs of the National Institute of Standards and Technology.

If anything, the Larson language would actually impede this program. It would add to the bureaucracy that sits on top of NIST, when we want NIST to have as much of its own funding and latitude as possible. The gentleman from Connecticut (Mr. LARSON's) new officials would be in a position to siphon money away from this and interfere with its programs. How would that help manufacturers?

Let us speed this bill along and not weigh it down with new bureaucracies who would detract from the very programs we are trying to augment.

The House soundly defeated this amendment last year. We defeated it in committee this year. That was the right decision, and it is time to dispense with this amendment again.

Having said that, let me say that does not diminish one iota the respect I have for our distinguished colleague from Connecticut, who is one of the most valued members of the Committee on Science. But, having said all of the above, I have to once again indicate how reluctant I am to oppose the gentleman from Connecticut (Mr. LARSON) because of my affection and respect for him; I am not really opposing the gentleman, I am opposing his amendment, and I urge its defeat.

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

Mr. LARSON of Connecticut. Mr. Chairman, I appreciate the chairman not opposing me, and I appreciate and I understand his unwillingness to debate what Mr. Frink has been able to accomplish in his position to date.

The hard truth is that we have not been able to accomplish much, and the reason is, I think as everyone knows, it has become intuitively obvious to the National Coalition for the Advancement of Manufacturing, that he is located within the bowels of an administration and given no budget and no resources to carry out a goal that all of us agree needs to be accomplished.

So that is why we take and reorient existing resources to accomplish that goal; so there is no new bureaucracy that is created, it is just reoriented and refocused in a manner that will provide a voice, with resources and a budget, to speak out on behalf of manufacturers. This bill is not of my creation. It

comes out of the mouths of those people who are directly impacted: the small manufacturers all across the State of Connecticut and this great Nation of ours.

Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Connecticut (Ms. DELAURO) who understands these issues and understands what is happening in our State of Connecticut with regard to manufacturing.

Ms. DELAURO. Mr. Chairman, as stated, 3 million Americans employed in manufacturing lost jobs in the last 4 years, 110,000 this year; total manufacturing losses in the State of Connecticut, 57,000.

It would seem to me that whomever we have at the head of this effort does not understand the scope of the job, the magnitude of it, and is not provided with enough authority to be able to conduct the job, as my colleague has pointed out. We do need someone who has real influence, substance, not a person who has marginal authority; because when you give marginal authority, it tells you what the administration thinks of the position's importance, quite frankly, of manufacturing importance.

As has been commented on, this agency and the czar that is housed within the Assistant Secretary, does not have a range of expertise to address the issues before our manufacturers, has no funding to support the position. If you have no funding, if you have no authority, then the position is one that does not really make any difference.

Mr. Chairman, we are coping with Katrina, we are coping with ongoing violence in Iraq, we are letting the moment to revitalize our manufacturing sector slip away. We need to send a signal that Congress takes this crisis seriously. If Katrina has taught us anything, it is that competence in government can make a difference in dealing with the crisis. Support the Larson amendment.

□ 1515

Mr. BOEHLERT. Mr. Chairman, I yield 1½ minutes to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Mr. Chairman, I would simply like to observe a few things. First of all, the original version of this bill, which I introduced last year, did establish an Under Secretary position, as the Larson amendment did.

The administration took the hint and created the present position of an Assistant Secretary. And furthermore, I would like to comment in spite of the comments made that there is no funding and no authority, this person does have authority, this person does have funding, this person does have staff.

In addition, he has formed a council of manufacturers. It is a good committee that is actively working. They held one meeting in my district, which I attended. And things are rolling. I think it would be inappropriate at this time to pull the rug out from under that operation and start fresh with a new position.

Let us give these folks and this individual a chance to perform and then make our judgment after we have seen how their performance ranks.

Mr. LARSON of Connecticut. Mr. Chairman, I yield the balance of my time to the gentleman from Tennessee (Mr. GORDON) whose sentiments that he expressed earlier today are mine, as well, with respect to this bill. I have the greatest admiration for my colleagues on the other side, but I have to go home and face constituents who wonder aloud why they do not have a voice, an ombudsman, and why moving at a snail's pace in this direction cannot wait.

Mr. GORDON. Mr. Chairman, let me just very quickly say that my friend, the gentleman from Connecticut (Mr. LARSON), has been a great champion for the manufacturing sector of our economy.

And this is a very commonsense amendment that I think is a positive addition to a bill that as I said earlier missed the opportunity to be as good as it could be.

The only argument against his amendment is that the administration is doing a good job with the manufacturing sector and promoting it, so let us do not mess it up. Well, I would just say to all of my colleagues, if you are satisfied with what the administration is doing promoting manufacturing, then vote against this amendment. If you are not satisfied with what the administration is doing and think they can do more to help our manufacturing economy, then you need to vote for this amendment.

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

Mr. Chairman, I will make one comment. I have been here 22 years, and I go home every single weekend. I take great pride in that. I have never had a constituent say to me, I want you to create a new Under Secretary within the Department, and I want you to change the title of an Assistant Secretary.

All they want are results, and we are beginning to get results. And we have got to add to that impetus, and we are doing so with the base bill. I urge the adoption of the base bill and opposition, reluctantly, to the Larson amendment.

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

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

Mr. BOEHLERT. 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 Connecticut (Mr. LARSON) will be postponed.

The Acting CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 109–227.

AMENDMENT NO. 5 OFFERED BY MR. UDALL OF COLORADO

Mr. UDALL of Colorado. 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. UDALL of Colorado:

Page 20, line 3, strike ''$55,000,000'' and insert ''$70,000,000''.

Page 20, line 7, strike ''$57,750,000'' and insert ''$73,500,000''.

Page 20, line 11, strike ''$60,600,000'' and insert ''$77,000,000''.

The Acting CHAIRMAN. Pursuant to House Resolution 451, the gentleman from Colorado (Mr. UDALL) and the gentleman from New York (Mr. BOEHLERT) each will control 5 minutes.

The Chair recognizes the gentleman from Colorado (Mr. UDALL).

Mr. UDALL of Colorado. Mr. Chairman, I yield myself such time as I may consume.

(Mr. UDALL of Colorado asked and was given permission to revise and extend his remarks.)

Mr. UDALL of Colorado. Mr. Chairman, we have heard repeatedly today about the importance of supporting our Nation's manufacturing industry. One of the most critical elements of our manufacturing competitiveness is a technically trained workforce.

My amendment addresses this by increasing authorization levels of the Advanced Technological Education program.

This important amendment has the support of the American Association of Community Colleges. The ATE program works with community colleges to develop curricula designed to prepare students for the local job market. This program has been highly successful with only modest funding.

This amendment would boost the authorization for ATE from the $55 million currently in H.R. 250 to $70 million. The ATE program is different from other technical and vocational programs in that it works directly with industry to identify the skill sets students will need to compete and enter the workforce.

Arguments have been made that this is too high of a budgetary increase and that this would make the ATE program the highest funded education program in the National Science Foundation.

However, if you look at this, actually the level of authorization in my amendment is well within the NSF doubling authorization levels that passed this House overwhelmingly in 2002. At the same time, there are several programs that receive greater funding in the education directorate at NSF.

In fact, authorizing the ATE at $70 million ranks the program sixth. This is a small investment that will provide long-term dividends for our manufacturing industry. I urge Members of this body to support the technological training of our workforce and to vote in favor of my amendment.

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

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

Mr. Chairman, let me say at the outset there are some things that I love in addition to my wife and family and everybody else. I love technology education. I love our community colleges.

It is easy to understand why this amendment is being offered, and it is easy to see why it needs to be defeated. It is easy to see why it is being offered, because it provides additional support to a very good program, the Advanced Technology Education program of the National Science Foundation.

As someone who has pushed for years at NSF to do more for community colleges, and when I first came here 23 years ago, community colleges were not even on the radar screen at NSF, but, boy they have got the message, and they are doing an outstanding job; and they recognize the capabilities of community colleges. And they understand the importance of the Advanced Technology Program, and so do I. I could not agree more with the gentleman from Colorado (Mr. UDALL).

But it is easy to see why this amendment needs to be opposed. Now, that may sound strange, but let me explain. We have already demonstrated our support for Advanced Technology Education quite tangibly in the base bill, H.R. 250. The bill would increase funding for ATE not by 2 percent or 5 percent or 10 or 20; it is a third over 3 years.

And the gentleman from Colorado (Mr. UDALL) deserves a lot of the credit for ensuring that the additional funding was in the bill. But I will not let him claim all of that credit, because guess what, all of the members of the committee, Republicans and Democrats alike, recognized the importance of technology education and recognized the value of our community colleges in providing that education.

But now he wants to up the ante. His amendment would increase ATE funding by 70 percent. That is right: 70 percent over 3 years. Where is it going to stop? We do not have enough of this money. We cannot manufacture it fast enough. That would be an extravagant thing to do at any point, but it borders on the absurd in today's budget climate.

Such an increase is unrealistic, and it would make ATE a higher priority than other education programs at NSF, a step I am not prepared to take given our needs across the spectrum of science and math education programs.

So I would urge my colleagues to use their common sense in reviewing this amendment. Is a 33 percent increase in authorization levels not sufficient in this fiscal climate? I think it is pretty generous. I urge opposition to an amendment that I think is excessive.

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

Mr. UDALL of Colorado. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. PRICE).

(Mr. PRICE of North Carolina asked and was given permission to revise and extend his remarks.)

Mr. PRICE of North Carolina. Mr. Chairman, I rise in strong support of this amendment offered by my colleague, the gentleman from Colorado (Mr. UDALL).

In 1992, I did author the legislation that created the Advanced Technical Education program. And with the help of Mr. BOEHLERT and many others, I got it passed on this floor. Today, ATE remains the only NSF program focused primarily on our Nation's community colleges, which educate the vast majority of the three to five technicians that support each engineer, scientist, and medical doctor in this country.

Over the last 3 years, the number of proposals for ATE funding has increased by over 40 percent. Success stories abound. It is obvious the program is working. Yet over these same 3 years, the number of awards has actually gone down, and the success rate for proposals has declined from 32 percent in 2003 to a projected 20 percent in 2005.

This means that nearly 80 percent of the community colleges that develop innovative curricula, teaching methods, and partnerships with local industry are being denied ATE support.

Over the years, I have worked on the Appropriations Committee to maintain adequate funding for the ATE despite the cuts often called for in the President's budget requests. Some years we have done better than others.

But this authorization does matter. If all we are doing is authorizing ATE at about the current funding level, we will continue to deny more and more community colleges a chance to equip American workers with the skills they need to compete in the global economy.

Twenty percent is simply not a high enough approval rate. The Udall amendment would allow ATE to achieve its potential, helping us to get back on track as the global leader in innovation. There is nothing extravagant about this, Mr. Chairman. It is a good program, and it deserves to be adequately funded.

I thank the gentleman from Colorado (Mr. UDALL) for sponsoring this important amendment. I urge all colleagues to give it their support.

Mr. BOEHLERT. Mr. Chairman, let me just point out to the gentleman from North Carolina (Mr. PRICE), for whom I have the highest regard, he said if all we are going to do is fund it at about the current level, that is not good enough.

I would agree that is not good enough. That is why we are increasing it by 33 percent.

Mr. Chairman, I yield 1 minute to the gentleman from South Carolina (Mr. INGLIS).

Mr. INGLIS of South Carolina. Mr. Chairman, I rise in opposition to the amendment and would point out that growth is good, but not lopsided growth. Growth in the NSF budget is generally a very good idea, and the committee feels that way and has voted that way.

But this is lopsided growth, such that one program gets a 70 percent increases as a result of this amendment when others equally deserving like the math and science partnership would not get that level of increase.

Imagine what that does over at NSF. Yet one program that has some congressional supporters proposes a 70 percent increase, while the other programs are down in a middling kind of increase, that really does create some instability and some inequities, I believe, over at NSF.

So what we have got is, in tight budget times, as the chairman says, a 30 percent increase for this program which seems like an appropriate amount.

So I hope the House rejects the amendment and supports the committee's underlying bill.

Mr. UDALL of Colorado. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I want to respond to the gentleman from New York (Mr. BOEHLERT) as well as the gentleman from South Carolina (Mr. INGLIS). The point of the authorized levels that we are proposing in this amendment is to meet the demand. This is not just a number that we pulled out of the air. It is a number that reflects the demand that the National Science Foundation is seeing for this particular area of ATE.

If we were to meet the demand that NSF typically will meet, it would be at 25 percent of the proposal that would be funded. That means 75 percent of the proposals are not funded. That number is about $68 million. So all we are trying to do is give the appropriators the flexibility to meet this important demand.

Why is this demand important? Well, if you think about the jobs that are created because of this investment, and the debate we have had today about the importance of manufacturing in our future, this makes real sense.

□ 1530

The students that are being funded based on the American Association of Community Colleges numbers, 47 percent are African American, 56 percent are Hispanic. These colleges play a crucial role in serving our minority communities, populations which my good friend, the gentleman from Michigan (Mr. EHLERS), knows are underrepresented in the science, technology, engineering, and math fields. There is no better way to make a real impact for a small investment on the long-term future of our economy. Please support this amendment.

Mr. BOEHLERT. Mr. Chairman, I yield the balance of my time to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Mr. Chairman, I rise to oppose the amendment.

I have to say there are very few Members of this Congress who have worked harder to improve NSF funding than I have. I have spent many, many hours at it and we are grateful to get a few percent increase every year.

In this bill that is before us now, we have given a greater than 20 percent increase to this particular item. If that ends up being appropriated, it will be the largest increase for any part of NSF that they have received for many years, and yet the amendment would increase it even more. It would result in a huge increase; much, much greater. We simply cannot afford that in NSF.

We have a great deal of research to do to keep this Nation moving. We have to improve our math and science education programs in this Nation in order to meet competition from abroad and to have a better-educated electorate. We simply cannot afford to pour all that money into this one particular item without causing detriment to the rest of the National Science Foundation. I simply do not want to see that happen. I urge a rejection of this amendment.

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

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

Mr. UDALL of Colorado. 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 Colorado (Mr. UDALL) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: amendment No. 3 by the gentlewoman from Texas (Ms. JACKSON-LEE); amendment No. 4 by the gentleman from Connecticut (Mr. LARSON); amendment No. 5 by the gentleman from Colorado (Mr. UDALL).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 3 OFFERED BY MS. JACKSON-LEE OF TEXAS

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment 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 vote was taken by electronic device, and there were—ayes 416, noes 8, not voting 9, as follows:

[Roll No. 481]

AYES—416

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
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Cannon
Cantor
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
Cubin
Cuellar
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
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
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 (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
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
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
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
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)
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)
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOES—8

Brown-Waite, Ginny
Culberson
Johnson, Sam
King (IA)
McHenry
Sessions
Taylor (NC)
Young (AK)

NOT VOTING—9

Barton (TX)
Boswell
Camp
DeLay
Doolittle
Hefley
Kind
Ortiz
Weller

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. TERRY) (during the vote). Members are advised there are 2 minutes remaining in the vote.

□ 1559

Messrs. BARRETT of South Carolina, MILLER of Florida, MCKEON, BOUSTANY, Hensarling, Norwood, Gary G. Miller of California, Mrs. CUBIN, and Ms. WATERS 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. 4 OFFERED BY MR. LARSON OF CONNECTICUT

The Acting CHAIRMAN (Mr. TERRY). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Connecticut (Mr. LARSON) 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 210, noes 213, not voting 10, as follows:

[Roll No. 482]

AYES—210

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fitzpatrick (PA)
Ford
Frank (MA)
Gonzalez
Goode
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
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
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Platts
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (NJ)
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
Weldon (PA)
Wexler
Woolsey
Wu
Wynn

NOES—213

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Cannon
Cantor
Capito
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
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
Petri
Pickering
Pitts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Barton (TX)
Boswell
Camp
Carter
DeLay
Doolittle
Hefley
Kind
Ortiz
Weller

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1608

Mr. SCHWARZ of Michigan changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MR. UDALL OF COLORADO

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. UDALL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 210, noes 212, not voting 11, as follows:

[Roll No. 483]

AYES—210

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Coble
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fitzpatrick (PA)
Ford
Frank (MA)
Gibbons
Gonzalez
Gordon
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
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)
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
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Pomeroy
Porter
Price (GA)
Price (NC)
Rahall
Rangel
Renzi
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
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
Wilson (NM)
Woolsey
Wu
Wynn

NOES—212

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert

Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
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
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Barton (TX)
Boswell
Camp
Conyers
DeLay
Doolittle
Hefley
Kind
Meeks (NY)
Ortiz
Weller

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1616

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN (Mr. TERRY). The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BASS) having assumed the chair, Mr. TERRY, 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. 250) to establish an interagency committee to coordinate Federal manufacturing research and development efforts in manufacturing, strengthen existing programs to assist manufacturing innovation and education, and expand outreach programs for small and medium-sized manufacturers, and for other purposes, pursuant to House Resolution 451, 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 committee 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. HONDA

Mr. HONDA. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. HONDA. I am, in its current form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Honda moves to recommit the bill H.R. 250 to the Committee on Science with instructions to report the same back to the House forthwith with the following amendment:

At the end of section 8, insert the following new subsection:

(d) ADVANCED TECHNOLOGY PROGRAM.—There are authorized to be appropriated to the Secretary of Commerce for the Advanced Technology Program under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n) $140,000,000 for fiscal year 2006, of which $40,000,000 shall be for new awards.

Mr. HONDA (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from California (Mr. HONDA) is recognized for 5 minutes in support of his motion to recommit.

Mr. HONDA. Mr. Speaker, this motion to recommit with instructions would amend the bill by adding an authorization of the Advanced Technology Program within the National Institute of Standards and Technology at a level of $140 million for fiscal year 2006.

The Advanced Technology Program partners with industry by providing funds for early-stage technologies that are viewed to be too technically risky or too nascent by private funding sources.

It is one of the Federal Government's best means of promoting risk-taking and promoting the pursuit of new technology that go well beyond the limits of conventional practices.

Experts agree that these are key elements for maintaining American manufacturing competitiveness in the future. The opponents of this motion have claimed that ATP does not belong in a manufacturing bill, but the evidence shows that it does. In 43 peer reviewed ATP competitions, 39 percent of the awards have involved development of advanced manufacturing technologies.

At a June 2003 Committee on Science hearing on manufacturing R&D, the witnesses were unanimous in their belief that ATP was an important element to improving the U.S. manufacturing infrastructure and competitiveness. Supporters of H.R. 250 have mentioned that the bill is supported by the National Association of Manufacturers. But you should be aware that NAM also supports ATP, as most recently expressed in a letter to Senator SHELBY, chairman of the Senate Appropriations Subcommittee on Commerce, Justice, and Science.

Other industry groups that support ATP funding include the Electronics Industries Alliance, the Alliance for Science and Technology Research in America, and the Council on Competitiveness. The Senate Committee on Science's own views and estimates on the fiscal year 2006 budget request state: ''The committee continues to support the Advanced Technology Program and is disappointed that the administration has again included no funds for the program in the budget request.''

It is the job of the Congress, not the President, to make these spending decisions. Year after year we provide funding for ATP in appropriations bills, but we fail to provide the certainty in the program that an authorization will bring. Today we have a chance to do so.

ATP has been targeted for termination because it has been tagged as corporate welfare, but this is a mischaracterization. ATP conducts peer-reviewed competitions open to all technology areas with demanding standards for awardees. Awardees receive relatively small amounts of funding that they must match with their own contributions.

Contrast this with the energy bill signed into law earlier this year that provides billions of dollars in direct spending, subsidies, loan guarantees, and tax breaks to an industry that is reaping record high profits.

While we engage in a philosophical debate about whether to fund ATP, other nations are taking even bigger steps to improve their manufacturing capabilities, and as a result advanced manufacturing work is now being done outside of the U.S.

It is essential that we do something to help American manufacturers stay at the cutting edge, ahead of foreign competitors, and keeping ATP alive is a good start.

I merely seek to authorize funding for ATP for fiscal year 2006 at the same funding level that is included in the Senate's CJS bill for fiscal year 2006, a level that was supported just last week by a vote of 68 to 29. Given this level of Senate support, the conference report on that bill is almost certain to include funding for ATP, so we might as well pass this motion and authorize that spending.

Now, I have heard claims that we cannot include ATP in this bill because the administration opposes it. Well, the administration opposed full funding for the Manufacturing Extension Partnership program, but this bill contains full funding for MEP. Congress overrode the administration when it was the right thing to do. Including ATP is the right thing to do, too. If the President has such a problem with it, he can make this bill his first veto.

In April, President Bush told the National Small Business Conference that he ''appreciates the fact that the small business entrepreneurs are some of the great innovators of our Nation'' and that he ''appreciates the fact that our small business owners are taking risks and pursuing dreams.''

But his actions show that he fails to appreciate that some of the most important advances are extremely risky, and to take those risks, businesses need a little help from the government. That is what ATP does. The most risky ventures are the ones with the greatest potential. If we fail to provide that help to American businesses, other countries are going to do it. They are already doing it, and that is why jobs are going overseas.

I urge a ''yes'' vote on my motion to recommit with instructions.

Mr. BOEHLERT. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from New York (Mr. BOEHLERT) is recognized for 5 minutes.

Mr. BOEHLERT. Mr. Speaker, we have in this motion to recommit a textbook example of how the perfect is the enemy of the good. Personally, I support the Advanced Technology Program, although I know that many of my colleagues on this side of the aisle do not. But I support this bill, and the Members on the other side of the aisle support this bill as well.

We all want to demonstrate our support for the Manufacturing Extension Partnership which has served so well and the other programs authorized in this bill so we can facilitate assistance going to American manufacturers who desperately need it. That has been the entire tenor of the debate today.

But now, as we are on the verge of accomplishing our mutual goal of helping manufacturers, we have before us a motion that will have the effect of killing the bill. That is not speculation. We know that disputes over ATP are why this bill died in the Senate in the last Congress. We know that the administration adamantly opposes ATP and will block the progress of this bill if ATP is included.

A vote for this motion is not a vote for ATP; it is a vote to kill a bill that will help American manufacturers. And killing this bill over ATP would be especially irresponsible because the Congress will have other chances to save the ATP program. For starters, we will vote on appropriations for the program. It is not clear at all how the gamesmanship behind this motion will benefit the ATP program. It just make it more of a political football. It is very clear how that gamesmanship works to the detriment of the bill and the aid it will provide to American manufacturers, so I urge my colleagues to vote down this politically motivated amendment.

We will have other chances to debate ATP. We will not have another chance for this bill, which in its current form has widespread bipartisan support. Let us put politics aside and make some real progress. Defeat the motion and support H.R. 250.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

Mr. HONDA. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 196, noes 226, not voting 11, as follows:

[Roll No. 484]

AYES—196

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
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
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
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
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
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—226

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

Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sanders
Saxton
Schmidt
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)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Barton (TX)
Boswell
Camp
DeLay
Doolittle
Hefley
Kind
McKinney
Ortiz
Waxman
Weller

□ 1645

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. BASS). The question is on the passage of the bill.

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

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

PARLIAMENTARY INQUIRY

Mr. MCDERMOTT. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MCDERMOTT. Would the Chair please make a ruling on when the vote has been signaled by the Chair. I was of the opinion that when the gavel came down, that was the end of it.

The SPEAKER pro tempore. The gentleman from Arizona was on his feet attempting to reach the microphone.

Mr. MCDERMOTT. I see there are no rules in the House.

The SPEAKER pro tempore. The gentleman's demand for the yeas and nays was timely.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 394, nays 24, not voting 15, as follows:

[Roll No. 485]

YEAS—394

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Bass
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Cannon
Cantor
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
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
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
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 (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
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
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Strickland
Stupak
Sullivan
Sweeney
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)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—24

Barrett (SC)
Duncan
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gutknecht
Hensarling
Hostettler
Johnson, Sam
Jones (NC)
King (IA)
Marchant
McHenry
Miller (FL)
Miller, Gary
Musgrave
Myrick
Pence
Royce
Shadegg
Stearns
Tancredo
Westmoreland

NOT VOTING—15

Barton (TX)
Bean
Boswell
Boucher
Camp
Davis (KY)
DeLay
Doolittle
Feeney
Harris
Hefley
Kind
Ortiz
Paul
Weller

□ 1657

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. DAVIS of Kentucky. Mr. Speaker, on rollcall No. 485, I put my card in the machine but it didn't register my vote. Had it registered I would have voted "yea."

Ms. HARRIS. Mr. Speaker, on rollcall No. 485, I was inadvertently detained. Had I been present, I would have voted "yea."

PRIVILEGED REPORT ON RESOLUTION OF INQUIRY TO THE PRESIDENT

Mr. HOEKSTRA, from the Permanent Select Committee on Intelligence, submitted a privileged report (Rept. No. 109–228) on the resolution (H. Res. 418) requesting the President to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the possession of the President relating to the disclosure of the identity and employment of Ms. Valerie Plame, which was referred to the House Calendar and ordered to be printed.

CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO TERRORISM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 109–57)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the

President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in Effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the national emergency with respect to persons who commit, threaten to commit, or support terrorism is to continue in effect beyond September 23, 2005. The most recent notice continuing this emergency was published in the *Federal Register* on September 22, 2004 (69 FR 56923).

The crisis constituted by the grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the terrorist attacks in New York, in Pennsylvania, and against the Pentagon committed on September 11, 2001, and the continuing and immediate threat of further attacks on United States nationals or the United States that led to the declaration of a national emergency on September 23, 2001, has not been resolved. These actions pose a continuing unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to persons who commit, threaten to commit, or support terrorism, and maintain in force the comprehensive sanctions to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 21, 2005.*

□ 1700

HONORING ANDREW STUCKEY

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

Mr. GOHMERT. Mr. Speaker, I come to the floor today to congratulate a remarkable young constituent of mine, Mr. Andrew Stuckey.

Andrew is a high school student senior from Longview, Texas, an extremely bright young man who is planning to attend Texas A&M University after he graduates; he also happens to be deaf. He is very involved in SkillsUSA, a national organization serving teachers and high school and college students who are preparing for careers in technical, skilled and service occupations, including health occupations.

More than 280,000 students and instructors join SkillsUSA annually, organized into more than 14,700 sections, and 54 State and territorial associations.

SkillsUSA has served more than 8.8 million members. Andrew is a talented drafter and won ''best in show'' for his work in the district competition. He currently serves as a SkillsUSA Texas State Parliamentarian for 2005 and 2006.

Mr. Stuckey is an extremely focused, motivated young gentleman; and I have no doubt that he will succeed in whatever career path he chooses. Again, I come to the well to pay tribute to a hard-working young man, and may God bless him in all of his future endeavors.

PRESIDENT BUSH'S PREPARATION FOR HURRICANE KATRINA

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

Mr. MCDERMOTT. Mr. Speaker, I rise to commend the President for his quick and compassionate helping hand that he has extended to the people of New Orleans. Now, some people might carp about the poor planning by the horse-show man that turned into a 5-level hurricane.

But the President was right on the job. He immediately noticed that there were going to be some reconstruction jobs. So he immediately signed an order to cut their wages. He said, we do not want truck drivers making $9 an hour. Why, we can get them for minimum wage.

We do not want these people who have had their houses lost and lost everything getting a decent wage when they are doing reconstruction. We want as the public policy of the United States that no one gets anything but the minimum wage.

I tell you, this President has more heart than I can believe. How he could stand up and say that, and do that, given the failure of his administration, shows that he has a big heart.

TRIBUTE TO ALICE MOORE

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

Mr. BRADLEY of New Hampshire. Mr. Speaker, I yield to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Speaker, an important event is soon approaching for a wonderful American lady, my mother-in-law, Alice Moore. She is celebrating her 85th birthday. Alice Stewart Sampson Moore was born on September 28, 1920, in Yonkers, New York.

Her parents, William and Matilda, gave her a good Christian upbringing in the Episcopal Church. She turned her interest and learning into a career teaching education in Yonkers, New York.

She is a proud mother of 11, and a great grandmother of even more. Although no longer working, Alice continues to serve in her community, volunteering at an elementary school and at the hospital in Englewood, Florida.

Last year she suffered through the hurricanes that devastated parts of Florida, and her house did not escape damage. However, drawing on her Irish spirit, she cheerfully dealt with those setbacks and got back to pursuits.

For many men, a mother-in-law is an intimidating figure. Although a stern taskmaster, Alice speaks her mind and she is a delightful person. Her smile lights up the room. She reminds me of Barbara Bush. She is a giving person with a warm disposition and serving heart.

That is why I call her a thousand points of light times two. Mr. Speaker, in recognizing her accomplishments in education and as a volunteer, perhaps I should note another important accomplishment, being the mother of my wife, Joan Betty Moore Stearns. I am eternally indebted to you, Alice, and I wish you all the best. Happy birthday.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. GOHMERT). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE NEED TO PROPERLY FUND THE MANUFACTURING EXTENSION PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, the Manufacturing Extension Program helps small manufacturers in my State of Ohio and nationwide to improve their efficiency, increase their competitiveness, and stay in business.

With funding of about $111 million in 2003, the Manufacturing Extension Program, MEP, helped over 18,000 U.S. manufacturing firms increase sales by almost a billion dollars and cut costs by almost $700 million.

In Ohio, that meant helping some 2,700 businesses to create or retain over 1,100 jobs, increase sales by $20 million, cut costs by over $47 million, and increase investments by $58 million. But despite that track record of success, President Bush, in order to pay for the tax cuts that go overwhelmingly to the 1 percent wealthiest people in this country, President Bush has repeatedly put the Manufacturing Extension Program on the chopping block.

He proposed another round of MEP funding cuts for next year. The President's 2006 budget cuts MEP funding by 56 percent, understanding all of the manufacturing jobs lost in State after State after State, some 2½ million jobs in the last 5 years, the President wants to cut one of the few programs that works for American manufacturing.

Today the House passed H.R. 250, legislation which would extend MEP by adding a new component that links small manufacturers with academic institutions. But this bill should have given us an opportunity to do much more for American manufacturers.

Members of the House Science Committee, the gentleman from Tennessee (Mr. GORDON) and the gentleman from California (Mr. HONDA), had planned to offer amendments that would have strengthened MEP's partner program,

the Advanced Technology Program, that helps manufacturers improve their energy efficiency.

The Republican-led Congress did not agree to allow that amendment. We also missed an opportunity to expand and improve MEP itself. We should have used that bill to dramatically increase funding so that we can help U.S. manufacturing. Congress chose not to.

My home State of Ohio has lost one in six, one-sixth of its manufacturing jobs since 2001. An improved MEP could have made the difference for many small businesses who must fight every day to survive, but the Republican leadership used the partisan Rules Committee to block even attempts at amendments.

The problem, Mr. Speaker, is this Congress, this country, this government, has no manufacturing policy, no policy to retain manufacturing, no policy to expand manufacturing in this country. America's trade deficit the year I ran for Congress in 1992 for the first time was $38 billion. The trade deficit last year was $618 billion. From a $38 billion trade deficit, that means we have bought $38 billion more than we had sold back in 1992, to a $618 billion trade deficit today. That is a result of huge outsourcing of jobs and a major loss of U.S. manufacturing jobs.

Our trade deficit with China was $162 billion, with China alone last year. The United States has become the world's largest debtor Nation, adding $2.5 trillion to our national debt in 2002 alone.

Countries like Japan and China are quickly gaining control over our economy as they buy up more and more of our debt. These failed trade and fiscal policies have hit manufacturers in our country hard.

So Congress today had an opportunity, a lost opportunity, with the Manufacturing Extension Program. We failed in the opportunity to pass Crane-Rangel, a bill that would reward manufacturers that stay in the United States and manufacture here. Instead, this Congress continues to give tax breaks and incentives to those large corporations that outsource, that go offshore and produce their jobs there.

We passed an alternative that gave billions of dollars to these multinational corporations. Mr. Speaker, this Congress has been a Congress of lost opportunity for American manufacturing. We should change the direction of our trade policy. We should change the direction of our tax policy.

We should help these manufacturers in the United States, those small companies of 50, 100, and 200 employees that have really built our industrial base and built the middle class of this country. We can do much better than this.

EXCHANGE OF SPECIAL ORDER TIME

Mr. RAMSTAD. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Utah (Mr. BISHOP).

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

There was no objection.

FUND ALCOHOL AND DRUG ADDICTION PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. RAMSTAD) is recognized for 5 minutes.

Mr. RAMSTAD. Mr. Speaker, this month marks the 16th annual observance of National Alcohol and Drug Addiction Recovery Month. As we celebrate Recovery Month, it is time for Congress to knock down the barriers to treatment and recovery for 26 million Americans suffering the ravages of alcohol and drug addiction.

Mr. Speaker, it is a national disgrace that 270,000 Americans were denied treatment last year. It is a national tragedy that 150,000 of our fellow Americans died last year as a direct result of chemical addiction. It is a national crisis that the costs of addiction amount to $400 billion a year in increased health care costs, criminal justice costs, social service costs, and other related costs.

And think of the costs that cannot be measured in dollars and cents: the costs of human suffering, broken families, shattered dreams and destroyed lives. But there is hope. Treatment for alcohol and drug addiction works and recovery happens.

Mr. Speaker, as a grateful recovering alcoholic of 24 years myself, I am living proof that treatment does work and that recovery is real. The problem is too many people do not have the access to treatment that I have.

That is why Congress must pass the Treat America Act that I have authored with my good friend, the gentleman from Rhode Island (Mr. KENNEDY), H.R. 1258.

This treatment parity legislation will give Americans suffering from addiction greater access to treatment by prohibiting health insurers from placing discriminatory restrictions on treatment.

□ 1715

Discriminatory barriers, by the way, that do not exist for any other disease.

Chemical dependency treatment parity is not only the right thing to do, it is also the cost-effective thing to do. Study after study has shown the average premium increase due to full premium parity is less than one-half of 1 percent. So in other words, for the price of a cup of coffee per day, we could treat 16 million alcoholics and addicts who are presently in health plans and being discriminated against. We also need to provide greater access to treatment for the 10 million alcoholics and drug addicts in the Medicaid program.

Mr. Speaker, the American Medical Association, the AMA, categorized addiction as a disease in 1956. Now, 50 years later, it is long overdue for Congress to treat the illness of addiction as the progressive and fatal disease it is. It is time to end the discrimination against people who need treatment for chemical addiction. It is time for Congress to deal with our Nation's number one public health problem.

It is time for Congress and the President to pass chemical addiction treatment parity. With 26 million Americans still suffering, we cannot afford to wait. With some 300,000 Americans being denied treatment this year, we cannot afford to wait. With 150,000 people dying last year as the direct result of addiction, we cannot afford to wait.

Mr. Speaker, I hope my colleagues will join me and the gentleman from Rhode Island (Mr. KENNEDY) and thousands of other recovering people in recommitting our efforts to pass treatment parity. Also, we need to recognize the addiction counselors and treatment professionals throughout our great country who have dedicated their lives to helping people recover. They are America's unsung heroes.

Finally, Mr. Speaker, let us celebrate ''Recovery Month'' by honoring the millions of Americans who are experiencing the promise and possibility of recovery, and let us never forget that 26 million Americans are still in need of our help.

FINDING OFFSETS FOR KATRINA

The SPEAKER pro tempore (Mr. GOHMERT). Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Mr. Speaker, the cleanup effort along the gulf coast is now fully underway. The floodwaters of New Orleans have receded. We are shifting our focus to rebuilding and restoring lives as we all watch as another hurricane is on its way, and obviously put this work on hold as we again once again not only evacuate that part of the coast but also parts of Texas.

Congress has allocated more than $60 billion in disaster relief. It was the right thing to do, but with some estimates as high as $200 billion, some here are questioning whether or not we can afford rebuilding given our fiscal situation.

I would like to remind some of my colleagues that a number of us mentioned that we may get into a situation where we could have a crisis and we should be able to handle as a country the condition and economic condition, and we already have over $7 trillion of debt. In the last 5 years this Congress has added nearly $2 trillion to America's debt. China and Japan have become our bankers. And now we are in dire straits where we cannot help Americans unless we write $200 billion in hot checks.

This Congress is becoming known as the Congress of hot checks. That is all we do. We got a problem, we write hot checks around here. Now the truth is,

some Members of Congress have written $400 billion for the effort in Iraq, hot checks. Now we say we cannot pay for our own Americans, $200 billion to rebuild their lives, rebuild their communities, and restore their families unless we find ways to cut.

My suggestion to all of us is if we were willing to do $400 billion and going for Iraq, we have got to figure out a way to help our fellow Americans in time of need. That is our obligation to fellow Americans. If we are willing to do $400 billion for Iraq, we need to do $200 billion for Americans who live in Mississippi, Louisiana, Alabama, who have been affected and had their lives for no other reason other than natural disaster literally uprooted.

Some have talked about cutting health care. Some have talked about cutting education. Some have talked about cutting basic infrastructure. Others are talking about repealing the estate tax and tax cuts for those who earn hundreds upon hundreds of thousands of dollars, the top 1 percent. Instead, I believe what we should have is a balanced approach. There should be tax cuts on the table and spending. That is the way to fund the reconstruction of Katrina's damage to Louisiana, to Mississippi, and Alabama.

Let me give you some examples in the tax area, places that I refer to as corporate welfare. When we had the corporate tax bill up last year, it was a $5 billion problem that we had to solve. This Congress passed $150 billion in tax giveaways to solve a $5 billion problem. Now, I cannot believe none of you think that we cannot find a little fat in that bill. If you go back and look at it, you can eliminate handouts to special interests, somewhere around $32 billion.

A couple of examples. A repeal of the bill's provisions that weaken interest allocation rules would generate $14.4 billion; $5 billion by repealing the special rules for the timber industry; $100 million for NASCAR track owner subsidy; $169 million tax break for Puerto Rican rum makers; and the suspension of duties on ceiling fans, which would provide an additional $92 million. That bill is not the only bill, but those are examples.

I ask you, nobody planned through Katrina's damage, but given the damage, do we really need to give the ceiling fan industry $92 million? Do we really need to give the Puerto Rican rum makers $169 million when literally families are asunder and they need the help to get their homes, their lives back together, their education, their savings accounts, their health care?

We recently passed an $80 billion energy bill. We are providing Exxon Mobil and other energy companies $9 billion in tax subsidies to drill for oil when oil is at $65 a barrel, the highest it has ever been. At what time does that market work out its own where it becomes efficient that the oil companies are getting $69 a barrel? You know what? We do not need a tax subsidy from taxpayers to drill and explore for oil. Ten dollars a barrel, I got it. Fifteen dollars a barrel, I got it. Twenty-five dollars a barrel, I got it. We will help our domestic industry.

Exxon Mobil and the other corporations, this quarter alone, had a $10 billion profit, 69 percent up since last year. At what point do we stop subsidizing big oil? There is another place we can save money. Unfortunately, because of that subsidy, the American taxpayers are not only paying $3 a barrel for oil, but on April 15 they are paying another $10 billion to the energy industry because they are subsidizing it on Tax Day and every day at the pump.

Mr. Speaker, this afternoon I did some quick research and found we could easily come up with more than $56 billion in offsets just eliminating corporate welfare this Congress has handed out in just the past year. The fact is that this country can afford to rebuild after Hurricane Katrina, but it cannot be done on the backs of those who need our help the most. It cannot be done by cutting health care. It cannot be done by cutting education. It will take leadership and require Congress to do something this Congress that writes hot checks has not done before, and that is stand up to special interests.

The American people expect us to do what is right for America. We are all in this together. Let us take on the special interests, the corporate interests as it relates to corporate welfare. Everybody has skin in the game when it comes to rebuilding America.

CELEBRATING RECOVERY MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Hampshire (Mr. BRADLEY) is recognized for 5 minutes.

Mr. BRADLEY of New Hampshire. Mr. Speaker, I too rise with my colleague from Minnesota and my colleague from Rhode Island to speak about ''Recovery Month'' and what it means for individuals and what it means for our country as a whole. But, Mr. Speaker, today I would like to focus my remarks on a story, a life story written by one of my constituents. Her name is Lois Davieau of East Rochester, New Hampshire.

I recently met Ms. Davieu when she came to my office to tell me about her long and arduous battle with crack cocaine. She asked me to share her story, a compelling story, on our House floor during the 16th annual celebration of ''Recovery Month'' in the hopes that her story will enlighten others. I would like to now read to you her personal story of addiction and recovery.

Let me begin by setting the scene for you, in her words.

A perfect family home on five acres of land in a small quaint country town. Everyone in town knows everyone else. My best friend Steven is a quiet boy, always a bit timid. We have always had great adventures when we play together. We hear Steven's mom yell for him, and Steven runs for the house without saying good-bye. I run to the big tree to go away for a while. I know all too well those screams. Only they are silently held within me.

Later in her life, Lois has five children. And I continue her story again.

So here I am with five children, and the only thing that has changed is that I am alone. My parents offered to take the three oldest children over the summer vacation so that I may work some extra hours and get ahead. But something inside of me panics. No, I think, they are the only reason that I pull myself out of bed.

My mother convinces me to send them for a couple of weeks and I had no idea why at that moment. I was overcome with emotional panic. Today I know why. Crack cocaine, though, found me in my darkest and lowest points. I was so lonely and so empty. I was working 60 hours a week, 20 of which were in a bar at night. I made some friends there. They helped me feel better by bringing me into the fold. The drug helped me open up and become much more sociable; so I thought to myself, what is a little social drug use going to hurt? But 8 months later I was living under a bridge, eating oranges off of neighborhood trees and doing what I had to do to stop the vast sea of darkness and emotional pain.

I tried to stop 100 times. I would go a couple of weeks, get a job, and then the darkness would swarm back in. That life lasted for about 8 months. I woke, after 3 straight days of using, in a dealer's house on a couch that was infested with fleas. I do not know what I was dreaming, but I know I woke in a complete and total hysterical panic. After sobbing and completely breaking down, I stood up, I walked to the highway. I put out my thumb and headed north. I knew the risks I was taking alone on that highway but it did not matter. I was lost. There was no one piece of me that I recognized.

That is where I begin my journey to recovery. Eighteen years later is where my story of recovery begins today. Recovery for me has been a path strewn with obstacles, gifts in disguise, and self-actualization. My obstacles were both self-inflicted and socially inflicted.

I start my education of recovery in a self-help group. At that time, drug addicts were not to be tolerated. They could not be mingled with alcoholics. Once again, I thought, I do not fit in. I hid in the background and listened. When I had been around long enough to be recognized, I just replaced the word ''crack'' with ''alcohol'' and everyone was happy. I did what I had to do to stay straight. When asked on a job application about drugs, I lied. When asked on an insurance form, I lied. I was surviving the best way I knew. Now I was living a clean and socially acceptable life, though lying about my disease.

So today I stand, I tell you, it is not just the way it is. I am cured from my disease, and I am not recovered from my disease. Yes, it is in check. I, like most other persons with a progressive chronic disease, am in remission; but I have early warning signs and symptoms of recurrence that I watch for. I know that I am responsible for the stigma of my disease by not coming forward and allowing those who still suffer to see the hope in me. The stigma of my disease stops here and now. I am responsible for giving hope to the person who still suffers from their or a loved one's disease, because without my face, without any voice, I still suffer in silence. I am not ashamed of my disease; I am ashamed of my behavior towards my disease.

Today I ask for you to feel the fear, the struggle, the challenge, the hope, the celebration that resides in this person, a person with addiction.

Mr. Speaker, those are the words of one of the most compelling constituents that I have had the honor of having in my office, who told me in her heartfelt story which I have been able to relate to you of her road through the long journey to a place that many of us do not know and to the recovery. Hers is a story of hope, of compassion that we all need to feel, and a system that needs to work for people like Lois.

Mr. Speaker, I thank you for the opportunity to address this great Nation.

□ 1730

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2123, SCHOOL READINESS ACT OF 2005

Mr. BISHOP of Utah, from the Committee on Rules, submitted a privileged report (Rept. No. 109–229) on the resolution (H. Res. 455) providing for consideration of the bill (H.R. 2123) to reauthorize the Head Start Act to improve the school readiness of disadvantaged children, and for other purposes, which was referred to the House Calendar and ordered to be printed.

RECOGNIZING RECOVERY MONTH

The SPEAKER pro tempore (Mr. GOHMERT). Under a previous order of the House, the gentleman from Rhode Island (Mr. KENNEDY) is recognized for 5 minutes.

Mr. KENNEDY of Rhode Island. Mr. Speaker, I rise today to join my colleagues in recognizing Recovery Month sponsored by the Substance Abuse and Mental Health Services Administration and by the Center for Substance Abuse and Treatment.

As the co-chairman of the newly formed Addiction, Treatment and Recovery Caucus, it has been an eye-opening experience to speak with recovery groups working to bring an end to the stigma surrounding addictive disorders.

At every event and every meeting, someone will inevitably take me aside, quietly whisper to me about how their parent had abused drugs for years without knowing it or how their child was attempting to rebuild their life after spending time in a juvenile detention facility for a drug-related crime or how they lost one after years of battling addiction. While these people quietly share their most intimate family secrets, they may not realize that addictive disorders impact over 63 percent of our Nation and that they are far from alone.

In the past several years, advancements in medical science have allowed us to take incredible images of the brain. The National Institutes of Drug Abuse, NIDA, has found evidence of tissue malfunction in the brain of those with addiction.

Mr. Speaker, I would like to show a few of the slides of what a new technology called the PET scan reveals to us about the various afflictions of the brain and brain disorders and how those brain disorders can appear now under a particular kind of X-ray. As everybody can see very clearly, brains operate differently; and those differences come from different metabolic differences and, in many respects, come from simply genetic differences that predispose some people to having mental disorders or having addictive disorders or having alcoholic disorders.

The fact of the matter is now we do not have to be quiet because there is no stigma to alcoholism or drug abuse. This is no reflection on someone's character.

My mother is still battling alcoholism. I am a recovering alcoholic. I know many other members of my family are recovering. I know many of my friends who have families where alcohol and drug abuse plague their families and run amok.

The fact of the matter is, for so long, people have kept quiet about these illnesses because they felt that there was something wrong with them. The fact is now we have been able to look into the brain, see the areas that are affected, see the genetic components to alcoholism and drug addiction and begin to repair those.

Just like every other illness, whether it be diabetes or asthma, drug and alcohol abuse is a chronic disorder like those illnesses. Yet, unlike diabetes and unlike asthma and like every other physical illness of the body, the physical illness and disorder of the brain is discriminated against by insurance companies in this country. As a result of it being discriminated against, millions of Americans do not get the treatment that they could be benefiting from in such incredible ways.

Why should we provide this treatment? Well, aside from the fact that it is the humane thing to do, it actually saves us money. For one thing, it saves us all the cost to our prison system. We have, as a Nation, the largest prison population of any industrialized nation in the world; and Mr. Speaker, the sheriff of Los Angeles County says he runs the largest treatment and drug abuse facility in America. He runs the Los Angeles County jails, and that is appropriate saying that because, quite frankly, our jails are becoming the treatment of last resort.

ENVIRONMENTAL EXTREMISM

The SPEAKER pro tempore (Mr. SODREL). Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, the whole Nation has been saddened by the terrible and tragic events of Hurricane Katrina. Because of our great concern about this, I would like to read a portion of a story the Los Angeles Times ran just 12 days ago on September 9.

The Los Angeles Times said: ''In the wake of Hurricane Betsy 40 years ago, Congress approved a massive hurricane barrier to protect New Orleans from storm surges that could inundate the city.

''But the project, signed into law by President Johnson, was derailed in 1977 by an environmental lawsuit. Now the question is: Could that barrier have protected New Orleans from the damage wrought by Hurricane Katrina?

''If we had built the barriers, New Orleans would not be flooded,' said Joseph Towers, the retired chief counsel for the Army Corps of Engineers New Orleans district.

''Tower's view is endorsed by a former key Senator, along with academic experts, who say a hurricane barrier is the only way to control the powerful storm surges that enter Lake Pontchartrain and threaten the city.''

Still quoting the Los Angeles story: ''The project was stopped in its tracks when an environmental lawsuit won a Federal injunction on the grounds that the Army's environmental impact statement was flawed. By the mid-1980s, the Corps of Engineers abandoned the project.''

The story goes on, but I will just say this: that project, which was stopped by environmental lawsuits, really led or allowed the damage, the horrible events that happened in New Orleans and the surrounding areas. Environmental extremism, Mr. Speaker, has caused almost every highway, aviation, and water project in this country to take three or four times longer than it should and cost about three or four times more than it should. This hurts the poor and the lower income and the working people of this country most of all.

Perhaps wealthy environmentalists do not realize how much they hurt people by driving up costs and destroying jobs; but hurt they do. Some projects they are able to stop altogether. This barrier protection for New Orleans is just one of many examples, but certainly the worst.

However, some people say the city was at fault in its response to this tragedy. Some say it was the State.

Some say it was the Federal response that was too slow. Actually, there were mistakes made at all levels, but most people at all levels responded more quickly and with more money than any other country in the world would have been able to do when faced with a similar natural disaster.

We should be proud of how the American people have responded. I doubt there is a fire or police or sheriff's department of any size in this country that has not sent people to the affected area. Private contributions and volunteer help worth billions has been provided. Congress has voted to send $62 billion there. Fortunately, the death toll, while still terrible, was not even close to the predicted 10,000, probably with apparently a few hundred.

What should we do now? The best way we can help is for the other body, the Senate, to follow the leadership of this House and pass the Water Resources Development Act. This bill was passed several weeks before our August recess by a vote of 406 to 14 here in the House. We passed it in the House by a similar margin in 2003, but it bogged down in the Senate.

This bill provides roughly $2 billion for hurricane and flood protection and environmental restoration for the Louisiana coastal region and the gulf coast. No bill before the Congress will do more to protect those areas in the future than this worthy bill. The Senate should not let this bill be bogged down again. It should follow the lead of the House and pass this very important bill just as soon as possible.

No bill does more to provide protection against these tragedies, not only in Louisiana and Mississippi but in other at-risk areas, than does the Water Resources Development Act.

I hope everyone will work together to pass this very important legislation just as soon as possible.

ARAB THOUGHT FORUM

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, I recently journeyed to Amman, Jordan, where I met with Iraqi exiles and Jordanian leaders. While there, I had the privilege of addressing a special meeting of the widely respected Arab Thought Forum, a community of leaders from throughout the Middle East.

For a quarter of a century, the ATF has examined issues affecting the Arab world and developed realistic solutions. There are over 200 members from throughout the Arab world. His Royal Highness Prince El Hassan Bin Talal of Jordan is the president.

My goal was to listen, to learn, and to bring back whatever message this distinguished organization wanted America to hear directly. Their perspective is uniquely valuable. They are not anti-U.S. or anti-West. They support us even as they champion a strong and safe Arab world. The ATF wants Iraq to succeed. They live every day what we see for a few minutes every night on the news. They do not hate us, but they know who does. They know that hatred is a cancer that spreads if not treated, and they know that Western words that defy Iraqi reality is not treatment.

Every night we witness the unbearable heartbreak of another child dead, another family wailing in agony, unaware of the news camera that acts as a voyeur in their anguish.

How often have we neutralized our feelings to the sight of an Iraqi convulsed in the street, rocking back and forth, holding on to the lifeless body of a loved one? Even the most callous cannot help but admit that Iraq has become a minefield of hatred and violence that pierces Western rhetoric to the very heart. Iraq is close to civil war, and the presence of U.S. forces is a focal point for this blind rage.

Saying it is time to get out would be very easy for me. Saying it is time to find a way out is not, but I am saying just that. The United States needs a plan that protects our soldiers and offers some chance to stabilize Iraq. We are nowhere close to that today.

Over 1,900 U.S. soldiers have died, between 25,000 and 100,000 Iraqis have been killed, and tens of thousands of Americans and Iraqis have been wounded, and the violence goes on.

The development of an Iraqi Constitution was supposed to be a peace process by another name to bring Kurds, Shiites and Sunnis together, but the Sunnis leaders strongly rejected the process and the document it produced.

Middle Eastern leaders told me that the constitution is sort of a ''damned if you do, damned if you don't'' sort of affair. They say, as written now, passage would mean another 15 years of war and civil war at the least. If it fails, the insurgents will claim victory over the United States and plunge Iraq even deeper into violence.

As many Arab leaders see it, we are rushing headlong into a lose-lose situation. To these people, the conclusion is inescapable. Many I met privately believe that the United States' actions can only mean the U.S. entered Iraq for oil. They fear the United States will remain not because it is in Iraq's best interests, but because it is in America's oil interests.

Why else, they ask, would the administration refuse to pledge that we will not build permanent military bases? Why else, they wonder, would the administration stubbornly refuse to alter their course in the face of reality? These are our friends talking.

In that spirit, they offered an idea, a breakthrough that changes everything. They do not condemn the administration or America. They do not call for the immediate withdrawal of U.S. forces. Instead, they asked me to bring back a message of hope that peace can be achieved not by force, rhetoric, or the United States alone.

□ 1745

The Arab Thought Forum believes the road to peace can only be found by having a respected Arab leader convene an Iraqi summit conference without the West dictating the terms. Without the West dictating the terms. It may even be possible for his Royal Highness al Hassan to lead such a summit, but only if the United States stops talking and starts listening. No one I met believes the present course will lead to peace in Iraq.

This weekend, thousands of Americans will participate here in Washington and across the Nation in Operation Cease-Fire. The event will convulse the Nation, pitting Americans who want us out of Iraq immediately against those who believe it is worth going on. We remain deeply divided.

Mr. Speaker, urge the President to stop the rhetoric and get the Arab Thought Forum on point to have such a summit. Only by sitting down with all the parties, led by an Arab, can this be stopped.

FOREIGN EXCHANGE STUDENTS ARE GOODWILL AMBASSADORS FOR U.S.

The SPEAKER pro tempore (Mr. SODREL). Under a previous order of the House, the gentleman from Utah (Mr. BISHOP) is recognized for 5 minutes.

Mr. BISHOP of Utah. Mr. Speaker, last Sunday during the Emmy awards, I realized that one of the most popular new comedies about domestic life in America is Desperate Housewives, and one of the most popular ongoing dramas about domestic life in America is The Sopranos. And even though a majority of Americans still have regular contact with church, one of the few shows that actually shows contact between a family and religion is The Simpsons. Now, it is not my intention to try to bash television shows or Hollywood, but these are hardly adequate or accurate views of America, and this inaccuracy does have policy implications.

If the image of America is derived from the popular culture and not the reality of what America is, it has an impact on our foreign affairs. Let me try to illustrate. In the year 2003, I was part of the Congressional Study Group on Germany and had the opportunity, with others, of representing the United States in Berlin with the German Government, which at the time was, shall we say, not a big U.S. supporter of U.S. foreign policy.

In fact, that particular German Government had just a very narrow election by doing a significant amount of America bashing to get there. But the tone of that government would have been more acrimonious were it not for a senior SPD member, Hans Ulrich Kluse, from Hamburg, who, at considerable political risk, put his reputation

on the line to insist that his government try to make more cooperative pragmatic relations with the United States.

At the time, I wondered why somebody would spend so much political capital to be pro-American, until I also realized that the references he always gave when he was speaking about America were to his experiences in the 1950s as a foreign exchange student in Clinton, Iowa. I also realized his experiences with real American families gave him an insight and friendship that no one can ever gain by watching America as purported by television and the movies.

As I traveled that year as well as last year to Germany, I realized that those places in Germany that are extremely pro-American are those where they have the greatest contact with Americans. And in like manner, where anti-American attitude develops and proliferates is in those areas that have the least amount of contact, which may be one of the reasons why the Ambassador from the United States at that particular time was undertaking a prolonged and expensive initiative to try to increase the contact between Americans and Germans, especially Germans of school age. Such contacts, he thought, were the only way to improve Americans' image abroad and mitigate anti-American attitudes where they may be growing in the future.

In fact, I found one constituent, who did not know my interest in this area, who wrote me. Martha, from Park City said, ''At a time when youth in strategic parts of the world such as the Middle East are confronted with dangerous cultural misunderstandings about the United States, youth exchange programs are uniquely suited to allow young people to experience an America unfiltered by Hollywood. These exchange participants frequently take home an understanding and often appreciation for America's people, society, and values.''

She is right on. Every year we have the opportunity of sending 30,000 ambassadors out into the world. And for 19 years, the host families of those 30,000 potential ambassadors have been receiving a tax deduction of $50, which is nice. But that is why I am happy to have joined with the gentleman from New Jersey (Mr. ANDREWS) and nine others to sponsor H.R. 1504, which will change that $50 to $200. That is not enough to cover the expense of host families, but it is enough to encourage families to open their doors so that more kids can have the opportunity to experience an American way of life, which may indeed be the smartest foreign policy decision we could possibly make.

With America and America's way of life under constant attack, both literally and rhetorically, it would be wise to do everything we could to encourage students of the world to experience what this country has to offer, return home, and then watch that influence tend to grow.

If our image abroad is important to the spreading of democracy and to the defeat of terrorism, and I think it is, it is good to get the good kids of the world with those good families in America. And the payoff will be improved foreign policy options and relations 10 and 20 years from now. Such an investment would be wise.

I would urge my colleagues to look at the details of H.R. 1504 and join us in planting seeds that can be reaped to the benefit of American foreign policy in the future.

TRIBUTE TO ROGER A. NICKERSON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KIND) is recognized for 5 minutes.

Mr. KIND. Mr. Speaker, I rise tonight to pay tribute and honor a great American patriot, Roger Nickerson, my uncle, who passed away last Monday. Roger Nickerson embodied all that is good and decent about America. He loved our country, and he served it with honor and distinction for 30 years in the United States Navy, both in Active and Reserve status. He retired as a Master Chief, with many medals and accomplishments.

The Chief, as many of us liked to call him, then worked for the INS for 7 years before retiring with his wife Rosemary to Stoddard, Wisconsin, where he converted an old one-room schoolhouse into their beautiful home.

He was truly a Renaissance man, capable of doing anything with his hands, and with a high standard for perfection. If anyone can be described as the strong silent type, it was the Chief. He had the looks of Robert Redford and the coolness of Clint Eastwood. In short, he was a great role model for those of us who knew him.

But as much as he loved his country and was proud of his service, he loved his family even more. He was a terrific husband, father, grandfather, brother, uncle, and friend. There was nothing he would not do for family and friends. And if there is such a thing, as I believe there is, as a lifelong soul mate, the Chief found her in his wife Rosemary. They met at an early age and their commitment blossomed into a lifelong adventure, taking them and their kids to new destinations every few years due to his military service.

His greatest source of pride was his children, Randy, Robin, Rhonda, Robbie, and his many grandchildren. I know the good Lord does not produce too many Roger Nickersons in this world. All of us who knew him feel blessed and fortunate to have had him in our lives. Now he has found his peace and comfort by rejoining his youngest son, Robert, in the presence of our Lord, where they will wait for the rest of us to join them. May God bless them and keep them in his care.

Roger Nickerson, the Chief, was loved by many and will be missed. Mr. Speaker, I just wanted the rest of our Nation to know a little bit about this great American patriot here tonight.

FREE ACT TO RESPOND TO PRICE GOUGING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. STUPAK) is recognized for 5 minutes.

Mr. STUPAK. Mr. Speaker, in the wake of Hurricane Katrina, Americans are pulling together, donating to relief organizations and giving their time to help the people of the gulf coast recover. That is how American people react when they see their fellow citizens in need. Unfortunately, some people have looked at Hurricane Katrina not as a chance to give but as an opportunity to profit. Some have decided to take advantage of this terrible tragedy and line their own pockets by price gouging the American people at the gas pump and in the energy needs they will experience this winter in order to heat their home and their place of employment.

At a time when Americans are choosing between filling their gas tanks or filling their prescriptions or providing for their families, oil companies are reaping record profits. People are rightly angry and frustrated with these high gas prices, and they deserve to have someone on their side fighting to ensure that they do not get mugged at the gas pump. Sadly, the administration's answer has been to sit on their hands while consumers get the shakedown from the oil companies.

Today, we learn that eight Governors, including Michigan's Governor Granholm, sent a letter to the President and the Senate and the House leadership urging Congress to act immediately by putting forth legislation that would return excessive, unconscionably collected profits to the consumers. The letter, which was signed by Governor James Doyle of Wisconsin, states: ''When the wholesale price of gas went up by 60 cents almost overnight, oil companies were obviously using the most devastating natural disaster in our Nation's history to reap a windfall at the expense of the American consumers. To price gouge consumers under normal circumstances is dishonest enough,'' the letter stated, ''but to make money off the severe misfortune of others is downright immoral.''

It is obvious to me that Congress needs to protect Americans from price gouging and market manipulations. As the lead sponsor of the FREE Act, Federal Response to Energy Emergencies, that I will soon introduce, is the Democrats' answer to the Nation's record high gas and oil prices. I have been joined in drafting this legislation by the Democratic Rural Caucus, especially the gentleman from Illinois (Mr. RUSH) and the gentlewoman from South Dakota (Ms. HERSETH).

Currently, only 28 States have laws on the books that define price gouging

and have enforcement mechanisms to go after those who are ripping off consumers. At the Federal level, there is no oversight to protect consumers from this predatory pricing. That is why we need this Federal legislation now. No American should have to pay too much for gas for their automobile or to heat their home this winter because the oil companies are rigging the prices.

Our bill will give the President authority to take immediate action in the face of an energy crisis by declaring a national energy emergency. Our legislation mandates that the FTC, the Federal Trade Commission, for the first time ever will have to define price gouging and the criteria that makes up price gouging. It will also provide the FTC and the Department of Justice with the authority to investigate and prosecute those who engage in predatory pricing, from oil companies all the way down to the local gas stations, with an emphasis on those who profit most. This includes the gouging of gasoline prices, home heating oil, or natural gas.

Our legislation expands the Federal Trade Commission's authority to more aggressively pursue instances of market manipulation, such as geographic price setting or territorial restrictions imposed by refineries and those who are what they call ''gaming the system.'' Our legislation empowers the Federal Government to impose tough civil penalties of up to triple damages of all excess profits on companies that have cheated consumers. It also imposes tough criminal penalties of up to $100 million on corporations, and fines of up to $1 million plus jail sentences for up to 10 years on individuals.

This bill will provide relief to farmers and small businesses paying skyrocketing energy and transportation costs, and expand the Low Income Home Energy Assistance Program, LIHEAP, through fines paid by price gouging companies.

My bill will protect consumers from unfair gas prices and punish those who think that at a time of national tragedy it is the right time to rob Americans of their hard-earned money. It is the right thing to do for consumers and for our Nation's economy.

Look at what has been going on in the last few months, even before Hurricane Katrina. This is an article out of the Soo Evening News, a newspaper in my district. It is July 20, 2005. It is before the hurricane season. That day, in my home State of Michigan, gas prices went up 80 cents; eighty cents in one day, based upon rumor, fear, and speculation. You cannot tell me that no one is profiting excessively from America's fear.

Also, I found an article in the Washington Post with the headline, ''Oil Prices Spike as Storm Nears. Jump of $4.39 is Largest One-day Surge on Record.'' These are the reasons we must have this legislation. Let us pass the FREE Act.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

(Mr. POE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

(Mr. OSBORNE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON 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 Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. STEARNS) is recognized for 5 minutes.

(Mr. STEARNS 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 gentleman from New York (Mr. HINCHEY) is recognized for 5 minutes.

(Mr. HINCHEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the minority leader.

Mr. MEEK of Florida. Mr. Speaker, once again it is an honor to come before the House, and I want to thank the Democratic leadership for allowing us, the 30-Something Working Group, to come to the floor to talk about issues that are facing not only young Americans but Americans in general.

The 30-Something Working Group, as I have stated before, time after time, is a group of 30-something Members on the Democratic side of the aisle who meet every week. We come together on the issues that are facing Americans and discuss things that, A, are working or, B, things that are not working on behalf of the American people, and we try to bring that to the attention of our colleagues here in this House.

□ 1800

I think it is important for us to not only be very aware of what is happening now in the action or inaction here in the Congress or here in this House. I think it is also important for us to realize that Hurricane Katrina survivors and those that are still in recovery are in need of a government that is willing to respond not only as it relates to saying, well, we passed the $62.2 billion emergency appropriation, but to make sure that we never have to be placed in a position that we are in now, not this House, but the people affected by the storm, and not as it relates to the natural disaster.

We know that is an act of God and that will happen; but as it relates to governance, who dropped the ball or who did not respond in time, who did not get a letter because too many people lost their lives because the response was not what it should have been.

Mr. Speaker, it was not the hurricane that killed a number of people, people who have children lost at this point, that homes are devastated in New Orleans because of the flooding. It was not just the storm that made that happen. Governance broke down somewhere. Our reason for coming to the floor today is to not only share with our colleagues but to make sure that we are abundantly clear with the American people about the importance of having an independent commission out of the control of this House and out of the control of this Congress to allow appointments to take place, bipartisan, and independent.

Right now we have a partisan select committee that will be meeting sometime in the very near future, maybe tomorrow, organizing and trying to bring

witnesses before them. I am very, very proud, and when I say very, very proud, this is the moment we live for to be able to stand up on behalf of those who are not here to stand up on behalf of themselves.

We know that the American people have said, 70 percent of the American people have said, they want an independent committee like the 9/11 Commission to look at what happened or what did not happen as it relates to the response and preparation for Hurricane Katrina. We are looking at the number of 200 billion Federal dollars being spent to rebuild and help those Americans get back on their feet.

It is important for us to have this independent commission to be able to make sure that we are not at this point ever again, especially when it comes down to the breakdown of government. I think it is important. I am not trying to be a pessimist in any way, but I think it is important for us to call it what it is. It is a partisan select committee created by the House of Representatives, passed outside of what we call regular order here in the process, outside of regular order, going to certain committees that have oversight over the necessary agencies. But to say we are going to get to the bottom of what happened is just not the way to go about doing it. Not even 50/50, or 10 on one side and 10 on the other side to make sure accountability is there so the American people can have some confidence.

No, because the majority wanted to keep control of the process and because the President and others that are here in this Congress wanted to keep control of the process, we have a partisan select committee that has been appointed and given the charge to find out the truth. I think that not only Democrats on this side of the aisle but some of my good friends on the other side of the aisle should speak out. I know that Democrats have, but I challenge some of my colleagues on the other side of the aisle to speak out and say this is wrong, because we know it is wrong. We know it is going to be partisan, and we know we will not get the hard questions answered.

We know that if the administration has anything to do with the response, which admittedly the President has said it was not what it should have been, that would have been fine if we were talking about a check that was not mailed out, a rebate check and it was 3 days late. We are talking about loss of life, loss of property. We are talking about children as we speak now that are still missing. We are talking about people who spent 3 days on their own roof or in their attic or 3 days on a bridge without water, without proper sanitation and without a response from the Federal Government to be able to save not only their lives in some cases but also as it relates to saving their property, of making sure that we were there to respond.

Mr. RYAN of Ohio. Mr. Speaker, I agree with the gentleman, and I think this is an opportunity for us to step up and do this in a way that the American people will see this as an honest attempt to try to figure out what the problems are and what the problem was and what the problem is, and if we continue down the road, what the problems will be.

The real issue I think and why over 70 percent of the American people want an independent commission, bipartisan, half Democrats half Republicans, people who do not sit in this body, people who do not have to ask the administration for favors during the appropriations process, or through the regulatory process, that is, the problem is we have Members who will be on this floor who will need favors from the administration, will be cutting deals in here, will be the same people who are going to try to figure out what the problems are.

I want to say on behalf of myself, I hate this. I hate the fact that we have to come to the floor and talk about this stuff. We spoke about Social Security for months and months. I hate the fact that we have to be critical of this administration. I hate the fact that we have to be critical of Michael Brown and the whole process, but that is our constitutional obligation. When we raise our hands the first week in January every other year, we swear an oath to the Constitution.

The outfit, the gang that is running this place, just cannot seem to shoot straight. They did not tell us the truth with the Medicare prescription drug number. It was $400 billion the night we voted on it, and it turned into $700 billion or $800 billion. There was misinformation before the war on terror. The budget numbers that were given daily, weekly over the past few years are not accurate, never are.

The spiel about the tax cuts are going to create all these new jobs, not true. That is why 70 percent of the American people want an independent commission. They think this is the gang that cannot shoot straight, and it is.

And for the President to be giving a speech on Social Security two days afterwards when all of America is watching this on their television, how far removed is he? How insulated from the average American is he? That is the problem: we have a disconnect between this government and the American people. I hope that this independent commission that we are pushing for, like the 9/11 Commission, will be one that will bring some credibility back to the government, one that will take an accurate look at what happened here and bring us the facts.

Mr. MEEK of Florida. Mr. Speaker, I yield to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Mr. Speaker, the gentleman from Ohio (Mr. RYAN) speaks the truth. There is no question about it. Now we are hearing on CNN, and we have to hear it on CNN, unfortunately, that the Republican leadership plans to go forward with their partisan committee to investigate Hurricane Katrina. Rightfully so, the gentlewoman from California (Ms. PELOSI) has refused to appoint Democratic Members, and everyone I have spoken to in our Democratic Caucus, if asked to serve by the gentleman from Illinois (Mr. HASTERT), we will stand our ground and insist on there being an independent commission.

The example we have been using here on this floor is would the American public be comfortable if Enron executives examined and investigated what went wrong in their corporation and their corporate scandals? How about Tyco? You would never accept those kinds of internal reviews as being accountable, objective, or independent.

If Congress is going to truly inspire the confidence again of the American people, which is what we so desperately need to do when it comes to our emergency preparedness procedures, it is to not engage in partisan infighting and backside-covering, because that is what they are doing here with insisting on having a partisan internal congressional committee instead of an independent, objective 9/11-style commission. It is confidence that we need to restore because it is the issue of security that Americans most want to feel comfortable that their government is taking care of.

That was supposedly why the President was reelected last year. One of the reasons many people cited was because they felt he would keep them safer, this administration would be more likely, supposedly, to keep them safer. I bet a lot of those people are scratching their heads wondering why they cast that vote and where is the action to back up the words that the administration campaigned on all of last year.

Mr. MEEK of Florida. Mr. Speaker, I think it is important for us to realize when it is time to lead and when it is time to not only lead but stand up on behalf of the folks that elected us here. It is important for us to stand up.

The American people, they do not want us to be partisan, and they do not want a partisan select committee selected by the House that is partisan. They want an independent commission like the 9/11 Commission. They want that. I guarantee you the folks in Alabama and Mississippi and definitely the people in Louisiana, and I would even say the folks in Florida, want an independent commission.

Members do not see anyone running around here saying we want a partisan commission to look at what happened. I do not see one headline that says we want it to be partisan so we do not find out exactly what we need to find out, not the who done it and who did it kind of thing, but where the ball was dropped so we can save lives, American lives. This is not a foreign country somewhere.

We are saying we need to make sure that we prevent loss of life. There are

Americans that died in the aftermath of this hurricane. I say the aftermath. I cannot help but remember the story where the gentleman was caught on television, and a reporter walked up and said what is wrong. ''My wife, she is gone. I was holding her hand. I could not hold on. She said, 'You cannot hold me any longer.''' That was not a natural disaster; that was the fact that we did not have in place what we needed to have in place to make sure the governance, the government, be it local, State or Federal, was responding to these individuals.

I have papers stacked this high with pictures of people sitting in front of their loved ones because they ran out of insulin or oxygen. This is a failure, and we will never know, we will not know the truth if we allow this Congress, the majority of this Congress to deny the American people, not just the Democrats in Congress but the American people and the victims of Hurricane Katrina, the truth and to make sure and ensure that it will not happen again, because we will be better by having a nonpartisan commission outside of this Congress to evaluate what went wrong, what went right, and what we have to focus on.

□ 1815

We are better now because of the 9/11 Commission. We passed a bill here on this floor because of their work. We were able to save American lives and protect America in the future.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, will the gentleman yield?

Mr. MEEK of Florida. I yield to the gentlewoman from Florida.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I want to piggyback on what he is saying here because not only do the American people want an independent review so that their confidence can be restored. They want their representatives in Congress to be statespeople. They want us to step up and put partisanship aside. My colleagues are veterans of this process, and I have been here 9, almost 10 months now, and the thing that has been the most startling to me is how partisan it is here. It does not need to be this way. I know. I have spoken to some Members even today, some Members who are leaders on the Republican side who I know if we came around the table and sat down and hashed out how we could best approach the review of what happened with Katrina and the response and our lack of preparedness, I know we could work it out. But the leadership here does not allow that to happen. It is all about winning. It is all about ''our way or the highway.'' And Americans are sick of ''our way or the highway'' politics. They just want us to get it done and do the right thing. And I just do not understand why it has to be about winning, it has to be about we are going to protect our backsides, we are going to make sure that the truth really does not come out. God forbid if we actually admit that we made a mistake. That is just irresponsible.

And to me the most devastating thing, besides the loss of life and the children, the little babies that we see being held by people who are not their mothers, because their parents are gone and no one knows where they are, the thing that is most devastating to me is knowing that there are millions of people in this country who do not believe in us anymore, who do not believe in this process. Look at the polling numbers on Congress and how Americans feel about the job we are doing. Our constituents might like us as individuals, and that is only some of us; but as a body, as an institution, we have lost their faith. And we have lost their faith because all we do is throw up our elbows and duke it out and fight to the finish. They want us to do our jobs and do right by them, and that means putting aside winning, and making sure that we can come together as Americans, like we did after 9/11, like I saw Congress do after 9/11 when we were all linking arms and working together.

Maybe Katrina, because it only happened to one region of the country, was not a unifying enough event. But if there is ever a time. We just had Rita hit Florida. It is bearing down as a category 5 on Texas now. I mean, clearly no one is immune from this in this country, and it is time that we exercise some leadership. And I think we should ask our leadership, especially the leadership running this Congress, to say to themselves, it is not all about me. That is what the American people want us to do. I just wonder whether they have the courage and the nerve to do it. It certainly does not seem that way.

Mr. RYAN of Ohio. Mr. Speaker, if the gentleman will continue to yield, it does not look like it. And I think David Broder had a great quote saying that majority Republicans see themselves first and foremost as members of the Bush team. Well, this is not about their team winning. This is not about politics, and we know for the last 5 years it has been all politics all the time here, as I talked about Medicare and all the other issues. And now here we go again.

Here is the thing I think that we need to recognize. When we have this colossal of a screwup, somebody is going to get embarrassed. It is not going to be pretty. Someone has got to hang for this, and someone has got to take responsibility. And that is the thing I think the American people want from their government. They want responsible Members, but they want accountability. And accountability means someone is going to get embarrassed, and it means that someone in FEMA screwed up. But do my colleagues know what? It is not about President Bush. It is not about that one person who screwed up. It is not about the series of people who contributed as the days went on from the screwup. Do the gentleman from Florida (Mr. MEEK) and the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) know what this is about? This is about fixing the problem, as they said earlier. And if someone needs to get embarrassed, they need to recognize that this Chamber, this country, and the way we respond to emergency situations, whether they are natural disasters or terrorist attacks, that response and our responsibility is bigger than the couple of people who are going to get embarrassed.

There are certain things that are bigger than winning and more important than winning, and that means we have got to make sure that we do this in the right way. This cannot be a whitewash. We cannot get out the Brillo pads and try to make this look clean. We have got to find out where the ugliness is, where the lack of communication was.

Knowing about the simulation last summer in July of 2004 of Hurricane Pam, a simulated hurricane that FEMA did a study on that, if it hit New Orleans what would happen, and they predicted right down the line every single thing that would happen. A category 4 in New Orleans, levees would break, a million people would need to get evacuated. And every other situation that happened, FEMA's response, the simulated Hurricane Pam told us exactly what is going to happen.

So my point is that someone is going to get embarrassed here and it is not going to be pretty. But at the end of the day, the system is going to be stronger because we are going to know what the mistakes were and we are going to know how to fix them. But if they are not willing to find out what the problem is, then they are not going to be able to fix it. And our responsibility is to fix it. So although this may be painful for the majority party and it may be painful for the Bush administration, this system that we have is bigger than all of them put together, and that is what we are here to do is preserve this system.

Mr. MEEK of Florida. Mr. Speaker, the gentleman from Ohio (Mr. RYAN) heard me once before speak of the fact that it is not personal, it is just business. And that is the reason why we are here. We are here to conduct business.

I have very good friends on the other side of the aisle. I am talking about good friends that I had long-lasting relationships with prior to becoming a Member of Congress. As it relates to this select committee, those individuals that were fortunate enough to be appointed by the House leadership, many of them are good friends of mine. I mean, these are individuals that I talk to, and we talk about football and we talk about things that just regular everyday associates would talk about.

But it is not about them. It is about the fact that there has been a select committee elected on partisan lines, partisan lines, with a partisan vote that will meet tomorrow and, as we read through the media, will meet next week, a partisan committee to carry

out a bipartisan job. A bipartisan job. How can they carry out a bipartisan job when from the beginning it already smacks of political overtones? It is almost like, as the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) said, and I think she said it right, we are going to do our in-house investigation. What usually happens when people do an in-house investigation is someone screams for an independent investigation. For those men and women that are in business out there in America, they always have to get, 9 times out of 10, an outside audit for their company versus an inside audit. Independent it is called. And I think it is important for an independent commission, when we get one, because we are willing to fight. The Democrat side of the aisle is saying we are willing to fight on behalf of what the American people want.

Now, I did not hear one speech during the creation or the vote last Thursday on this partisan commission or select committee of saying that the people want a partisan select committee, and I am here to say that it is important that we have one. Not one speech. But that is what we have now. Because there are some individuals here in the Beltway that want vindication and validation, which, I guess, vindication, not rightfully so, but just to say, well, I had nothing to do with it and to beat up on Michael Brown of all people. And I think there is pretty much consensus on the fact that he did not possess the experience and the leadership qualities to be able to carry out the mission of being Director of FEMA. We know that. I mean, that is almost like the President's showing up 3 or 4 days later, or what have you, after he was supposed to be there, and saying there are a lot of homes, a lot of flooding going on. And people say, oh, really? We saw that on TV like 4 days ago. We are getting blankets and all these things in now when they should have had them 3 days ago. The world watched people on top of their roofs, and thank God for the Coast Guard who were there trying to pluck people off when we had mountains of Federal resources sitting somewhere at some staged area while people are there starving.

I went to Mississippi, Hancock County. Folks said they had sanctioned looting. The mayor standing out in front saying go in and get what they need, the essentials to survive. In America. This is not behind a war zone. This is not in a fort area. This is America where they can go in and help people, but failed to do so.

Once again I want to make sure that I am crystal on this and we are crystal. We are not only talking about what did not happen as it relates to the Federal response. We are talking about the State response. We are talking about the local parish response. We are talking about whoever was in charge of carrying out the plan, making sure it does not happen again. This is not isolated to the Gulf States. This is America, because we all learned what happened on 9/11 happened here in Washington, DC, happened in Pennsylvania with the plane going down, happened in New York City. But guess what? Having that independent commission helped prevent terrorism throughout the country. LAX is a more secure airport because of the 9/11 Commission. More secure. And I think it is important that we realize that this battle is not on behalf of what we want on the Democratic side. The battle is worth fighting on behalf of the American people. And I will tell the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) and the gentleman from Ohio (Mr. RYAN) I know for a fact that there are some Republicans that sit on that side of the aisle that know 110 percent that we are right. And I will say this, just like I have said it before, when it came down to some of the votes that took place and when I called for some of my colleagues on the other side of the aisle to go see the wizard, get some courage, and stand up publicly to this rhetoric of a partisan select committee to investigate yourself.

If I messed up and I was to come to the floor and say I have decided that I am going to investigate myself, I mean it sounds a little funny because it is.

Ms. WASSERMAN SCHULTZ. It would be funny if it were not so sad.

Mr. MEEK of Florida. If it was not so sad. I will investigate myself, and we will be back in a number of months and give our findings. That would be fine if we did not live in a democracy. But we do live in a democracy, and I think it is important that we call it for what it is. It is a partisan select committee based on trying to find out what happened or what did not happen in Katrina, and it is not bipartisan.

Mr. RYAN of Ohio. Mr. Speaker, if the gentleman will continue to yield, let us put a little meat on this bone. Let us put a little meat on this bone. Why do they not want us to look at this thing? Because they know what we are going to find out. They know we are going to find out that FEMA became a haven for political hacks, period; end of story, dot. Political cronyism at its best. College roommates, the campaign manager's college roommate gets the head of FEMA. They get the head of FEMA? They have no emergency management experience at all, none. James Lee Witt, who was there for President Clinton, was the FEMA emergency manager for Arkansas. So if we have a bipartisan commission that maybe is not run by this House, that will come out. It will come out that eight of the top-level people in FEMA were all political cronies, all political hacks given a job. We do not give people jobs in FEMA. We give people ambassadorships who make big campaign donations. We know that happens. But we do not put them in charge of FEMA.

What would come out is that we would find out that FEMA's budget was slashed.

□ 1830

All the offense that the Clinton administration was playing with FEMA to prevent some of this stuff: budget cuts, tuck FEMA in with Homeland Security, make it more bureaucratic, and you put a bunch of political hacks in charge of it. That is what is going to come out. That is what is going to come out. You cannot run down government at every turn. For the last 10 or 15 years down here, everybody has just been running down government: Government cannot do anything right, government is the problem, government is bad, government is in our way, government this, government that. Every problem in the whole world was the government's. And then when we need the government there to help, well, no wonder it is ineffective. It has been disrespected, the budget has been cut, we do not have professionals there. We need the best and brightest in government. If you keep running it down, you are not going to get them.

So that is the meat on that bone, is that they are going to find out it was a haven for political hacks, the budget was cut, no professionals over there, no certified emergency management specialists. And that is what happened, and that is what will come out if there is a bipartisan commission.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, let us make the meat on that bone turkey, and let us talk turkey now, because beyond the partisan commission and beyond what we are saying, which is that there should be an independent commission so that we can truly get to the bottom of this, let us go a step further, because there are other things going on in Congress related to the reaction to Katrina.

We know that for the next several years we will have what will be a massive public works effort to rebuild the Gulf States, which we will be behind wholeheartedly, because there but for the grace of God go we, and we would want our colleagues to do the same and be supportive if it happened in our State. Our colleagues were very supportive of Floridians when we faced Andrew down and the follow-up to Andrew. But there are going to be some serious needs that will need to be met.

How is the Republican leadership talking about responding to those needs? Well, let us go through it. First, they are talking about keeping the tax cuts in place: Let us not touch the tax cuts, because wealthy people, they need them. It is really important. So those are off the table, those are off limits. On top of that, they are saying, you know, we got some concern occasionally about the deficit, so the right-wingers on the other side of the aisle are saying that, you know, the cost of rebuilding the Gulf States is going to be prohibitive, and we want to preserve wealthy people's tax cuts while we are rebuilding the Gulf Coast States, so we need to look to some more spending cuts. And where are they talking about those spending cuts being from? Well,

they are starting off with delaying the prescription drug benefit for Medicare recipients, for senior citizens who can barely make ends meet, for senior citizens who have to choose between medicine and meals, for people who literally live, bottom line, day to day. Then, they are also talking about cutting transportation projects, thousands and thousands of transportation projects, billions of dollars.

Now, who did Katrina hurt the most? The poor people, the people who are poverty stricken, 100,000 of them at least, who could not get out of New Orleans and who had to go to the Superdome to be able to find refuge. So how, when we are trying to find them jobs, are we going to get them to those jobs if we cut transportation projects, if we do not have mass transit assistance? That is how poor people get to work.

Where is the heart? Where is the trust? There is no heart in this leadership, no caring, no feeling. It is all about them. It is, you know, we got ours and the people that support us, we gave them theirs, and we are going to make sure they keep it, and everybody else be damned. That is what these people are all about.

When it comes down to it, over the next 14 months, as we go through a discussion with the American people about the choices that they will have, it is going to be about trust. Who do you trust to take care of you? Who do you trust to be there for you in your time of need, to protect you when you are in potential danger, and to be there for you when it is time to clean up and help you move your life forward?

Mr. RYAN of Ohio. And let us be honest. This outfit, this gang has had their chance for the last 5 or 6 years, in Congress for the last 11 years, going on 12 years. They have had their chance. Look at FEMA. Look at the economy. Look at the tax structure. Look at the Medicare program. Look at the health care situation. Look at the poverty that we saw, with no real attempt to even try to fix it. I mean, let us be honest, there has been no attempt, none. Tax cuts? Wait a minute. How are tax cuts helping people that can barely survive?

Ms. WASSERMAN SCHULTZ. Mr. Speaker, in the last few minutes, and if the gentleman from Florida wants to go over this, I would be happy to yield to him.

We have on our side of the aisle a series of proposals, an action plan that Leader PELOSI has put forward related to housing and economic security and health care that we are going to be talking about over the next several months, because it is not all about complaining. It is not all about we do not like what they are doing. We have a series of proposals that we want to see happen to ensure that people can move their lives forward. We have to make sure that these people have health care. We have to make sure that they have roofs over their heads. We have to make sure that they have access to jobs and job training. We have to make sure their kids have a place to go to school and that the communities where these kids go to school can actually make sure they have room for them, like our community. The people coming down to south Florida, we are exploding in our public schools. We could barely take on another kid who is moving to south Florida voluntarily. So we have plans, and we are going to make sure that those plans are outlined and that we pursue them and that the American people understand that we are going to be there for them when they need us.

Mr. MEEK of Florida. Well, plans would actually be action if we were in the majority, or if we had a majority party that were willing to move in a bipartisan way in responding to the aftermath of Katrina. And also what Hurricane Katrina has exposed in America is the fact that we are not prepared to face a natural disaster or a disaster, period. We are not coordinated in this country to be able to have a response that will be appropriate to the American people in their time of need.

Mr. Speaker, the gentlewoman left off with what is being proposed, and what is also being proposed is a $9 billion cut in student aid. I know we passed a bill to kind of help with a Pell grant, but this week the majority comes back with a $9 billion discussion of helping to pay for Katrina. So it is almost like I am going to give you something, but I am going to take $9 billion back.

Mr. Speaker, I am so glad that we have the opportunity to come to the floor, and we have had to double up on 30-Something, because it is too much, too much going on.

Ms. WASSERMAN SCHULTZ. Too much to talk about.

Mr. MEEK of Florida. I will tell my colleagues, and I will warn my colleagues on the majority side, especially those who are making decisions, it is time to start making the right decisions. When you have 8 States who say that they want the Federal Government or this Congress to investigate oil companies, we are paying $3.50, $3.90 a gallon; meanwhile, profits still soaring as it relates to the oil companies that are saying, oh, we have to go up on gas prices because the oil production is not what it should be. But they are not hurting. There are some people who could not make it to work because they could not afford to put a quarter of a tank of gas in their car or their truck if it was a small business. Sure, prices went up, because they could not move product. Diesel fuel went up, let alone jet fuel. Flights were canceled. But, meanwhile, the folks that provide the oil, they are having record profits. So eight Governors have asked for intervention by this Congress.

And, I have been passed a note here that they are also predicting that gas, based on what Rita does, could go to $5 or better. So I hate to say to not only my constituents, but also Members of this Congress, run out and fill your tank now, because Rita is a reality, and it is going to be a category 5. Because we gave money away to billionaires, not to the folks that we are talking about, not the folks that are on the cover of these magazines. What happened? How did it go wrong? Is this America? Question: Is this America?

Deficits. The deficits were here prior to Katrina, prior to Rita. When this administration came into power, that is when we started getting into deficits. We had surpluses as far as the eye could see.

So I am saying that, and I am hopeful that some of our friends, especially the ones making decisions on the other side of the aisle, will say, well, you know, maybe we need to rethink this.

Mr. RYAN of Ohio. Maybe we made a bunch of mistakes. Maybe we made a couple mistakes.

Ms. WASSERMAN SCHULTZ. They do not make mistakes.

Mr. MEEK of Florida. Maybe we need to sit down as adults and look at how we can approach this and use not only the contributions, but the wisdom of all Members of Congress into, into what? Achieving what the American people want. That is not a radical idea. That is very simple. We have one side of the aisle that is saying that we want to do that. We have one side of the aisle, if given the opportunity to be in the majority, will do that. But tomorrow, I say to my colleagues, there will be a committee meeting, a partisan committee meeting, to organize themselves to get to the bottom of what really happened and did not happen, to report to the American people the truth. I will tell my colleagues right now that that just will not fly.

I am asking, as a member of the Democratic Caucus and asking as a Member of Congress period, and Leader PELOSI, the Democratic leadership, I am on the second floor of a 9-floor building. Hang in there, because there are a number of people and Americans, Republicans, Democrats, Independents, those that cannot even vote yet and those who choose not to vote are counting on our leadership to make sure that this never happens again.

They deserve an independent commission to be able to look at what happened, what did not happen. Subpoena those that need to be subpoenaed and pulled in, because Michael Brown, as far as I am concerned, is just crust on the pie. We are not really getting down to what is in the pie when we deal with Michael Brown. Michael Brown is so exposed he is just like the Washington Monument that sits in the Mall; everyone can see it all over Washington, D.C. If you get lost here in Washington, D.C., just look for the monument and you know you are on the right track. Michael Brown is there. I feel bad for him, because the guy cannot even go to the Mall without people looking at him and saying, it was you. No, it was not Michael Brown. It was those individuals that allowed Michael Brown to be

the director of FEMA. It was those individuals that made partisan decisions based on political activity in a partisan campaign, and said we are going to park our people here, our precinct captains in the emergency management agency. In our time of need, we want our friends, political friends, to be in those positions.

Better yet, even if FEMA, let us say if they did not have the ability to be able to govern themselves in a time of a natural disaster and respond, those individuals that were overseeing FEMA, it goes further. Yes, the Department of Homeland Security, you have people in the White House that are in charge of certain agencies that bring about accountability on those agencies on behalf of the President; you have so many people that are from the top, which is the President of the United States, Commander in Chief, if you want to speak militarily, all the way to the parish commissioner or levee board in New Orleans. In that track, need it be elected, appointed, they have to be brought in to task to make sure that it does not happen again.

Were there plans? Of course there were plans to be able to evacuate people, to be able to make sure that the Federal response is staged, and to go in when the winds die down to 40, the wind count or what have you. I am not a meteorologist; I feel like one, because when you watch TV, and it is hypnotic watching the reporting of this, 40-mile-per-hour winds. But it did not happen. And we can get down to the truth. It very well could be; I mean, I heard some folks from Louisiana saying, yes, the National Guard was in there trying to do the best they could. They did have food in the Superdome. They did have food in the Civic Center in New Orleans. No, we were there. We were here in the streets. They were not here by themselves. We will never know the truth until we have an independent commission.

I am glad, once again, I am going to say it again just in case. I want it to be printed correctly in the CONGRESSIONAL RECORD that the leader, by not appointing to this partisan committee, select committee, partisan, I want to say that, partisan committee that will have partisan findings, I commend not only her leadership, not on behalf of the Democratic Caucus, but on behalf of the American people. The question should not be, why are you not appointing Democratic Members to this partisan committee? It should be, why do we have a partisan committee, select committee in the first place for this bipartisan job?

□ 1845

Restore this bipartisan job. It is bipartisan because that is what we call it. No, that is not bipartisan. You have 11 members on the majority side, including the chairman who controls everything, and you have nine members on the minority side who cannot even call a committee meeting or call a witness up without the permission of the majority.

So once again, we are in a situation where we are saying, we will investigate ourselves and we will get back to you in a number of months on our findings of what we did wrong.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, you know, it certainly does not have to be that way. It certainly was not that way when the shoe was on the other foot, because some people listening might feel, well, you know, this is just the way Congress does it. Congress is a partisan body, it is a political body; and you know when one side is in charge, they run the show. They run these investigations, and that is just the way it is.

Well, in this situation, you have got a Republican Congress investigating a Republican administration. And let us go back to the Reagan years when you had the Iran-Contra scandal. Then you had a committee set up within the Congress, which was a Democratic Congress investigating a Republican administration, so obviously there was some inherently built-in accountability in that situation.

And when it came to the way that committee was appointed and developed, even internally within the Congress there was mutual agreement on both sides of the aisle that it was done in a bipartisan fashion. And I will quote then-Representative DICK CHENEY from Wyoming who is now our Vice President. He said, because he was one of the key sponsors of the committee of the legislation that created the Iran-Contra Committee, he said at that time, ''I must say the majority has been exceedingly fair in the proceedings. The leadership of both parties has worked in a truly bipartisan fashion to create this committee,'' referring to the Iraq-Contra Committee.

Well, it is really unfortunate that when the shoe is on the other foot and they have the opportunity to do the right thing and work in a bipartisan fashion, that they are choosing not to. And it is certainly within their discretion. It is within their choice, and they are just wiping their hands and refusing to do it.

I know the gentleman from Ohio (Mr. RYAN) is pulling over our 30-something board, and we want to let people know how they can get in touch with us, and we want and we urge their feedback. We want to hear from people.

Mr. RYAN of Ohio. Before I give away the magic address here, I think we just need to call this what it is. This is a Republican committee. This is a Republican committee that will oversee a Republican mess.

Mr. MEEK of Florida. Period. Dot.

Mr. RYAN of Ohio. Period. End of story. Dot. And you might as well put Ken Melman or Ed Gillespie in charge of the committee, because you are going to get a political response. You are going to get a political whitewash from this whole thing.

And the American people are going to let this stand. I made the prediction last week, and I stand by it today, the American people will not let this stand. When there are 11 Republicans there tomorrow organizing this committee, you will be able to do it in a phone booth, because the Democrats are not going to be around. We are not going to lend any credence to this at all.

And put Ken Melman in charge of this committee because that would reflect accurately the end response in what it is going to be. 30somethingDems, 30 the number, somethingdems@mail.house.gov.

E-mail us. Let us know what you think. Tell us your thoughts. Share with us.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, the way I want to conclude for us, or my portion of the conclusion, is to reiterate that at the end of the day we have plans.

If we were in charge, we would be moving to ensure that we got health care to the people who are victims of Katrina. We would be making sure that we helped get them some economic security. We would make sure that there was some accountability in the process of the doling out of contracts for the clean-up and the construction.

We would be making sure that education was of primary and paramount concern. We would be initiating an agenda to assist people and restore confidence in the emergency preparedness and disaster response procedures in America.

Because Katrina was not the first hurricane that bore down on our country; and as we have Rita churning in the gulf as a Category 5, we know she is not going to be the last. And, you know, I think we should conclude by praying for the people who are going to be experiencing Rita in the next few days and sending them our best wishes and urging them to heed the warnings that your emergency managers are going to be sending out to you.

So I look forward to joining you again as we do each week, and now, you know, in double session, because we have so much to talk about and let people know what is going on here in the Congress.

Mr. MEEK of Florida. The gentlewoman from Florida (Ms. WASSERMAN SCHULTZ), you are 110 percent right as it relates to individuals taking Rita very seriously. Also I am hoping that emergency management, FEMA and other agencies, are doing the appropriate things that they need to do to be able to stage themselves so that individuals do not wait 3 days, 3 or 4 days.

We are coming in for a close here, but this is Louisiana, Mississippi, or the eastern part of Louisiana, Mississippi, and, also Alabama, and we have some of Florida in there, or all of Florida. I think it is important for us to understand, in this area right here, this is where Katrina struck.

The individuals that lived here had a slow response, but a response. A slow

response. We had loss of life here after the storm because people could not get what they needed as Americans. Here, this same area, President signs a proclamation waiving Davis-Bacon which will allow these individuals in these States, and these communities right here, real people in these counties and the parishes right up here in Louisiana, same place, same President, flying in there, four, five visits, what have you, that are without a prevailing wage, which means a contractor can go in and say, no minimum wage for this job, even though Federal jobs in other parts of the country that are paid for with Federal dollars, paid for, they make a prevailing wage.

It is not a union issue. This is an American issue. We want to make sure that these folks rebuild. Better yet, the $62.3 billion-and-change that we have appropriated here in this Congress, when it comes down to these individuals receiving a paycheck when many of those jobs have been shut down and some have decided was the final blow for them to move somewhere else will not be able to receive a prevailing wage on the tax dollars that they have given in this area.

That is why we need an independent commission. These individuals, these very real people right here in Hancock County in Mississippi, one of the hardest hit areas here in a FEMA trailer waiting to speak to an operator, I know personally that they were outside for 2 hours waiting to get into this trailer of 10 phones. 10 phones.

They deserve an independent, bipartisan commission to make sure that the Federal response is better, quicker. So this goes far beyond regular order that we say here in the Congress. This is not a committee that has been standing for 50-something years and that is just the way we do business. This is a natural disaster and failure of governance.

And that is where we come in, on the failure of governance side. These are real Americans that are suffering. I ask our Republican leadership, do not allow this institution to do what it is doing now.

Do not split us further by having a partisan committee meet tomorrow because they can, not because it is the right thing, it is because they can. That is wrong.

If we were supposed to be the shining example of government, elected in a democracy, do not allow that to happen. Do not do it because you can. Because I can do things as a grown up, I do not do certain things in front of my children, because it is a bad example. This is a bad example.

And I will tell you that it is far beyond regular order. I am talking to my colleagues in this Congress, and you know exactly what I am saying. This is far beyond, because we are in the majority. That is right. We are supposed to have more people on the committee. This is a natural unprecedented disaster.

And this was a slow response or no response at all. So I say to Members that it is important that we do this. I want to thank, Mr. Speaker, our Democratic leader for allowing us to come to the floor once again.

I want to also say that it is an honor to address the House of Representatives, but this is a very pressing time, not only for our country, but also as it relates to our leadership, and I hope that we can come together and make sure that we have a bipartisan independent commission that the American people are calling for so badly.

MESSAGE FROM THE SENATE

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

H. Con. Res. 242. Concurrent resolution providing for acceptance of a statue of Po'Pay, presented by the State of New Mexico, for placement in National Statuary Hall, and for other purposes.

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. 1713. An act to make amendments to the Iran Nonproliferation Act of 2000 related to International Space Station payments.

U.S.-ISRAEL RELATIONS

The SPEAKER pro tempore (Mr. SODREL). Under the Speaker's announced policy of January 4, 2005, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 60 minutes as the designee of the majority leader.

Ms. FOXX. Mr. Speaker, I think I will be joined by some colleagues shortly, I hope.

Congress recently returned to Washington following a busy month of work in the district. For a majority of August, I traveled throughout North Carolina's 5th District and conducted scores of meetings with veterans, teachers, and many other constituent groups.

During this time, I gained valuable insight into the needs of the people I serve and look forward to continuing to address their concerns. The needs of my home district have always been and continue to be my number one priority.

However, as a Member of Congress, it is my duty to educate myself on internal affairs and foreign policy, especially when it pertains to the Middle East. While our foreign neighbors may be far away from northwest North Carolina, our relationships with them affect everyone.

For 1 week in August, I was fortunate to have the opportunity to travel to Israel with several colleagues. This educational trip gave me the opportunity to witness how America's national security interests are directly tied to developments in the Middle East, and specifically to Israel's own security.

Strategic cooperation between our country and Israel, in intelligence-sharing, fighting the war on terror, strengthening homeland security, promoting democracy, and increasing technology development is vital to the well-being of my constituents and, indeed, all Americans.

For most of the 1,500 years before the Roman destruction of Jerusalem in AD 70, the land of Israel was the independent home of the Jewish people. Since then, it has been occupied by many powers, from the Romans to conquering Arab armies to the Ottomans to the British.

Despite these periods of foreign occupation, there has always been a continuous Jewish presence, and the land of Israel remained the focal point for the Jewish people.

The United States and Israel have long maintained a strong friendship since the modern Jewish state was founded in 1948. In fact, we were the very first Nation to recognize Israel, just 11 minutes after its founding.

Our two countries share much more in common than many realize. We believe in freedom and equality and share many basic rights, such as free elections, a free press, and freedom of religion. We were both founded by people seeking freedom from tyranny, and we both continue to serve today as symbols of liberty in a world plagued by oppression.

Mr. Speaker, I would like now to recognize my colleague, the gentleman from Texas (Mr. MARCHANT), who has joined me and allow him to share some of his perspectives on this trip that we took in August, and then I will come back to the podium and speak some more.

Mr. MARCHANT. Mr. Speaker, last month I was fortunate as a Member of Congress to travel to Israel and witness firsthand the peace process that is currently taking place.

□ 1900

The trip was a unique opportunity to learn more about relations between the United States and Israel. This country has maintained a longstanding friendship with the Jewish state since its creation in 1948. Today, cooperation between the U.S. and Israel is essential as we fight the war on terror and promote peace in the Middle East. Israel is, has been, and will continue to be an important ally in the goal to spread democracy worldwide and promote peace in the Middle East.

I was privileged to have the opportunity to meet with many high-ranking officials from the region, including Israeli Prime Minister Ariel Sharon, as well as Former Prime Minister BiBi Netanyahu and Vice Prime Minister Shimon Peres. Talking with these leaders provided me with valuable insight into the ongoing peace process and plans for the region. While their approaches are different, their common goal remains the same: peace and fulfillment of the Jewish homeland.

On the final day I met with Mahmoud Abbas, Chairman of the Palestinian Authority. I, along with my colleagues, stressed with him how important it was to the United States that the terrorists be disarmed and that peace be advanced within the region.

Mr. Speaker, my rigorous schedule included an extensive tour of this country. Although Israel is smaller than the State of New Jersey, I was thoroughly impressed with its infrastructure and potential for growth. In just over 50 years of existence, Israel has developed a remarkable highway system and infrastructure. As we visited universities, holy sites, military bases, it was easy to tell how modern and highly accomplished Israel is today and what an incredible potential that it has with its people.

Throughout the country's history, the Israeli people have experienced violence and terror on their home soil. Normal citizens' lives have been threatened in schools, malls, and other public places at the hands of suicide bombers. Israel, though, is committed to combating terrorism and to world peace.

During my trip I was able to attend various briefings and got to see the security fence that separates Israel from Palestine and other tools that have been effectively used by Israelis to deter the terrorist attacks.

I traveled also to the developing Negev Desert area. This region has experienced a surge in development and opportunities with its diverse residents. The community is composed of Israelis, Arabs, and Bedouins. Its growing strength is vital to Israel's national security interests as well as an excellent place for new settlement. The United States needs to play a key role in the assistance of the development of this desert area.

This trip was also especially important because it took place in the midst of the disengagement of Gaza and the northern part of the West Bank. I was one of the few Americans to be able to visit Israel during this very historic time. Over 8,000 Israelis were relocated from the Gaza Strip.

The courageous decision to withdraw from Gaza carries serious risks for Israel. It proves the willingness of the Jewish state to take enormous chances for peace. Withdrawal provides Palestinian leadership the opportunity to curb terrorism and govern its people. Prime Minister Sharon explained that he believed the painstaking process is the best long-term decision for Israel. Only time will tell whether Gaza will become a catalyst for peace or the new headquarters of terrorism.

Now more than ever, Israel needs America's support. Israel's commitment to peace is vital in this time of war and oppression in the Middle East. As America continues with its mission to spread freedom and democracy, the Israeli people have to be, and will be, our very important allies. They deserve our respect and our cooperation.

Ms. FOXX. Mr. Speaker, we had a distinguished group with us on our trip, and I am very privileged to recognize the gentleman from Utah (Mr. BISHOP) who is going to share some of his observations of the trip with us now.

Mr. BISHOP of Utah. Mr. Speaker, I appreciate the gentlewoman from North Carolina (Ms. FOXX) giving me this opportunity of sharing a few of the experiences that I had while visiting Israel with the distinguished group this past summer.

I think there are four impressions that I will always take back from my short trip to Israel. The first one is how wonderful it was to be in a place where you saw a specific pro-American attitude from everyone, from the leaders of the country down to the people on the street, with whom you spoke.

Secondly, I have to admit that even though I was in Israel, I felt like I was back in Utah because the topography is very similar. The mountains of Judea, I was right on the Wasatch Front again. Going to the desert was like going to Price, to Moab back in Utah. Whereas in Israel they have the Sea of Galilee that empties into the Jordan River and empties into a Dead Sea, the saltiest sea in the world, in my home State we have Utah Lake which empties into the Jordan River which empties into the saltiest sea in this hemisphere, the Great Salt Lake. So I was back home.

Third, and perhaps for me most important, the ability of buying Dr. Pepper on the market in Jerusalem told me that I was in a country that was purely cultured and progressive, and I was extremely grateful for that.

Finally, I was truly impressed by the size. I think one of the things that we Americans do not realize so fully is how our size has always been a defense. Perhaps as somebody from the West, I recognize that as well, when my county is the size of Rhode Island. Sometime we take size for granted. It is part of our mentality.

But it is very clear in this country where you can go in a matter of hours from the mountains of the Golan down to the desert in Negev, that is not a large area. In fact, it takes me longer to drive from one end of my district to the other end than it does to go through the country of Israel.

When I realized, as you were looking out at the horizon, you will see one mountain top that is Palestinian and the next mountain top is Israeli. And how close they are. We understand that security becomes the major concern of this people. And once again we have kind of a cavalier attitude in the United States about how important security is to those people who live in this particular area. We also understand it is very clear that if there is ever going to be a lasting peace between the Palestinians and Israelis, if there is ever going to be a permanent government between the Palestinians and Israelis in this area of the world, then terrorism has to stop, and that has to be the first and foremost priority.

I think it is wonderful that we have this chance of exchanging ideas and changing institutions. I just gave a speech on this floor a few moments ago about the importance of foreign exchange students and having exchange students understanding American life. Taking it back becomes one of those things that will help us in the future in foreign affairs. I think this is the same way.

There is much that we can learn about the experience of Israel. As we are going through the issues of border security in the United States, there is much that we can learn from how the Israelis have handled that particular situation, much we can learn as far as technology that may be one of those things that can help us in the future.

I was also feeling especially important to be there, as some have mentioned, I think others will as well, to be there at the time of pullout from the Gaza Strip. Nothing, I think, that could ever happen has shown the commitment on the part of the Israeli Government to peace more than that. And everything happened with an ability of doing things in a peaceful and successful way. It showed that even though there was some protest, it was an orderly disengagement. Even though it may be strategic, it was still nonetheless a gamble on the part of the Israelis. It clearly illustrated that the ball is now in the court of the Palestinians and the Egyptians.

I am very pleased that the Egyptians seemed to have moved up and stepped up to take their position in the patrolling of the Philadelphia Corridor. And the amount of troops they have moved in there, though it is still under 1,000, it still is a significant presence. I hope that signals something that will be positive in the future.

It is also significant that the Palestinians have to make a positive response in the future to this particular situation. If they do not, if they simply say that permitting foreign civil war from taking place is sufficient, then they deserve the criticism of the world, for there will be no room for equivocation. Abbas has a choice in here of being a true hero of the future and moving the peace process forward or being a catalyst for the means of world chaos.

I was happy that before I went I also had the opportunity of reading a history of the Six Day War. Once again we sometimes have illusions and misconceptions as Americans. One of the misconceptions is the Israeli Army and the Israeli defense forces are impregnable, they are impenetrable, and they will always win in every situation.

Learning the details of the Six Day War and the places that we looked at when I actually got there, I realized that the victory of the Israelis in the Six Day War had as much to do with luck as it had to do with military ability. There were decisions that were

made on both sides in that particular war, which if they had gone the other way, would have had an entirely different outcome.

That also illustrated one more time how the Israeli situation is indeed tenuous. We cannot place any blame on the Israelis for being so concerned about their security in a land where an enemy sworn against them is so close and has so many terrorist activities, killing over 1,000 people in the last 5 years. With those images coming back there, I am proud to be able to see the people who, perhaps even better than we do, understand the second amendment rights. And we need to fear the bad guys with guns, not necessarily the good guys with guns and people who are doing so much on their own for being responsible for their security and their future.

It was a very positive experience. I think there is much to learn from the good and the determination of our good friends in the State of Israel. It was an enjoyable trip. I appreciate the opportunity of being able to have enjoyed it with my good friend from North Carolina.

Ms. FOXX. Mr. Speaker, I thank the gentleman.

We all know that it is important to have people from very different perspectives serving in the Congress, and I think that the points of view that will be presented here sound very similar, but also each one of us has our unique perspectives on what stayed with us as a result.

One of the people who was with us on our trip was our distinguished deputy whip, the gentleman from Virginia (Mr. CANTOR), and I would like to ask the gentleman to share some of his views now.

Mr. CANTOR. Mr. Speaker, I thank the gentlewoman for organizing tonight's Special Order. I congratulate her on her outstanding leadership and her participation in the trip that we all were on.

I have been to Israel many times. I went on this trip, and this particular trip was special, like most others, because there is always something going on with the people of that land and their neighbors. And there is a constant quest for peace and one that, unfortunately, has not come to pass in the half a century or so that that country has existed.

One thing that strikes me always and struck me this summer was that Israel remains a beacon of freedom, remains our only democratic ally in the Middle East, and is proof of the survival of a people that have engaged in the war on terror that we here in America have found ourselves in, especially since 9/11.

As the gentleman from Utah (Mr. BISHOP) before me stated, we were able to travel to or near the Gaza Strip as the pullout, disengagement, was taking place. One of the visions that I remember was one that will go down in history, I imagine, with the settlers that were leaving Gush Katif, the area of the Gaza Strip in which many Israeli communities existed. They were actually at one of the junctions in the road and were pulling down the traffic directional signs pointing to their community and putting the signs in the back of their truck, knowing probably that there would never be such a sign that existed again, because the community will not exist again. A very tragic moment in many families' lives, but I think something that reflects the bold move by Prime Minister Sharon in conducting the disengagement and formulating the policy of disengagement. It was a tremendous step. It was a tremendous step to create an environment where peace can flourish.

The problem is, and I am troubled by the Palestinian response to Mr. Sharon's move, because as we saw the Israeli Army pull out of the Gaza Strip, we then saw gunshots from the Palestinians in so-called celebration in what they had termed a ''victory'' that they had driven Israel out. We saw the transfer of arms across the border with Egypt into Gaza.

□ 1915

We saw the Palestinians conducting the burning of synagogues there in the communities that had been abandoned, and we saw and we read in the news while we were there that there were rockets being launched from the Gaza Strip into Israel, all in response or all coinciding with the Israeli withdrawal from the Gaza Strip.

So it just troubles me that we did not see an in-kind gesture by the Palestinian Authority, by Mahmoud Abbas and others in his administration, that would show some type of gesture of goodwill to reflect the Israeli disengagement and withdrawal from the Gaza Strip; but if we look throughout what has happened over the past decade or more, we see that there is a continued pattern of this type of response from the Palestinian Authority.

Way back in the beginning of the last decade, in the early 1990s, with the formulation of Oslo, there was a lot of hope, hope among a lot of people that the Oslo process would bring a long-sought-after peace between Israelis and the Palestinians. In fact, what happened after the devolution of that period was the intifada which was the killing of many innocent people on both sides.

We saw the occurrence of the Wye Accords in 1998 with Arafat and then-Prime Minister Netanyahu, where Israel agreed to withdraw from Hebron, and it was a very holy place for the Jewish people; and the Palestinians responded with violence.

We saw in the year 2000, Camp David, potential of the accords between then-Prime Minister Barak and Mr. Arafat. It was at that time that Israel offered nearly 90 percent of the West Bank, offered sovereignty to the Palestinian people, offered east Jerusalem and the Temple Mount. What happened? Mr. Arafat walked away, and we have seen nothing but continued violence, continued terrorist attacks on the people of Israel.

Yet, after all of that, we see Prime Minister Sharon conducting the policy of disengagement, again taking one last stab at trying to achieve peace between the Israeli and Palestinian people. So I think that we must recognize that bold step.

Our President, who has been a terrific champion of a strong U.S.-Israel relationship, understands the importance that Israel plays in our national security strategy, the fact that Israel is fighting the war on terror on the front lines while we, our young men and women in uniform, are fighting that same war on terror, not too far away in that region in Iraq and Afghanistan. This President understands the importance that Israel plays and has supported Mr. Sharon in his moves to try and move the peace process forward.

Unfortunately, we just are not seeing any reciprocation on the part of the Palestinians. We now hear and read of the reports where Hamas is taking a part and intending to participate in the Palestinian elections that will occur soon. How in the world can we respect the participation of a professed terrorist group whose aim is to remove Israel from the map? How in the world does that help the Palestinian cause for peace?

I am here tonight to express some serious dismay at the response by the Palestinian Authority and to reflect and congratulate the policies of Israel and what they are trying to do to secure peace. Unfortunately, there again has been nothing in return that Israel has received, and I just encourage my colleagues to continue to monitor what is going on in that region and how it affects our security here in America and to, once again, commit ourselves to helping the security of Israel in its democratic way and to ensure its survival as our only democratic ally in the Middle East.

Ms. FOXX. Mr. Speaker, I thank the gentleman from Virginia (Mr. CANTOR) so much. He has helped put many things that a lot of us are concerned about into perspective, and we are grateful to him for that.

I am going to talk a little bit more about Israel and give some facts about what is happening in Israel in its short history, but let me say that we know that Israel is one of the only countries in the Middle East that the United States can truly count on. It is not a fair weather friend. When terrorists strike American targets in the Middle East, Israel always stands by our side. We are truly fortunate to have a strong friend in Israel.

During our trip, we had the opportunity to travel to the countryside, visit military bases, universities, children's homes, holy sites, and strategic locations. One of the first things that struck me was just how much has been accomplished by the Israeli people in

their nation's short history. I witnessed capitalism at work and saw how it has enabled the country to prosper. Israel has an amazing network of roads, a national water system, and has developed other impressive infrastructure. It is really hard to believe that they have accomplished so much in just 55 years.

So often when we hear about Israel, it is only in conjunction with conflicts affecting Israel. My visit made me aware of so many facts that are never mentioned or discussed by the media. I want to share a few of those with my colleagues.

The Middle East has been growing date palms for centuries. The average tree is about 18 to 20 feet tall and yields about 38 pounds of dates a year. Israeli date trees are now yielding 400 pounds a year and are short enough to be harvested from the ground or a short ladder.

Israel, the 100th smallest country, with less than 1,000th of the world's population, can lay claim to the following: The cell phone was developed in Israel by Israelis working in the Israeli branch of Motorola which has its largest development center in Israel. Most of the Windows NT and XP operating systems were developed by Microsoft Israel. The Pentium MMX chip technology was designed in Israel at Intel. Both the Pentium 4 microprocessor and the Centrino processor were entirely designed, developed, and produced in Israel.

Voice mail technology was developed in Israel. Both Microsoft and Cisco built their only R&D facilities outside the United States in Israel. The technology for the AOL Instant Messenger ICQ was developed in 1996 by four young Israelis. Israel has the highest percentage in the world of home computers per capita.

According to industry officials, Israel designed the airline industry's most impenetrable flight security. U.S. officials now look, finally, to Israel for advice on how to handle airborne security threats.

Israel has the highest ratio of university degrees to the population in the entire world. Israel produces more scientific papers per capita than any other nation by a large margin.

In proportion to its population, Israel has the largest number of start-up companies in the world. In absolute terms, Israel has the largest number of start-up companies of any country in the world except the United States.

Israel is ranked number two in the world for venture capital funds, right behind the United States. Outside the United States and Canada, Israel has the largest number of NASDAQ-listed companies. It has the highest average living standards in the Middle East. The per capita income in 2000 was over $17,500, exceeding that of the United Kingdom.

Twenty-four percent of Israel's workforce holds university degrees, ranking third in the industrial world, after the United States and Holland. Twelve percent hold advanced degrees.

In 1984 and 1991, Israel airlifted a total of 22,000 Ethiopian Jews, called Operation Solomon, at risk in Ethiopia, to safety in Israel. Relative to its population, Israel is the largest immigrant-absorbing nation on Earth. Immigrants come in search of democracy, religious freedom, and economic opportunity.

Israel is the only country in the world that entered the 21st century with a net gain in its number of trees, made more remarkable because this was achieved in an area considered mainly desert.

Israel has more museums per capita than any other country. Israeli scientists developed the first fully computerized, no radiation, diagnostic instrument for breast cancer. An Israeli company developed a computerized system for ensuring administration of medications, removing human error from medical treatment. Every year in U.S. hospitals, 7,000 patients die from treatment mistakes.

Israel leads the world in the number of scientists and technicians in the workforce with 145 per 10,000 as opposed to 85 in the U.S., over 70 in Japan, and less than 60 in Germany. With over 25 percent of its workforce employed in technical professions, Israel places first in this category as well.

An Israeli company was the first to develop and install a large-scale solar-powered and fully functional electricity generating plant in Southern California's Mojave Desert; and as other people have alluded to, all of the above things have been done while Israel has been engaged in creating a very strong national defense with an implacable enemy that seeks its destruction and an economy continuously under strain by having to spend more per capita on its own protection than any other country on Earth.

Others have alluded to Israel's size. The entire country is smaller than the State of New Jersey. In fact, Israel is only 9 miles wide at its most narrow point. This helps illustrate how vulnerable the country is in terms of its security.

This point was also emphasized when we visited the Golan Heights. Israel became painfully aware of the location's strategic importance during the Yom Kippur War in 1973 when over 2,000 Israelis were killed. From atop this high mountain, enemies can launch rockets and artillery fire on the villages below. Israel's control of this piece of real estate is vital to its security interests.

We also had opportunities to walk the streets of Jerusalem and witness how closely the Jews and Arabs live together. This particular journey was also personally meaningful because I experienced the rich spiritual heritage of the Holy Land. It was humbling to see firsthand where Jesus Christ, King David, and King Solomon walked. I was also able to visit the sites of the Last Supper and Christ's crucifixion. These were very moving experiences.

As my colleagues have mentioned, we met with a broad spectrum of Israeli and Palestinian officials, including Prime Minister Sharon and Palestinian Authority Chairman Mahmoud Abbas. By talking to these leaders, we were able to gain fundamental insights on security, peace negotiations, and defense cooperation.

Israel has proved that it is willing to form a lasting peace with any country that has extended its hand in friendship. Indeed, one of the things that struck me most is that Israel does not say that it has an army. The media says it has an army; but in Israel, the people who protect Israel are called the Israeli Defense Force. Defense force. I think that is so important. Words are significant, and by calling folks who protect the country its defense force, it emphasizes that it wants peace and is not a country that is bent on fighting with its neighbors.

In the war on terror, American and Israeli interests are the same. We are both committed to stopping the proliferation of weapons of mass destruction and curbing state-sponsored terrorism.

□ 1930

For years, we have worked together for a more stable and peaceful Middle East.

Unfortunately, Israel has had to deal with war and terrorism since it was established in 1948, and has recently suffered through 4 intense years of violence that has targeted innocent civilians through suicide bombings on buses, in restaurants, and in shopping malls. I am saddened to report that Israel has endured more terrorist attacks than any other country in the entire world. The perseverance of the Israeli people, who constantly live their lives in the face of hatred and terrorism, is truly an inspiration to all of us who love freedom and democracy. The United States can learn a great deal from Israel's experience in fighting terror.

As we have already spoken of, just prior to my arrival in Israel, Prime Minister Sharon made the decision to disengage from Gaza and the northern West Bank. Israel has withdrawn thousands of citizens from their homes and communities and relocated them at tremendous emotional and financial cost to the Israeli Government. Disengagement from Gaza and parts of the West Bank hold enormous potential in advancing the peace process if the Palestinians demonstrate they can govern themselves and curb terrorism. Yet, while this movement has been supported by a majority of the public, it has been an emotionally painful undertaking that carries great political and security risks for Israel. Prime Minister Sharon explained that he was willing to take these risks because he believes that disengagement is in the best long-term interest of Israel.

After my rigorous and informative experiences overseas, I am more convinced than ever that it is crucial that the United States continue our strong support for Israel. The country is a beacon of democracy in a sea of violence and hostility. Both of our nations have a mutual interest in deterring terror, promoting democracy and stability throughout the world, and seeking peace in the Middle East. Israel's ability to function and defend itself against terrorism is in no small part due to unwavering support from the United States. Our country has a moral obligation to strengthen our fellow democracies, especially when they are in turbulent and dangerous regions in the world. It is in our national security interest to continue to support Israel financially and morally.

I want to end my remarks by quoting from a speech given by Prime Minister Sharon to the United Nations General Assembly on September 5, 2005. His final remarks are those that I think all Americans can agree with. ''In a few days time on the Hebrew calendar, the New Year will begin, the 5,766th year since the Creation. According to Jewish belief, the fates of people and nations are determined at the New Year by the Creator, to be spared or to be doomed. May the Holy One, blessed be He, determine that this year, our fate and the fate of our neighbors is peace, mutual respect, and good neighborly relations.''

That is a hope that all of us can share.

APPOINTMENT OF MEMBERS TO SELECT BIPARTISAN COMMITTEE TO INVESTIGATE PREPARATION FOR AND RESPONSE TO HURRICANE KATRINA

The SPEAKER pro tempore (Mr. SCHWARZ of Michigan). Pursuant to section 2(a) of House Resolution 437, 109th Congress, and the order of the House of January 4, 2005, the Chair announces the Speaker's appointment of the following Members of the House to the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina:

Mr. TOM DAVIS of Virginia, Chairman;
Mr. SENSENBRENNER of Wisconsin;
Mr. ROGERS of Kentucky;
Mr. SHAYS of Connecticut;
Mr. BONILLA of Texas;
Mr. BUYER of Indiana;
Mrs. MYRICK of North Carolina;
Mr. THORNBERRY of Texas;
Ms. GRANGER of Texas;
Mr. PICKERING of Mississippi;
Mr. SHUSTER of Pennsylvania.

UNITED STATES COAST GUARD

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Massachusetts (Mr. DELAHUNT) is recognized for 60 minutes.

GENERAL LEAVE

Mr. DELAHUNT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of my Special Order this evening.

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

There was no objection.

Mr. DELAHUNT. Mr. Speaker, more often than not, debates on public policy that take place in this Chamber are often characterized with a certain level of disagreement, thoughtful disagreement, and, hopefully, respectful disagreement. But tonight that is not the case. Tonight we put aside partisan disagreements to thank the men and women of the United States Coast Guard for a job well done.

In the aftermath of Hurricane Katrina, many Americans have come to know the Coast Guard and their personnel and their heroism and their professionalism. They have been made acutely aware about the services provided by this remarkable service, for it, I would suggest, has truly been one of the Coast Guard's finest hours. And I know I speak as well for my good friend and colleague from the Committee on the Judiciary, the gentleman from North Carolina (Mr. COBLE), in expressing the profound gratitude of all Americans.

Mr. Speaker, I am privileged to represent southeastern Massachusetts, I believe home of some of the most beautiful and pristine coastline in all of New England and, in fact, in all of the United States, and also the birthplace of the United States Coast Guard. I happen to be a very proud veteran of the United States Coast Guard, like my colleague, the gentleman from North Carolina. Of course, he was an officer and a gentleman, while I was a mere enlisted man.

Back in 1997, my colleague and I, and another colleague, the gentleman from Mississippi (Mr. TAYLOR), who also served in the United States Coast Guard, sat down and decided that it was time to bring together Members of Congress who are committed to lifesaving, law enforcement, and environmental protection missions that were conducted at sea. So we created the Congressional Caucus of the United States Coast Guard. We did this to advocate for this outstanding service and to increase its profile not just in this institution but among the American people.

Well, their performance before, during, and in the aftermath of the tragedy which befell our Gulf States spoke volumes about the service that they provide to the American people. We learned a lot about the Coast Guard, or at least, and I am sure I speak for my friend who I will ask to say some words in a very few minutes, I know that for many, Hurricane Katrina increased their understanding of really what the Coast Guard is all about.

But it is not just about search and air rescues. In fact, they are the de facto lead agency for homeland security, responsible for guarding 95,000 miles of American coastline and 361 ports. Every day, the Coast Guard interdicts, for example, drugs bound for the United States. In fact, just this past week, while performing their functions in the gulf and along the coastline of the Gulf States, the Coast Guard seized two tons of cocaine off the Colombian coast in South America, cocaine that undoubtedly would have been sold on the streets of our neighborhoods somewhere in this country.

But before I proceed, let me introduce a dear friend, the gentleman from North Carolina (Mr. COBLE), a veteran of the United States Coast Guard.

Mr. COBLE. Mr. Speaker, I thank the distinguished gentleman from Massachusetts, and I want to say a word or two about the gentleman from Massachusetts (Mr. DELAHUNT).

First of all, I want to thank him for having taken out this Special Order. And by the way, he was an enlisted man and a gentleman. I too was an enlisted man and, hopefully, a gentleman; but my colleague and I became good friends, Mr. Speaker, as a result of our both serving on the Committee on the Judiciary. I learned one day early in the session that he was a Coast Guard veteran, and there are not that many of us around, as you know, in the Congress, and so we became good friends. I guess ideologically he and I are probably light years apart, but that has in no way hampered our friendship.

As my colleague knows, when Mother Nature rears her ugly head and devastation results therefrom, oftentimes accusatory fingers are forthcoming: Oh, it was not my fault; it was his fault or it was her fault. But that was not the case with the Coast Guard. I think in the wake of Katrina, the Coast Guard may well have been the only entity or agency that came out of that exercise free of fault and free of blame. The Coast Guard became America's hero.

Now, as the gentleman from Massachusetts pointed out, this certainly may well have been one of our finest hours. The landing ship tanks that were manned by Coast Guardsmen in World War II has oftentimes been called America's finest hour, and of course the day-to-day search-and-rescue operations that occur as a matter of fact are no big deal. Coasties go out and rescue distressed victims. No big thing for them. It is all in a day's work. But as my colleague pointed out, when we saw those heroic rescues by the Coast Guard air arm during Katrina, it was unbelievable.

It is a shame that it took a 9/11 or a Katrina for many Americans to become personal friends with the Coast Guard. The Coast Guard was the forgotten service. It was the fifth armed forcement, but rarely was much said about it. Oftentimes, and I am sure my colleague has been addressed in this manner, as have I, where Coast Guardsmen were referred to as members of the Hooligan Navy, the shallow-water sailors.

Oftentimes, when I was on Active Duty, which seems more like the dark ages, it was not uncommon for us to become beneficiaries of Navy hand-me-downs, equipment the Navy was about to survey or to abandon, which we would warmly embrace.

Mr. DELAHUNT. Like an orphan.

Mr. COBLE. Like an orphan, sure. Excellent example.

So I am very pleased, Mr. Speaker, that my colleague, the gentleman from Massachusetts (Mr. DELAHUNT), took out this Special Order.

Now, this has nothing to do with Katrina, and I see our friend from New London has joined us as well, but oftentimes back home, I would appear at Veterans Day or Memorial Day services and inevitably you would hear the hymns of the Army, the Navy, the Air Force and the Marines, but conspicuously absent was the most beautiful marching hymn of all, Semper Paratus, the Coast Guard's marching hymn.

□ 1945

I went to a music director once at a high school and I asked her why was ''Semper Paratus'' not played. She said, you get it for me, and I will play it next year. It was the first one played the next year. Now each time I have been since 9/11, even back home, ''Semper Paratus'' is always included in the musical renditions. Of course it always is up here, but even in the hinterland it is being done.

Mr. Speaker, I say to the gentleman from Massachusetts (Mr. DELAHUNT), as a fellow coastie, and as a fellow member of the Committee on the Judiciary, I thank you again for having taken out this Special Order.

Mr. DELAHUNT. Mr. Speaker, I thank the gentleman from North Carolina (Mr. COBLE). We have been joined by another friend and a strong advocate for the Coast Guard representing the coast of Connecticut, the gentleman from Connecticut (Mr. SIMMONS).

Mr. SIMMONS. Mr. Speaker, I thank the gentleman for yielding me this time. It is a great pleasure for me to be here tonight to speak in support of our wonderful Coast Guard and the great things that they have done, not only in response to the terrible storm, Hurricane Katrina, but also the many things that they have done over the years to keep our people and our homeland more secure.

It is also nice to gather in a bipartisan fashion not to point fingers of blame, but to speak words of praise, because I think that is very appropriate. The time will come when the various oversight panels, commissions and committees, our own oversight committees will do the job of looking into what has gone wrong; but I think it is easy for us to gather here tonight and point out some of the things that have gone right.

The distinguished coastie to my left, the gentleman from North Carolina (Mr. COBLE), a Coast Guard person many years ago, not too many years ago, but a few years ago, pointed out the motto is ''Semper Paratus,'' always ready. They prepare their young men and young women in one of the finest institutions we have in this country, which is the Coast Guard Academy in New London, and I quickly say that the number of applications for that fine academy, for positions available, exceeds the number of applications that you get for your very fine Harvard college in Massachusetts and my very fine university in Connecticut.

In fact, of all colleges across the country, the Coast Guard Academy receives more applications for positions available than any other college in the country. It is a testament to the quality of education that they get there. It is a testament to the fine young men and women who graduate.

Mr. DELAHUNT. Mr. Speaker, I do not think that we can overstate and overemphasize the quality of education provided at the Coast Guard Academy. That is reflected really in the caliber and quality of the officers that it produces to serve in the United States Coast Guard and to have many of them go on to other careers in public service. It is a first-rate institution. With all due respect to the other services, clearly they also have service academies that are excellent, but the Coast Guard Academy in New London provides an education without equal.

Mr. SIMMONS. Mr. Speaker, I think the gentleman is absolutely correct. When we talk about being prepared or always being prepared, that preparation does begin for many of our Coast Guard officers at the academy. Of course then you have the OCS, which is also located at the academy. You have senior officer training, and you have leadership training for the noncommissioned officers in the Coast Guard.

So they are prepared. They are prepared to deal with difficult and dangerous situations. They are prepared to deal with fishermen at sea to make sure that our fisheries are regulated. They are prepared to deal with the recreational boaters that we have off the coast of Massachusetts, we have in Connecticut, and I suspect those are off the coast of North Carolina as well; and when those recreational boaters find themselves in difficulty, the Coast Guard is there.

They were prepared on 9/11, and when I went to New York City a few days after the attacks of 9/11, it was a Coast Guard cutter in the harbor of the Hudson River and a Coast Guard helicopter that was flying overhead, so a very quick and immediate response.

On Wednesday of the week of Hurricane Katrina, the day after the levees broke, I received a call from a friend of mine who lived in New Orleans, Louisiana, and he called to ask for my help to intervene in getting some Federal response down there as soon as possible. The next morning when I called him back, he said he had received a call from the Coast Guard, that he had called them and they called him back and that two Coast Guard vessels were in the process of clearing the channel up into Louisiana to provide supplies, food, fuel and all of the things that were necessary, and that they had done it within 24 hours of the breaking of the levees. So it was a Federal response that was immediate and directed to assist people in distress.

The results speak for themselves. There were 24,135 lives saved; 33,544 individuals saved or evacuated. And 12,000 of those were saved by air resources. That means helicopters with long lines down into tree tops and roof tops, which is, by the way, a very dangerous undertaking not only for the individual on the end of the line but for the helicopter pilot and the crew because often they have to hover over power lines or trees where they can strike and crash. But none of those things took place.

Mr. DELAHUNT. Mr. Speaker, I think it is important to note that there is no training in any service to use a sledge hammer to break through a roof to rescue an individual while you are dangling from a helicopter. Some of our more recognized acts of heroism have been by rescue swimmers. I remember vividly that scene in the movie and also in the book ''Perfect Storm'' when those rescue swimmers from the United States Coast Guard, Air Station Cape Cod, I might add, went into seas of 80 and 90 feet. But here in New Orleans in the Gulf States, they do not have a specialty that involves breaking through roofs, walking through toxic water and being in the position where they are dealing with all sorts of very dangerous circumstances; but they did it, and they did it so well.

Mr. COBLE. Mr. Speaker, this is a good time for me to say this. The enlisted rate rescue swimmer was not known when I was in the Coast Guard.

Mr. DELAHUNT. Nor when I was.

Mr. COBLE. It is probably the most unsung rate in the military. The Coast Guard has long been known as the armed service that gets more done for less. I do not mean this as an indictment against our sister services, by any means, but the orphan syndrome as has been pointed out. And this is a good time to mention the Deepwater Project because the Coast Guard needs additional appropriated moneys to address the antiquated equipment, the cutters, the helicopters, the aircraft that are in dire need of replacement.

Mr. SIMMONS. Mr. Speaker, I certainly agree with the gentleman from North Carolina (Mr. COBLE), and I thank the gentleman from Massachusetts (Mr. DELAHUNT) again for raising these issues tonight.

When we consider the flexibility of these men and women in addressing a problem that perhaps they had not seen before, and yet they did it successfully, they heard noises from the attics and rooftops, and they addressed those problems' need immediately. They

broke through and were able to bring people out. It is a great testament to the service and to their willingness to risk their lives and their safety to save others. That always has characterized the Coast Guard.

I think it is a testament to the excellence of this service that when it became clear that the Federal response was not producing the results that we all would have wanted in that circumstance, for reasons which will be determined at some future date, who was named to take over? It was Vice Admiral Thad W. Allen, chief of staff, third-ranking man in the Coast Guard, somebody I have met and known before, somebody who has had distinguished sea duties, somebody who actually headed up the Long Island Sound Station for a number of years. He is a highly educated, highly experienced, highly trained man with a somewhat low profile, but the capability to get the job done. That is so typical of our Coast Guard, that they are not out there with a lot of flash and a lot of pizzazz; but they get the job done, and that is so important.

Mr. DELAHUNT. Mr. Speaker, the point that the gentleman from Connecticut (Mr. SIMMONS) made about Admiral Allen being nominated by the President and put in charge, I think, went a long way to restoring the confidence of the American people in our ability to handle from that point on this emergency. I know that I share with both the gentleman from Connecticut (Mr. SIMMONS) and with the gentleman from North Carolina (Mr. COBLE) tremendous confidence in Admiral Allen.

The gentleman from Connecticut (Mr. SIMMONS) made the point earlier about they responded so quickly to the disaster that the first rescue actually occurred as the eye of the storm passed; and in the midst of the eye they began operations, plucking people out of harm's way. It is truly remarkable because they had a plan. They did that prepositioning. They were ready. They honored their motto, ''Semper Paratus.''

They knew what they were doing, and they are doing it again. I just read recently a memorandum, a Coast Guard memorandum, prepositioning and preparing for Hurricane Rita. If Members would bear with me for just a moment, let me read this so that maybe we can reassure some folks who feel threatened by what I understand is now a Category 5 hurricane: ''The Coast Guard is preparing assets throughout the Gulf States for the arrival of Hurricane Rita which is expected to reach the gulf coast later this week. The Coast Guard is making strategic shifts in personnel resources while others are conducting overdue maintenance to aircraft used to support Hurricane Katrina relief efforts.''

That goes to the admonition of the gentleman from North Carolina (Mr. COBLE) about the Deepwater Project and the need to provide assets so this can-do service can do it, because we cannot continue to ask the impossible. I think we have to understand that those helicopters, those cutters, those small boats, not only are they old and in some cases they are described as legacy assets, and I presume that is a euphemism for really, really, really old, maybe my age or something along those lines.

But let me just cite one example of a legacy asset, and I think it really underscores the need for all of us, Democrats and Republicans, to come together and advocate for the assets that are necessary so the Coast Guard can continue to respond to these natural disasters, can continue to interdict drugs coming into our communities, can continue to respond to environmental disasters.

□ 2000

It is my understanding that they have responded in Louisiana and the Gulf States to over 240 fuel spills. Just imagine what that would mean if that preparedness, if that can-do attitude, if those resources were not there. I would believe it would be extremely dangerous and clearly wreak environmental ecological havoc in terms of the impacted and affected States. But they did it. They went out and they found a way to do it. But we cannot call upon them to continue to do it with legacy assets.

I remember vividly the story of a cutter called the *Storis*, launched in 1942, that still is in operation, that while in the Bering Sea on a rescue mission, while a lifeboat was being lowered to effect a rescue, the davits on the superstructure ripped off, dumping nine Coast Guard personnel into the freezing waters of the Bering Sea. Fortunately, those Coast Guard personnel were rescued, and those whom initially they were to rescue were also rescued. But think of the tragedy because of an aging fleet. I think out of 40 fleets, it ranks number 39 in terms of age as far as major naval fleets are concerned.

We are putting these heroes that are doing so much for us and for the American people at risk unless we accelerate the Deepwater Initiative, unless we provide the kind of assets that, when it comes time for such a crisis such as we have experienced and potentially could experience by this weekend, if we do not give them the assets, then we are asking them to do the impossible.

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

Mr. DELAHUNT. I yield to the gentleman from Connecticut.

Mr. SIMMONS. Mr. Speaker, let me speak briefly to that. I have had the honor for the last 4½, 5 years, to serve on the Coast Guard and Maritime Transportation Subcommittee. We initially supported the recommendations that were made by Admiral Loy, when he was commandant, to initiate the Deepwater project, which was the most ambitious recapitalization project in probably the whole history of the Coast Guard. And I am looking at the gentleman from North Carolina (Mr. COBLE). We might consider him a legacy asset as well, because his historic knowledge of the Coast Guard is so substantial. But I will tell the Members he is just as sharp today as he has ever been; so some legacies are good. But one of the key considerations that we had when we bought on to the Deepwater project was, would the Coast Guard be able to implement this program successfully, and it was a very ambitious program, implement it successfully over a period of years? Certainly the subcommittee and the full committee under the leadership of the gentleman from New Jersey (Chairman LOBIONDO) and the gentleman from Alaska (Chairman YOUNG) have been extremely supportive. On occasions there has been some slippage in the funding, and we have tried to address that as a body. We know that the Coast Guard has to submit through OMB and that there are always challenges in doing that. But I think that this Congress has committed itself in a bipartisan fashion to the Deepwater project, and I think that we are beginning to see the phasing out of some of those legacy assets. My recollection is a year or so ago, we took over 100 small vessels out of the inventory and have been replacing them with more capable boats, which I think is tremendously important.

But also something that many Americans do not focus on when it comes to the role of the Coast Guard in homeland security and in dealing both with natural disasters and manmade disasters like 9/11 is we anticipate that there may be a breakdown of civil order in an area that is hit by a disaster of this sort. That is just something that we expect. And the Coast Guard, unlike the military, is not restrained by posse comitatus. The Coast Guard has arrest powers. They exercise those arrest powers in the war on drugs, where they operate in the Caribbean and elsewhere, and they are allowed to board ships and to arrest. They can exercise those powers in issues such as smuggling or other illegal activities. But, in fact, the Coast Guard has the capacity to go into an area that has been devastated by a natural or a man-made disaster where civil order has broken down, where there is no communication, where police cannot talk to firemen, firemen cannot talk to police. They can actually go in and they can arrest those who are doing harm and save those who need to be saved. And that is a unique capacity for our Coast Guard, and it reflects a very important capability as we look to the future of homeland security.

Mr. DELAHUNT. Mr. Speaker, reclaiming my time, there is an additional task that I know that we are aware of, and our colleagues here and I think many Americans, that when we talk about port security on the land

ready to deploy, particularly, for example, when an LNG tanker is coming into Boston Harbor or any harbor or any port in this country, that port security unit is there to ensure that there will be nothing untoward happen and that the vessel, the tanker, can unload without concern. And, again, those low profile, if you will, but absolutely essential critical tasks are performed every day.

I can remember directly in the aftermath of 9/11, cruise liners being boarded in Boston Harbor. And it was the Coast Guard that conducted the search, that had their divers go and check the hulls, that were there to provide confidence to the American people and to those particular passengers that they could enjoy their hard-earned vacation that they were taking on the cruise liner.

The Coast Guard implicates itself in so many different ways in our daily lives. The gentleman from Connecticut (Mr. SIMMONS) mentioned that if one is a recreational boater, there is nothing more assuring that, if they get themselves into some trouble, to know that they can get on that radio and they can call that Coast Guard; or if they are a commercial fisherman and they are out in tough waters and something should happen to their vessel, at least there is hope that they can be rescued.

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

Mr. DELAHUNT. I yield to the gentleman from Connecticut (Mr. SIMMONS).

Mr. SIMMONS. Mr. Speaker, a very sad moment in our history, but a moment where, once again, the Coast Guard was there and got the job done, the gentleman may recall just a few years ago the son of the late President Kennedy was flying an aircraft along the New England Coast, accompanied by his wife and his wife's sister. And, tragically, the aircraft went down just to the west of Block Island at the mouth of Long Island Sound. And it was a terrible event for all of us who remembered his father and the terrible tragedy of his father's death, and now it seemed that once again this family was in distress and that something terrible had happened to them. But the Coast Guard from our New London station and the Coast Guard from the Long Island Sound station moved out there very quickly and very efficiently. They set up staging areas offshore. They were able to locate the aircraft and to recover the aircraft in what was a sad moment but an important moment in our history, and they did it in a fashion that was respectful, that respected the Kennedy family, and also respected the emotions of all Americans who followed that tragic case for a couple of days, and they did it without fanfare and without a lot of hoopla. They just went about their business and got it done.

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

Mr. DELAHUNT. I yield to the gentleman from North Carolina.

Mr. COBLE. Mr. Speaker, this is not unlike a family reunion. The gentleman from Massachusetts (Mr. DELAHUNT) and I are former Coast Guardsmen. The gentleman from Connecticut (Mr. SIMMONS) represented the Academy in his district.

Let me share this with my colleagues. It has nothing to do with the recent problems in New Orleans, but it has much to do with the Coast Guard. Some years ago, I was having an evening meal in the home of a Coast Guardsman, who is the son of a former keeper at one of the lifeboat stations along the Carolina Coast. And my Coast Guardsman friend's mom, and the dad of the family had since expired, but she was almost in tears when she was recalling the decommissioning or the shutting down of the lifesaving stations along the Carolina Coast. She said it will never be the same again. The Coast Guard will never be able to function.

Well, old habits die hard, as the gentlemen knows, and, of course, the Coast Guard continues to function. What was going on was they were streamlining. They were decommissioning four or five stations, making one great support center or a group station, if you will. But the Coast Guard will indeed function well.

And this has been a very fine evening. I thank the gentleman from Connecticut (Mr. SIMMONS) for having joined the gentleman from Massachusetts (Mr. DELAHUNT). The gentleman from Massachusetts (Mr. DELAHUNT) was the lead dog. It was his idea, and I appreciate very much his having done it.

Mr. DELAHUNT. Mr. Speaker, I thank the lieutenant commander for his comments. I feel like I should salute at this point in time, given our respective histories in the Coast Guard.

I would like to just make an observation in response to the gentleman from Connecticut's (Mr. SIMMONS) review of the tragedy that befell the Kennedy family. As they both know, I represent the South Shore of Boston, Cape Cod and Nantucket and Martha's Vineyard, and obviously Hyannisport is on Cape Cod. I know Senator KENNEDY well. I know the Kennedy family well. And everything that the gentleman from Connecticut (Mr. SIMMONS) said was so true, that the way the Coast Guard conducted itself in a respectful, professional, no fanfare manner meant so much to that family in a time of tragedy and crisis, as it does with every family in this country.

We talked about aircraft. I happen also to have the Coast Guard airway stationed at a military reservation on Cape Cod. So I am familiar with those helicopters that go out and those fixed-wing aircraft. And as both the gentlemen know, their main search-and-rescue helicopter, the Jayhawk, experienced inflight engine failures at a rate of 329 mishaps per 100,000. The FAA sets a safety standard that is acceptable in terms of an aircraft at 1, not 329, but 1 mishap per 100,000 hours of flight time.

So what we have is not only do we have an aging fleet, and the Deepwater Initiative incorporates upgrading the air assets of the Coast Guard, and as the gentleman from Connecticut well knows, the First District extends from the Canadian border down to New York and that air wing is so important. And these failures limit the Jayhawk's ability to hover over a distressed vessel, for example, and places the lives of its crew and those that hopefully will be rescued in grave danger.

The indisputable fact is that the demands on the Coast Guard have vastly outpaced the resources that are available to them.

□ 2015

I think it is our responsibility to give them those assets, because we want them to escort that LNG tanker. And when the parents of an overdosed teenager discover that the Coast Guard boats were not fast enough to catch the drug dealers, even though they had the intelligence, they could not respond because they did not have the vessel, we do not want to look them in the eyes and say that we failed them.

Or when the family of a deceased fisherman discovered that the Coast Guard could not get there in time because that Jayhawk helicopter was grounded, we do not want that.

Two centuries of experience has taught us that we can rely on the professionalism and the heroism and the commitment of the Coast Guard, whether it is hurricanes or airplane crashes or dealing with drug smugglers, or dealing with foreign factory trawlers that we had a problem with in terms of overfishing our territorial waters. The Coast Guard has always been there. They have been on call for some 200 years.

Mr. Speaker, it is tempting sometimes to put things off. It is really easy here in Washington to do that. It is very tempting. But a long way from here, out in those waves and those white caps, when something is happening to people, that is what we have to keep in mind. We want to not just thank them for what they have done and honor them for what they have done; but we want, I know, to provide them with the wherewithal to continue to honor that wonderful motto of ''Semper Paratus, always ready.''

Mr. SIMMONS. Mr. Speaker, are we getting close to the end of our time?

Mr. DELAHUNT. I think we are winding down, and I just promised the gentlewoman from Ohio (Ms. KAPTUR) that I would give her 5 minutes on some unrelated topic that I do not know what she is going to address.

Mr. SIMMONS. Well, I have a concluding remark, and I think the gentleman from North Carolina does as well.

Mr. COBLE. Mr. Speaker, I just want the gentleman from Massachusetts to keep in mind that the gentlewoman from the Buckeye State is an appropriator, so she can appropriate some of these monies.

Mr. DELAHUNT. That is right. So we will be very good to her tonight.

Mr. SIMMONS. That is what we call a very ''appropriate'' comment.

Two concluding remarks, and I thank the gentleman for this Special Order.

The first is that approximately 2,200 active duty Coast Guard members and their families live and work in the area of Katrina, and many of those 2,000 families, Coast Guard families, active-duty Coast Guard families lost their homes and discovered that their families were evacuees, just as much as were citizens along the gulf coast. Yet in spite of that distress, they continue to perform in an outstanding fashion.

The Coast Guard Foundation, which is located in my hometown of Stonington, Connecticut, put out a press release that all retirees and all folks who participate in supporting the Coast Guard Foundation are invited to provide financial assistance, and they hope to raise about $1 million of financial assistance to help those active duty families to recover with incidentals and costs that may not be covered as a routine matter.

So once again, it is an example of the Coast Guard family reaching out to take care of their own, to provide assistance, which is so much a part of the tradition of the Coast Guard.

Finally, I am most honored as an Army officer to be here with these distinguished Coast Guard officers and ''Coasties,'' but I will share with my colleagues a personal story. My wife's father was in the Coast Guard, was the captain of the New London Port for a period during World War II, and then did convoy duty across the Atlantic for about 3½ years. So I feel a little bit of the tradition of the Coast Guard; and as we work to assist and support the next generation of Coasties, I think back to my father-in-law and his generation and all of the great things that they did.

Again, I thank the gentleman from Massachusetts and the gentleman from North Carolina for inviting me to participate.

Mr. DELAHUNT. Mr. Speaker, let me acknowledge the gentleman's advocacy on the part of the Coast Guard and the Coast Guard Foundation. Does the gentleman have an address or a contact for that foundation?

Mr. SIMMONS. Mr. Speaker, the foundation is located in Stonington, Connecticut, and their phone number is 860–535–0786, or they can call my office and we would be happy to put them in touch.

Mr. DELAHUNT. And that would be Congressman Robert Simmons, and I am sure that people from all over the country would not have difficulty finding that number, and it would certainly be a wonderful acknowledgment of the Coast Guard personnel that are saving lives, are protecting people, and yet have experienced their own losses as a result of Katrina. I know right now, those helicopters and those fixed-wing aircraft and those vessels of the United States Coast Guard are out there ready for Rita and any consequences that hopefully, God willing, will not be visited upon any of our American people.

Mr. FILNER. Mr. Speaker, today I am pleased to join my colleagues: the Gentleman from Massachusetts, Mr. DELAHUNT; the Gentleman from New Jersey, Mr. LOBIONDO; the Gentleman from North Carolina, Mr. COBLE; and the Gentleman from Mississippi, Mr. TAYLOR, to pay tribute to the U.S. Coast Guard. Let me also add a personal note to the Distinguished Gentleman from Mississippi, (Mr. TAYLOR) to express my deepest concerns for him and his family after the tragic events of Hurricane Katrina.

Mr. Speaker, as the Ranking Democrat on the Subcommittee on the Coast Guard and Maritime Transportation, I have the privilege of working closely with our men and women who bravely serve in the Coast Guard.

Mr. Speaker, on Friday September 16th, I had the privilege of joining my subcommittee's Chairman, Mr. LOBIONDO, on a tour of New Orleans and the disaster area impacted by Hurricane Katrina. Mr. LOBIONDO and I came together, put aside our political differences, and focused all of our attention on the needs of the Coast Guard. Even before we toured the Gulf Coast, Mr. LOBIONDO and I, along with Chairman YOUNG and Ranking Member OBERSTAR, added language to the Coast Guard and Maritime Authorization Act to honor and commend the Coast Guard for their valiant work in the wake of Hurricane Katrina.

During our visit, we had the opportunity to listen to crew members, pilots, and other Coast Guard personnel describe to us the horrific and tragic events that happened in the days following the hurricane.

Upon the announcement that a category 5 hurricane was on a path for the Gulf Coast region, the Coast Guard acted diligently to activate a plan of redeploying their forces and resources so that they could be on the ground operating as soon as the path of the storm had cleared.

The Coast Guard's plan exceeded expectations, and because of their resolve to respond to the country's needs, the Coast Guard was operational and in-place allowing the very first air rescue to take place within two hours of the hurricane passing the region.

The numbers speak for themselves: since Katrina hit the Gulf Coast the Coast Guard has saved or evacuated 33,500 people. One helicopter crew rescued 150 during a single shift!

Mr. Speaker, with incredible resolve and expertise, the U.S. Coast Guard brought order and infrastructure to the unstable region. Because of their strategic planning, training, and leadership the Coast Guard was able to implement and carry forth a plan of action that saved lives.

Before, during, and after the events of Hurricane Katrina the Coast Guard clearly showed the nation that their motto, Semper Paratus—Always Ready, is very well-earned.

In addition to exceptional performance in the Gulf Coast, the Coast Guard continues to serve our nation across the seas and borders of U.S. waters. On a daily basis, the Coast Guard is intercepting drug smugglers, monitoring illegal immigration, and rescuing hundreds lost at sea.

In recent years, the Coast Guard has been charged with some very difficult tasks. Since being moved to the Department of Homeland Security, their role has grown and expanded. To date, they have met many challenges, and exceeded every expectation.

Mr. Speaker, it is my hope that my colleagues will join me in honoring the service men and women of the Coast Guard. They are the ones who foresaw the dangers that threaten our soil and they are the ones that responded.

Let us never forget, that all of our service members, regardless of department, serve our nation bravely. They volunteer, without hesitation, and I join all Americans in gratitude for their service.

Mr. DELAHUNT. Mr. Speaker, I yield to the gentlewoman from Ohio (Ms. KAPTUR), my distinguished colleague and friend.

HONORING THE LIFE AND LEGACY OF BARNEY QUILTER

Ms. KAPTUR. Mr. Speaker, I would like to thank my dear colleague, the gentleman from Massachusetts (Mr. DELAHUNT), for yielding me the remaining time and thank our colleagues, the gentleman from North Carolina (Mr. COBLE) and the gentleman from Connecticut (Mr. SIMMONS), for participating in this great tribute to the Coast Guard, which we on the Great Lakes know so well.

I am honored to add these words this evening as we close the House. That is, Mr. Speaker, summer's end has ushered in the end of an era to the region I represent of northwest Ohio. Our community's elder statesman, Barney Quilter, passed from this life on August 17, 2005, and he had achieved 86 years young. As husband, father, father figure for our community, kind and generous spirit, and political leader, he built a legacy that spanned more than 3 decades of service, even after his 1994 retirement from Ohio's General Assembly.

His achievements were stellar. He championed the Maumee Bay State Park on Lake Erie as a lasting legacy to the future, the largest State park in Ohio. He sponsored worker protection laws, guiding into place in our State cornerstones to working men and women's rights. Barney Quilter left so much to all of us. His quiet diligence brought so many efforts to fruition. Improvements throughout our State may be laid to his credit. Former colleague Patrick Sweeney of Cleveland explained that Representative Quilter's legacy can really be found in all of the accomplishments that do not carry his name. He noted, it just got done. You never saw Barney's fingerprints on a news release; it was just the way he was. His influence is, and will be for many years, enormous.

Born in 1919 to James and Helen Marie Quilter, James Barney Quilter grew up on Toledo's famous East Side. A boxer, his career ended when he was called into service in World War II where he served in the Army's 167th Combat Engineering Battalion. In 1967, he was persuaded to run for State representative. Reluctant, he finally agreed, but only for one term. Toledo's voters decided differently and reelected

him to successive 2-year terms until he retired at the end of his 14th term.

Truly a statesman in the best sense of the word, Barney Quilter rose to power and prominence in the Ohio legislature, serving as its speaker pro tempore, leading the Ohio House in tandem with Speaker Riffe for 20 years, an acclaimed and effective, powerful team. Partisanship was not Barney's goal. He worked side by side with legislators to move forward initiatives which benefited all the people of Ohio.

Henry Clay said: ''Government is a trust, and the officers of the government are trustees; and both the trust and the trustees are created for the benefit of the people.'' This creed expressed by the 19th century giant was exemplified in the tenure of Representative Barney Quilter. His example should be emulated by all of us in public life.

A noble public servant, Barney shared his expertise and wisdom with any and all who asked. He was a real mentor to many, including myself; to his own son Bernie who also followed a path into public service. His daughter Mary Ann has devoted herself to her family and to educating the next generation. Barney and Mary's family are living testimonials to the dedication to others their stellar family exemplifies.

Despite his legislative career, Barney Quilter never lost sight of his true happiness: his wife and his children. He and his wife Mary shared 52 loving years together until Mary's passing in 1996. For nearly 2 decades, Barney faithfully would minister to her, even reading to her regularly, as she bore gracefully a debilitating illness that made it impossible to communicate with her family. He loved her so much.

Barney's own passing leaves his son Bernie and daughter Mary Ann and six grandchildren with our heartfelt condolences. We mourn the passing of this great American. We can celebrate his life and his service. May his strength and goodness guide us all as we seek to follow in his footsteps, always moving forward, no matter how steep the hill. Thank you, Barney Quilter. Onward.

PROGRESS IN IRAQ

The SPEAKER pro tempore (Mr. REICHERT). Under the Speaker's announced policy of January 4, 2005, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, I appreciate the opportunity to address my colleagues and the opportunity to raise some issues before the American people as we deliberate in this great body, the United States House of Representatives.

During the period of time that the House is not in session during August, commonly referred to as the August break, seldom is it a break for any of us, except that it changes our rhythm and we go do some other things. Generally, we do things to reach out and serve the people that we have the privilege and honor to represent.

This August was no exception. There were many Members who went out across the country and across the world and went on CODELs and traveled on their own accord and visited different places and brought back that breadth of knowledge. It occurred to me sometime in, I will say late May or early June, that it had been some time since I had been to the Middle East and been back to Iraq. I had been there twice in the past, but 12 months or more had gone by, and I had not been back there since.

As I listened to the mainstream media and began to get a picture of what was going on over in Iraq, it was a pessimistic one. As I talked to the troops who were coming back, particularly in Iowa, I got a different picture. As I listened to the briefings that came from the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, General Myers, I got a picture that was consistent with the picture of our military that was serving on the ground in Iraq and in Kuwait and in supporting roles around that theater.

Yet you can listen to all the information you want to listen to, you can read all the documents you like, you can read The New York Times and watch the mainstream television stations, and you can surf the Internet, but the perspective does not come until you go and put your own boots on the ground and look the soldiers in the eye that are serving there in that theater; those that have been there; those that have put their lives on the line; those who have risked their lives willingly in order to protect and preserve the freedoms that we have here and advance those freedoms to the people who live there.

So we began to organize a trip to go during the month of August over to Iraq. I wanted to go also to Afghanistan at the same time. I was not able to add Afghanistan to this trip because there was an election coming up which just took place over in Afghanistan, so they were not going to allow Members of Congress in there to make their situation, in preparing for those elections, more difficult.

But Iraq was still an open area that we could go into. As I looked at the map of Iraq and the places that I had been, and in talking to the Members of this Congress who have made, some of them, as many as four trips or more over into that region, there were some places that we did not have a lot of experience with, some places we had not looked at.

In fact, this Congress appropriated $18.4 billion for the reconstruction in Iraq that included roads, sewers, bridges, electrical generation and transmission, and the oil distribution system; to upgrade the ports and upgrade the schools and hospitals, the kinds of things that would put Iraq up into maybe the last quarter of the 20th century or, if all goes well, at some time they will be into the first quarter of the 21st century.

□ 2030

But, Mr. Speaker, in spite of all of the things that we have done over there, the disaster that Iraq has been from the perspective of allowing their infrastructure to erode over the last 35 years and a dictator that had his power as his God, and his people at his feet, a person who took his death and destruction to many wings of Iraq, and starved them and kept them from getting medicine and education and health care, and sometimes shut off their water, as he did in the southern part of Iraq.

But we invested in their infrastructure. The American people put $18.4 billion up front. And we said at the time it was about a $100 billion project to try to get Iraq up into the last quarter of the 20th century, a more modern world.

And if they cannot get their country more modernized, it is going to be significantly more difficult for them to be able to sustain the type of government that I pray will become a constitutional republic that represents the people in Iraq and the will of the people in Iraq.

And so the $18.4 billion was invested. And most of it was committed to projects, and we knew that in this Congress. And we committed to the support of that. But no one had really been over there to follow and track the projects. And in fact I was not aware of a single Member of Congress that had gone into Basra in the south, in the British region. So we put that on our schedule.

And the wetland area where the swamp Arabs lived, they were over 800,000 strong. And when Saddam was finished putting down their insurrection that began about in about 1991 or 1992, he had killed approximately 120,000 of them and run off maybe 450,000 and there remained maybe 200,000 of the 800,000 swamp Arabs that lived in an area that was a wetland twice the size of the Everglades, Saddam drained it, turned the water away from it, and forced many of them out and changed their life.

So we went to Basra and looked at that region in the south, and the oil region there. We went to the wetlands and flew over that in a British helicopter and looked at that, and we went up to Kirkuk in the north, another area that many Members had not seen.

And in that process we came back down through Baghdad, and we did meet with a significant number of people who had been involved in the reconstruction of Iraq. We saw project after project that was there. We saw places where the money went. And along with that on that trip myself, and also the gentleman from Texas (Mr. BURGESS) who was on his fourth trip, the gentleman from Texas (Mr. CUELLAR) from Laredo, who was elected to this Congress and sworn in here in early January of this year, and did not take him very long, he has made his trip to Iraq to start things out, and I appreciate your company along on that trip. Also

the gentleman from Pennsylvania (Mr. DENT).

And the four of us were the compadres that visited that area. And we had an intense 5-day trip that compressed a lot of hours in Iraq and very quickly saw a lot of the country and met a lot of the people, including soldiers from our own districts in almost every stop, although there were a few Texans along almost everywhere we went.

Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Speaker, I want to thank the gentleman from Iowa (Mr. KING) for his leadership and for what he did to organize that congressional delegation visit to Iraq. I enjoyed that and learned a great deal from that experience, along with the gentleman from Texas (Mr. CUELLAR) and the gentleman from Texas (Mr. BURGESS).

I think what we learned in Iraq is that clearly there are problems, and those problems remain; but considerable progress has been made. That progress to me was best exemplified by a man from Pennsylvania named Albert Chowansky, Jr.

And Albert Chowansky Jr., to me, exemplifies the spirit and sense of purpose reflected by American civilians working and serving in Iraq. This man, Albert is a Frackville, Schuykill County native who left the coal regions in late 1970s, at the time a rather depressed area of the State to study engineering at Drexel University in Philadelphia.

And this well-traveled engineer is now managing the construction of the Taza power plant near Kirkuk in northern Iraq, and this is that power plant that I am referring to. We learned a great deal from that visit.

But this natural gas-powered plant, which Albert calls MOAG, or the mother of all generators, and it really is, is tangible proof of the positive reconstruction efforts proceeding in Iraq.

Visiting Iraq, the four of us, we saw efforts to rebuild a country, not just from a recent war, but from decades in which its people and its natural resources were raped and ravaged by an evil tyrant, Saddam Hussein.

As part of this bipartisan four-Member congressional delegation that visited Kirkuk, Basra, Baghdad, and Kuwait, we witnessed this and just a handful of the thousands of other coalition construction projects over a few days.

You know, many of us marveled at the accomplishments of the U.S. Army Corps of Engineers under whose auspices much of this massive construction and reconstruction continues, simultaneously fighting an insurgency, reconstructing a nation, and at that particular moment we were there, assisting in the development of a constitution, the drafting and development of a constitution, which is a daunting objective.

Security is intense. Most of the time we wore body armor and helmets, and we were protected by heavily armed personnel virtually all of the time. Nevertheless, I left Iraq feeling optimistic and hopeful that the slow gradual pace to normal life in much of Iraq is progressing, not without setbacks and heart-breaking loss of life, but still with purpose and determination.

You know, the transporting of this particular MOAG, the mother of all generators, is a story all by itself. Moving a nearly 500-ton piece of equipment 600 miles from Jordan across the dangerous Al-Anbar Province in western Iraq to Kirkuk by convoy is testament to the extraordinary logistical capabilities of the United States military.

You know, after a few ineffective, but still very troublesome, mortar attacks that landed near this particular power plant, Albert Chowansky worked with regional ethnic and tribal leaders to form a local work force, equitably distributing jobs to Sunni Arabs, Shiia Arabs, Tukomeins, and Kurds.

This project is nearly complete, and there have been no more mortar attacks. These are just some of the circumstances under which the reconstruction of Iraq's infrastructure is occurring. But there you have an example of just a guy using his good common sense and, realizing there were some attacks, went out and met with local tribal leaders, talked with them, distributed jobs and they all worked well together. And just good old-fashioned American innovation working locally to solve a very different, difficult and complex problem.

You know, our delegation also spent time in the southern Iraqi province of Basra at the confluence of the Tigris and Euphrates rivers. We visited the nearby port of Umm Qasr and rode with the Iraqi Navy in speed boats through the harbor.

The Iraqi Navy is actually more like a coast guard of about 800 sailors trained by the British Royal Navy and tasked with harbor security and with the protection of the oil platforms in the Persian Gulf. This is just a little picture of a meeting with some of the officers of the Iraqi Navy, myself, and the members of the delegation.

But we had a wonderful experience with the Iraqi Navy. And you could just get a sense of the professionalism, and of course they were well trained by the Royal Navy.

Flying with the British Army in a Merlin helicopter, we viewed the marshlands near Basra. And the gentleman from Iowa (Mr. KING) just referred to those marshlands. These marshes were originally twice the size of the Florida Everglades until Saddam Hussein drained them as retribution to the marsh Arabs who rose up against him after the 1991 Persian Gulf war.

Saddam Hussein displaced and killed tens of thousands of these people, at the very least, whose civilization had lived in this ancient homeland for 5,000 years.

It may again be possible to grow crops there, although it is unknown if we can ever fully undo the environmental terrorism of the deposed Iraqi leader.

Militarily, the Basra province is relatively quiet and is one of out of 14 of 18 provinces that have seen progress with comparatively less insurgent activity than in some years of Iraq.

The Royal Marines regional commander, General Jim Dutton, was quite confident in the capability of the Iraqi Army. We spent a fair amount of time with him. And he had quite high praise for the Iraqi Army in the southern region under his command.

Our delegation later then flew into Baghdad via U.S. Army helicopter, Black Hawk helicopters; and we flew a few hundred feet above the ground. We were escorted by Apache helicopters. We flew from Kirkuk at this point back down to Baghdad.

The British, we flew in the Merlin helicopters down in the Basra area. But from our view, and just a few hundred feet above ground, we could see oil pipelines and bridges across the Tigris River under construction, along with vacant gun embankments. It seemed like bone dry ditches just about everywhere, irrigation channels that were drug out and bone dry.

But there were a lot of ditches and a lot of scars on the Earth, vacant pools of oil exposed next to bodies of water. You know, in Baghdad, in Baghdad's Green Zone actually, our delegation met with General John Abizaid and General George Casey, respectively, the military commanders for Southwest Asia and Iraq.

The generals presented, I feel, a very sober yet hopeful analysis of the insurgency situation. Actually, there is not one insurgency in Iraq, but three disparate groups: The disgruntled Baathists, the Sunni extremists, and they are the most dangerous, of course, because they include both domestic and foreign al Qaeda-affiliated insurgents, and the third group are the so-called Rejectionists, a hodge podge of people who for whatever reasons are unhappy or angry but are more likely to be integrated back into the mainstream of society.

But regardless, that group of Sunni extremists is the most dangerous because they are al Qaeda affiliated, many of whom are coming from outside of Iraq. The generals told us that every month 3,000 insurgents are taken off the streets. That is what the generals told us. Every month 3,000 insurgents are taken off the streets, that is, they are captured or killed, mostly captured.

General Casey said that 180,000 Iraqi security forces are trained and equipped, and that number will be more than 200,000 come January. Our congressional delegation also met with embassy officials for an overview of the political reforms and progress on the constitutional convention that was occurring just down the street.

Of course, this was just prior to the constitutional convention being adopted by those who were participating.

Federalism, the role of women, women's rights, of course, role of Islam, and control of the country's premier resource, oil, are among the issues to be resolved.

And I left feeling persuaded that all sides, Shiia, Sunni and Kurd, are dedicated to reaching an agreement. It was clear that they understood, even though the Kurds and Shiias represented a majority of the country, that they understood that they could not have a country without the Sunnis being included.

And that is not an easy thing for them, given the maltreatment that many of them had received at the hands of largely Sunni rule or the Baathists for some time.

You know, the American role in that constitutional process was not to impose a solution, but to facilitate discussion and present options. And in fact I just left the Capitol, the Cannon Building where I heard one of my constituents, Colonel Platte Moring give a presentation who helped there. He was in the Army National Guard. He made a presentation about his role in helping the Afghans develop a constitution about a year and a half earlier.

And so there were some similarities there. Again, the American role was really to help facilitate discussion, present options, and help them when they got in trouble, not to impose solutions.

I think that was very important. That was an experience here in Iraq and of course also in Afghanistan. That same day, we also had lunch with the American-Iraqi Chamber of Commerce, and we later met with three judges overseeing the special tribunal on war crimes who are the people who will try Saddam Hussein for crimes against his people.

The judges impressed me very much with their knowledge, their wisdom, and dedication to the establishment of an independent, impartial judiciary. Probably one of the best aspects of that whole visit is meeting with these judges. You get a sense of their commitment to the rule of law and the importance that they have a transparent process and one that they can be proud to show to the world with respect to the trial that they will be conducting at some point in the not-to-distant future. I believe before the end of the year, we are likely to hear more about that.

□ 2045

We also spent some time in Kuwait. There we witnessed the up-armoring of the various American vehicles. We also witnessed the massive logistical support operation that dispatches convoys of 800 trucks per day carrying everything necessary to support an engaged military. More than 20 percent of the trucks carry water. Of those 800 trucks, over 20 percent of them were carrying water. I met a gentleman from my hometown. Army Major Steve Miscenzski, an Easton native, was among the Pennsylvanians supporting this effort. We all dined with Steve and other Keystone State natives at Camp Arifjan. We also met some folks from Iowa and Texas. There are always Texans everywhere, a lot of Texans in the Middle East and everywhere we went. It was just great to see them all.

Throughout the trip, we ate in these mess halls with soldiers and Marines whose morale was exceptionally high considering the 125-degree heat that we walked into in Kuwait while wearing full body armor and helmets. I think we all would agree, too, that the food was quite good and plentiful. Veterans of previous wars would be envious. We hear our uncles talk in World War II about the old K-rations. They would have been envious of the food, I think, that was being served.

At every stop along the way, I was able to share some of the generosity of the people of the 15th Congressional District. I handed out phone calling cards as most of us did. I also handed out Gatorade mix packets to our troops from Pennsylvania and elsewhere, even some of our coalition partners from the UK and the Netherlands and Australia, for example. These items, by the way, were donated by the Dexter and Dorothy Baker Foundation and a drive led by Chapman resident Dottie Niklos of Blue-Star Mothers through the Lehigh Valley Military Affairs Council. These gifts were well received by our troops. We insisted that they call home and they seemed to do that on a regular basis.

Leaving Kuwait, we flew home via Ramstein Air Force Base near Frankfurt, Germany. There we visited wounded troops in the Landstuhl military hospital. Many of the troops were wounded in Afghanistan as well as Iraq. At Ramstein, we briefly boarded an Air Force plane carrying wounded troops back to Andrews Air Force Base near Washington, D.C. On this plane, I had the honor and privilege to meet a young marine, Travis Gray, who was a fellow Allentown native. I do not know who was more excited by that, me or Travis, but I was just thrilled to meet this young man who was on his back in a stretcher in an Air Force plane. I am happy to report that Travis was in quite good spirits. I had called his mother shortly afterwards to give her a report on his condition. He seemed to be doing quite fine and he was improving. I think we had some pretty good news there for Travis and the whole Gray family.

The harsh reality of war really struck me and I think it struck my colleagues as well as I stepped off that plane carrying Travis and his fellow comrades to make way for the final two passengers, two unconscious, critically wounded soldiers. Watching as these two soldiers were boarded was an emotional time, as 12 airmen methodically and gently lifted their stretchers and all the life-sustaining medical equipment onto the plane. It was quite a sight and quite emotional. That is where the harsh reality of war really strikes one, witnessing that particular procedure.

I left Iraq feeling proud of the Americans serving there. The transition from Saddam's Iraq to a new country, establishing representative government consistent with the country's traditions, heritage and culture, has been painful, grueling and difficult. Nevertheless, our military's perseverance is inspirational, just as is the effort of our civilian personnel. In fact, one of those civilians I met there actually was a Capitol Hill staffer who I bumped into on a cold February night after being in Congress for about a month and a half. I met this young man. I was getting dinner and he was telling me he was about to head over, a civilian with DOD and who did I run into in Iraq, in Kirkuk, but this young man who was so proud of his service and will be home shortly. I have stayed in touch with him.

The point is the dedication of our military and civilian personnel to their work and this mission is truly extraordinary. Many people ask me when American troops will leave Iraq. I cannot give a precise answer, but it is my belief there will be a military presence in Iraq and Afghanistan for the foreseeable future. The question is how many troops will be required and under what circumstances will those troops be there. I believe we will see an eventual drawdown of those troops.

Like all Americans, I want our troops to come home safely. Like most thoughtful Americans, no matter how they viewed the circumstances leading up to the war or how it has been conducted, I understand that leaving Iraq prematurely without better stabilizing the country could yield catastrophic consequences.

That said, as the political and military situation stabilizes and improves, the American presence in Iraq will diminish. For now, it is a matter of patience and will.

The gentleman from Iowa again led our delegation and did a great job of it. I should note, too, that he was very gracious and on every occasion really did acknowledge the bravery not just of our personnel but also of the Iraqis who are serving there, many of whom are in the Iraqi navy, for example, and others in the security forces who really cannot tell many of their neighbors and friends what they do for a living. They cannot wear their uniforms to work. They serve at great risk to themselves and to their families but they believe that they have an obligation to make sure that country is stable and safe and free of the types of horrible violence that we have witnessed there far too often in recent days.

Mr. KING of Iowa. I thank the gentleman from Pennyslvania for his presentation as well as his participation. It was an honor for me to have the privilege to go there with my colleagues and an honor certainly to look our soldiers in the eye and the nonuniformed

people that are over there, especially the Americans but all of our coalition people that are sacrificing and committing to make that region a better place.

Before you step away from the podium, one thing I would like to comment upon and that is your second picture over there to the left that shows yourself and the gentleman from Texas (Mr. CUELLAR) meeting some of the Iraqi navy. As you said, it is an 800-man navy. We don't expect the Iraqis to have a Navy, but there is, and trained by the Royal Marines, as you said. What impressed me as we went down that line, they were all lined up in rank order. As I went down that path and shook each one of their hands, and maybe there were 20 to 25 of them altogether, every single one of them looked me in the eye and every single one of them had some word of English that they must have practiced all night long that they could greet me and thank us for being there. We truly have partners and they are part of the coalition. When we say coalition troops, we mean American troops, all the troops that are part of that, and we mean the Iraqis. That picture brings that memory back. It was, I think, an unusual and unique situation that had taken place over there with our delegation that probably had not been the case in any of the others that had traveled over there. I wanted to point that out while I had the opportunity and I appreciate the gentleman from Pennyslvania's presentation.

Also, you made remarks with regard to the fact that we ran into people from our prospective States. We sat down in the mess hall and broke bread with Pennsylvanians and with Texans and with Iowans and with many of the States in the union. We walked into a room one evening, though, and everybody in that room was from Texas except you and me. So the next time I climbed aboard a C–130 that was full of soldiers, I walked back over there and I hollered out, is there anybody here not from Texas? About half of them gleefully raised their hands.

You are well represented over there. I bring this up in a humorous way to recognize that. At this point I would like to recognize the gentleman from Laredo, Texas (Mr. CUELLAR) who joined us on that trip.

Mr. CUELLAR. Mr. Speaker, I thank the gentleman from Iowa and the gentleman from Pennyslvania, also the gentleman from Texas (Mr. BURGESS) who joined us, also. I also want to thank you for your leadership, taking us, this particular delegation, the delegation that you took us on took us to different parts of Iraq that other delegations had not gone to, especially the southern part of Iraq.

I would like to talk about three things that are really what I would call snapshots of this particular trip that I think are important to share with us here today. The first one, of course, has to do with the reconstruction projects. Sometimes I believe the media does not give it enough time to focus on the reconstruction work, the schools, the clinics, the hospitals, the electrical plants, the water plants that are built, those types of projects that really have changed the daily lives of the Iraqi people. When you are talking about a child that for the first time sees a board that you can actually get some sort of stick and write on, the blackboard, it is something they have seen for the first time, you are changing the lives of those young Iraqi children that will really make a big difference. I think you would agree with me that as we are able to get them educated, as we are able to see them, able to teach them the principles of democracy, the principles of being able to associate, that we really are making some changes that will transform not only Iraq but the Middle East and that will have a ripple effect to the other countries. I think you would agree with me on that particular point.

The other point that I would like to talk about is also the commitment of the Iraqi people. I think the gentleman from Pennyslvania did a great job when he talked about the Iraqi businesspeople, men and women. All they want to do is they want to be able to have a business, be able to secure a future for their children and for their families. They want to be able to send their children without having to worry about being blown up in some bomb going to school. They just want to make sure they have a normal life just like you and I and a lot of folks want to have. I think seeing that in those Iraqi businesspeople, both men and women, was something that was very enlightening.

The other thing that the gentleman from Pennyslvania touched upon which I think is important is the commitment of the judiciary. Having an independent judiciary is extremely important. If you recall when we were talking to the judges and we talked to three different judges, what we call the investigating judge, the judge that will do the trial work and, of course, the appellate judge, that gave us a pretty good sense of the work, the very difficult work that they have to do. I remember one of the comments they said. They said, all we want is we don't want the Iraqi politicians to get involved in our job. We want to make sure we do our job in an independent manner. That is important, because think about this. Those judges are probably targeted. They are people that do not want them to do their job. They do not want them to try Saddam, the evil dictator. They want to make sure that they don't do their job. But what they wanted, these jurists, all they wanted to do was to be free from any influences and do their job. I think that has to be admired, especially under those very difficult circumstances.

The last point that I want to mention is also the commitment of our soldiers. When you think about it, when we were at that hospital in Germany, we had soldiers that had been injured, soldiers that were hurting. When we asked them what they were thinking about, the first thing they wanted to say was, I want to get well so I can go back and take care of my buddies and be with my buddies and my friends. That is a commitment of the U.S. military, that even when they are down, they are ready to get back and go back in the field so they can finish their job and the mission because they believe in what they are doing there.

The last point that I want to bring about is, I have been in different town hall meetings and people asking us when are our American soldiers coming back. As I told them, and I think we all realize this, we need to finish the mission. We need to make sure that that country is stabilized, because we took out a power structure that was not taking care of its people, and we cannot leave that vacuum there. We need to make sure that we put a structure there, a structure of government, a constitution, the rule of law, the principles of a constitution so the people can follow the rule and the laws there. Once we establish that law there, then I think we can start bringing our soldiers home. I think the constitution and especially that election or that vote on October 15 is going to be extremely important. The elections on December 15 when they elect their representatives, that will be extremely important. But also the building up of the Iraqi military is important.

I remember when I started back here with the gentleman from Pennyslvania back in January, we asked the question of the Department of Defense, how many soldiers do we have, Iraqi soldiers? At that time I recall it was about 120,000. We were informed last month that they had about 180,000. Sometime by the end of the year they should have over 200,000 soldiers, Iraqi soldiers. As one of the generals told us, when one Iraqi soldier stands up, one American soldier can go ahead and sit down.

□ 2100

It means that the faster we can build the Iraqi military security forces then the faster they can start taking care of their homeland, and that is extremely important.

So I certainly want to thank the gentleman from Iowa (Mr. KING) very, very much for the opportunity that he provided the gentleman from Pennsylvania (Mr. DENT) and the gentleman from Texas (Mr. BURGESS) to go down there to see, first of all, the morale of our soldiers, to see the commitment of the Iraqi business people, the jurists, the people that want to have normal lives so they can have a future there. Certainly I want to thank him for giving me an opportunity to see the reconstruction projects, the schools, the clinics, the hospitals, the water plants, the electrical plants, to make sure that

they can have the basic utilities that sometimes we take for granted.

I want to thank the gentleman from Iowa (Mr. KING) for the opportunity and certainly the gentleman from Pennsylvania (Mr. DENT), one of my freshmen colleagues, for having an opportunity where we are able to ask the questions and share our thoughts and ideas in a bipartisan way. Because, again, we want to do the best thing for our country, and we certainly want to do the best thing for the Iraqi country over there, also.

Mr. KING of Iowa. Mr. Speaker, I appreciate the gentleman from Texas (Mr. CUELLAR) willingness to join us in that travel across to that other side of the world, along with the gentleman from Pennsylvania (Mr. DENT) and the gentleman from Texas (Mr. BURGESS) and those kind of trips build bonds that will help us reach across the aisle and work in a bipartisan fashion beyond this subject matter and into many others, I hope. That is one of the residual benefits of those long and grueling days over there. It did get a little warm I understood, 128-degrees, I know we saw that, and looking back on the pictures, did it get a little warmer than that?

Mr. CUELLAR. If the gentleman does not mind me interrupting for a second, I am from Laredo, Texas. It is one of the hottest places in the country, 104, 105, 107 degrees, but I have to say that being there at a place where it was 125 degrees, and I think that was a cool day compared to some of the days, that has to tell us that our soldiers have to go through very difficult times, but at the same time, the morale was good. They were doing their job, and they believed in what they were doing.

Mr. KING of Iowa. Mr. Speaker, I have seen over there on different occasions when the temperature cooled off down to 106, I have seen the Marines go out at three o'clock in the afternoon and play basketball in 106 temperature because it has cooled off.

I got an e-mail from a lieutenant colonel that we met over there at Camp Arifjan, Lieutenant Colonel Gary Ace, and he happens to be an individual that helped set up a trip a year ago last 4th of July for my staff and their families to take a bus and go up to Gettysburg for the 4th of July with the Army historian, to travel throughout all Gettysburg and review that on the historical day with the Army historian.

Lieutenant Colonel Gary Ace, who was deployed to the Middle East and met us there at Camp Arifjan at really our first stop, it was quite ironic. He sent me an e-mail a couple of days ago that said it has cooled off down to about 110 or 112, and it seems ironic to say so, but it is a relief from the heat.

I would just like to go through a number of the things that I reflected upon as I listened to the gentleman from Pennsylvania (Mr. DENT) and the gentleman from Texas (Mr. CUELLAR) speak on this issue and refer back to a colloquy, if I might.

You brought a number of things to mind that I would like to embellish a little bit. One of them has to do with the heat and the water, and the gentleman from Pennsylvania's (Mr. DENT) remarks in particular, when he said bone-dry ditches. Certainly they are there and the fighting positions that have been dug for the tanks and armor, we see that from the air, especially in the north around the Kirkuk region, where we were.

Yet, in the south, there are irrigation ditches down there that have been hand dug and have been maintained for centuries. The water stands near the top of the ditch because it is the water that comes down the Tigress and Euphrates and it fans out in that delta. It is not sand. It is soil. It should be productive soil, and I looked at that from the air I do not know how many times. We finally got down on the ground and got a chance to look, and I could never understand why you could not see anything growing next to those ditches full of water, in the summertime, from the air, nothing green to be seen from the air.

That is because nothing grows there in those particular regions. So my old farm boys unlocked the key to that inadvertently when they stuck a thermometer in the soil. We plant corn in the spring in Iowa after the frost goes out and soil temperature gets up to 54 degrees. The soil temperature there, about that far down in the soil, was 154 degrees, and I am sure the broccoli I had a couple of days ago had not reached that temperature when they served it to me in the restaurant.

So that is some sense of what kind of heat there is, that relentless sun, and how that builds up in the soil. It would sterilize most sees. So they have to have a different kind of agriculture than I am used to, but maybe in Laredo, they could figure that out.

The American-Iraqi Chamber of Commerce, and the gentleman from Pennsylvania (Mr. DENT) referenced that and I think both of my colleagues did. It was an interesting surprise to me. It never occurred to me that there was a chamber of commerce in Iraq, and yet to find out that the Americans that were there teamed up with the Iraqis that are there, and they are seeking to build a free enterprise, retail organization that can help develop the kind of commerce that they need to grow that city and grow every city in that country.

To walk in there and have them ask, well, we would like to have you give a speech to the Baghdad Chamber of Commerce, now there is an ironic twist of fate in this life that this fellow from the cornfield never anticipated.

I looked around, and went, well, where is my interpreter; I guess I will be willing to do that. They said you do not need an interpreter, sir; they speak English here in Baghdad. So they set the microphone up and gave an introduction, and we all came and sat at the table, and my colleagues actually mixed around with them at their tables and gathered together afterwards. I gave a little speech there in English.

I could tell they understood me. They responded, smiled and laughed and clapped and frowned all at the right times. It occurred to me that if they could pull that off in Baghdad, we can pull that off in the United States of America, that English speech to the Chamber of Commerce in many of our major cities, but just a little bit of life's irony there.

They were open, they were welcome and curious. When that was over, all of us had a cluster of Iraqi Chamber of Commerce members around us with their business cards. They want to do business and trade cards and do commerce, and they are eager. In fact, we were in the Al Rasheed hotel. That was in the green zone, but that is the hotel that Deputy Security Wolfowitz was in when it was rocketed a year or more or so ago. That is one of those little ironies.

The other one that the gentleman from Texas (Mr. CUELLAR) mentioned, the odd request, and I was very curious about the judicial branch of the Iraqi government. I had, I will say, a friend and colleague from Iowa, the U.S. Attorney, Charles Larson, Senior, who served over there for more than a year, and I believe it was 15 to 16 months, trying to get the Iraqi judicial branch up to speed and trying to teach them what we know from our rule of law in the United States. He served over there intently and in a very dedicated way, along with his son, Major Chuck Larson, Junior, who served as a Army Reservist in the same area.

I have seen pictures of them together, and Chuck Larson, Senior, the U.S. Attorney, brought me back, an Iraqi flag, that flew over Baghdad the day of their first election they had when we saw those fingers dipped in purple. These gentlemen convinced me that we should take a look at the judicial branch of government in Iraq. That is what precipitated the request.

We wanted to go over to the courtroom. I wanted to sit in the courtroom where Saddam would be tried for his crimes. I sat in two of his thrones, and that was kind of good, kind of fitting, but I really wanted to go sit in the chair where he was going to be, really sit in the witness chair where people would testify against him. Because of security reasons we could not go out of the zone, across the street and into that building. So they brought the three judges to us.

We sat down and talked with them, and these people, they risk their lives. They are dedicated to the rule of law. They want the politicians out of that decision-making process. They do not want them leveraging the rule of law decision.

I am going to shift into my interpretation of what I heard that day, and I am not going to represent it as being a verbatim transcript of what came out of their mouths but how I sort it

through because we're working through interpreters, but it works like. I was curious. I wanted to know was Saddam Hussein up for the death penalty. Could they sustain the death penalty? Was there law in Iraq in the face of the changing situation of the Constitution and the ratification that is pending for October 15, when he is queued up to go on trial October 19.

I asked the question directly: Will Saddam face the death penalty? The answer was, well, Mr. Congressman, we could not be commenting on a case that could come before this court. It sounded like an American judge, and it was the right answer.

Then I had to ask this long, convoluted, hypothetical question, and when I got all the way around the Horn, it might have been a double figure eight before I got back with my hypothetical, and then the answer was, if someone who might not be related to this case, that could have committed a crime similar to the one you have described that was similar to the one we may think Saddam has committed, could be up against a charge that would start the way they do in the United States with death first and then life in prison and then the penalty goes on down from there.

One of the other judges was eagerly shaking his pencil. He wanted the floor, and as I understood this and interpreted this, it was the paragraph that applied in that case to the crimes that I had described only provided for one penalty and that was the ultimate penalty. At that point, I volunteered if they could not find someone in Iraq to carry that out, I would be willing to do so provided he had been faced with the rule of law and had a just trial.

So I look forward eagerly for that trial to ensue, but it was an interesting and a unique experience to have that. It presented us also with a very neat, octagonal box of dates, that high class, and that is one of the things that Iraq does export. They export some oil, and they export quite a lot of dates, and those are about the only two products that leave that country to bring cash flow back in.

The areas around Basra have a tremendous amount of oil reserves yet, and the wells, the pipelines, the distribution system, the refineries are not in the most modern of conditions. They need capital investment from outside, and it needs to be upgraded into the modern and efficient world. That is a factor of the depreciation that comes from the years of neglect, in addition to some of the sabotage that has taken place, but the years of neglect would debilitate that system anyway. All that oil that they have is not coming to market as quickly as it should, Mr. Speaker.

Then we went up to the Kirkuk area, and I think we pointed this out in the helicopter, but we did not have very good audio there. There were areas where there was pooled oil that was not oil spilled. It was oil that had seeped to the top of the ground. There was that much concentration up there.

I am told that the oil reserves down south by Basra are larger and greater than those up by Kirkuk, but there is where I saw the oil that had seeped to the top of the ground. There is where I saw the most need, I think, for new drilling, new pipelines, new distribution systems, new refineries, and up there is where they had nine pipelines that crossed the Tigress River on a bridge.

During the operations in March of 2003, our air force went in and appropriately cut off that transportation route by blowing the bridge. When they did, nine pipelines, of course, were severed at the same time. They have all been reconnected, except for a 40-inch line that each time that they tried to lay that across the river, it would get sabotaged.

So they awarded a contract to lay it under the river, a 40-inch pipeline, 40 inches in diameter, so 3 feet and 4 inches in diameter. They have been trying to bore underneath there. Now, they are going to put it underneath in an open cut. I guess that is the kind of thing that I am interested in in my business, but to lay that pipeline 25 feet under the bed of the Tigress River, a 40-inch line, so that if the insurgents, or enemy, seeks to come along and detonate that, I suspect they will not have the ability to get down there 25 feet below the bottom of the Tigress River to blow up that 40-inch line. When it is running, it will help the cash flow of Iraq.

Speaking of that cash flow, the things that are missing, one thing that is missing from this discussion tonight. We have not talked about tactics, military security. We have referenced the bravery of our troops, the dedication, the sacrifice of our troops but not the tactics because, and I will just say this, is that as we looked at the condition of security in the country, as we listen to our military, our officers and our regular soldiers that come from our regions, that look us in the eye and speak with our accent and we know they tell us the truth, were not concerned about whether we could hang on to that country from a military tactical standpoint. It was never raised as an issue. They are doing their job, and they know they are doing the best they can with the security, and they feel in control of the situation.

It also was the case with the generals that briefed us, including General Dutton of the British, who said I can think of no alternative but optimism, and what would you do if you were not optimistic, if you did not think there was a positive solution, then what would your alternative be? Of course, there is no rational answer to that. He is right in kind of a clear, succinct, British way.

General Casey and General Abizaid briefed us. He said the enemy cannot win, if the politicians stay in the fight, and we had a discussion on the way back. The question was, did he mean American politicians or did he mean Iraqi politicians. We were kind of split down the line on that. It was a really good, healthy discussion, and I have just come to the point that I do not want to resolve that question. I want that to stand out there that he meant both. The Iraqi politicians and the American politicians must stay in the fight.

If we do that, if we send a consistent, solid message that we stick with this till the end, that America stands with the Iraqis until the Iraqis stand on their own, and by the way, they also advised us that a base would be turned over to the Iraqis for their control, and that has happened, and it has happened more than once since we have been back. I saw the clip a couple of days ago. Several bases now are Iraqi-run bases that we have.

Americans are stepping back. Iraqis are stepping forward. When it was America leading operations, the combat operations, it was Americans with Iraqis trying to lead them into combat in the early stages.

□ 2115

Now it is the Iraqis leading with American support, and sometimes it is Iraqis only. And you will see they have not cracked. They have not run. They have held together.

Far different than that first operation of sending Iraqis in April of 2004 into Fallujah. Those Iraqis were undertrained and underequipped, and we sent those Iraqis in there with berets and pistols on their belts and no radios and no armor, to fight alongside Marines that were trained and equipped and had communications. We should not have been surprised if they did not stand and fight. They were not ready. But they are getting ready.

It is not easy to establish a military tradition. I believe, though, that that security is coming. And when General Casey says that the enemy cannot win if the politicians stay in the fight, that means he has confidence in the security situation and the military situation that is there. I do too. I believe that in the history of this country, and probably in the history of the world, there has never been a nation go to war with a higher class of people that are in uniform on the ground in Iraq and in Afghanistan today.

And I say that for a number of reasons. One of them is that it is an all-volunteer military force. I do not know if we have ever done that before to this scale and for this duration to this scale. And we also have so many National Guard and so many reservists that add to our Active-Duty personnel that are extraordinarily professional. And these Guard and reservists have other professions that they bring in that add to the level of technical abilities, training and professionalism in a technical age, when if it goes beyond picking up an M–16 and putting on a

pair of boots, these guys are professionals in a lot of ways and are specialists in a lot of ways. And I think it is the best quality that has ever gone to the war. And every time I look them in the eye, they convince me of that. And certainly they did over there.

Mr. Speaker, I have a lot more to say about this, and I will probably take a shot at it, but I want to take a moment to bounce this back over to my colleagues, who certainly have their minds on what we are talking about here, and surely there is a gap or two that my colleague from Pennsylvania may want to fill, and so I yield to him.

Mr. DENT. Mr. Speaker, I thank the gentleman for this colloquy, and he made a point that I think needs to be repeated. General Casey pointed this out to us. We were in Iraq in August, and of course there was a lot of press attention about the situation in Iraq, and much of it very negative press. But General Casey said to us, have you read any stories or heard any stories about Iraqi soldiers leaving their positions? Have you seen any stories like that lately? We said, well, no, we have not. He said, well, the reason that is the case is because that does not happen anymore.

My colleague pointed that out, that the Iraqi Army is much better trained and equipped than they had been earlier. So sometimes what we do not hear is very important; that the Iraqi Army is standing in, standing much stronger and is much better trained and equipped at doing the job that we expect them to do in many cases. They are not where they need to be just yet, but they are making great progress, and that is a story that has not been told very well, and I am glad the gentleman has raised that tonight.

Another thing the gentleman mentioned, too, about Iraq that again has not been discussed very much out in the public, is one of the people who joined us on that trip was a gentleman from the Army, an Assistant Secretary of the Army named Dean Popps, who was part of the CPA, the Coalition Provisional Authority, at one point. We had a discussion. We all know how Congressmen are. We can get very unfocused. We get into our business and we can get a little scattered. But there we were in Iraq and just focusing on the situation in Iraq. And I remember what Mr. Popps said; that when he was with the CPA, he said he looked at 52 state-run businesses, government-run businesses in Iraq, and many of these companies he said were dual-use companies. That is, in the front of, say, a fertilizer factory; yes, they were making fertilizer, but in the back it was chemicals. Or in the front of a sheet metal shop; yes, they were doing sheet metal in the front, but it was rockets or rocket launchers in the back. He even mentioned that anthrax grinders were found over there. He made a lot of comments to us that sometimes you just have not read a lot about that.

I thought that was a very interesting part of our experience, talking to people like the Assistant Secretary of the Army, who had been there for some time and actually been on the ground meeting with the people who ran those state-run businesses, to give us a bird's-eye view of what is really happening there.

Something else my colleague mentioned that is worth repeating. In Iraq, of course, we all know that they have these tremendous oil reserves, but their refinery capacity is really quite limited. So they produce the crude oil in Iraq, they send it out of the country, have it refined, bring it back into Iraq, and then they sell it at 13 cents a gallon. Of course, they are losing money selling gasoline. Again, coming out of this Saddam legacy of really a closed economy, it has created tremendous problems for the people of Iraq.

Electricity. Another thing we learned about. Electricity is not paid for by people. So, of course, if you do not pay for a particular commodity, you will tend to utilize more of it. So, of course, they have all kinds of problems with electricity. Lights do not go on, and there were many, many problems there.

We also learned, too, about the damage that Saddam Hussein had wreaked upon his people. Much of it was psychological damage. I think that is one thing our troops and the British learned, that it is difficult for many of the Iraqis to make decisions because their experience had always been that they had to get approval from Baghdad, from the central government. So decisionmaking was not something they were used to, and that is part of this transition from where we are today in this situation in Iraq.

We went through a liberation phase, an occupation phase, and we are now in the third phase. And this is a planned phase of our time in Iraq, is this partnership stage. We are in there now, but as we move and transition to a self-reliant stage, part of that transition really requires helping the Iraqis develop the ability to make decisions once again.

We saw the same thing in the old Eastern Bloc, after the Soviet Union collapsed and the Communist nations became free. Many Western people would go in and say the people had a hard time making decisions. They were never able to do that. And that is kind of what we see in Iraq. And part of our job is to help them, help them make this transition and help them to understand their options and to make decisions.

One other thing worth noting, too, that I find very interesting is that as we met with that Iraqi American Chamber of Commerce, I really enjoyed those conversations. When we were there, too, this whole notion of federalism was a very big issue to the Iraqis, and they were obviously quite concerned about the issue. They were sweating the issue. What do we do about federalism? And as Americans, you almost have to chuckle a little bit and say, you know, we had a little trouble with federalism ourselves. We set up these Articles of Confederation after the American Revolution. Things did not work out well with the Articles, and we developed the Constitution, which is a great Constitution, a great document, but not a perfect one. We made mistakes. And ultimately the issue of federalism was settled in our country by a Civil War in the 1860s. And to this day we are constantly having debates in this great Chamber about what is the role of the Federal versus the State Government. And my advice to some of the Iraqis there was do not feel as if you are going to get this question of federalism right on the draft. You are going to have to do the best you can.

And I think that is what they did in the document that they adopted. And coming from the State of Pennsylvania, I feel like I have some ability to talk to Iraqis on that issue, given that Philadelphia is the birthplace of American democracy, and of course Pennsylvania is the State where oil was first discovered, in western Pennsylvania. Not Texas, I say to my colleague, the gentleman from Texas (Mr. CUELLAR).

But nevertheless, I was most impressed again by the trip and that experience, and it is something I will remember for the rest of my life. And having said all that, I yield back to the gentleman from Iowa.

Mr. KING of Iowa. Mr. Speaker, I thank my colleague for his comments. And in the short time we have left, Mr. Speaker, I now yield to the gentleman from Texas (Mr. CUELLAR).

Mr. CUELLAR. Just one minute more, and I thank my colleague for yielding to me, Mr. Speaker, and then I will let him close after this. Thanks to my colleague from Iowa and also to the gentleman from Pennsylvania (Mr. DENT).

And my colleague was right, the Assistant Secretary of the Army, Dean Popps, we all had different conversations; and if you will recall, one of the conversations that we had was how do we get the free enterprise system to work? How do we get foreign investment to come in? It is hard to attract foreign investment to Iraq if they do not have a constitution or the basic laws, if they do not have some of the basic things we take for granted. In other words, who is the owner of the property? Where is the title to the property? How do you borrow money if you do not have collateral to go in?

So there is a lot of work that needs to be done. But I have a lot of faith in the Iraqi people, and especially having had that opportunity to talk to some of the business people and some of the folks there. It gave me the optimism and the faith that we are doing the right thing. And I think once we finish this mission, then we need to do everything to bring our soldiers back safely to the United States, the men and

women from all across the United States.

And, of course, I have to say that Texas had a large delegation there from San Antonio, Laredo, a couple of the places, New Braunfels. But again I do want to say thank you to the gentleman from Iowa (Mr. KING) for this opportunity, and the gentleman from Pennsylvania (Mr. DENT), and of course our doctor, the gentleman from Texas (Mr. BURGESS), who also went with us.

This is something that allows us to make better decisions here in Washington, being able to go and see what is happening in Iraq firsthand. So I thank my colleagues.

Mr. KING of Iowa. Mr. Speaker, I thank my colleagues. I appreciate their willingness to do this travel, along with my other colleague, the gentleman from Texas (Mr. BURGESS). I said when we got off that plane that I would go make that trip all over again with you, and I mean that sincerely. It is not always the case.

There are a couple of things that need to be fixed over there, and one of them is the constitution. Get it ratified, have the legitimate election, get the sovereignty established with legitimacy in Iraq so that they can sign contracts, and get that oil developed with foreign capital so that that capital can grow and flow and they can do business across the world. When that happens, the enemy will have to give up and recognize that they have lost.

While that is going on, the Iraqis are taking care of their own security. There is light at the end of this tunnel. There is a bright spot. And the least concern we have is whether our military is doing their job. They are doing their job. And now free enterprise needs to take hold to lift that burden off our military.

So I appreciate my colleagues' involvement here, and my hat's off to the United States military and their efforts over there and all around the world.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ORTIZ (at the request of Ms. PELOSI) for today and September 22 on account of district business.

Mr. BARTON of Texas (at the request of Mr. DELAY) for today on account of attending a funeral.

Mr. HEFLEY (at the request of Mr. DELAY) for today and the balance of the week on account of a death in the family.

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. KENNEDY of Rhode Island) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. KENNEDY of Rhode Island, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Ms. CORRINE BROWN of Florida, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

(The following Members (at the request of Mr. DUNCAN) to revise and extend their remarks and include extraneous material:)

Mr. DUNCAN, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, September 22.

Mr. PAUL, for 5 minutes, September 22.

Mr. POE, for 5 minutes, September 27.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. KIND, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1340. An act 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.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on September 19, 2005 he presented to the President of the United States, for his approval, the following bills

H.R. 3169. Pell Grant Hurricane and Disaster Relief Act.

H.R. 3668. Student Grant Hurricane and Disaster Relief Act.

H.R. 3672. TANF Emergency Response and Recovery Act of 2005.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 26 minutes p.m.), the House adjourned until tomorrow, Thursday, September 22, 2005, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4055. A letter from the Secretary, Department of Agriculture, transmitting a report of a violation of the Antideficiency Act in the Rural Electrification and Telecommunications Direct Loan Financing Account, Treasury Symbol 12X4208, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

4056. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 05-39, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Singapore for defense articles and services; to the Committee on Armed Services.

4057. A letter from the Attorney Advisor, NHTSA, Deaprtment of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Child restraint systems Child restraint systems recordkeeping requirements [Docket No. NHTSA-2005-22324] (RIN: 2127-AI95) received September 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4058. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled ''Performance Improvement 2005: Evaluation Activities of the U.S. Department of Health and Human Services,'' pursuant to section 241(b) of the Public Health Service (PHS) Act; to the Committee on Energy and Commerce.

4059. A letter from the Secretary, Department of the Treasury, transmitting the semiannual report detailing payments made to Cuba as a result of the provision of telecommunications services pursuant to Department of the Treasury specific licenses, as required by Section 1705(e)(6) of the Cuban Democracy Act of 1992, 22 U.S.C. 6004(e)(6), as amended by Section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, and pursuant to Executive Order 13313 of July 31, 2003, pursuant to 22 U.S.C. 6032; to the Committee on International Relations.

4060. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report of the national emergency with respect to the Western Balkans that was declared in Executive Order 13219 of June 26, 2001; to the Committee on International Relations.

4061. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the risk of nuclear proliferation created by the accumulation of weapons-usable fissile material in the territory of the Russian Federation that was declared in Executive Order 13159 of June 21, 2000; to the Committee on International Relations.

4062. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergency Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to terrorists who threaten to disrupt the Middle East peace process that was declared in Executive Order 12947 of January 23, 1995; to the Committee on International Relations.

4063. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National

Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to persons who commit, threaten to commit, or support terrorism that was declared in Executive Order 13224 of September 23, 2001; to the Committee on International Relations.

4064. A letter from the Chairman, National Labor Relations Board, transmitting the Inherently Governmental and Commercial Activities Inventory as required by the Federal Activities Inventory Reform Act of 1998 (the FAIR ACT); to the Committee on Government Reform.

4065. A letter from the Assistant Attorney General, Department of Justice, transmitting a report on the implementation of Section 1001 of the USA PATRIOT Act covering January 1, 2005 through June 30, 2005; to the Committee on the Judiciary.

4066. A letter from the Chairman, Naval Sea Cadet Corps, transmitting the 2004 Annual Audit and the 2004 Annual Report of the Naval Sea Cadet Corps (NSCC), pursuant to 36 U.S.C. 1101(39) and 1103; to the Committee on the Judiciary.

4067. A letter from the Under Secretary for Emergency Preparedness and Response, Department of Homeland Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, has exceeded $5 million for the response to the emergency declared as a result of Hurricane Katrina on August 27, 2005 in the State of Mississippi, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

4068. A letter from the Under Secretary for Emergency Preparedness and Response, Department of Homeland Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, has exceeded $5 million for the response to the emergency declared as a result of Hurricane Katrina on August 26, 2005 in the State of Louisiana, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

4069. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Offshore Marine Terminal, El Segundo, CA [COTP Los Angeles-Long Beach 03-002] (RIN: 1625-AA00) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4070. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Wantagh Parkway 3 Bridge over the Sloop Channel, Town of Hempstead, New York [CGD01-05-050] (RIN: 1625-AA00) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4071. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Wantagh Parkway 3 Bridge over the Sloop Channel, Town of Hempstead, New York [CGD01-04-155] (RIN: 1625-AA00) (RIN: 1625-AA00) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4072. A letter from the Attorney-Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule — Procedures for Participating in and Receiving Data From the National Driver Register Problem Driver Pointer System Pursuant to a Personnel Security Investigation and Determination [Docket No. NHTSA-05-22265] (RIN: 2127-AJ66) received September 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4073. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Legal Description of the Class E Airspace; Columbia Regional Airport, MO [Docket No. FAA-2005-21705; Airspace Docket No. 05-ACE-21] received September 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4074. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-200B, 747-300, 747-400, and 747-400D Series Airplanes [Docket No. FAA-2005-20661; Directorate Identifier 2004-NM-261-AD; Amendment 39-14206; AD 2005-16-01] (RIN: 2120-AA64) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4075. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-7-100, DHC-7-101, DHC-7-102, and DHC-7-103 Airplanes [Docket No. FAA-2005-20595; Directorate Identifier 2004-NM-149-AD; Amendment 39-14208; AD 2005-16-03] (RIN: 2120-AA64) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4076. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757-200, -200PF, and -200CB Series Airplanes Equipped With Pratt & Whitney or Rolls-Royce Engines [Docket No. FAA-2005-20138; Directorate Identifier 2004-NM-167-AD; Amendment 39-14204; AD 2005-15-15] (RIN: 2120-AA64) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4077. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-8-11, DC-8-12, DC-8-21, DC-8-31, DC-8-32, DC-8-33, DC-8-41, DC-8-42, DC-8-43, DC-8F-54, and DC-8F-55 Airplanes; and DC-8-50, DC-8-60, DC-8-60F, DC-8-70, and DC-8-70F Series Airplanes [Docket No. 2001-NM-343-AD; Amendment 39-14203; AD 2005-15-14] (RIN: 2120-AA64) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4078. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Model HS.125 Series 700A Airplanes, Model BAe.125 Series 800A Airplanes, and Model Hawker 800 and Hawker 800XP Airplanes [Docket No. FAA-2005-20111; Directorate Identifier 2004-NM-154-AD; Amendment 39-14207; AD 2005-16-02] (RIN: 2120-AA64) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4079. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 727,727C, 727-100, 727-100C, 727-200, and 727-200F Series Airplanes [Docket No. FAA-2004-19679; Directorate Identifier 2003-NM-132-AD; Amendment 39-14184; AD 2005-14-07], pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4080. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Aircraft Assembly Placard Requirements [Docket No. FAA-2004-18477; Amendment Nos. 121-312; 135-98] received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4081. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of legal description of the Class D and Class E Airspace; Topeka, Forbes Field, KS. [Docket No. FAA-2005-21703; Airspace Docket No. 05-ACE-19] received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4082. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision of VOR Federal Airway V-537 [Docket No. FAA 2003-16676; Airspace Docket No. 03-ASO-16] (RIN: 2120-AA66) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4083. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Washington, MO. [Docket No. FAA-2005-21706; Airspace Docket No. 05-ACE-23] received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4084. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Area Navigation (RNAV) Routes; AK [Docket No. FAA-2005-20446; Airspace Docket No. 05-AAL-04] (RIN: 2120-AA66) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4085. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Chalkyitsik, AK [Docket No. FAA-2005-20450; Airspace Docket No. 05-AAL-07] received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4086. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Emmonak, AK [Docket No. FAA-2005-20555; Airspace Docket No. 05-AAL-08] received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4087. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Meade Municipal Airport, KS. [Docket No. FAA-2005-21783; Airspace Docket No. 05-ACE-24] received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4088. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Aspen, CO [Docket No. FAA 2003-16460; Airspace Docket 02-ANM-16] received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4089. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Mariposa, CA [Docket FAA 2004-19084; Airspace Docket 04-ANM-08] received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4090. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule —

Amendment of Class E Airspace; Blairstown, NJ [Docket No. FAA-2005-21103; Airspace Docket No. 05-AEA-10] received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4091. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Newton City-County Airport, KS. [Docket No. FAA-2005-21704; Airspapce Docket No. 05-ACE-20] received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4092. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of the Legal Description of the Class E Airspace; Columbia Regional Airport, MO. [Docket No. FAA-2005-21705; Airspace Docket No. 05-ACE-21] received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4093. A letter from the Secretary, Department of Agriculture, transmitting a copy of the Department's Annual Report to Congress on the Biomass Research and Development Initiative for FY 2004, pursuant to 7 U.S.C. 7624 note; jointly to the Committees on Energy and Commerce and Agriculture.

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. HOEKSTRA: Permanent Select Committee on Intelligence. House Resolution 418. Resolution requesting the President to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the possession of the President relating to the disclosure of the identity and employment of Ms. Valerie Plame; adversely (Rept. 109–228). Referred to the House Calendar and ordered to be printed.

Mr. BISHOP of Utah: Committee on Rules. House Resolution 455. Resolution providing for consideration of the bill (H.R. 2123) to reauthorize the Head Start Act to improve the school readiness of disadvantaged children, and for other purposes (Rept. 109–229). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. MANZULLO (for himself, Mr. GOHMERT, Mr. BARTLETT of Maryland, Mrs. KELLY, Mr. POE, Mr. AKIN, Mr. MCCOTTER, and Mr. KING of Iowa):

H.R. 3841. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; to the Committee on Ways and Means.

By Mr. KUHL of New York:

H.R. 3842. A bill to amend the Internal Revenue Code of 1986 to reduce the Federal excise tax on highway motor fuels when the weekly United States retail gasoline price, regular grade, is greater than $3.00 per gallon; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 3843. A bill to amend the South Carolina National Heritage Corridor Act of 1996 to expand the boundaries of the heritage corridor to include Georgetown, Berkeley, and Saluda Counties, South Carolina; to the Committee on Resources.

By Mr. EMANUEL (for himself, Mr. LEWIS of Georgia, Mr. TAYLOR of Mississippi, Mr. MELANCON, and Mr. JEFFERSON):

H.R. 3844. A bill to amend the Internal Revenue Code of 1986 to provide for advance payment of the earned income tax credit and the child tax credit for 2005 in order to provide needed funds to victims of Hurricane Katrina and to stimulate local economies; to the Committee on Ways and Means.

By Mr. GINGREY (for himself, Mr. ALEXANDER, Mr. BOUSTANY, and Mr. TAYLOR of Mississippi):

H.R. 3845. A bill to set at 90 percent the Federal medical assistance percentage (FMAP) and the enhanced FMAP for medical and child health assistance provided in States highly impacted by Hurricane Katrina and to Katrina Hurricane evacuees in other States during fiscal year 2006 under the Medicaid Program and SCHIP; to the Committee on Energy and Commerce, and in addition to the Committee on the Budget, 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. GREEN of Wisconsin:

H.R. 3846. A bill to amend the Farm Security and Rural Investment Act of 2002 to extend the Milk Income Loss Contract Program through the end of calendar year 2005; to the Committee on Agriculture.

By Mr. GREEN of Wisconsin:

H.R. 3847. A bill to amend the Farm Security and Rural Investment Act of 2002 to extend the Milk Income Loss Contract Program through the end of fiscal year 2007; to the Committee on Agriculture.

By Mr. GREEN of Wisconsin:

H.R. 3848. A bill to amend the Farm Security and Rural Investment Act of 2002 to extend the Milk Income Loss Contract Program for an additional month; to the Committee on Agriculture.

By Mr. LUCAS (for himself, Mr. GOODLATTE, Mr. PETERSON of Minnesota, and Mr. HOLDEN):

H.R. 3849. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to implement pesticide-related obligations of the United States under the international conventions or protocols known as the PIC Convention, the POPs Convention, and the LRTAP POPs Protocol; to the Committee on Agriculture.

By Mrs. MALONEY (for herself, Mr. SHAYS, and Mr. BISHOP of New York):

H.R. 3850. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize the President to carry out a program for the protection of the health and safety of residents, workers, volunteers, and others in a disaster area; to the Committee on Transportation and Infrastructure, 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. MICA (for himself and Mr. WESTMORELAND):

H.R. 3851. A bill to provide for the competitive operation of the Northeast rail corridor using State and private sector initiatives; to the Committee on Transportation and Infrastructure.

By Mr. PRICE of North Carolina:

H.R. 3852. A bill to require enhanced disclosure to consumers regarding the consequences of making only minimum required payments in the repayment of credit card debt, and for other purposes; to the Committee on Financial Services.

By Mr. ROSS (for himself, Mr. BERRY, Mr. SNYDER, Mr. BOOZMAN, and Mr. DAVIS of Illinois):

H.R. 3853. A bill to designate the facility of the United States Postal Service located at 208 South Main Street in Parkdale, Arkansas, as the Willie Vaughn Post Office; to the Committee on Government Reform.

By Mr. SHAYS (for himself, Ms. SCHAKOWSKY, Mr. DAVIS of Illinois, Mr. GEORGE MILLER of California, Mr. BROWN of Ohio, Ms. MILLENDER-MCDONALD, Mr. PAYNE, Mr. LEACH, Ms. LEE, Mr. EVANS, Ms. SCHWARTZ of Pennsylvania, Mr. CROWLEY, Mr. WAXMAN, Mr. KIRK, Mr. EMANUEL, Mr. BERMAN, Mr. GRIJALVA, Mr. JACKSON of Illinois, Mr. LARSON of Connecticut, Ms. BEAN, Mr. MCNULTY, Mr. OWENS, Mr. WEXLER, Mr. RUSH, Mr. GUTIERREZ, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. VAN HOLLEN, Mr. STARK, and Mr. HONDA):

H.R. 3854. A bill to amend the Public Health Service Act with respect to facilitating the development of microbicides for preventing transmission of HIV and other diseases, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TANCREDO (for himself, Mr. FLAKE, Mr. ROHRABACHER, Mrs. CUBIN, Mr. WELDON of Florida, Mr. PITTS, Mr. FEENEY, Mr. AKIN, Mrs. MYRICK, Mr. BARTLETT of Maryland, Mr. POE, Mr. BISHOP of Utah, and Mr. OTTER):

H.R. 3855. A bill to raise funds necessary to respond to Hurricane Katrina and future disasters by selling a portion of the lands administered by the Forest Service and the Department of the Interior, and for other purposes; to the Committee on Resources, and in addition to the Committees on Agriculture, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LOWEY (for herself, Ms. ROS-LEHTINEN, Mr. VAN HOLLEN, Mr. LYNCH, Ms. JACKSON-LEE of Texas, Mr. LARSEN of Washington, Ms. DELAURO, Mr. SCHIFF, Mr. MCGOVERN, Mr. HIGGINS, and Mr. HOLT):

H.J. Res. 66. A joint resolution supporting the goals and ideals of ''Lights On Afterschool!'', a national celebration of afterschool programs; to the Committee on Education and the Workforce.

By Mr. PLATTS (for himself and Mr. ANDREWS):

H.J. Res. 67. A joint resolution proposing an amendment to the Constitution of the United States to authorize the line item veto; to the Committee on the Judiciary.

By Mr. MCCRERY:

H. Res. 454. A resolution providing for the concurrence by the House with an amendment in the amendment of the Senate to H.R. 3768; considered and agreed to.

By Mr. CROWLEY (for himself, Mr. MCDERMOTT, Mr. BURTON of Indiana, Mr. WEXLER, and Mr. BLUMENAUER):

H. Res. 456. A resolution expressing support for the memorandum of understanding signed by the Government of the Republic of Indonesia and the Free Aceh Movement on August 15, 2005, to end the conflict in Aceh, a province in Sumatra, Indonesia; to the Committee on International Relations.

By Mr. HOLT (for himself, Mr. EHLERS, Mr. OLVER, Mrs. BIGGERT, and Mr. GINGREY):

H. Res. 457. A resolution recognizing the importance and positive contributions of

chemistry to our everyday lives and supporting the goals and ideals of National Chemistry Week; to the Committee on Science.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

172. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 403, condemning the National Football League's recent actions restricting the availbility of televised games; to the Committee on Energy and Commerce.

173. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 365, urging the Congress of the United States to refrain from taking action in developing legislation that would have the effect of preventing or hindering the exploration, drilling, development and production of natural gas in the Great Lakes; to the Committee on Energy and Commerce.

174. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 346, memorializing the Congress of the United States to pass the Violence Against Women Act reauthorization legislation and to reaffirm our commitment to helping victims of violent crimes; to the Committee on Energy and Commerce.

175. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 326, encouraging the Congress of the United States and the Environmental Protection Agency to release funds to the states from the Leaking Underground Storage Tank Trust Fund; to the Committee on Energy and Commerce.

176. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 332, urging the Congress of the United States to support and enact legislation placing reasonable requirements on the reporting of publicly funded clinical trials; to the Committee on Energy and Commerce.

177. Also, a memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to a House Resolution supporting the Taiwain-U.S. Free Trade Agreement (TUFTA); to the Committee on Ways and Means.

178. Also, a memorial of the Senate of the State of New Jersey, relative to Senate Resolution No. 94, memorializing the Congress of the United States to reject privatizing Social Security; to the Committee on Ways and Means.

179. Also, a memorial of the Legislature of the State of New Hampshire, relative to House Concurrent Resolution No. 6, urging the Congress of the United States to enact legislation to make English the official language of the United States; jointly to the Committees on Education and the Workforce and the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. RUSH introduced a bill (H.R. 3856)for the relief of Elvira Arellano, Maria Isabel Benitez, Adrian Briseno Esparza, Francisco Javier Castro, Araceli Contreras Del Toro, Jaime Cruz, Disifredo Adan Del Valle, Oralia Espindola, Angel Espinoza Martinez, Laura Flores, Juan Antonio Guzman, Francisca Lino, Maria Natividad Loza, Maria Antonia Martin Gonzalez, Blanca Estela Nolte, Mario Pacheco, Domenico Papaianni, Romina Perea, Ruben Ramirez, Martha Elena Davalos, Hermion Davalos Renteria, Juan Jose Rangel, Jorge Santos, Martin Guerrero Barrios, Antonino Cerami, Juan Carlos Arreguin Lara, Sylvia Soler, Dayron Rios, Jose Pelayo, Juan Jose Mesa, Tomas Martinez, Aurelia Martinez, Veronica Lopez, Alma Delia Jimenez de Sosa, and Rosalva Gutierrez; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 11: Mr. COSTELLO and Mr. NEUGEBAUER.
H.R. 65: Mr. BARTLETT of Maryland.
H.R. 202: Mr. THOMPSON of California.
H.R. 302: Mr. POMBO.
H.R. 323: Mr. SHERMAN.
H.R. 328: Mr. COSTELLO.
H.R. 445: Mr. WATT.
H.R. 503: Mr. HOLT.
H.R. 515: Mr. BERMAN.
H.R. 558: Ms. CORRINE BROWN of Florida.
H.R. 565: Mr. MENENDEZ.
H.R. 583: Mr. MURTHA.
H.R. 665: Mr. CROWLEY.
H.R. 698: Mr. MCCOTTER.
H.R. 747: Mr. JEFFERSON and Mr. MORAN of Kansas.
H.R. 771: Mr. MCNULTY.
H.R. 791: Mr. OLVER.
H.R. 799: Ms. ZOE LOFGREN of California.
H.R. 819: Ms. ZOE LOFGREN of California.
H.R. 890: Mr. CROWLEY.
H.R. 916: Mr. LATHAM, Mr. DICKS, Mr. WILSON of South Carolina, Mr. PEARCE, Mr. WALSH, and Mr. TURNER.
H.R. 923: Ms. BERKLEY and Ms. HERSETH.
H.R. 925: Mr. MANZULLO.
H.R. 939: Mr. BAIRD.
H.R. 972: Ms. MCCOLLUM of Minnesota.
H.R. 986: Mr. MENENDEZ.
H.R. 997: Mr. CANTOR.
H.R. 999: Mr. SOUDER.
H.R. 1068: Mr. UPTON, Mr. COOPER, and Mr. PAYNE.
H.R. 1078: Mr. WYNN.
H.R. 1080: Mr. WYNN.
H.R. 1200: Mr. HONDA, Mr. DELAHUNT, and Mrs. JONES of Ohio.
H.R. 1216: Ms. MILLENDER-MCDONALD.
H.R. 1217: Mr. MEEKS of New York.
H.R. 1246: Mr. SCOTT of Virginia, Mr. LATOURETTE, Mr. FILNER, Mr. FRANK of Massachusetts, and Mr. DAVIS of Kentucky.
H.R. 1258: Mr. MORAN of Virginia.
H.R. 1259: Mr. SCHWARZ of Michigan and Mr. SHERMAN.
H.R. 1288: Mrs. SCHMIDT.
H.R. 1306: Mr. SESSIONS, Mr. WEXLER, Mr. STEARNS, Mr. WELLER, Mr. REYNOLDS, Mr. PRICE of North Carolina, and Mr. KING of New York.
H.R. 1310: Mr. WYNN.
H.R. 1356: Mr. ROTHMAN.
H.R. 1402: Mr. SKELTON and Mr. FRELINGHUYSEN.
H.R. 1447: Mr. KENNEDY of Rhode Island and Mr. WALDEN of Oregon.
H.R. 1520: Mr. STUPAK.
H.R. 1526: Mr. JACKSON of Illinois.
H.R. 1554: Mr. KLINE.
H.R. 1602: Mr. FOSSELLA and Ms. ZOE LOFGREN of California.
H.R. 1632: Mr. RAMSTAD.
H.R. 1634: Mr. STUPAK.
H.R. 1636: Mr. KUCINICH.
H.R. 1736: Mr. KILDEE.
H.R. 1806: Mr. SCHWARZ of Michigan.
H.R. 1814: Mr. SMITH of Washington.
H.R. 1898: Mr. REYNOLDS.
H.R. 1973: Mr. MARKEY.
H.R. 2043: Mr. OWENS.
H.R. 2068: Mr. LEWIS of Kentucky, Mr. SCHWARZ of Michigan, Mr. HULSHOF, and Mr. RYAN of Wisconsin.
H.R. 2129: Mr. SCHWARZ of Michigan.
H.R. 2209: Ms. HERSETH.
H.R. 2211: Mr. CLAY and Mr. TIAHRT.
H.R. 2231: Mr. GENE GREEN of Texas, Mr. GORDON, Mrs. WILSON of New Mexico, and Mr. CAPUANO.
H.R. 2237: Mrs. MALONEY.
H.R. 2298: Mr. SHERMAN.
H.R. 2308: Mr. MCGOVERN and Mr. PRICE of North Carolina.
H.R. 2317: Mr. SWEENEY and Ms. DELAURO.
H.R. 2327: Mr. LEWIS of Georgia.
H.R. 2386: Mr. EVERETT, Mr. CLAY, Mrs. CAPITO, Mr. KENNEDY of Rhode Island, Mr. PRICE of Georgia, Mrs. EMERSON, Mr. DAVIS of Tennessee, and Mr. BISHOP of Utah.
H.R. 2389: Mr. POMBO.
H.R. 2567: Mr. EVERETT and Mr. GORDON.
H.R. 2594: Mr. SHAW.
H.R. 2671: Mr. SCOTT of Virginia.
H.R. 2682: Mr. UPTON.
H.R. 2694: Mr. EMANUEL.
H.R. 2716: Mr. KILDEE.
H.R. 2730: Mr. FERGUSON, Mr. BARROW, and Ms. WASSERMAN SCHULTZ.
H.R. 2736: Mr. HONDA.
H.R. 2925: Miss MCMORRIS.
H.R. 2961: Mr. GRAVES and Mr. OSBORNE.
H.R. 2990: Mr. FOLEY and Mr. BARRETT of South Carolina.
H.R. 3072: Mr. RANGEL and Mr. CONYERS.
H.R. 3142: Mr. MILLER of North Carolina, Mr. WAXMAN, and Mr. BISHOP of New York.
H.R. 3160: Mr. STARK and Ms. WOOLSEY.
H.R. 3171: Mr. DAVIS of Florida, Mr. STRICKLAND, Mr. LATOURETTE, Mr. ISRAEL, Mr. SHERMAN, Mr. WU, Mr. FARR, and Mr. CAPUANO.
H.R. 3189: Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 3194: Mr. RANGEL, Mr. SANDERS, Mr. REYES, and Mr. MEEKS of New York.
H.R. 3203: Mrs. NAPOLITANO, Mr. SERRANO, Mr. BACA, Mr. LARSEN of Washington, Ms. DEGETTE, Mr. PASTOR, Ms. WASSERMAN SCHULTZ, Mr. HINOJOSA, Mr. GRIJALVA, Mr. FARR, Mr. PAUL, Ms. SOLIS, Ms. WATSON, Mr. HASTINGS of Florida, Mr. OWENS, Mr. GENE GREEN of Texas, Ms. ROYBAL-ALLARD, and Mr. FILNER.
H.R. 3267: Ms. PELOSI.
H.R. 3282: Mr. MOORE of Kansas.
H.R. 3301: Mr. LAHOOD, Mr. BARTLETT of Maryland, Mr. ROGERS of Michigan, Mr. DOOLITTLE, Mr. TERRY, and Mrs. CAPITO.
H.R. 3361: Mr. JACKSON of Illinois.
H.R. 3369: Mr. BERMAN.
H.R. 3428: Mr. DOOLITTLE, Mr. JEFFERSON, and Mr. MURPHY.
H.R. 3504: Mr. FILNER.
H.R. 3505: Mr. ADERHOLT and Mr. MILLER of Florida.
H.R. 3548: Mr. KUHL of New York, Mr. MCNULTY, Mr. OWENS, Mr. SERRANO, Ms. SLAUGHTER, and Mr. WALSH.
H.R. 3569: Mr. BRADY of Pennsylvania and Mr. GORDON.
H.R. 3617: Mr. PETERSON of Minnesota, Ms. ESHOO, and Mr. WELLER.
H.R. 3639: Mr. MCGOVERN.
H.R. 3666: Mr. KUCINICH.
H.R. 3670: Mr. KUCINICH.
H.R. 3671: Mrs. WILSON of New Mexico.
H.R. 3684: Mr. KINGSTON, Mr. STEARNS, Mr. CARTER, Mr. MCCAUL of Texas, and Mr. GARY G. MILLER of California.
H.R. 3708: Ms. SOLIS and Mr. CONYERS.
H.R. 3710: Mr. CARNAHAN.
H.R. 3711: Mr. WAXMAN and Mr. LANTOS.
H.R. 3712: Mr. BISHOP of New York.

H.R. 3727: Mr. KUCINICH.

H.R. 3739: Mr. WAMP and Mr. ROGERS of Michigan.

H.R. 3763: Ms. WATERS, Mr. SALAZAR, Mr. CUMMINGS, Mr. GORDON, Mr. BACA, Ms. Bean, Mr. EDWARDS, Mr. MURTHA, Mr. MEEHAN, Mr. PASTOR, Mr. FORD, Mr. CLYBURN, Mr. JACKSON of Illinois, Mr. GONZALEZ, and Mr. MEEKS of New York.

H.R. 3764: Mr. MOORE of Kansas.

H.R. 3774: Mr. FRANK of Massachusetts, Mr. ENGEL, Mr. MCGOVERN, Ms. WOOLSEY, Mr. KILDEE, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 3782: Mr. STRICKLAND and Mr. MCNULTY.

H.R. 3785: Ms. HARRIS.

H.R. 3832: Mr. BISHOP of New York.

H.R. 3836: Mr. SHIMKUS.

H.J. Res. 38: Mr. PASCRELL.

H.J. Res. 57: Ms. GRANGER.

H.J. Res. 60: Mrs. CAPITO.

H.J. Res. 61: Mr. BUTTERFIELD, Mr. FORBES, Mr. ABERCROMBIE, Ms. PRYCE of Ohio, Mr. BLUNT, Mr. WALSH, Mr. SENSENBRENNER, Mrs. BIGGERT, Mrs. SCHMIDT, Mr. FRELINGHUYSEN, Mr. REHBERG, and Mr. CONYERS.

H. Con. Res. 43: Mr. GILLMOR.

H. Con. Res. 144: Mr. TOWNS. H. Con. Res. 173: Mr. MARKEY.

H. Con. Res. 195: Mr. BERMAN.

H. Con. Res. 230: Mr. LANTOS, Mr. GREEN of Wisconsin, Mr. LINDER, Mr. MILLER of Florida, Mr. ENGEL, Mr. WEXLER, and Mr. FEENEY.

H. Con. Res. 245: Mr. GARRETT of New Jersey, Mrs. CUBIN, Mr. WAMP, Mr. GUTKNECHT, Mr. BISHOP of Utah, Mr. BARTLETT of Maryland, Mr. GOODE, Mr. JONES of North Carolina, Mr. KINGSTON, Mrs. MYRICK, Mr. WILSON of South Carolina, Mr. PITTS, Mr. ROHRABACHER, Mr. TANCREDO, Mr. HENSARLING, Mr. HUNTER, Mr. BACHUS, Mr. KOLBE, Mr. SODREL, and Mrs. MUSGRAVE.

H. Con. Res. 248: Ms. ROS-LEHTINEN, Mr. MCDERMOTT, Mr. GRIJALVA, Ms. ROYBAL-ALLARD, Mr. HIGGINS, Mr. KIRK, Mr. SCOTT of Georgia, Mr. MORAN of Virginia, Ms. WATSON, Mrs. MALONEY, Mr. WEINER, Mr. HONDA, Mr. SHERMAN, Mr. ACKERMAN, Mr. CARDOZA, Mr. NADLER, Mr. HASTINGS of Florida, Mr. BURTON of Indiana, Mr. CONYERS, Mr. PENCE, Mr. BERMAN, Ms. MCCOLLUM of Minnesota, Mr. FILNER, Ms. BERKLEY, and Ms. WASSERMAN SCHULTZ.

H. Res. 84: Mr. BACHUS.

H. Res. 192: Mr. OWENS, Mr. SMITH of Washington, Ms. LORETTA SANCHEZ of California, Mr. KUCINICH, and Mr. DELAHUNT.

H. Res. 409: Mr. SHAYS, Mr. EVANS, Mr. KUCINICH, and Mr. LYNCH.

H. Res. 444: Mr. RUSH, Mr. MCNULTY, Mr. MOORE of Kansas, Mr. MARKEY, Mr. OWENS, Mr. WILSON of South Carolina, Mr. MCDERMOTT, Mr. PALLONE, Mr. CAPUANO, Mr. ALLEN, Mr. CONYERS, Mr. SHIMKUS, Mr. KILDEE, Ms. WOOLSEY, and Mr. BERMAN.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

69. The SPEAKER presented a petition of the Legislature of Rockland County, New York, relative to Resolution No. 419 requesting the Congress of United States enact legislation to assist reservists currently on active duty and facing a ''pay-gap'' between their civilian salaries and their military pay;to the Committee on Energy and Commerce.

70. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 418, requesting the Congress of the United States introduce and pass a bill, ''to amend the Public Health Service Act to authorize funding for the establishment of a program on children and the media within the National Institute of Child Health and Human Development to study the role and impact of electronic media on the development of children; to the Committee on Energy and Commerce.

71. Also, a petition of the City Council of the City of Miami Springs, Florida, relative to Resolution No. 2005-3285, 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.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2123

OFFERED BY: MR. STEARNS

AMENDMENT NO. 2: Page 110, line 7, after ''families,'' insert ''families with one or more children with disabilities,''.

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of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *109th* CONGRESS, FIRST SESSION

Vol. 151 WASHINGTON, WEDNESDAY, SEPTEMBER 21, 2005 *No. 119*

Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, our help in ages past, our hope for years to come, direct and control our lives. Control our tongues that our words may bring life and not death, clarity and not confusion. Control our hearts that we may hear the cries of the hurting. Control our minds that our thoughts may be illuminated by Your presence. Control our actions, that our deeds may match our creeds.

Today, give each Senator an awareness of Your sovereignty. Remind him or her that the hearts of world leaders are in Your hands, and Your purposes will prevail. Enable us all to walk through this world with our garments unstained by evil. Give us courage, endurance, and serenity to face life with a steadfast hope in You.

Remember those who are now braced for Hurricane Rita. We pray in Your matchless Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore 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.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 60 minutes, with the first half of the time under the control of the majority leader or his designee and the second half of the time under the control of the Democratic leader or his designee.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. MCCONNELL. Mr. President, under our order from last night, we will start today's session with a 1-hour period of morning business. At approximately 10:30 this morning, we will return to the Agriculture appropriations bill. We have an agreement in place that first-degree amendments be filed at the desk no later than 4 p.m. today. I hope that there will not be many more amendments filed. We would like to finish this bill this evening, and we will stay in session later into the evening with votes in order to accomplish that, if necessary.

We have several meetings occurring this afternoon, including an all-Senators meeting from 4 to 5 today. Because of these meetings, it is important that we get started early this morning and process as many amendments as possible. Therefore, Senators should be aware that we will be scheduling votes as quickly as we can this morning, in order to make as much progress as possible, and of course we will alert Members as soon as the first vote is ordered.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALLARD. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

NOMINATION OF JOHN ROBERTS

Mr. ALLARD. Mr. President, I rise today in support of President Bush's nomination of Judge John Roberts to serve as Chief Justice of the United States.

It would be difficult to identify a jurist better qualified for our Nation's highest Court than Judge John Roberts. He is a distinguished jurist who enjoys broad bipartisan support.

There is good reason for this broad bipartisan support. Judge Roberts' sharp intellect and legal ability are beyond question. In addition, his humility, fairness, and open-minded approach to the practice of law have won him admirers from across the political spectrum.

During his career as a practicing attorney, Judge Roberts argued a variety of positions in a number of high-profile cases and has represented criminal defendants, environmental interests, and the State of Hawaii in a dispute over legislation meant to favor native Hawaiians as a group.

During the 2001 landmark Microsoft antitrust case before the District of Columbia court, he argued on behalf of the Clinton Justice Department and a group of primarily Democratic State attorneys general that several of Microsoft's business practices violated the Sherman Antitrust Act.

In the landmark 2002 environmental case, Tahoe-Sierra Preservation Council v. Tahoe Regional Planning Agency, he successfully argued before the Supreme Court in favor of limits on property development and in support of protection of the Pristine Lake Tahoe Basin area.

Judge Roberts has been described as ''one of the top appellate lawyers of his generation'' by the Legal Times, and one of the top 10 civil litigators by the National Law Journal in 1999.

Colorado's own Rocky Mountain News offered its unequivocal endorsement of Judge Roberts. The Rocky Mountain News stated that ''Roberts is

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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not only well-spoken, he's tactful, amicable and focused'' and ''projects a temperament that should serve a Chief Justice well.''

I ask unanimous consent to have the full September 17 article printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Rocky Mountain News, Sept. 17, 2005]

ROBERTS RISES TO THE OCCASION

When Chief Justice John Roberts finished his testimony Thursday before the Senate Judiciary Committee—oops! we're getting ahead of ourselves. When the next chief justice finished his testimony, some senators complained they knew little more about him than when the hearings started because he'd dodged so many questions.

Weren't they listening? Most of us know a lot more about Roberts today than we did a week ago—even though he did, yes, dodge questions about issues that will come before the court. Every one of the current justices once dodged such questions, too.

We learned, for example, that Roberts is quick on his feet and able to respond with aplomb to questions that in some cases were asinine. Wisconsin Sen. Herb Kohl actually wanted Roberts to explain what role he'd play ''in making right the wrongs revealed by Katrina.'' Roberts politely reminded him that courts are ''passive institutions'' that ''decide the cases that are presented.''

We learned that Roberts is not only well-spoken, he's tactful, amicable and focused—that he projects a temperament that should serve a chief justice well.

No, we still don't know how he'll rule on cases related to abortion or the regulatory powers of government under the commerce clause, to cite issues that exercised senators. But learning his views on such matters was never realistically in the cards.

Our favorite part of his testimony was when he was pressed to explore his analogy between being a judge and a baseball umpire. He said he believed balls and strikes were objective facts even if an umpire isn't always correct in calling them.

''I do think there are right answers,'' he explained. ''I know that it's fashionable in some places to suggest that there are no right answers and that judges are motivated by a constellation of different considerations . . . That's not the view of the law that I subscribe to.

''I think when you folks legislate, you do have something in mid . . . and you expect judges not to put in their own preferences, not to substitute their judgment for you, but to implement your view of what you are accomplishing in that statute. I think, when the framers framed the Constitution, it was the same thing. . . . And I think there is meaning there and I think there is meaning in your legislation. And the job of a good judge is to do as good a job as possible to get the right answer.''

That's not a complete judicial philosophy, of course, but it's the start of a good one. And despite the scattered complaints, we suspect a majority of senators recognize it, too.

Mr. ALLARD. Mr. President, another Colorado newspaper, the Pueblo Chieftain, offered its praise for Judge Roberts stating that ''Judge Roberts looks like the kind of justice who would apply the Constitution as it is written,'' adding ''that's as it should be.''

I ask unanimous consent to have the full September 8 editorial printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Pueblo Chieftain]

ALTERED CALCULUS

The death of Chief Justice William Rehnquist over the weekend has altered the calculus of Supreme Court nominations.

President Bush, who had named Circuit Court Judge John Roberts to fill the seat of retiring Associate Justice Sandra Day O'Connor, withdrew that nomination and renominated him to succeed Justice Rehnquist. It was a logical decision.

The American Bar Association already has given Judge Roberts, 50, its highest rating. He is well-regarded in legal circles. He's been under a microscope by senators and the media and found to be top-notch. Colorado's own Democratic Sen. Ken Salazar gives Judge Roberts high marks.

So the Beltway oddsmakers are calling Judge Roberts' confirmation in the Senate a sure bet. That brings into question, then, the president's choice to replace Justice O'Connor, who says she will remain on the bench until here replacement is confirmed.

During both of his presidential campaigns, Mr. Bush made as one of his key planks restoring the balance on the court away from the liberal, activist mode which became de rigueur when President Eisenhower named Earl Warren (''the biggest damn fool mistake I've ever made'') as chief justice.

Credit Justice Rehniquist for slowly tipping the balance back during his tenure. But that balance is precarious.

President Bush will face an unrelenting deluge from liberals saying he should nominate someone from the ''mainstream,'' meaning left of center. These groups would like to derail any Supreme Court nominee who has a conservative bone in his or her body, because it has been only through the liberal courts, not the legislative process, where they have been able to influence public policy.

Funny, though, but recent elections have shown that the mainstream is not over there in the Beltway/Hollywood liberals' bailiwick.

And elections mean something. President Clinton named Ruth Bader Ginsburg to the high court, and most Republicans in the Senate voted to confirm her. If President Bush names someone in the judicial philosophical mold of an Antonin Scalia and Clarence Thomas, he would be fulfilling a campaign pledge and helping return the court to its rightful role, not as a de facto legislature but as arbiter of the law and the Constitution.

Judge Roberts looks like the kind of justice who would apply the Constitution as it is written. And we urge President Bush to nominate another justice with the same inclination.

That's as it should be.

Mr. ALLARD. Mr. President, I believe Judge Roberts will be an advocate and practitioner of judicial restraint, a Justice who focuses on a narrow interpretation of the Constitution as the Framers intended. In his own words:

My obligation is to the Constitution. That's the oath.

I believe he is temperamentally and intellectually inclined to stick to the facts and the law in cases that will come before him on the High Court, and that he will refrain from attempting to legislate from the bench. In his own words, Judge Roberts says:

The role of the judge is limited . . . [j]udges are to decide the cases before them. They're not to legislate, they're not to execute the laws.

I also believe Judge Roberts' personal views will not determine the outcome of cases before him. In his own words, the ''American justice system is epitomized by the fact that judges . . . wear . . . black robes. And that is meant to symbolize the fact that they're not individuals promoting their own particular views, but they are supposed to be doing their best to interpret the law, to interpret the Constitution, according to the rules of law—not their own preferences, not their own personal beliefs.''

Judge Roberts recognizes the importance of property rights and the role of the legislature in drawing the line in cases of eminent domain. Commenting on the Court's recent decision in Kelo, Judge Roberts explained:

What the Court was saying is there is this power, and then it's up to the legislature to determine whether it wants that to be available—whether it wants it to be available in limited circumstances, or whether it wants to go back to an understanding as reflected in the dissent, that this is not an appropriate public use.

President Bush has sent forward the name of an excellent nominee. His qualifications to serve as Chief Justice of the United States are even more apparent after his remarkable testimony before the Senate Judiciary Committee. Judge Roberts testified for approximately 22 hours, 10 hours longer than William Rehnquist when he became Chief Justice, 5 hours longer than Ruth Bader Ginsburg, and 4 hours longer than Stephen Breyer.

During the course of his testimony, Judge Roberts demonstrated an impressive command of the law and understanding of a myriad of legal issues. He provided thoughtful and thorough answers to over 500 challenging questions asked by Senators of both parties.

Personally, I admire his commitment to maintaining his judicial independence and ability to rule fairly by choosing not to prejudge cases that are likely to come before him. It is indicative of his undying and lifelong commitment to equal protection under the law.

I strongly urge my colleagues to give him a final vote in support of his nomination.

Thank you, Mr. President.

I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceed to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. VITTER). Without objection, it is so ordered.

ORDER OF PROCEDURE

Mrs. MURRAY. Mr. President, I understand there is some time remaining

on the Republican side. I ask unanimous consent to hold that remaining time, for me to begin with the Democratic side, and use such time as I shall need.

The PRESIDING OFFICER. Without objection, it is so ordered.

AN INDEPENDENT FDA

Mrs. MURRAY. Mr. President, I rise today to address a matter of extreme importance, women's health, public safety, and the independence and credibility of one of our Nation's most revered Federal agencies, the FDA.

I am very concerned. American women are concerned, and consumers all across this country should be concerned that the FDA is letting politics trump science in the way it approves medicine for American consumers.

I have always supported a strong and independent Food and Drug Administration. It is the only way in which the FDA can truly operate effectively and with the confidence of American consumers and health care providers.

Americans must have faith when they walk into the local grocery store or local pharmacy that the products they purchase are safe, that they are effective, and that their approval has been based on sound science, not on political pressure or pandering to interest groups. By allowing politics to play a role in the decisionmaking, the FDA is now opening a Pandora's box that could have profound consequences in determining the safety and efficacy of the drug approval process.

Unfortunately, recent decisions and delays at the FDA have now called into question the agency's independence and allegiance to science-based decisions, and plan B is exhibit A. But don't take my word for it. Listen to Dr. Susan Wood, the former director of the FDA's Office of Women's Health. In resigning in protest, Dr. Wood wrote:

> I have spent the last 15 years working to ensure that science informs good health policy decisions. I can no longer serve a staff when scientific and clinical evidence fully evaluated and recommended by the professional staff here has been overruled.

In later comments to the Associated Press she said:

> There's fairly widespread concern about FDA's credibility among agency veterans as a result of the Plan B process.

Those are the words of a health care professional who worked for years within the FDA to improve women's health. Her resignation is a huge loss to the agency, to those in Congress who have championed women's health and, most importantly, her resignation is a loss to the millions of American women who rely on the FDA to make choices based on sound science.

Let me take a step back and explain what plan B is and why the FDA's actions are such a threat to the public's health. Plan B is a form of contraception. Plan B contains a specific concentrated dose of ordinary birth control pills that prevent pregnancy. Emergency contraception cannot interrupt or disrupt an established pregnancy. In fact, plan B has the potential to reduce the incidence of abortions, something I think every one of us can agree on. It is an important goal.

Raising the awareness and use of emergency contraceptives such as plan B is an important component to reducing the rate of abortion in the United States. An analysis conducted by the Alan Guttmacher Institute estimates that 51,000 abortions were prevented by emergency contraceptive use in 2000 and that increased use of emergency contraceptives accounted for up to 43 percent of the total decline in abortion rates between 1994 and 2000. Plan B has already been approved by the FDA for prescription use and it is available over the counter in seven States, including my home State of Washington. However, it is not available nationwide.

When it comes to emergency contraceptives, every hour counts. The effectiveness of plan B declines by 50 percent every 12 hours. The longer a woman must wait to see a doctor, get a prescription, and then find a pharmacy that will fill the prescription, the less effective plan B becomes. Even privately insured women with regular access to a health care provider have to overcome significant barriers to obtain a prescription for emergency contraceptives, including finding a pharmacy that stocks plan B within a short timeframe. For many uninsured women and teens, the barriers are often insurmountable.

Back in December of 2003, almost 2 years ago, the FDA's own scientific advisory board overwhelmingly recommended approval of plan B over-the-counter application by a vote of 23 to 4. However, the FDA has not adhered to its own guidelines for drug approval and continues to drag its heels.

In fact, Alastair Wood, who is a member of the advisory panel, told USA Today:

> What's disturbing is that the science was overwhelmingly here, and the FDA is supposed to make decisions on science.

At a HELP Committee hearing in April of this year, I pressed the President's nominee to head the FDA, Dr. Lester Crawford, to answer questions about this long-pending application for nationwide over-the-counter approval of plan B. When Dr. Crawford informed me that he couldn't answer my questions in a public forum, I invited him to my office to discuss the process in a private meeting. My colleagues Senator KENNEDY and Senator CLINTON joined me for a very frustrating meeting in which Dr. Crawford failed to provide any timeline or specific reasons for the FDA's highly unusual foot dragging on the plan B application. It was very clear to me after this disappointing meeting that politics had trumped science, and the public health mission of the FDA had been compromised.

For this reason, Senator CLINTON and I joined to place a hold on Dr. Crawford's nomination to head the FDA on June 15, 2005. We placed that hold saying we want a determination on the application. We did not advocate for a particular outcome. All we asked was that the FDA abide by its own rules and regulations. That is a very important point. Senator CLINTON and I did not demand approval. We simply called on the FDA to follow its own procedures. In the end, apparently, even that was asking too much.

The administration and the chairman of the HELP Committee understandably wanted Dr. Crawford confirmed. We began what I consider to be a very productive conversation about restoring integrity to the FDA's process and getting Dr. Crawford confirmed. I thank the chairman for his responsiveness and good-faith efforts. Our discussions culminated in a July 13 letter to the HELP Committee and cochair, to Senator ENZI and to Senator KENNEDY, from Health and Human Services Secretary Michael Leavitt.

This chart shows the letter from Secretary Leavitt:

> I have spoken to the FDA, and based on the feedback I have received, the FDA will act on this application by September 1, 2005.

Based on this letter, based on his personal assurance, Senator CLINTON and I then dropped our hold on Dr. Crawford and subsequently his nomination passed the Senate.

Now, unfortunately for the American people and especially for the integrity of the FDA, Secretary Leavitt and the FDA broke their promise. The FDA had a chance to restore the confidence of American consumers in promoting safe and effective treatments, but it failed in its mission.

A delay is not a decision. For over 6 months, Senator CLINTON and I asked for a simple answer, yes or no. It is a breach of faith to have had this administration give us their word that a decision would be made and have that promise violated. Now the FDA is claiming there are ''unanswered'' questions about plan B's effect on girls under 17. The fact is the pending application does not apply to that group. Today, girls under 17 may only receive this drug with a prescription. That would remain the case if the FDA were to approve plan B's application. The FDA's argument is highly suspect because the Government already regulates products with age restrictions. They do it with tobacco, nicotine gum, and alcohol.

The administration gave us their word, and then they pulled the rug out at the last minute. This continued delay goes against everything the FDA's own advisory panel found nearly 2 years ago, that plan B is safe, it is effective, and it should be available over the counter. There is no credible scientific reason to continue to deny increased access to this safe health care option. In fact, in his statement of further delay, Dr. Crawford acknowledged that the application has scientific merit, but he still refused to approve it.

I can only infer that the FDA and Dr. Crawford, as its head, are continuing to put politics ahead of science. I am not the only one. According to the Washington Post editorial page, August 30:

In recent months, critics have accused the FDA—which is required by law to make decisions exclusively on scientific and legal grounds—of falling victim to outside political agendas.

They have claimed that the Plan B decisions have reflected not sound science and legitimate caution but rather the influence of ''moral'' antiabortion lobbies . . .

By abruptly rejecting an application that had been tailored to meet the FDA's requirements, Mr. Crawford appears to confirm the critics' worst fears.

Whatever the legal arguments taking place, this unexpected delay at this stage of the approval process makes the FDA—long admired around the world for its neutrality and professionalism—look like an easily manipulated political tool.

Here is what Newsday said:

Drugs and politics do not mix.

The current case in point is Plan B, the morning after emergency contraceptive, and the politics of abortion.

Taken together, they are threatening the Food and Drug Administration's credibility as an agency that dispassionately evaluates the safety and effectiveness of drugs.

The FDA said Friday it will delay for 60 days a decision on whether to allow Plan B to be sold to those 16 and older without a prescription.

Officials attributed the foot-dragging to a concern that younger teens would get the drugs and wouldn't use it responsibly.

That rings hollow.

When the FDA rejected an application for over-the-counter sales without age restriction 2 years ago it overruled that staff and an advisory panel, and discounted the experience of six states and 33 countries where such pills are sold without prescription.

The most recent application responsibly included the age restriction.

Here is how the Virginian Pilot put it:

Plan B contraceptives can prevent tens of thousands of abortions and unwanted pregnancies. Restriction on availability to minors is consistent with other national reproductive policies and therefore valid.

A country that can put a man on the moon can surely figure out how to distinguish between younger and older women in selling a pill. If, that is, policymakers care half as much about science in one case as in the other.

And perhaps most succinctly, I quote from the Baltimore Sun:

Dr. Crawford has been forced to adopt many improbable positions in order to keep his job. But now he is at risk of turning the world's most respected drug reviewing agency into a laughingstock.

Nobody wins if that happens.

No amount of semantics or politicking can change the fact that the HHS Secretary and the FDA performed a bait and switch with the Senate and, more importantly, to the American people. Today, the Bush administration has its FDA Commissioner, but the American public still does not have an answer on plan B. Unfortunately, the FDA, which has long been known as the gold standard in drug approval, is now at risk of becoming known for a double standard.

The health and well-being of the American people should not blow with the political winds. Caring for our residents is an American issue, and part of that goal is ensuring that our residents have access to safe, effective medicines in a timely fashion. As a new member of the Senate HELP Committee back in 1997 I faced the daunting task of working to help reform the FDA. I, along with my colleagues, was dedicated to making the Food and Drug Modernization Act work.

The intent of this landmark legislation was to introduce a new culture at the FDA, one which would expedite the drug approval process by eliminating unnecessary bureaucratic delays while ensuring product safety.

This new partnership was intended to open the lines of communication and ensure that manufacturers had a clear understanding of what would be required in our drug approval process. The FDA has broken those lines of communication and has now called into question the future of drug approval within the agency.

I believe strongly in a strong and independent FDA, but I believe this agency has made a mockery of Congress and of its own procedures and its own protocols. They have abused the trust of Congress and of the American people in the way they have played around with plan B. It is far past time to return credibility to the FDA. The FDA needs to return to the gold standard, not continue to create a double standard that puts politics ahead of the health and safety of the American public.

This is not the last word on this issue. The problem with politics subverting the FDA's adherence to science and its integrity is so profound and so urgent that I intend to use every tool available to me as a Senator to make sure this discussion about our priorities and our future is not lost.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I ask unanimous consent that I may speak for up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. I thank the distinguished Presiding Officer.

NOMINATION OF JOHN ROBERTS

Mr. LEAHY. Mr. President, this week, as we celebrate our Constitution's 218th anniversary, we are nearing the exercise of one of the Senate's most solemn constitutional requirements and responsibilities. Few decisions the Senate faces are as consequential and enduring as when the Senate decides whether to confirm, by giving its consent, the nomination of a justice—of course, even more so when the nomination is for Chief Justice of the United States.

The Supreme Court is different from the lower courts. The Supreme Court is the only Federal court required by the Constitution itself. Actually, the Chief Justice is the only member of the Court expressly named in the Constitution. All other courts are bound by the decisions of the Supreme Court. Its decisions are final. They are unappealable. Only the Supreme Court can modify or overrule its precedents. Its power is enormous. The role of the Chief Justice is to lead not only that all-powerful Court but the entire third branch of Government. We have had 43 Presidents in this country, but we have had only 16 Chief Justices—all appointed for life.

The distinguished senior Senator from West Virginia, Mr. BYRD, whose passionate advocacy established our Constitution Day commemoration, describes the Constitution very accurately as the soul of our Nation. The Senate's advice and consent responsibilities are at the core of this body's vital role in our Republic.

This week, we commemorate our Constitution in a time of great challenges, and we are reminded again how resilient our Constitution is in empowering our Nation to meet each era's challenges. The carefully calibrated checks and balances within our Constitution are essential to that. No branch of Government is intended to be the rubberstamp of another branch.

Each day, Americans are fighting and dying in Iraq. Hundreds of thousands of Americans have been displaced by disasters here at home. Four years after 9/11, with public confidence shattered, we have to embark on a review of why we are still not prepared to respond to a terrorist attack or foreseen natural disasters.

The cost of energy—gas and home heating fuels—continues to climb to all-time highs, adding to the cost of other goods. The administration is suspending environmental and worker protections. Poverty and the disparities of opportunity between races and classes continue their insidious rise each year. After having seen recent years of budget surpluses, now the country's budget deficits are at previously unheard of levels—between $300 billion and $400 billion a year. Our national debt is at $8 trillion—8,000 billion dollars—that is a profligate amount. It can only be paid off by our children and our grandchildren.

So Americans need to know their constitutional rights will be protected, that their Government is on their side, and that the courts will be a place of refuge, stability, independence, and justice.

The nomination of Judge John Roberts to be Chief Justice of the United States presents a close question and one that each Senator must carefully weigh and decide. This is a question that holds serious consequences for all Americans today and for generations to come. I have approached this nomination with an open mind, as I do all judicial nominations. There is no entitlement to confirmation for lifetime

appointments on any court for any nomination by any President, Democratic or Republican.

I have served in the Senate for slightly over three decades, and on the Judiciary Committee for most of that time. I take my constitutional responsibility with respect to advice and consent seriously. I am 1 vote out of 100, but I recognize those 100 of us privileged to serve in the Senate are entrusted with protecting the rights of 280 million of our fellow citizens. We stand in their shoes. We and the President are the ones with a vote in the choice of the Chief Justice of the United States.

With this vote, I do not intend to lend my support to an effort by this President to move the Supreme Court and the law dramatically to the right. Above all, balance and moderation on the Court are crucial. I want all Americans to know the Supreme Court will protect their rights and respect the authority of Congress to act in their interests. I want a Supreme Court that acts in its finest tradition as a source of justice. The Supreme Court must be an institution where the Bill of Rights and human dignity are honored.

I have voted for the vast majority of President Ford's, President Carter's, President Reagan's, President George H.W. Bush's, President Clinton's, and President George W. Bush's judicial nominees. I have drawn the line only at those nominees who were among the most ideologically extreme who came to us in the mode of activists. That is what they were intended to be. That is the way they were described. That is the way they came to us. In those cases, the President opted not to seek moderate candidates. I think some of these extreme choices were sent here to politicize the process and did so to a greater extent than I had previously seen in my 31 years in the Senate.

I have not reflexively opposed Republican nominees or conservative judicial nominees nominated by Republican Presidents. In fact, I recommended a Republican to President Clinton to fill Vermont's seat on the Second Circuit, Judge Fred Parker. I recommended another Republican, Judge Peter Hall, to President Bush to fill that seat after Judge Parker's death.

I voted for President Reagan's nominations of Justice Sandra Day O'Connor and Justice Anthony Kennedy, and for President Bush's nomination of Justice Souter.

Unfortunately, this President has said he approached this matter as if fulfilling a campaign pledge to appoint someone in the mold of Justice Thomas and Justice Scalia. I voted against confirmation of Justice Thomas. I voted for Justice Scalia, and I now question that vote, as many of those who voted for him do today. If I thought Judge Roberts would easily reject precedent in the manner of Justice Thomas or would use his position on the Supreme Court as a bulwark for activism in the manner of Justice Scalia, then I would not hesitate to vote no. If I were convinced he would undercut fundamental rights of privacy or equal protection, this would not even be a close question.

I want to vote for a Chief Justice of the United States who I am confident has a judicial philosophy that appreciates the vital role of the judiciary in protecting the rights and liberties of all Americans. Chief Justice Marshall understood the essential function of the judiciary as a check on Presidential power. Under his leadership, the Constitution's guarantee of an independent judiciary and the bedrock principle of judicial review became realities. But Chief Justice Roger Taney, who everybody said was a brilliant lawyer, led the Court in a different and destructive direction. He authored the Dred Scott decision which propelled the States toward Civil War by relying only on technical reasoning and an unjust holding that denied all African Americans the status of citizens.

Contrast that with Chief Justice Earl Warren. He led the Supreme Court and the Nation in a crowning achievement when he forged the unanimous decision in Brown v. Board of Education and breathed life into the equal protection guarantee of the 14th amendment and put a stop to segregation in this country, which will always be a blot on our national conscience.

The President has asked that this nomination be handled with fairness and dignity. No matter how we vote, the Judiciary Committee has met those standards. Our committee held a hearing on the merits. I worked with the chairman to expedite the committee's consideration of the nomination of John Roberts to the Supreme Court out of respect to Justice O'Connor and the work of the Court.

Fewer than 36 hours after the announcement of the passing of Chief Justice Rehnquist and during the horrific aftermath in the week following Hurricane Katrina, the President withdrew that nomination to be Associate Justice. Thereafter, we were sent this alternative nomination for Judge John Roberts to become the Chief Justice of the United States. Again, I cooperated with Chairman SPECTER in an accelerated consideration of this nomination.

I wish we had had as much cooperation coming from the administration. Although we started off well with some early efforts at consultation after Justice O'Connor's retirement announcement in early July, that consultation never blossomed into meaningful discussions. It was truncated after a bipartisan meeting with Senate leaders at the White House. The President did not share his thinking with us or his plans, although that would be the nature of true consultation. His naming of Judge Roberts as his choice to replace Justice O'Connor came as a surprise, not as something that came resulted from meaningful consultation.

He then preemptively announced that he decided to withdraw that nomination and, instead, nominated Judge Roberts to succeed Chief Justice Rehnquist. He did so at 8 a.m. on the Monday morning following the announcement on the previous Saturday night of the Chief's passing. There could and should have been consultation with the Senate on the nomination of somebody to succeed Chief Justice Rehnquist and to serve as the 17th Chief Justice of the United States. For that position as Chief Justice there was no consultation. In fact, I learned about the President's decision shortly before his televised announcement Monday morning.

I think the administration committed another disservice to this nomination and, especially to this nominee, by withholding information that has traditionally been shared with the Senate. The administration treated Senators' requests for information with little respect. Instead, for the first time in my memory, they grafted exceptions from the Freedom of Information Act to limit their response to legitimate requests from Senators for information.

In fact, they stonewalled entirely the narrowly tailored request for work papers from 16 of the cases John Roberts handled when he was the principal deputy to Kenneth Starr at the Solicitor General's office during the President's father's administration. The precedent from Chief Justice Rehnquist's hearing and others, of course, goes the other way.

Previous Presidents have paid the appropriate respect and acknowledgment to the Senate and to the constitutional process by working with the committee to provide such materials. Accordingly, it is understandable if a Senator were to vote against the President's nomination on this basis alone.

I must also say that some of my friends on the other side of the aisle disserved the confirmation process by urging the nominee not to answer questions or reveal his judicial philosophy during the course of the hearing. One notable exception was the chairman of the committee. I appreciate Senator SPECTER's commitment to the role of the Senate and his taking our duty to advise and consent as seriously as it deserves to be taken. Regrettably, many of the answers of the nominee seemed to take to heart the bad advice that he had heard from the other side.

Finally, I believe the nominee disserved himself by following the script that he developed while serving in the Reagan administration. He and this administration rejected the spirit of Attorney General Jackson's opinion that with respect to Senate consideration of nominations, no person shall be submitted ''whose entire history will not stand light.'' The nominee took a narrow judicial ethics rule correctly limiting what a judge or judicial nominee should say about a particular case—I agree with him on that—and turned it into a broad excuse from comments on any issue that might arise at any time, in any case. He apparently rejected the Supreme Court's

holding in 2002, in Republican Party of Minnesota v. White, in which Justice Scalia held that a State canon limiting judicial candidates from announcing their views on legal and political issues was unconstitutional.

By contrast, however, the public witnesses who appeared last Thursday were extraordinarily helpful in underscoring what is at stake for all Americans with this decision. No one who heard Congressman John Lewis, Wade Henderson, and Judge Nathaniel Jones can doubt the fundamental importance of our refusal to retreat from our Nation's commitment to civil rights. This Nation can never retreat from that commitment to civil rights or we fail as a nation.

The testimony of Coach Roderick Jackson and Beverly Jones reminded us how courageous Americans are still opening doors and going to our courts to right wrongs. The testimony of Anne Marie Talman of MALDEF reflected what is at stake when alien children are denied education and benefits that should be available to every child in America.

We had a dignified and fair process. Again, I commend Chairman SPECTER and those members of the committee on both sides of the aisle who did not prejudge the matter and who did not seek to politicize the process.

The hearings did provide the committee with some information. I was encouraged by Judge Roberts' answer to my question about providing the fifth vote needed to stay an execution when four other justices vote to review a capital case. That has not always been the practice of late. He was right to recognize the illogic—if not the injustice—of having the necessary votes to review the case but lacking the necessary vote to allow that review to take place, especially a review that takes place when someone's life is in the balance.

I hope the nominee will take up our suggestion to allow greater access to the Supreme Court's proceedings by authorizing their being televised. I will work with him and Chairman SPECTER and Senator GRASSLEY to increase transparency in the work of the increasingly important FISA court. This is the foreign intelligence surveillance court that acts in secret, with very little oversight—certainly precious little oversight in the past few years—from the Senate. Only recently have we begun to ask the questions we should have been asking.

I also urge him to consider ways to decentralize the power accumulated to the Chief Justice so that the Judicial Conference, the circuit courts, and others can do more. I encourage him to reform the recusal procedures and conflict-of-interest protections at all levels of the judiciary but in particular with regard to the Supreme Court itself. Perhaps what many have said were his own missteps in connection with his interviewing for this nomination during its consideration of the Hamdan case will inspire him to greater efforts in this important regard.

As a young man, Judge Roberts clerked for Judge Henry Friendly of the U.S. Court of Appeals for the Second Circuit. That is my circuit, a circuit I have been proud to argue before. The Second Circuit has been home to a number of leading judicial lights; certainly, Henry Friendly was among them. I hope he is going to be faithful to Judge Friendly's fairness and thoughtfulness, something all of us in that circuit respected.

I made no secret of my concerns about this nomination. In advance of the hearing, I met twice with Judge Roberts, and for nearly 3 hours in all I raised my concerns. I provided him additional opportunities to respond during the hearing. This is not a case of ''gotcha.'' This is a case of finding out how he thinks and who he is.

I told him I was concerned that he would not act as an effective check on the abuse of presidential power. Judge Roberts' work in the Reagan and Bush Justice Departments, as well as his former period in the Reagan White House, seems to have led him to a philosophy of significant deference to presidential authority. It is exhibited in his recent decisions in the Hamdan, Acree, and Chao cases, among others. Maybe this deference was a principal basis on which the President chose him. None of us know.

But I did learn other things. I learned, throughout the process, that Judge Roberts and I share admiration for Justice Robert Jackson. Justice Jackson's protection of fundamental rights, including unpopular speech under the first amendment—of course, popular speech never needs protection; it is the unpopular speech that needs protection—and his willingness to serve as a check on presidential authority are among the finest actions by any Justice in our history.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LEAHY. Mr. President, I ask unanimous consent for 10 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. When Judge Roberts testified about his respect for Justice Jackson, I hoped it was a signal he was sending. I actually posed that question to him and asked him if he was sending us a signal.

I accept his assurance that he will act as an independent check on the President in the mold of Justice Jackson and that when he joins the Supreme Court, he will no longer heavily defer to presidential authority. It is one of the crucial roles of the Court, and I take him at his word that he will do so.

This is a fundamental question. We know that we are in a period in which the executive has a complicit and, some would say, compliant Republican Congress that refuses to serve as a check or balance. Without the courts to fulfill that constitutional role, excess will continue, and the balance will be tilted.

The other dimension of the fundamental balance of constitutional powers involves appropriate deference to congressional action taken by the people's elected representatives. The manner and techniques Judge Roberts has used while in the executive, private practice, and while briefly on the DC Circuit, show him to require an unrealistic exactitude in drafting laws that no collective body could ever meet, especially one of 535 people. I wish he had served in Congress or worked for a time in Congress so he would have a deeper understanding of the legislative process. I hope that his experience during the hearing and the many questions from Senators of both sides of the aisle have helped to increase his appreciation for congressional authority and its importance.

I believe the current activism of the Supreme Court must be curtailed. I hope that will not be a part of Chief Justice Rehnquist's legacy that John Roberts seeks to continue. Congress acts to protect the interests of Americans through the commerce clause, spending powers and the 14th amendment. That has to be respected. I am encouraged by his assurances that he will respect congressional authority.

My reading of his dissent from the denial of rehearing en banc of the Rancho Viejo v. Norton case, in which he made the ''hapless toad'' reference, is that he urged rehearing to ''afford the opportunity to consider alternative grounds for sustaining application of the Act.'' Indeed, his steadfast reliance on the Supreme Court's recent Raich decision as significant precedent contravening further implications from Lopez and Morrison was intended to reassure us that he would not join the assault on congressional authority under the commerce clause. I heard him, and I rely on him to be true to the impression he created.

As a lawyer, John Roberts has been significantly involved in the development of Supreme Court authority limiting the authority of Congress under its constitutional spending powers. He argued before the Supreme Court in the 1980s, 1990s, and in this decade in a series of cases—South Dakota v. Dole, Wilder v. Virginia Hospital Association, Suter v. Artist M., and Gonzaga University v. Doe—in which he talked about narrowing Congress's spending powers and limiting the ability of individuals to sue to compel the protections Congress required under Federal law.

His briefs in Gonzaga adopted the extreme view that spending power enactment was a contract between the State and Federal Governments and that the intended beneficiaries of those programs had no rights to sue to enforce the commitments, even when states were violating the law and the Federal government was not effectively enforcing it. I questioned him extensively on

that. At the hearing, he took pains to assure me and Senator FEINSTEIN, among others, that as Chief Justice, he would not continue to urge additional restrictions and would respect congressional authority. To do otherwise would greatly undermine Congress's ability to serve the interests of all Americans and protect the environment, assure equal justice, provide health care and other basic benefits. I think he knows that now.

From the initial questioning by Chairman SPECTER, throughout the testimony of the nominee, many Senators asked about the fundamental reproductive rights of women. He testified that he now recognizes Roe v. Wade and Planned Parenthood v. Casey as established precedents of the Supreme Court and entitled to respect.

He testified that he interprets the liberty protected by the due process clause of the 14th amendment as the constitutional bedrock of the right of privacy, both substantive and procedural. Here, too, within the overly strict confines of his own self-imposed constraints on his answers, he consciously created the impression that he would not be a judicial activist on this essential point. He left me with the understanding that he would not seek to overrule or undercut the right of a woman to choose. I trust that he is a person of honor and integrity, that he will act accordingly.

As Chief Justice, John Roberts would not be only an appointee of a Republican administration or a legal advocate for a narrow interest. As Chief Justice, he has to be able to check the abuse of presidential power. As Chief Justice, he must support congressional efforts to serve the interests of all Americans. As Chief Justice, he has to work to ensure that the Federal courts, and the Supreme Court in particular, are halls of justice where Americans such as Beverly Jones and Roderick Jackson and Christine Franklin can see and find redress for grievances, meaningful remedies for the violation of their rights, and protection of their fundamental interests.

Justice White wrote in the Franklin case:

> From the earliest years of the Republic, the Court has recognized the power of the Judiciary to award appropriate remedies to redress injuries actionable in court.

As Chief Justice, John Roberts has to ensure that the Supreme Court and all Federal courts never ''abdicate our historic judicial authority to award appropriate relief in cases brought in our court system.''

Supreme Court Justices decide what cases to decide. They consciously shape the direction of the law by choosing which cases to hear as well as how they are to be decided. We know he believes in the rule of law. I was impressed when he talked about why he went to law school—because he believes in the rule of law. That was the same reason that I went to Georgetown Law School. But court decisions—and especially Supreme Court decisions—are not mechanical applications of neutral principles. If they were, all judges would always reach the same results for the same reasons. But they don't. Legal decisions are not mechanical. They are matters of judgment and often matters of justice.

As Chief Justice, John Roberts is responsible for the way in which the judicial branch administers justice for all Americans. He must know, in his core, in his heart, in his whole being, the words engraved in the Vermont marble on the Supreme Court building are not just ''under law'' but ''equal justice under law.'' It is not just the rule of law that he must serve but the cause of justice under our great charter.

I heard days of testimony and held hours of meeting with Judge Roberts. I would have liked more information, of course. I always want more.

Is a ''no'' vote the easier, more popular one? Of course. For me it would be. But in my judgment, in my experience, but especially my conscience, I find it is better on this nomination to vote yes than no. Ultimately, my Vermont roots have always told me to go with my conscience, and they do so today.

Judge Roberts is a man of integrity. I can only take him at his word that he does not have an ideological agenda. For me, a vote to confirm requires faith that the words he spoke to us have meaning. I can only take him at his word that he will steer the Court to serve as an appropriate check of potential abuses of Presidential power.

I respect those who have come to different conclusions, and I readily acknowledge the unknowable at this moment, that perhaps they are right and I am wrong. Only time will tell. All of us will vote this month, but only later will we know if Judge Roberts proves to be the kind of Chief Justice he says he will be, if he truly will be his own man. I hope and trust that he will be.

I will vote for his confirmation. I will give my consent as a Senator.

I yield the floor, and 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. CORNYN. 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. CORNYN. Mr. President, I ask unanimous consent that I be allowed 15 minutes to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF JOHN ROBERTS

Mr. CORNYN. Mr. President, while the Senator is leaving the floor, I wish to say to the ranking member of the Judiciary Committee how much I appreciate his decision. I know how seriously he has weighed his decision whether to vote to confirm John Roberts as Chief Justice of the United States. I believe we are at our best in this body when we set aside our differences that come from our partisan affiliation. The fact that some of us are Republicans and some are Democrats is a fact of life, and we have to work within our political system to try to solve America's problems the best we can. But I do believe we are at our best when we rely upon the principles and the values that bind us together rather than those that distinguish us and separate us as Senators.

I must confess that yesterday I was more than a little bit disappointed when the distinguished Democratic leader announced that he would vote no on this nomination. Clearly, it is within his right and prerogative, as it is within any Senator's right and prerogative to vote as they see fit. But I guess what struck me was the fact that at the same time he announced he would vote no, he called Judge Roberts an ''excellent lawyer'' and ''a thoughtful, mainstream judge'' who may make ''a fine Supreme Court Justice.''

These were words quoted in today's editorial in the Washington Post entitled, ''Words That Will Haunt.'' I guess what concerns me is you can be an excellent lawyer, you can be a thoughtful mainstream judge who may make a fine Supreme Court Justice, and yet because of the outside groups that demand allegiance to their positions that do not represent the mainstream of America, do not represent rational thought but, rather, the triumph over partisanship and special interest groups over the public interest, what worries me so much is that they seem to have such undue influence on the decisionmaking process of some Members when it comes to judicial confirmations.

Indeed, I believe it was because of the interest groups that we had several years of near meltdown when it came to the unprecedented use of the filibuster to block a simple up-or-down vote on the President's nominees, something that had never happened before that time in the 200 years of the history of the Senate, and particularly when it came to judicial confirmation votes.

I do want to address some of the concerns the distinguished ranking member, Senator LEAHY, raised because I do have a different view. Unfortunately, the formula that seems to be creating the theme here of consultation, questions, and documents is one that was foreshadowed in earlier news stories that said this was the strategy the outside groups were going to use in an attempt to defeat this nomination.

By that I mean—first on consultation—I know Senator LEAHY said he did not think consultation was adequate, but there was unprecedented consultation by the White House with Senators about the nomination, something that had never before occurred.

The President listened to ideas of Senators on both sides of the aisle about the type of person and individual he should nominate to the Supreme Court.

Ultimately, though, the Constitution provides the authority to choose to the President and the President alone. The Constitution does not contemplate the Senate being cochoosers of the nominee but, rather, the President making that choice and then the Senate providing advice and consent during this judicial confirmation process, ultimately leading up to an up-or-down vote on the Senate floor.

I am a little disappointed that in spite of this attempt to reach out more than halfway to the Senate, and particularly the minority in the Senate on consultation, the President's good efforts have been rejected as inadequate. But I don't see how any reasonable outside observer could reach that conclusion.

Second, the issue of questions. What kind of questions should a nominee answer? The standard for this was set in the early 1990s by Ruth Bader Ginsburg who was nominated by President Clinton and confirmed to the U.S. Supreme Court. While she was willing to talk about things she had written in the past, it was clear that she was going to draw a very important line in terms of sending signals or prejudging cases or issues that were likely to come back before the Court. It was using that same standard observed by not only Judge Ginsburg but Judge Breyer, who was confirmed after her—also a Clinton nominee—Thurgood Marshall, Sandra Day O'Connor, or William Rehnquist in his confirmation proceeding.

It is clear, as Judge Roberts said, that there is an ethical line that judges cannot cross, one of which is set by the American Bar Association Model Code on Judicial Ethics. It says clearly, in confirmation proceedings—I asked Judge Roberts during the Senate Judiciary Committee hearings—that applies to judicial confirmation hearings. So it would have been unethical to cross the line. And now some Senators insist Judge Roberts should have crossed the line when it came to answering certain types of questions that would ask him to prejudge certain issues and cases.

But there is also a constitutional standard because the independence of the judiciary is a core value of our form of government and of the American people. Who could feel that a judge was truly independent and fair who has already stated in a confirmation hearing how he would rule on an issue that later comes before the Supreme Court? Everyone recognizes that is not fair, that is not an independent judiciary. So I believe the judge drew an appropriate line from that standpoint as well.

Finally, there is the third prong of this three-prong attack laid out by the special interest groups long before Judge Roberts was even nominated and has to do with the documents issue. This has to do with documents prepared by the Solicitor General's Office as it prepared to represent the United States in the Supreme Court.

I asked Judge Roberts whether that sort of ability to have candid and confidential communications among the lawyers who are representing the United States was part of a recognized privilege that all lawyers and clients share, whether it is the Government or whether it is individuals, and he said it was.

In fact, a number of Senators on our Judiciary Committee were quite upset last year when it appears confidential documents written by their committee lawyer to those Senators were then published in the outside world, claiming their rights had been violated. If the Senators are entitled to have confidential communication from our own lawyers and our own staff without having it published in the outside world, then surely the President of the United States enjoys that same right and privilege.

This nominee has withstood in admirable form more than 20 hours of questions from members of the Senate Judiciary Committee. There were 32 witnesses who testified after he did, including the American Bar Association which has given him an A plus, so to speak, that considered him unanimously to be well qualified for this position. In the end, though, this nominee is probably better known to the Senate and the Senate Judiciary Committee than any nominee in recent history, having only 2 years ago been confirmed by unanimous consent to the District of Columbia Court of Appeals, what some have called the second highest court in the land.

I ask my colleagues who are bound and determined to vote against this nominee who, by most accounts, is one of the most impressive nominees and outstanding nominees who has ever been nominated to the Supreme Court, is there any nominee of this President for whom they could vote? I fear the answer to that is no, that for some of our colleagues, there is no nominee by this President to the U.S. Supreme Court for whom they could ever vote.

That should sadden and disappoint all of us because what it means is that the bitter partisan divisions that separate us in this body far too often and distract us from the important work we have been sent here by our constituents to do have triumphed over the constitutional obligation to provide advice and consent and to conduct our ourselves with civility and dignity and to resist the pressures of interest groups who cry out for the political scalp of not just this President but all of his nominees and discourage good men and women from being willing to answer the call to public service. If they know they are getting ready to be put through a sausage grinder, if they know everything they did and said would be examined and distorted even and in the end that the merit of their nomination would play second fiddle to bitter partisan politics, I fear there are good men and women who would like to answer the call to public service who will simply say no.

I am looking forward on Thursday to the Senate Judiciary Committee voting Judge Roberts out of the committee and his nomination coming to the floor. I hope our colleagues will study his background, the record created before the Judiciary Committee, and come to their own decision, without regard to politics, without regard to partisanship, and judge it solely on the merits. But particularly it is my earnest hope and plea they resist the cry of the outside special interest groups who care nothing about good government but only about their narrow special interests and are using these nominations, more than anything, to raise money by scaring people and by distorting the qualifications and credentials of good men and women such as John Roberts.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

ORDER OF PROCEDURE

Mr. BENNETT. Mr. President, I understand that under the order, we now go to the Agriculture appropriations bill. I have a few housekeeping details I would like to take care of on behalf of the leader, and then I ask unanimous consent that the senior Senator from Massachusetts be granted half an hour in which he may speak in morning business, with the understanding that we will then go back to the Agriculture appropriations bill without any other requests for morning business being honored.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. I thank the Chair.

RECOGNIZING THE LIFE AND ACCOMPLISHMENTS OF SIMON WIESENTHAL

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 245 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The journal clerk read as follows:

A resolution (S. Res. 245) recognizing the life and accomplishments of Simon Wiesenthal.

There being no objection, the Senate proceeded to consider the resolution.

Mrs. FEINSTEIN. Mr. President, I rise today to pay tribute to a man who dedicated himself to preserving the memory of the millions who perished in the Holocaust and to promoting human rights and preventing genocide.

Simon Wiesenthal lived through unimaginable tragedy and horror as a prisoner in Nazi concentration camps

during World War II. He survived the Holocaust and spent the next 60 years of his life tracking down the war criminals who had perpetrated terrible atrocities.

During the course of World War II, Simon Wiesenthal spent 4 years in a series of 12 concentration camps. He was a prisoner in the Mauthausen camp when it was liberated by the U.S. Army on May 5, 1945.

COL Richard Seibel who led the troops in liberating the camp described the horror that they found in a report to his superiors:

> Mauthausen did exist. Man's inhumanity to man did exist. The world must not be allowed to forget the depths to which mankind can sink, lest it should happen again.

Mr. Wiesenthal and his wife Cyla had been separated by the war but were reunited shortly after it ended. Between the 2 of them, 89 family members were killed.

They decided to start a family of their own and in 1946 had a daughter, Paulinka, who went on to have children and grandchildren of her own.

Also following the war, Mr. Wiesenthal went to work for the War Crimes Office run by the Americans. This was just the start to a lifelong mission to bring Nazi war criminals to justice.

He opened his own Historical Documentation Center to collect information on war criminals that was used to search them out and prosecute them for their heinous crimes. The evidence collected at the documentation center was used in prosecutions at the International Military Tribunal in Nuremberg in 1945 and 1946.

Credited with hunting down 1,100 major and minor Nazi war criminals since the end of World War II, Mr. Wiesenthal is most renowned for his role in the capture of Adolf Eichmann. Eichmann engineered Adolf Hitler's ''Final Solution of the Jewish Problem'' that led to the extermination of 6 million Jews as well as millions of non-Jews.

Eichmann was captured by Israeli agents in Argentina in 1960. Observed at trial in 1961, Mr. Wiesenthal later described his impression of Eichmann:

> In my mind I had built up the image of a demonic superman. Instead I saw a frail, nondescript, shabby fellow in a glass cell between two Israeli policement; they looked more colorful and interesting than he did. There was nothing demonic about him; he looked like a bookkeeper who was afraid to ask for a raise.

I am privileged to say that I did personally know Simon Wiesenthal. I received him in my home to raise money for the Wiesenthal Center in Los Angeles. I also met with him in Vienna where I saw his small, cramped office and voluminous files.

He was one of the most amazing people; he stayed the course, never gave up, and was the greatest Nazi hunter of our time.

Dedicated in 1977 to all of the 11 million people of different nationalities, races, and creeds who died in the Holocaust, the Simon Wiesenthal Center in Los Angeles promotes tolerance and understanding through community involvement, educational outreach and social action, and confronts important issues such as racism, anti-Semitism, terrorism, and genocide.

The center's founder and dean, Rabbi Marvin Hier said the following about Simon Wiesenthal's legacy:

> I think he'll be remembered as the conscience of the Holocaust. In a way he became the permanent representative of the victims of the Holocaust, determined to bring the perpetrators of the greatest crime to justice.

We have lost a leading voice for raising awareness and understanding of the Holocaust. It is imperative that his legacy and dedication to the millions who were killed because of their religion, race or nationality be remembered. We must do all that we can to ensure that human atrocities like this never happen again.

Let me conclude with Mr. Wiesenthal's own words:

> When history looks back, I want people to know that the Nazis weren't able to kill millions of people and get away with it. . . . If we pardon this genocide, it will be repeated, and not only on Jews. If we don't learn this lesson, then millions died for nothing.

Mr. KOHL. Mr. President, today the world has lost one of the great crusaders for justice, Simon Wiesenthal. After suffering through many Nazi death camps, he emerged from the war with a mission to bring the architects of the Holocaust and their collaborators to account for their crimes. Later in life his work was valuable for establishing the facts of the Holocaust and keeping the memory of the suffering of the victims of the Holocaust alive. Simon Wiesenthal was a valuable voice of conscience when many around the world wanted to ignore these horrible crimes and forget this awful period of the 20th century.

A successful Ukrainian architect before the war, when the Nazis invaded the Soviet Union, he was rounded up with his family and narrowly escaped death. He would spend the rest of the war in a variety of death and work camps. After the war he was eager to work with the Americans to bring Nazis and their collaborators to justice for their war crimes during the Holocaust. When the Allies seemed to tire of bringing former members of the Third Reich to justice, Simon Wiesenthal continued his work on his own, painstakingly researching and identifying members of the Gestapo and SS.

He may be most famously known as the man who found Adolf Eichmann, the organizer of Hitler's campaign to eradicate the Jews. Bringing Eichmann to justice was no doubt the most high profile of his successes, and he was able to use that spotlight to help him find and ferret out more criminals. In all he was involved in over 1,100 cases involving Nazi war criminals.

Mr. Wiesenthal did more than just round up the perpetrators of the most notorious mass killing in history. He also used his name recognition to fight against rising anti-Semitism in Europe and around the world. He sounded the alarm over rising neo-Nazi movements, and fought against their malicious influence. His work documenting the Holocaust and the testimony of survivors was ground breaking and has formed am important part of what we know about that tragic period and the people who survived it.

Mr. Wiesenthal has been seen as an important voice of justice, forcing the world to face a difficult reality about the evil in humans. His work laid bare the worst that man is capable of, but it also showed the importance of justice and the power of the human spirit.

Mr. LEVIN. Mr. President, today we mourn the passing of a great man whose name has become synonymous with the pursuit of justice, Simon Wiesenthal. Mr. Wiesenthal dedicated his life to finding and prosecuting Nazi war criminals, and he was extraordinarily successful at doing so. He was a passionate, courageous man waging an often lonely yet critical fight.

Born 96 years ago in what is now the Ukraine, Mr. Wiesenthal barely survived the unimaginable horrors of the Holocaust, emerging from a concentration camp at the end of the war weighing less than 100 pounds. Though the Nazis had not succeeded in taking his life, he had lost 89 members of his family.

Simon Wiesenthal took this incomprehensible grief and turned it into action, embarking on a lifelong quest to find Nazi war criminals and secure justice for their victims. He had already begun this work in the concentration camps, committing to memory details of his captors. After the war, he worked first for the U.S. Army's War Crimes Office and then opened the Jewish Historical Documentation Center in Linz, Austria in 1947, to continue that work on his own. The Center later moved to Vienna, where Mr. Wiesenthal worked every day in a small office building, surrounded by files, meticulously documenting and tracking the guilty. He worked in that office until last year, when his health would no longer permit it.

In his most prominent success, information from Wiesenthal led Israeli agents to capture Adolf Eichmann, the architect of Hitler's extermination campaign, in Argentina in 1960. Wisenthal's other high-profile arrests include Anne Frank's captor, Karl Silberbauer, and the commandant of the Treblinka and Sobibor camps, Franz Stangl. The vast majority of his work, though, was pursuing lesser-known and unknown Nazis and demanding accountability for their roles. In all, he is credited with bringing more than 1,100 Nazi war criminals to justice.

Those prosecutions not only brought punishment to the guilty but also affirmed to the world that justice, even when delayed, must always be done.

As we honor and thank Mr. Wiesenthal for the results of his work, we owe him a special debt for the way he went about that work. Despite his personal tragedy and despite the staggering scale of the atrocities, Mr. Wiesenthal sought, as he said, ''justice, not revenge.'' He broke the cycle of hate and elevated us all. Indeed, one of his strongest hopes was that his work would help us to rise above our history. As he said:

The history of man is the history of crimes, and history can repeat. So information is a defense. Through this we can build, we must build, a defense against repetition.

The 11 million victims of the Holocaust had no finer, more dedicated, more capable advocate than Simon Wiesenthal. The living had no finer example of a hero. Our only solace in his passing is that the 11 million Simon Wiesenthal spoke for can finally say to him today: ''Thank you for remembering us.''

Mr. SALAZAR. Mr. President, I rise today to honor Simon Wiesenthal, a remarkable man, a Holocaust survivor, who dedicated his life to the pursuit of justice and worked to prevent anti-Semitism and prejudice of all kinds.

After surviving imprisonment at five German concentration camps and escaping death several times, Mr. Wiesenthal continued to remember the 6 million people who lost their lives during the Holocaust by working to bring over 1,100 war criminals to justice. He pursued justice, not revenge. He demanded public trials, not secret executions.

He made sure society would remember those crimes against humanity so that future purveyors of ethnic cleansing would know that they could never escape retribution.

Mr. Wiesenthal earned the respect of those throughout the world, having many honors and awards bestowed upon him. He received decorations from the Austrian and French resistance movements, the Dutch Freedom Medal, the Luxembourg Freedom Medal, the United Nations League for the Help of Refugees Award, the French Legion of Honor and the U.S. Congressional Gold Medal which was presented to him by President James Carter in 1980.

Mr. Wiesenthal never questioned giving up his prewar trade of architecture. In a New York Times article in 1964, Mr. Wiesenthal described attending Sabbath services with a fellow camp survivor who had become a wealthy jeweler.

The man asked why Wiesenthal had not resumed architecture—his prewar trade—for it would have made him rich.

''You're a religious man,'' Wiesenthal told his friend. ''You believe in God and life after death. I also believe.''

''When we come to the other world and meet the millions of Jews who died in the camps and they ask us, 'What have you done?' there will be many answers. You will say, 'I became a jeweler.' Another will say, 'I smuggled coffee and American cigarettes.' Another will say, 'I built houses.'

''But I will say, 'I didn't forget you.'''

Thank you Mr. Wiesenthal for leaving an indelible mark on society. We owe you a debt of gratitude, and we will never forget you.

Mr. BENNETT. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 245) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 245

Whereas Simon Wiesenthal was born on December 31, 1908, to Jewish merchants in Buczacz, in what is now the Lvov Oblast section of the Ukraine;

Whereas after he was denied admission to the Polytechnic Institute in Lvov because of quota restrictions on Jewish students, Simon Wiesenthal received his degree in engineering from the Technical University of Prague in 1932;

Whereas Simon Wiesenthal worked in an architectural office until he was forced to close his business and become a mechanic in a bedspring factory, following the Russian army's occupation of Lvov and purge of Jewish professionals;

Whereas following the Germany occupation of Ukraine in 1941, Simon Wiesenthal was initially detained in the Janwska concentration camp near Lvov, after which he and his wife were assigned to the forced labor camp serving the Ostbahn Works, which was the repair shop for Lvov's Eastern Railroad;

Whereas in August of 1942, Simon Wiesenthal's mother was sent to the Belzec death camp as part of Nazi Germany's ''Final Solution'', and by the end of the next month 89 of his relatives had been killed;

Whereas with the help of the Polish Underground Simon Wiesenthal was able to help his wife escape the Ostbahn camp in 1942, and in 1943 was himself able to escape just before German guards began executing inmates, but he was recaptured the following year and sent to the Janwska camp;

Whereas following the collapse of the German eastern front, the SS guards at Janwska took Simon Wiesenthal and the remaining camp survivors and joined the westward retreat from approaching Russian forces;

Whereas Simon Wiesenthal was 1 of the few survivors of the retreat to Mauthausen, Austria and was on the brink of death, weighing only 99 pounds, when Mauthausen was liberated by American forces on May 5, 1945;

Whereas after surviving 12 Nazi prison camps, including 5 death camps, Wiesenthal chose not to return to his previous occupation, and instead dedicated himself to finding Nazi war criminals and bringing them to justice;

Whereas following the liberation of Mauthausen, Simon Wiesenthal began collecting evidence of Nazi activity for the War Crimes Section of the United States Army, and after the war continued these efforts for the Army's Office of Strategic Services and Counter-Intelligence Corps;

Whereas Simon Wiesenthal would also go on to head the Jewish Central Committee of the United States Zone of Austria, a relief and welfare organization;

Whereas Simon Wiesenthal and his wife were reunited in 1945, and had a daughter the next year;

Whereas the evidence supplied by Wiesenthal was utilized in the United States Zone war crime trials;

Whereas, after concluding his work with the United States Army in 1947, Simon Wiesenthal and others opened and operated the Jewish Historical Documentation Center in Linz, Austria, for the purpose of assembling evidence for future Nazi trials, before closing the office and providing its files to the Yad Vashem Archives in Israel in 1954;

Whereas despite his heavy involvement in relief work and occupational education for Soviet refugees, Simon Wiesenthal tenaciously continued his pursuit of Adolf Eichmann, who had served as the head of the Gestapo's Jewish Department and supervised the implementation of the ''Final Solution'';

Whereas in 1953, Simon Wiesenthal acquired evidence that Adolf Eichmann was living in Argentina and passed this information to the Government of Israel;

Whereas this information, coupled with information about Eichmann's whereabouts in Argentina provided to Israel by Germany in 1959, led to Eichmann's capture by Israeli agents, trial and conviction in Israel, and execution on May 31, 1961;

Whereas following Eichmann's capture, Wiesenthal opened a new Jewish Documentation Center in Vienna, Austria, for the purpose of collecting and analyzing information to aid in the location and apprehension of war criminals;

Whereas Karl Silberbauer, the Gestapo officer who arrested Anne Frank, Franz Stangl, the commandant of the Treblinka and Sobibor concentration camps in Poland, and Hermine Braunsteiner, who had supervised the killings of several hundred children at Majdanek, are among the approximately 1,100 war criminals found and brought to justice as a result of Simon Wiesenthal's investigative, analytical, and undercover operations;

Whereas Simon Wiesenthal bravely forged ahead with his mission of promoting tolerance and justice in the face of danger and resistance, including numerous threats and the bombing of his home in 1982;

Whereas the Simon Wiesenthal Center was established in 1977, to focus on the prosecution of Nazi war criminals, commemorate the events of the Holocaust, teach tolerance education, and promote Middle East affairs;

Whereas the Simon Wiesenthal Center monitors and combats the growth of neo-Nazi activity in Europe and keeps watch over concentration camp sites to ensure that the memory of the Holocaust and the sanctity of those sites are preserved;

Whereas the Simon Wiesenthal Center played a pivotal role in convincing foreign governments to pass laws enabling the prosecution of Nazi war criminals;

Whereas throughout his lifetime, Simon Wiesenthal has had many honors and awards bestowed upon him, including decorations from the Austrian and French resistance movements, the Dutch Freedom Medal, the Luxembourg Freedom Medal, the United Nations League for the Help of Refugees Award, the French Legion of Honor, and the United States Congressional Gold Medal, which was presented to him by President James Carter in 1980;

Whereas President Ronald W. Reagan once remarked, ''For what Simon Wiesenthal represents are the animating principles of Western civilization since the day Moses came down from Sinai: the idea of justice, the idea of laws, the idea of the free will.'';

Whereas President George H. W. Bush has stated that Simon Wiesenthal, ''is our living embodiment of remembrance. The two pledges of Simon Wiesenthal's life inspire us all — 'Never forget' and 'Never again'.'';

Whereas President William Clinton has remarked of Simon Wiesenthal, ''To those who know his story, one of miraculous survival and of relentless pursuit of justice, the answer is apparent. From the unimaginable horrors of the Holocaust, only a few voices survived, to bear witness, to hold the guilty accountable, to honor the memory of those who were killed. Only if we heed these brave voices can we build a bulwark of humanity against the hatred and indifference that is still all too prevalent in this world of ours.''; and

Whereas, at the end of a life dedicated to the pursuit of justice and advocacy for victims of the Holocaust, Simon Wiesenthal passed away on September 20, 2005, at the age of 96: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its most sincere condolences to the family and friends of Simon Wiesenthal;

(2) recognizes the life and accomplishments of Simon Wiesenthal, who, after surviving the Holocaust, spent more than 50 years helping to bring Nazi war criminals to justice and was a vigorous opponent of anti-Semitism, neo-Nazism, and racism; and

(3) recognizes and commends Simon Wiesenthal's legacy of promoting tolerance, his tireless efforts to bring about justice, and the continuing pursuit of these ideals.

IRAN NONPROLIFERATION ACT OF 2000

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of S. 1713, 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 assistant legislative clerk read as follows:

A bill (S. 1713) to make amendments to the Nonproliferation Act of 2000 related to International Space Station payments.

There being no objection, the Senate proceeded to consider the bill.

Mr. LUGAR. Mr. President, on September 15 I introduced a bill to amend the Iran Nonproliferation Act of 2000, Public Law 106–178. The bill, S. 1713, provides authority for the administration to continue to cooperate with the Russian Federation on the International Space Station.

Current law prohibits certain payments from being made to Russia. When Congress enacted the Iran Nonproliferation Act, INPA, it did so to provide the President with a means to address proliferation of ballistic missile-related and other dangerous dual-use technology to Iran. Congress passed and the President signed legislation designed to give the executive branch additional tools with which to address Russian proliferation and the proliferation of other countries that are transferring dangerous weapons technology to Iran. The legislation was also meant to enhance significantly the ability of Congress to monitor proliferation to Iran and oversee executive efforts to combat it.

With regard to Russia, at the time of its enactment, the rationale for INPA restrictions on payments to Russia for cooperation on the International Space Station was that the Russian Aviation and Space Agency, RASA, could use any legal or operational authority it may have had over certain organizations and entities that might be proliferating to Iran to stop such activities.

I continue to believe that Russia must prevent proliferation to Iran of weapons of mass destruction, their means of delivery and the technical know-how to make them.

The bill I introduced last week does not condone the proliferation activities of Russian entities nor those of others proliferating to Iran. It does allow the United States to meet its obligations under the Agreement Concerning Cooperation on the Civil International Space Station. While it creates an exception for certain U.S. payments to Russia in support of the space station, it also mandates that Congress be kept aware of the specific Russian entities to which the United States makes payments, and that the President determine that such payments are not prejudicial to our nonproliferation policies with respect to cruise and ballistic missile proliferation to Iran or other state sponsors of terrorism.

Since the introduction of S. 1713, a question has arisen as to which agreements might be negotiated under its authority that could, in fact, obligate the United States to make payments beyond the date specified in section 3 of that bill. It is my intention that no payments may be made after January 1, 2012. Also, I understand that NASA intends to accelerate its crew exploration vehicle, CEV, program so as to avoid any complications that might arise as a result of continued U.S. utilization of Russian-provided technology during the period between the shuttle's retirement and the CEV becoming operational.

I want to thank all my colleagues for their cooperative consideration of this bill. I urge the Senate to pass S. 1713.

Mr. BENNETT. 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 measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1713) was read the third time and passed, as follows:

S. 1713

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 ''Iran Nonproliferation Amendments Act of 2005''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The Director of Central Intelligence's most recent Unclassified Report to Congress on the Acquisition of Technology Relating to Weapons of Mass Destruction and Advanced Conventional Munitions, 1 July Through 31 December 2003, states ''Russian entities during the reporting period continued to supply a variety of ballistic missile-related goods and technical know-how to countries such as Iran, India, and China. Iran's earlier success in gaining technology and materials from Russian entities helped accelerate Iranian development of the Shahab-3 MRBM, and continuing Russian entity assistance has supported Iranian efforts to develop new missiles and increase Tehran's self-sufficiency in missile production.''

(2) Vice Admiral Lowell E. Jacoby, the Director of the Defense Intelligence Agency, stated in testimony before the Select Committee on Intelligence of the Senate on February 16, 2005, that ''Tehran probably will have the ability to produce nuclear weapons early in the next decade''.

(3) Iran has—

(A) failed to act in accordance with the Agreement Between Iran and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons, done at Vienna June 19, 1973 (commonly referred to as the ''Safeguards Agreement'');

(B) acted in a manner inconsistent with the Protocol Additional to the Agreement Between Iran and the International Atomic Energy Agency for the Application of Safeguards, signed at Vienna December 18, 2003 (commonly referred to as the ''Additional Protocol'');

(C) acted in a manner inconsistent with its obligations under 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 (commonly referred to as the ''Nuclear Non-Proliferation Treaty''); and

(D) resumed uranium enrichment activities, thus ending the confidence building measures it adopted in its November 2003 agreement with the foreign ministers of the United Kingdom, France, and Germany.

(4) The executive branch has on multiple occasions used the authority provided under section 3 of the Iran Nonproliferation Act of 2000 (Public Law 106–178; 50 U.S.C. 1701 note) to impose sanctions on entities that have engaged in activities in violation of restrictions in the Act relating to—

(A) the export of equipment and technology controlled under multilateral export control lists, including under the Australia Group, Chemical Weapons Convention, Missile Technology Control Regime, Nuclear Suppliers Group, and the Wassenaar Arrangement or otherwise having the potential to make a material contribution to the development of weapons of mass destruction or cruise or ballistic missile systems to Iran; and

(B) the export of other items to Iran with the potential of making a material contribution to Iran's weapons of mass destruction programs or on United States national control lists for reasons related to the proliferation of weapons of mass destruction or missiles.

(5) The executive branch has never made a determination pursuant to section 6(b) of the Iran Nonproliferation Act of 2000 that—

(A) it is the policy of the Government of the Russian Federation to oppose the proliferation to Iran of weapons of mass destruction and missile systems capable of delivering such weapons;

(B) the Government of the Russian Federation (including the law enforcement, export promotion, export control, and intelligence agencies of such government) has demonstrated and continues to demonstrate a

sustained commitment to seek out and prevent the transfer to Iran of goods, services, and technology that could make a material contribution to the development of nuclear, biological, or chemical weapons, or of ballistic or cruise missile systems; and

(C) no entity under the jurisdiction or control of the Government of the Russian Federation, has, during the 1-year period prior to the date of the determination pursuant to section 6(b) of such Act, made transfers to Iran reportable under section 2(a) of the Act.

(6) On June 29, 2005, President George W. Bush issued Executive Order 13382 blocking property of weapons of mass destruction proliferators and their supporters, and used the authority of such order against 4 Iranian entities, Aerospace Industries Organization, Shahid Hemmat Industrial Group, Shahid Bakeri Industrial Group, and the Atomic Energy Organization of Iran, that have engaged, or attempted to engage, in activities or transactions that have materially contributed to, or pose a risk of materially contributing to, the proliferation of weapons of mass destruction or their means of delivery (including missiles capable of delivering such weapons), including efforts to manufacture, acquire, possess, develop, transport, transfer, or use such items.

SEC. 3. AMENDMENTS TO IRAN NONPROLIFERATION ACT OF 2000 RELATED TO INTERNATIONAL SPACE STATION PAYMENTS.

(a) TREATMENT OF CERTAIN PAYMENTS.—Section 7(1)(B) of the Iran Nonproliferation Act of 2000 (Public Law 106–178; 50 U.S.C. 1701 note) is amended by inserting after ''such date'' the following: '', except that such term does not mean payments in cash or in kind made or to be made by the United States Government, to meet the obligations of the United States under the Agreement Concerning Cooperation on the Civil International Space Station, with annex, signed at Washington January 29, 1998, and entered into force March 27, 2001, or any protocol, agreement, memorandum of understanding, or contract related thereto, to January 1, 2012''.

(b) REPORTING REQUIREMENTS.—Section 6 of such Act is amended by adding at the end the following new subsection:

''(i) REPORT ON CERTAIN PAYMENTS RELATED TO INTERNATIONAL SPACE STATION.—

''(1) IN GENERAL.—The President shall, together with each report submitted under section 2(a), submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report that identifies each Russian entity or person to whom the United States Government has, since the date of the enactment of the Iran Nonproliferation Amendments Act of 2005, made a payment in cash or in kind to meet the obligations of the United States under the Agreement Concerning Cooperation on the Civil International Space Station, with annex, signed at Washington January 29, 1998, and entered into force March 27, 2001, or any protocol, agreement, memorandum of understanding, or contract related thereto.

''(2) CONTENT.—Each report submitted under paragraph (1) shall include—

''(A) the specific purpose of each payment made to each entity or person identified in the report; and

''(B) with respect to each such payment, the assessment of the President that the payment was not prejudicial to the achievement of the objectives of the United States Government to prevent the proliferation of ballistic or cruise missile systems in Iran and other countries that have repeatedly provided support for acts of international terrorism, as determined by the Secretary of State under section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)), section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)), or section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)).''.

Mr. BENNETT. I thank the Chair. I now yield the floor so that the Senator from Massachusetts can make his statement.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I thank the chairman of the committee and the Senator from Utah for his courtesies. I know he is eager to get on with the legislation, and I am particularly grateful to him for the courtesy that he has extended this morning.

NOMINATION OF JOHN ROBERTS

Mr. KENNEDY. Mr. President, our Founders proclaimed the bedrock principle that we are all created equal. But everyone knows that when we started, the reality was far different. For more than two centuries, we have struggled, sometimes spilling precious blood, to fulfill that unique American promise. The goals, the principles, and the sacrifices of millions of Americans breathed an ever-fuller life into our constitutional ideals.

The Constitution itself has been the inspiration for this march of progress. The open-ended principles that our Founders had the wisdom to bequeath us have acquired ever-deepening meaning over the years—a remarkably steady movement toward greater protection for individual rights and liberties, and an increasing assurance that governments at all levels have the authority to defend ordinary Americans from overreaching by those who would discriminate against them or exploit them.

We have made much progress. But our work is not finished, and we still look to our elected representatives and our independent courts to uphold those founding principles in each new generation, to continue the great march of progress, to never turn back and never give up our hard-won gains.

This was the basic issue in our hearings on the nomination of John Roberts to become our next Chief Justice. Would he bring to that high office the values and ideals that would enable our struggle for equality and opportunity for all to continue, or would he stand in the way?

The only records made available to us were those of John Roberts as an aggressive activist in the Reagan administration, eager to limit basic values that we have achieved at great cost and sacrifice over the years, especially in basic areas such as voting rights, women's rights, civil rights, and disability rights. He is an outstanding lawyer who says he could represent clients on any side of a question. As Congressman JOHN LEWIS eloquently stated in our hearings, 25 years ago, John Roberts was on the wrong side of the Nation's struggle to achieve genuine equality of opportunity for all Americans. Now, we need to know which side he is on today. We need to know that as Chief Justice of the United States, his sole client would be all the American people.

John Roberts is a highly intelligent nominee. He has argued 39 cases before the Supreme Court and won more than half of them. He is adept at turning questions on their head while giving seemingly appropriate answers. These skills served him well as a Supreme Court advocate. These same skills, however, did not contribute to a reasonable confirmation process. At the end of the 4 days of hearings, we still know very little more than we knew when we started.

In answer to another question about his views, he stated again:

> I will confront issues in this area as I would confront issues in any area, . . . and that would be to fully and fairly consider the arguments presented and decide them according to the rule of law.

In yet another instance, he proclaimed:

> The responsibility of the judicial branch is to decide particular cases that are presented to them in this area according to the rule of law.

And again:

> I became a lawyer or at least developed as a lawyer because I believe in the rule of law.

The rule of law—everyone in the Senate agrees with that. In fact, we have each taken an oath of office to protect and defend the Constitution, and we take that oath seriously. But it reveals little about how we will vote on the important questions of the day, and what values and ideals we bring to our decisions.

Judge Roberts said that a judge should be like an umpire, calling the balls and strikes but not making the rules.

But we all know that with any umpire, the call may depend on your point of view. An instant replay from another angle can show a very different result. Umpires follow the rules of the game. But in critical cases, it may depend on where they are standing when they make the call.

The same holds true of judges.

As Justice Oliver Wendell Holmes famously stated:

> The life of the law has not been logic; it has been experience.

As Justice Stephen Breyer offered in his confirmation hearing:

> I always think law requires both a heart and a head. If you do not have a heart, it becomes a sterile set of rules, removed from human problems, and it will not help. If you do not have a head, there is the risk that in trying to decide a particular person's problem in a case that may look fine for that person, you cause trouble for a lot of other people, making their lives yet worse.

The rule of law is not some mathematical formula for meting out justice. It is our values and ideals that give it real meaning in the case of the Constitution, not our personal values and ideals but our values and ideals, derived from the meaning of the constitutional text.

We all believe in the rule of law. But that is just the beginning of the conversation when it comes to the meaning of the Constitution. The Constitution of Justice Scalia and Justice Thomas is a very different document from the Constitution of Justice Stevens and Justice Souter. Everyone follows the same text. That is the rule of law. But the meaning of the text is often imprecise. You must examine the intent of the Framers, the history, and the current reality. And this examination will lead to very different outcomes depending on each Justice's constitutional world view. Is it a full and generous view of our rights and liberties and of government power to protect the people, or a narrow and cramped view of those rights and liberties and the government's power to protect ordinary Americans?

Based on the record available, there is clear and convincing evidence that Judge Roberts' view of the rule of law would narrow the protection of basic voting rights. The values and perspectives displayed over and over again in his record cast large doubts on his view of the validity of laws that remove barriers to equal opportunity for women, minorities, and the disabled. His record raises serious questions about the power of Congress to pass laws to protect citizens in matters that they care about.

In fact, there is nothing in the record to indicate otherwise. For all the hoopla and all the razzle-dazzle, the record is no different in its bedrock substance than it was the day the hearings started.

When Senator KOHL and others asked Judge Roberts whether he would disavow any of the positions he took over the years, he refused to do so. On the first day of the hearing, Senator KOHL asked, ''Which of those positions were you supportive of, or are you still supportive of, and which would you disavow?'' in order to try to determine what his views are today. Judge Roberts never provided a clear response.

In the area of voting rights, he has a long and detailed record of strong opposition to section 2 of the Voting Rights Act, which is widely acknowledged by scholars and civil rights experts to be one of the most powerful and effective civil rights laws ever enacted. It outlaws voting practices that deny or dilute the right to vote based on race, national origin, or language minority status—and is largely uncontroversial today. Before it was passed, there had not been a single African American elected since Reconstruction from seven of the Southern States with the greatest of African-American populations.

But in 1981 and 1982, Judge Roberts was one of a small group of attorneys in the Justice Department urging the administration to oppose a strong section 2, which allowed discrimination to be proved by demonstrating its results, not just its intent. Although Judge Roberts sought to characterize his opposition to this critical amendment as simply following the policy of the Reagan administration, the dozens of memos he wrote on this subject show that he personally believed the administration was right to oppose the ''effects test.''

In fact, he pressed to keep others from changing their minds about opposing the law. When the Assistant Attorney General for the Civil Rights Division Brad Reynolds raised concerns about sending the Senate a letter on this issue, John Roberts urged the Attorney General to send it, stating that ''my own view is that something must be done to educate the Senators on the seriousness of this problem. . . .'' Of course, the problem he saw was the amendment, not the discrimination it was designed to end.

He also urged the Attorney General to assert his leadership against the amendment to section 2. He wrote that the Attorney General should ''head off any retrenchment efforts'' by the White House staff who were inclined to support the amendment. He consistently urged the administration to require voters to bear the heavy burden of proving discriminatory intent in order to overturn practices that locked them out of the electoral process.

Judge Roberts clearly knew that his position would make it harder for voters to overturn restrictive voting laws. As he wrote at the time, ''violations of section 2 should not be made too easy to prove. . . .'' That was his quote, remember, when he wrote this there were no African Americans elected to Congress from the States with the largest Black populations, and only 18 in Congress overall. And there were only 6 Latinos in Congress. There is no indication in any of his writings on the Voting Rights Act that he was the least bit troubled by this obvious discrimination.

The year after section 2 was signed into law, Judge Roberts wrote in a memo to the White House counsel that ''we were burned'' by the Voting Rights Act legislation, even though it was signed by President Ronald Reagan.

Given his clear record of hostility to this key voting rights protection, the public has a right to know if he still holds these views. But Judge Roberts gave us hardly a clue.

When I asked him if he holds these views today, he refused to answer. He repeatedly tried to characterize his views as the views of the administration. He declined to say whether he agreed with them—then or now. That answer strains credibility, when the memos themselves declare: ''my own view is that something must be done. . . .''

In fairness, he did concede that he no longer believes that section 2 is, to use his words from the 1980s, ''constitutionally suspect.'' But the fact that it took almost 20 minutes for him to provide this obvious answer to a straightforward yes-or-no question is not reassuring.

Both Senator FEINGOLD and I tried to find out whether he came to agree with the strengthened Voting Rights Act after President Reagan signed it into law.

Even when Senator FEINGOLD asked whether Judge Roberts would acknowledge today that he had been wrong to oppose the effects test, he refused to give a yes-or-no answer.

Senator FEINGOLD asked:

> What I'm trying to figure out is, given the fact that you've followed this issue for such a long time, I would think you would have a view at this point about . . . whether the department was right in seeking to keep the intent test or whether time has shown that the effects test is really the more appropriate test.

Judge Roberts responded:

> I'm certainly not an expert in the area and haven't followed and have no way of evaluating the relative effectiveness of the law as amended or the law as it was prior to 1982.

So we still don't know whether he supports the basic law against voting practices that result in denying voting rights because of race, national origin, or language minority status.

You don't need to be a voting rights expert to say we are better off today in an America where persons of color can be elected to Congress from any State in the country, as opposed to the America of 1982, in which no African American had been elected to Congress since Reconstruction from Mississippi, Florida, Alabama, North Carolina, South Carolina, Virginia, or Louisiana, because restrictive election systems effectively denied African Americans and other minorities the equal chance to elect representatives of their choice. In these States, African Americans were a third or more of the population, but they were effectively blocked from electing any candidate of their choice decade after decade throughout the 20th century.

Yet Judge Roberts repeatedly refused to give even this simple reassurance about the act. Is that what he means by the rule of law?

Another very important area in which Judge Roberts refused to disavow his long history of opposition to civil rights is the prevention of discrimination by recipients of Federal funds. These laws were adopted because, Congress believed, as President Kennedy said in 1963, that ''[s]imple justice requires that public funds, to which all taxpayers . . . contribute, not be spent in any fashion which encourages, entrenches, subsidizes, or results in . . . discrimination.'' As an assistant to Attorney General William French Smith, John Roberts argued that these important laws should be narrowed.

In fact, his position was even more extreme than the Reagan administration's. In 1981, he supported a recommendation to exempt institutions from civil rights laws if the only Federal financial assistance they received was in the form of loans to their students. Under this view, the enormous subsidies the Federal Government

gives to colleges and universities in the form of Federal financial aid would not have been enough to require them to obey the laws against discrimination. Can you imagine that? Those were just the type of things that President Kennedy was addressing. These are the universities, the colleges that are getting all this help and assistance from grants and loans which are essential to the running of it. He said oh, no, we are going to have to look at the other requirements. Because they get all these loans, it is still done meaning they have to conform to the nondiscrimination, title XI, the women, on hiring on race or the disabled. Let me continue.

At many private institutions, financial assistance to students was the only form of Federal aid, so Judge Roberts' suggestion would have left those institutions largely free to discriminate against women, the disabled, and minorities in both education and hiring.

In fact, Judge Roberts's position was so extreme that it was rejected by the Reagan administration and later by the Supreme Court. But in his testimony, Judge Roberts ignored this aspect of his record. He refused even to acknowledge that his past positions had gone beyond the administration's. Instead, he stated repeatedly that he was just doing his job.

He said:

I was articulating and defending the administration's position. . . . The position that the administration advanced was the one I just described. The universities were covered due to Federal financial assistance to their students. It extended to the admissions office.

That is an accurate statement of the administration's position but the view Judge Roberts advanced in his December 8, 1981, memo was quite different.

I also asked whether he still agreed with the statement he made in 1985, that ''[t]riggering coverage of an institution on the basis of its accepting students who receive Federal aid is not too onerous if only the admissions office is covered. If the entire institution is to be covered, however, it should be on the basis of something more solid than Federal aid to the students.''

Again and again, Judge Roberts refused to say whether he still agrees with those words. He said only, ''Well, Senator, the administration policy was as I articulated it. And it was my job to articulate the administration policy.''

That is no answer at all. I never asked about the policy of the Reagan administration. I asked only whether today, he still believed, or would disavow, his earlier position. Given his repeated refusal to answer, I can only conclude that he still holds those views today, given his failure to respond.

In other words, his position was the following: It really doesn't make a difference, if a university is getting financial aid through grants or through loans, that they can go ahead and discriminate if they are not going to discriminate in the admissions office. So if they do not discriminate in the admissions office, then they can discriminate in the other areas of the university.

That happened to be the holding in the Grove City case. The question was: Was that what the Congress meant when it said we were not going to provide funds and permit any entities to discriminate? The overwhelming majority in the House and the Senate said: That is what we intended. If they are going to get this aid and assistance through college loans and grants, they can't discriminate against women in sports, against hiring of black professors or against the disabled, overwhelmingly.

Not Judge Roberts, no, no. He wanted it program specific.

Say they had 15 in the admissions office, and if they didn't discriminate based on race, disability or against women, it doesn't make any difference what the rest of the university did.

That position was absolutely, completely rejected by the administration and overwhelmingly in a bipartisan way. We asked Judge Roberts now what his position still was on this issue, and we could not get an answer.

In addition, in response to questions from Senator BIDEN, Judge Roberts refused to say he no longer agrees with his former position that laws against discrimination should be narrowly interpreted to apply only in the parts of the institution that directly receive Federal funds. Under this view, a college that received Federal financial assistance through its admissions office could not discriminate in admissions, but it could discriminate in every other aspect of its operations—in hiring teachers, in instructing students, and in athletics. When Senator BIDEN reminded Judge Roberts that he had written in 1982 that he ''strongly agreed'' with this view, Judge Roberts never said he no longer holds that position. Instead he testified under oath, ''So if the view was strongly held, it was because I thought that was a correct reading of the law.'' Is that his view of the rule of law?

Another very important area in which Judge Roberts failed to give any reassurance was his position protecting women and girls against discrimination in educational programs under title IX. In the case of Franklin v. Gwinnett County, in 1991, Judge Roberts argued that title IX did not allow a high school girl who had been sexually abused by her teacher to recover damages. Judge Roberts' argument would have left the victim with no remedy at all.

Senator LEAHY asked him, ''Do you now personally agree with and accept as binding law the reasoning of Justice White's opinion in Franklin v. Gwinnett?'' Judge Roberts replied that, ''It certainly was a precedent of the court that I would apply under principles of stare decisis.''

That answer sounds reassuring, until you realize that Judge Roberts never answered whether he personally agreed with this unanimous decision of the Court.

Senator LEAHY offered Judge Roberts several chances to disavow his position in the Franklin case. He asked, ''Do you now accept that Justice White's position [in Franklin v. Gwinnett County] was right and the government's position was wrong?'' Judge Roberts replied again, ''I certainly accept the decision of the court—the 9 to 0 decision, as you say—as a binding precedent of the court. Again, I have no cause or agenda to revisit it or any quarrel with it.''

That also sounded reassuring, until I recalled that Justice Thomas repeatedly used the same words—''I have no quarrel with it''—to evade answers during his nomination hearing. Justice Thomas testified, for instance that he had ''no quarrel'' with the test established by the Supreme Court in the Lemon v. Kurzman case for analyzing claims under the first amendment's prohibition on the establishment of religion. But just 2 years later, Justice Thomas joined a dissent ridiculing the test and saying it should not be applied, and Justice Thomas has consistently opposed the Lemon test ever since.

I wonder why it was so difficult for Judge Roberts simply to say, ''Yes, in hindsight, I personally believe that Franklin v. Gwinnett was correctly decided, and that victims of intentional sex discrimination in educational programs do have a right to relief under title IX.'' Why was that so difficult an answer for Judge Roberts to give? Could it be that it was contrary to his view of the rule of law?

Judge Roberts's record is also one of consistent and long-standing opposition to affirmative action. In the 1980s, he urged the Reagan administration to oppose affirmative action. In the 1990s, in the administration of the first President Bush, he urged the Supreme Court to overturn a Federal affirmative action program. In private practice in the late 1990s and as recently as 2001, he litigated cases challenging affirmative action. That includes his repeated challenges to the Department of Transportation's disadvantaged business enterprise program, which has been upheld by every court that has reviewed it, and endorsed overwhelmingly by bipartisan majorities in the House and Senate.

On affirmative action, his view of the rule of law seems to be that established court precedents have little meaning, even though they have been found again and again to advance our progress on civil rights.

In 1981, he advocated abolishing race- and gender-conscious remedies for discrimination, although he admitted this position was in ''tension'' with the Supreme Court's opinion in United Steelworkers of America v. Weber, upholding affirmative action in employment—a case that had been decided only 2 years earlier. He wrote that the

administration did not see that opinion—Supreme Court opinion—as a ''guiding principle.''

In the same memos dealing with the Weber decision, Judge Roberts even suggested that the opinion might be overturned because of changes in the Court's composition.

Given his long and consistent opposition to affirmative action, Senators were entitled to seek some reassurance from the nominee that he would not use the power of the Chief Justice to continue his past efforts to end affirmative action.

I asked Judge Roberts:

Do you agree then with Justice O'Connor, writing for the majority, who gave great weight to the real-world impact of affirmative action policies in universities?

He stated:

I can certainly say that I do think that that is the appropriate approach, without commenting on the outcome or the judgment in a particular case. But you do need to look at the real-world impact in this area, and I think in other areas as well.

So he thinks that we should consider real world impact, but he never stated whether he agreed with Justice O'Connor that the University of Michigan case was correctly decided. On that issue, we don't know any more than we did before the hearing.

Senator FEINSTEIN also asked Judge Roberts his views on affirmative action, but he avoided her question as well. She asked, Do you personally subscribe, not to quotas, but to measured efforts that can withstand strict scrutiny?'' Judge Roberts replied, ''A measured effort that can withstand strict scrutiny is . . . a very positive approach.'' Well, that sounds as though he agrees, but then he also said, ''And I think people will disagree about exactly what the details should be.''

When Senator FEINSTEIN stated she specifically wanted to know his view of Grutter v. Bollinger, the University of Michigan case upholding affirmative action, Judge Roberts gave a long—answer that was no answer at all. ''In the Michigan case, obviously, you have I always forget whether it's the law school—but I think the law school program was upheld and the university program was struck down because of the differences in the program. But efforts to ensure the full participation in all aspects of our society by people, without regard to their race, ethnicity, gender, religious beliefs, all those are efforts that I think are appropriate.''

But of course, Senator FEINSTEIN had not asked about efforts to ensure participation without regard to race. She asked his view on a particular affirmative action program at the University of Michigan Law School that took race into account. We still do not know whether he agrees with that important Supreme Court decision. His refusal to tell us is very troubling.

I ask unanimous consent for 5 additional minutes.

Mr. BENNETT. Mr. President, I shall not object, but the junior Senator from Massachusetts is looking for time and we are anxious to get on to the bill. I will not object to the request for an additional 5 minutes, but I hope the Senator could, in fact, finish in that 5-minute time.

Mr. KENNEDY. I will try and do it in a shorter time.

I am also troubled by Judge Roberts' refusal to distance himself from his past criticism of the very important Supreme Court decision Plyler v. Doe that held that the basic principle of equal protection requires all school-age children to have the same access to public education, including the children of undocumented immigrants. In a very real sense, the Plyler decision is as important to the children of undocumented workers as the Brown decision is to African-American children. Yet Judge Roberts strongly criticized the decision. On the day the case was decided, he coauthored a memo criticizing the Solicitor General's office for failing to file a brief, arguing that these children could be denied public education.

Senator DURBIN asked Judge Roberts:

Did you agree with the decision . . . then? Or do you agree with the decision now?

Judge Roberts avoided the question, saying:

I haven't looked at the decision in the Plyler v. Doe in 23 years.

Senator DURBIN asked:

Is this settled law, as far as you are concerned, about our commitment in education . . . ?

Judge Roberts avoided this, saying he had not looked at the case recently, and that when he wrote the memo he was doing his job.

So we are left with nothing to reassure us he has changed his mind from his harsh criticism of that opinion in the past. His many statements of support for the rule of law yield no clue about his true convictions on this important question today.

Finally, a number of my colleagues on the committee asked Judge Roberts about issues related to women's rights, women's right to privacy. On these important matters, too, he never gave answers that shed light on his current views.

No one is entitled to become Chief Justice of the United States. The confirmation of nominees to our courts, by and with the advice of the Senate, should not require a leap of faith. Nominees must earn their confirmation by providing full knowledge of the values and convictions they will bring to the decisions that may profoundly affect our progress as a nation toward the ideal of equality.

Judge Roberts has not done so. His repeated allegiance to the rule of law reveals little about the values he would bring to the job of Chief Justice of the United States. The record we have puts at serious risk the progress we have made toward our common American vision of equality of opportunity for all of our citizens.

Supporting or opposing nominees in the Supreme Court should not be a partisan issue. In my 43 years in the Senate, I have supported more nominees for the Supreme Court by Republican Presidents than by Democratic Presidents, but there is clear and convincing evidence that Judge Roberts is the wrong choice for Chief Justice.

I oppose the nomination. I urge my colleagues to do the same.

Mr. BENNETT. Mr. President, the order now is that we go to the Agriculture appropriations bill. I ask unanimous consent the junior Senator from Massachusetts be allowed to speak for 15 minutes as in morning business.

The PRESIDING OFFICER (Mr. GRAHAM). Without objection, it is so ordered.

The Senator from Massachusetts.

Mr. KERRY. Mr. President, we all know there are few things the Senate does which are as important as confirming a Supreme Court Justice, let alone the Chief Justice of the United States. We know that making the decision to support or oppose the nomination is both serious and complicated. We do not need to belabor those points.

What we do need to talk about is what kind of process ought to occur, must occur, before a Senator can vote for or against a judicial nominee. What kind of information should be provided? What kind of discourse should we engage in?

I met with Judge Roberts last week. I must say I enjoyed our conversation enormously. He is earnest, friendly, incredibly intelligent, and on a personal level I liked him. He has dedicated his life to the law, has given back to the legal community, and is certainly beyond question a superb lawyer. It may turn out he will be an outstanding Chief Justice. But I can't say with confidence that I know on a sufficient number of critical constitutional issues how he would rule or what his legal approach would be. I have read memos he wrote during the Reagan administration. I have reviewed the limited materials available from his time in the Solicitor General's office, where he worked under Ken Starr, and then in private practice at Hogan and Hartson. I have read the cases he participated in on the DC Circuit. I have listened to as much of the Judiciary Committee hearings as I could and I have reviewed transcripts where I couldn't.

After all of that, I still find something essential is missing, something critical to our democratic process, something to ensure that we have an appropriate understanding of both our courts and our judges and their role in America. That understanding requires a genuine exchange of information and a real development of ideas, similar, in fact, to that which occurs in every argument at the Supreme Court itself or in the appellate courts.

In appellate arguments, judges and Justices question lawyers, probing the depth of their legal arguments, testing their particular legal argument against

the court's, or determining how it fits into their interpretation of the Constitution. They determine how interpretive principles apply and how they can reconcile apparently conflicting arguments. They make a judgment about the consequences of a potential outcome. The result in the end is a better understanding of the record before the court and, hopefully, a principled approach to deciding the case.

Judge Roberts' Judiciary Committee hearings, notwithstanding the efforts of the Chair and many other of the Senators partaking in it, continue an increasingly sterile confirmation process: little genuine legal engagement between the questioners and the questioned, no real exchange of information, and too little substantive discussion. The confirmation exercise has now become little more than an empty shell. People are left guessing, hoping they understand the nominee's positions.

The administration's steadfast refusal to disclose documents Judge Roberts worked on while serving as a Deputy Solicitor General in the first Bush administration has only compounded this problem. They claim disclosure of the documents will violate attorney-client privilege. I find that argument absurd. What client are they trying to protect? The Solicitor General represents the people of the United States of America. He is charged with arguing cases on behalf of all Americans. We were Judge Roberts' client when he worked in the Solicitor General's office. We have a right to know what he thought about the arguments he made on behalf of the American people.

When John Roberts served as a Deputy Solicitor General under Ken Starr, he was intimately involved in critical decisions that office made, such as whether to intervene in a pending case; what legal arguments to advance in support of their position; whether to push for Supreme Court review; what the consequences of those arguments or that action would be; how those arguments fit into their theory of constitutional interpretation, whether those arguments reflect the views of the American people—all of these decisions are critical to an individual's thinking, to their approach to the law, to their understanding of public trust and public responsibility, to their understanding of the Constitution itself. All of these decisions helped to shape how Federal law was applied and how our Constitution was interpreted during that period of time.

The fact is, there are bureaucrats, none of whom take an oath, as we do, to uphold the Constitution, who are aware of the contents of those particular memoranda. Yet we, the Senators, who are constitutionally obligated to give consent to this nominee, still do not know what positions Judge Roberts took, the arguments he made, or the thinking behind those arguments.

For example, the Solicitor General's office decided to intervene in Bray v. Alexandria Women's Health Clinic. That case was brought against abortion clinic protesters during the height of clinic violence and bombings. The plaintiffs argued that protesters were violating a Federal antidiscrimination law by blocking access to clinics and inciting violence. The Government intervened and argued that the Federal antidiscrimination law did not apply and, therefore, could not be used to stop the protesters.

Judge Roberts briefed and argued the case for the Government. I believe the arguments advanced by the Government and the consequences of those arguments are troubling, but what we do not know is even more important: What role did Judge Roberts play in making them? What did he think about that approach? Did he consider the consequences on life, limb, and individual? Did he argue for a more narrow or broad interpretation of the law?

At the same time, the Solicitor General's office intervened in a district court case in Wichita, KS, which raised the same issues that the Supreme Court in Bray was facing. The Government tried to get the district court to lift an injunction put in place to protect the safety of the clinic workers and patients. They argued that the plaintiffs could not win and, therefore, the injunction was improper. The district court denied the Government's request and chastised it for unnecessarily endangering people's lives. Those are the real consequences. We ought to know what kind of thinking, what were the legal approaches to the protection of those individuals' lives.

The question still remains, what role did Judge Roberts have in making that decision? What was the legal reasoning that prompted it? Did he consider the real-life dangers that would result from that legal argument?

The Solicitor General's office is never obligated to intervene in private litigation. There are thousands of cases pending every day like these questions. Why did the Government choose to intervene in those particular cases? And, even more importantly, what role did Judge Roberts have in making that decision?

The administration's refusal to disclose those documents, in my judgment, creates a serious roadblock in the Senate's ability to properly evaluate Judge Roberts. But Judge Roberts' refusal to genuinely engage in the confirmation hearings, answer legitimate questions, or at least shed light on them creates a bigger one.

I understand a Supreme Court nominee cannot answer questions about a case in controversy, cannot answer questions about a case that may well come before him, and I understand that he can't promise to resolve a future case in a particular way. I am not asking him to do that. I don't expect that to be the standard of the hearings.

But that does not mean you can't discuss the principles of decided cases and whether you agree with them. What legal principles do you bring to the job? It doesn't mean you should refuse to disclose an approach to constitutional analysis. It doesn't mean you should do nothing more than recite the status of current Supreme Court case law.

This is not the first time the Supreme Court nominees have refused to engage in that kind of meaningful discourse. Justice Souter refused to answer fundamental questions about his judicial philosophy. For that reason I voted against him at that time. I am happy to say I have been surprised, and pleasantly, that my concerns did not come to pass. Justice Thomas also refused to answer fundamental questions about judicial philosophy. As I said at the time, Justice Thomas found a lot of ways to say ''I don't know'' or ''I disagree'' or ''I cannot agree'' or ''I can't say whether I agree.'' I voted against Justice Thomas because again I didn't know what the end product was going to be. I believe I was correct in making that decision.

At the end of the day I find myself in the same position I was with both of these Justices. Notwithstanding Judge Roberts' impressive legal résumé, I can't say with confidence that I know what specific constitutional approach he believes in or what kind of Chief Justice he will be. Will he protect the civil rights and civil liberties we fought for so long and hard, which he acknowledged in the course of the hearings? Will he support the power of Congress to enact critical environmental legislation? Will he be an effective check on executive branch actions? In my judgment, before you vote for Chief Justice, particularly one who may lead a court for potentially 30 years or more, we ought to know the answers to those fundamental questions. In the case of Judge Roberts, we don't.

For example, I don't know how Judge Roberts will approach cases challenging the power of Congress to enact vital national legislation. I understand that terms such as the ''Commerce Clause,'' ''Section 5 of the 14th Amendment,'' and ''Spending Clause'' don't mean a lot to everybody in the country on a daily basis. But however technical and legalistic the discussion of those terms may be, they are critical to us in our judgments as Senators about how our Government functions. A Justice with a limited view of congressional power will undermine Congress's ability to respond to national problems.

For example, under the commerce clause, Congress can only regulate things that affect interstate commerce. When Congress enacted the Violence Against Women Act in 1996, it made numerous very specific findings about how that violence affected interstate commerce. The Court found those findings insufficient and struck down that piece of legislation.

When asked by Senator SPECTER whether he agreed with the Court in this case, Judge Roberts refused to answer. When asked whether he would

have found similar congressional findings insufficient, Judge Roberts refused to answer. I believe those answers ought to have been forthcoming, particularly when they address how Judge Roberts would interpret Congress's fundamental constitutional powers.

Judge Roberts has shed some light himself on his view of the commerce clause because he wrote about it in a dissenting opinion on the DC Circuit. In Rancho Viejo v. Norton, the so-called ''hapless toad case,'' Roberts suggested that the Endangered Species Act, as applied to the California toads at issue, might be unconstitutional because they had an insufficient connection to interstate commerce.

He also suggested there might be other ways of looking at the case to preserve the act's constitutionality. When asked about it during the hearings, and again personally in my own meeting with him, Judge Roberts did not endorse one view or the other. He gave no sense of how he might interpret Congress's power and its limitations.

While his refusal to completely condemn the Endangered Species Act was obviously somewhat reassuring, at the end of the day, I am left without any real understanding of how he would approach a commerce clause question. I have no idea whether he will undermine Congress's ability to pass needed legislation. I have no idea how he will approach challenges to existing Federal environmental laws, such as the Endangered Species Act. Which of the possible approaches he laid out in Rancho Viejo does he believe is the most correct? This certainly creates a risk I personally am unwilling to accept when voting to confirm the next Chief Justice of the United States.

Another area of great concern to me is obviously the area of privacy, an area where Judge Roberts skillfully answered a lot of questions without giving a hint as to his own position. For example, while Roberts admitted that the Court has recognized that privacy is protected under the Constitution as part of the liberty in the due process clause, he refused to give any indication of what he thought about the Court's most recent decisions.

The furthest he went was to say he had no quarrel with the decisions in Griswold and Eisenstadt, yet this kind of endorsement is not reassuring. In his confirmation hearings, Justice Thomas agreed that the Court had found a constitutional right to privacy. Like Judge Roberts, he also stated he had no quarrel with the Court's holding in Eisenstadt. Yet when he got to the Supreme Court, he disavowed the very rights he had said the Constitution protected.

In fact, more recently in Lawrence v. Texas, Justice Thomas stated he could not ''find [neither in the Bill of Rights nor any other part of the Constitution a] general right of privacy.'' The bottom line is I do not know how Judge Roberts will approach those questions with respect to the fundamental right of privacy.

In addition to what I do not know, what I do know about Judge Roberts also raises issues. I know in the early 1980s, while he worked in the Department of Justice and White House Counsel's Office, Judge Roberts took an active role in advocating on behalf of administration policies that would have greatly undermined our civil rights and liberties.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KERRY. Mr. President, may I ask for an additional few minutes? Thank you.

For example, Judge Roberts argued against using the ''effects test'' to determine whether section 2 of the Voting Rights Act was violated. Instead, he believed that an ''intent'' test—requiring proof of a discriminatory motive—should be required, regardless of the fact that many victims of discrimination would be absolutely unable to prove a real discriminatory intent and, therefore, would be unable to enjoy the protections afforded by the act. In some cases, the effect of Judge Roberts' intent test meant that disenfranchised individuals had to prove the motive of long dead officials who had crafted the legislation. Obviously, that is impossible. So he would have set up an unacceptable standard, one that would come between citizens and their constitutionally protected right to fair representation in our democracy.

Judge Roberts also argued that the obligations imposed on educational institutions by title IX should apply only to the specific program that received Federal funding rather than to the whole institution. Again, by limiting the application of an important antidiscrimination law, there is an effect, which is to deny people their constitutional right.

In the area of affirmative action, Judge Roberts argued in favor of limiting race-conscious remedies to instances where individuals were proven to be the victims of identifiable acts of impermissible discrimination.

I realize Judge Roberts took the positions I just described some time ago. I know he told the Judiciary Committee he was simply advocating the views of the administration at the time. But I think those of us who have worked in and around Government for a period of time find it hard to believe that a staffer at Justice or in the White House never wrote a memo that represented some of his views rather than just administration positions, particularly when the theme of those memos is consistent across the board—strict adherence to narrow principles of law despite their real-world impact, and particularly when some of the memos released from this time include acknowledgements by Judge Roberts that his own position failed to prevail in the internal deliberations.

That was certainly true when he argued, unsuccessfully, within the administration that Congress could strip the Federal courts of jurisdiction over abortion and desegregation cases.

I will conclude, Mr. President. I do not want to abuse the Senator's permissiveness here. Let me close with this particular argument.

Judge Roberts' more recent decision to join to Judge Randolph's opinion in Hamdan v. Rumsfeld is important with respect to the security consequences regarding the military and our soldiers. That opinion gave the President unfettered and unreviewable authority to place captured individuals outside the protections of the Geneva Convention. Six retired senior military officials with extensive experience in legal policy, the laws of war, and armed conflict, have filed a friend-of-the-court brief in the Supreme Court, arguing that Hamdan must be overturned immediately because it directly endangers American soldiers. These are the real effects of these rigid applications of law.

I understand that Judge Roberts felt he could not discuss the case while it was pending before the Supreme Court, but even when asked about his views of the scope of executive power unrelated to the Hamdan case, he was evasive. He did little more than describe the Court's current framework for analyzing assertions of executive power.

As a result, I do not know whether he believes that the state of war is a blank check for the President or whether he would closely scrutinize the legality of executive branch actions at all times. Given the fact that the Hamdan decision placed our troops at risk, I am forced to conclude that some of his future decisions might threaten the security of troops abroad and our security at home.

Now, some may argue that Democrats ought to vote for Judge Roberts because he is the best nominee we could expect from the administration. I cannot agree to confirm the next Chief Justice of the United States simply because the next nominee to the Court may be less protective of our fundamental rights or liberties or less dangerous to national security. Frankly, I am not sure how I would make that determination given the limited record before me.

Some may argue that Democrats should vote for Judge Roberts because of his resume. He obviously is qualified in terms of his legal education and litigation experience. But I do not think that should be the test. A Supreme Court Justice needs more qualifications than an impressive legal resume. They need compassion and sensitivity. They need a clarity with respect to their approach to the Constitution. They need an understanding of the consequences of their decisions and how they further democratic traditions.

As a Senator, I am duty bound to consider each nominee as an individual and how he or she will fit into the current Court—the current closely divided

Supreme Court. I have a duty to protect the fundamental rights I believe our Constitution guarantees. I have a duty to preserve the incredible progress that has been made toward the realization of those rights for Americans. I have a duty to safeguard our national security, and to prevent the executive from using war as a blank check to violate both national and international law.

John Roberts will be confirmed. I hope and look forward to decisions that will allay all of my concerns. He may author or join opinions protecting the rights which we hold so dear, and in so doing he may prove all of my concerns to be groundless. I hope so. But the questions I have raised, the absence of critical documents, the lack of clarity surrounding fundamental issues on how he would interpret the Constitution, requires me to fulfill my constitutional duty by opposing his nomination to be the next Chief Justice.

I thank the Chair again, and I thank the Senator for his courtesy.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2744, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2744) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Utah.

NOMINATION OF JOHN ROBERTS TO BE CHIEF JUSTICE

Mr. BENNETT. Madam President, we are on the Agriculture bill, but the morning has been taken up with discussion of Judge Roberts. I think that is appropriate given the decision of the ranking member of the Judiciary Committee, Senator LEAHY, to support Judge Roberts and to announce that here this morning. That was perhaps unexpected by some of the commentators and, therefore, deserved a little time.

I will take the opportunity, having listened to the junior Senator from Massachusetts, to respond to some of the things he said, not with the understanding that it is going to change anything anywhere but for the satisfaction of getting a few things off my chest.

The Senator complained bitterly, as he and others have done with respect to other nominees, that the memos given to the Solicitor General are not being made public. He did not tell us that every Solicitor General—regardless of party, regardless of administration—who is currently living has agreed with Judge Roberts, with Miguel Estrada, with others who worked in the Office of the Solicitor General, that those memos should, in fact, not be made public.

They are, in fact, covered by the attorney-client privilege. Some say, ''Well, the American people are the client, not the Solicitor General.'' The Solicitor General is the attorney for the American people and has a right to attorney-client privilege within his own staff, as any attorney has for material within that attorney's own office, as if they are representing a private client.

This keeps coming up. It keeps being repeated in the hope that it catches on. We need to always remember that every single Solicitor General who is living—regardless of their party—says that is the bad thing to do. That is the wrong interpretation of the law. The Senator from Massachusetts did not point that out. I think it needs to be pointed out.

He made a reference to the bureaucrats who were involved here who, as he said, have not taken an oath to defend the Constitution as we Senators have. I have been a bureaucrat. I have taken an oath as a bureaucrat to defend the Constitution. Those who serve the United States in these positions are sworn in with the same oath Senators take. It should be made clear those people who took that position and were in that position were, in fact, under oath to defend the Constitution. It demeans them to suggest their actions were any less patriotic or anxious to protect the law than actions of Senators.

I will conclude by quoting from an editorial that appeared in the Los Angeles Times. The Los Angeles Times is not known as a paper supportive of Republican positions. Indeed, it is often thought of as being a companion publication with the New York Times. But the Los Angeles Times says:

It will be a damning indictment of petty partisanship in Washington if an overwhelming majority of the Senate does not vote to confirm John G. Roberts Jr. to be the next chief justice of the United States.

As last week's confirmation hearings made clear, Roberts is an exceptionally qualified nominee, well within the mainstream of American legal thought, who deserves broad bipartisan support. If a majority of Democrats in the Senate vote against Roberts, they will reveal themselves as nothing more than self-defeating obstructionists. . . .

Even if one treats this vote merely as a tactical game, voting against an impressive, relatively moderate nominee hardly strengthens the Democrats' leverage [on the upcoming second nomination].

If Roberts fails to win their support, Bush may justifiably conclude that he needn't even bother trying to find a justice palatable to the center. And if Bush next nominates someone who is genuinely unacceptable to most Americans, it will be harder for Democrats to point that out if they cry wolf over Roberts.

I am not sure that will change anything, but it makes me feel a little better having said it, after listening to the presentations we have heard over the last hour. I congratulate my friend, Senator LEAHY from Vermont, for his courage in standing up to internal pressures and his announcement that he will, following the advice of the Los Angeles Times and others who have examined this, in fact vote to confirm Judge Roberts. This guarantees that we will have a bipartisan vote out of committee, as we should, and that we will have strong bipartisan support here on the floor, as we should.

AMENDMENT NO. 1783

Returning to the Agriculture appropriations bill, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. BENNETT] proposes an amendment numbered 1783.

Mr. BENNETT. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 173, at the end of the page, insert the following:

''SEC. 7____. (a) Notwithstanding subtitles B and C of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4501 et seq.), during fiscal year 2006, the National Dairy Promotion and Research Board may obligate and expend funds for any activity to improve the environment and public health.

''(b) The Secretary of Agriculture shall review the impact of any expenditures under subsection (a) and include the review in the 2007 report of the Secretary to Congress on the dairy promotion program established under subtitle B of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4501 et seq.).''.

Mr. BENNETT. Madam President, we need a little background on this amendment. It may be controversial. I understand there are some Senators who have opposed it and will be coming to the floor.

It would allow the producers on the National Dairy Promotion and Research Board to vote to fund or not fund the dairy air emission research required under the Environmental Protection Agency's Air Quality Compliance Agreement. This sounds fairly technical. In fact, the money that is available to the board has always been used for particular purposes, and most dairy producers want to make sure that it stays restricted to those purposes. But something has come up that requires research. It has come not from the Department of Agriculture but from the Environmental Protection Agency in a new agreement that affects dairy farmers. And in order to defend themselves against the position taken by the EPA, they need research. They need it now, and they need it badly.

This amendment would allow a one-time use of dairy promotion and research funds to fund the research. Most

dairy farmers are in favor of it. Dairy is the only program that does not have an option for funding its own research. The research will be conducted by Purdue University, according to protocols approved by the EPA. This is not in opposition to EPA procedures. The actual research will be performed by land grant universities in the States identified by the U.S. Dairy Environmental Task Force.

If we assume approval by the board, which would happen if my amendment were adopted, the funds will flow through an oversight organization, again approved by the EPA. The Agriculture Air Research Council, Inc., AARC, will contract with Purdue which will, in turn, contract with the universities in the States where the sites are selected. Dairy funds only will be used to fund the dairy research. AARC's board will include two members from the dairy industry and will monitor and audit the progress of the research and how the funds are spent.

The ultimate goal of all of this research will be to develop air emissions data that can be used in a process model that will allow any dairy farmer in the United States to input his dairy's operation information and find out what his emissions are. The information generated by this research, therefore, will benefit all dairy producers.

The reason is because the EPA has laid down rules with respect to emissions from dairy farmers. Most farmers have no clue as to how many emissions their farm is producing. The EPA has some fairly draconian restrictions to put on dairy farms, if the emissions go above a certain level. So how is a farmer to know whether he is in compliance, if there is no research on how the emissions can be measured? That is the reason we want the research done, and that is the reason farmers will benefit.

I believe Congress never intended the environmental statutes regarding emissions to apply to agriculture. When we talk about emissions, we are talking about smokestacks and automobiles and things that have been created by human beings. Now the EPA has said, no, we must monitor and, where necessary, control the emissions that come from cows. Cows have been generating emissions for a long time, perhaps even before human beings came along. So let's look at it, but let's not have a rule that arbitrarily disadvantages the dairy farmers without giving them an opportunity to know what is going on. That is what is behind this. In order to deal with the EPA regulations, the farmers need to know what is happening with respect to emissions. My amendment would fund a one-time study to give them the information they need. I believe without statutory changes, the courts will continue to rule that the environmental laws do, in fact, apply to dairy farms, and that is an issue for the authorizing committee. It is not something we should deal with on the Agriculture bill. Barring changes to the laws, I believe the collection of these data and the development of an emissions model will provide more certainty to producers.

I ask my colleagues to support this amendment. Those who are opposed have been notified. I understand there are conflicts on both sides of the aisle at this particular moment. I am not sure how many Senators will be able to come down. We are open for business. We are ready for amendments. We are anxious to proceed. I hope my colleagues will accommodate us.

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. CRAIG. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Madam President, as certainly the Senate knows, we are considering the Senate appropriations bill. There is an amendment that the chairman has brought at the request of the national dairy industry that is of great concern to me. As a result of that, I stand today in opposition to legislation that would seek to divert funds from the National Dairy Promotion Program to be used as a one-time-only source to fund EPA's dairy air quality studies.

While I am wholeheartedly in support of the need for research money to carry out air quality studies, dipping into a program that all producers, large and small, are required to pay into to promote their products does not seem to meet the test of where we want to now reallocate this resource.

The Dairy Production Stabilization Act of 1983 was established to strengthen the dairy industry's position in the marketplace and to maintain and expand domestic and foreign markets and use for fluid milk and dairy products. The act does provide for research dollars to be spent but only on research projects related to the advertisement and promotion of the sale and the consumption of dairy products. So should this act leave the door open as a slush fund available any time a select group needs quick money for a proposed unrelated intent of the law? I would hope not, I would think not, and I am afraid the amendment takes us in that direction.

On September 9, 2005, I and the entire Idaho congressional delegation sent a letter on this issue to Secretary Johanns. 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:

IDAHO CONGRESSIONAL DELEGATIONS,
September 9, 2005.

Hon. MIKE JOHANNS,
Secretary, U.S. Department of Agriculture, Independence Avenue, SW., Washington, DC.

DEAR SECRETARY JOHANNS: We write to express opposition to a proposal to divert funds from the National Dairy Promotion Program to fund the Environmental Protection Agency's (EPA) dairy air quality studies.

We understand that a proposal has been put forward to provide for a ''one time'' use of National Dairy Promotion Program funds for dairy air quality studies. We support necessary environmental research. However, we share the concern of Idaho dairy producers that this proposal would provide a misdirection of funds that are intended, according to the Dairy Production Stabilization Act of 1983, to be used for dairy promotion and related research and education. In authorizing the program, Congress clearly stated that the assessments were to be used for ''carrying out a coordinated program of promotion designed to strengthen the dairy industry's position in the marketplace and to maintain and expand domestic and foreign markets and uses for fluid milk and dairy products produced in the United States.''

The Act and the Dairy Promotion and Research Order, which implements the program, also defines research to be provided through the fund as ''studies testing the effectiveness of market development and promotion efforts, studies relating to the nutritional value of milk and dairy products, and other related efforts to expand demand for dairy products. ''Therefore, it is clear that the fund is meant to be used for research related to the promotion of dairy products and not for other purposes. If implemented, we are concerned with the precedent the proposal would set toward possible future diversion of these important promotion funds.

The dairy industry, the Administration, Congress, and interested parties must work to find the best ways to fund dairy environmental research that do not jeopardize promotion efforts. Last year, dairy producers in Idaho voted to assess themselves an extra $0.005/cwt. to fund environmental research. This is raising approximately $500,000 per year, enabling the establishment of a broad based research coordination team that includes the State and Regional EPA officials. This effort serves as an example of how the industry is working to enable research, while not compromising promotion.

Thank you for your attention to this matter. We look forward to continuing to work with you to ensure the continued success of U.S. agriculture.

Sincerely,

MIKE CRAPO,
United States Senator.
MIKE SIMPSON,
Member of Congress.
LARRY E. CRAIG,
United States Senator.
C.L. ''BUTCH'' OTTER,
Member of Congress.

Mr. CRAIG. Madam President, Idaho recently became the fourth largest dairy producer in the Nation, and coupled with that new status are our inherent growing pains. Over the past 15 years, Idaho's expansion in the dairy industry has been swift. So has the growth of the State's population. The two have come in conflict with each other over the need for Idaho's dairy industry to be good players in the environmental arena. That is a critical issue, and they have, in most instances, been successful in working out their problems.

Even with the increased pressure of urban encroachment and stringent environmental regulations—and our State has not turned its back on this issue—producers in my State continue to surprise me in their work, in their

innovation, and the progressive thinking as it relates to resolving the environmental problems that I suggested are inherent with large concentrated herd and dairy development that is on going.

Idaho's industry realized a few years ago that it was vital they work collectively to support research to find new technologies and methods to mitigate the impact of the operations on the environment. So in 2004, Idaho dairy producers voted to assess themselves an extra half cent per hundredweight to fund environmental research. In other words, they didn't ask the country to do it, they didn't ask the Nation to do it, they did it themselves. This initiative raised about a half a million dollars per year, enabling the establishment of a broad-based research coordination team that includes Idaho and regional EPA officers.

This effort serves as an example of how the industry ought to be working to solve critical research problems rather than asking us now to dip into a fund that was dedicated to advertisement, promotion, and product development.

I am aware of EPA's work on the livestock ''air consent agreement'' to provide limited immunity from frivolous environmental lawsuits to producers who voluntarily allow EPA to conduct their quality research on their operations. I know that those who support this onetime dollar-dipping have good intentions, and I support all of their intentions fully. I have been working with them for a good number of months on other ways to shape Federal policy on air quality issues. However, asking Congress to allow a one-time-only access to the pool of money never intended for that purpose defies the integrity of the dairy promotion program that has worked so very effectively for now 22 years.

Supporters of this proposal say it would only cost around $5 to $8 million, but if it is that small amount, then if you look at the assessment that Idaho did on themselves, you would suggest that more and more could be raised if other States were to do as Idaho has done. The program assesses all producers to promote the products that these producers all provide to the consumer. The money from the promotion program that some, not all, in the industry now seek would only benefit a specific group of producers—about 1200—for a purpose completely unrelated to the intent of the program. Why should we allow a precedent to be set that robs Peter and the rest of his family to pay Paul? Never mind that this has never been done in the program's history.

Mr. President, again, I would like to express my support for the critical need for Federal investment in air quality and other environmental research programs for the dairy industry, but we should not open the gate to a flood that might never cease from a program that is intended for an entirely different purpose. With that, I will have to oppose the amendment.

Mr. BENNETT. Madam President, I listened to my friend from Idaho with great interest and great sympathy, and if, indeed, we could get all the other dairy producers to follow Idaho's example and put an assessment on themselves in order to come up with this money, I would agree with him this amendment is not necessary. Unfortunately, I believe there is an urgency here. The research needs to be done as quickly as possible, and this seems to be the logical place to which we should go.

I will say to the Senator from Idaho and to my other colleagues the fundamental problem here is not the research. The fundamental problem in my view is the absurdity of the EPA position with respect to the underlying question. That, as I said earlier, is not a matter for the appropriations subcommittee to deal with. It is a matter for the authorizing committee. But I will pledge to my friend from Idaho that to the degree we can have some influence on the EPA's position in conference, I will do everything I can to try to get a little common sense into this regulatory pattern.

With that, Madam President, I call for a voice vote on the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 1783) was agreed to.

Mr. BENNETT. Madam President, I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BENNETT. Madam President, I suggest the absence of a quorum.

Mr. CRAIG. Madam President, prior to the call of the roll, I wish to thank the chairman of the agriculture appropriations subcommittee for his work on this issue and his cooperation. Certainly, this industry, as it is important to my State, is important to his State. We work very cooperatively together. We have a lot of commonness across State lines as it relates to the dairy industry, and we share a great deal of work and research. I appreciate the urgency of the need as he has expressed it, but I felt it was extremely important that Idaho's position be heard and understood by the rest of the States because this could be done by the industry itself from another resource, not unlike how Idaho has approached it. And I hope that other States would recognize the need to resolve this issue, and I certainly agree with Senator BENNETT that the authorizing committee has a responsibility here and EPA needs to get their act together on this issue.

I yield the floor, noting the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. SNOWE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection it is so ordered.

Ms. SNOWE. Mr. President, I ask unanimous consent to proceed in morning business.

The PRESIDING OFFICER. Without objection, is is so ordered.

(The remarks of Ms. SNOWE, and Ms. MILKULSKI pertaining to the submission of S. Res. 246 are located in today's RECORD under ''Submitted Resolutions.'')

Ms. SNOWE. I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I thank the Chair. First of all, I rise to encourage my colleagues to vote for the appropriations bill that is before us. It is the appropriations bill to fund The Department of Agriculture and the Food and Drug Administration. I would like to thank the chairman of the committee, the distinguished Senator from Utah, Mr. BENNETT, as well as the ranking member, for the excellent bill that they have put together, and therefore it warrants our support because it does fund the agricultural needs of our communities, and also funds the Food and Drug Administration.

Mr. President, Maryland is an agricultural State. It might surprise people because usually we are thought of as the home of high-tech research, Johns Hopkins University, the National Institutes of Health, but we are agricultural in soybeans and poultry. Also, we are the proud home of the Food and Drug Administration. We are so proud of the fact that the FDA is in Maryland and that the agency is charged with the mission of food safety and also with the safety of our drugs and our medical devices.

One might ask why is FDA in Agriculture appropriations. Well, because its original mission was food safety. But now it has expanded to the mission of ensuring the safety of our drugs and also of our medical devices.

It is wonderful to have them in the State, these competent people who work very hard putting America first, putting the safety of our people first, and also ensuring that drugs and medical devices move to areas of clinical practice.

But I am telling you I am really worried about what is going on at FDA currently. FDA has always been the gold standard in maintaining drug safety and drug efficacy. Yet today this agency is being politicized and degraded. The current administration has shown a persistent pattern of bringing incompetent leaders into critical positions. We have seen it at FEMA. We have seen it at other agencies. And now it is true at FDA. I see appointments being made on the basis of ideology instead of competency. I have seen people who have worked and devoted their

lives to FDA resigning because they saw science being politicized. I am worried about this.

Now, I voted against the current FDA Director, not because he is not a pleasant man but because there were so many problems under his watch. And they are not getting better. Let's take the situation that occurred in the consideration of something called plan B. Regardless of how you feel about whether plan B emergency contraception should be available over the counter, I think we would all agree that a decision should be made. I understand it is controversial from a cultural standpoint, but the question is was it controversial from a scientific standpoint? Well, delay, delay, delay, delay. Even the head of the FDA recently promised Senators CLINTON and MURRAY that a decision would be made. Guess what happened? What happened was after the scientists made their decision, the Director delayed it because he said: How can we prevent teenagers from getting it? Well, Madam President, you are a mom. You know if we can keep alcohol and cigarettes out of the hands of teenagers, surely the Food and Drug Administration would know how to handle this issue of contraceptives with teenagers. Put it behind the counter. Dr. Susan Wood, the Director of the FDA Office of Women's Health, resigned in protest. Dr. Wood is a distinguished scientist. She is a competent policymaker. She headed up the Office of Women's Health that the distinguished Senator from Maine, Senator SNOWE, and I worked to establish, to be sure that as drugs and clinical devices went through the evaluation, special needs of women would be taken into consideration and also children—another aspect led by our colleague from Ohio, Senator DEWINE.

So this is what Wood's job was. Did she quit because of pay? Did she quit because she got some big job with the pharmaceutical industry? Why did she quit? She quit because, she said, ''after spending the last 15 years to ensure that science forms policy decisions, I can no longer serve when scientific and clinical evidence are being overruled by the leadership.''

Well, she quit. So what happened? Guess who they announced would serve as the acting director of the office last week? They announced a male, a guy, with a background in veterinary medicine. What a dismissive attitude of the Office of Women's Health.

Now, I am not saying a man could not handle that job. He probably would have to work twice as hard to prove himself. But nevertheless, an individual with a background in veterinary medicine in charge of the Office of Women's Health? I admire the veterinarian community. They play a very important role in our community. They are respected. They are admired. They have sophisticated training. But I do not believe, as we are looking at the impact of a drug on pregnancy, or of postmenopausal women that someone with a background in veterinary medicine should be in charge.

Guess what. Advocates and scientists pounded the table, and they put someone else in charge. And the FDA doesn't even have the guts to stand up for the immediate appointment it made. It backed off, saying: Oh, we never announced his appointment. However a lot of people have that e-mail. I do not know the qualifications of the new acting director, but we are not heading in a good direction.

I want FDA to be the gold standard on safety and efficacy. There are many countries around the world that are poor. They rely on what is approved by FDA because they could never afford to have an FDA. Doctors in clinical practice rely on the FDA to tell them what is a good and safe drug, or what is a good and safe medical device, or an effective device. This is phenomenal. I had the benefit of this myself. I wore a heart monitor, invented in the United States of America, that could tell my doctor whether the drugs they were giving me controlled a condition of arrhythmia that I have. It was wonderful to know it had been approved by FDA, that it could tell me if what I was doing was safe, and could give advice to my physician on how best to treat me. This is what we want the FDA to be able to do.

We have a lot of problems. Look what is happening. We know what happened to Vioxx, out there prematurely, or with data withheld. We have all of these questions.

If you want to worry about teenagers, let's worry about antidepressants. I worry they can get antidepressants faster than they can get plan B. That is up to parents and others to control. But these antidepressants have had a very negative and dangerous effect on some teenagers. Where was FDA?

Now we have these implantable defibrillators that can go into your body, wonderful devices that can jumpstart a heart. But guess what. They are found to have short circuits. The manufacturer knew about it, FDA knew about it, and they took no action on this. What is happening to our FDA?

I have fought for the right resources, I fought for the right legislative framework for FDA, and I am going to fight for the right leadership.

I wish Dr. Crawford would, No. 1, take charge of his agency. I am not calling for his resignation today, though he has to think about what he is doing over there. He cannot continue to politicize this agency. I am saying to him now that if he continues to politicize it, we will have to look at further action. I believe he is a decent person, but either he is getting direction from somewhere else or he has lost direction. This is meant to be a scientific agency, standing sentry over the safety of our food supply, doing the necessary evaluations as to whether a drug should come into clinical practice, and making decisions about whether a medical device can be safe and reliable and be the tool it was supposed to be, such as the one I had the benefit from.

So I say let's support the appropriations, let's make sure they have the right resources, but I sure in heck want them to have the right leadership so we can come to the right conclusions, and people all over the world—doctors, clinicians, and the American people can rely on FDA. I want to rely on FDA for science and not politics.

I yield the floor.

The PRESIDING OFFICER (Mr. THUNE). The Senator from New Mexico.

NOMINATION OF JOHN ROBERTS

Mr. BINGAMAN. Mr. President, I rise today to state my intention to support the nomination of John G. Roberts to be the next Chief Justice of the U.S. Supreme Court.

He has the experience, judicial temperament, and qualifications necessary to be Chief Justice, and his testimony before the Senate Judiciary Committee has given me reason to believe he is not an ideologue and that he will make decisions based on sound legal reasoning that is within the mainstream of judicial thought in this country. I do not believe that he has an agenda to reverse our Nation's historic commitment to civil rights, and I take him at his word when he says that he will take each case on its facts and apply the law regardless of his personal views. It is for these reasons that I intend to vote in favor of Judge Roberts' nomination.

Many people have raised legitimate concerns about views that Judge Roberts expressed in the past. As a 26-year-old staff attorney in the Reagan White House Counsel's Office, Roberts wrote a series of memos that raised concerns about his commitment to civil rights. At his confirmation hearing he said that he no longer held certain views and it was important to distinguish between his personal views and those of an advocate seeking to uphold the policies of his client.

Due to the limitations the Senate faced in obtaining documents, in making my decision I had to primarily rely on Judge Roberts' testimony before the Judiciary Committee. The assurances he provided in his testimony give me what I believe is a reasonable expectation regarding how he will approach cases if placed on the Court. I would like to take a moment to briefly discuss some of these expectations that I believe are reasonably based on what he said at that set of hearings.

First, Judge Roberts repeatedly stressed that he respects the rule of law and recognizes the importance of considering stare decisis in the decision making process. I agree that looking to settled precedent should always be the starting point in this process. It is essential that the decisions of the Supreme Court provide reliable guidance to the American people, Congress, and the executive branch, and I believe that the whimsical reinterpretation of settled law is not in the best interest of our Nation. Based on the answers that

Judge Roberts gave, I believe it unlikely that Judge Roberts will chart a new right-wing course for the Court based on his own personal views. His answers indicate that he will apply the law in a fairminded way and that he will afford longstanding precedent adequate deference.

Second, when asked about whether the Constitution contains a right to privacy, which provides the legal basis for a woman's right to choose and the use of birth control, Judge Roberts made clear that he believed that it did. He stated clearly that the right to privacy was protected by the ''liberty'' due process clauses of the fifth and fourteenth amendments. More importantly, Judge Roberts asserted that the right to privacy conferred under the Constitution was a substantive and not merely a procedural right. This view is in stark contrast to that of Justice Scalia, who has argued for a strict constructionist interpretation of the Constitution and believes the right to privacy is an artificial construct that lacks any foundation in the Constitution.

Third, Judge Roberts also distinguished his views from those who see Constitution as a static document and only recognize recourse to the ''original'' intent when interpreting it. I believe strongly that the Constitution was intended to be a living document, and that we must have a constitution that is able to address the challenges and adversities that we face as a modern society. When our country was founded we were living in very different times, and it is important that our Constitution reflect the new world we are living in. In his testimony, Roberts noted that although it was impermissible to contradict the plain text of the Constitution, where the Constitution uses general terms, such as ''liberty'' or ''equal protection,'' it is acceptable to interpret the text in light of today's notions of liberty and equal justice, not just those concepts as they were contemplated in 1787.

Fourth, with regard to recent Supreme Court decisions that have restricted the ability of Congress to enact certain laws pursuant to the commerce clause, Roberts' answers indicated a willingness to interpret these cases in the context of the overwhelming jurisprudence supporting Congressional authority in this area. Further restrictions on the power of Congress to legislate under the commerce clause could have profound implications concerning the ability of Congress to pass laws with respect to the environment, civil rights, and many of the basic advancements we made during the Warren court.

In addition, Judge Roberts also specifically rejected the tenets of the Supreme Courts' 1905 decision in Lochner v. New York, which drastically curtailed the ability of Congress to pass critical workers' rights legislation, such as wage and child labor laws. Of course this decision has since been overruled, but some jurists nominated by President Bush, Judge Janice Rogers Brown, have advocated that the decision was correctly decided.

There is one other issue that I would like to discuss. Some of the most challenging issues that the Supreme Court will likely face over the next decade will involve how we balance civil liberties with the need to confront terrorism. The President has asserted tremendous authority in this area, including the right to indefinitely detain a U.S. citizen that he unilaterally deems an ''enemy combatant.'' The Court will have to decide issues involving the detention of suspected terrorists, due process rights, constraints regarding the use of torture, and many other questions that will define our commitment to longstanding principles of civil rights and civil liberties. During the hearings, Judge Roberts rejected the Supreme Courts' decision in Korematsu, which upheld the mass detainment of Japanese Americans during World War II. Although this decision is a sad part of our history, in a technical sense it is still legally binding. Judge Roberts' complete rejection of this approach gives me hope that he understands that governmental powers are not without limit in times of war.

When asked whether he considers himself in the mold of Justices Scalia or Thomas, Judge Roberts stated clearly that he would be his own man. As I have stated, I expect that Judge Roberts will afford adequate deference to Congress, will follow longstanding precedent, and will apply the law in a fair and straightforward way. It is my hope that Judge Roberts will uphold these expectations.

TEAM NUTRITION

Mr. President, I now speak on a different issue. This is in relation to an amendment I have filed on the current pending legislation, the Agriculture appropriations bill. I will not offer that amendment at this point because we are still in discussions with the bill's manager and the ranking Democrat and their staffs to see if we can find an appropriate offset for this amendment. It is one I offer with Senator LUGAR as my cosponsor. I believe it is a very important amendment. It is an amendment to provide $10 million in additional funding to expand and develop new team nutrition programs across the country.

Senator LUGAR and I offer this amendment in light of the growing and profound evidence that our Nation must confront what both the Department of Agriculture and the Department of Health and Human Services refer to as our ''growing epidemic of childhood obesity.''

As Eric Bost, the Under Secretary for Food, Nutrition, and Consumer Services, testified before Congress in April of this year:

> Nearly 365,000 deaths a year are related to poor diet and physical inactivity; poor diet and inactivity are the second leading cause of preventable death after smoking.

He added:

> In the past 20 years the percentage of children who are overweight has doubled and the percentage of adolescents who are overweight has more than tripled. If we do not stem this tide, this may be the first generation of children who will not have a longer life expectancy than their parents.

According to a 2005 Institute of Medicine report, there are approximately 9 million children nationwide over the age of 6 who are considered obese, resulting in increases in children being diagnosed with type II diabetes and hypertension. In addition to the negative effects on the health and well-being of these children, the rise in childhood obesity has a profound economic cost for our country.

Between 1979 and 1999, obesity-associated hospital costs for children between the ages of 6 and 17 more than tripled, according to a study published in Children Pediatrics. To combat this, the administration has launched an initiative it refers to as part of its larger healthier U.S. initiative. It is called the Healthier U.S. School Challenge, which is focused on helping children live longer, better, and healthier lives.

Secretary Ann Veneman and the U.S. Department of Agriculture announced in July of this year:

> The school challenge builds upon the Team Nutrition Program and recognizes schools that achieve nutrition and physical activity standards.

The School Challenge and Team Nutrition requires schools to do essentially five things: One, to serve national school lunch meals that are verified to meet nutrition standards; second, to offer nutrition education, which is the purpose of the amendment Senator LUGAR and I are offering; third, to maintain national school lunch participation above certain levels; fourth, to offer physical activity for students in those schools; and fifth, to ensure that all foods offered through the school meet healthy standards as reflected in the dietary guidelines for Americans.

Although there are 28,000 schools nationwide that are participating as of October of last year as Team Nutrition schools, that is far from adequate. There are way too many schools that are not participating that should be participating. In fact, these programs are chronically underfunded. Team nutrition has once again been proposed by the administration, and in the current spending bill before the Senate the proposed funding is $10 million. This is equivalent to 21 cents per year for every child in public school in this country. There is nobody who could credibly argue that 21 cents per child per year is an adequate funding level for nutrition education. Unfortunately, the $10 million that has been proposed this year for funding in this program is what was proposed last year. It is what was proposed the year before. Essentially, we are on auto pilot in the Department of Agriculture with regard to this program. There is no effort to

move ahead and deal with the very real, new challenges we have in trying to teach nutrition to the young people of this country.

Furthermore, there is not a single set of funding in over half of the States in the country as Team Nutrition dollars are only going to 21 States. Unfortunately, New Mexico is one of those States and is not able to participate in Team Nutrition at any level because the funding is so inadequate.

Today, one in seven young people is obese in this country; one in three is overweight. Obese children are twice as likely as nonobese children to become obese adults. Only 2 percent of children consume a diet that meets the five main recommendations of a healthy diet from the food guide pyramid that is published by the Secretary of Agriculture, and three out of four children in the United States consume more saturated fat than is recommended in the dietary guidelines for Americans published by the Secretary of Agriculture.

We need to support any effort we can to curb this growing obesity problem. We need to support making our children healthier today by teaching them and the adults in their lives about the importance of healthy eating habits and physical activity.

I urge the support of my amendment and Senator LUGAR's amendment. As I indicated, we will not call it for consideration or a vote at this time, but hope we are able to find an appropriate offset and get agreement to add this amendment to the legislation.

I would argue, I think without any reservation, that this is a small investment. It is a first step, but it is an important step we should be making as a Nation to confront the profound and growing problem many children in our society face.

I yield the floor.

Mr. MCCONNELL. 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. BURNS. 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. BURNS. Mr. President, we understand in the House bill there is one section that deals with the country-of-origin labeling. This has been one of the most heated debates we have had in the livestock industry. It seems like it comes up every year.

In 2002, a mandatory country-of-origin labeling law was passed in the farm bill. I remind my colleagues it is the law of the land. It was signed into law. USDA was directed to start writing the administrative rules that all meat being imported into the United States have a label on it and also that meat domestically produced would also have a label saying: ''Made in the U.S.A.'' That was in 2002. That was 3 years ago. We have gone through this debate, and I know sometimes it gets carried away and is very emotional. I understand in the House bill there is another delay in putting the rules into effect.

Now, whether you agree or do not agree with the mandatory law, it is the law of the land. This old business of delay and delay and delay does not do anything for our beef or pork producers because there is no consistency in the law. They do not know what to expect and what to do.

In Montana, my producers are tired of waiting. The USDA published a proposed rule on mandatory country-of-origin labeling on October 27, 2003.

The public had a chance to comment. In fact, they even extended the comment period to give folks extra time to weigh in on this important issue. Three years have gone by, and here we are—no progress on labeling. This is unacceptable. The Department needs to publish a final rule, and they need to do it now. It is long past time to implement country-of-origin labeling. It is the law of the land. If you don't like the law, then repeal the law. But let's move on. At a minimum, at least let us take a look at the rule. Congress voted to delay COOL once already, and the anti-COOL forces are at it again. But we don't know what the labeling requirements will look like. So the USDA needs to act and to take a leadership role, and it needs to be published.

My producers in Montana will not tolerate another day of delay in this important program. We need to get it done, and it needs to be done right. And it needs to be mandatory. If Congress votes to make COOL voluntary, they may just as well repeal the law because voluntary COOL, or country-of-origin labeling, will not work.

In October of 2002, the Secretary did publish guidelines for a voluntary labeling program. Any retailer who chose could begin labeling their products. There is a lot of misconception and misinformation. Some would contend that if we have a mandatory labeling law, that would take precedence over a marketing label. In other words, if you wanted to label beef as certified Angus beef, they couldn't do that. Sure, they can do that. They can do it as long as it is domestically produced, and the vast majority of it is, or any other marketing tool that a State should have or that a product should have can still be published, but we have to have a label USA.

Since we put it off and the voluntary rule has been in effect, I wonder if anybody knows how many people took advantage of that voluntary program. It doesn't take long to count them: zero, none, zilch. Some of my friends say before we mandate a program, let's try making it voluntary. Well, we tried that. It has been a 3-year period. Nobody has used it. Nobody participated in a voluntary labeling program. Now it is time to shift the balance of power to the world of agricultural marketing.

Overwhelmingly, the folks who support country-of-origin labeling are small cow/calf producers. These are the people who work hard every day to raise healthy calves, produce a product, highest quality beef in the world. They take a lot of pride in their products. They want consumers to know that their beef was made in America, made in the good old USA. But they don't have a whole lot to say about this decision, though, because after they sell their calves, they go to a feedlot, and from the feedlot they go into processing. From processing they go into the retail channels. Somebody doesn't want to say this is a product of the USA. Costly, have to trace, herd ID—all of those things, yes, there will probably be a little work to it. But labeling is no more than putting the label on of their own logo. It is time we did it.

Cow/calf people right now have not had much luck in sharing our pride with our product. That is why Congress must act. Congress has acted. We have passed mandatory COOL 2002. It is the law of the land. That is the way it should be. Yet every year when Congress takes up Agriculture appropriations, we face another attempt on the part of some to prevent cattle producers from marketing their products as U.S. origin. What I am saying today is; enough is enough. Congress passed the law. Let's implement it. Producers are tired of waiting around. If you don't like the law, then repeal the law. But don't keep us in this limbo of standing here and waiting for something to happen, knowing that it never will.

I know we will try and deal with this, whether it be on the Senate floor—I would probably prefer not because the chairman of the Agriculture appropriations said maybe this is a time that we should have a little scrap in conference, and that is where I think it should be done. I trust his judgment on that. But, nonetheless, I want everybody to know—and I want the House of Representatives to know—that this is irresponsible. You passed that law just like we did. If you didn't like the law, then for goodness' sake, stand up and have nerve enough to repeal it. But if it is not repealed, let's implement it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

AMENDMENTS NOS. 1803, 1804, AND 1805, EN BLOC

Mr. BENNETT. Mr. President, I send to the desk a series of cleared amendments and ask that they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. BENNETT] proposes amendments numbered 1803, 1804, and 1805, en bloc.

Mr. BENNETT. These amendments have been cleared on both sides. I ask for their approval by voice vote.

The PRESIDING OFFICER. The question is on agreeing to the amendments.

The amendments were agreed to, as follows:

AMENDMENT NO. 1803

At the appropriate place in the bill, insert the following new paragraph:

''SEC. . Section 274(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1324(a)(1)) is amended by adding at the end the following:'' (C) It is not a violation of clauses (ii) or (iii) of subparagraph (A), or of clause (iv) of subparagraph (A) except where a person encourages or induces an alien to come to or enter the United States, for a religious denomination having a bona fide nonprofit, religious organization in the United States, or the agents or officers of such denomination or organization, to encourage, invite, call, allow, or enable an alien who is present in the United States to perform the vocation of a minister or missionary for the denomination or organization in the United States as a volunteer who is not compensated as an employee, notwithstanding the provision of room, board, travel, medical assistance, and other basic living expenses, provided the minister or missionary has been a member of the denomination for at least one year.

AMENDMENT NO. 1804

On page 170 strike Section 767 and replace it with the following new paragraph:

''SEC. . Notwithstanding any other provision of law, none of the funds provided for in this or any other Act may be used in this and each fiscal year hereafter for the review, clearance, or approval for sale in the United States of any contact lens unless the manufacturer certifies that it makes any contact lens it produces, markets, distributes, or sells available in a commercially reasonable and non-discriminatory manner directly to and generally within all alternative channels of distribution: Provided, That for the purposes of this section, the term 'manufacturer' includes the manufacturer and its parents, subsidiaries, affiliates, successors and assigns, and 'alternative channels of distribution' means any mail order company, Internet retailer, pharmacy, buying club, department store, mass merchandise outlet or other appropriate distribution alternative without regard to whether it is associated with a prescriber: Provided further, That nothing in this section shall be interpreted as waiving any obligation of a seller under 15 USC 7603: Provided further, That to facilitate compliance with this section, 15 USC 7605 is amended by inserting after the period: ''A manufacturer shall make any contact lens it produces, markets, distributes or sells available in a commercially reasonable and non-discriminatory manner directly to and generally within all alternative channels of distribution; provided that, for the purposes of this section, the term 'alternative channels of distribution' means any mail order company, Internet retailer, pharmacy, buying club, department store, mass merchandise outlet or other appropriate distribution alternative without regard to whether it is associated with a prescriber; the term 'manufacturer' includes the manufacturer and its parents, subsidiaries, affiliates, successors and assigns; and any rule prescribed under this section shall take effect not later than 60 days after the date of enactment.''

AMENDMENT NO. 1805

At the appropriate place in the bill, insert the following new paragraph:

''SEC. . The Federal facility located at the South Mississippi Branch Experiment Station in Poplarville, Mississippi, and known as the ''Southern Horticultural Laboratory'', shall be known and designated as the ''Thad Cochran Southern Horticultural Laboratory'': Provided, That any reference in law, map, regulation, document, paper, or other record of the United States to such Federal facility shall be deemed to be a reference to the ''Thad Cochran Southern Horticultural Laboratory''.

AMENDMENT NO. 1752, AS MODIFIED

Mr. BENNETT. Mr. President, I ask unanimous consent that notwithstanding the adoption of amendment No. 1752, the amendment be modified with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

On page 173, after line 24 insert the following:

''SEC. . The Secretary of Agriculture may establish a demonstration intermediate relending program for the construction and rehabilitation of housing for the Mississippi Band of Choctaw Indians: *Provided*, That the interest rate for direct loans shall be 1 percent: *Provided further*, That no later than one year after the establishment of this program the Secretary shall provide the Committees on Appropriations with a report providing information on the program structure, management, and general demographic information on the loan recipients.''

AMENDMENTS NOS. 1806 AND 1807

Mr. BENNETT. Mr. President, there are cleared amendments at the desk, one from Senator KYL and one from Senator LEAHY. I ask unanimous consent that they be agreed to and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. BENNETT], for Mr. KYL, proposes an amendment numbered 1806.

The Senator from Utah [Mr. BENNETT], for Mr. LEAHY, proposes an amendment numbered 1807.

The PRESIDING OFFICER. Without objection, the amendments are agreed to en bloc.

The amendments were agreed to, as follows:

AMENDMENT NO. 1806

(Purpose: To convey title in certain real property)

On page 173, after line 24, insert the following:

SEC. 7_____. As soon as practicable after the Agricultural Research Service operations at the Western Cotton Research Laboratory located at 4135 East Broadway Road in Phoenix, Arizona, have ceased, the Secretary of Agriculture may convey, without consideration, to the Arizona Cotton Growers Association and Supima all right, title, and interest of the United States in and to the real property at that location, including improvements.

AMENDMENT NO. 1807

(Purpose: To direct the Secretary of Agriculture to submit to Congress a report on whether to restore the National Organic Program)

On page 173, after line 24, insert the following:

SEC. 7_____. The Secretary of Agriculture shall—

(1) as soon as practicable after the date of enactment of this Act, conduct an evaluation of any impacts of the court decision in Harvey v. Veneman, 396 F.3d 28 (1st Cir. Me. 2005); and

(2) not later than 90 days after the date of enactment of this Act, submit to Congress a report that—

(A) describes the results of the evaluation conducted under paragraph (1);

(B) includes a determination by the Secretary on whether restoring the National Organic Program, as in effect on the day before the date of the court decision described in paragraph (1), would adversely affect organic farmers, organic food processors, and consumers;

(C) analyzes issues regarding the use of synthetic ingredients in processing and handling;

(D) analyzes the utility of expedited petitions for commercially unavailable agricultural commodities and products; and

(E) considers the use of crops and forage from land included in the organic system plan of dairy farms that are in the third year of organic management.

AMENDMENT NO. 1808

Mr. BENNETT. Mr. President, there is an amendment from Senator FEINGOLD at the desk which I would like to call up and have a voice vote on at this time.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. BENNETT], for Mr. FEINGOLD, proposes an amendment numbered 1808.

The amendment is as follows:

(Purpose: To direct the Administrator of the Animal and Plant Health Inspection Service to publish uniform methods and rules for addressing chronic wasting disease)

On page 173, after line 24, insert the following:

SEC. 7_____.(a) Not later than 90 days after the date of enactment of this Act, the Administrator of the Animal and Plant Health Inspection Service (referred to in this section as the ''Administrator'') shall publish in the Federal Register uniform methods and rules for addressing chronic wasting disease.

(b) If the Administrator does not publish the uniform methods and rules by the deadline specified in subsection (a), not later than 30 days after the deadline and every 30 days thereafter until the uniform methods and rules are published in accordance with that subsection, the Administrator shall submit to Congress a report that—

(1) describes the status of the uniform methods and rules; and

(2) provides an estimated completion date for the uniform methods and rules.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1808) was agreed to.

Mr. BENNETT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The journal clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1809

Mr. BENNETT. Mr. President, there is an amendment at the desk offered by

Senator MCCONNELL which I would like to call up for consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. BENNETT], for Mr. MCCONNELL, proposes an amendment numbered 1809.

The amendment is as follows:

(Purpose: To provide for livestock assistance)

On page 173, after line 24, insert the following:

SEC. 7_____.(a) In carrying out a livestock assistance, compensation, or feed program, the Secretary of Agriculture shall include horses within the definition of ''livestock'' covered by the program.

(b)(1) Section 602(2) of the Agricultural Act of 1949 (7 U.S.C. 1471(2)) is amended—

(A) by inserting ''horses'', after ''bison''; and

(B) by striking ''equine animals used for food or in the production of food,''.

(2) Section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549A–51) is amended by inserting ''(including losses to elk, reindeer, bison, and horses)'' after ''livestock losses''.

(3) Section 10104(a) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1472(a)) is amended by striking ''and bison'' and inserting ''bison, and horses''.

(4) Section 203(d)(2) of the Agricultural Assistance Act of 2003 (Public Law 108-7; 117 Stat. 541) is amended by striking ''and bison'' and inserting ''bison, and horses''.

(c)(1) This section and the amendments made by this section apply to losses resulting from a disaster that occurs on or after July 28, 2005.

(2) This section and the amendments made by this section do not apply to losses resulting from a disaster that occurred before July 28, 2005.

Mr. BENNETT. Mr. President, I ask that the amendment be agreed to with a voice vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1809) was agreed to.

Mr. BENNETT. I ask unanimous consent that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The journal clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COUNTRY OF ORIGIN LABELING

Mr. THOMAS. Mr. President, I come to the floor to talk about part of the Senate bill that has to do with the identification of livestock products and the country of origin labeling. This is an issue we have talked about for some time and one that I think is very important. It is important to my State and to livestock producers there.

Country of origin labeling is a very simple thing: When you go into the store to buy a package of meat, it says on there where it comes from. That is not a unique idea. We do it on T-shirts and jackets and everything else and often many other foods. I think people would like to know, and have the right to know, where that product comes from.

Country of origin labeling actually was put on the Agriculture bill about 3 years ago, I believe. I was one of the original sponsors of the amendment that put it on the Agriculture bill in 2002, as a matter of fact. It has been around since. It simply says that consumers have the right to know what was the origin of this particular product that they are buying. It can be done by identifying the product as it comes off the farm or range and following it through the process. It does not require the same thing for hamburger or mixed food, which would be very difficult.

I believe most consumers support mandatory labeling and many nations require it on many kinds of foods and other products, including the United States. But this bill, even though it passed originally, has been postponed several times. I think there is something to that effect in the House appropriations bill now. It is time we do it. We ought to come to the snubbing post and get something done. It can be done. It has been done other places. I think there is support for doing it.

There is labeling of fish, shellfish, and other foods, and that appears to be working. As I said, it has been delayed more than once, and I think the idea is it would be put in place in 2006.

I am asking, as we bring this bill to completion and come on to working with the House in the conference, that we make sure we allow this bill, that has been passed and approved by the House and the Senate in the past, to go on and become law.

I will not take a great deal more time. I wish to point out it is something, No. 1, that can be done; No. 2, that there has been support for doing it. What we have done is kept postponing doing it. There are some people, some of the retailers and so on, who do not want to have to go to the trouble. But I think the process, for the consumers, is a good idea. People should have the right and they have the desire, I believe, to know the source of the product that they and their family are going to consume. I ask, as we go forward with this bill, we should keep that in mind and seek to complete this whole action, allowing it to move forward.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 1786, 1800, 1785

Mr. BENNETT. Mr. President, I understand that there are three amendments at the desk; one offered by Senator GORDON SMITH, one offered by Senator JOHN MCCAIN, and one offered by MAX BAUCUS.

I ask these amendments be called up and considered en bloc. They are amendments No. 1786, for Senator SMITH; No. 1785, for Senator MCCAIN; and No. 1800, for Senator BAUCUS.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. BENNETT] proposes amendments numbered 1786, 1800, and 1785, en bloc.

Mr. BENNETT. I ask unanimous consent that the amendments be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 1786

(Purpose: To allow the Secretary to authorize the use of certain funds that would otherwise be recaptured under the rural business enterprise grant program)

On page 173, after line 24, insert the following:

SEC. 7_____. With respect to the sale of the Thermo Pressed Laminates building in Klamath Falls, Oregon, the Secretary of Agriculture may allow the Klamath County Economic Development Corporation to establish a revolving economic development loan fund with the funds that otherwise would be required to be repaid to the Secretary in accordance with the rural business enterprise grant under section 310B(c)(1)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(c)).

AMENDMENT NO. 1800

(Purpose: To express the sense of the Senate regarding public sector funding of agricultural research and development)

On page 173, after line 24, insert the following:

SEC. 7_____.(a) The Senate finds the following:

(1) Research and development have been critical components of the prosperity of the United States.

(2) The United States is entering an increasingly competitive world in the 21st century.

(3) The National Academy of Sciences has found that public agricultural research and development expenditures in the United States were the lowest of any developed country in the world.

(4) The Nation needs to ensure that public spending for agricultural research is commensurate with the importance of agriculture to the long-term economic health of the Nation.

(5) Research and development is critical to ensuring that American agriculture remains strong and vital in the coming decades.

(b) It is the sense of the Senate that, in order for the United States to remain competitive, the President and the Department of Agriculture should increase public sector funding of agricultural research and development.

AMENDMENT NO. 1785

(Purpose: To express the sense of the Senate regarding funding directives contained in H.R. 2744 or its accompanying report)

On page 173, after line 24, insert the following:

SEC. 7_____. SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds the following:

(1) In a time of national catastrophe, it is the responsibility of Congress and the Executive Branch to take quick and decisive action to help those in need.

(2) The size, scope, and complexity of Hurricane Katrina are unprecedented, and the emergency response and long-term recovery efforts will be extensive and require significant resources.

(3) It is the responsibility of Congress and the Executive Branch to ensure the financial stability of the nation by being good stewards of Americans' hard-earned tax dollars.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that any funding directive contained in this Act, or its accompanying report, that is not specifically authorized in any Federal law as of the date of enactment of this section, or Act or resolution passed by the Senate during the 1st Session of the 109th Congress prior to such date, or proposed in pursuance to an estimate submitted in accordance with law, that is for the benefit of an identifiable program, project, activity, entity, or jurisdiction and is not directly related to the impact of Hurricane Katrina, may be redirected to recovery efforts if the appropriate head of an agency or department determines, after consultation with appropriate Congressional Committees, that the funding directive is not of national significance or is not in the public interest.

AMENDMENT NO. 1785

Mr. MCCAIN. Mr. President, this sense-of-the-Senate amendment is nearly identical to the amendment that was adopted unanimously last week during debate on the Commerce-Justice-Science appropriations bill. It is another attempt to reign in wasteful spending, particularly during this time when portions of our country along the gulf are enduring the devastating impact of Hurricane Katrina—indeed, a national tragedy.

As our Nation continues to manage the aftermath of Hurricane Katrina, the Congress and the administration must do what it can to help the hundreds of thousands of victims of one of the worst natural disasters in our history. And now, another hurricane is gaining momentum which could cause even more serious destruction to the region.

The costs of the recovery and relief effort will be enormous. We have already appropriated more than $62 billion, and that is likely a mere down-payment on the yet to be determined total expenditures that will be required. Indeed, we live in times of great need and limited resources.

Americans are being called to sacrifice, and so many are selflessly contributing what they can to the recovery efforts—they are donating money, opening their homes, or offering other useful assistance. Congress needs to do its part too. To the extent that it is possible, we should pay for this effort now rather than pass on even more debt to future generations. We should also make better use of taxpayers' money by eliminating wasteful spending, and that is what this amendment is about.

This year's Agriculture appropriations bill, and particularly its accompanying report, contain numerous questionable earmarks, the majority of which warrant further review, particularly given the circumstances that have arisen since the bill was reported by the Appropriations Committee in July.

Here are just a few examples: $2,000,000 for the National Sheep Industry Improvement Center; $50,000 earmarked to study the shiitake mushroom; $300,000 for USDA research at the Utah State University Space Dynamics Laboratory to accurately measure gaseous emissions from agriculture operations; $200,000 for grapefruit juice/drug interaction research in Winterhaven, FL; $140,000 to the University of Nevada Reno to conduct a feasibility study for a cooperative sheep slaughter facility; $1,000,000 for grasshopper and Mormon cricket pest control in the State of Utah; $24,066,000 above the budget request for boll weevil pest management; $1,150,000 above the budget request for grasshopper pest management; $300,000 for biological weed control in Sidney, MT; $300,000 for the healthy beef initiative, Little Rock, AR; $200,000 to study sudden oak death in Oregon; $600,000 for cranberry production assistance in the States of Massachusetts and Wisconsin; $6,000,000 for the construction of the Animal Waste Management Research Laboratory in Bowling, KY; $1,000,000 for multiflora rose control in the State of West Virginia; $1,500,000 for the construction of the Center for Grape Genomics in Geneva, NY; $100,000 earmarked for animal identification and tracking in the State of Washington; $100,000 for brown tree snake management in Hawaii and Guam; $248,000 to reduce beaver damage to cropland and forests in the State of Wisconsin; and $400,000 earmarked for preventing blackbird damage to sunflowers in North and South Dakota.

Certainly I must not be the only one who questions these kinds of earmarks. We simply cannot afford ''business as usual'' around here.

The sense-of-the-Senate amendment that I am proposing would allow for a redirection of the funding for any of the earmarks that have not been authorized, have not been requested by the President, or are not related to the impact of Hurricane Katrina to be used for recovery efforts. This would occur if the agency or Department head determines, after consultation with the appropriate congressional committees—and this would mean authorizers as well as appropriators—that such an earmark is not of national significance or is not in the public interest. Since almost all of these earmarks are in the report language, which is not something I can amend, this amendment at least sends a strong message to the agencies that they will be held accountable for reviewing these directives and ensuring they are only funded if found to be in the public interest.

I hope the amendment can be easily adopted and not take much of the Senate's time, particularly since a similar provision was agreed to last week. In a time of national catastrophe, it is the responsibility of the U.S. Congress to take quick and decisive action to help those in need. It is not appropriate to continue the practice of wastefully earmarking scarce funds in the face of such a great tragedy. This should be a time of sacrifice for the sake of our suffering citizens.

Mr. President, despite high gas prices, despite a swelling $331 billion deficit, despite our military operations overseas, and despite our domestic emergencies, pork continues to thrive in good times and bad. The cumulative effect of these earmarks erodes the integrity of the appropriations process and, by extension, our responsibility to the taxpayer.

I thank the chairman and ranking member of the subcommittee for agreeing to accept this amendment.

Mr. BENNETT. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Wisconsin.

AMENDMENT NO. 1741

Mr. KOHL. Mr. President, I send an amendment to the desk on behalf of Senator DEWINE.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. KOHL], for Mr. DEWINE, proposes an amendment numbered 1741.

Mr. KOHL. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To pledge continued support for international hunger relief efforts and express the sense of the Senate that the United States Government should use resources and diplomatic leverage to secure food aid for countries that are in need of further assistance to prevent acute and chronic hunger)

On page 173, after line 24, insert the following:

SEC. 7_____. It is the sense of the Senate that—

(1) the Senate—

(A) encourages expanded efforts to alleviate hunger throughout developing countries; and

(B) pledges to continue to support international hunger relief efforts;

(2) the United States Government should use financial and diplomatic resources to work with other donors to ensure that food aid programs receive all necessary funding and supplies; and

(3) food aid should be provided in conjunction with measures to alleviate hunger, malnutrition, and poverty.

Mr. KOHL. Mr. President, I have worked a great deal with my friend from Ohio on international hunger issues and encourage my colleagues to support his amendment.

I also ask that I and Senator CHAMBLISS be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KOHL. In recent weeks, we have witnessed disaster and hunger and displacement on our own shores. Those images are compelling. They remind us that hunger and displacement and enormous human need are chronic conditions in many parts of the world. For the people living in these circumstances, U.S. food aid is as important as it has ever been.

I hope this amendment forces policymakers to rethink and recommit themselves to international hunger relief.

I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1741) was agreed to.

Mr. KOHL. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BENNETT. 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. BENNETT. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1812

Mr. BENNETT. Mr. President, I send an amendment to the desk for the senior Senator from Nevada, Mr. REID.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. BENNETT], for Mr. REID, proposes an amendment numbered 1812.

Mr. BENNETT. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide that funds made available for the Plant Materials Center in Fallon, Nevada, shall remain available until expended)

At the appropriate place, insert the following:

SEC. ____. Amounts made available for the Plant Materials Center in Fallon, Nevada, under the heading ''CONSERVATION OPERATIONS'' under the heading ''NATURAL RESOURCES CONSERVATION SERVICE'' of title II of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 2823) shall remain available until expended.

Mr. BENNETT. Mr. President, I ask that this amendment be agreed to on a voice vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1812) was agreed to.

Mr. BENNETT. 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. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. BENNETT. There is a briefing going on in the Capitol with Members of the Senate invited to attend. Accordingly, with the approval of leadership, I ask unanimous consent that the Senate stand in recess until 5 o'clock.

There being no objection, the Senate, at 4:01 p.m., recessed until 5 p.m. and reassembled when called to order by the Presiding Officer (Mr. COBURN).

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I say to Senator BENNETT that I know he is managing a bill, and I see no one else is here on that bill at this time and I would like to make a statement about Judge Roberts.

NOMINATION OF JOHN ROBERTS

Mrs. BOXER. Mr. President, when a seat on the Supreme Court opened in July, I made a promise to the people of California. I promised I would only support a nominee I believed would protect their rights and freedoms.

After much thought, I have concluded that I cannot in good conscience give my constituents that assurance with the nominee we have before the Senate, Judge John Roberts. In fact, I am very worried that with Judge Roberts on the Supreme Court, the rights and freedoms that have made America a light to the rest of the world could be in serious jeopardy.

The question before the Senate is not whether Judge Roberts is a brilliant lawyer and not whether he is well qualified or well spoken or affable or unflappable. He is certainly all of those. But examining his credentials is where our analysis must begin, not end. The American people understand this. In poll after poll after poll, the American people say that before we vote, it is important to know where Judge Roberts stands on key issues that define us as Americans and what kind of country we will leave behind for our children.

The next Chief Justice will have the opportunity to steer a deeply divided Court and influence our lives and the lives of our families for generations. In recent years, the Court has issued 5-to-4 decisions to protect our air, to safeguard women's reproductive health and the rights of the disabled, to give HMO patients the right to a second opinion, to allow universities to use affirmative action, and to guarantee government neutrality toward religion.

With so many of our fundamental rights hanging in the balance, it is not good enough, in my view, to simply roll the dice, hoping a nominee will change his past views. It is not good enough to think this is the best we can expect from this President. I simply do not buy into that reasoning. And no, I don't buy into this reasoning either: Let's support this nominee because the next one might be worse. I will tell you why that rationale does not work for me and it will never work for me as long as the Constitution gives me and my colleagues in the Senate an equal role in this process.

It fails the bar that I set—the bar that says that I must be able to look into the eyes of my constituents and assure them that I feel confident in this choice. I said I could only vote for a nominee who would protect the rights and the freedoms of the people I represent.

I need to be able to look into the eyes of my constituents and to assure them I have made that judgment before I vote yes in their name. I can't do it here. We must demand far more in a nominee because the people we represent deserve no less.

I will vote no on this nomination because of what we know and what we do not know about Judge Roberts.

Long before President Bush made this nomination, we knew that his model judges were Justices Scalia and Thomas.

Now, President Bush isn't known for changing his mind, so that doesn't leave us in a good place if we're hoping for a moderate. Nor does a reading of Judge Robert's record while he served in the Reagan Administration 20 years ago.

In fact, some of Judge Roberts's writings raise serious concerns about whether he understands the ugly history of discrimination and injustice in our country, or the proper role of government in injustice and discrimination.

Of course, we were told over and over again by Judge Roberts and by this administration and some of his supporters: Do not pay attention to those memos; they were written long ago; he was just a young man; he was just a lowly staff attorney. Here is the point: Judge Roberts never backed away from those memos. When given the chance, he said over and over again they were written for someone else. Someone else is not up for the Supreme Court; Judge Roberts is up for the Supreme Court. So to simply say, Yes, I wrote that, but I wrote it for someone else, just does not pass the test.

Then we try to examine Judge Roberts' tenure years later as a top political appointee under the first President Bush. That is when he worked as Deputy Solicitor General for Ken Starr,

who was the Solicitor General. Again and again, Senator LEAHY, Senator KENNEDY, Senator FEINSTEIN, all the Democrat Senators on the Judiciary Committee asked for documents relating to just 16 cases that would have shed some light on the way Judge Roberts approaches civil rights, reproductive health, the separation of church and state, environmental protection, and more. The Democratic women Senators asked too. But again and again, the administration refused to turn over the documents, and Judge Roberts refused to help us.

The President had access to that information when he nominated Judge Roberts. Why should this Senate a full partner in choosing the next Justice—have anything less?

This is not a small point of process. This goes to the heart and soul of what we are expected to do as Senators. We are supposed to be an equal partner in this process. We have the role of advice and consent to the President on judicial nominations. How can we do our job if the administration has access to information and yet we don't? I don't think it is fair. I don't think it is just.

Mr. KENNEDY. Will the Senator yield?

Mrs. BOXER. I am happy to yield.

Mr. KENNEDY. I thank the Senator for making her statement and particularly her comments about the effort by the Judiciary Committee to seek some 16 of the 300 cases in which Judge Roberts was involved as a Deputy Solicitor General.

As Judge Roberts pointed out during the hearings, when he was acting as the Solicitor General, he was acting as America's lawyer. That was not being a part of the Republican administration. The Solicitor General is to act as America's lawyer. That is why even Robert Bork, when he was Solicitor General, gave the information to the committee; and Brad Reynolds, who was in the Solicitor General's Office, also gave the materials from the Solicitor General to the committee.

As I have listened to the Senator, this is basically Judge Roberts' job interview for America. The members of the Judiciary Committee are just instruments to try to help the American people understand this nominee. It seems to me if the material had been favorable to Judge Roberts, they probably would have made it available. I imagine the American people are wondering, since others have made it available, why they did not make it available for him and why they denied the American people additional helpful information so they would be able to make up their own minds during the course of the hearing.

I underline the point the Senator made about the importance of information and the importance of documents. Would the Senator not agree this is basically Judge Roberts' interview with America, that the Judiciary Committee is the instrument by which the American people are forming an impression? It is a worthwhile part.

This is no more a client-lawyer relationship than the man in the moon, although some have suggested that. This is a longstanding process where that material has been made available to the Judiciary Committee. I have had the good opportunity to sit for some 20 nominees, I have seen the different procedures followed, and I have seen when it has worked the best. The information has been made available to the American people, and this is the point the Senator is making.

I wanted to ask the Senator if she agreed with me that this is his job interview with America?

Mrs. BOXER. I thank the Senator for asking me this question. I could not agree more. The American people have told us through many polls that they want to have this information. They want to know. They believe it is more important and I believe the number was 77 percent said it was more important to know about where Judge Roberts stood than it was to know about his qualifications. Everyone agrees on his qualifications. The Senator is absolutely right. It is, to me, very disappointing that the judge himself refused to help us.

It is also my understanding—and Senator KENNEDY, if I am wrong, I hope you will correct me—that when Judge Rehnquist was up for the Court, he also turned over documents from when he was a lawyer in government. So we had Judge Rehnquist, we had Robert Bork, and that was the right thing to do.

You have to ask the question, What are they hiding? The American people are very smart. They understand it. Why wouldn't one show the committee this information?

Mr. KENNEDY. Will the Senator yield?

Mrs. BOXER. I am delighted to.

Mr. KENNEDY. The point being this was only a request for 16 cases out of the 300 cases he actually participated in directly. There were many more where he expressed an opinion. These 16 directly involve constitutional issues. One was on a case involving affirmative action where the Federal Communications Commission asked the Solicitor General's Office to support their program on affirmative action because no major television stations were available to any of the minorities, Black or Brown, in this country, and they were trying to work out a process where there could be greater availability and they would be able to participate in these various bids that were coming in. They requested the Solicitor General to help them. They had a program. It had been approved. They asked the Solicitor General's Office to help them with their program.

What happened is not only did Mr. Roberts decide he wouldn't help them, he filed a brief for the Solicitor General's Office in opposition to the agency's program that would have opened up greater competition, greater diversity in terms of communication and ownership. That is exceptionally done, rarely ever done. All we were trying to find out was the circumstances—why did this happen, this unique set of circumstances?

Clearly, if we had enough time, I suppose we could have had the Federal communications lawyers at that time come in, and we could have tried to do our own kind of investigation on this particular case. But that is not what these hearings are all about, and that was illustrative of the type of case that was being requested and was denied to the Judiciary Committee, which had a direct relevancy as to his competency—whether we were going to continue to march toward progress in striking down the walls of discrimination, the walls of denial of opportunity, the gender discrimination which we have had in this country and which we made very substantial progress in over the period of the last 30 years with title IX, the actions that we have taken in terms of the 1964, 1965 Act, the 1968 Housing Act.

Mrs. BOXER. I say to the Senator, I think what we have tried to do in this little exchange is make a point to the American people that information was denied to the Judiciary Committee, and that information was denied to the Senate. And, the only information we have is very slim. It is a 2-year stint on the DC Circuit Court of Appeals.

We have a lot of information from 20 years ago. So on the one hand, it is kind of a catch-22 circumstance here. When you go back 20 years ago, everybody says: Oh, that is old information. It does not reflect Judge Roberts. You ask Judge Roberts, he won't answer. He says he was writing for someone else. So we then need to look at the time in the 1990s when he worked in the Solicitor General's office. But, we cannot get that information. So we go around in a circle.

I have to say, if this debate were about a small matter, it would be one thing. But, we are talking about the future of this country. The importance of a position on the U.S. Supreme Court cannot be overstated.

Mr. KENNEDY. Mr. President, will the Senator yield further?

Mrs. BOXER. Mr. President, I am happy to yield.

Mr. KENNEDY. On those memoranda, I think the Senator quite appropriately recorded that he had written those a number of years ago. And he, when he was asked about those memos, indicated he was just working for the administration. Of course, he made the application to work for the administration; he was vetted for the administration; he got the job with the administration. So this was something he very much wanted to do. He was constantly promoted within the administration. He could have very easily worked in another area. As John Lewis pointed out, this was a key moment in American history in terms of the march toward progress and moving ahead in terms of knocking down walls of discrimination.

I say, as a member of the committee, I was disappointed that Judge Roberts would not say whether those were his views today. That was the key. You can accept that, well, he was just an attorney in the Ford administration and was carrying on the administration's policy, although I think that is a stretch in many of the different memoranda that he wrote, when he explicitly said ''this is my opinion'' and ''I believe,'' as compared to ''we believe'' or ''it is our position.'' I think that is very distinguishable.

But, nonetheless, he was asked repeatedly, as I mentioned in my comments earlier, by Senator KOHL, by Senator FEINGOLD, by Senator BIDEN, and other members of the committee, are those his views today? I expected he would say, ''well, you know, times have changed. I wouldn't have used those words. I wouldn't have come, perhaps, to those conclusions,'' which would have been very understandable. But there is not a single instance—not a single instance—during the course of those hearings where he said: Those are not my views today. I have changed my position.

I think the Senator appropriately points out that aspect of the hearings and why that is troublesome. Because we only can conclude if he does not disown those positions, they may very well be his positions today, which would be very disturbing.

Mrs. BOXER. I say to the Senator, again you are making a very important point. The fact is, Senators on the Judiciary Committee—and I watched every minute of the hearings I could. I even watched the reruns of your hearings in the evening. You gave Judge Roberts ample opportunity in a very nice way to distance himself from his writings. He refused to do so. He simply said: I was doing this for my boss, and I was thinking like my boss. It is not good enough because he is the one who is up for Chief Justice.

I know Senator BENNETT would like me to conclude, and I will do so.

In his reviewing his record, I also looked for some assurance in the decisions Judge Roberts wrote during his two years on the DC Circuit. But, again, nothing. In fact, some cases raised serious concerns about his commitment to protect the environment and his support of an all-powerful executive branch.

Judge Roberts had three days to tell the Senate and the American people what he really believes today.

He had the chance repeatedly to distance himself from the controversial positions he once advocated. He did not.

Let's face it: Judge Roberts was specific only when it mattered least and evasive when it mattered most.

Last year I ran for the Senate, and I ran a commercial that people said was very direct, but that is the kind of Senator I am. I said in my own words, right in that commercial, I would do everything in my power to ensure that we never go back to those dark days of back-alley abortions, when thousands of women died and many others were rendered infertile.

We know that Judge Roberts signed a brief calling for Roe to be overturned. It was one of those 16 cases the administration will not release. And it concerned one of the many important topics about which Judge Roberts refused to answer questions.

To simply say Roe is a precedent, which he said over and over again, is stating the obvious. Every case of the Supreme Court is a precedent. And to say you respect precedent, yes, every judge must respect precedent. But it does not give us an inkling into his views, and that is not good enough.

We deserved an answer to Senator FEINSTEIN's questions about privacy: Does the right to privacy extend to the beginning of life and the end of life? We still don't know what Judge Roberts believes.

We deserved an answer to Senator BIDEN's question about gender discrimination. Does Judge Roberts stand by an interpretation of title IX that would have denied all remedies to a girl who was repeatedly sexually harassed by her teacher? We still do not know how Judge Roberts feels.

We deserved an answer to Senator KENNEDY's probing questions about civil rights. Does Judge Roberts have any concerns about the constitutionality of landmark civil rights laws? We still do not know.

How could he be silent on those laws. They stand out in history as landmark moments that changed the course of human events in America forever, that finally spoke to all our citizens and told them they were equal, and the government would make sure they were protected and safe.

We deserved answers to Senator LEAHY's questions about Congressional War Powers. We did not get them.

Now, Judge Roberts says as a Justice, he will ''just'' be an umpire calling balls and strikes. Of course, balls and strikes look a lot different depending on where the umpire is standing. And umpires have a lot of power to decide who wins and who loses.

So who will be the winners if we confirm Judge Roberts next week? Will it be the families of America? Will it be the children of America? Will it be the victims of violence? Will it be the poor and the powerless? Will it be the middle class? Will it be the environment? Will it be freedom? Will it be liberty? Will it be justice? Will it be our Constitution? Or will the winners be those who want to stop the national Government from acting to protect and defend our people and their rights and their freedoms?

I cannot tell my people that Judge Roberts will continue the steady march of progress that has defined our country's proud history.

So I will vote no. And because I believe the Senate deserves those 16 cases that Senator KENNEDY talked about, and answers to our questions, I will vote no.

I hope and pray my doubts about Judge Roberts are misplaced and that he will join the moderate wing of the Court to protect the Constitution of this country that I love so much and the deserving people of my great State who will be counting on him to protect their rights and their freedoms.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, the hour of 4 o'clock has come and gone. That was the hour by which all amendments to the bill had to be submitted. We had 120. We have disposed affirmatively of 31 of those, and we are not at all sure the other roughly 90 are all going to be offered.

The majority leader has made it clear he wants to finish this bill tonight, and so I say to those who have amendments still on the list, if they do not show up to offer their amendments, we will move to third reading at an appropriate time. We want to accommodate the majority leader's desire. I think it is the desire of most of the Members of the Senate to move forward. So I say to the other Members who do have amendments, you are on notice that if you do not let us know you are going to be here and try to reserve some time to call up your amendment, we will indeed move to third reading. There are hotlines that have been going out to Senators who have amendments filed to give them that message. We will go forward in that fashion.

AMENDMENTS NOS. 1754 AND 1755

Mr. President, I do have two additional amendments to those that have already been cleared, which I send to the desk and ask for their immediate consideration. Both are on behalf of Senator SALAZAR of Colorado.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. BENNETT], for Mr. SALAZAR, proposes amendments numbered 1754 and 1755 en bloc.

Mr. BENNETT. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments en bloc are as follows:

AMENDMENT NO. 1754

(Purpose: To provide for a report on the impact of increased prices of gas, natural gas, and diesel on agricultural producers, ranchers, and rural communities)

On page 173, after line 24, insert the following:

SEC. 7_____. Not later than 90 days after the date of enactment of this Act, the Secretary of Agriculture, in cooperation with the Secretary of Energy, shall provide to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a report that describes the impact of increased prices of gas,

natural gas, and diesel on agricultural producers, ranchers, and rural communities.

AMENDMENT NO. 1755

(Purpose: To require the Secretary of Agriculture to prepare a report on the conduct of activities to address bark beetle infestations)

On page 173, after line 24, insert the following:

SEC. 7_____. The Secretary of Agriculture (referred to in this section as the ''Secretary'') shall prepare a report for submission by the President to Congress, along with the fiscal year 2007 budget request under section 1105 of title 31, United States Code, that—

(1) identifies measures to address bark beetle infestation and the impacts of bark beetle infestation as the first priority for assistance under the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6501 et seq.);

(2) describes activities that will be conducted by the Secretary to address bark beetle infestations and the impacts of bark beetle infestations;

(3) describes the financial and technical resources that will be dedicated by the Secretary to measures to address bark beetle infestations and the impacts of the infestations; and

(4) describes the manner in which the Secretary will coordinate with the Secretary of the Interior and State and local governments in conducting the activities under paragraph (2).

Mr. BENNETT. Mr. President, I call for a vote on the two amendments.

The PRESIDING OFFICER. The question is on agreeing to the amendments.

The amendments (Nos. 1754 and 1755) were agreed to.

Mr. BENNETT. Mr. President, I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BENNETT. With that, Mr. President, we continue to go through the amendments that are available to us to see if they can be cleared on both sides in an effort to get them cleared. But I say, once again, to Senators who may be watching, we need to have an understanding of whether you are coming forward. We will soon reach the point where the amendments that can be cleared on both sides have been. At that point, if a Senator has not notified us of his intention to proceed and has not shown up, we will move to third reading.

The PRESIDING OFFICER. The Senator from Utah should be advised that in my capacity as a Senator from Oklahoma, I plan to offer amendments, and I will make those arrangements forthwith.

Mr. BENNETT. I thank the Presiding Officer. We were aware of his intention to offer his amendments, and we will not take advantage of him being trapped in the Chair to move ahead without protecting his rights and his interests.

The PRESIDING OFFICER. The Chair thanks the Senator.

Mr. BENNETT. 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. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1760, WITHDRAWN

Mr. DURBIN. Mr. President, I rise to enter into a brief colloquy with Senator COCHRAN, who is the chairman of the Senate Appropriations Committee, to discuss agriculture disaster assistance. The purpose of this colloquy is to set the stage for withdrawing a pending amendment which I am sure the chairman of the subcommittee, the Senator from Utah, will be happy to hear.

This has been a tough year for agricultural producers from coast to coast. Hurricane Katrina has decimated production throughout the gulf coast. The most recent USDA estimates released yesterday put hurricane-related losses in that region at nearly $900 million as a result of Hurricane Katrina. Having just visited this region with Senator COCHRAN a few days ago, I am not surprised. The devastation there is unimaginable, until one is on the scene.

In addition, we have had a terrible drought in the Midwest—in my home State of Illinois, Missouri, parts of Iowa, and Minnesota. We have had the worst drought in over 100 years in some parts of my State. Every county but one in Illinois has been designated a disaster area by the Secretary of Agriculture. Corn that should be standing 10 feet tall in some of the most fertile ground in America barely measures 6 feet and, sadly, is not going to produce much. The same is true for many of my counties when it comes to soybean production.

These drought conditions have reduced crop yields. Based on September USDA estimates of 2005 crop production and prices, the value of corn and soybean production in Illinois has been reduced by over $792 million, relative to what might have been expected under average growing conditions. In addition to these losses, there may be impacts on other crops and pastures as well.

We also face flooding in parts of North Dakota, red tide problems in New England that are shutting down shellfish producers who depend on the sea for their livelihoods, and an extended drought in the West and parts of the South, including Arkansas.

During this uncertain time, it is important to ensure that our agricultural producers stay in business. Most producers depend on farming for their livelihoods. In addition, there is an intrinsic good in knowing our food has been grown locally, is regulated by the Federal and State Governments, and is the safest in the world. We all benefit when American farmers are prosperous. For all of these reasons, I hope to ensure that our farmers, ranchers, and others who face disaster losses have their day in court when it comes to our Federal Government.

We have done this in the past. Last year, following a series of hurricanes, we enacted legislation to provide assistance to farmers who experienced crop loss.

I wish to ask the Senator from Mississippi to include agriculture losses incurred due to Hurricane Katrina and other national disasters, including the drought in the Midwest, in the next Katrina supplemental package.

I yield the floor to the Senator from Mississippi for a response.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, I am happy to join my friend from Illinois in bringing to the attention of the Senate the fact that there have been substantial losses that have occurred as a result of Hurricane Katrina, particularly in the States of Louisiana, Mississippi, and Alabama.

Having visited the State, as the Senator pointed out, just recently, it makes a vivid impression upon anyone who looks upon the widespread disaster that was caused by this dreadful hurricane.

While we do have on the books Federal crop insurance programs, other disaster assistance authorization, there always seems to be examples in a disaster of this kind of unmet needs and where, for some reason or another, the effect of the disaster is not fully protected by existing programs.

I am pleased to note, on page 88 in the committee report accompanying this appropriations bill, the committee includes information about the recent amendments to the Agricultural Risk Protection Act. It amended the original Federal Crop Insurance Act to strengthen the safety net for agricultural producers by providing greater access to more affordable risk management tools and improved protection from production and income loss and to improve the efficiency and integrity of the Federal Crop Insurance Program.

So progress has been made, but notwithstanding, I agree to work with the Senator from Illinois and the chairman of the subcommittee to craft language and funding that would be approved by the Senate, it is my hope, in any supplemental bill which the administration may request.

It is my understanding, from a visit yesterday with the Director of the Office of Management and Budget, it is expected that the administration will request an additional appropriation supplementing the funds that are available for many Government agencies and some departments to continue to provide disaster assistance to help recover from this dreadful hurricane.

In that legislation, when it does come before the Senate, we will work together to ensure that an appropriate provision is included, as described by the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I thank the Senator from Mississippi for coming over to the floor because I know

there are thousands of agricultural producers across the United States who were anxious to hear we are mindful of the disasters they have faced and in the region of Hurricane Katrina and other natural disasters across our country.

I ask unanimous consent that the following cosponsors be added to the amendment I have sent to the desk: My colleague from Illinois, Senator OBAMA, who shares my feelings on the drought that has faced our State, as well as my colleague from across the Mississippi River, Senator BOND.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, with this colloquy, however, I feel confident we can work together to resolve this problem in a reasonable way and, as a consequence, I ask unanimous consent to withdraw amendment No. 1760.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

Mr. OBAMA. Mr. President, I rise today to commend my colleague, the senior Senator from Illinois, Mr. DURBIN, for his work in crafting this legislation, of which I am a cosponsor. This amendment would provide critically needed disaster relief to Illinois farmers who face significant financial jeopardy from crop losses due to this season's historic drought.

Illinois agriculture is experiencing one of the driest periods in the last century and certainly one of the most severe droughts in two decades. Illinois is the Nation's leading producer of corn and soybeans. However, U.S. Department of Agriculture, USDA, reports show that more than half of the corn crop and almost a third of the soybean crop have been decimated by drought. Of the 102 counties in Illinois, 98 have reported crop damage due to the lack of rainfall.

In July, Senator DURBIN and I asked the Secretary of Agriculture to declare the affected counties in Illinois an agriculture disaster area. I am pleased that President Bush granted our request to give our Illinois farmers some much-deserved relief, qualifying Illinois farmers for USDA assistance programs, including low-interest emergency loans.

While this action provided an important amount of economic assistance, the scope and severity of this year's drought requires that additional measures be taken. At the present time, most of northern and western Illinois remains in a severe or extreme drought. Much of eastern Illinois is classified as abnormally dry. This is particularly alarming because farmers are at a critical point in the growing season.

Moreover, the reduction in fuel refining capacity caused by Hurricane Katrina has resulted in Illinois farmers facing a sudden surge in unanticipated fuel costs on top of already escalating fuel prices. The disruption in Mississippi River traffic at gulf ports, where half of the Nation's grain exports are shipped for foreign markets, has spiked shipping costs for farm commodities transported by barge downriver. The threat of an aflatoxin outbreak that affects corn during times of crop stress and drought is also of particular concern in recent weeks; should this condition progress after harvest and storage, farmers may face additional financial consequences in the coming months.

I understand that the Senior Senator from Mississippi, Mr. COCHRAN, has made a commitment to address this issue in the next hurricane supplemental appropriations bill that is sent to Congress. Given that commitment, I support Senator DURBIN's decision to withdraw the amendment, and I thank Senator COCHRAN for his cooperation.

Mr. BENNETT. Mr. President, we are making progress. I see the Senator from Minnesota on the floor and hope that he can proceed with his amendment.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. DAYTON. Is there an amendment pending?

The PRESIDING OFFICER. There is no amendment pending.

AMENDMENT NO. 1844, AS MODIFIED

Mr. DAYTON. Mr. President, I call up amendment No. 1844 and send a modification to the desk and ask unanimous consent that the amendment be modified.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. DAYTON] proposes an amendment numbered 1744, as modified.

Mr. DAYTON. 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:

On page 88, line 16, strike ''$23,103,000'' and insert ''$21,103,000''.

On page 109, line 21, before the period at the end, insert the following: '': *Provided further*, That none of the funds made available by this Act may be used to carry out section 508A(c)(1)(B)(i) of the Federal Crop Insurance Act (7 U.S.C. 1508A(c)) in a manner that, for purposes of counties declared to be disaster areas in calendar year 2005 by the Secretary under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)) or by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), applies the phrase 'in the same crop year' to have a meaning other than not later than October 15 of the year in which the first crop was prevented from being planted''.

Mr. DAYTON. Mr. President, this is a very simple amendment. It addresses the severe crisis in counties in northwestern Minnesota that were flooded last June after they had planted their crops. Many farmers in that region of my State lost most or even all of their crops. So the preventive planting program has been established which allows them to plant alfalfa and other cover. It says, after November 1, they may harvest the crop or graze on the crop. That works well for most of the country, but whoever wrote that date into law some time ago forgot to check the weather maps as they pertain to northern Minnesota which, by November 1, is often under snow.

The intent of the program is to provide for the ecological covering of the affected acreage, then allowing for farmers to salvage something off the land in addition to the preventive payment from the Government by harvesting it or allowing grazing on it. The effective date is too late to benefit Minnesota farmers.

This amendment would simply say, for those counties in Minnesota and elsewhere across the country that have been declared an agriculture disaster in this calendar year by either the President of the United States or by the Secretary of Agriculture, pursuant to their authorities, that they would then, for the purpose of this year only, be able to use that acreage for harvesting or grazing effective October 15. It moves up the timetable.

I think it preserves the original and actual intent of the program, and it means it applies to northern Minnesota, as it does to the rest of the country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, the amendment offered by the Senator from Minnesota does involve some cost. We are, at the moment, unable to have a score from CBO. We are working on getting a scoring from CBO, so I ask we not vote on this amendment at the present time, until we get that.

I will say to the Senator and to Senators, generally, since the passage of the bill by the committee, we have had a number of requests, such as the one from the Senator from Minnesota, many of which appear to be meritorious but when added together, we get a sum of money that we simply cannot sustain under our allocation. So we have taken the position that we will not entertain these additional requests for money.

There are a number of Senators who have been disappointed as a result of that position, including, if I may say, the Senator from Utah. I felt that I had to deal with everybody equally, and those requests that have come in from my own State since the passage of the bill by the committee, with some difficulty, I have had to say to people, I cannot treat Utah differently than others.

This is a meritorious issue the Senator has raised, and I am not saying we will automatically oppose it because it does add to the list that I described. Because we want to know exactly what the number would be and get the information from CBO, I ask that we set this one aside for the time being, and when we have that information, then I

will be in a better position to respond to the Senator's amendment.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Mr. President, I thank the distinguished chairman. I say that the practice of the committee chairman of treating himself equally with anyone else should be noted and praised. I commend it to the rest of the committee chairmen and ranking members as well. I thank the chairman for his remarks.

I apologize for the late moment and also the absence of a score. I had received a score today on a broader amendment, which was $2 million for this coming fiscal year 2006. I was asked to restrict the amendment. I believe, quite confidently, when the score is obtained, it will be less than that $2 million.

I am mindful of the imperatives on the subcommittee that they have to meet the mark they have been given. I recognize this will have an impact on that. I hope my staff might work with the chairman's staff and look for some suitable offset and some way to address this issue.

I thank the chairman for his consideration. I apologize again for adding to his burdens.

Mr. BENNETT. Mr. President, I thank the Senator for his comment and assure him this is no burden, and we will do the best we can.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Oklahoma.

Mr. COBURN. Mr. President, in a few moments, I will offer several amendments, but I feel inclined, because of what we have heard about the last two or three amendments that have come forward here, to comment.

There are products offered called crop insurance. It is very important for us as a Senate to remember that everything in life has risk. As we look at Katrina and the tremendous issues that have come forward, not everybody who has a loss in this country is entitled for the Federal taxpayers to pay for that loss. If my house burns down and I am underinsured, is that a Federal Government responsibility? At what level do we recognize personal responsibility and risk in terms of natural events?

There is no question we are going to be working hard to do our part at the Federal level to aid those involved in the tragedy of Hurricane Katrina, but the very idea that now we are considering helping those people means we jump on with everybody else who has a need in this country right now is a very dangerous trend that I guarantee we cannot afford.

I applaud the statement of the Senator from Utah in recognizing there is a limit to what we can afford. I know these issues will come through in regular order and process, but I think it has to be said that these are meritorious, that is right, but they are going to have to be listed with the rest of the priorities in this country of what has to come first.

We do not have an unending source of funds, although sometimes we act as if we do. These are going to have to be put in that order of priority. I am sure this body will do that in terms of priority, but what we cannot do is continue to mortgage the future of the next two generations by not making those hard choices.

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. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ISAKSON). Without objection, it is so ordered.

AMENDMENT NO. 1773

Mr. COBURN. Mr. President, I would like to call up amendment 1773.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 1773.

Mr. COBURN. 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 reduce spending levels, to promote more efficient use of resources, and to encourage more appropriate budget estimates)

On page 122, line 24, strike ''$653,102,000'' and insert ''$610,754,560''.

Mr. COBURN. Mr. President, this is the first of many amendments I am going to be offering the rest of the year to make a downpayment for our grandchildren to pay for Hurricane Katrina. I start small, but there are many in Washington who say we cannot do it, that there is not the waste, fraud, and abuse, there are not significant dollars that are not spent wisely and prioritized. This is one that I am not sure will pass, but it certainly cannot not be recognized by anybody who looks at the books of the rental assistance program that this is an appropriate amendment. The appropriation for this program in 2005 was $587,264,000. The budget estimate for 2006 was $650 million, the House allowance was $650 million, and the committee recommendation is $653 million.

According to the committee, this program and the objective of the program is to reduce rents paid by low-income families living in rural housing service financed with rental projects and farm labor housing projects. That is a meritorious goal. It is something we ought to be doing, and I fully support doing that. However, the payments from the fund are made to the project owner for the difference between the tenant's payment and the approved rental rate established for the unit.

Why would I offer an amendment to trim that back? It is because the rental assistance program has been gaming us, according to the Government Accountability Office. Let me explain how.

In March 2004, they reported that since 1990—this is 14 years—the rental housing program had consistently overestimated its budget needs for the rental assistance program. Concern had arisen about the issue in early 2003 because RLS reported hundreds of millions in unexpended balances tied to its rental assistance contracts. Specifically, in estimating the needs for rental assistance contracts, it routinely uses higher inflation factors than recommended by OMB, did not apply the inflation rates that are recommended to each year of a contract, and based the estimates of future spending on recent high usage rather than the average usage of the rental assistance program.

First, the agency used inflated factors that were higher than those recommended by the OMB budget process, that they didn't apply it separately to each year, but they did it cumulatively to gain the amount of money they were asking from Congress. The result was an inflation rate that was more than five times the rate of the last year than the first year. So therefore the numbers they are asking for and the balances that are retained are high. And they are not utilizing the money we are appropriating. They are just accumulating money. RLS based its estimates of future expenditures on recent maximum expenditures—and that may very well be right, but that is what we are doing in supplementals, that is what we have done the supplementals for—rather than the average rates for which the units were funded historically.

According to GAO in its most recent report the agency was not following the guidelines, and they actually overestimated their need last year by $51 million or 6 percent of their appropriations. That is not TOM COBURN saying that. That is the General Accounting Office saying it. The GAO has harshly criticized the agency for lacking proper internal control standards through its administration of this program. As a matter of fact, one single employee has largely been responsible for both budget estimating and allocating rental assistance funds. This amendment simply reduces it from a growth rate of 10 percent to a growth rate of 4 percent. That is higher than our rate of inflation, but it brings it back in line.

The agency has proven it cannot forecast its real needs accurately. It has not forecast its real needs accurately. It fails to track its real needs and fails to track its basic expenditures.

Let me underscore one point. This program will still receive a $23.5 million increase this year under this amendment. If we hope to approach any type of fiscal sanity in the Senate or in this country through this Government, then we have to start holding

agencies accountable. We can have all the GAO reports we want. If they keep getting the money on the same basis that they are getting the money, then we are not going to change behavior. What we want to do is not hurt one person who is relying on us for this rental assistance, but what we do want is the agency to apply and come up to the standards that are recognized as necessary in the Federal Government.

This is one of several amendments I will be offering over the next couple of months. But it proves to the American taxpayer that we can do better. My hope is that the committee will look at this amendment, decide that the GAO was right, decide that they have overestimated it, and trim back this money.

This money is money that can be saved and used to start to offset the costs of this catastrophe that is in front of us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, the Senator from Oklahoma is correct in the comments that he makes about the GAO and their study of this program. We have looked into it for the same reasons that the Senator from Oklahoma has and find that there have been mistakes made and there have been overestimates made. However, we have also discovered that the Department has recognized this and has made changes in the program, and the Department has reacted to the criticism that has come from the GAO.

The estimates that we have before us in this bill we believe are sound and the concern we have is that there is, in fact, no extra money sitting around. If we were to accept the amendment the Senator has offered, there would, in fact, be people who are currently in low-income housing who would lose that housing. They would lose that housing immediately upon passage of this bill.

It is further, of course, exacerbated by the situation created by Katrina, in that people have lost their housing by virtue of the hurricane, and to see others who have not been affected by the hurricane turned out because of the cutback in this program is something I do not think anybody would want to see.

The President requested $650 million, as the Senator said. We are at $653 million, based on the information that we have from the Department, which we now believe is far more accurate than the information of previous years. The GAO criticism is correct about misestimates.

Also, we point out these are 4-year contracts, so that something that appears to be money sitting there is, in fact, not necessarily money sitting there. It is money that has been committed over the 4-year contract. This is not just a single year's appropriation.

For these reasons I would have to oppose the amendment of the Senator because I believe in the present circumstances we do not want to have the consequence of having people who are currently in housing, currently receiving aid under this program, lose that aid and have to leave their housing. If it were entirely prospective, I would be more sympathetic to the amendment of the Senator, but all of the information I have is that it would, in fact, cause people who are currently receiving this to lose their housing.

I know the Senator from Oklahoma has some other amendments. I would like to give as much notice as possible to Senators around the city as to when we would take a vote. The Senator from Oklahoma says he would like to have this the subject of a rollcall vote. Of course, we will accommodate him. But if we could find out what other amendments the Senator has, and see if we could have a discussion and then set a time for those votes to be stacked—if indeed he wishes to have additional rollcall votes?

I ask if the Senator could respond to that.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I will be happy to respond. The Senator from Utah has my great respect. I know he is an accountant and has a tremendous background in terms of finance. But if you overestimate for the 3 years prior to coming into this before you change it, and you have contracts based on that that were overestimated, you do have an excess of funds in there now. There will be no shortage of rental payments because of the over-roll of the overpayments, the overestimate of the contracts that have been made.

The good answer for the American people is this is going to throw people out. It is not going to throw a person out. There is plenty of money in this account. There is almost $50 million at the end of this year left in this account that is not expended and can be spent. So it is not accurate to say people will not be able to have the homes that they have.

I think the Senator will agree that if, in fact, you overestimate inflation rates 4 years running, and you have been appropriated all that money looking forward for that, and you had contracts on costs that were less than that, if anything the surplus will grow if the usage is the same.

To make the argument that we should not do this because somebody might be thrown out, when, in fact, it is not accurate based on the funding that is in this account at this time, doesn't do justice to the very problems that we have before us.

I do not expect this amendment to pass, and I probably will not ask for a rollcall vote. I don't know what I am going to do in terms of asking for a rollcall vote. But it is that kind of thing we have to look at. We have to tighten our belts. There is loose money in this program. It can be done better. They have demonstrated they have started to do better, but they have not demonstrated they are doing better. What I would ask is for us to send a message: Do better. It doesn't undercut the first person we are trying to help. We have already sent $62 billion out there for this disaster, and we are planning on sending more. If we need to make an adjustment in one of those appropriations bills, if in fact I am wrong and you are right—which I do not believe to be the case—we can do it then. But send the signal: Do it right, do it efficiently, and do it for the best price you can because our grandchildren are counting on you.

I hope at some point in time we will start getting to the realization that we have to start making some choices. This is a choice that is not going to hurt the first person, but it is going to change an agency to make them recognize you are going to start playing with real numbers and quit gaming the system. They have a cushion. They know they have a cushion. I believe the appropriators and accounting staff know they have a cushion, and we ought to take that cushion away and make them do what they should be doing.

Mr. BENNETT. Mr. President, I am unaware of the existence of the cushion. I would be happy to work with the Senator to try to find out exactly whether there is one and how much it is. But the information that I received both from the staff and, admittedly, from the Department, is there is no cushion and passage of this amendment would, in fact, cause people who are currently in housing to lose their housing.

I am not in a position to challenge the Senator's sources. I simply state that my sources have given me an additional answer. I have not looked over the books. I have not personally gone into the accounting of this situation, and therefore I am not in a position to do any more than state, as I have stated, that my information is different than his.

Clearly, this is a subject that needs to be pursued. I congratulate him on raising it. The question for the Senate now is how we proceed on this amendment, whether the Senator will ask for a rollcall vote and, if he does, when we schedule it.

Mr. COBURN. Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator may state his inquiry.

Mr. COBURN. Does a decision on a rollcall vote have to be made at this time?

The PRESIDING OFFICER. The Senator is not under any obligation to ask for the yeas and nays at this time.

Mr. COBURN. I will defer that at this time and have a discussion with the Senator from Utah about having a vote on this amendment.

Mr. BENNETT. Very good. We will have that discussion. As I say, my desire is to give Senators notice if they are at a location sufficiently far from

the Capitol that they need a heads up. That is the only concern that I have. I will be here. I will be prepared to vote virtually at any time.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 1796

Mr. BINGAMAN. Mr. President, I ask unanimous consent to call up Senate amendment No. 1796.

The PRESIDING OFFICER. Is there objection to laying aside the pending amendment?

Hearing none, the clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for Mr. JEFFORDS, proposes amendment numbered 1796.

Mr. BINGAMAN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide funds to carry out the historic barn preservation program, with an offset)

On page 85, line 15, strike ''$128,072,000'' and insert ''$126,072,000''.

On page 126, between lines 3 and 4, insert the following:

HISTORIC BARN PRESERVATION PROGRAM

For the historic barn preservation program established under section 379A of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008o), $2,000,000.

Mr. BINGAMAN. I ask unanimous consent to lay the amendment aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1775

(Purpose: To require that any limitation, directive, or earmarking contained in either the House of Representatives or Senate report accompanying this bill be included in the conference report or joint statement accompanying the bill in order to be considered as having been approved by both Houses of Congress)

Mr. COBURN. Mr. President, I call up amendment No. 1775 and ask to set the pending amendment aside.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 1775:

At the appropriate place, insert the following:

SEC. ___. Any limitation, directive, or earmarking contained in either the House of Representatives or Senate report accompanying H.R. 2744 shall also be included in the conference report or joint statement accompanying H.R. 2744 in order to be considered as having been approved by both Houses of Congress.

The PRESIDING OFFICER. The Senator is recognized.

Mr. COBURN. Mr. President, this is an amendment I offered earlier in the year on a previous appropriations bill. I want to set the stage for this because I think this is probably one of the most important amendments I will offer in the Senate. It is important the American public recognize what this amendment does.

Appropriations bills start in the House. They come to the Senate. They are met in conference.

In the House bill there is report language. In the Senate bill there is report language. In that report language is where you find out where the money is going to be spent. The purpose of this amendment is to make sure, when a bill comes out of conference, that the Members of this body know where all the money is going to be spent before they vote on the bill.

There is no lack of desire for many of us who want to know that, but it is hard to find out as you approach the conference bill; that is, for us. But it is also difficult for the American people to know.

What this amendment is about is about sunshine. It is about sunshine on the legislative process so that the American people know items that are special projects for Members of Congress, items that have been earmarked or especially directed that we ought to know of, and what that is ought to be in the report language, where it is going and to whom it is going.

This amendment received 34 votes last time. I think it is absolutely imperative for us to keep the integrity of our appropriations process so that we know, No. 1, what is in the bills that we vote on and have available to us—that information on report language, but, No. 2, for the American people to know.

It has been said they can find it on the Internet. They can if they care to really dig through it. But if there is report language that has it where you can go to, you can, in fact, know before we vote what the special interests are that influence the appropriations bills of this country.

This is simply saying sunshine, let us know what is in it, let us print what is in it, and let us not deny what is in it. If it is good, great; if not, take the lumps that go along with it.

If you are doing a special favor for someone, or earmarking one of your political constituencies, it ought to be out there, and it ought to be looked at.

This is a simple, straightforward amendment that we ought to honestly say that we like sunshine rather than darkness and less than straightforwardness.

It is my hope that the body will again consider this and add it to this bill so that, when we go to conference, everybody understands what is in the bill when it comes out of conference. We are going to know what is in the bill, and we will not have to play games to know what is in the bill.

I yield the floor.

Mr. BENNETT. Mr. President, as I examine this question, it is a question that involves the traditions and procedures of the full committee. At the risk of being accused of dodging, I would prefer to have Senator COCHRAN as chairman of the full committee examine and respond.

We have reached out to get hold of Senator COCHRAN to see if he is willing to do that. But this would be a departure from previous procedures.

As I understand, the Senator from Oklahoma would like there to be a permanent departure that occurs on virtually every appropriations bill from here on out. For that reason, I am a little reluctant to set a precedent on the bill over which I have responsibility which might then be cited as a precedent for all the other bills that would follow.

For that reason, I hope we can have Senator COCHRAN appear and have his position before we come to the question of whether or not we vote on it.

Mr. COBURN. Mr. President, so the Members of the body know, I intend to offer this on every bill that doesn't have it. Some of the bills have had it but some have not. So my intention is to offer this amendment for the next 6 years on every appropriations bill that comes through because I believe more information going to the American public is a whole lot better than information hidden and sequestered away from them to know what we are doing.

We are accountable. If we are doing our work, then we ought to be proud of our work, and we ought to put it out.

I will be happy to discuss this with the chairman of the committee. He knows. I have had this debate with him before. I am persistent, and the Senator from Utah knows that. I believe the people of Oklahoma believe it. I believe that the vast majority of Americans believe it. We ought to know what we are voting on, where the money is going and who is going to benefit from it ought to be printed.

On this amendment, I ask for the yeas and nays, and I ask for a rollcall vote on this amendment.

The PRESIDING OFFICER (Mr. SUNUNU). Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BENNETT. 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. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. COBURN). Without objection, it is so ordered.

AMENDMENT NO. 1773

Mr. BENNETT. Mr. President, I call for the regular order on the Coburn amendment No. 1773.

The PRESIDING OFFICER. The amendment is now pending.

Mr. BENNETT. Mr. President, I call for a vote on this by voice.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 1773) was rejected.

Mr. BENNETT. Mr. President, I ask unanimous consent that the time between now and 7 o'clock be evenly divided between myself and Senator BINGAMAN from New Mexico, with the vote on the Coburn amendment No. 1775 to occur at 7 o'clock to be followed by a vote on the Bingaman amendment, with the yeas and nays ordered in both instances with no other amendments being allowed to either amendment prior to the time.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

It shall be in order to order the yeas and nays on any amendment at this time.

Mr. BENNETT. Mr. President, I call for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BENNETT. Mr. President, I renew my request.

The PRESIDING OFFICER. The Chair states that at 7 o'clock a rollcall vote will occur on the Coburn amendment, followed by a vote on the Bingaman amendment, with the time between now and then evenly divided between the Senator from Utah and the Senator from New Mexico.

Mr. BENNETT. Mr. President, I ask unanimous consent that between the two votes there be a period of 2 minutes for explanation equally divided between the Senator from New Mexico and myself.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Mexico is recognized for 10 minutes.

Mr. BINGAMAN. Thank you very much, Mr. President. And I thank my colleague from Utah for his courtesy.

AMENDMENT NO. 1797

Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself and Mr. LUGAR, proposes an amendment numbered 1797.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 85, line 15, strike ''$128,072,000'' and insert ''$118,072,000''.

On page 132, line 24, strike ''$12,412,027,000'' and insert ''$12,422,027,000''.

On page 132, line 26, strike ''$7,224,406,000'' and insert ''$7,234,406,000''.

On page 133, line 6, before the period, insert the following: '': *Provided further*, That not less than $20,025,000 shall be available to implement and administer Team Nutrition programs of the Department of Agriculture''.

Mr. BINGAMAN. Mr. President, this amendment I described earlier today, but let me describe it briefly again because it is very straightforward.

Each year, when the administration sends the Congress its budget request for the Department of Agriculture, it asks for $10 million for nutrition education. It is the Team Nutrition programs sponsored by the Department of Agriculture. This is funding that goes to 21 States to try to assist them in providing nutrition education in the schools. The other 29 States get no funds. My State gets no funds because there is not enough being appropriated. This program cannot cover more than the 21 States that are currently covered. So the children in my State do not get the benefit of this nutrition activity.

Why is nutrition education an important issue for this Congress and this country at this time in our history? I would suggest that the best case for explaining that is set out in this letter which I received from the American Heart Association endorsing the amendment that I am offering on behalf of myself and Senator LUGAR. Senator LUGAR is the cosponsor of my amendment.

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:

AMERICAN HEART ASSOCIATION,
AMERICAN STROKE ASSOCIATION,
September 21, 2005.

DEAR SENATOR BINGAMAN: On behalf of the American Heart Association and its division, the American Stroke Association, I am pleased to offer our support for legislation that would expand funding for Team Nutrition. This program provides funding to states to support nutrition education and promote physical activity in schools. The current funding level of $10 million provides support to only 21 States. The additional funding would be used to expand the program so that more young people could obtain the knowledge and skills necessary to make healthy lifestyle choices.

Overweight and obesity, especially among children, have emerged as serious threats to our nation's health. Today, about 16 percent of all children and teens in the United States are overweight. Obesity is a major risk factor for coronary heart disease, which can lead to heart attack. Obesity can also induce diabetes, which makes the danger of heart attack especially high. Recent research suggests that obesity shortens the average lifespan by at least four to nine months, and if childhood obesity continues to increase, it could cut two to five years from the average lifespan. This could cause our current generation of children to become the first in American history to live shorter lives than their parents. Besides its toll on health, obesity contributes significantly to rising health care costs. The World Bank has estimated the cost of obesity at 12 percent of the nation's healthcare budget.

The American Heart Association is committed to lowering rates of overweight and obesity in the United States by helping Americans make better nutrition choices and by facilitating increased levels of physical activity at all ages. We support program and activities like those in your amendment, that can help reduce rates of obesity, cardiovascular disease and stroke. We commend you for your leadership on this issue and look forward to working with you to advance this legislation.

Sincerely,

SUE A. NELSON,
Vice President Federal Advocacy.

Mr. BINGAMAN. Mr. President, I will read parts of this letter so people can understand the case that is being made.

The American Heart Association letter directed to me, signed by Sue Nelson, Vice President for Federal Advocacy, says:

Overweight and obesity, especially among children, have merged as serious threats to our Nation's health. Today, about 16 percent of all children and teens in the United States are overweight. Obesity is the major risk factor for coronary heart disease which can lead to heart attack. Obesity can induce diabetes which makes the danger of heart attack especially high. Recent research suggests that obesity shortens the average lifespan by at least 4 to 9 months, and if childhood obesity continues to increase it could cut 2 to 5 years from the average lifespan. It could cause our current generation of children to be the first in American history to live shorter lives than their parents. Besides its toll on health, obesity contributes significantly to rising health care costs.

The World Bank has estimated that the cost of obesity is 12 percent of this country's overall health care budget.

The problem is we don't seem to be willing to connect the dots. We don't seem to be willing to say if we spent a little more on something like nutrition education, maybe we would not have to spend 12 percent of our health care budget to deal with the problem of obesity. That is the simple reality.

All I am saying is, let's begin to connect the dots and put a reasonable amount of funding into the effort to provide instruction to children in our schools about how to eat a decent diet and maintain a decent body weight. That is the entire purpose of the amendment.

We used to appropriate more money for nutrition education than we do today. Unfortunately, the last 3 years we have fallen into an automatic $10 million a year. That means no new States can participate in the program. It means no new students can get the benefit of this instruction. To my mind that is not an acceptable circumstance, particularly with this change in the lifestyle of Americans which we see all around us.

We need to provide good information to our young people so they can grow up and lead healthy productive lives. We are not doing that today. When you look around other parts of the Federal budget and say, well, okay, maybe the Department of Agriculture is not providing help with this, but maybe the Department of Education is. They are not. This is the only effort being made by the Federal Government to assist.

We have a lot of lofty statements being made by the administration. I

welcome those statements. We need to follow through with some reality in addition to the statements. The administration has launched an initiative. It refers to this initiative as the Healthier United States School Challenge, and it focuses on helping children to live longer, better, and healthier lives.

Our former Secretary of Agriculture Ann Veneman and the U.S. Department of Agriculture announced in July that the school challenge builds upon the team nutrition program and recognizes schools that have obtained nutrition and physical activity standards. So we are announcing initiatives and calling them the Healthier United States School Challenge, but we are not willing to put in funds to allow the programs to be available to most children in this country. To my mind, that is not a responsible course. We can do better.

I offered an amendment similar to this 2 years ago in the Senate when the Agriculture appropriations bill came up. At that time I was told, no, there is no money; we cannot afford to do this. I withdrew the amendment at that time and I was encouraged because both the managers of the bill advised they would try to find additional funds. They were not able to do that. I am sure in good faith they tried. They were not able to do that. Accordingly, we are still at $10 million.

I don't know of any other way to get this issue dealt with other than to ask the Senate to please vote on this. Please support my amendment and Senator LUGAR's amendment and increase this funding. The offset we have chosen is one that is called CCE, common computer environment. It is a $128 million item in the budget for improving the coordination of the computing in the various parts of the Department of Agriculture. I am sure it is a worthy purpose, but I would be willing to see that reduced by $10 million so we could put that $10 million into child nutrition education. That is the purpose of that amendment.

I hope my colleagues will support it. At this time I have used my 10 minutes and I will go ahead and yield the floor and have a chance to explain it very briefly before the actual vote occurs.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, there is no question but that an education program to try to get our young people to eat better makes sense. There is no question that we should do what we can to deal with the challenge of obesity.

Now let us look at a few realities with which we are faced. The President requested $10.25 million for the program. The amendment offered by Senator BINGAMAN and Senator LUGAR would virtually double that amount. There is no other program we are dealing with where the request is to double the funds. We have people who are requesting incremental increases of 5 percent and 10 percent, but quite frankly we have resisted.

The total number of earmarks and requests that have come in since the committee acted is over $50 million. We have stood firm against all of them and said we are sorry, the money isn't there. We feel we have to stand firm against it. So this $10 million would double the program as it currently exists and would be 20 percent of the total amount we on the subcommittee have said we cannot fund.

The offset is very interesting. It is the common computer environment. It always seems easy to say, well, we can get by, by delaying activity with the computers. Let's cut the computers because education is more important.

During the debate we have had today, we have heard complaints from people about interoperability, about inability to communicate in the time of emergency. Katrina has exposed problems with computers. If we were to cut the computer program as drastically as this would cut it, we run the risk of closing county offices. We run the risk of stopping the modernization of services right at a time when complaints are coming in about how antiquated those services are.

But interestingly, as the $50 million requests have come in, almost all of them, when we told them you have to have an offset, say let's cut the computers. If indeed we responded to every one of the requests for additional spending, we would have cut the computers $50 million.

I don't want to cut the computers at all. I accept the arguments that say we have challenges with communication in the Department; we need to have as modern a communication system as we possibly can. The common computer environment that is trying to create that interoperability should be encouraged and maintained.

For that reason, as fond as I am of the Senator from New Mexico and the Senator from Indiana, I have to oppose this amendment. I will ask my colleagues, when the time comes for the rollcall vote, to oppose it. There will be another bill next year. We will see where we are next year with overall spending. We will see where we are with respect to emergencies and how the Department of Agriculture is dealing with those emergencies.

I am convinced when we come to that, as we sift through all the damage that is done by Katrina and perhaps by Rita and other challenges, we would like to have as powerful and as modern a computer system to deal with communications as we possibly can.

For those reasons, the doubling of a program at a time of budget constraints that we find ourselves in, and taking the offset from a program where we feel we need to be as modern as we possibly can, gives me two reasons to say that I would be opposed to this amendment.

I still have an additional 5 minutes and I frankly have said all I need to say. I yield back the remainder of my time. If the Senator from New Mexico wishes to claim it, I am happy to have him use it; otherwise, we can go into a quorum call until such time as the vote starts at 7 o'clock, unless there are other Senators who wish to speak.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. I will speak for another couple of minutes.

I ask unanimous consent to add Senator MURKOWSKI and Senator COBURN as cosponsors of this amendment.

The PRESIDING OFFICER (Mr. BOND). Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, let me make one point. This is requesting that we double the size of this program, but at the current time, we are spending 21 cents per child per year on nutrition education out of the Federal Government. This is suggesting we might want to spend up to 42 cents per child per year.

I remember when I offered this amendment 2 years ago, Senator BYRD said we ought to at least provide as much per child as it costs to buy a candy bar. I thought that was pretty good insight.

I see my colleague from Oklahoma, Senator COBURN, wishes to speak briefly.

Mr. COBURN. I thank the Senator for his amendment.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, this is an area I am all too familiar with. If we are going to solve the health care crisis in America, it starts with prevention. In the year 2070, one out of every $2 of Medicare we spend will be for diabetes. Fifty percent of the diabetes that will occur in the future can be prevented by good nutrition education in the early years, not only of the children but of the parents.

This is a fantastic amendment. I told the Senator from New Mexico I wished I had thought of it. For every $1 we spend on prevention, we get $17 back. For every $1 we spend on computers, we probably get $2 or $3 back. It comes back to the questions of priorities.

This is a great idea. I understand the resistance to not cut anything in a bill that comes to the floor from a Committee on Appropriations. I understand that. But I think of all the amendments I have heard, including mine, other than sunshine, this is the best I have heard because it will have the greatest impact. We get the most value for the dollars we spend. That is what we should be about. I heartily support the amendment and I hope the Senate will too.

The PRESIDING OFFICER (Mr. COBURN). The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, we have had previous conversations about the effectiveness of the Agriculture Department. We are talking about our own backgrounds. I have a little bit of

background in advertising. I would be anxious before we spend this money to do a little analysis of how effective the advertising has been.

You talk about instruction in schools. We all know that there are instructions that work and there are instructions that don't. My own experience is that the Government is not very good at advertising healthy lifestyle changes. We could have been spending—I have no idea. We have not researched this at all. I have no idea where the evidence might be. We could have been spending the 21 cents per pupil and wasting every bit of it in terms of results.

I have something of a background in advertising and I know how much advertising budgets get wasted simply because the advertising campaign is not effectively carried out.

I recommend to my colleagues we defeat this amendment and if, indeed, the Senator from Oklahoma and the Senator from New Mexico can examine this from their background and demonstrate we are getting a 17-to-1 return from this particular program, that we are getting a 17-to-1 return from the kind of instruction going on in classrooms, then I would be happy to endorse this at some future time.

In terms of what has been the result of the $10 million we have been spending, how certain will we be that doubling that is going to, in fact, increase health among our children? It may well be that a GAO study would say the $10 million has been spent on training materials that have been ineffective and produced no result whatever.

In effect, we are being asked to buy something of a pig in a poke without understanding exactly how it works. I hope we would stay with the committee allocation here. The issue is a very legitimate issue. I, for one, will be more than willing in the hearings to ask the Department to give us a demonstration of how effective this has been.

If it can be demonstrated that it has, in fact, reduced obesity and has had some impact on diabetes, at that point I would be all for doubling it or tripling it because of the 17-to-1 figure the Senator from Oklahoma cites. But lacking that information, in this particular situation I would be loathe to proceed.

The PRESIDING OFFICER. All time has expired.

VOTE ON AMENDMENT NO. 1775

The PRESIDING OFFICER. Under the previous order, the question occurs on agreeing to the Coburn amendment No. 1775. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from New Mexico (Mr. DOMENICI) and the Senator from Wyoming (Mr. ENZI).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE), the Senator from Hawaii (Mr. INOUYE), the Senator from Maryland (Ms. MIKULSKI), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessary absent.

The PRESIDING OFFICER (Mr. THUNE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 39, as follows:

[Rollcall Vote No. 238 Leg.]

YEAS—55

Akaka	DeMint	Nelson (FL)
Alexander	Dodd	Nelson (NE)
Allen	Ensign	Obama
Bayh	Feingold	Roberts
Biden	Feinstein	Salazar
Bingaman	Graham	Santorum
Boxer	Inhofe	Schumer
Brownback	Isakson	Sessions
Burns	Kerry	Snowe
Burr	Kohl	Specter
Cantwell	Kyl	Stabenow
Chafee	Landrieu	Sununu
Clinton	Levin	Talent
Coburn	Lieberman	Thomas
Collins	Lugar	Voinovich
Cornyn	Martinez	Warner
Craig	McCain	Wyden
Crapo	McConnell	
Dayton	Murkowski	

NAYS—39

Allard	Dorgan	Leahy
Baucus	Durbin	Lincoln
Bennett	Frist	Lott
Bond	Grassley	Murray
Bunning	Gregg	Pryor
Byrd	Hagel	Reed
Carper	Harkin	Reid
Chambliss	Hatch	Sarbanes
Cochran	Hutchison	Shelby
Coleman	Jeffords	Smith
Conrad	Johnson	Stevens
DeWine	Kennedy	Thune
Dole	Lautenberg	Vitter

NOT VOTING—6

Corzine	Enzi	Mikulski
Domenici	Inouye	Rockefeller

The amendment (No. 1775) was agreed to.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I have a unanimous consent request in which all Senators, I believe, will be interested.

Mr. President, I ask unanimous consent that after the next vote, there be no other rollcall votes until 9:30 tomorrow morning, with the understanding that all amendments will be offered tonight, all debate will take place tonight, and all votes that occur tomorrow will be stacked to be followed by final passage.

The PRESIDING OFFICER. Is there objection?

Mr. BENNETT. That means, Mr. President, that there will be no more votes tonight, and amendments that require rollcall votes will be voted on in the morning, and that we will go to final passage immediately at 9:30 tomorrow after disposing of any rollcall votes. We have several amendments pending which we hope we can deal with by voice votes tonight, and I hope that we will not have any more rollcall votes and can go immediately to final passage.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I certainly understand the chairman's sentiments, but I ask the chairman of the Senate Judiciary Committee what the impact of this schedule will be on our hearing tomorrow.

Mr. SPECTER. Mr. President, the answer to that is, we will work around it. We will proceed, and we will get the nominee voted out of committee. We can accommodate it. That is the answer.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 1797

The PRESIDING OFFICER. Under the previous order, there are 2 minutes evenly divided on the amendment offered by the Senator from New Mexico. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, this amendment is being offered by myself, Senator LUGAR, Senator MURKOWSKI, and Senator COBURN. The amendment would add $10 million for child nutrition to the program that already exists in the Department of Agriculture called Team Nutrition. This is the only significant Federal effort we have to assist with nutritional education in our schools.

Today, it is drastically underfunded. This would allow us to add $10 million. Instead of spending 21 cents per child per year in this country on nutritional education from the Federal Government, we would be spending 42 cents.

This is an amendment that I think all Members should support. Clearly, this is needed to deal with the problem of childhood obesity that is becoming an epidemic in our society.

I hope my colleagues will all support this amendment.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, the President's request for this program was $10 million. This amendment doubles it and takes the money away from computers at a time when the Department is doing its very best to increase its interoperability and raise its level of technological ability. I do not think doubling a program that has not been evaluated for its effectiveness is the right thing to do in this time of heavy budget pressure.

I urge my colleagues to oppose the amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1797. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator is necessarily absent: the Senator from New Mexico (Mr. DOMENICI).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE), the Senator from Hawaii (Mr. INOUYE), the Senator from Maryland (Ms. MIKULSKI), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 66, nays 29, as follows:

[Rollcall Vote No. 239 Leg.]

YEAS—66

Akaka	Dorgan	Murray
Alexander	Durbin	Nelson (FL)
Baucus	Ensign	Nelson (NE)
Bayh	Feingold	Obama
Biden	Feinstein	Pryor
Bingaman	Grassley	Reed
Boxer	Harkin	Reid
Byrd	Hutchison	Salazar
Cantwell	Jeffords	Santorum
Carper	Johnson	Sarbanes
Chafee	Kennedy	Schumer
Clinton	Kerry	Sessions
Coburn	Kohl	Shelby
Coleman	Landrieu	Smith
Collins	Lautenberg	Snowe
Conrad	Leahy	Specter
Craig	Levin	Stabenow
Dayton	Lieberman	Sununu
DeMint	Lincoln	Talent
DeWine	Lugar	Thune
Dodd	McConnell	Warner
Dole	Murkowski	Wyden

NAYS—29

Allard	Cornyn	Kyl
Allen	Crapo	Lott
Bennett	Enzi	Martinez
Bond	Frist	McCain
Brownback	Graham	Roberts
Bunning	Gregg	Stevens
Burns	Hagel	Thomas
Burr	Hatch	Vitter
Chambliss	Inhofe	Voinovich
Cochran	Isakson	

NOT VOTING—5

Corzine	Inouye	Rockefeller
Domenici	Mikulski	

The amendment (No. 1797) was agreed to.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I call up amendment No. 1835.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes an amendment numbered 1835.

Mr. HARKIN. 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 limit the use of certain funds)

On page 160, line 10, before the period at the end insert the following: ''or for reimbursement of administrative costs under section 16(a) of the Food Stamp Act of 1977 (7 U.S.C. 2025(a)) to a State agency for which more than 10 percent of the costs (other than costs for issuance of benefits or nutrition education) are obtained under contract''.

Mr. HARKIN. Mr. President, first, I want to commend Senator BENNETT and Senator KOHL for their work on the bill that is before us today, the Agriculture appropriations bill. They worked hard to put together a good bipartisan bill and overall I find no fault with it. I think it is a great bill and it will have my support. I thank both Senator BENNETT and Senator KOHL and their respective staffs for working with me and with my staff on a number of issues that are in the Agriculture appropriations bill.

I want to draw the attention of Senators to page 160 of the bill, section 746:

None of the funds made available in this Act may be used to study, complete a study of, or enter into a contract with a private party to carry out, without specific authorization in a subsequent Act of Congress, a competitive sourcing activity of the Secretary of Agriculture, including support personnel of the Department of Agriculture, relating to rural development or farm loan programs.

Well, what does all that say? What it says basically is that the Department of Agriculture cannot engage in any contracting out to private contractors applications processes for anyone coming in to get any assistance under rural development or farm loan programs. In other words, those have to be carried out by public employees, employees who are publicly hired, and that any activity relating to that must go through those employees.

It says basically it has to be that way until we in the Agriculture Committee on the Senate and the House authorize the Department of Agriculture to specifically engage in such contracting activity.

Do I support section 746? Yes, I think it is a good addition to the bill. I do not think the Secretary or the Department ought to be going out and contracting out to private entities these kinds of activities until we have had a chance to look at it, until the authorizing committees of the Senate and the House have hearings, take into consideration what is involved, and either grant that to the Secretary of Agriculture or not grant it.

So I think section 746 is basically a sound approach that recognizes both the value of the public sector and public employees, and recognizes the jurisdiction of the Agriculture Committees. However, there is something missing from section 746. I believe this same logic should apply to other USDA programs. In particular, I believe we need to protect vital services and benefits offered through the Food Stamp Program.

The amendment I am offering would apply the same protection that 746 applies to farm loan and rural development functions to the Food Stamp Program as well. In other words, my amendment basically says if you want to contract out to private contractors elements of the Food Stamp Program that have to do with application processes, you cannot do it until it is specifically authorized by Congress—just as the underlying bill requires for rural development or farm loan programs.

My amendment is basically an extension of the logic of the underlying bill. It is not a departure from it. It is not a major policy change. It simply says the Food Stamp Program, like rural development and farm loan programs, is a vital public service program. It is not broken, it is working well. If you want to make some changes, why don't you come to Congress. We will have some hearings, and we will see if it needs to be fixed.

I have been on the Agriculture Committee now for 30 years. That is right, this is my 30th year, now that I think about it: 10 in the House and 20 in the Senate. We have been through a lot in the Food Stamp Program in 30 years. We have always made changes to it to meet changing times and circumstances. I was one of those who was in the lead on getting rid of food stamps and getting it to an electronic benefit transfer program, where you have a debit program. It has worked well.

However, in all of those cases we in the Congress decided on the changes that should be made to the underlying program, not just the Secretary of Agriculture. As I said, this program is not broken. In fact, recent events have highlighted the value of the Food Stamp Program and the need to protect it from changes that could undermine it.

Amidst the devastation wrought by Hurricane Katrina, the Food Stamp Program has nobly and efficiently served those in need.

There has been a lot of criticism of the Federal Government's response to Katrina, but I have heard no criticism of the Food Stamp Program. In many places hit by Katrina, the Disaster Food Stamp Program was one of the first responders. We often think of first responders as being firefighters and policemen, emergency services personnel. That is true, they are. But in this case, first responders were also those public employees who helped those most in need get the food they needed for themselves and their families.

In Louisiana, nearly 300,000 households are already receiving food stamps and have been for the last couple of weeks since the hurricane hit. In Texas, another 125,000 households are receiving emergency food stamp assistance. Overall, approximately 1 million individuals affected or displaced by Hurricane Katrina are receiving emergency food stamp benefits.

The USDA was able to respond quickly and set up these programs efficiently, in large part because the programs were run by State agencies in consultation with the Federal Government. That was their purpose. That was their reason for being.

Why do we want to allow the Food Stamp Program to be privatized and put out to private contractors? Usually you do that if there is a problem, if something is failing to meet the needs of people. I defy anyone in this Senate to come up and show me or show anyone where the Food Stamp Program is failing to meet the needs of the people it serves, or is not being run efficiently.

When the next disaster occurs, do we want an outside contractor responsible for running the Disaster Food Stamp Program? Do we in the Senate want to open up the program to the risks associated with food stamp privatization in general? We can ill-afford to put the Food Stamp Program and the millions who benefit from it at this kind of risk.

What do I mean by risk? What is at the bottom of this? We know there has

been a State that is currently seeking permission from the Department of Agriculture to privatize food stamps. Here is what they want to do. They want to close a number of food stamp offices where a person goes to meet face to face with someone to determine eligibility and get their approval for food stamps. They want to close about 100 of those and open up three call centers. If you want to apply for food stamps, they tell me you are going to have to call on the phone. Or you can go online, as if people who apply for food stamps are sitting at home at their computers.

Let's take the case of these call centers. I have no reason to believe that it couldn't work like this. Imagine, here are people desperately in need of food stamps. They get a number to call—probably an 800 number or something like that, probably toll free, I assume. They call up. A voice answers, an automated voice answering system answers and says: I understand because you are calling you probably want to apply for food stamps. If you want to apply for food stamps and you live in this area, punch 1; if you live in this area, punch 2; if you live in this area, punch 3. You get all the way through and you are pretty confused about where you live.

Let's say you figure it out and you say I am in this area and you punch 3. Then another voice comes on and says: OK, we understand you live in this area and you want to apply for food stamps. If you are a single person, punch 1; if there are two of you, punch 2; if you have a family of three, punch 3. You see what I am saying? Then you have to punch in another entry.

Another automated voice comes on and says the next step in this process: If you are over a certain age, press this number; if you are under a certain age, press this number; if you have ever applied for food stamps—do you see what I am getting at? You have a person on the phone who wants to apply for food stamps and they are sitting there trying to figure out, punch 3 for this, punch 4 for that.

Finally, after they get through all of these automated voice prompts they are probably told: Thank you, your waiting time to talk to the next operator is now 19 minutes. And you have to sit there and listen to music. If you are patient enough to wait that long, you are probably going to get someone on the line you will talk to. For all I know, by the time you actually get to them, the person on the other line may not even be in the United States. That is what this is all about.

There are some companies that want to do this. They probably figured out they can make a lot of money. They hire someone in another country for, I don't know, 50 cents an hour.

Again, the underlying bill says you cannot do that if you are a utility company and you want to apply for a rural development loan. They don't make you go through call centers. They have someone there you go see.

If you are a farmer, if you have a farm, you have assets, you own something, and you want to apply for a farm loan, you don't have to go through a call center. You go see someone. But by allowing wholesale privatization of the Food Stamp Program, we would not be providing to low-income Americans the same basic treatment. Poor people have to go through call centers and get all the runaround that we always get when we try to call and get someone in one of those call centers.

That is why section 746 needs to be amended. That is why it needs this addition, so that the Food Stamp Program is treated the same as farm loans or rural development. If they want to change it, have them come up to Congress. We will have hearings. We will take a look at it. Maybe they can make a good case. I don't know. But I am just concerned if we do not add this amendment, that waivers will be given that will allow contracting out the food stamp operations.

Furthermore, this may undo a lot of the progress we have made in improving program integrity. Right now, program error in the Food Stamp Program is the lowest than at any time in its existence. Why do you want to change it? If something is working, why try to fix it? Why would we choose to put these successes at risk by now turning it over to untested entities and call centers?

Under the current food stamp law, public employees of State food stamp agencies are responsible for two essential oversight functions: Payment accuracy and an annual self-evaluation of program management. But if these functions are turned over to a private contractor with no experience in running the Food Stamp Program, how do we know if they will be able to maintain program accuracy? Should we just roll the dice and take it on faith that they will continue the error rate as low as we have it right now?

I want to make it clear, I am not opposed to privatization of certain things. I point out the electronic benefit transfer program under food stamps is privatized. It is all run by—I guess Citibank or someone, I don't know, I could be a little wrong on that. But that is fine. There is nothing wrong with turning to specialized contractors for technical services like financial operations. What I am talking about is when you apply for food stamps; when you are in need and you want to apply or you want to modify your food stamps because of another child born or some other thing, something else has happened to change your life. That is when you need to have someone there who can help you immediately in your situation and talk to you.

Anyway, as I said, my amendment would not stop that. It would not stop the private contracting out for EBT, but it certainly would for fundamental program functions like application and eligibility processes.

To repeat for emphasis sake, there is no evidence that we have any problems in the Food Stamp Program that requires privatization. The error rate is the lowest ever. The accuracy rate is high. Emergency food stamps for disaster situations have worked extremely well. So there is no evidence, nor have we had a hearing, to suggest that privatizing the Food Stamp Program would in any way improve program effectiveness. That is why we should have extensive hearings on this before allowing any waivers to be granted.

The Food Stamp Program is strong. Not only does it deliver much needed food assistance to 25 million Americans, but as we have just shown with Katrina, it is serving hundreds of thousands of families, over a million people devastated by that hurricane.

My amendment simply ensures that the Food Stamp Program remains as it is with those public employees best suited to carry it out. It extends the logic that is in Section 1746 of the underlying bill dealing with rural development farm and loan programs to the Food Stamp Program as well.

As I said, if they want to do something, they can come to the Agriculture Committee. We can have hearings and take into account some problems that somebody might feel would be cured by privatizing and setting up these call centers for food stamp applications.

I ask for support of the amendment, and I yield the floor.

Mr. BENNETT. Mr. President, I ask that we proceed to a vote on the Harkin amendment by voice vote.

The PRESIDING OFFICER. Is there further debate on amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 1835) was agreed to.

Mr. HARKIN. Mr. President, I move to reconsider the vote.

Mr. BENNETT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HARKIN. Mr. President, I thank the chairman of the committee for his kindness and having this vote. Hopefully we can at least keep this in as we move ahead going to conference.

I thank the chairman for his kindness.

Mr. BENNETT. Mr. President, I am unaware of any other Senator who is planning to offer any amendment. I don't want to cut anybody off, but I made it clear during the vote that all amendments have to be offered tonight and all debate take place tonight. We are scheduled for the vote tomorrow morning. My understanding is that the Dayton amendment is still pending, and, therefore, if it can't be disposed of tonight, it would be available for tomorrow morning. The Jeffords amendment is still pending, and if that cannot be resolved tonight, that would be voted on tomorrow morning. Those are

the only two I am aware of at the present time.

I will suggest the absence of a quorum so we can check the list and see who else might be out there. But I would say to any who are monitoring our procedures on behalf of their respective Senators that the time for offering amendments is getting mighty short. We don't want to deny any Senator his or her rights, but I feel we have given fair warning this is what we will do.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DEMINT). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KOHL. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1818

Mr. KOHL. Mr. President, I call up amendment No. 1818, which is at the desk, on behalf of Senator DODD.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. KOHL] for Mr. DODD, for himself, Mr. HARKIN, Mr. REED, Mr. CARPER, Mr. BIDEN, and Mr. LIEBERMAN, proposes an amendment numbered 1818.

Mr. KOHL. 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 the Food and Drug Administration to issue a monograph with respect to over-the-counter sunscreen)

On page 173, after line 24, insert the following:

SEC. 7 . (a) Congress makes the following findings:

(1) Consumers need clear and consistent information about the risks associated with exposure to the sun, and the protection offered by over-the-counter sunscreen products.

(2) The Food and Drug Administration (referred to in this section as the ''FDA'') began developing a monograph for over-the-counter sunscreen products in 1978.

(3) In 2002, after 23 years, the FDA issued the final monograph for such sunscreen products.

(4) One of the most critical aspects of sunscreen is how to measure protection against UVA rays, which cause skin cancer.

(5) The final sunscreen monograph failed to address this critical aspect and, accordingly, the monograph was stayed shortly after being issued until issuance of a comprehensive monograph.

(6) Skin cancer rates continue to rise, especially in younger adults and women.

(7) Pursuant to section 751 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379r), a Federal rule on sunscreen labeling would preempt any related State labeling requirements.

(8) The absence of a Federal rule could lead to a patchwork of State labeling requirements that would be confusing to consumers and unnecessarily burdensome to manufacturers.

(b) Not later than one year after the date of enactment of this Act, the FDA shall issue a comprehensive final monograph for over-the-counter sunscreen products, which shall include UVA and UVB labeling requirements.

AMENDMENT NO. 1849 TO AMENDMENT NO. 1818

Mr. KOHL. Mr. President, I send an amendment to the desk in the second degree.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. KOHL], for Mr. DODD, proposes an amendment numbered 1849 to amendment No. 1818.

Mr. KOHL. 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 express the sense of Congress with respect to over-the-counter sunscreen)

In lieu of the matter proposed to be inserted, insert the following:

SEC. 7_____. (a) Congress makes the following findings:

(1) Consumers need clear and consistent information about the risks associated with exposure to the sun, and the protection offered by over-the-counter sunscreen products.

(2) The Food and Drug Administration (referred to in this section as the ''FDA'') began developing a monograph for over-the-counter sunscreen products in 1978.

(3) In 2002, after 23 years, the FDA issued the final monograph for such sunscreen products.

(4) One of the most critical aspects of sunscreen is how to measure protection against UVA rays, which cause skin cancer.

(5) The final sunscreen monograph failed to address this critical aspect and, accordingly, the monograph was stayed shortly after being issued until issuance of a comprehensive monograph.

(6) Skin cancer rates continue to rise, especially in younger adults and women.

(7) Pursuant to section 751 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379r), a Federal rule on sunscreen labeling would preempt any related State labeling requirements.

(8) The absence of a Federal rule could lead to a patchwork of State labeling requirements that would be confusing to consumers and unnecessarily burdensome to manufacturers.

(b) It is the sense of Congress that the FDA should, not later than one year after the date of enactment of this Act, issue a comprehensive final monograph for over-the-counter sunscreen products, including UVA and UVB labeling requirements, in order to provide consumers with all the necessary information regarding the dangers of skin cancer and the importance of wearing sunscreen.

Mr. KOHL. Mr. President, I urge adoption of the modification and adoption of the amendment as modified.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the second-degree amendment. The amendment (No. 1849) was agreed to.

Mr. KOHL. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the first-degree amendment, as amended.

The amendment (No. 1818), as amended, was agreed to.

Mr. KOHL. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KOHL. Mr. President, I thank you.

Mr. BENNETT. Mr. President, no one has come forward, so we are prepared to close down with the two amendments still unresolved, Dayton and Jeffords, and then move to final passage after those two are resolved for a voice vote or yeas and nays, I assume which will be determined tomorrow. At the moment, the yeas and nays have not been ordered. I want to respect the rights of both of those Senators.

While we get together whatever final activity needs to go forward, 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. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

MOLOKAI AGRICULTURE DEVELOPMENT

Mr. INOUYE. Would the distinguished Senators from Utah and Wisconsin yield? I would like to discuss with you a program that addresses the very limited employment and high barriers to entry into sustainable agricultural enterprises on the Island of Molokai.

Mr. BENNETT. I would be pleased to yield to the senior Senator from Hawaii.

Mr. KOHL. I, too, would also like to join in on the discussion of this matter.

Mr. INOUYE. I thank my distinguished colleagues for yielding. In fiscal year 2005 and prior fiscal years, the subcommittee has included $250,000 for a program that provides training, business coaching, and cost share assistance to new agricultural businesses on the Island of Molokai, that have the promise of being sustainable and beneficial to this predominantly Native Hawaiian community. In 2004, the program allowed past grantees who had demonstrated success in their businesses to apply for expansion and enhancement funding. As a result, eight businesses were able to strengthen their operations through diversification, value added treatment, and improved marketing. As a result of the program, increased quantities and percentages of local produce and value added products are available in Molokai's grocery stores, farmers markets and other venues. In addition, the marketing of sweet potatoes and papayas has continued to expand to the Island of Maui and on the mainland. In the coming year, the emphasis will be on first-time farm businesses. Mini start-up grants will be instituted to prepare new applicants for possible

projects in the future. While this program is showing success in an economically depressed part of my State, the need for this program continues.

Despite the support by the Congress, no funds are provided for the program in fiscal year 2006. Accordingly, efforts to assist first-time farm businesses and to provide assistance and employment opportunities to the Island of Molokai will not continue without the continued support of the Congress and funding for the program. Would my colleagues consider including such support for the program during conference deliberations on the Agriculture, Rural Development, Food and Drug Administration, and related agencies appropriations bill?

Mr. BENNETT. I would like to assure the Senator from Hawaii that I will work with Senator KOHL to ensure that this program will be considered in conference.

Mr. KOHL. I concur with my colleague from Utah, and will also work with him to have this program addressed in conference.

Mr. INOUYE. I thank my colleagues for their consideration and support of the Molokai Agriculture Development program.

POSITION TRANSFER

Mrs. MURRAY. Mr. President, I ask to be recognized for the purposes of a colloquy.

Senator KOHL, the legume plant pathologist position currently working in the CRIS titled ''Improving Disease Management of Soil-borne Diseases of Edible Legumes'' is being eliminated in a reorganization proposed by USDA ARS.

Root diseases are fast becoming a major problem in all of the production areas. These root diseases cause a loss of yields and quality of pulse crops.

A reduction of research support by USDA ARS at this time of rapidly increasing acreages of pulses in ND, MT, SD and NE is unacceptable. Eliminating this research could substantially hurt the entire pulse crop industry.

Within the fiscal year 2006 Agriculture appropriations, there is funding provided for a legume pathologist focused on root diseases. Due to the reorganization of the ARS Prosser facility, this pathologist will not be funded unless that position is moved to the ARS Pullman facility. The need for this project is clear and should be supported by ARS. In order to continue this vital research it is clear that it will need to be moved to ARS Pullman.

I ask that the conference report accompanying the Agriculture bill include language directing ARS to transfer the legume pathologist position and the $250,000 from the Vegetable and Forage Legume Research Unit at Prosser, WA, to the Grain Legume Genetics and Physiology Research Unit at Pullman, WA. This requires no new funding, as it will solely involve the transfer of the legume pathologist from Prosser to Pullman.

This will allow ARS to continue its research on pulse crops at no additional costs.

Senator KOHL, would you support this language moving the legume pathologist position from Prosser, WA, to Pullman, WA?

Mr. KOHL. Yes, Senator MURRAY. Thank you for bringing this issue to my attention. I will work with my colleagues in conference to support your request and include language in the final report.

Mr. BENNETT. I concur with my colleague's views on the need to move this ARS position to Pullman, WA, from Prosser, WA, and will work with Senator KOHL in conference to have language included in the final report.

Mrs. MURRAY. Thank you, Senator KOHL, and thank you, Mr. Chairman, for your support on this issue. This project is critical to the long-term health and viability of dry pea and lentil producers in Washington State and all across the country.

CITRUS CANKER COMPENSATION

Mr. MARTINEZ. Mr. President, I rise today to discuss the serious problem of a disease that threatens to wipe out the citrus industry of Florida. I sincerely appreciate the great efforts made thus far by Chairman BENNETT, the Senate Agriculture Appropriations Subcommittee, and their staff to work to address the on-going eradication efforts in Florida. Under the FY 2006 Agriculture appropriations bill, $40,000,000 has been directed towards the Animal and Plant Health Inspection Service to assist citrus producers in combating this terrible bacterium.

Citrus canker is a bacterial disease characterized by the lesions it leaves on citrus trees and fruit that leaves trees weakened and results in reduced fruit production.

The four hurricanes that hit Florida in 2004 caused significant spread of citrus canker into commercial growing areas. The 2004 hurricane season in Florida not only damaged citrus crops and trees, it was a primary cause of the spread of citrus canker beyond what was generally believed to be reaching a goal of eradication. The storms created an additional need for compensation to support the continuing eradication effort.

Compensation for citrus producers is a vital component of the program as many commercial growers would not allow their trees to be cut without the promise of compensation. There is no cure for canker. The only known way to contain the spread of citrus canker is to cut down infected and exposed trees in a 1,900 square foot area. In a commercial grove, that radius can encompass up to 250 acres around a single infected tree. That's why the post-hurricanes outbreak has led to the destruction of nearly 55,000 acres.

USDA has estimated that the 2002–2005 citrus crop will yield 151 million boxes of oranges, down from their 225 million box estimate earlier in 2004. This year's decrease of 94 million boxes represents a staggering decrease of 38 percent.

Before the 2004 hurricane season, the U.S. Department of Agriculture had compensated commercial growers an average $7,600 an acre for destroying their property. According to my growers in Florida and the Florida Department of Citrus, the backlog of unpaid compensation has grown to nearly $450 million. It is my hope that during the conference negotiations process with the House Agriculture Appropriations Subcommittee that citrus canker compensation funding will be addressed at an appropriate level on behalf of growers that abide by the USDA canker eradication program.

Mr. BENNETT. I thank Senator MARTINEZ, for sharing his concerns on this important issue. It is my understanding that the House has appropriated $10 million for citrus canker compensation payments and we are aware of the impact that this disease has on the citrus industry in his State. We are committed to working with his office to help provide funding for his growers that have worked with USDA to help eradicate this destructive bacteria.

Mr. MARTINEZ. I thank the chairman. I appreciate his support and look forward to working with him as well as the appropriations process moves forward.

SPECIALTY CROPS

Mr. BENNETT. Mr. President, throughout this entire process, both at subcommittee and at full committee level, Senator FEINSTEIN and Senator CRAIG have expressed great interest and concern about specialty crops, and they have asked us to take action with respect to specialty crops. We have been unable to find room in our allocation to deal with it. However, we recognize that the House has an allocation for specialty crops, and for that reason we believe we will be able to find a solution to this issue in conference.

The 2 Senators have been very cooperative and helpful. I want to make everyone understand that as we have worked our way through this they have been in no way less than enthusiastic about supporting the issue of specialty crops. If we get the problem solved in conference, as I am hopeful we can, and as I have commented to them that I will work to do, it will be in large measure because of the tenacity and leadership of Senator FEINSTEIN and Senator CRAIG. We appreciate their calling our attention to this particular issue.

Also, Senator DEWINE and Senator STABENOW have a problem which we have indicated we will do our best to deal with in conference. We understand the importance of the issue they have raised.

With that, I want to once again pay tribute to the ranking member, Senator KOHL, and to his staff as we have gone through this process. Both the

majority and minority staff have worked as one rather than as two competing staff. That is one of the reasons we have been able to clear as many amendments as we have as expeditiously as we have.

I once again want to thank my ranking member not only for his professionalism but for his friendship as we have gone throughout this process.

Mr. KOHL. Mr. President, I thank Senator BENNETT very much for the sentiments expressed, which are felt similarly by myself and people who are working with me.

On the question of Senator FEINSTEIN and Senator CRAIG and others in specialty crops, as you have indicated, we all understand how important this program is across the country, not only in California and in Idaho but in other States, as well. I am aware the House bill includes funding.

I will join with Senator BENNETT and we will do everything we can to adopt the House level in conference.

MORNING BUSINESS

Mr. BENNETT. Mr. President, I now ask unanimous consent there be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The majority whip.

HISTORIC AFGHAN PARLIAMENTARY ELECTIONS

Mr. MCCONNELL. Madam President, I rise to share great news with all of our colleagues. Last Sunday, an estimated 6 million people in Afghanistan voted in that country's historic first legislative election in over three decades. This is a tremendous achievement for the citizens of Afghanistan, for the people of the broader Middle East, and for obviously the United States because of America's interest in seeing peace and democracy flourish around the world. And, of course, it is a victory in the war on terror.

Afghans turned out, despite threats of violence, and despite unfamiliarity with the parliamentary system, to vote in great numbers for a 249-member lower parliamentary house and the members of 34 provincial councils. Those councils, along with President Hamid Karzai, will help select the 51 members of the upper parliamentary house, and the Afghan Parliament will convene for the first time this coming December.

Four years ago, the ruthless Taliban regime ruled Afghanistan with an unyielding, murderous intolerance, and they laid down that country's welcome mat to terrorists. Al-Qaida called the Afghan deserts their home, and they plotted the deaths of Americans. Well, no more. Today a democratically elected President and Parliament chart a new course for that country.

The turnout rate in this historic parliamentary election is estimated to exceed the typical turnout rate in our own country for our so-called off-year congressional elections, that is, when there is no Presidential election on the ballot. This follows the remarkable trend set last October when Afghanistan elected Hamid Karzai in its first Presidential election ever, also with a higher turnout rate than we had in this country a month later. I do not think Americans have to worry about terrorist threats or deadly bombing attacks on their way to the polls, but obviously the people in Afghanistan were certainly concerned that that might happen.

In fact, though there was some scattered violence, the Afghan police and army did an excellent job on the whole of securing the polls and thwarting these would-be terrorists. For instance, the police defused a large cache of explosives in Mazar-i-Sharif. In the western town of Helmand, an attack on a polling station ended with the deaths of two men suspected to be remnant Taliban members. Police even caught two terrorists attempting to smuggle explosives hidden in a pen into a polling station.

Turnout among women was high as well. We do not have the official results yet, but President Karzai claims it should account for about 40 to 60 percent of the total turnout. This is Afghanistan we are talking about. Forty to 60 percent of the total turnout in the legislative elections were women. This Afghan election is a huge success story, despite the deafening silence about it in the mainstream media. I continue to be disappointed at the media's refusal to cover the good news taking place in the broader Middle East.

I would like to read the beginning of a commendable editorial from the September 19, 2005, edition of the Wall Street Journal. I ask unanimous consent to have the entirety of that article printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Sept. 19, 2005]

THE AFGHAN SUCCESS

Who would have thought that free and successful elections in Afghanistan would so quickly become a non-story? We sure didn't, but that seems to be the case judging from the paucity of news coverage of yesterday's historic Afghan vote for a national parliament and provincial assemblies. Success is apparently boring.

Taliban terrorists were unable to fulfill their pledge to disrupt the vote, not that they didn't try. They killed five candidates and four election workers leading up to the election, and yesterday another 15 people died in violence, including a Frenchman who was part of the international force helping to provide security. Despite such dangers, turnout was said to be heavy, though perhaps not up to the eight million who voted in last October's presidential election.

The vote was also another milestone for Afghan women, with 580-some female candidates, or 10% of the total. The Taliban had threatened female candidates in particular, much as they had turned women into second-class citizens during their time in power. For a country that hadn't chosen a legislature in decades, and was thought too benighted to support democracy by many Western sages, this is worth celebrating.

About 20,000 U.S. soldiers remain on the ground in the country, providing security while Afghan police and army forces continue to build. American and NATO forces will need to be there for some time, notably special forces who can pursue Taliban fighters who use terrorist tactics. But a legitimate new legislature will make it that much harder for the Taliban and its foreign recruits to find popular sympathy or sanctuary.

It's worth recalling how perilous for U.S. interests this comer of Southwest Asia was only four years ago. With the Taliban running Afghanistan, and Pakistan intelligence helping them, an Islamist takeover in Islamabad was not out of the question. But now with the Taliban routed and Hamid Karzai governing in Kabul, the region is no longer an al Qaeda sanctuary. This is one battle in the war on terror that we're clearly winning.

Mr. MCCONNELL. Here is how it begins:

Who would have thought that free and successful elections in Afghanistan would so quickly become a non-story? We sure didn't, but that seems to be the case judging from the paucity of news coverage of yesterday's historic Afghan vote for a national parliament and provincial assemblies. Success is apparently boring.

I think they must teach them in journalism school that only bad news is news. Let me repeat that last part. As President Bush and our armed forces continue to defend and spread freedom in the broader Middle East, if there is bad news, setbacks or casualties to report, the mainstream media will gladly hold the front page. But reporting success is apparently boring. Well, tell that to any one of the millions who cast their cherished ballot last Sunday.

I think the American people deserve to know the progress we are making in expanding freedom in countries that until now have known only terror. That is among one of the best ways of ensuring that terror does not strike our shores again, as it did on September 11, 2001. But it appears that the mainstream media is not that interested in good news. There is only one way to report this story: as a victory in the war on terror.

I ask all of our colleagues to join me in congratulating the Afghan people for taking this giant step toward becoming a free democratic state, justly governed under the rule of law. I ask them to join me in pledging the full support of the United States as Afghanistan continues to root out the last vestiges of its extremist terrorist element and moves forward into its democratic future. And I ask them to join me in declaring that whatever the final outcome of the elections, the true winners are the Afghan people, and the people of the region who can look to the Afghan exercise in democracy this past weekend as a model of success.

HONORING TERRENCE M. McDERMOTT

Mr. DURBIN. Mr. President, I rise today to honor a constituent, Terrence M. McDermott, executive vice president and chief executive officer of the National Association of Realtors, and congratulate him on his retirement.

Born and raised on the West Side of Chicago, Mr. McDermott attended Loyola University in Chicago and the National College of Education in Evanston, IL.

Before serving as CEO for the National Association of Realtors, Mr. McDermott gained nearly 30 years of experience in publishing and media. He also served as the executive vice president and chief executive officer of the American Institute of Architects and on the board of the American Architectural Foundation.

In addition to his many professional accomplishments, Mr. McDermott possesses a lifelong love of politics instilled by his family. Politics were routinely discussed around the dinner table, and Mr. McDermott worked as a volunteer on Senator Paul Douglas's last campaign before he could even vote.

Mr. McDermott is also an avid hunter and fisherman and plans to spend his retirement expanding his extensive decoy collection. Mr. McDermott and his wife Sue Ann recently celebrated their 39th anniversary and have two children, Matthew and Patricia.

I congratulate Mr. McDermott on his many accomplishments throughout his long and successful career, and I wish him many more years of happiness and accomplishment in retirement.

EXTENSION OF THE HIGHER EDUCATION ACT

Mr. ENZI. Mr. President, I rise today to encourage my colleagues to pass H.R. 3784, which would provide for a temporary extension of the Higher Education Act of 1965. As my colleagues are aware, the Senate Committee on Health, Education, Labor and Pensions approved legislation unanimously that would reauthorize Federal higher education programs for another 6 years. However, as many of these programs will expire on September 30, it is important that we extend the programs authorized by this act until the Congress can successfully complete work on the reauthorization legislation.

I am pleased to have been able to report that legislation with a unanimous vote out of committee. I am hopeful that the Senate will take action on that legislation quickly, either in the context of budget reconciliation or on its own, and that we can continue the commitment of Congress to support the access and affordability of higher education in this country.

HIGHER EDUCATION ACT EXTENSION

Mr. HATCH. Mr. President, while I recognize that the Senate Committee on Health, Education, Labor, and Pensions, HELP, is overwhelmed in addressing the needs associated with the Hurricane Katrina recovery, the Higher Education Act, HEA, is set to expire on September 30, 2005. I am concerned that with the extension of the HEA until December 31, 2005, we may be sending a signal that we are not planning on acting on the HEA reauthorization bill in the near future. I would like to know if my friend, the chairman of the HELP Committee, could give me his assurance he still intends to make passage of the permanent reauthorization a priority in the next few weeks?

Mr. ENZI. Mr. President, in response to that question, I would like to assure my colleague from Utah that the HELP Committee intends to keep this a high priority and we are hopeful of having a bill signed into law before December 31, 2005.

Mr. HATCH. Mr. President, I would like to thank the chairman for that confirmation.

LOCAL LAW ENFORCEMENT NEEDS OUR HELP

Mr. LEVIN. Mr. President, I have been a strong supporter of the Community Oriented Policing Services, or COPS, program since its creation in 1994. Nationwide, the COPS program has awarded more than $11 billion in grants, resulting in the hiring of 118,000 additional police officers. In Michigan, 514 local and State law enforcement agencies have received more than $220 million in grants through the COPS program. These grants have improved the safety of communities by putting more than 3,300 law enforcement officers on Michigan streets.

In the past month alone, the COPS program has awarded nearly $2 million in grants to Michigan communities. One COPS grant program, the Secure Our Schools Initiative, recently awarded more than $1 million in grants to nine Michigan communities to provide enhanced security for public schools. These grants help our schools pay for security assessments, security training for students and personnel and the installation of metal detectors, locks, lighting, and other important security measures. Another COPS grant program, the Tribal Resources Grant Program, awarded more than $800,000 in grants to eight Native-American communities in Michigan. These funds will strengthen the police departments in these communities by helping tribes hire and train police officers and modernize their equipment. COPS grants like these are critical to Michigan communities that are working to prevent and respond to violent crimes, especially those involving guns.

Unfortunately, authorization for the COPS program was permitted to expire at the end of fiscal year 2000. Although the program has survived through the annual appropriations process, it has received significant funding cuts under this administration. In fact, the fiscal year 2005 Omnibus Appropriations Act included only $606 million for the COPS program, $142 million below the amount appropriated in 2004. During consideration of the fiscal year 2006 Commerce-Justice-Science appropriations bill last week, I supported an amendment that would have provided $1 billion for the COPS program. Unfortunately, this amendment was defeated and the majority in the Senate voted to cut the COPS program further to $515 million for fiscal year 2006.

I have cosponsored the COPS Reauthorization Act introduced by Senator BIDEN. This bill would continue the COPS program for another 6 years at a funding level of $1.15 billion per year. This funding would allow State and local governments to hire an additional 50,000 police officers over the next 6 years. In addition, the bill would modernize the COPS program by authorizing $350 million in Law Enforcement Technology Grants to assist police departments in acquiring new technologies for the analysis of crime data and the examination of DNA evidence, among other uses. The COPS Reauthorization Act would also build upon the accomplishments of the original COPS program by authorizing $200 million in Community Prosecutor Grants. These grants would be used to hire community prosecutors trained to work at the local and neighborhood level to prevent crime and improve relations with residents.

The increased threat of terrorism as well as the continuing epidemic of gun violence underscores the need to devote more resources for our law enforcement agencies. The safety and security of our communities depends upon our local police departments, most often the first responders, being adequately staffed, trained, and equipped. I hope the Senate will do more to support the efforts of our local law enforcement officials by adequately funding programs such as COPS.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On August 1, 2004, a man was shot with a pellet gun in the back near his him in Bronx, NY. The apparent motivation for the attack was the man's sexual orientation.

I would note that recently in the House hate crimes legislation was passed in a bipartisan vote. I strongly believe that we must also move similar legislation in the Senate. In the months ahead, I look forward to working with Senator KENNEDY as we continue our work in passing a hate crimes bill.

IN HONOR OF FORMER SENATOR CLAIBORNE PELL

Mr. DODD. Mr. President, I rise today to honor our former colleague Claiborne Pell, with whom I had the pleasure of serving in this body for 16 years.

I have always felt a special affinity for Senator Pell. Both of our fathers served in Congress. We represented neighboring States in the Northeast. We sat together on three committees and share many of the same views and principles about our great Nation and its role in the world. And, he was one of the few Senators who served with both my father and me. So it is with great personal pleasure that I come to the floor to honor him today.

Senator Pell accomplished important things during his Senate career, each one of which could have defined a successful tenure for any one Senator. He created a Federal college scholarship initiative—later to be named the ''Pell Grant'' in his honor. This initiative has opened the doors of our colleges and universities to millions of American students. He coauthored legislation to establish the National Endowment for the Arts and the National Endowment for the Humanities, both of which have enriched the cultural life of our Nation. He helped to establish the Northeast rail corridor. And he was a chief architect of the ban on nuclear testing on the ocean floor.

Throughout 36 years of service, Senator Pell left a graceful and indelible legacy. His commitment to education, the arts and humanities, and peace was an attempt to cultivate the best in all of us. And we have advanced as a nation in part because of his dedication to these ideals and his success in codifying them.

Almost as admirable as his legislative accomplishments was the manner in which he legislated. In the 16 years that I served alongside Senator Pell, even when he was the ranking member of the Foreign Relations Committee under the chairmanship of a hard-charging Senator from the other end of the political spectrum, I never saw him speak or act with anything but kindness and integrity. In the course of six elections to the U.S. Senate, Senator Pell never once attacked a political opponent who ran against him. He was a true gentleman. He always sought out the better nature of people through discussion and debate. He held immense respect for the history of the Senate and the vocation of public service. He was the model of what a leader should be.

Paying tribute to his tremendous career is reason enough to come to the floor today, but I have also come to speak on a more timely matter. Senator Pell is to be recognized this Friday by a regimental review at the U.S. Coast Guard Academy in Connecticut.

Senator Pell served in the Coast Guard for 37 years, enlisting 4 months before the attacks on Pearl Harbor. He began as a ship's cook, but quickly received his commission and served as a lieutenant on boats in the North Atlantic and Sicily. During World War II, he was arrested six times by enemy governments. After the war ended, he served as a captain in the Reserves until he reached the mandatory retirement age.

Senator Pell frequently cited his service as one of the defining moments in his life. He has always been an ardent supporter of the Coast Guard—believing, as I do, that it plays a vital role in keeping America safe. As the Coast Guard honors Senator Pell's service this week, it is important that we remember the Coast Guard personnel who continue to risk their lives to maintain the safety and security of our Nation.

Over the past few weeks, Coast Guard crews, operating with characteristic precision and professionalism, have rescued over 33,000 people in Louisiana, Mississippi, and Alabama. They have spent significant sums to do so—sums that were never contemplated to be spent for this purpose. Regrettably, however, none of the over $60 billion in aid that Congress recently sent to the Gulf coast region has been specifically set aside to replenish Coast Guard accounts. Their costs in both operations and reconstruction are estimated in the hundreds of millions of dollars. They are being forced to divert funds from continuing and future operations.

The men and women of today's Coast Guard are certainly vindicating Senator Pell's faith in and commitment to this branch of our military. By honoring their service—including by seeing to it that Coast Guard operations are fully supported by our Government—we honor the service of an outstanding leader, a great patriot, and a dear friend: Claiborne Pell. I wish him, his wife Nuala, and his family my best wishes on this wonderful occasion.

PAUL BRUHN: PRESERVING VERMONT FOR ALL GENERATIONS

Mr. LEAHY. Mr. President, it gives me great pleasure today to congratulate Paul Bruhn and the Preservation Trust of Vermont on an anniversary that marks 25 successful years of protecting and celebrating Vermont's historical treasures.

I am proud to be able to call Paul not only an accomplished Vermonter but also a very good friend. He was my first campaign manager and my first chief of staff, and the Preservation Trust of Vermont is only one of his significant gifts to the Green Mountain State.

Paul became the founding executive director of the Preservation Trust of Vermont in 1980, after helping me find my way through the Senate during my first term. Since then he has helped the Preservation Trust save countless architectural treasures in every corner of the State, helped reinvent communities that had eroded through years of neglect, and helped our State capitalize on its unique identity. Thanks in large part to his leadership, the Preservation Trust of Vermont has been a respected, appreciated, and integral part of Vermont's culture for the past quarter century.

My wife Marcelle and I consider ourselves highly fortunate to call Paul a close personal friend. Before my campaign in 1974, we saw in Paul attributes that we knew would bring Vermont wonderful things. As the consummate connector, Paul has been a humble servant of the public interest, forging and leading broad community coalitions to overcome some of the most difficult growing pains of development—retaining a community's character. He has used these talents to bring attention to and preserve the most unique and defining aspects of Vermont. From making sure Vermont music legend Sterling Weed had a band stand, to bringing attention to the wonderful architecture at the St. Johnsbury Athenaeum, he has helped Vermonters embrace their unique spirit and storied history.

Paul has always understood that a community's future vitality is directly linked to its past. When the city of Burlington was preparing to level the historic firehouse on Church Street—one of the most beautiful and unique buildings in the city—it was Paul who convinced me to open my first Senate office there to save the building from the wrecking ball. Years later, as historic downtowns across the country were being shuttered and demolished because of urban sprawl, Paul helped me work with local and State officials to find millions of dollars in Federal investments to revolutionize Burlington's historic center of commerce, turning Church Street into an award-winning pedestrian marketplace. Today the historic facades that have hung over Church Street for a century or more remind shoppers of Burlington's rich history.

There is hardly a nook or cranny, village or gore, throughout Vermont that has not felt the touch of Paul and the Preservation Trust of Vermont. Whether through a small Preservation Trust grant for the refinishing of a church tower, or through a multimillion dollar campaign led by Paul and the talented people he works with, every corner of the State from Burke to Bennington has benefited from Paul's community- and consensus-building.

Just last year, this native Vermonter was at the heart of an effort to have the entire State of Vermont designated as one of the top 10 endangered places by the National Preservation Trust. It

was the first time in the organization's history that an entire State was added to the list. He helped the city of Rutland persuade Wal-Mart to anchor in the community's historic downtown instead of outside of town in a vacant field, a victory that few other communities across the country have won. That was not enough though, and he has brought Rutland's story to other communities throughout the State, where no matter the outcome, he has helped empower community leaders to make decisions rather than bow to the whims of out-of-state developers.

In my lifetime of public service, I have never met a person so adept at bringing people together and finding ways to make sure everyone has a voice. Years before he came to work for me, Paul was a key player in setting up the consumer fraud office within the Vermont attorney general's office, where he not only protected consumer rights, but also helped the office create a toll-free number that revolutionized the way Vermonters communicated with their government. When I entered the Senate, Paul and I brought this concept to the greatest deliberative body in the Senate by operating the first toll-free phone line in the Congress.

Paul has always put the interests of all Vermonters ahead of himself or any organization he has ever steered. The Preservation Trust of Vermont has been no different. Through his involvement, Vermont is a better place and Vermonters have realized the wonderful things our past has to offer. Thank you Paul, and congratulations to you and everyone who has ever helped make the Preservation Trust of Vermont the success it is today.

ADDITIONAL STATEMENTS

CHIEF MASTER SERGEANT CHARLES T. DUBOIS

• Mr. BOND. Mr. President, I rise today to honor a man who has served over 36 years in the U.S. Air Force, with the vast majority of that service in the Missouri Air National Guard. CMSgt Charles T. DuBois retired on September 10, 2005, after a long and distinguished record of service to the State of Missouri and the United States. Chief DuBois enlisted in the U.S. Air Force on June 18, 1969, at the height of the Vietnam War. He served in the Air Force until March 12, 1973, and entered the Air National Guard on September 14, 1975.

As a member of the 131st Fighter Wing in St. Louis, MO, Chief DuBois has been associated with a unit whose history has spanned over eight decades and whose former members have included the likes of aviation pioneer Charles Lindbergh.

Throughout Chief DuBois' service at the 131st, he has seen the unit transition from F–100s to F–4 Phantoms to F–15As, and now upon his retirement, the transition to F–15Cs, the Nation's premier homeland defense and air superiority aircraft. As a crew chief, Chief DuBois was fully qualified on: the B–52D; C–141A; C–124; C–5A; F–100 C, D & F; F–4 C, D & E; and the F–15 A, B, C, and D models.

Throughout his career Chief DuBois remained dedicated concomitantly to the vital missions of the Air National Guard and to the paramount commitment of taking care of his family. It is the latter that Chief DuBois will continue to fulfill upon his retirement as a devoted husband, father and son. He and his wife Theresa were married in November of 1977 and have one son, Michael, who serves on my staff as an advisor on, among a number of other issues, the National Guard. Chief DuBois has one daughter, Kristine, who lives and works in northern Virginia. As a dedicated son of someone whom I have had the pleasure and honor to work with when I was Governor of Missouri, GEN Charles H. DuBois and his wife Ruth, ''Terry'' as Chief DuBois goes by in civilian life, remains dedicated to their well-being. The General, or ''Charlie Two Stars'' as I often referred to him, and his lovely wife Ruth, can rest assured they raised a son who has served both his family and the military with honor.

The honor in which Chief DuBois has served can be seen in the numerous awards, ribbons and commendations he has been decorated with throughout his career. He has received the Air Force Meritorious Service Medal, the Air Force Commendation Medal with two devices, the Air Force Achievement Medal with one device, the Joint Meritorious Unit Award for 2 AEF duty tours in Provide Comfort and Northern Watch, and the National Defense Service Medal with two devices for his service during Vietnam and Desert Storm. These accolades represent only a handful of the numerous other State and Federal service medals Chief DuBois has collected during his 36 years of service. As Chief DuBois retired, he was the most senior chief master sergeant in the U.S. Air Force and Air National Guard and was the youngest guardsman to make chief when he did so, just like his father who, upon his retirement, was the most senior major general in the Air Force and Air Guard and the youngest at the time to make general.

Again, I wish to extend Chief Charles T. DuBois my heartiest congratulations upon his retirement and my sincere thanks for the 35-plus years of service he has rendered to the State of Missouri and the Nation.•

100TH ANNIVERSARY OF ALEXANDER, NORTH DAKOTA

• Mr. CONRAD. Mr. President, I rise today to honor a community in North Dakota that is celebrating its 100th anniversary. On September 2 through September 5, the residents of Alexander, ND, celebrated their community's history and founding.

Alexander is a small town in the northwestern part of North Dakota with a population of 216. Despite its size, Alexander holds an important place within North Dakota's history. It began on July 24, 1905, when the city was platted by Frank B. Chapman. That same year, a wide variety of businesses were constructed in the town, including the Dakota Trading Company Store, the Alexander State Bank, and the Alexander Hotel. Later that year, the McKenzie County Chronicle began publication in an office of the Alexander State Bank. In 1918, the town suffered a devastating fire; however, the town rebuilt and continued to grow.

Today, Alexander remains a proud community with an economy bolstered by farming, ranching, and oil extraction. In the city's park, hamburgers are served every summer Saturday evening. The town is also home to the Lewis and Clark Trail Museum, which is housed in the old school house. Each room in the museum highlights a different and unique view of the area's history.

Mr. President, I ask the Senate to join me in congratulating Alexander, ND, and its residents on their first 100 years and in wishing them well through the next century. I believe that by honoring Alexander and all the other historic small towns of North Dakota, we keep the pioneering frontier spirit alive for future generations. It is such places as Alexander that have helped to shape this country into what it is today, which is why this community is deserving of our recognition.

Alexander has a proud past and a bright future.•

HONORING THE PUBLIC SERVICE OF GALE REINERS

• Mr. JOHNSON. Mr. President, I rise today to congratulate Mr. Gale Reiners for his 35 years of service to the Department of Veterans' Affairs. When he retires later this month, Mr. Reiners will have served his country for almost 40 years, both in the military and through his public service on behalf of our Nation's veterans.

During his tenure at the Regional VA Office in Sioux Falls, Gale provided important counsel and advice to veterans, family members, VA officials, veterans' service officers, and congressional members and their staff on a range of issues. Throughout that time, he has witnessed many changes in the VA, and has been diligent in assisting veterans with their questions, needs and issues. He has helped educate all those concerned about the ever-changing scope of the veterans' benefits program.

Gale wanted to retire 18 months ago but was persuaded to continue his duties at the VA. At the time he announced his retirement, the VA regional offices in North Dakota and South Dakota were working to combine various veterans' services. Gale's

experience and knowledge of those programs proved invaluable during the transition period.

Mr. Reiners is a man of passion and integrity who takes his responsibility to South Dakota veterans very seriously. It will be difficult to find someone more knowledgeable than Mr. Reiners on the wide array of benefit and resource programs available to veterans. My staff has worked with Gale and his colleagues at the regional office in Sioux Falls on numerous issues impacting veterans and their families. Gale always addressed each inquiry with professionalism. I commend his dedication and commitment to making sure every veteran's case or question was always handled in a timely manner.

The State of South Dakota will miss Gale Reiners' leadership. After 35 years of service, Mr Reiners will be spending more time with his wife Patty, and their 4 children. It is with great honor that I share his impressive accomplishments with my colleagues, and I thank him for his service to this Nation and its veterans.●

IN RECOGNITION OF FERNANDO VALENZUELA

● Mrs. BOXER. Mr. President, I am very pleased to take a few moments to recognize the many important accomplishments of Fernando Valenzuela, former pitcher, current radio broadcast announcer and long time member of the Los Angeles Dodgers family.

Fernando Valenzuela has been an amazing asset to the Los Angeles community. He has enriched the lives of many young children through their participation in the Amigos de Fernando children's program—an innercity youth program he founded that is designed to reward underprivileged children for their positive and active involvement in community sports teams.

For the third consecutive Major League Baseball season, the Amigos de Fernando children's program, with support from the Los Angeles Dodgers, has continued to assist local children's groups. Through their efforts, innercity children's groups receive assistance in continuing to guide and positively influence the children they service. The Amigos de Fernando children's program has provided nearly 1,000 young people of the City of Los Angeles with new and positive experiences that would have otherwise been unavailable to them.

Fernando Valenzuela began his career with the Los Angeles Dodgers in 1979. Since his rookie year in Major League Baseball, he has reached many notable accomplishments including honors as Rookie of the Year in 1981 and the highly coveted Cy Young Award—presented to each league's most outstanding pitcher—also in 1981. In addition to his many personal accomplishments, Fernando also played a significant role in achieving many team distinctions and championships, including the National League Pennant and World Series Championships for the 1981 and 1988 seasons. After a brief absence from the Los Angeles area, Fernando rejoined the Los Angeles Dodgers organization in 2003 as a member of the Spanish-Language radio commentator team, providing his expertise and views to countless fans.

I invite all of my colleagues to join me and the children of the City of Los Angeles in commending Fernando Valenzuela for his great leadership and service to the community through the Amigos de Fernando. His efforts are truly worthy of this recognition.●

THE PASSING OF SANDRA FELDMAN

● Mr. SALAZAR. Mr. President, I rise to remember and celebrate the incredible life and legacy of Sandra Feldman, a past president of the American Federation of Teachers, who passed away on Monday at the age of 66 after a long battle with breast cancer.

Ms. Feldman was truly a trailblazer for education. She dedicated her life to enhancing educational opportunities for our youth, to bettering the lives of educators and to fighting for civil rights for workers, women and minorities.

Feldman grew up poor in Brooklyn, NY. She credited the public schools and libraries for ''creating her future'' and instilling in her a love of education. She spent her entire life enriching the lives of others.

In the 1960s, she fought for civil rights, participating in the Freedom Rides and the March on Washington for Jobs and Freedom. She later became a leader in the protection of various workers' rights movements in New York, including representation of nurses and teachers. In 1997, Feldman became the president of the American Federation of Teachers, one of the largest unions representing our teachers in this country, with 1.3 million members, including 4,800 in Colorado,

As president of the American Federation of Teachers, Ms. Feldman advocated for early childhood education, greater investment in public education and greater emphasis on high standards and accountability. Feldman was nationally recognized as a champion of universal preschool for young children, extended kindergarten for disadvantaged youngsters, and redesigning schools to promote academic achievement. Many of Feldman's proposals, which were implemented on the State and Federal level, positively changed the lives of youth.

I commend and honor the life of Sandra Feldman, who stood and fought for civil rights, workers' rights, and education. She was the epitome of a public servant and we are all better because of her life. Sandra Feldman will be missed.●

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO PERSONS WHO COMMIT, THREATEN TO COMMIT, OR SUPPORT TERRORISM THAT WAS DECLARED BY EXECUTIVE ORDER 13224—PM 23

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the national emergency with respect to persons who commit, threaten to commit, or support terrorism is to continue in effect beyond September 23, 2005. The most recent notice continuing this emergency was published in the *Federal Register* on September 22, 2004 (69 FR 56923).

The crisis constituted by the grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the terrorist attacks in New York, in Pennsylvania, and against the Pentagon committed on September 11, 2001, and the continuing and immediate threat of further attacks on United States nationals or the United States that led to the declaration of a national emergency on September 23, 2001, has not been resolved. These actions pose a continuing unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to persons who commit, threaten to commit, or support terrorism, and maintain in force the comprehensive sanctions to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 21, 2005*.

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

At 10:18 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker of the House of Representatives has signed the following enrolled bill:

H.R. 3649. An act to ensure funding for sportfishing and boating safety programs

funded out of the Highway Trust Fun through the end of fiscal year 2005, and for other purposes.

The enrolled bill was subsequently signed by the President Pro tempore (Mr. STEVENS).

At 10:45 a.m., message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 394. An act to direct the Secretary of the Interior to conduct a boundary study to evaluate the significance of the Colonel James Barrett Farm in the Commonwealth of Massachusetts and the suitability and feasibility of its inclusion in the National Park System as part of the Minute Man National Historical Park, and for other purposes.

H.R. 409. An act to provide for the exchange of land within the Sierra National Forest, California, and for other purposes.

H.R. 2132. An act to extend the waiver authority of the Secretary of Education with respect to student financial assistance during a war or other military operation or national emergency.

H.R. 3761. An act to provide special rules for disaster relief employment under the Workforce Investment Act of 1998 for individuals displaced by Hurricane Katrina.

H.R. 3765. An act to extend through December 31, 2007, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits.

H.R. 3784. An act to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

At 2:42 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1368. An act to extend the existence of the Parole Commission, and for other purposes.

The message also announced that the House agree to the amendment of the Senate to the bill H.R. 3768, an act to provide emergency tax relief for persons affected by Hurricane Katrina, with an amendment, in which it requests the concurrence of the Senate.

At 5:11 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker of the House of Representatives has signed the following enrolled bill:

S. 1340. An act to amend the Pittman-Robertson Wildlife Restoration Act to extend the date after which surplus fund in the wildlife restoration fund become available for apportionment.

The enrolled bill was subsequently signed by the President pro tempore (Mr. STEVENS).

At 5:42 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. 242. Concurrent resolution providing for acceptance of a statue of Po'Pay, presented by the State of New Mexico, for placement in National Statuary Hall, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 394. An act to direct the Secretary of the Interior to conduct a boundary study to evaluate the significance of the Colonel James Barrett Farm in the Commonwealth of Massachusetts and the suitability and feasibility of its inclusion in the National Park System as part of the Minute Man National Historical Park, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 409. An act to provide for the exchange of land within the Sierra National Forest, California, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2132. An act to extend the waiver authority of the Secretary of Education with respect to student financial assistance during a war or other military operation or national emergency; to the Committee on Health, Education, Labor, and Pensions.

H.R. 3784. An act to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3761. An act to provide special rules for disaster relief employment under the Workforce Investment Act of 1998 for individuals displaced by Hurricane Katrina.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 1745. A bill to expand the availability of resources under the Community Services Block Grant Act for individuals affected by Hurricane Katrina.

S. 1748. A bill to establish a congressional commission to examine the Federal, State, and local response to the devastation wrought by Hurricane Katrina in the Gulf Region of the United States especially in the States of Louisiana, Mississippi, Alabama, and other areas impacted in the aftermath and make immediate corrective measures to improve such responses in the future.

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–3829. A communication from the Regulatory Ombudsman, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Hours of Service of Drivers'' (RIN2126–AA90) received on August 31, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3830. A communication from the Director, National Institute of Standards and Technology, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fastener Quality Act'' (RIN0693–AB55) received on August 31, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3831. A communication from the Secretary, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Telemarketing Sales Rule Fees'' (RIN3084–AA86) received on August 31, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3832. A communication from the Special Advisor, Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Implementation of Section 210 of the Satellite Home Viewer Extension and Reauthorization Act of 2004 to Amend Section 338 of the Communications Act'' ((FCC 05–159)(MB 05–181)) received on August 31, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3833. A communication from the Attorney-Advisor, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a vacancy in the position of Administrator, received on August 31, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3834. A communication from the Deputy Assistant Administrator, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Financial Assistance To Establish a New Cooperative Science Center Under NOAA's Educational Partnership Program (EPP) with Minority Serving Institutions for Scientific Environmental Technology'' (Docket No. 030602141–5196–21) received on August 31, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3835. A communication from the Deputy Assistant Administrator, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Availability of Grants Funds for Fiscal Year 2006; Ballast Water Technology Demonstration Program'' (RIN0648–ZB55) received on August 31, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3836. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Gulf Reef Fish Limited Access System'' (I.D. No. 033105A) received on August 31, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3837. A communication from the Acting Deputy Assistant Administrator for Operations, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Deep-Sea Red Crab Fishery; Framework Adjustment 1 to the Atlantic Deep-Sea Red Crab Fishery Management Plan'' (RIN0648–AS35) received on August 31, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3838. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Prohibiting Retention of 'Other Rockfish' in the Central Regulatory Area of the Gulf of Alaska'' (I.D. No. 072905A) received on August 23, 2005; to the

Committee on Commerce, Science, and Transportation.

EC–3839. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Zone off Alaska; Yellowfin Sole in the Bering Sea and Aleutian Islands Management Area'' (I.D. No. 072105A) received on August 23, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3840. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Apportioning the Reserve of Arrowtooth Flounder in the Bering Sea and Aleutian Islands Management Area'' (I.D. No. 080805B) received on August 31, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3841. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Opening Directed Fishing for Pacific Cod by Catcher Vessels Less than 60 Feet (18.3 Meters) Length Overall Using Hook-and-Line or Pot Gear in the Bering Sea and Aleutian Islands Management Area'' (I.D. No. 080805C) received on August 23 2005; to the Committee on Commerce, Science, and Transportation.

EC–3842. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Prohibiting Directed Fishing for Non-Community Development Quota Pollock with Trawl Gear in the Chinook Salmon Savings Areas of the Bering Sea and Aleutian Islands Management Area'' (I.D. No. 080805D) received on August 31, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3843. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Reallocating Pacific Cod from Vessels Using Jig Gear to Catcher Vessels Less than 60 Feet (18.3 Meters) Length Overall Using Pot or Hook-and-Line Gear in the Bering Sea and Aleutian Islands Management Area'' (I.D. No. 080405C) received on August 31, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3844. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Pacific Ocean Perch in the West Yakutat District of the Gulf of Alaska'' (I.D. No. 080305B) received on August 31, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3845. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Pelagic Shelf Rockfish in the West Yakutat District of the Gulf of Alaska'' (I.D. No. 080305A) received on August 31, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3846. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Area Navigation Instrument Flight Rules Terminal Transition Routes (RITTR); Charlotte, NC; Correction'' ((RIN2120–AA66)(2005–0199)) received on August 31, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3847. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Marion, KY'' ((RIN2120–AA66)(2005–0198)) received on August 31, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3848. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Legal Description of Class E Airspace; Lincoln, NE; Correction'' ((RIN2120–AA66)(2005–0197)) received on August 31 2005; to the Committee on Commerce, Science, and Transportation.

EC–3849. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; McCook, NE; Correction'' ((RIN2120–AA66)(2005–0196)) received on August 31, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3850. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class D Airspace; Worcester, MA'' ((RIN2120–AA66)(2005–0200)) received on August 31, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3851. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''FAA-Approved Child Restraint Systems'' (RIN2120–AI36) received on August 31, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3852. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bombardier Model DHC 8 100, DHC 8 200, and DHC 8 300 Series Airplanes'' ((RIN2120–AA64)(2005–0403)) received on August 31, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3853. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (76)'' ((RIN2120–AA65)(2005–0024)) received on August 31, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3854. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations (including 5 regulations): [CGD05–05–026], [CGD05–05–040], [CGD07–05–038], [CGD11–05–003], [CGD11–05–008]'' (RIN1625–AA08) received on August 31, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3855. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zones (including 17 regulations)'' (RIN1625–AA87) received on August 31, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3856. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zones (including 92 regulations)'' (RIN1625–AA00) received on August 31, 2005; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CRAIG, from the Committee on Veterans' Affairs, without amendment:

S. 1234. A bill to increase, effective as of December 1, 2005 the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans (Rept. No. 109–138).

By Mr. CRAIG, from the Committee on Veterans' Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 1235. A bill to amend chapters 19 and 37 of title 38, United States Code, to extend the availability of $400,000 in coverage under the servicemembers' life insurance and veterans' group life insurance programs, and for other purposes (Rept. No. 109–139).

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 Ms. COLLINS (for herself, Mr. LIEBERMAN, Mr. SUNUNU, Mr. DURBIN, Mr. PRYOR, Mrs. CLINTON, and Mr. CARPER):

S. 1738. A bill to expand the responsibilities of the Special Inspector General for Iraq Reconstruction to provide independent objective audits and investigations relating to the Federal programs for Hurricane Katrina recovery; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LEAHY:

S. 1739. A bill to amend the material witness statute to strengthen procedural safeguards, and for other purposes; to the Committee on the Judiciary.

By Mr. CRAPO (for himself, Mr. JOHNSON, and Mr. BUNNING):

S. 1740. A bill to amend the Internal Revenue Code of 1986 to allow individuals to defer recognition of reinvested capital gains distributions from regulated investment companies; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mrs. CLINTON):

S. 1741. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize the President to carry out a program for the protection of the health and safety of residents, workers, volunteers, and others in a disaster area; to the Committee on Homeland Security and Governmental Affairs.

By Mr. ROBERTS:

S. 1742. A bill to amend the Food and Stamp Act of 1977 to exclude certain military housing allowances from the eligibility requirements for food stamps; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SMITH:

S. 1743. A bill to authorize the Federal Trade Commission to investigate and assess penalties for price gouging with respect to oil and gas products; to the Committee on Commerce, Science, and Transportation.

By Mr. NELSON of Florida (for himself and Mr. BINGAMAN):

S. 1744. A bill to prohibit price gouging relating to gasoline and diesel fuels in areas affected by major disasters; to the Committee on Commerce, Science, and Transportation.

By Mr. ENZI (for himself and Mr. KENNEDY):

S. 1745. A bill to expand the availability of resources under the Community Services

Block Grant Act for individuals affected by Hurricane Katrina; read the first time.

By Mr. VITTER (for himself and Mr. KYL):

S. 1746. A bill to amend title 18, United States Code, to prevent interference with Federal disaster relief efforts, and for other purposes; to the Committee on the Judiciary.

By Mr. CORNYN (for himself, Mr. VITTER, Mrs. HUTCHISON, Mr. THUNE, Mr. LOTT, Mr. GRASSLEY, Mr. BROWNBACK, and Ms. LANDRIEU):

S. 1747. A bill to limit liability for volunteers and those providing goods and services for disaster relief, and for other purposes; to the Committee on the Judiciary.

By Mrs. CLINTON (for herself, Ms. MIKULSKI, Mr. HARKIN, Mr. LAUTENBERG, Mr. JEFFORDS, Mr. REED, Mr. SALAZAR, Mr. OBAMA, Mrs. BOXER, Ms. STABENOW, Mr. CORZINE, Mr. SCHUMER, Mr. DURBIN, Mrs. FEINSTEIN, Mr. FEINGOLD, Mr. CARPER, Mr. JOHNSON, and Mr. LEAHY):

S. 1748. A bill to establish a congressional commission to examine the Federal, State, and local response to the devastation wrought by Hurricane Katrina in the Gulf Region of the United States especially in the States of Louisiana, Mississippi, Alabama and other areas impacted in the aftermath and make immediate corrective measures to improve such responses in the future; read the first time.

By Mr. KENNEDY (for himself, Ms. LANDRIEU, Mr. HARKIN, Mr. REID, Mr. DURBIN, Mr. SCHUMER, Mrs. CLINTON, Mr. DODD, Ms. MIKULSKI, Mr. BINGAMAN, Mrs. MURRAY, Mr. REED, Mr. LEAHY, Mr. SARBANES, Mr. KERRY, Mr. LIEBERMAN, Mr. AKAKA, Mrs. FEINSTEIN, Mrs. BOXER, Mr. FEINGOLD, Mr. BAYH, Ms. CANTWELL, Mr. CORZINE, Mr. DAYTON, Mr. LAUTENBERG, and Mr. OBAMA):

S. 1749. A bill to reinstate the application of the wage requirements of the Davis-Bacon Act to Federal contracts in areas affected by Hurricane Katrina; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SCHUMER (for himself, Mr. COLEMAN, Mrs. BOXER, Mrs. FEINSTEIN, Mr. REID, Mr. BINGAMAN, Mr. WYDEN, Mrs. CLINTON, Mr. LAUTENBERG, Ms. MIKULSKI, Mr. KENNEDY, Ms. STABENOW, Mr. LIEBERMAN, Mr. JOHNSON, Mr. HARKIN, Mr. KOHL, Mrs. MURRAY, Mr. FEINGOLD, Mr. DODD, Mr. BROWNBACK, Mr. SMITH, Mr. ROCKEFELLER, Mr. VOINOVICH, Mr. BIDEN, Mr. CORZINE, Mr. ALLEN, Mr. INHOFE, Mr. CARPER, Mr. GRAHAM, Mr. DEWINE, Mr. NELSON of Florida, Mr. LEVIN, Mr. GRASSLEY, Mr. BURR, Mr. ALEXANDER, Mr. MCCAIN, Mr. NELSON of Nebraska, Mrs. HUTCHISON, Mr. SARBANES, Mr. SALAZAR, Mr. CORNYN, Mr. HAGEL, Mr. TALENT, Mr. CONRAD, Ms. SNOWE, Mr. SANTORUM, Mr. DURBIN, and Mr. LEAHY):

S. Res. 245. A resolution recognizing the life and accomplishments of Simon Wiesenthal; considered and agreed to.

By Ms. SNOWE (for herself, Ms. CANTWELL, Ms. MIKULSKI, Mr. INOUYE, Mr. STEVENS, Mr. MARTINEZ, Mr. LOTT, and Ms. MURKOWSKI):

S. Res. 246. A resolution to express the sense of the Senate regarding the missions and performance of the United States Coast Guard in responding to Hurricane Katrina; considered and agreed to.

ADDITIONAL COSPONSORS

S. 15

At the request of Mr. KERRY, his name was added as a cosponsor of S. 15, a bill to improve education for all students, and for other purposes.

S. 132

At the request of Mr. SMITH, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 132, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for premiums on mortgage insurance.

S. 267

At the request of Mr. CRAIG, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 267, a bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000, and for other purposes.

S. 298

At the request of Mr. INOUYE, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 298, a bill to amend the Internal Revenue Code of 1986 to repeal the reduction in the deductible portion of expenses for business meals and entertainment.

S. 424

At the request of Mr. BOND, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 424, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 511

At the request of Mr. DEMINT, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 511, a bill to provide that the approved application under the Federal Food, Drug, and Cosmetic Act for the drug commonly known as RU–486 is deemed to have been withdrawn, to provide for the review by the Comptroller General of the United States of the process by which the Food and Drug Administration approved such drug, and for other purposes.

S. 512

At the request of Mr. SANTORUM, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 512, a bill to amend the Internal Revenue Code of 1986 to classify automatic fire sprinkler systems as 5-year property for purposes of depreciation.

S. 589

At the request of Mr. KYL, his name was added as a cosponsor of S. 589, a bill to establish the Commission on Freedom of Information Act Processing Delays.

S. 713

At the request of Mr. ROBERTS, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 713, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 757

At the request of Mr. CHAFEE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 757, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 760

At the request of Mr. INOUYE, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 760, a bill to amend the Public Health Service Act to provide a means for continued improvement in emergency medical services for children.

S. 769

At the request of Ms. SNOWE, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 769, a bill to enhance compliance assistance for small businesses.

S. 894

At the request of Mr. ENZI, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 894, a bill to allow travel between the United States and Cuba.

S. 909

At the request of Mr. DODD, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 909, a bill to expand eligibility for governmental markers for marked graves of veterans at private cemeteries.

S. 1067

At the request of Mrs. LINCOLN, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1067, a bill to require the Secretary of Health and Human Services to undertake activities to ensure the provision of services under the PACE program to frail elders living in rural areas, and for other purposes.

S. 1081

At the request of Mr. KYL, the names of the Senator from Colorado (Mr. ALLARD) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 1081, a bill to amend title XVIII of the Social Security Act to provide for a minimum update for physicians' services for 2006 and 2007.

S. 1112

At the request of Mr. GRASSLEY, the name of the Senator from Wyoming (Mr. ENZI) 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. 1172

At the request of Mr. SPECTER, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S.

1172, a bill to provide for programs to increase the awareness and knowledge of women and health care providers with respect to gynecologic cancers.

S. 1313

At the request of Mr. CORNYN, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 1313, a bill to protect homes, small businesses, and other private property rights, by limiting the power of eminent domain.

S. 1321

At the request of Mr. SANTORUM, the name of the Senator from Mississippi (Mr. COCHRAN) 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. 1358

At the request of Mr. DURBIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1358, a bill to protect scientific integrity in Federal research and policymaking.

S. 1620

At the request of Mr. CORZINE, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 1620, a bill to provide the nonimmigrant spouses and children of nonimmigrant aliens who perished in the September 11, 2001, terrorist attacks an opportunity to adjust their status to that of an alien lawfully admitted for permanent residence, and for other purposes.

S. 1645

At the request of Mrs. BOXER, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1645, a bill to establish a first responder interoperable communications grant program.

S. 1685

At the request of Mr. OBAMA, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1685, a bill to ensure the evacuation of individuals with special needs in times of emergency.

S. 1691

At the request of Mr. CRAIG, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 1691, a bill to amend selected statutes to clarify existing Federal law as to the treatment of students privately educated at home under State law.

S. 1735

At the request of Ms. CANTWELL, the names of the Senator from New Jersey (Mr. CORZINE), the Senator from Indiana (Mr. BAYH), the Senator from Washington (Mrs. MURRAY) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 1735, a bill to improve the Federal Trade Commissions's ability to protect consumers from price-gouging during energy emergencies, and for other purposes.

S. CON. RES. 46

At the request of Mr. BROWNBACK, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. Con. Res. 46, a concurrent resolution expressing the sense of the Congress that the Russian Federation should fully protect the freedoms of all religious communities without distinction, whether registered and unregistered, as stipulated by the Russian Constitution and international standards.

S. CON. RES. 53

At the request of Mr. OBAMA, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. Con. Res. 53, a concurrent resolution expressing the sense of Congress that any effort to impose photo identification requirements for voting should be rejected.

AMENDMENT NO. 1741

At the request of Mr. DEWINE, the names of the Senator from Indiana (Mr. LUGAR), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Kansas (Mr. BROWNBACK), the Senator from Minnesota (Mr. COLEMAN), the Senator from Wisconsin (Mr. KOHL) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of amendment No. 1741 proposed to H.R. 2744, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1754

At the request of Mr. SALAZAR, the names of the Senator from California (Mrs. BOXER) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of amendment No. 1754 proposed to H.R. 2744, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1760

At the request of Mr. DURBIN, the names of the Senator from Illinois (Mr. OBAMA) and the Senator from Missouri (Mr. BOND) were added as cosponsors of amendment No. 1760 intended to be proposed to H.R. 2744, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1761

At the request of Ms. STABENOW, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of amendment No. 1761 intended to be proposed to H.R. 2744, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1764

At the request of Mr. CRAIG, the names of the Senator from California (Mrs. BOXER), the Senator from Michigan (Ms. STABENOW), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Idaho (Mr. CRAPO), the Senator from Oregon (Mr. SMITH), the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of amendment No. 1764 intended to be proposed to H.R. 2744, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1768

At the request of Mr. SPECTER, the names of the Senator from New York (Mrs. CLINTON), the Senator from New York (Mr. SCHUMER) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of amendment No. 1768 intended to be proposed to H.R. 2744, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY:

S. 1739. A bill to amend the material witness statute to strengthen procedural safeguards, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, under the Federal material witness statute our government is authorized to arrest a witness in order to secure his testimony in a criminal proceeding. In order to obtain a material witness warrant, the government must establish that the witness has information that is material to a criminal proceeding, and that it may become impracticable to secure the witness's presence at the proceeding by a subpoena. Once arrested, a material witness may be detained for a reasonable period, until his testimony can be secured by deposition or appearance in court.

The material witness law was intended to ensure the appearance of witnesses in those rare cases where they might otherwise flee to avoid testifying in a criminal proceeding. This authority is an important tool for our government's law enforcement duties, but it must be exercised responsibly. As the Court of Appeals for the Second Circuit noted in 2003, in the case of United States v. Awadallah, ''It would be improper for the government to use [the material witness statute] for other ends, such as the detention of persons suspected of criminal activity for which probable cause has not yet been established.'' Since September 11, 2001, however, that is exactly what the government has been doing. Indeed, senior Administration officials, including our current Attorney General, have admitted that the government routinely uses material witness warrants to detain suspects in the so-called war on terror.

A report released this summer by Human Rights Watch and the American Civil Liberties Union identifies 70 men, including more than a dozen citizens, whom the Department of Justice

arrested as material witnesses in connection with its terrorism investigations. Many were never brought before a court or grand jury to testify for the simple reason that they were viewed not as witnesses, but as suspects. The evidence against these suspects was often flimsy at best, and would never have sufficed for criminal arrest and pre-trial detention. This twisting of a narrow law designed to secure testimony into a broad preventive detention authority has resulted in some notorious abuses.

Just days after 9/11, the FBI arrested eight Egyptian-born men in Evansville, IN—one a naturalized American citizen—as material witnesses, based on a bogus tip that they planned to fly a plane into the Sears Tower in Chicago. The men were held for more than a week in solitary confinement before being released. Many months later, the FBI issued a rare public apology to these men. That apology, while necessary, could not repair the damage that had been done to them and their families in the form of lost business, tainted reputations, and the accusing stares of their friends and neighbors.

The case of Abdallah Higazy further highlights the danger that can occur when this authority is abused. Shortly after 9/11, the 30-year-old Egyptian graduate student with a valid visa, was picked up after a security guard at a hotel located across the street from Ground Zero claimed to have found an aviation radio in the room where Higazy had stayed on 9/11. Higazy was held for more than a month in solitary confinement until he ultimately confessed that the radio was his. Higazy was then charged with lying to the FBI for initially denying possession of the radio. These charges were dropped after the true owner of the radio, an American pilot, went to the hotel to claim it.

In another, higher profile case in May 2004, Portland attorney Brandon Mayfield was arrested as a material witness in connection with the Madrid train bombing. An email sent from the Portland FBI office to the Los Angeles FBI office the day before Mayfield's arrest refers to him as a ''Moslem convert'' and notes as a ''problem'' that there was not enough evidence to arrest him for a crime. After spending two weeks in prison, Mayfield was released and the FBI was expressing regret about the erroneous fingerprint match that led to his arrest.

These and other examples of post–9/11 misuse of the material witness statute are documented in the HRW/ACLU report. As the report shows, such misuse does more than just circumvent the requirement of probable cause for a criminal arrest. Suspects arrested as material witnesses are denied the basic protections guaranteed to criminal defendants, including the right to view any exculpatory evidence and to be able to challenge the basis for their arrest and incarceration. The report concludes that the misuse of the material witness law ''threatens U.S. citizens and non-citizens alike because it reflects a lowering of the standards designed to protect everyone from arbitrary and unreasonable arrest and detention.''

The bill I introduce today will ensure that the material witness law is used only for the narrow purpose that Congress originally intended, to obtain testimony, and not to hold criminal suspects without charge when probable cause is lacking.

First, the bill raises the standard that the government must meet to obtain a material witness warrant. Under current law, a judge may order the arrest of a material witness if there is probable cause to believe that securing his presence by subpoena may become ''impracticable.'' Under the bill, there must be probable cause to believe that the witness has been served with a subpoena and failed or refused to appear as required, or clear and convincing evidence that the service of a subpoena is likely to result in the person fleeing or cannot adequately secure the appearance of the person as required.

Second, the bill imports several due process safeguards from the Federal Rules of Criminal Procedure relating to the arrest and arraignment of criminal defendants. Among other things, the bill requires that a material witness warrant specify that the testimony of the witness is sought in a criminal case or grand jury proceeding, and command that the witness be arrested and brought to court without unnecessary delay. The warrant must also inform the witness of his right to retain counselor or request that one be appointed. The right to counsel is already guaranteed to material witnesses under the Criminal Justice Act, 18 U.S.C. 3006A(a)(1)(g), and protects the witness from erroneous, unnecessary, and prolonged incarceration.

The bill further provides that, upon arresting a material witness, the government must provide him with a copy of the warrant or inform him of the warrant's existence and purpose. A material witness must be brought before a judge ''without unnecessary delay''—a term that has been strictly interpreted when applied to the criminally accused. The initial appearance must be in the district of arrest or an adjacent district. At the initial appearance, the judge must inform the witness of the basis for his arrest and of his right to counsel. The judge must also allow the witness a reasonable opportunity to consult with counsel. The judge must then determine whether the witness should be released or detained pending the taking of his testimony.

Third, the bill establishes clear procedures for material witness detention hearings. Current law provides that material witnesses shall be treated in accordance with 18 U.S.C. 3142, which governs the release or detention of defendants pending trial. Section 3142, however, contains many factors that are not applicable to material witnesses. For example, courts have held that a material witness may not be detained on the basis of dangerousness. (See Awadallah, 349 F.3d at 63 n.15.) The bill clarifies that in detention hearings for material witnesses, flight risk is the only relevant factor. A court shall order a material witness detained only if no condition or combination of conditions will reasonably assure the appearance of the witness as required. As under current law, no witness may be detained because of inability to comply with any condition of release if the testimony of such witness can adequately be secured by deposition. In determining whether a material witness should be released or detained, the court shall take into account the available information concerning the history and characteristics of the witness, and may also consider challenges to the basis of the warrant.

Fourth, the bill establishes the ''clear and convincing evidence'' standard used in other civil detention contexts for material witness detentions. Few courts have directly examined what standard of proof should be required of the government to demonstrate that no conditions of release can reasonably assure a witness's appearance. While the lower ''preponderance of the evidence'' standard may suffice for pre-trial detention of defendants who pose a risk of flight, in the case of defendants there has also been a finding of probable cause to believe the person committed a crime. In the case of a witness, where there is no probable cause to believe the person committed a crime, the usual grounds for fearing flight—the defendant's aversion to risking a guilty verdict and attendant sentencing—are not present.

Fifth, the bill imposes reasonable but firm time limits on the detention of material witnesses. Current law sets no firm limit on how long a witness may be incarcerated before being presented in a criminal proceeding or released. This has resulted, according to the recent report, in many witnesses enduring imprisonment for two or more months, and in one case for more than a year. Under my bill, a material witness may initially be held for not more than five days, or until his testimony can adequately be secured, whichever is earlier. That period may be extended for additional periods of up to five days, upon a showing of good cause for why the testimony could not adequately be secured during the previous five-day period. The total period of detention may not exceed 10 days for a grand jury witness, or 30 days for a trial witness, and in no case may a witness be held any longer than necessary to secure his testimony.

Sixth, in recognition of the fact that material witnesses are not charged with any offense, the bill requires that they be held in a corrections facility that is separate, to the extent practicable, from persons charged with or convicted of a criminal offense, and under the least restrictive conditions possible.

Finally, to facilitate congressional oversight, the bill requires the Justice Department to report annually on the use of the material witness law. Since 9/11, the Department has withheld information relating to material witnesses on the theory—in my view, a flawed theory—that such information is covered by the grand jury secrecy rule. It is hard to imagine how the release of generalized data, such as the aggregate number of people detained as material witnesses, could damage any reputational interest or any of the other interests protected by Rule 6(e).

The recent, detailed report on post–9/11 uses of the material witness statute leaves no doubt that the law has been bent out of shape, with real consequences for citizens and non-citizens alike. My bill will restore the law to its original purpose and prevent future abuses. I urge its speedy passage.

I ask unanimous consent that the text of the bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1739

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

SECTION 1. RELEASE OR DETENTION OF A MATERIAL WITNESS.

(a) AMENDMENTS TO TITLE 18.—Section 3144 of title 18, United States Code, is amended to read as follows:

"§ 3144. Release or detention of a material witness

''(a) ARREST OF MATERIAL WITNESS.—

''(1) IN GENERAL.—A judicial officer may order the arrest of a person as a material witness, if it appears from an affidavit filed by a party in a criminal case before a court of the United States, or by an attorney for the Government in a matter occurring before a Federal grand jury, that there is probable cause to believe that—

''(A) the testimony of such person is material in such case or matter; and

''(B) the person has been served with a summons or subpoena and failed or refused to appear as required.

''(2) EXCEPTION.—A judicial officer may waive the summons or subpoena requirement described in paragraph (1)(B), if the judicial officer finds by clear and convincing evidence that the service of a summons or subpoena—

''(A) is likely to result in the person fleeing; or

''(B) cannot adequately secure the appearance of the person as required.

''(b) WARRANT FOR MATERIAL WITNESS.—

''(1) REQUIREMENTS.—A warrant issued under subsection (a) shall—

''(A) contain the name of the material witness or, if the name of such witness is unknown, a name or description by which the witness can be identified with reasonable certainty;

''(B) specify that the testimony of the witness is sought in a criminal case or grand jury proceeding;

''(C) command that the witness be arrested and brought without unnecessary delay before a judicial officer;

''(D) inform the witness of the witness's right to retain counsel or to request that counsel be appointed if the witness cannot obtain counsel; and

''(E) be signed by a judicial officer.

''(2) EXECUTION OF WARRANT.—

''(A) ARREST OF WITNESS.—A warrant issued under subsection (a) shall be executed by arresting the material witness.

''(B) WARRANT TO BE PROVIDED TO WITNESS.—

''(i) IN GENERAL.—Upon arrest, an officer possessing the warrant shall show such warrant to the material witness.

''(ii) WARRANT NOT IN POSSESSION OF ARRESTING OFFICER.—If an officer does not possess the warrant at the time of arrest of a material witness, an officer—

''(I) shall inform the witness of the existence and purpose of the warrant; and

''(II) at the request of the witness, shall provide the warrant to the witness as soon as possible.

''(3) RETURN OF WARRANT.—

''(A) AFTER EXECUTION.—After executing a warrant issued under subsection (a), an officer shall return the warrant to the judicial officer before whom the material witness is brought in accordance with subsection (c).

''(B) UNEXECUTED WARRANT.—At the request of an attorney for the United States Government, an unexecuted warrant shall be brought back to and canceled by a judicial officer.

''(c) INITIAL APPEARANCE.—

''(1) APPEARANCE UPON ARREST.—A material witness arrested pursuant to a warrant issued under subsection (a) shall be brought without unnecessary delay before a judicial officer.

''(2) PLACE OF INITIAL APPEARANCE.—The initial appearance of a material witness arrested pursuant to a warrant issued under subsection (a) shall be—

''(A) in the district of arrest; or

''(B) in an adjacent district if—

''(i) the appearance can occur more promptly there; or

''(ii) the warrant was issued there and the initial appearance will occur on the day of the arrest.

''(3) PROCEDURES.—At the initial appearance described in paragraph (2), a judicial officer shall—

''(A) inform a material witness of—

''(i) the warrant against the witness, and the application and affidavit filed in support of the warrant; and

''(ii) the witness's right to retain counsel or to request that counsel be appointed if the witness cannot obtain counsel;

''(B) allow the witness a reasonable opportunity to consult with counsel;

''(C) release or detain the witness as provided by subsection (d); and

''(D) if the initial appearance occurs in a district other than where the warrant issued, transfer the witness to such district, provided that the judicial officer finds that the witness is the same person named in the warrant.

''(d) RELEASE OR DETENTION.—

''(1) IN GENERAL.—Upon the appearance before a judicial officer of a material witness arrested pursuant to a warrant issued under subsection (a), the judicial officer shall order the release or detention of such witness.

''(2) RELEASE.—

''(A) IN GENERAL.—A judicial officer shall order the release of a material witness arrested pursuant to a warrant issued under subsection (a) on personal recognizance or upon execution of an unsecured appearance bond under section 3142(b), or on a condition or combination of conditions under section 3142(c), unless the judicial officer determines by clear and convincing evidence that such release will not reasonably assure the appearance of the witness as required.

''(B) TESTIMONY SECURED BY DEPOSITION.—No material witness may be detained because of the inability of the witness to comply with any condition of release if the testimony of such witness can adequately be secured by deposition.

''(3) DETENTION.—

''(A) NO REASONABLE ASSURANCE OF APPEARANCE.—If, after a hearing pursuant to the provisions of section 3142(f)(2), a judicial officer finds by clear and convincing evidence that no condition or combination of conditions will reasonably assure the appearance of a material witness as required by this section, such judicial officer may order that the witness be detained for a period not to exceed 5 days, or until the testimony of the witness can adequately be secured by deposition or by appearance before the court or grand jury, whichever is earlier.

''(B) EXTENSION OF DETENTION.—

''(i) IN GENERAL.—Subject to clause (ii), upon the motion of a party (or an attorney for the United States Government in a matter occurring before a Federal grand jury), the period of detention under subparagraph (A) may be extended for additional periods of up to 5 days, or until the testimony of a material witness can adequately be secured by deposition or by appearance before the court or grand jury, whichever is earlier.

''(ii) LIMIT.—The total period of detention under this subparagraph may not exceed—

''(I) 30 days, where the testimony of the witness is sought in a criminal case; or

''(II) 10 days, where the testimony of the witness is sought in a grand jury proceeding.

''(C) GOOD CAUSE REQUIRED.—A motion under subparagraph (B) shall demonstrate good cause for why the testimony of a material witness could not adequately be secured by deposition or by appearance before the court or grand jury during the previous 5-day period.

''(4) FACTORS TO BE CONSIDERED.—A judicial officer, in determining whether a material witness should be released or detained—

''(A) shall take into account the available information concerning the history and characteristics of the witness, including the information described in section 3142(g)(3)(A); and

''(B) may consider challenges to the basis of the warrant.

''(5) CONTENTS OF RELEASE ORDER.—A release order issued under paragraph (2) shall comply with the requirements of paragraphs (1) and (2)(B) of section 3142(h).

''(6) CONTENTS OF DETENTION ORDER.—A detention order issued under paragraph (3) shall comply with the requirements of section 3142(i), provided that a judicial officer shall direct that a material witness be held—

''(A) in a facility separate and apart, to the extent practicable, from persons charged with or convicted of a criminal offense; and

''(B) under the least restrictive conditions possible.

''(e) REPORT.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, the Attorney General shall provide to the Committees on the Judiciary of the Senate and the House of Representatives an annual report regarding the use of this section by the United States Government during the preceding 1-year period.

''(2) CONTENT OF REPORT.—A report required under paragraph (1) shall include—

''(A) the number of warrants sought under subsection (a), and the number either granted or denied;

''(B) the number of material witnesses arrested pursuant to a warrant issued under subsection (a) whose testimony was not secured by deposition or by appearance before the court or grand jury, and the reasons therefore; and

''(C) the average number of days that material witnesses arrested pursuant to a warrant issued under subsection (a) were detained.''.

(b) AMENDMENT TO FEDERAL RULES OF CIVIL PROCEDURE.—Rule 46(h) of the Federal Rules of Criminal Procedure is amended to read as follows:

''(h) SUPERVISING DETENTION PENDING TRIAL.—To eliminate unnecessary detention, the court must supervise the detention within the district of any defendants awaiting trial and of any persons held as material witnesses.''.

By Mr. CRAPO (for himself, Mr. JOHNSON, and Mr. BUNNING):

S. 1740. A bill to amend the Internal Revenue Code of 1986 to allow individuals to defer recognition of reinvested capital gains distributions from regulated investment companies; to the Committee on Finance.

Mr. CRAPO. Mr. President, I rise today to introduce, along with my colleagues Tim Johnson of South Dakota and Jim Bunning of Kentucky, an important bill that will allow Americans to save more for the long term and will better prepare them for a secure retirement. The Generating Retirement Ownership Through Long-Term Holding GROWTH, Act has substantial and growing bipartisan support in the House, and Senator JOHNSON and I are proud to introduce this bipartisan legislation that provides Americans a better tool to grow their long-term retirement savings.

The GROWTH Act would allow investors in mutual funds to keep more retirement savings invested longer and growing longer by deferring taxation of automatically reinvested capital gains until fund shares are sold, rather than allowing those long-term gains—which generate no current income or cash in hand—to be taxed every year.

To understand how beneficial this bill would be, it is important to understand the role of mutual funds in long-term retirement savings. Among households owning mutual funds, 92 percent are investing for retirement, with more than 70 percent saying their primary purpose in investing in funds is to prepare for retirement. Many of today's workers do not yet have in place the retirement savings supplement to Social Security that will prepare them for the future. In fact, almost half of American workers—nearly 71 million of 151 million workers—are not offered any form of pension or retirement savings plan at work.

Meanwhile, the number of years spent in retirement is growing and the costs individuals can expect to bear in retirement are growing, too. The Employee Benefit Research Institute estimates that an individual retiring at age 65 in 2014 will need $285,000 just to cover health coverage premiums and expenses. Individual savings efforts also face significant obstacles. Those not covered by an employer's retirement plan, for example, can set aside a deductible IRA contribution of only $4,000 this year—$4,500 if they are age 50 or older.

Mutual funds are a hugely important part of American workers' preparation for retirement, both through their employers' retirement plans and on their own. Mutual funds now make up half of the $3.2 trillion held by American workers through 401(k) plans and other similar job-based savings programs. About 34 million American households hold mutual funds through their defined contribution plans. More than 30 million American households are saving through taxable mutual fund accounts, either as supplements to their employers' plans or because they do not have such plans.

The GROWTH Act is also a good idea because it remedies an unfairness in the tax code that can make saving difficult for many Americans. Mutual fund investors who are struggling to save for retirement should not have to pay taxes on ''profits'' they have not realized. If they don't have money in hand, it makes no sense for them to have to pay taxes. The GROWTH Act would defer taxes until the mutual fund shares are sold and the investor has actual funds to pay the taxes.

The GROWTH Act would be a valuable contributor to retirement savings efforts. Mutual fund savers who automatically reinvest are doing what policymakers want to see. They are holding for the long term, contributing to national savings, and building up their own retirement nest egg. These Americans should be encouraged to save—not discouraged through a tax on automatic reinvestments. The GROWTH Act is a step that will show immediate results, a step that will help tens of millions of American savers and ''should-be savers'' over the course of their working lives, and a step that with time can make a real difference in the retirement readiness of American families.

I urge my colleagues to join Senator JOHNSON and me in supporting the GROWTH Act. Mr. President, 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. 1740

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 ''Generate Retirement Ownership Through Long-Term Holding Act of 2005''.

SEC. 2. DEFERRAL OF REINVESTED CAPITAL GAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.

(a) IN GENERAL.—Part III of subchapter O of chapter 1 of the Internal Revenue Code of 1986 (relating to common nontaxable exchanges) is amended by inserting after section 1045 the following new section:

''SEC. 1046. REINVESTED CAPITAL GAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.

''(a) NONRECOGNITION OF GAIN.—In the case of an individual, no gain shall be recognized on the receipt of a capital gain dividend distributed by a regulated investment company to which part I of subchapter M applies if such capital gain dividend is automatically reinvested in additional shares of the company pursuant to a dividend reinvestment plan.

''(b) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) CAPITAL GAIN DIVIDEND.—The term 'capital gain dividend' has the meaning given to such term by section 852(b)(3)(C).

''(2) RECOGNITION OF DEFERRED CAPITAL GAIN DIVIDENDS.—

''(A) IN GENERAL.—Gain treated as unrecognized in accordance with subsection (a) shall be recognized in accordance with subparagraph (B)—

''(i) upon a subsequent sale or redemption by such individual of stock in the distributing company, or

''(ii) upon the death of the individual.

''(B) GAIN RECOGNITION.—

''(i) IN GENERAL.—Upon a sale or redemption described in subparagraph (A), the taxpayer shall recognize that portion of total gain treated as unrecognized in accordance with subsection (a) (and not previously recognized pursuant to this subparagraph) that is equivalent to the portion of the taxpayer's total shares in the distributing company that are sold or redeemed.

''(ii) DEATH OF INDIVIDUAL.—Except as provided by regulations, any portion of such total gain not recognized under clause (i) prior to the taxpayer's death shall be recognized upon the death of the taxpayer and included in the taxpayer's gross income for the taxable year ending on the date of the taxpayer's death.

''(3) HOLDING PERIOD.—

''(A) GENERAL RULE.—The taxpayer's holding period in shares acquired through reinvestment of a capital gain dividend to which subsection (a) applies shall be determined by treating the shareholder as having held such shares for one year and a day as of the date such shares are acquired.

''(B) SPECIAL RULE FOR DISTRIBUTIONS OF QUALIFIED 5-YEAR GAINS.—In the case of a distribution of a capital gain dividend (or portion thereof) in a taxable year beginning after December 31, 2008, and properly treated as qualified 5-year gain (within the meaning of section 1(h), as in effect after such date), subparagraph (A) shall apply by substituting '5 years and a day' for 'one year and a day'.

''(c) SECTION NOT TO APPLY TO CERTAIN TAXPAYERS.—This section shall not apply to—

''(1) an individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which such individual's taxable year begins, or

''(2) an estate or trust.

''(d) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 852(b)(3)(B) of such Code is amended by adding at the end the following new sentence: ''For rules regarding nonrecognition of gain with respect to reinvested capital gain dividends received by individuals, see section 1046.''.

(2) The table of sections for part III of subchapter O of chapter 1 of such Code is amended by inserting after the item relating to section 1045 the following new item:

''Sec. 1046. Reinvested capital gain dividends of regulated investment companies.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

By Mr. SMITH:

S. 1743. A bill to authorize the Federal Trade Commission to investigate and assess penalties for price gouging with respect to oil and gas products; to

the Committee on Commerce, Science, and Transportation.

Mr. SMITH. Mr. President, I rise today to introduce the Post-Disaster Consumer Protection Act of 2005. This bill is designed to prohibit price gouging of oil or gas products in the immediate aftermath of a declared disaster.

Hurricane Katrina had a devastating affect on the major oil and natural gas producing region of our Nation. This natural disaster has exposed our Nation's vulnerability to even short-term disruptions anywhere in the supply chain. Oil production curtailments, refinery shutdowns or pipeline disruptions can all cause price spikes in gasoline, diesel and aviation fuel.

Directly following Hurricane Katrina, extreme price volatility of gasoline throughout the United States led to accusations of price gouging. Reports were made of individual retailers charging as much as $5.87 a gallon for gas. Even in my State of Oregon, which is less reliant on Gulf of Mexico production, prices spiked in the immediate aftermath of the hurricane.

This bill declares that for the 30 days following the President's declaration of a disaster, it will be unlawful to engage in price gouging of oil or gas products for sale in the affected area, or of oil and gas products produced in the affected area for sale in interstate commerce.

In addition, this bill authorizes the Federal Trade Commission to determine what represents a gross disparity in pricing and to prevent violations under this act using its authorities under the Federal Trade Commission Act. Those authorities include seeking civil penalties of $11,000 per violation; assessing fines or repayment of illegal gains; freezing assets; and seeking preliminary injunctions, cease and desist orders or temporary restraining orders.

Drastic increases in oil and gas products have a negative impact on consumers and businesses. That is why we must have a system in place that discourages price gouging in the wake of a disaster, and allows enough time for markets to return to normal.

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. 1743

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-Disaster Consumer Protection Act of 2005''.

SEC. 2. PRICE GOUGING PROHIBITION FOLLOWING MAJOR DISASTERS.

(a) DEFINITIONS.—In this section:

(1) AFFECTED AREA.—The term ''affected area'' means an area affected by a major disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(2) COMMISSION.—The term ''Commission'' means the Federal Trade Commission.

(3) OIL OR GAS PRODUCTS.—The term ''oil or gas products'' means oil, gasoline, diesel, aviation fuel, natural gas, or home heating oil.

(4) PRICE GOUGING.—The term ''price gouging'' means the charging of an unconscionably excessive price by a supplier of an oil or gas product.

(5) SUPPLIER.—The term ''supplier'' includes a seller, reseller, wholesaler, or distributor of an oil or gas product.

(6) UNCONSCIONABLY EXCESSIVE PRICE.—The term ''unconscionably excessive price'' means a price charged—

(A)(i) for an oil or gas product sold in an affected area that represents a gross disparity, as determined by the Commission, between the price charged by a supplier for that product after a major disaster is declared and the average price charged for that product by that supplier in the affected area during the 30-day period immediately before the President declares the existence of the major disaster; or

(ii) for an oil or gas product produced in the affected area for sale in interstate commerce that represents a gross disparity, as determined by the Commission, between the price charged by a supplier for that product after a major disaster is declared and the average price charged for that product by that supplier during the 30-day period immediately before the President declares the existence of the major disaster;

(B) that is not attributable to increased wholesale or operational costs incurred by the supplier in connection with the provision of the oil or gas product or to international market trends; and

(C) that is not attributable to a loss of production or loss of pipeline transmission capability.

(b) PRICE GOUGING INVOLVING DISASTER VICTIMS.—

(1) OFFENSE.—During the 30-day period following the date on which a major disaster is declared by the President, it shall be unlawful for a supplier to sell, or to offer to sell, any oil or gas product at an unconscionably excessive price as described in subsection (a)(6).

(c) UNFAIR OR DECEPTIVE ACT OR PRACTICE.—

(1) IN GENERAL.—The provisions of this Act shall be enforced by the Commission under the Federal Trade Commission Act (15 U.S.C. 41 et seq.). A violation of any provision of this Act shall be treated as an unfair or deceptive act or practice violating a rule promulgated under section 18 of the Federal Trade Commission Act (15 U.S.C. 57a).

(2) ACTIONS BY THE COMMISSION.—The Commission may prevent any person from violating this Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this Act. Any entity that violates any provision of this Act is subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act in the same manner, by the same means, and with the same jurisdiction, power, and duties as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this Act.

(d) EFFECT ON OTHER LAWS.—Nothing contained in this Act shall be construed to limit the authority of the Commission under any other provision of law.

By Mr. NELSON of Florida (for himself and Mr. BINGAMAN):

S. 1744. A bill to prohibit price gouging relating to gasoline and diesel fuels in areas affected by major disasters; to the Committee on Commerce, Science, and Transportation.

Mr. NELSON of Florida. Mr. President, 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. 1744

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 ''Price Gouging Act of 2005''.

SEC. 2. PRICE GOUGING PROHIBITION FOLLOWING MAJOR DISASTERS.

The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is amended—

(1) by redesignating sections 25 and 26 (15 U.S.C. 57c, 58) as sections 26 and 27, respectively; and

(2) by inserting after section 24 (15 U.S.C. 57b–5) the following:

''SEC. 25. PROTECTION FROM PRICE GOUGING FOLLOWING MAJOR DISASTERS.

''(a) DEFINITIONS.—In this section:

''(1) AFFECTED AREA.—The term 'affected area' means an area affected by a major disaster declared by the President under Federal law in existence on the date of enactment of this subsection.

''(2) PRICE GOUGING.—The term 'price gouging' means the charging of an unconscionably excessive price by a supplier in an affected area.

''(3) SUPPLIER.—The term 'supplier' means any person that sells gasoline or diesel fuel for resale or ultimate consumption.

''(4) UNCONSCIONABLY EXCESSIVE PRICE.—The term 'unconscionably excessive price' means a price charged in an affected area for gasoline or diesel fuel that—

''(A) represents a gross disparity, as determined by the Commission in accordance with subsection (e), between the price charged for gasoline or diesel fuel and the average price of gasoline or diesel fuel charged by suppliers in the affected area during the 30-day period immediately before the President declares the existence of a major disaster; and

''(B) is not attributable to increased wholesale or operational costs incurred by the supplier in connection with the sale of gasoline or diesel fuel.

''(b) DETERMINATION OF THE COMMISSION.—Following the declaration of a major disaster by the President, the Commission shall—

''(1) consult with the Attorney General, the United States Attorney for the district in which the disaster occurred, and State and local law enforcement officials to determine whether any supplier in the affected area is charging or has charged an unconscionably excessive price for gasoline or diesel fuel provided in the affected area; and

''(2) establish within the Commission—

''(A) a toll-free hotline that a consumer may call to report an incidence of price gouging in the affected area; and

''(B) a program to develop and distribute to the public informational materials in English and Spanish to assist residents of the affected area in detecting and avoiding price gouging.

''(c) PRICE GOUGING INVOLVING DISASTER VICTIMS.—

''(1) OFFENSE.—During the 180-day period after the date on which a major disaster is declared by the President, no supplier shall sell, or offer to sell, gasoline or diesel fuel in an affected area at an unconscionably excessive price.

''(2) ACTION BY COMMISSION.—

''(A) IN GENERAL.—During the period described in paragraph (1), the Commission shall conduct investigations to determine whether any supplier in an affected area is in violation of paragraph (1).

''(B) POSITIVE DETERMINATION.—If the Commission determines under subparagraph (A) that a supplier is in violation of paragraph (1), the Commission shall take any action the Commission determines to be appropriate to remedy the violation.

''(3) CIVIL PENALTIES.—A supplier that commits an offense described in paragraph (1) may, in a civil action brought in a court of competent jurisdiction, be subject to—

''(A) a civil penalty of not more than $500,000;

''(B) an order to pay special and punitive damages;

''(C) an order to pay reasonable attorney's fees;

''(D) an order to pay costs of litigation relating to the offense;

''(E) an order for disgorgement of profits earned as a result of a violation of paragraph (1); and

''(F) any other relief determined by the court to be appropriate.

''(4) CRIMINAL PENALTY.—A supplier that knowingly commits an offense described in paragraph (1) shall be imprisoned not more than 1 year.

''(5) ACTION BY VICTIMS.—A person, Federal agency, State, or local government that suffers loss or damage as a result of a violation of paragraph (1) may bring a civil action against a supplier in any court of competent jurisdiction for disgorgement, special or punitive damages, injunctive relief, reasonable attorney's fees, costs of the litigation, and any other appropriate legal or equitable relief.

''(6) ACTION BY STATE ATTORNEYS GENERAL.—An attorney general of a State, or other authorized State official, may bring a civil action in the name of the State, on behalf of persons residing in the State, in any court of competent jurisdiction for disgorgement, special or punitive damages, reasonable attorney's fees, costs of litigation, and any other appropriate legal or equitable relief.

''(7) NO PREEMPTION.—Nothing in this section preempts any State law.

''(d) REPORT.—Not later than 1 year after the date of enactment of this subsection, and annually thereafter, the Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing—

''(1) the number of price gouging complaints received by the Commission for each major disaster declared by the President during the preceding year;

''(2) the number of price gouging investigations of the Commission initiated, in progress, and completed as of the date on which the report is prepared;

''(3) the number of enforcement actions of the Commission initiated, in progress, and completed as of the date on which the report is prepared;

''(4) an evaluation of the effectiveness of the toll-free hotline and program established under subsection (b)(2); and

''(5) recommendations for any additional action with respect to the implementation or effectiveness of this section.

''(e) DEFINITION OF GROSS DISPARITY.—Not later than 180 days after the date of enactment of this subsection, the Commission shall promulgate regulations to define the term 'gross disparity' for purposes of this section.''.

SEC. 3. EFFECT OF ACT.

Nothing in this Act, or an amendment made by this Act, affects any authority of the Federal Trade Commission in existence on the date of enactment of this Act with respect to price gouging actions.

By Mr. ENZI (for himself and Mr. KENNEDY):

S. 1745. A bill to expand the availability of resources under the Community Services Block Grant Act for individuals affected by Hurricane Katrina; read the first time.

Mr. KENNEDY. Mr. President, it is an honor to join Senator ENZI in introducing the Community Services Disaster Assistance Act.

The bill contains additional support for State Community Service Block Grant offices, and community action agencies. Community Service Block Grant agencies provide low-income communities with the support they need to achieve self-sufficiency on a daily basis. Their programs and services include literacy, child health care, afterschool activities, low-income housing development, food stamps, and emergency shelter assistance.

In the days after Hurricane Katrina, these agencies have been on the front lines. According to the National Association of State Community Service Programs, 32 States and their community action agencies have assisted over 65,000 evacuees. In this time of massive crisis, these agencies have been indispensable.

This bill will help the State offices and agencies continue their amazing work. Community action agencies are already able to receive emergency funds from FEMA, and this bill expresses the sense of the Senate that emergency assistance should be made available immediately.

The bill also authorizes State offices to transfer a portion of their funds for Community Service Block Grant administration or discretionary programs to the Gulf Coast States. Offices that wish to provide monetary support will be able to do so.

The bill establishes a temporary income eligibility waiver for services funded by Community Services Block Grants in places designated as disaster areas. Evacuees will not have to worry about having the right paperwork ready, they will receive the services they need exactly when they need it.

The bill also permits agencies and State offices to send their staff to federally designated disaster areas in other parts of the same State or in other states to provide disaster assistance.

Support for this emergency work is more important today than ever. The States hit hardest by the Hurricane and flood were also some of the poorest. We in Congress have a responsibility to do all we can to help these States rebuild and thrive again. Passing this bill is a needed early step because it provides urgently needed assistance to invaluable community service organizations, and I urge my colleagues to approve it.

Mr. CORNYN. Mr. President, I rise today to introduce new legislation, titled the Good Samaritan Liability Improvement and Volunteer Encouragement, or ''GIVE'' Act of 2005. I introduce this legislation to ensure that, as we continue to cope with the aftermath of Hurricane Katrina, that one of our country's greatest assets—the willingness of the American people to give to their neighbors in need—is not inhibited by one of its greatest liabilities—a broken civil justice system.

In addition, I will take a few moments to remind my colleagues of legislation that I introduced just before the August recess: the Respirator Access Assurance Act of 2005. This legislation is of even greater importance in the wake of Hurricane Katrina—its passage would help to ensure that the thousands of workers, volunteers, and citizens of New Orleans working to restore that great city have the necessary protection to sift through the clean-up.

From its beginning, the United States has been a generous nation. Indeed, in commenting on his observations of America in 1831, French historian Alexis de Tocqueville praised Americans for voluntarily assisting their neighbors during times of need. He noted, ''When an American asks for the cooperation of his fellow citizens, it is seldom refused; and I have often seen it afforded spontaneously, and with great good will.''

Since that time, America has continued to grow into an ever-more generous nation. As measured by financial contributions, giving by Americans is at an all-time high. According to the Giving USA Foundation, philanthropic donations totaled almost $250 billion in 2004 and represented a 5 percent increase over the previous year. The chair of Giving USA notes that ''about 70 to 80 percent of Americans contribute annually to at least one charity.''

Financial contributions are infinitely valuable. But, as we all know, the value of the gift of time cannot be underestimated. Each and every year, millions of Americans volunteer their time and their personal services to charity. Americans volunteer in soup kitchens, schools, and health clinics, devoting countless hours to assist others.

And in the wake of Hurricane Katrina, we have seen this charitable spirit shine brighter than ever. In the short time since Katrina hit the Gulf Coast, Americans have given more than $600 million to disaster relief efforts. Millions of Americans have sent money, donated food, sent needed tools and equipment, given clothing, volunteered medical or other services, and otherwise helped in whatever manner they could.

Perhaps most heartwarming of all, thousands of Americans have opened their homes to those who lost everything. I am particularly proud of my home State of Texas—where more than

250,000 of our neighbors sought shelter—and where virtually all of them have been able to find it.

But just as America enjoys a culture of giving and volunteering, she also faces a culture of litigation. And this ''sue first, ask questions later'' culture has produced an environment of fear that often gives pause to some people who would otherwise wish to extend a helping hand.

As Common Good co-founder and chair, Philip Howard pointed out in hearings before the House Judiciary Committee in June of 2004, ''[w]hat we have found is that, in dealings throughout society, Americans no longer feel free to act on their reasonable judgment. The reason is that they no longer trust our system of justice. . . No part of society is immune. Playgrounds have been stripped of anything athletic. Even seesaws are disappearing because town councils can't afford to be sued if someone breaks an ankle. . . There is a missing link in American justice—rulings on who can sue for what.''

Unfortunately, volunteers and nonprofits face this question every day. To what degree should people volunteering services or providing needed equipment and supplies be forced to choose between lending a helping hand or facing the specter of litigation? And, should non-profit organizations such as the Red Cross and the Salvation Army struggle to find appropriate housing for evacuees due to liability concerns?

In an attempt to respond to these concerns, 8 years ago the late Senator Paul Coverdell sponsored and successfully worked to enact the Volunteer Protection Act of 1997—legislation that protects volunteers from many frivolous lawsuits. However, as helpful and well-intentioned as this legislation was, more needs to be done to sufficiently protect all those lending a hand to those in need.

Consider, for example: Early this year, a jury in Milwaukee found the Catholic Archdiocese liable because a volunteer for a Catholic lay organization, driving her own car, ran a red light and caused an accident while delivering a statue of the Virgin Mary to an invalid person. Although the church does not direct the activities of this group, called the Legion of Mary, its meetings are held on church property. The jury decided the Archdiocese should pay $17 million to the paralyzed victim, an 82-year-old semi-retired barber.

In response to Hurricane Katrina, the Red Cross and the Salvation Army are unable to coordinate efforts to set up emergency housing in private homes for evacuees because of liability issues.

In the midst of administering chest compressions to a dying woman several days after Hurricane Katrina struck, Dr. Mark N. Perlmutter was ordered to stop by a federal official because he wasn't registered with the Federal Emergency Management Agency. ''I begged him to let me continue,'' said Perlmutter, who left his home and practice as an orthopedic surgeon in Pennsylvania to come to Louisiana and volunteer to care for hurricane victims. ''People were dying, and I was the only doctor on the tarmac where scores of non-responsive patients lay on stretchers. Two patients died in front of me . . . I asked him to let me stay until I was replaced by another doctor, but he refused. He said he was afraid of being sued.''

So, today, even as volunteers, businesses, and non-profit organizations across the Nation are working to return New Orleans and the gulf coast region to something close to normal—I feel it is crucial to ensure that those volunteers are protected from needless and frivolous litigation.

That's why I am introducing today—and am proud to be joined by Senators HUTCHISON, VITTER, LOTT, GRASSLEY and THUNE—the Good Samaritan Liability Improvement and Volunteer Encouragement, or GIVE Act of 2005.

The legislation offers a comprehensive solution to the fear of litigation that unnecessarily burdens volunteers and often prevents the provision of necessary goods and services to those in need. It will provide protection for volunteers across the Nation, particularly those working in response to national disasters such as 9/11 or Hurricane Katrina. More specifically, the GIVE Act will provide that: Disaster relief volunteers, generally, are not liable for harm caused in carrying out their volunteer activities in connection with disaster relief, unless their act or omission constitutes willful, knowing or reckless misconduct; medical and other professionals can volunteer their services for disaster relief services based on being licensed in their home State regardless of where the declared disaster occurred; a disaster relief volunteer is protected from liability under the act even if the volunteer is not working for a specific non-profit organization; disaster relief volunteers can offer their services without subjecting their business partners or employers to liability; disaster relief volunteers are protected from punitive damages and non-economic damages are apportioned according to percentage of fault; non-profit organizations are not liable for the acts or omissions of their volunteers unless the organization has willfully disregarded or is recklessly indifferent to the safety of the individual harmed; all donors of goods or equipment—whether businesses, non-profits, or individuals—are not liable for harm caused by donating those items unless they acted with willful, knowing or reckless misconduct; and all litigation that proceeds despite any protections under this act or under the Volunteer Protection Act requires a high level of specificity and documentation in the claim and a review by a judge that the claim raises—as a matter of law—a genuine issue of material fact.

I urge my colleagues to support these two pieces of legislation—legislation designed to ensure that the fear of litigation that pervades our culture won't stand in the way of well-intentioned Americans trying to help their neighbors in need.

By Mr. KENNEDY (for himself, Ms. LANDRIEU, Mr. HARKIN, Mr. REID, Mr. DURBIN, Mr. SCHUMER, Mrs. CLINTON, Mr. DODD, Ms. MIKULSKI, Mr. BINGAMAN, Mrs. MURRAY, Mr. REED, Mr. LEAHY, Mr. SARBANES, Mr. KERRY, Mr. LIEBERMAN, Mr. AKAKA, Mrs. FEINSTEIN, Mrs. BOXER, Mr. FEINGOLD, Mr. BAYH, Ms. CANTWELL, Mr. CORZINE, Mr. DAYTON, Mr. LAUTENBERG, and Mr. OBAMA):

S. 1749. A bill to reinstate the application of the wage requirements of the Davis-Bacon Act to Federal contracts in areas affected by Hurricane Katrina; to the Committee on Health, Education, labor, and Pensions.

Mr. KENNEDY. As we send hundreds of billions of dollars in Federal aid to the areas devastated by Hurrican Katrina, we must remember that we are just rebuilding highway and schools—we are rebuilding communities and neighborhoods. And the foundation of such communities is good jobs with fair wages.

The winds of Katrina exposed to all of America just how much more work remains to be done to achieve equality and fairness in this country. We are a stronger country when we are a fairer country. Yet, as the Administration awards billions of dollars in contracts to many of their corporate friends, they decide that the men and women of the gulf coast don't deserve to be paid a fair wage. The victims of Katrina have lost everything, and now President Bush says it is okay for them to lose their fair wages too. That is why I am introducing this legislation to ensure that that the workers involved in the recovery and reconstruction effort after Hurricane Katrina will earn a prevailing wage.

Many people harmed by Hurricane Katrina were already struggling to make ends meet. Mississippi and Louisiana rank 1st and 2nd among States by the percentage of people below the poverty line. Moreover, Mississippi and Louisiana rank 2nd and 3rd by the percentage of children below the poverty line. Now the devastation of hurricane has caused the jobs and businesses they relied on to disappear. Experts have said that from 400,000 to 1 million workers may become unemployed as a result of the hurricane, with the unemployment rate reaching 25 percent or higher in the gulf region. Many affected workers will be unemployed for 9 months or longer.

The new jobs in the clean up, recovery, and rebuilding of the area will be a major source of new employment, and we need to be sure that they pay decent wages. This is all that Davis-Bacon does: it simply ensures that workers on Federal Government

projects earn a typical wage. Otherwise the large size of Federal contracts can overwhelm a local labor market lead to bidding wars that drive wages down. Indeed, Representative Davis and Senator Bacon were Republicans who wanted to protect local contractors, who would not be able to compete in such a price war.

Workers who take these jobs will already face special hazards. Each day the administration reveals more details about workers' exposure to elevated levels of e.coli, toxic chemicals from flooded Superfund sites, and contaminants from massive oil spills. These workers should not have to suffer below-market wages, too.

But the President apparently believes that workers in Louisiana, Mississippi, Alabama, and parts of Florida don't even deserve to earn a decent wage for a day's work. He would have you believe that Davis-Bacon wages are exorbitant—nothing could be further from the truth. Indeed, in areas affected by Katrina, some typical wages include: $9.16 per hour sheet metal workers, in Pearl River County, MS, $10.00 per hour for laborers in Livingston Parish, LA, $8.54 hour for truckdrivers in Mobile County, AL. And Federal spending post-Hurricane Katrina should be lifting workers up, not forcing them into a race to the bottom.

I urge the Congress to reverse the President's decision and to stand with the hardworking men and women of the gulf coast as they rebuild their towns and their lives.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 245—RECOGNIZING THE LIFE AND ACCOMPLISHMENTS OF SIMON WIESENTHAL

Mr. SCHUMER (for himself, Mr. COLEMAN, Mrs. BOXER, Mrs. FEINSTEIN, Mr. REID, Mr. BINGAMAN, Mr. WYDEN, Mrs. CLINTON, Mr. LAUTENBERG, Ms. MIKULSKI, Mr. KENNEDY, Ms. STABENOW, Mr. LIEBERMAN, Mr. JOHNSON, Mr. HARKIN, Mr. KOHL, Mrs. MURRAY, Mr. FEINGOLD, Mr. DODD, Mr. BROWNBACK, Mr. SMITH, Mr. ROCKEFELLER, Mr. VOINOVICH, Mr. BIDEN, Mr. CORZINE, Mr. ALLEN, Mr. INHOFE, Mr. CARPER, Mr. GRAHAM, Mr. DEWINE, Mr. NELSON of Florida, Mr. LEVIN, Mr. GRASSLEY, Mr. BURR, Mr. ALEXANDER, Mr. MCCAIN, Mr. NELSON of Nebraska, Mrs. HUTCHISON, Mr. SARBANES, Mr. SALAZAR, Mr. CORNYN, Mr. HAGEL, Mr. TALENT, Mr. CONRAD, Ms. SNOWE, Mr. SANTORUM, Mr. DURBIN, and Mr. LEAHY) submitted the following resolution; which was considered and agreed to:

S. RES. 245

Whereas Simon Wiesenthal was born on December 31, 1908, to Jewish merchants in Buczacz, in what is now the Lvov Oblast section of the Ukraine;

Whereas after he was denied admission to the Polytechnic Institute in Lvov because of quota restrictions on Jewish students, Simon Wiesenthal received his degree in engineering from the Technical University of Prague in 1932;

Whereas Simon Wiesenthal worked in an architectural office until he was forced to close his business and become a mechanic in a bedspring factory, following the Russian army's occupation of Lvov and purge of Jewish professionals;

Whereas following the Germany occupation of Ukraine in 1941, Simon Wiesenthal was initially detained in the Janwska concentration camp near Lvov, after which he and his wife were assigned to the forced labor camp serving the Ostbahn Works, which was the repair shop for Lvov's Eastern Railroad;

Whereas in August of 1942, Simon Wiesenthal's mother was sent to the Belzec death camp as part of Nazi Germany's ''Final Solution'', and by the end of the next month 89 of his relatives had been killed;

Whereas with the help of the Polish Underground Simon Wiesenthal was able to help his wife escape the Ostbahn camp in 1942, and in 1943 was himself able to escape just before German guards began executing inmates, but he was recaptured the following year and sent to the Janwska camp;

Whereas following the collapse of the German eastern front, the SS guards at Janwska took Simon Wiesenthal and the remaining camp survivors and joined the westward retreat from approaching Russian forces;

Whereas Simon Wiesenthal was 1 of the few survivors of the retreat to Mauthausen, Austria and was on the brink of death, weighing only 99 pounds, when Mauthausen was liberated by American forces on May 5, 1945;

Whereas after surviving 12 Nazi prison camps, including 5 death camps, Wiesenthal chose not to return to his previous occupation, and instead dedicated himself to finding Nazi war criminals and bringing them to justice;

Whereas following the liberation of Mauthausen, Simon Wiesenthal began collecting evidence of Nazi activity for the War Crimes Section of the United States Army, and after the war continued these efforts for the Army's Office of Strategic Services and Counter-Intelligence Corps;

Whereas Simon Wiesenthal would also go on to head the Jewish Central Committee of the United States Zone of Austria, a relief and welfare organization;

Whereas Simon Wiesenthal and his wife were reunited in 1945, and had a daughter the next year;

Whereas the evidence supplied by Wiesenthal was utilized in the United States Zone war crime trials;

Whereas, after concluding his work with the United States Army in 1947, Simon Wiesenthal and others opened and operated the Jewish Historical Documentation Center in Linz, Austria, for the purpose of assembling evidence for future Nazi trials, before closing the office and providing its files to the Yad Vashem Archives in Israel in 1954;

Whereas despite his heavy involvement in relief work and occupational education for Soviet refugees, Simon Wiesenthal tenaciously continued his pursuit of Adolf Eichmann, who had served as the head of the Gestapo's Jewish Department and supervised the implementation of the ''Final Solution'';

Whereas in 1953, Simon Wiesenthal acquired evidence that Adolf Eichmann was living in Argentina and passed this information to the Government of Israel;

Whereas this information, coupled with information about Eichmann's whereabouts in Argentina provided to Israel by Germany in 1959, led to Eichmann's capture by Israeli agents, trial and conviction in Israel, and execution on May 31, 1961;

Whereas following Eichmann's capture, Wiesenthal opened a new Jewish Documentation Center in Vienna, Austria, for the purpose of collecting and analyzing information to aid in the location and apprehension of war criminals;

Whereas Karl Silberbauer, the Gestapo officer who arrested Anne Frank, Franz Stangl, the commandant of the Treblinka and Sobibor concentration camps in Poland, and Hermine Braunsteiner, who had supervised the killings of several hundred children at Majdanek, are among the approximately 1,100 war criminals found and brought to justice as a result of Simon Wiesenthal's investigative, analytical, and undercover operations;

Whereas Simon Wiesenthal bravely forged ahead with his mission of promoting tolerance and justice in the face of danger and resistance, including numerous threats and the bombing of his home in 1982;

Whereas the Simon Wiesenthal Center was established in 1977, to focus on the prosecution of Nazi war criminals, commemorate the events of the Holocaust, teach tolerance education, and promote Middle East affairs;

Whereas the Simon Wiesenthal Center monitors and combats the growth of neo-Nazi activity in Europe and keeps watch over concentration camp sites to ensure that the memory of the Holocaust and the sanctity of those sites are preserved;

Whereas the Simon Wiesenthal Center played a pivotal role in convincing foreign governments to pass laws enabling the prosecution of Nazi war criminals;

Whereas throughout his lifetime, Simon Wiesenthal has had many honors and awards bestowed upon him, including decorations from the Austrian and French resistance movements, the Dutch Freedom Medal, the Luxembourg Freedom Medal, the United Nations League for the Help of Refugees Award, the French Legion of Honor, and the United States Congressional Gold Medal, which was presented to him by President James Carter in 1980;

Whereas President Ronald W. Reagan once remarked, ''For what Simon Wiesenthal represents are the animating principles of Western civilization since the day Moses came down from Sinai: the idea of justice, the idea of laws, the idea of the free will.'';

Whereas President George H. W. Bush has stated that Simon Wiesenthal, ''is our living embodiment of remembrance. The two pledges of Simon Wiesenthal's life inspire us all — 'Never forget' and 'Never again'.'';

Whereas President William Clinton has remarked of Simon Wiesenthal, ''To those who know his story, one of miraculous survival and of relentless pursuit of justice, the answer is apparent. From the unimaginable horrors of the Holocaust, only a few voices survived, to bear witness, to hold the guilty accountable, to honor the memory of those who were killed. Only if we heed these brave voices can we build a bulwark of humanity against the hatred and indifference that is still all too prevalent in this world of ours.''; and

Whereas, at the end of a life dedicated to the pursuit of justice and advocacy for victims of the Holocaust, Simon Wiesenthal passed away on September 20, 2005, at the age of 96: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its most sincere condolences to the family and friends of Simon Wiesenthal;

(2) recognizes the life and accomplishments of Simon Wiesenthal, who, after surviving the Holocaust, spent more than 50 years helping to bring Nazi war criminals to justice and was a vigorous opponent of anti-Semitism, neo-Nazism, and racism; and

(3) recognizes and commends Simon Wiesenthal's legacy of promoting tolerance, his tireless efforts to bring about justice, and the continuing pursuit of these ideals.

SENATE RESOLUTION 246—TO EXPRESS THE SENSE OF THE SENATE REGARDING THE MISSIONS AND PERFORMANCE OF THE UNITED STATES COAST GUARD IN RESPONDING TO HURRICANE KATRINA

Ms. SNOWE (for herself, Ms. CANTWELL, Ms. MIKULSKI, Mr. INOUYE, Mr. STEVENS, Mr. MARTINEZ, Mr. LOTT, and Ms. MURKOWSKI) submitted the following resolution; which was considered and agreed to:

S. RES. 246

Whereas the United States Coast Guard has been charged by Congress with missions central to protecting the lives and well-being of individuals and communities in the United States, including protecting homeland security, conducting search and rescue of lives in danger, protecting marine environments from pollution, maintaining maritime safety and aids to navigation, enforcing Federal fishing laws, and intercepting illegal drugs and migrants before they reach our shores;

Whereas the Coast Guard anticipated the potential for significant loss of life and property as Hurricane Katrina approached Louisiana, Mississippi, and Alabama and made landfall on August 29, 2005 and, in advance of the storm, relocated its personnel, vessels, and aircraft out of harm's way;

Whereas Hurricane Katrina made landfall as a Category 4 hurricane with winds reaching 175 miles per hour and massive storm surges, the combination of which left a trail of devastation unprecedented on United States soil, as it leveled countless homes, businesses, and other structures, displaced millions of people from their communities, and otherwise made coastal urban and rural areas unliveable;

Whereas the Coast Guard immediately deployed nearly 1,000 personnel, including captains, crew, pilots, rescue swimmers, pollution response teams, and other specialists and reservists, from stations all over the country, to coastal areas affected by the hurricane, for a total regional force size of approximately 3,619 personnel;

Whereas Coast Guard personnel who had never personally worked together before began to work as teams to conduct and coordinate search and rescue operations while Hurricane Katrina continued to bear down on the central Gulf of Mexico shoreline;

Whereas the Coast Guard rescued or evacuated 33,544 individuals as of September 21, 2005, a number that represents eight times the number of lives saved by the Coast Guard in an average year;

Whereas three Coast Guard pollution response Strike Teams responded to 1,129 pollution incidents as of September 20, 2005, which include total discharges of more than 7 million gallons of oil, unknown amounts of sewage, and unknown quantities of other toxic chemicals, and the Coast Guard has contained or otherwise closed 426 of these cases;

Whereas Coast Guard buoy tenders have responded to 964 discrepancies in buoys and other aids to navigation and have restored 39 of 48 critical aids to navigation as of September 21, 2005;

Whereas the costs of responding to Hurricane Katrina have depleted the Coast Guard's operations and maintenance budget for fiscal year 2005 and are rapidly depleting its budget for fiscal year 2006, and the Coast Guard's costs associated with this hurricane are anticipated to exceed $500 million;

Whereas the Coast Guard performed its hurricane response missions largely with outdated legacy assets, increasing the wear and tear on these assets while foregoing regularly scheduled maintenance activities in the interest of sustaining its surge in lifesaving operations;

Whereas the Coast Guard already conducts its missions with the 40th oldest fleet of the 42 nations with Coast Guard or naval fleets;

Whereas the Coast Guard's program, known as Deepwater, for modernizing its fleet of vessels and aircraft, is vital for increasing the capabilities in performing its missions in the face of ever-increasing natural and human threats;

Whereas the Deepwater program requires sustained Federal funding commitments in order for the citizens of the United States to realize the benefits of the Coast Guard having state-of-the-art vessels, aircraft, technologies, and interoperable communication equipment;

Whereas in addition to covering operation and maintenance costs of a rapidly aging fleet, the Coast Guard needs to rebuild several Coast Guard facilities in Louisiana, Mississippi, and Alabama, including Station Gulfport which was completely destroyed and where personnel are now working in trailers amidst the ruins of that station;

Whereas the Coast Guard needs a strong Federal funding commitment to ensure that all of its unexpected expenditures during its response to Katrina are reimbursed;

Whereas more than 700 Coast Guard personnel stationed in the Gulf region lost their homes and all personal property and are now living on overcrowded Coast Guard vessels and in makeshift shelters;

Whereas before, during, and after the landfall of Hurricane Katrina, Coast Guard personnel exhibited determination and a full commitment to their missions, and the Coast Guard has proven to be one of the most resourceful and capable services in the United States government;

Whereas before, during, and after the landfall of Hurricane Katrina, Coast Guard personnel performed their missions with the highest level of bravery and self-sacrifice, and their effectiveness in performing their missions is unparalleled in the United States government;

Whereas the Coast Guard has an operational and command structure that allowed it to quickly take a leadership role in saving lives, without waiting for instruction or permission to act;

Whereas the Coast Guard's operational and command structure continues to serve as a model for other agencies that need to respond quickly to large-scale natural and man-made disasters;

Whereas the Coast Guard's effective leadership in responding to the aftermath of Hurricane Katrina, and the appointment of Vice Admiral Thad Allen as the primary Federal officer in charge of this response, is helping to restore the public's confidence in the Federal response effort: Now, therefore, be it

Resolved, by the Senate That it is the sense of the Senate that—

(1) the United States Coast Guard should receive Congress's highest commendation for its tremendous and highly effective response to the events surrounding Hurricane Katrina;

(2) the United States Congress should commit to providing the Coast Guard with the resources it needs to modernize and maintain its fleet of vessels and aircraft; and

(3) the Administration should ensure that the Coast Guard receives sufficient funding to cover its unexpected operational and capital costs associated with Hurricane Katrina.

Ms. SNOWE. Mr. President, I rise today to commend and praise the extraordinary response of the U.S. Coast Guard to Hurricane Katrina, to demonstrate why that response exemplifies the imperative of providing that service with the modern assets required to carry out these lifesaving missions, and to submit a resolution recognizing the awe-inspiring efforts of the men and women of the U.S. Coast Guard.

I just visited the gulf coast region on Monday with the Commandant of the Coast Guard, Tom Collins, and we were guided by Eighth District Commander ADM Robert Duncan. What I saw and heard on that day is a story of heroism and a relentless can-do attitude that is nothing short of miraculous. The human spirit I witnessed was truly transcendental and a level I had never before experienced.

As we well know, Hurricane Katrina was the worst natural disaster ever to visit itself upon the United States, with an almost unimaginable magnitude of devastation and loss. The scale of the destruction has been most horrifically reflected in the faces of those we have seen over the past week, faces etched with an indelible and almost unimaginable sorrow, suffering, and burden. Their images have reverberated throughout a country in solidarity with their terrible plight. In Louisiana, Mississippi, and Alabama lives have been forever transformed along with the landscape, as we have witnessed untold scenes of homes that no longer exist, floods that ravaged entire neighborhoods and cities, fires that consumed what remains of buildings, and men, women, and children missing loved ones. We have also seen and heard the stories of those individuals who have rushed to the aid of our fellow man, demonstrating that no human or natural act can deprive us of our unyielding and singularly determined spirit. While the hurricane winds and rain have long since dissipated—and now we have anticipation of Hurricane Rita—we all have the collective concern and strength of this Nation that continues unabated, unbroken, undaunted, and unflagging.

We must now bring to bear all of our collective will and resources over what will undoubtedly be a long but ultimately victorious process of reclaiming the gulf coast towns and cities for the future. I extend my thoughts and prayers to my colleagues, Senators COCHRAN, LOTT, SESSIONS, SHELBY, LANDRIEU, and VITTER, as they work to guide their constituents and their families through these most difficult of times. I will certainly do everything I can to assist them and the citizens of their States.

Today, as chair of the Fisheries and Coast Guard Subcommittee, I believe it is entirely appropriate to focus the Nation's attention on the performance of the U.S. Coast Guard in response to Hurricane Katrina, as I believe it is an

exemplary model for future responses. As I do so, I also thank all of our military Active-Duty and Reserve for their heroic service in the gulf shore region. Their performance under these conditions has been outstanding and unprecedented on American soil.

As a result of the U.S. Coast Guard's unparalleled performance and operations responding to the unfathomable destruction along the Gulf of Mexico, the plans for which were put into motion even before the storm subsided, thousands of children, senior citizens, and entire families are sleeping safely tonight. Indeed, the heart-wrenching stories I heard during my visit to the Coast Guard—of crews rescuing families trapped in attics, of children separated from their parents, rescue swimmers tapping on roofs seeking signs of life in submerged houses—will be forever etched in my own mind. People waving towels from windows signifying the need for help, pregnant women about to go into labor being hoisted into awaiting helicopters, rescue crews busting into windows and roofs because there was no means of escape for the occupants—the stories are real, seemingly endless, and all faced with an unrelenting sense of duty and humanity by the men and women of the Coast Guard.

Indeed, over the past few weeks, as we see in this chart, we have witnessed time and time again from news sources and television stations the perilous helicopter rescues occurring each and every day. There is an outstanding example of one on this chart that shows exactly the kind of circumstance the Coast Guard has to perform in which to save life after life. Incredibly, the Coast Guard, as of September 20, has saved 33,544 lives. That is the equivalent of the number of rescues performed by the Coast Guard in 8 to 10 years. They accomplished those rescue missions in just the past 2 weeks. The Coast Guard air station in New Orleans, which I visited on Monday, under the incredible leadership of CAPT Bruce Jones, has saved 6,471 lives, almost double the 3,689 lives the station had saved over its previous 50 years of operation.

This chart shows the level of catastrophe to which the Coast Guard responded. I talked to a rescue swimmer who genuinely believed that if he had completed 15 rescues that day, it somehow wasn't enough. What is perhaps most remarkable is that the Coast Guard simply did not rescue these people and deliver them to a nearby field or highway overpass until they could get further help. Nor did they forget that other family members remained in peril, not yet rescued. Rather, the men and women of the Coast Guard took it upon themselves to ensure to the best of their ability that families would be kept intact and assisted those they rescued even after the rescue operation was complete. They actually returned to overpasses to follow up with those whom they had rescued. And if they still needed additional assistance or they hadn't been taken to where they should have been going with the medical rescue crews, they made that happen.

They got them water if they needed it. If they required food, they brought them food. As ADM Robert Duncan, District Commander for the gulf region, so eloquently expressed:

When the Coast Guard rescue teams touched a person, they owned them.

This meant the Coast Guard was making itself responsible for their continued well-being. I ask my colleagues, what could be a more touching or profound testament to the boundless will and compassion that the U.S. Coast Guard exhibited during this operation? The people of the Coast Guard have conducted themselves oblivious to the true level of their own personal sacrifice and seemingly without regard to the horrific conditions in which they serve. Seventy percent of them alone lost their houses; lost everything, that is, but their sense of duty to their fellow human beings in distress and despair.

The fact is, the Coast Guard has been, is, and will always remain a vital component of America's national security and disaster response. Coast Guard personnel risk their lives each and every day protecting our Nation and saving lives, no more so than during this national tragedy. Leadership, as we all know, starts from the top. For the U.S. Coast Guard, that individual is ADM Tom Collins. Admiral Collins has been a solid steady force in ensuring the rapid and safe execution of rescue operations.

In the midst of the storm and bureaucratic interagency chaos, the Coast Guard remained resolved, organized, focused, and responsive to those in desperate need.

The bottom line is that the members of the Coast Guard did not wait to be told to conduct their mission. They knew their mission. They refused to let anything, including redtape, get in their way. When they needed fuel for helicopters, they found fuel. When they needed water for their crews or for those they rescued, they found water. They did not ask if an operation was actually a State responsibility or local responsibility or another Federal agency's responsibility. They made it their responsibility. They took ownership of the life-and-death tasks at hand. Again, the can-do attitude of the Coast Guard is what allowed them to shine.

As Vice Admiral Allen, the principal Federal officer in charge of the relief operation, so simply stated:

The Coast Guard has a bias for action.

And from all I have seen, I could not agree more.

Indeed, the results are a living testament to the service's efficiency and organization and the superlative leadership of Admiral Collins.

The Coast Guard had the foresight and the wherewithal to pre-position its assets before the storm struck and to respond rapidly to its aftermath. Moreover, the Coast Guard's exceptional planning led to not a single loss of a Coast Guard plane or boat and enabled it to be on the scene immediately upon the passage of the storm. This planning expertise and management of assets should be the example for all Federal agencies to follow.

The Coast Guard also sent to the area personnel from Coast Guard stations from around the country to help with the effort as part of its well-conceived plan. These personnel specialize in different fields and had never previously worked together yet got the job done as if they had been on the same team forever.

I think of the 160 crew members attached to the Coast Guard cutter Harriet Lane, a 270-foot cutter I visited on Monday, docked in New Orleans, that normally berths just 100 crew members. Yet all of those aboard worked flawlessly together, overcoming obstacle after obstacle.

In one instance, due to the cutter's inability to make water from oil-polluted river water, the crew set out to procure water from wherever possible. This mission led them to the discovery of water held in tanks controlled by the Forest Service on the pier. Unable to simply give them the water due to bureaucratic hurdles, the Coast Guard found a contractor who was able to pump water from their tanks into the cutter.

This is a ridiculous hurdle that should never have existed in the first place. Yet, once again, the Coast Guard didn't waste time with bureaucratic paperwork; instead, they got the job done.

The bottom line is, from what we have seen to date, I believe that the Coast Guard's Herculean efforts provides a model for the proper planning and execution of a mission to respond to a national emergency or crisis. And on that note, I was certainly pleased that Vice Admiral Allen was selected to coordinate the Federal response to Katrina. He will bring that Coast Guard sensibility to the entire operation.

These astounding results, however, do not come without a cost. The Coast Guard has already used the funds allocated for search and rescue operations for the entire year and beyond. Furthermore, the extensive rate of use during the rescue mission is also degrading Coast Guard assets faster and delaying necessary maintenance.

Supplemental funding, which the Coast Guard has not yet received, is essential to ensure that cutters, small boats, and aircraft can operate and continue its heroic service in the coming months.

The Coast Guard has sustained damage to several small boat stations and air stations and to other facilities throughout the region. The Coast Guard station in Gulfport, MS, simply no longer exists.

The Coast Guard is actively assisting Americans, and we in the Congress must return the favor and start helping the Coast Guard by providing them with crucial supplemental funding to cover the entirety of their operational requirements and to provide the necessary funding to replace its lost infrastructure.

In that light, I have sent a letter to the Director of the Office of Management and Budget encouraging him to include a funding line in the next supplemental appropriations bill for the Coast Guard. I thank my many colleagues who have joined me in support of this request.

In addition, the Coast Guard is charged with maintaining all the aids to navigation within the region, including those of the Mississippi River. These aids were either totally lost or severely damaged.

Again, it shows on this chart that Congress has also mandated the Coast Guard to respond to marine environmental pollution, which is now reaching untold levels of hazardous contamination throughout the Mississippi and Gulf of Mexico, and I think it is an indication of all the responses to the contamination of oil spills in the region to which the Coast Guard has had to respond. More than 7 million gallons of oil has polluted the water in New Orleans.

The bottom line is, not only have the people of the Coast Guard been risking their own lives to save the 33,544 other individuals, but they have also responded to hazardous liquid spills in the region, conducted 4,688 sorties, carried out 11,548 small boat and cutter sorties, repaired vital aids to navigation to facilitate the flow of commerce in the Mississippi, and have assisted in the replenishment of critical supplies to thousands of displaced persons.

Yet, as capable and successful as the Coast Guard has been in carrying out all of its missions, including opening the ports and the waterways and drug interdiction—they are even doing that down there in combination with all of these other missions—this service was already stretched thin in the aftermath of 9/11. Unless Congress pledges to equip the service with modern equipment, we jeopardize the success of any future missions. The Coast Guard requires new cutters and aircraft now, and it can start this process only if Congress fully funds Deepwater, the service's recapitalization program for procuring new cutters, small boats, and aircraft.

The Senate version of the Coast Guard bill authorizes a total of $8.2 billion for the Coast Guard, $400 million over the administration's request. Within that request, Deepwater authorized $1.1 billion, $134 million over the administration's request. We must ensure our numbers, the Senate numbers, which are the higher numbers, are maintained in conference of this legislation.

By accomplishing this, it will allow for a targeted acceleration of required assets, those resources deemed most critical to the Coast Guard now.

The current situation can only be categorized as dire. It is a national disgrace that this service that is integral to search and rescue operations, integral to our homeland security, as we saw in the aftermath of September 11 when they immediately secured New York Harbor, integral to our fishing industry, would be operating the 40th oldest fleet out of 42 in the world. Only the Philippines and Mexico have older fleets. Deepwater is designed to remedy this situation, but in 20 to 25 years, rather than as I have insisted and I have requested, that Deepwater needs to be completed in 10 to 15 years at the outset.

If anyone questions the condition of the Coast Guard assets, I suggest they go out and sail on an aging cutter, go fly on an aging airframe, and you will witness firsthand the conditions that we continue to place upon the dedicated members of the Coast Guard. You only have to recall the graphic portrayals of what occurred during Hurricane Katrina, when these Coast Guard men and women performed under such perilous circumstances, when they were able to save so many thousands and thousands of men and women—in fact, more than 33,544 individuals under very hazardous circumstances and conditions.

At my subcommittee's June 21 hearing on the revised Deepwater implementation plan, we once again revisited the Coast Guard's current status of its legacy assets and the extremely high maintenance costs associated with them. The inescapable conclusion was the Coast Guard cannot continue on the path it is currently being forced to walk. It requires the additional money, the additional cutters and aircraft, and the latest technologies associated with command, control, and communications.

On my visit to the cutter Harriet Lane in New Orleans this last week, I was briefed on the extreme difficulties encountered in trying to establish effective communications among Federal, State, and local agencies. This cutter does not have the communications capabilities of what a new Deepwater cutter would be able to provide.

In fact, when cell phones didn't work and text messages were limited, they tried to find old satellite phones to use to communicate. We know that the new equipment on the new ships would provide this kind of capability that is absolutely essential. They would be paramount in streamlining and making these rescue efforts more efficient.

Yet, even without this new technology, the Coast Guard, as I said, made it work with the resources they had at their disposal. With an inadequate amount of satellite receivers, the cutters still prioritized and switched communication channels to effectively prosecute the mission.

Yet the undeniable truth is, such a workaround should not have to happen and would not happen on new Deepwater cutters.

The Coast Guard is a service clearly already populated with heroes. We should not ask them all to be MacGuivers, as well as jury-rigging and Rube Goldberging rescue operations already perilous enough.

Doesn't America deserve better? Don't the men and women of the Coast Guard who perform so heroically deserve more from us than fighting 21st century threats and the war on terrorism with equipment from World War II?

Think about it: Some of these ships were operating when Emperor Hirohito of Japan surrendered to the United States, operating through the Korean war, the Vietnam war, the Cold War, the fall of the Berlin Wall and the Soviet Union, and yet they remain as part of our U.S. Coast Guard in the year 2005. Some vessels are so old the Coast Guard has to go to maritime museums to find spare parts.

How can we relegate the Coast Guard to this fate? As you look on this chart, USA Today did a very indepth story on the Coast Guard and its aging assets of ships and aircraft. It says, and this was done July 6:

Aging Fleet Could Threaten Service's Anti-terror Mission.

That is what it is all about. We should have learned in the aftermath of September 11 what we need to accelerate, what we need to establish for priorities and making sure the agency we ask so much from, the Coast Guard, that we ask to do so much for so little, gets at least the equipment they deserve when they are performing these risky missions, as we have seen so graphically over the last few weeks.

How can we relegate the Coast Guard to this fate? How can a nation of such resources fail to provide them to this indispensable service?

While the people of the Coast Guard certainly go above and beyond the call of duty, the very equipment they sail and fly on has gone way beyond the call of duty, and it is time they were retired for good.

Yet the Coast Guard will continue to operate one of the oldest fleets for another 20 to 25 years with the current funding formula that is being made available for the Deepwater program. We are not just talking about ships. Under Deepwater, vital aircraft, including the outdated HH–65 Dolphin and the HH–60 Jayhawk helicopters we have all seen conducting the rescue hoists on television, would be reengined and reoutfitted with improved navigation and radar equipment. But if Deepwater is not fully funded, these crucial improvements will not occur on a timely basis, preventing the Coast Guard from being fully capable when the next tragedy strikes.

These are not exaggerated predictions. Pilots told me firsthand that with the new technology, they could have seen much more clearly in the

total darkness that loomed over New Orleans, allowing them to identify downed power lines, vertical obstructions, and citizens requiring assistance.

That is why I repeatedly urged the administration and the Congress, for the last 4 years, to increase the funding for this program immediately and why I successfully fought to include a report on the possibility of accelerating the Deepwater program from a 20-to-25-year program to a 10-year program in the Homeland Security bill.

The fact is, by reducing the duration of implementation for the program, the Coast Guard could receive these vital assets 10 to 15 years sooner, and not a moment too soon in my book. We cannot forget that ships are not constructed in weeks or months. They take years to design and fabricate.

Now, only one national security cutter is in fabrication. The offshore patrol cutter is not in production, and the fast response cutter remains in the design phase. So we must act now.

Moreover, the unequivocal findings of the report I required was acceleration of the Deepwater program is not only feasible, it would also save the American taxpayers a billion dollars in total acquisition costs.

So, I ask, what exactly is there not to get? By accelerating the Deepwater program, we would provide desperately-needed updated equipment to this premier security and search and rescue service, while saving taxpayer money, not to mention ultimately saving lives. Simply put, it defies the laws of common sense to not implement Deepwater as soon as possible.

That is why I have recently sent the appropriations committee a letter, urging them to increase the funding for Deepwater in this year's Homeland Security appropriations bill. Specifically, in the Senate version of the Coast Guard's authorization bill, we authorize $1.1 billion to be appropriated for Deepwater. This level will keep the Coast Guard on the proper road to guide them toward a modern maritime fleet of cutters and aircraft, able to perform their vital missions in the 21st century.

It is critically important we not only provide the level of funding but we also ensure that we accelerate the Deepwater acquisition program to 10 to 15 years as absolutely vital and essential.

So I hope we would be able to also release from the Senate the Coast Guard authorization legislation that allows for the increased funding, that allows for this process to continue and, in addition, to get the higher amount of the appropriations and to get the acceleration of the Deepwater program.

That is what I ask, that we release the Coast Guard authorization bill that is bottled up in the Senate. We need to remove all of the excuses and allow this process to go forward for the service that has conducted itself so courageously and heroically during the course of Hurricane Katrina.

In visiting with the men and women of the various Coast Guard stations, in New Orleans as well as the station in Gulfport, MS, I can tell you not one was complaining—not one. In fact, one admiral said, you know, we have just been telling you some of the obstacles we had to overcome to do our job, and we will do it no matter what, no matter the circumstance. We are asking you not to use it as a rationale to defer the needed repairs, maintenance, and the new equipment for the future because we don't know what is in the future when it comes to unforeseeable events. We cannot predict. We did not predict 9/11. We predicted Hurricane Katrina. Look what happened. It was the Coast Guard that performed that mission. But we have to make sure that the Coast Guard receives the funding it requires in the future in order to enable it to respond as it did during the course of Hurricane Katrina. We cannot build ships nor aircraft overnight. It takes several years to get these ships in the pipeline.

So unless we get the authorization bill out of the Senate and out of the entire Congress that we have been urging for months to get done, to have an accelerating program, to get the appropriations that are essential, that cannot happen. So I am pleading with the Senate, pleading with the Congress to do what is right for this magnificent agency that is, by the way, on the frontlines for protecting us and our homeland security, one of the greatest problems of which, as you know, is the transshipment of weapons of mass destruction.

The Coast Guard is also essential and a vital component in protecting our homeland.

They are a multimission agency. They are asked, as I said earlier, to do so much with so little. And even as they are performing down there in the gulf, they didn't ignore their other responsibilities—because of homeland security—for keeping the waterways open, which they have now done in the gulf, because it is important we continue the commerce, the interdiction of drugs; as a matter of fact, even over the weekend, providing the humanitarian assistance that is so vital, cleaning up the oil spills and the pollution that has occurred. As I showed you in a previous chart, as we have seen here in the active response that they have provided in so many areas, because of the spill of oil that is polluting the area and contaminating the water, that has complicated the task of the cleanup. You can't ask the Agency to do more in addition to the saving of 33,000 lives. When I talked to the rescue swimmers and the pilots, I asked them what was the greatest challenge and they said: You know, we were overwhelmed, we were overwhelmed because we had so many people to rescue, and we feel we are doing nothing in a day when we are rescuing 15 individuals—under, as you can imagine, some very difficult and dire circumstances.

I ask my colleagues, what more does the Coast Guard have to do to prove its immense value to America? After the service's heroic and well planned efforts in responding to Hurricane Katrina, they have clearly and convincingly shown that all Americans are well served by the United States Coast Guard.

Therefore, I am proud to send this resolution to the desk for consideration in the Senate, which gives recognition to the valiant work of the Coast Guard. The resolution also notes the necessity of improving the Coast Guard's aging fleet of ships and aircraft. I hope all of my colleagues can support this resolution.

Now is the time for us in the Congress to fully recognize the importance of the Coast Guard and provide the service with the assets it needs to do the job now and into the future. The time has come, it is now our responsibility and our solemn duty to ensure it has the resources needed in order to serve the citizens of the United States for decades to come and I hope my colleagues will join me in that effort.

It is vital because they are on the frontlines. They responded magnificently, and they should be recognized and rewarded and applauded for the job they have done and the job they will continue to do in the future. I thank the Chair.

Ms. MIKULSKI. Will the Senator yield to me for a request.

Ms. SNOWE. Yes, I am happy to yield.

Ms. MIKULSKI. Will the Senator allow me to be a cosponsor of her resolution?

Ms. SNOWE. Yes, I will be happy to.

Ms. MIKULSKI. I compliment her for her forceful words on the Coast Guard, and I wish to align myself with them, as I fully believe in the remarks of the Senator.

Ms. SNOWE. I am delighted to add my colleague, the Senator from Maryland, as a cosponsor. She has been an ardent advocate and supporter of the Coast Guard. I thank the Senator.

I ask unanimous consent to add the Senator from Maryland as a cosponsor of this resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1770. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 1771. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1772. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1773. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra.

SA 1774. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1775. Mr. COBURN (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra.

SA 1776. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1777. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1778. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1779. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1780. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1781. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1782. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1783. Mr. BENNETT proposed an amendment to the bill H.R. 2744, supra.

SA 1784. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1785. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra.

SA 1786. Mr. SMITH (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra.

SA 1787. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1788. Mr. FEINGOLD (for himself and Mr. ALLARD) submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1789. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1790. Mrs. CLINTON (for herself, Mrs. MURRAY, and Mr. CORZINE) submitted an amendment intended to be proposed by her to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1791. Ms. MURKOWSKI (for herself and Mr. STEVENS) submitted an amendment intended to be proposed by her to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1792. Mr. CRAIG (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1793. Mr. BINGAMAN (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1794. Mr. INOUYE submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1795. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1796. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra.

SA 1797. Mr. BINGAMAN (for himself, Mr. LUGAR, Ms. MURKOWSKI, and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra.

SA 1798. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1799. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1800. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra.

SA 1801. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1802. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1803. Mr. BENNETT proposed an amendment to the bill H.R. 2744, supra.

SA 1804. Mr. BENNETT proposed an amendment to the bill H.R. 2744, supra.

SA 1805. Mr. BENNETT proposed an amendment to the bill H.R. 2744, supra.

SA 1806. Mr. BENNETT (for Mr. KYL) proposed an amendment to the bill H.R. 2744, supra.

SA 1807. Mr. BENNETT (for Mr. LEAHY) proposed an amendment to the bill H.R. 2744, supra.

SA 1808. Mr. BENNETT (for Mr. FEINGOLD (for himself and Mr. ALLARD)) proposed an amendment to the bill H.R. 2744, supra.

SA 1809. Mr. BENNETT (for Mr. MCCONNELL) proposed an amendment to the bill H.R. 2744, supra.

SA 1810. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1811. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1812. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra.

SA 1813. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1814. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1815. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1816. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1817. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1818. Mr. DODD (for himself, Mr. HARKIN, Mr. REED, Mr. CARPER, Mr. BIDEN, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra.

SA 1819. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1820. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1821. Mr. BURNS submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1822. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1823. Mr. THOMAS submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1824. Ms. STABENOW (for herself, Mr. LEVIN, Mr. DEWINE, and Mr. VOINOVICH) submitted an amendment intended to be proposed by her to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1825. Ms. STABENOW (for herself, Mr. LEVIN, Mr. DEWINE, and Mr. VOINOVICH) submitted an amendment intended to be proposed by her to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1826. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1827. Mr. DOMENICI (for himself, Mr. BINGAMAN, Mr. CRAIG, Mr. CRAPO, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill H.R. 2744 supra; which was ordered to lie on the table.

SA 1828. Mr. DOMENICI (for himself, Mr. BINGAMAN, Mr. CRAIG, Mr. CRAPO, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill H.R. 2744 supra; which was ordered to lie on the table.

SA 1829. Mr. DOMENICI (for himself, Mr. BINGAMAN, Mr. CRAIG, Mr. CRAPO, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill H.R. 2744 supra; which was ordered to lie on the table.

SA 1830. Mr. DOMENICI (for himself, Mr. BINGAMAN, Mr. CRAIG, Mr. CRAPO, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill H.R. 2744 supra; which was ordered to lie on the table.

SA 1831. Mr. DOMENICI (for himself, Mr. BINGAMAN, Mr. CRAIG, Mr. CRAPO, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill H.R. 2744 supra; which was ordered to lie on the table.

SA 1832. Mr. BURNS (for himself, Mr. GRASSLEY, Mr. ROBERTS, and Mr. THUNE) submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1833. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1834. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1835. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra.

SA 1836. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1837. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1838. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1839. Mr. HAGEL submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1840. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1841. Mr. ROBERTS submitted an amendment intended to be proposed by him

to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1842. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1843. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1844. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra.

SA 1845. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1846. Mr. MARTINEZ (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1847. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1848. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 1790 submitted by Mrs. CLINTON (for herself, Mrs. MURRAY, and Mr. CORZINE) and intended to be proposed to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1849. Mr. KOHL (for Mr. DODD) proposed an amendment to amendment SA 1818 submitted by Mr. DODD (for himself, Mr. HARKIN, Mr. REED, Mr. CARPER, Mr. BIDEN, and Mr. LIEBERMAN) to the bill H.R. 2744, supra.

TEXT OF AMENDMENTS

SA 1770. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 85, line 15, strike ''$128,072,000'' and insert ''$127,072,000''.

On page 173, line 18, strike ''$2,000,000'' and insert ''$3,000,000''.

On page 173, line 19, insert '', Idaho,'' after ''Utah''.

SA 1771. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 93, line 26, strike ''$652,231,000'' and insert ''$545,500,000''.

SA 1772. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7____. Each amount made available for discretionary programs under the heading ''COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE'' under the heading ''AGRICULTURAL PROGRAMS'' in title I shall be reduced on a pro rata basis by 10 percent.

SA 1773. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 122, line 24, strike ''$653,102,000'' and insert ''$610,754,560''.

SA 1774. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 93, line 19, strike ''$160,645,000'' and insert ''$64,800,000''.

SA 1775. Mr. COBURN (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. Any limitation, directive, or earmarking contained in either the House of Representatives or Senate report accompanying H.R. 2744 shall also be included in the conference report or joint statement accompanying H.R. 2744 in order to be considered as having been approved by both Houses of Congress.

SA 1776. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 134, line 17, strike ''$40,711,395,000'' and insert ''$38,887,524,504''.

SA 1777. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7____. No Federal funds may be appropriated under this Act to the Department of Agriculture until the date on which a risk assessment process is initiated in accordance with the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note; Public Law 107–300) for—

(1) the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

(2) the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773);

(3) the special supplemental nutrition program for women, infants, and children established by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786); and

(4) the marketing assistance loan and loan deficiency payment program under subtitle B of title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7931 et seq.).

SA 1778. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7____. No Federal funds may be appropriated under this Act to the Department of Agriculture until the date on which a risk assessment process is initiated in accordance with the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note; Public Law 107–300) for—

(1) the rural rental assistance program established under section 521 of the Housing Act of 1949 (42 U.S.C. 1490a); and

(2) each program established or funded under the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901 et seq.).

SA 1779. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7____. Notwithstanding any other provision of this Act, each amount provided by this Act for a discretionary program is reduced by 5 percent pro rata.

SA 1780. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7____. Notwithstanding any other provision of this Act, each amount provided by this Act is reduced by 5 percent pro rata.

SA 1781. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7____. No Federal funds may be appropriated under this Act to the Department of Agriculture until the date on which a risk assessment process is initiated in accordance with the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note; Public Law 107–300) for—

(1) the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

(2) the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773);

(3) the special supplemental nutrition program for women, infants, and children established by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786);

(4) the rural rental assistance program established under section 521 of the Housing Act of 1949 (42 U.S.C. 1490a); and

(5) each program established or funded under the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901 et seq.).

SA 1782. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table, as follows:

On page 85, line 15, strike ''$128,072,000'' and insert ''$118,072,000''.

On page 132, between lines 9 and 10, insert the following:

SEARCH GRANTS

For the SEARCH grant program established under section 6302(a) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 2009 ee–1), $10,000,000.

SA 1783. Mr. BENNETT proposed an amendment to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 173, at the end of the page, insert the following:

''SEC. 7___. (a) Notwithstanding subtitles B and C of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4501 et seq.), during fiscal year 2006, the National Dairy Promotion and Research Board may obligate and expend funds for any activity to improve the environment and public health.

''(b) The Secretary of Agriculture shall review the impact of any expenditures under subsection (a) and include the review in the 2007 report of the Secretary to Congress on the dairy promotion program established under subtitle B of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4501 et seq.).''.

SA 1784. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 162, lines 1 and 2, strike ''Alaska Department of Community and Economic Development'' and insert ''Alaska Department of Commerce, Community, and Economic Development''.

On page 162, line 2, strike ''be eligible to''.

On page 162, lines 10 and 11, strike ''Alaska Department of Community and Economic Development'' and insert ''Alaska Department of Commerce, Community, and Economic Development''.

SA 1785. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 173, after line 24, insert the following:

SEC. 7___. SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds the following:

(1) In a time of national catastrophe, it is the responsibility of Congress and the Executive Branch to take quick and decisive action to help those in need.

(2) The size, scope, and complexity of Hurricane Katrina are unprecedented, and the emergency response and long-term recovery efforts will be extensive and require significant resources.

(3) It is the responsibility of Congress and the Executive Branch to ensure the financial stability of the nation by being good stewards of Americans' hard-earned tax dollars.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that any funding directive contained in this Act, or its accompanying report, that is not specifically authorized in any Federal law as of the date of enactment of this section, or Act or resolution passed by the Senate during the 1st Session of the 109th Congress prior to such date, or proposed in pursuance to an estimate submitted in accordance with law, that is for the benefit of an identifiable program, project, activity, entity, or jurisdiction and is not directly related to the impact of Hurricane Katrina, may be redirected to recovery efforts if the appropriate head of an agency or department determines, after consultation with appropriate Congressional Committees, that the funding directive is not of national significance or is not in the public interest.

SA 1786. Mr. SMITH (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 173, after line 24, insert the following:

SEC. 7___. With respect to the sale of the Thermo Pressed Laminates building in Klamath Falls, Oregon, the Secretary of Agriculture may allow the Klamath County Economic Development Corporation to establish a revolving economic development loan fund with the funds that otherwise would be required to be repaid to the Secretary in accordance with the rural business enterprise grant under section 310B(c)(1)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(c)).

SA 1787. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, line 15, strike ''$128,072,000'' and insert ''$118,072,000''.

On page 120, line 24, strike ''$90,000,000 for section 515 rental housing'' and insert ''$100,000,000 for section 515 rental housing, of which $30,000,000 shall be for new construction of rural housing units''.

On page 123, line 9, insert after ''Act:'' the following: ''*Provided further*, That of this amount, not less than $4,000,000 shall be available for new construction of rural housing units under section 515:''.

SA 1788. Mr. FEINGOLD (for himself and Mr. ALLARD) submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7___.(a) Not later than 90 days after the date of enactment of this Act, the Administrator of the Animal and Plant Health Inspection Service (referred to in this section as the ''Administrator'') shall publish in the Federal Register uniform methods and rules for addressing chronic wasting disease.

(b) If the Administrator does not publish the uniform methods and rules by the deadline specified in subsection (a), not later than 30 days after the deadline and every 30 days thereafter until the uniform methods and rules are published in accordance with that subsection, the Administrator shall submit to Congress a report that—

(1) describes the status of the uniform methods and rules; and

(2) provides an estimated completion date for the uniform methods and rules.

SA 1789. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 143, line 10, after ''for these offices:'', insert ''*Provided further*, That of the amounts appropriated for salaries and expenses for the Office of Regulatory Affairs, such sums as are necessary shall be used to study and prepare a report to Congress examining the prevalence of unsafe levels of pesticide chemical residue, as such term defined in section 201(q)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(q)(2)), in ginseng and products containing ginseng, which study shall include a comparison of the pesticide chemical residue in ginseng that is known to be foreign grown with such residue in ginseng that is known to be domestically grown, the sampling and testing of retail and wholesale samples of raw ginseng and products containing ginseng for pesticide chemical residue, and a determination, if possible, of the prevalence of ginseng and ginseng-containing products that are misbranded as containing ginseng grown in the United States or in Wisconsin, and shall be designed in such a manner that the ginseng samples collected from retail and wholesale establishments for the study can be used as part of potential enforcement actions if the Commissioner of Food and Drugs determines that the level of pesticide chemical residue is unsafe;''.

SA 1790. Mrs. CLINTON (for herself, Mrs. MURRAY, and Mr. CORZINE) submitted an amendment intended to be proposed by her to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for

the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 143, line 13, strike the period and insert the following: '': *Provided further*, that, if by January 21, 2006, the Food and Drug Administration has not approved or denied the Barr Pharmaceutical application for over the counter status for the drug Plan B, $10,000,000 of the amount provided for under this heading for the Office of the Commissioner shall not be expended until the Food and Drug Administration makes such a decision.''.

SA 1791. Ms. MURKOWSKI (for herself and Mr. STEVENS) submitted an amendment intended to be proposed by her to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7___. COUNTRY OF ORIGIN LABELING FOR FISH.

The Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) is amended—

(1) in section 281 (7 U.S.C. 1638)—

(A) in paragraph (2)(A)—

(i) by striking clauses (iii) and (iv); and

(ii) by redesignating clauses (v) and (vi) as clauses (iii) and (iv), respectively;

(B) by striking paragraphs (3) and (9); and

(C) by redesignating paragraphs (4) through (8) as paragraphs (3) through (7), respectively;

(2) in section 282(a) (7 U.S.C. 1638a(a))—

(A) in paragraph (2)—

(i) in subparagraph (B), by inserting ''and'' after the semi-colon;

(ii) by striking subparagraphs (C) and (D); and

(iii) by redesignating subparagraph (E) as subparagraph (C); and

(B) by striking paragraph (3);

(3) in section 285 (7 U.S.C. 1638d), by striking ''2006'' and all that follows and inserting ''2006.''; and

(4) by adding at the end the following:

''Subtitle E—Country of Origin Labeling for Fish

''SEC. 291. DEFINITIONS.

''In this subtitle:

''(1) FISH.—

''(A) IN GENERAL.—The term 'fish' means all fish and shellfish, including—

''(i) fresh or frozen fillets, steaks, nuggets, and any other flesh from fish or shellfish; and

''(ii) fish that have been canned, smoked, cured, or salted.

''(B) EXCLUSIONS.—The term 'fish' does not include—

''(i) seafood that has been processed; or

''(ii) canned tuna.

''(2) FOOD SERVICE ESTABLISHMENT.—The term 'food service establishment' means a restaurant, cafeteria, deli, lunch room, food stand, catering business, saloon, salad bar, tavern, bar, lounge, or other similar facility operated as an enterprise engaged in the business of selling food to the public.

''(3) METHOD OF PRODUCTION.—

''(A) IN GENERAL.—The term 'method of production' means whether fish is—

''(i) farm-raised; or

''(ii) wild.

''(B) DEFINITIONS.—In this paragraph:

''(i) FARM-RAISED.—The term 'farm-raised' means fish that are reared and harvested in an aquaculture facility (including a netpen aquaculture facility).

''(ii) WILD.—The term 'wild' means fish (whether hatched naturally or artificially) that spend the majority of their lives, and are harvested, in the wild.

''(4) PLACE OF ORIGIN.—The term 'place of origin' means—

''(A) the country from which a fish derives; or

''(B) in accordance with section 292(d)(2), the State or region from which a fish derives.

''(5) PROCESSED.—The term 'processed', with respect to a retail item derived from fish, means that the item—

''(A) has undergone specific processing, such as cooking, resulting in a change in the character of the fish; or

''(B) has been combined with at least 1 other substantive food component.

''(6) RETAILER.—

''(A) IN GENERAL.—The term 'retailer' means—

''(i) a retailer (as defined in section 1(b) of the Perishable Agricultural Commodities Act of 1930 (7 U.S.C. 499a(b))); or

''(ii) a business the annual sales of fish of which account for at least 50 percent of the total annual sales of the business.

''(B) EXCLUSION.—The term 'retailer' does not include any person engaged in the business of selling fish through a food service establishment, including a food service establishment operated by a retailer.

''(7) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture, acting through the Agricultural Marketing Service.

''(8) SUPPLIER.—The term 'supplier' means any person engaged in the business of producing, buying, or selling fish that are ultimately offered for sale by a retailer.

''SEC. 292. NOTICE OF PLACE OF ORIGIN AND METHOD OF PRODUCTION.

''(a) IN GENERAL.—In accordance with regulations promulgated by the Secretary under section 294(a)—

''(1) a supplier of fish that will be sold or transferred to a consumer by a retailer shall provide to each subsequent buyer (including a retailer) a statement describing the place of origin and method of production of the fish (including repackaged or further processed fish), along with any other information required under subsection (c); and

''(2) a retailer of fish shall inform consumers of the place of origin and method of production of fish based on the information provided by the supplier under paragraph (1).

''(b) SUPPLIER AS PURCHASER.—A supplier that obtains fish that is not accompanied by a statement required under subsection (a)(1) shall provide such a statement to a buyer of any fish that will be sold or transferred to a consumer by a retailer.

''(c) LABELING REQUIREMENTS.—

''(1) RESPONSIBILITY OF SUPPLIER.—

''(A) IN GENERAL.—A statement of a supplier under subsection (a)(1) shall be prepared in accordance with this paragraph.

''(B) CONSUMER-SIZED PACKAGES.—With respect to fish transferred to a retailer for sale to consumers in consumer-sized packages (including cans and bags)—

''(i) the place of origin and method of production of the fish shall be indicated on the label affixed to the product by the supplier; and

''(ii) any information required under paragraph (2) that does not appear on a label under clause (i) shall be indicated on a label or labeling that is affixed to, or otherwise accompanies, the bulk container in which the consumer-sized package is shipped.

''(C) BULK TRANSFERS.—With respect to fish transferred to a retailer in bulk, the information required under paragraph (2) shall be indicated on a label or labeling that is affixed to, or otherwise accompanies, the bulk container.

''(2) LABEL INFORMATION.—The information required under paragraph (1) shall include, with respect to the fish being shipped under the label—

''(A) the common name and scientific name for the species of fish;

''(B) the place of origin of the fish, as determined under subsection (d);

''(C) the method of production of the fish;

''(D) the name, address, and telephone number of the supplier that provided the statement required under subsection (b); and

''(E) any other information that the Secretary determines to be necessary.

''(3) LABEL AS GUARANTEE.—For purposes of section 293(e), a label under paragraph (1) shall be considered to be a guaranty.

''(d) PLACE OF ORIGIN.—

''(1) UNITED STATES COUNTRY OF ORIGIN.—Fish may be designated as having a United States country of origin only if—

''(A) in the case of farm-raised fish, the fish are hatched, raised, harvested, and processed in the United States; and

''(B) in the case of wild fish, the fish are—

''(i) harvested in the United States, a territory of the United States, or a State, or by a vessel that is documented under chapter 121 of title 46, United States Code, or registered in the United States; and

''(ii) processed in the United States, a territory of the United States, or a State, including the waters thereof, or aboard a vessel that is documented under chapter 121 of title 46, United States Code, or registered in the United States.

''(2) STATE OR REGION OF ORIGIN.—Fish that meet the requirements of paragraph (1) for United States country of origin designation may be identified by the State or region of origin in lieu of the country of origin, under such regulations as the Secretary may promulgate.

''(3) NON-UNITED STATES COUNTRY OF ORIGIN.—Fish that do not meet the requirements of paragraph (1) for United States country of origin designation shall be designated as originating in the country—

''(A) in the waters of which the fish were caught; or

''(B) if the national designation of the waters is unknown or if the waters are designated as international, in which the vessel that caught the fish was flagged.

''(4) ORIGIN OF COMMINGLED FISH.—Fish that are derived from 2 or more countries shall be designated as having originated in each source country, listed alphabetically, without regard to proportional quantities of fish from each country.

''(e) METHOD OF NOTIFICATION.—

''(1) IN GENERAL.—The information required under subsection (a)(2) may be provided to consumers by means of a label, stamp, mark, placard, or other conspicuous, clear, and visible sign on the package, display, holding unit, or bin containing the fish.

''(2) LABELED BY SUPPLIER.—

''(A) IN GENERAL.—If the fish are individually labeled for retail sale by the supplier in a manner that meets the requirements of paragraph (1), the retailer shall not be required to provide any additional information to comply with this section.

''(B) GUARANTY.—A statement of the place of origin and method of production that appears on a label described in subparagraph (A) shall be considered to be a supplier guaranty of the place of origin and method of production of the fish.

''(f) AUDIT VERIFICATION SYSTEM.—

''(1) IN GENERAL.—To the maximum extent practicable, the Secretary shall permit existing records to be used to substantiate the place of origin and method of production of the fish.

''(2) MANDATORY IDENTIFICATION.—The Secretary shall not use a mandatory identification system, including a lot code tracking system, to track or verify the place of origin or method of production of fish.

''(3) SUPPLIER RECORDS.—

''(A) IN GENERAL.—A supplier that provides a statement under subsection (b) shall keep records to document the place of origin and method of production of the fish for such a period as the Secretary determines to be reasonable to ensure that the records will be available until the fish is sold or otherwise transferred to a consumer.

''(B) OTHER SUPPLIERS.—A supplier that is not responsible for providing a statement under subsection (b) shall keep records sufficient to identify the previous supplier of the fish.

''(4) RETAILER RECORDS.—A retailer shall retain any label or labeling received under subsection (c) until the fish that is the subject of the label is sold or otherwise transferred to a consumer.

''(5) GUARANTY.—A guaranty provided in accordance with section 293(e) that is received from the immediate supplier of a retailer or a supplier shall be a record sufficient to document the place of origin and method of production of fish.

''SEC. 293. ENFORCEMENT.

''(a) WARNINGS.—If the Secretary determines that a supplier or retailer is in violation of section 292, the Secretary shall—

''(1) notify the supplier or retailer of the determination of the Secretary; and

''(2) provide the supplier or retailer a 30-day period, beginning on the date on which notice is received under paragraph (1) from the Secretary, during which the supplier or retailer may take necessary steps to comply with section 292.

''(b) FINES.—If, on completion of the 30-day period described in subsection (a)(2), the Secretary determines that the retailer or supplier has knowingly and willfully violated section 292, after providing notice and an opportunity for a hearing before the Secretary with respect to the violation, the Secretary may fine the supplier or retailer in an amount of not more than $1,000 for each violation.

''(c) MEMORANDUM OF AGREEMENT.—

''(1) IN GENERAL.—The Secretary may execute a memorandum of agreement with any appropriate State agency, as determined by the Secretary, to assist in the administration of this subtitle.

''(2) PROCEDURES.—A memorandum of agreement under paragraph (1) shall describe any procedure a State agency shall follow to assist in the administration of this subtitle.

''(3) ENFORCEMENT ACTIONS.—Notwithstanding paragraphs (1) and (2), only the Secretary may bring an enforcement action under this subtitle.

''(d) NO OTHER LAWS.—A violation of this subtitle shall not be considered to be a violation of any other Federal law, including the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) and the Federal Trade Commission Act (15 U.S.C. 41 et seq.).

''(e) GUARANTY.—

''(1) IN GENERAL.—A retailer or supplier shall not be in violation of, or subject to penalties under, this subtitle if the retailer or supplier provides a guaranty of the place of origin and method of production of the fish that is signed by and contains the name and address of the person from which the retailer or supplier received the fish.

''(2) FALSE GUARANTY.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the provision of a guaranty that is false shall be a violation of this subtitle.

''(B) RELIANCE.—The provision of a false guaranty shall not be a violation if the retailer or supplier providing the false guaranty relied upon a guaranty to the same effect signed by and containing the name and address of the person from which the retailer or supplier received the fish.

''(f) KNOWLEDGE OF VIOLATION REQUIRED.—No person shall be held liable for a violation of this subtitle by reason of the conduct of another if the person did not have actual knowledge of the violation.

''SEC. 294. IMPLEMENTATION.

''(a) REGULATIONS.—Not later than April 1, 2006, the Secretary shall promulgate such regulations as are necessary to implement this subtitle.

''(b) PREEMPTION.—This subtitle preempts any State labeling requirement that requires a supplier or retailer to provide place of origin or method of production information for fish.

''(c) EFFECTIVE DATE.—Regulations promulgated under subsection (a) take effect on the date that is 180 days after the date of promulgation of the regulations.''.

SA 1792. Mr. CRAIG (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7_____. Section 1231(f)(1) of the Food Security Act of 1985 (16 U.S.C. 3831(f)(1)) is amended by inserting ''the Eastern Snake Plain Aquifer (Idaho),'' after ''Long Island Sound Region,''.

SA 1793. Mr. BINGAMAN (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, line 15, strike ''$128,072,000'' and insert ''$118,072,000''.

On page 132, line 24, strike ''$12,412,027,000'' and insert ''$12,422,027,000''.

On page 132, line 26, strike ''$7,224,406,000'' and insert ''$7,234,406,000''.

On page 133, line 6, before the period, insert the following: '': *Provided further*, That not less than $20,025,000 shall be available to implement and administer Team Nutrition programs of the Department of Agriculture''.

SA 1794. Mr. INOUYE submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, line 15, strike ''$128,072,000'' and insert ''$127,822,000''.

On page 112, line 11, strike ''$819,561,000'' and insert ''$819,811,000''.

On page 113, line 7, before the period at the end, insert the following: '': *Provided further*, That not less than $250,000 shall be used for sustainable agriculture development and resource conservation projects in the Native Hawaiian community of Molokai''.

SA 1795. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, line 15, strike ''$128,072,000'' and insert ''$128,022,000''.

On page 112, line 11, strike ''$819,561,000'' and insert ''$819,611,000''.

On page 113, line 7, before the period at the end, insert the following: '': *Provided further*, That not to exceed $50,000 is available for the upgrade of the dairy farm manure management system at Vermont Technical College in Randolph, Vermont''.

SA 1796. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 85, line 15, strike ''$128,072,000'' and insert ''$126,072,000''.

On page 126, between lines 3 and 4, insert the following:

HISTORIC BARN PRESERVATION PROGRAM

For the historic barn preservation program established under section 379A of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008o), $2,000,000.

SA 1797. Mr. BINGAMAN (for himself, Mr. LUGAR, Ms. MURKOWSKI, and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 85, line 15, strike ''$128,072,000'' and insert ''$118,072,000''.

On page 132, line 24, strike ''$12,412,027,000'' and insert ''$12,422,027,000''.

On page 132, line 26, strike ''$7,224,406,000'' and insert ''$7,234,406,000''.

On page 133, line 6, before the period, insert the following: '': *Provided further*, That not less than $20,025,000 shall be available to implement and administer Team Nutrition programs of the Department of Agriculture''.

SA 1798. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, line 15, strike ''$128,072,000'' and insert ''$125,072,000''.

On page 173, after line 24, add the following:

SEC. 7___. INUNDATED CROP AND GRAZING LAND.

(a) IN GENERAL.—The Secretary of Agriculture shall compensate owners of crop and grazing land that meets the requirements under subsection (b) in—

(1) the Devils Lake basin; and

(2) the McHugh, Lake Laretta, and Rose Lake closed drainage areas of the State of North Dakota.

(b) ELIGIBILITY.—

(1) IN GENERAL.—To be eligible to receive compensation under this section, an owner shall own land described in subsection (a) that, during the 2 crop years preceding receipt of compensation, was rendered incapable of use for the production of an agricultural commodity or for grazing purposes (in a manner consistent with the historical use of the land) as the result of the natural overflow of the closed basins described in subsection (a), as determined by the Secretary.

(2) INCLUSIONS.—Land described in paragraph (1) shall include—

(A) land that has been inundated;

(B) land that has been rendered inaccessible due to the overflow of the closed basins; and

(C) a reasonable buffer strip adjoining the land, as determined by the Secretary.

(3) ADMINISTRATION.—The Secretary may establish—

(A) reasonable minimum acreage levels for individual parcels of land for which owners may receive compensation under this section; and

(B) the location and area of adjoining land for which owners may receive compensation under this section.

(c) SIGN-UP.—Not later than 120 days after the date of enactment of this Act, the Secretary shall carry out a sign-up program for eligible owners to apply for compensation from the Secretary under this section.

(d) COMPENSATION PAYMENTS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the rate of an annual compensation payment under this section shall be equal to 90 percent of the average annual per acre rental payment rate (at the time of entry into the contract) for comparable crop or grazing land that has remained in production in the county where the land is located, as determined by the Secretary.

(2) REDUCTION.—An annual compensation payment under this section shall be reduced by the amount of any conservation program rental payments or Federal agricultural commodity program payments received by the owner for the land during any crop year for which compensation is received under this section.

(3) EXCLUSION.—During any year in which an owner receives compensation for inundated land under this section, the owner shall not be eligible to participate in or receive benefits for the land under—

(A) the Federal crop insurance program established under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.);

(B) the noninsured crop assistance program established under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333); or

(C) any Federal agricultural crop disaster assistance program.

(e) RELATIONSHIP TO AGRICULTURAL COMMODITY PROGRAMS.—The Secretary, by regulation, shall provide for the preservation of cropland base, allotment history, and payment yields applicable to land described in subsection (a) that was rendered incapable of use for the production of an agricultural commodity or for grazing purposes.

(f) USE OF LAND.—

(1) IN GENERAL.—An owner that receives compensation under this section shall take such actions as are necessary to not degrade any wildlife habitat that has naturally developed on the land.

(2) RECREATIONAL ACTIVITIES.—To encourage owners that receive compensation under this section to allow public access to and use of the land for recreational activities, as determined by the Secretary, the Secretary may—

(A) offer an eligible owner additional compensation; and

(B) provide compensation for additional acreage under this section.

(g) FUNDING.—

(1) IN GENERAL.—There is appropriated, out of any money in the Treasury not otherwise appropriated, to carry out this section $3,000,000 for fiscal year 2006, to remain available until expended.

(2) PRO-RATED PAYMENTS.—In a case in which the amount made available under paragraph (1) for a fiscal year is insufficient to compensate all eligible owners under this section, the Secretary shall pro-rate payments for that fiscal year on a per acre basis.

(3) PAYMENT DATES.—

(A) IN GENERAL.—Not later than June 30, 2006, the Secretary shall make payments to eligible owners in an amount equal to 50 percent of the total annual payment amount for fiscal year 2006 as calculated under subsection (d).

(B) REMAINING PAYMENT.—During the period beginning on October 1, 2006, and ending on October 15, 2006, the Secretary shall make the remaining payments to eligible owners in an amount equal to 50 percent of the total annual payment amount for fiscal year 2006 as calculated under subsection (d).

SA 1799. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7____. It is the sense of the Senate that—

(1) agricultural producers throughout the United States are exploring new direct marketing opportunities to improve farm income;

(2) the Farmers' Market Promotion Program established under section 6 of the Farmer-to-Consumer Direct Marketing Act of 1976 (7 U.S.C. 3005) funds competitive grants to local governments, chambers of commerce, farmers' market alliances, co-ops, and economic development organizations to aid in the development of new farmers' markets, community-supported agricultural enterprises, and other direct producer-to-consumer marketing initiatives; and

(3) the Senate should support funding for the Farmers' Market Promotion Program at a level equal to or greater than that contained in the House committee report.

SA 1800. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 173, after line 24, insert the following:

SEC. 7____.(a) The Senate finds the following:

(1) Research and development have been critical components of the prosperity of the United States.

(2) The United States is entering an increasingly competitive world in the 21st century.

(3) The National Academy of Sciences has found that public agricultural research and development expenditures in the United States were the lowest of any developed country in the world.

(4) The Nation needs to ensure that public spending for agricultural research is commensurate with the importance of agriculture to the long-term economic health of the Nation.

(5) Research and development is critical to ensuring that American agriculture remains strong and vital in the coming decades.

(b) It is the sense of the Senate that, in order for the United States to remain competitive, the President and the Department of Agriculture should increase public sector funding of agricultural research and development.

SA 1801. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, line 15, strike ''$128,072,000'' and insert ''$127,972,000''.

On page 93, line 26, strike ''$652,231,000'' and insert ''$652,331,000''.

On page 94, line 9, strike ''$110,281,000'' and insert ''$110,381,000, of which, an additional $100,000 shall be made available for the Center for Agricultural and Trade Policies at North Dakota State University''.

SA 1802. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, add the following:

SEC. ___. EMERGENCY NUTRITIONAL SUPPLEMENTAL ASSISTANCE.

(a) DEFINITION OF ELIGIBLE RECIPIENT.—In this section, the term ''eligible recipient'' means an individual or household that, as determined by the Secretary of Agriculture, in consultation with the Secretary of Homeland Security—

(1) is a victim of Hurricane Katrina or a related condition;

(2) has been displaced by Hurricane Katrina or a related condition; or

(3) is temporarily housing 1 or more individuals displaced by Hurricane Katrina or a related condition.

(b) ASSISTANCE.—

(1) IN GENERAL.—Notwithstanding any other provision of law, in addition to funds otherwise made available for fiscal year 2005 or 2006 to carry out the emergency food assistance program established under the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501 et seq.), out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture, to remain available until expended—

(A) $200,000,000 to carry out that program;

(B) $51,000,000 to make grants to the several States and the Commonwealth of Puerto Rico under that program in accordance with paragraph (2); and

(C) $200,000,000 to provide a variety of food to eligible recipient agencies for providing food assistance to eligible recipients, including—

(i) special supplemental foods for pregnant women and infants or for other individuals with special needs;

(ii) infant formula;

(iii) bottled water; and

(iv) fruit juices.

(2) AMOUNT OF GRANTS.—Funds made available under paragraph (1)(B) shall be used to provide grants in the amount of—

(A) $1,000,000 to each of the several States; and

(B) $500,000 to each of the Commonwealth of Puerto Rico and the District of Columbia.

(3) USE OF FUNDS.—Funds made available under paragraph (1)(C) may be used to provide commodities in accordance with—

(A) section 27 of the Food Stamp Act of 1977 (7 U.S.C. 2036);

(B) section 203A of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7504); and

(C) section 204 of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7508).

(4) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under paragraph (1), without further appropriation.

(5) EMERGENCY DESIGNATION.—The amounts made available by the transfer of funds in or pursuant to this section are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

SA 1803. Mr. BENNETT proposed an amendment to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place in the bill, insert the following new paragraph:

''SEC. . Section 274(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1324(a)(1) is amended by adding at the end the following: ''(C) It is not violation of clauses (ii) or (iii) of subparagraph (A), or of clause (iv) of subparagraph (A) except where a person encourages or induces an alien to come to or enter the United States, for a religious denomination having a bona fide nonprofit, religious organization in the United States, or the agents or officers of such denomination or organization, to encourage, invite, call, allow, or enable an alien who is present in the United States to perform the vocation of a minister or missionary for the denomination or organization in the United States as a volunteer who is not compensated as an employee, notwithstanding the provision of room, board, travel, medical assistance, and other basic living expenses, provided the minister or missionary has been a member of the denomination for at least one year.''

SA 1804. Mr. BENNETT proposed an amendment to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 170 strike Section 767 and replace it with the following new paragraph:

''SEC. . Notwithstanding any other provision of law, none of the funds provided for in this or any other Act may be used in this and each fiscal year hereafter for the review, clearance, or approval for sale in the United States of any contact lens unless the manufacturer certifies that it makes any contact lens it produces, markets, distributes, or sells available in a commercially reasonable and non-discriminatory manner directly to and generally within all alternative channels of distribution: *Provided*, That for the purposes of this section, the term 'manufacturer' includes the manufacturer and its parents, subsidiaries, affiliates, successors and assigns, and 'alternative channels of distribution' means any mail order company, Internet retailer, pharmacy, buying club, department store, mass merchandise outlet or other appropriate distribution alternative without regard to whether it is associated with a prescriber: *Provided further*, That nothing in this section shall be interpreted as waiving any obligation of a seller under 15 USC 7603: *Provided further*, That to facilitate compliance with this section, 15 USC 7605 is amended by inserting after the period: ''A manufacturer shall make any contact lens it produces, markets, distributes or sells available in a commercially reasonable and non-discriminatory manner directly to and generally within all alternative channels of distribution; provided that, for the purposes of this section, the term 'alternative channels of distribution' means any mail order company, Internet retailer, pharmacy, buying club, department store, mass merchandise outlet or other appropriate distribution alternative without regard to whether it is associated with a prescriber; the term 'manufacturer' includes the manufacturer and its parents, subsidiaries, affiliates, successors and assigns; and any rule prescribed under this section shall take effect not later than 60 days after the date of enactment.''

SA 1805. Mr. BENNETT proposed an amendment to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place in the bill, insert the following new paragraph:

''SEC. ___. The federal facility located at the South Mississippi Branch Experiment Station in Poplarville, Mississippi, and known as the ''Southern Horticultural Laboratory'', shall be known and designated as the ''Thad Cochran Southern Horticultural Laboratory'': *Provided*, That any reference in law, map, regulation, document, paper, or other record of the United States to such federal facility shall be deemed to be a reference to the ''Thad Cochran Southern Horticultural Laboratory''.

SA 1806. Mr. BENNETT (for Mr. KYL) proposed an amendment to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 173, after line 24, insert the following:

SEC. 7___. As soon as practicable after the Agricultural Research Service operations at the Western Cotton Research Laboratory located at 4135 East Broadway Road in Phoenix, Arizona, have ceased, the Secretary of Agriculture may convey, without consideration, to the Arizona Cotton Growers Association and Supima all right, title, and interest of the United States in and to the real property at that location, including improvements.

SA 1807. Mr. BENNETT (for Mr. LEAHY) proposed an amendment to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 173, after line 24, insert the following:

SEC. 7___. The Secretary of Agriculture shall—

(1) as soon as practicable after the date of enactment of this Act, conduct an evaluation of any impacts of the court decision in Harvey v. Veneman, 396 F.3d 28 (1st Cir. Me. 2005); and

(2) not later than 90 days after the date of enactment of this Act, submit to Congress a report that—

(A) describes the results of the evaluation conducted under paragraph (1);

(B) includes a determination by the Secretary on whether restoring the National Organic Program, as in effect on the day before the date of the court decision described in paragraph (1), would adversely affect organic farmers, organic food processors, and consumers;

(C) analyzes issues regarding the use of synthetic ingredients in processing and handling;

(D) analyzes the utility of expedited petitions for commercially unavailable agricultural commodities and products; and

(E) considers the use of crops and forage from land included in the organic system plan of dairy farms that are in the third year of organic management.

SA 1808. Mr. BENNETT (for Mr. FEINGOLD (for himself and Mr. ALLARD) proposed an amendment to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 173, after line 24, insert the following:

SEC. 7___.(a) Not later than 90 days after the date of enactment of this Act, the Administrator of the Animal and Plant Health Inspection Service (referred to in this section as the ''Administrator'') shall publish in the Federal Register uniform methods and rules for addressing chronic wasting disease.

(b) If the Administrator does not publish the uniform methods and rules by the deadline specified in subsection (a), not later than 30 days after the deadline and every 30 days thereafter until the uniform methods and rules are published in accordance with that subsection, the Administrator shall submit to Congress a report that—

(1) describes the status of the uniform methods and rules; and

(2) provides an estimated completion date for the uniform methods and rules.

SA 1809. Mr. BENNETT (for Mr. MCCONNELL) proposed an amendment to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 173, after line 24, insert the following:

SEC. 7___.(a) In carrying out a livestock assistance, compensation, or feed program, the Secretary of Agriculture shall include horses within the definition of ''livestock'' covered by the program.

(b)(1) Section 602(2) of the Agricultural Act of 1949 (7 U.S.C. 1471(2)) is amended—

(A) by inserting ''horses'', after ''bison''; and

(B) by striking ''equine animals used for food or in the production of food,''.

(2) Section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations

Act, 2001 (Public Law 106-387; 114 Stat. 1549A–51) is amended by inserting ''(including losses to elk, reindeer, bison, and horses)'' after ''livestock losses''.

(3) Section 10104(a) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1472(a)) is amended by striking ''and bison'' and inserting ''bison, and horses''.

(4) Section 203(d)(2) of the Agricultural Assistance Act of 2003 (Public Law 108-7; 117 Stat. 541) is amended by striking ''and bison'' and inserting ''bison, and horses''.

(c)(1) This section and the amendments made by this section apply to losses resulting from a disaster that occurs on or after July 28, 2005.

(2) This section and the amendments made by this section do not apply to losses resulting from a disaster that occurred before July 28, 2005.

SA 1810. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7____. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available under this Act may be used to carry out activities of the Oncologic Drugs Advisory Committee of the Food and Drug Administration whose committee membership consists of less than 2 patient representatives who are voting members of the committee.

SA 1811. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7____. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available under this Act may be used to carry out activities, including the review or approval of clinical trial protocols or special protocol assessments that would permit placebo-only or no-treatment-only concurrent controls, in any clinical investigation conducted with respect to any serious or life-threatening condition or disease, where reasonably effective alternative therapies that have been approved or cleared by the Secretary of Health and Human Services for the specific indications under investigation exist.

SA 1812. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. Amounts made available for the Plant Materials Center in Fallon, Nevada, under the heading ''CONSERVATION OPERATIONS'' under the heading ''NATURAL RESOURCES CONSERVATION SERVICE'' of title II of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 2823) shall remain available until expended.

SA 1813. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Amounts made available for the Plant Materials Center in Fallon, Nevada, under the heading ''CONSERVATION OPERATIONS'' under the heading ''NATURAL RESOURCES CONSERVATION SERVICE'' of title II of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 2823) shall remain available until July 31, 2007.

SA 1814. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. BOTTLED DRINKING WATER STANDARDS.

Section 410 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 349) is amended by adding at the end the following:

''(c) OUT-OF STATE REGISTRATION OR LICENSING REQUIREMENTS.—

''(1) IN GENERAL.—A bottled water product that is manufactured or processed outside the State into which it is sold shall be deemed to meet any and all of the registration or licensing requirements of the State into which it is sold so long as the following requirements are complied with:

''(A) The company that manufactures, processes, or distributes the bottled water product, upon written request, makes available to any appropriate State agency in the State into which the bottled water is sold, a copy of any license or permit from the agency having jurisdiction in the State or country where the bottled water production facility is located, or in lieu of such registration, a statement certifying that the product meets all bottled water requirements, including bottled drinking water quality and safety standards, of the State or country of origin and any applicable regulations of the Food and Drug Administration, and a copy of the annual finished product water quality testing results demonstrating compliance with section 165.110(b) of title 21, Code of Federal Regulations.

''(B) The company that manufactures, processes, or distributes the bottled water product complies with the bottled drinking water quality and safety standards of the State into which it is sold.

''(C) The company that manufactures, processes, or distributes the bottled water product maintains legally required food and bottled water records, and remains subject to on-site inspections of its facilities by the State of origin, the State into which the bottled water product is sold, and the Food and Drug Administration.

''(D) The company that manufactures, processes, or distributes the bottled water product pays all applicable State fees related to the sale and distribution of the product imposed by the State into which the product is sold.

''(2) LIMITATION.—No State or political subdivision of a State may directly or indirectly establish or continue in effect, any requirement that conflicts with or interferes with the requirements of paragraph (1).''.

SA 1815. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7____. Notwithstanding any other provision of this Act, each amount provided by this Act is reduced by the pro rata percentage required to reduce the total amount provided by this Act by $1,103,000,000.

SA 1816. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7____. Notwithstanding any other provision of law, beginning in fiscal year 2006 and thereafter, individuals employed in 400 series personnel classification positions at the Natural Resources Conservation Service as of March 30, 2005, shall be considered to be eligible for continued employment in 400 series personnel classification positions within the Natural Resources Conservation Service.

SA 1817. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 143, line 10, after the colon, insert the following:

''*Provided further,* That of the funds provided herein for other activities, $5,853,000 may not be obligated until the Commissioner or Acting Commissioner has presented public testimony before the Senate Committee on Appropriations on the President's 2006 budget request and the date on which the Food and Drug Administration submitted its official written response to the Citizen Petition and Request for Administrative Stay, Docket No. 02P–0377 of the Food and Drug Administration:''

SA 1818. Mr. DODD (for himself, Mr. HARKIN, Mr. REED, Mr. CARPER, Mr. BIDEN, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 173, after line 24, insert the following:

SEC. 7____. (a) Congress makes the following findings:

(1) Consumers need clear and consistent information about the risks associated with exposure to the sun, and the protection offered by over-the-counter sunscreen products.

(2) The Food and Drug Administration (referred to in this section as the ''FDA'') began developing a monograph for over-the-counter sunscreen products in 1978.

(3) In 2002, after 23 years, the FDA issued the final monograph for such sunscreen products.

(4) One of the most critical aspects of sunscreen is how to measure protection against UVA rays, which cause skin cancer.

(5) The final sunscreen monograph failed to address this critical aspect and, accordingly, the monograph was stayed shortly after being issued until issuance of a comprehensive monograph.

(6) Skin cancer rates continue to rise, especially in younger adults and women.

(7) Pursuant to section 751 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379r), a Federal rule on sunscreen labeling would preempt any related State labeling requirements.

(8) The absence of a Federal rule could lead to a patchwork of State labeling requirements that would be confusing to consumers and unnecessarily burdensome to manufacturers.

(b) Not later than one year after the date of enactment of this Act, the FDA shall issue a comprehensive final monograph for over-the-counter sunscreen products, which shall include UVA and UVB labeling requirements.

SA 1819. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7____. Not later than 30 days after the date of enactment of this Act, the Secretary of Agriculture shall issue a rule that makes final the proposed rule published in the Federal Register on March 18, 2003 (68 Fed. Reg. 12881; relating to terminating the definition of ''substantial activity'' in the Hass Avocado Promotion, Research, and Information Order).

SA 1820. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On pg. 143, line 10, after the colon, insert the following:

''Provided further, That of the funds provided herein for other activities, $5,853,000 may not be obligated until the Commissioner or Acting Commissioner has presented public testimony before the Senate Committee on Appropriations on the date on which the Food and Drug Administration submitted its official written response to the Citizen Petition and Request for Administrative Stay, Docket No. 02P–0377 of the Food and Drug Administration:''

SA 1821. Mr. BURNS submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 107, line 3, before the period, insert the following: '': *Provided further*, That the Secretary of Agriculture, acting through the National Tribal Development Association, shall use not less than $1,500,000 of the amount made available under this heading to carry out the American Indian credit outreach initiative''.

SA 1822. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

Sec. (a) Notwithstanding the termination of authority provided in section 1307(a)(6) of Public Law 107–171, the Secretary shall use this authority for the 2007 crop.

(b) The authority provided by section 1307(a)(6) of Public Law 107–171 shall terminate beginning with the 2008 crop and shall be considered to have terminated notwithstanding section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907).

SA 1823. Mr. THOMAS submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 120, line 2, strike ''$164,773,000'' and insert ''$164,423,000''.

On page 120, line 24, strike ''$90,000,000'' and insert ''$89,500,000''.

On page 128, line 1, strike ''$500,000'' and insert ''$350,000''.

On page 129, line 7, strike ''$23,000,000'' and insert ''$22,500,000''.

On page 132, between lines 9 and 10, insert the following:

NATIONAL RURAL DEVELOPMENT PARTNERSHIP

For the National Rural Development Partnership authorized under section 378 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008m) to provide technical assistance and programmatic guidance for rural development at the State and local levels and to provide financial assistance to the 37 federally recognized State Rural Development Councils, $1,500,000.

SA 1824. Ms. STABENOW (for herself, Mr. LEVIN, Mr. DEWINE, and Mr. VOINOVICH) submitted an amendment intended to be proposed by her to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, line 15, strike ''$128,072,000'' and insert ''$123,572,000''.

On page 100, line 1, strike ''$807,768,000'' and insert ''$812,268,000''.

On page 100, line 9, before the colon insert the following: ''; of which not less than $10,440,000 shall be used for the eradication of the emerald ash borer in the States of Michigan, Ohio, and Indiana''.

SA 1825. Ms. STABENOW (for herself, Mr. LEVIN, Mr. DEWINE, and Mr. VOINOVICH) submitted an amendment intended to be proposed by her to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, line 15, strike ''$128,072,000'' and insert ''$123,572,000''.

On page 100, line 1, strike ''$807,768,000'' and insert ''$815,807,000''.

On page 100, line 9, before the colon insert the following: ''; of which not less than $14,000,000 shall be used for the eradication of the emerald ash borer in the States of Michigan, Ohio, and Indiana''.

SA 1826. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On Page 173, after line 24, insert the following:

SEC. 7 . None of the funds appropriated or otherwise made available by this Act for the Food and Drug Administration may be used under Section 801 of the Federal Food, Drug, and Cosmetic Act to allow the importation of a prescription drug that does not comply with sections 501, 502, and 505 of such Act from a communist country (as defined in section 406(e)(1) of the Trade Act of 1974 (19 U.S.C. 2436)), a socialist country or a country with a system of socialized healthcare, or a country that supports terrorism as determined by the Secretary of State under section 6(j)(1)(A) of the Export Administration Act of 1979.

SA 1827. Mr. DOMENICI (for himself, Mr. BINGAMAN, Mr. CRAIG, Mr. CRAPO, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7____. Section 1502(d)(2) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7982(d)(2)) is amended by striking ''2,400,000 pounds'' and inserting ''800,000 pounds''.

SA 1828. Mr. DOMENICI (for himself, Mr. BINGAMAN, Mr. CRAIG, Mr. CRAPO, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal

year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7____. Section 1502(d)(2) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7982(d)(2)) is amended by striking ''2,400,000 pounds'' and inserting ''700,000 pounds''.

SA 1829. Mr. DOMENICI (for himself, Mr. BINGAMAN, Mr. CRAIG, Mr. CRAPO, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7____. Section 1502(d)(2) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7982(d)(2)) is amended by striking ''2,400,000 pounds'' and inserting ''600,000 pounds''.

SA 1830. Mr. DOMENICI (for himself, Mr. BINGAMAN, Mr. CRAIG, Mr. CRAPO, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7____. Section 1502(d)(2) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7982(d)(2)) is amended by striking ''2,400,000 pounds'' and inserting ''500,000 pounds''.

SA 1831. Mr. DOMENICI (for himself, Mr. BINGAMAN, Mr. CRAIG, Mr. CRAPO, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7____. Section 1502(d) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7982(d)) is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraph (3) as paragraph (2).

SA 1832. Mr. BURNS (for himself, Mr. GRASSLEY, Mr. ROBERTS, and Mr. THUNE) submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7____. Notwithstanding any other provision of this Act, none of the funds made available by this Act or any other Act shall be used to pay salaries and expenses and other costs associated with implementing or administering section 508(e)(3) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)(3)) (except with respect to policies under that section in effect as of the date of enactment of this Act).

SA 1833. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, line 15, strike ''$128,072,000'' and insert ''$93,320,000''.

On page 100, line 1, strike ''$807,768,000'' and insert ''$842,520,000''.

On page 173, after line 24, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for treatment of wood, wood products, or wood packing material with methyl bromide.

SA 1834. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7_____. Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture, in coordination with the Secretary of Energy, shall submit to Congress and make available to the public on the Internet a report that shall—

(1) include a current, consolidated list and explanation of opportunities to develop renewable energy in rural America under programs administered by the Department of Agriculture and the Department of Energy;

(2) serve as an aid to develop renewable energy and renewable fuels in rural and agricultural communities, including information on grants, loan guarantees, tax deductions, and tax credits; and

(3) be updated at least annually.

SA 1835. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 160, line 10, before the period at the end insert the following: ''or for reimbursement of administrative costs under section 16(a) of the Food Stamp Act of 1977 (7 U.S.C. 2025(a)) to a State agency for which more than 10 percent of the costs (other than costs for issuance of benefits or nutrition education) are obtained under contract''.

SA 1836. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, line 15, strike ''$128,072,000'' and insert ''$123,072,000''.

On page 99, line 10, strike ''$5,888,000'' and insert ''$10,888,000''.

SA 1837. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 132, strike line 4 and insert the following: ''1974: *Provided further*, That communities with populations of not more than 40,000 shall be eligible to apply for loans under the broadband loan program.''.

SA 1838. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, line 15, strike ''$128,072,000'' and insert ''$93,320,000''.

On page 100, line 1, strike ''$807,768,000'' and insert ''$842,520,000''.

On page 173, after line 24, insert the following:

SEC. 7____. The Comptroller General of the United States shall—

(1) conduct a study on—

(A) the efficacy of methyl bromide for treatment of invasive insects and plants;

(B) any negative environmental and health effects methyl bromide may have on humans and animals; and

(C) other practicable methods that exist to prevent invasive insects from entering areas under the jurisdiction of the United States; and

(2) not later than 180 days after the date of enactment of this Act, submit to Congress a report describing the results of the study.

SA 1839. Mr. HAGEL submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7____. (a) There is appropriated $200,000 to the Institute of Agriculture and Natural Resources of the University of Nebraska-Lincoln, for use in accordance with subsection (b).

(b)(1) Amounts made available under subsection (a) shall be used only for—

(A) start-up costs for the 4-year hospitality, restaurant, and tourism management baccalaureate degree program of the Institute; and

(B) the design and implementation of course preparation and delivery relating to the program described in subparagraph (A).

(2) Funds made available under subsection (a) shall not be used for—

(A) construction of new facilities or brick and mortar facilities for the program described in paragraph (1)(A); or

(B) operational overhead funding of the University of Nebraska-Lincoln.

SA 1840. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7____. (a) Subject to subsection (b), during the school year beginning July 2005, the Secretary of Agriculture shall use funds made available under subsection (c) to provide for direct certification of children that are adversely affected by hurricanes in accordance with the terms and conditions of section 9(b)(4) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(4)) (without regard to section 9(b)(4)(D) of that Act), as determined by the Secretary.

(b) This section applies to any local educational agency that—

(1) is located in a county subject to a major disaster designation by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), between August 24, 2005 and September 18, 2005; and

(2) submits a petition to the Secretary.

(c) The Secretary shall use to carry out this section $29,000,000 of funds made available under section 32 of the Act of August 24, 1935.

SA 1841. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7____. None of the funds made available by this Act may be used to pay the salaries or expenses of any officer or employee to carry out the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.) in a manner that for the purpose of determining the eligibility of a child who is a member of the household of a member of a uniformed service, includes in household income the amount of a basic allowance provided under section 403 of title 37, United States Code, on behalf of the member of a uniformed service for housing that is acquired or constructed under subchapter IV of chapter 169 of title 10, United States Code.

SA 1842. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 143, line 10, strike the colon and insert the following: '': *Provided further*, That of the funds provided under this heading for other activities, $5,853,000 shall not be obligated until the Commissioner of Food and Drugs or Acting Commissioner of Food and Drugs has presented public testimony before the Committee on Appropriations of the Senate regarding the date on which the Food and Drug Administration submitted an official written response to the Citizen Petition and Request for Administrative Stay, Docket No. 02P–0377 of the Food and Drug Administration:''.

SA 1843. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 143, line 10, strike the colon and insert the following: '': *Provided further*, That of the funds provided under this heading for other activities, $5,853,000 shall not be obligated until the Commissioner of Food and Drugs or Acting Commissioner of Food and Drugs has presented public testimony before the Committee on Appropriations of the Senate on the President's fiscal year 2006 budget request and regarding the date on which the Food and Drug Administration submitted an official written response to the Citizen Petition and Request for Administrative Stay, Docket No. 02P–0377 of the Food and Drug Administration:''.

SA 1844. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 88, line 16, strike ''$23,103,000'' and insert ''$21,103,000''.

On page 109, line 21, before the period at the end, insert the following: '': *Provided further*, That none of the funds made available by this Act may be used to carry out section 508A(c)(1)(B)(i) of the Federal Crop Insurance Act (7 U.S.C. 1508A(c)) in a manner that, for purposes of counties declared to be disaster areas in calendar year 2005 by the Secretary under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)) or by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), applies the phrase 'in the same crop year' to have a meaning other than not later than October 15 of the year after the year in which the first crop was prevented from being planted''.

SA 1845. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 88, line 16, strike ''$23,103,000'' and insert ''$21,103,000''.

On page 109, line 21, before the period at the end, insert the following: '': *Provided further*, That notwithstanding any other provision of law (including regulations), none of the funds made available by this Act may be used to carry out section 508A(c)(1)(B)(i) of the Federal Crop Insurance Act (7 U.S.C. 1508A(c)) in a manner that applies the term 'crop year' in a manner that fails to take into account the varying climates of different regions of the United States''.

SA 1846. Mr. MARTINEZ (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7 _____. The Secretary of Agriculture shall use $450,000,000 of the funds of the Commodity Credit Corporation, to remain available until expended, to compensate commercial citrus and lime growers in the State of Florida for tree replacement and for lost production with respect to trees removed to control citrus canker, and with respect to certified citrus nursery stocks within the citrus canker quarantine areas, as determined by the Secretary. For a grower to receive assistance for a tree under this section, the tree must have been removed after September 30, 2001.

SA 1847. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 143, line 13, strike the period and insert the follow: '': *Provided further* that, if by December 21, 2005, the Food and Drug Administration has not complied with the provisions of Public Law 106–554 related to the labeling of condoms to ensure that such labels are medically accurate in regard to the lack of effectiveness in preventing human papillomavirus infection, $10,000,000 of the amount provided under this heading for the office of the Commissioner shall not be expended until the Food and Drug Administration complies with such law.

SA 1848. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 1790 submitted by Mrs. CLINTON (for herself, Mrs. MURRAY, and Mr. CORZINE) and intended to be proposed to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 8 of the amendment, strike the period and insert the following: '', *Provided further*, That if by December 21, 2005, the Food and Drug Administration has not complied with the provisions of section 516(b) of Public Law 106-554, related to the labeling of condoms to ensure such labels are medically accurate in regard to the lack of effectiveness in preventing human papillomavirus, $10,000,000 of the amount provided under this heading for the Office of the Commissioner shall not be expended until the Food and Drug Administration complies with such section.''.

SA 1849. Mr. KOHL (for Mr. DODD) proposed an amendment to amendment SA 1818 submitted by Mr. DODD (for himself, Mr. HARKIN, Mr. REED, Mr. CARPER, Mr. BIDEN, and Mr. LIEBERMAN) to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for

the fiscal year ending September 30, 2006, and for other purposes; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 7_____. (a) Congress makes the following findings:

(1) Consumers need clear and consistent information about the risks associated with exposure to the sun, and the protection offered by over-the-counter sunscreen products.

(2) The Food and Drug Administration (referred to in this section as the ''FDA'') began developing a monograph for over-the-counter sunscreen products in 1978.

(3) In 2002, after 23 years, the FDA issued the final monograph for such sunscreen products.

(4) One of the most critical aspects of sunscreen is how to measure protection against UVA rays, which cause skin cancer.

(5) The final sunscreen monograph failed to address this critical aspect and, accordingly, the monograph was stayed shortly after being issued until issuance of a comprehensive monograph.

(6) Skin cancer rates continue to rise, especially in younger adults and women.

(7) Pursuant to section 751 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379r), a Federal rule on sunscreen labeling would preempt any related State labeling requirements.

(8) The absence of a Federal rule could lead to a patchwork of State labeling requirements that would be confusing to consumers and unnecessarily burdensome to manufacturers.

(b) It is the sense of Congress that the FDA should, not later than one year after the date of enactment of this Act, issue a comprehensive final monograph for over-the-counter sunscreen products, including UVA and UVB labeling requirements, in order to provide consumers with all the necessary information regarding the dangers of skin cancer and the importance of wearing sunscreen.

NOTICES OF HEARINGS/MEETINGS

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, September 28, 2005, at 2 p.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to review the grazing programs of the Bureau of Land Management and the Forest Service, including proposed changes to grazing regulations, and the status of grazing permit renewals, monitoring programs and allotment restocking plans.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Dick Bouts at 202–224–7545 or Amy Millet at 202–224–8276.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition and Forestry be authorized to conduct a hearing during the session of the Senate on Wednesday September 21, 2005 at 9 a.m. in 328A, Senate Russell Office Building. The purpose of this committee hearing will be to review the status of the World Trade Organization negotiations on agriculture.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BENNETT. Mr. President. I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, September 21, 2005, 10 a.m. and 2:30 p.m., on Energy Pricing, in SD 562.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 21, 2005, at 2:30 p.m. to hold a hearing on Nominations.

The PRESIDING OFFICER. Without objection, it is ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Wednesday, September 21, 2005, at 10 a.m. for a hearing titled, ''After the London Attacks: What Lessons Have Been Learned to Secure U.S. Transit Systems?''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, September 21, 2005, at 9:30 a.m. in Room 385 of the Russell Senate Office Building to conduct an oversight hearing on Indian Gaming: Regulation of Class III Gaming. Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on ''Able Danger and Intelligence Information Sharing'' on Wednesday, September 21, 2005 at 9:30 a.m. in the Dirksen Senate Office Building Room 226.

Witness List

Panel I: The Honorable Curt Weldon, United States Representative, R–PA, 7th District; the Honorable Slade Gorton, former United States Senator, [R-WA], Preston, Gates & Ellis, Seattle, WA.

Panel II: Mark Zaid, Esq., Attorney at Law, Washington, DC; Erik Kleinsmith, former Army Major and Chief of Intelligence of the Land Information Warfare Analysis LIWA, Project Manager for Intelligence Analytical Training, Lockheed Martin, Newington, VA.

Panel III: Gary Bald, Executive Assistant Director, Counter Terrorism/Counter Intelligence, Federal Bureau of Investigation, United States Department of Justice, Washington, DC; William Dugan, Assistant to the Secretary of Defense for Intelligence Oversight, United States Department of Defense, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BENNETT. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on September 21, 2005 at 2:30 p.m. to hold a briefing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FISHERIES, WILDLIFE, AND WATER

Mr. BENNETT. Mr. President, I ask unanimous consent that the Subcommittee on Fisheries, Wildlife, and Water be authorized to meet Wednesday, September 21, 2005 to conduct a hearing to discuss the Endangered Species Act and the roles of States, Tribes and local governments. The hearing will be in SD 406.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. BINGAMAN. I ask unanimous consent John Smeltzer, a fellow in my office, be granted privilege of the floor during the pendency of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore and upon the recommendation of the Democratic Leader, pursuant to Public Law 98–183, as amended by Public Law 103–419, appoints Arlan D. Melendez, of Nevada, to the United States Commission on Civil Rights.

PROVIDING FOR ACCEPTANCE OF A STATUE OF PO'PAY

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 242, which was received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 242) providing for acceptance of a statue of Po'Pay, presented by the State of New Mexico, for placement in National Statuary Hall, and for other purposes.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. BENNETT. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 242) was agreed to.

DISASTER RELIEF EMPLOYMENT

Mr. BENNETT. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 3761, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3761) to provide special rules for disaster relief employment under the Workforce Investment Act of 1998 for individuals displaced by Hurricane Katrina.

There being no objection, the Senate proceeded to consider the bill.

Mr. BENNETT. Mr. President, I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3761) was read the third time and passed.

KATRINA EMERGENCY TAX RELIEF ACT OF 2005

Mr. BENNETT. I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3768, which was received from the House.

There being no objection, the Presiding officer laid before the Senate the following message from the House of Representatives:

H.R. 3768

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 3768) entitled ''An Act to provide emergency tax relief for persons affected by Hurricane Katrina'', with the following House amendment to Senate amendment:

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the ''Katrina Emergency Tax Relief Act of 2005''.

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

Sec. 1. Short title, etc.
Sec. 2. Hurricane Katrina disaster area.
TITLE I—SPECIAL RULES FOR USE OF RETIREMENT FUNDS FOR RELIEF RELATING TO HURRICANE KATRINA
Sec. 101. Tax-favored withdrawals from retirement plans for relief relating to Hurricane Katrina.
Sec. 102. Recontributions of withdrawals for home purchases cancelled due to Hurricane Katrina.
Sec. 103. Loans from qualified plans for relief relating to Hurricane Katrina.
Sec. 104. Provisions relating to plan amendments.
TITLE II—EMPLOYMENT RELIEF
Sec. 201. Work opportunity tax credit for Hurricane Katrina employees.
Sec. 202. Employee retention credit for employers affected by Hurricane Katrina.
TITLE III—CHARITABLE GIVING INCENTIVES
Sec. 301. Temporary suspension of limitations on charitable contributions.
Sec. 302. Additional exemption for housing Hurricane Katrina displaced individuals.
Sec. 303. Increase in standard mileage rate for charitable use of vehicles.
Sec. 304. Mileage reimbursements to charitable volunteers excluded from gross income.
Sec. 305. Charitable deduction for contributions of food inventory.
Sec. 306. Charitable deduction for contributions of book inventories to public schools.
TITLE IV—ADDITIONAL TAX RELIEF PROVISIONS
Sec. 401. Exclusions of certain cancellations of indebtedness by reason of Hurricane Katrina.
Sec. 402. Suspension of certain limitations on personal casualty losses.
Sec. 403. Required exercise of authority under section 7508A for tax relief relating to Hurricane Katrina.
Sec. 404. Special rules for mortgage revenue bonds.
Sec. 405. Extension of replacement period for nonrecognition of gain for property located in Hurricane Katrina disaster area.
Sec. 406. Special rule for determining earned income.
Sec. 407. Secretarial authority to make adjustments regarding taxpayer and dependency status.
TITLE V—EMERGENCY REQUIREMENT
Sec. 501. Emergency requirement.

SEC. 2. HURRICANE KATRINA DISASTER AREA.

For purposes of this Act—

(1) HURRICANE KATRINA DISASTER AREA.—The term ''Hurricane Katrina disaster area'' means an area with respect to which a major disaster has been declared by the President before September 14, 2005, under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of Hurricane Katrina.

(2) CORE DISASTER AREA.—The term ''core disaster area'' means that portion of the Hurricane Katrina disaster area determined by the President to warrant individual or individual and public assistance from the Federal Government under such Act.

TITLE I—SPECIAL RULES FOR USE OF RETIREMENT FUNDS FOR RELIEF RELATING TO HURRICANE KATRINA

SEC. 101. TAX-FAVORED WITHDRAWALS FROM RETIREMENT PLANS FOR RELIEF RELATING TO HURRICANE KATRINA.

(a) IN GENERAL.—Section 72(t) of the Internal Revenue Code of 1986 shall not apply to any qualified Hurricane Katrina distribution.

(b) AGGREGATE DOLLAR LIMITATION.—

(1) IN GENERAL.—For purposes of this section, the aggregate amount of distributions received by an individual which may be treated as qualified Hurricane Katrina distributions for any taxable year shall not exceed the excess (if any) of—

(A) $100,000, over

(B) the aggregate amounts treated as qualified Hurricane Katrina distributions received by such individual for all prior taxable years.

(2) TREATMENT OF PLAN DISTRIBUTIONS.—If a distribution to an individual would (without regard to paragraph (1)) be a qualified Hurricane Katrina distribution, a plan shall not be treated as violating any requirement of the Internal Revenue Code of 1986 merely because the plan treats such distribution as a qualified Hurricane Katrina distribution, unless the aggregate amount of such distributions from all plans maintained by the employer (and any member of any controlled group which includes the employer) to such individual exceeds $100,000.

(3) CONTROLLED GROUP.—For purposes of paragraph (2), the term ''controlled group'' means any group treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of such Code.

(c) AMOUNT DISTRIBUTED MAY BE REPAID.—

(1) IN GENERAL.—Any individual who receives a qualified Hurricane Katrina distribution may, at any time during the 3-year period beginning on the day after the date on which such distribution was received, make one or more contributions in an aggregate amount not to exceed the amount of such distribution to an eligible retirement plan of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), 408(d)(3), or 457(e)(16) of such Code, as the case may be.

(2) TREATMENT OF REPAYMENTS OF DISTRIBUTIONS FROM ELIGIBLE RETIREMENT PLANS OTHER THAN IRAS.—For purposes of such Code, if a contribution is made pursuant to paragraph (1) with respect to a qualified Hurricane Katrina distribution from an eligible retirement plan other than an individual retirement plan, then the taxpayer shall, to the extent of the amount of the contribution, be treated as having received the qualified Hurricane Katrina distribution in an eligible rollover distribution (as defined in section 402(c)(4) of such Code) and as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

(3) TREATMENT OF REPAYMENTS FOR DISTRIBUTIONS FROM IRAS.—For purposes of such Code, if a contribution is made pursuant to paragraph (1) with respect to a qualified Hurricane Katrina distribution from an individual retirement plan (as defined by section 7701(a)(37) of such Code), then, to the extent of the amount of the contribution, the qualified Hurricane Katrina distribution shall be treated as a distribution described in section 408(d)(3) of such Code and as having been transferred to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

(d) DEFINITIONS.—For purposes of this section—

(1) QUALIFIED HURRICANE KATRINA DISTRIBUTION.—Except as provided in subsection (b), the term ''qualified Hurricane Katrina distribution'' means any distribution from an eligible retirement plan made on or after August 25, 2005, and before January 1, 2007, to an individual whose principal place of abode on August 28, 2005, is located in the Hurricane Katrina disaster area and who has sustained an economic loss by reason of Hurricane Katrina.

(2) ELIGIBLE RETIREMENT PLAN.—The term ''eligible retirement plan'' shall have the meaning given such term by section 402(c)(8)(B) of such Code.

(e) INCOME INCLUSION SPREAD OVER 3 YEAR PERIOD FOR QUALIFIED HURRICANE KATRINA DISTRIBUTIONS.—

(1) IN GENERAL.—In the case of any qualified Hurricane Katrina distribution, unless the taxpayer elects not to have this subsection apply for any taxable year, any amount required to be included in gross income for such taxable year shall be so included ratably over the 3-taxable year period beginning with such taxable year.

(2) SPECIAL RULE.—For purposes of paragraph (1), rules similar to the rules of subparagraph (E) of section 408A(d)(3) of such Code shall apply.

(f) SPECIAL RULES.—

(1) EXEMPTION OF DISTRIBUTIONS FROM TRUSTEE TO TRUSTEE TRANSFER AND WITHHOLDING RULES.—For purposes of sections 401(a)(31), 402(f), and 3405 of such Code, qualified Hurricane Katrina distributions shall not be treated as eligible rollover distributions.

(2) QUALIFIED HURRICANE KATRINA DISTRIBUTIONS TREATED AS MEETING PLAN DISTRIBUTION REQUIREMENTS.—For purposes of such Code, a qualified Hurricane Katrina distribution shall be treated as meeting the requirements of sections 401(k)(2)(B)(i), 403(b)(7)(A)(ii), 403(b)(11), and 457(d)(1)(A) of such Code.

SEC. 102. RECONTRIBUTIONS OF WITHDRAWALS FOR HOME PURCHASES CANCELLED DUE TO HURRICANE KATRINA.

(a) RECONTRIBUTIONS.—

(1) IN GENERAL.—Any individual who received a qualified distribution may, during the period beginning on August 25, 2005, and ending on February 28, 2006, make one or more contributions in an aggregate amount not to exceed the amount of such qualified distribution to an eligible retirement plan (as defined in section 402(c)(8)(B) of the Internal Revenue Code of 1986) of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), or 408(d)(3) of such Code, as the case may be.

(2) TREATMENT OF REPAYMENTS.—Rules similar to the rules of paragraphs (2) and (3) of section 101(c) of this Act shall apply for purposes of this section.

(b) QUALIFIED DISTRIBUTION DEFINED.—For purposes of this section, the term ''qualified distribution'' means any distribution—

(1) described in section 401(k)(2)(B)(i)(IV), 403(b)(7)(A)(ii) (but only to the extent such distribution relates to financial hardship), 403(b)(11)(B), or 72(t)(2)(F) of such Code,

(2) received after February 28, 2005, and before August 29, 2005, and

(3) which was to be used to purchase or construct a principal residence in the Hurricane Katrina disaster area, but which was not so purchased or constructed on account of Hurricane Katrina.

SEC. 103. LOANS FROM QUALIFIED PLANS FOR RELIEF RELATING TO HURRICANE KATRINA.

(a) INCREASE IN LIMIT ON LOANS NOT TREATED AS DISTRIBUTIONS.—In the case of any loan from a qualified employer plan (as defined under section 72(p)(4) of the Internal Revenue Code of 1986) to a qualified individual made after the date of enactment of this Act and before January 1, 2007—

(1) clause (i) of section 72(p)(2)(A) of such Code shall be applied by substituting ''$100,000'' for ''$50,000'', and

(2) clause (ii) of such section shall be applied by substituting ''the present value of the nonforfeitable accrued benefit of the employee under the plan'' for ''one-half of the present value of the nonforfeitable accrued benefit of the employee under the plan''.

(b) DELAY OF REPAYMENT.—In the case of a qualified individual with an outstanding loan on or after August 25, 2005, from a qualified employer plan (as defined in section 72(p)(4) of such Code)—

(1) if the due date pursuant to subparagraph (B) or (C) of section 72(p)(2) of such Code for any repayment with respect to such loan occurs during the period beginning on August 25, 2005, and ending on December 31, 2006, such due date shall be delayed for 1 year,

(2) any subsequent repayments with respect to any such loan shall be appropriately adjusted to reflect the delay in the due date under paragraph (1) and any interest accruing during such delay, and

(3) in determining the 5-year period and the term of a loan under subparagraph (B) or (C) of section 72(p)(2) of such Code, the period described in paragraph (1) shall be disregarded.

(c) QUALIFIED INDIVIDUAL.—For purposes of this section, the term ''qualified individual'' means an individual whose principal place of abode on August 28, 2005, is located in the Hurricane Katrina disaster area and who has sustained an economic loss by reason of Hurricane Katrina.

SEC. 104. PROVISIONS RELATING TO PLAN AMENDMENTS.

(a) IN GENERAL.—If this section applies to any amendment to any plan or annuity contract, such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in subsection (b)(2)(A).

(b) AMENDMENTS TO WHICH SECTION APPLIES.—

(1) IN GENERAL.—This section shall apply to any amendment to any plan or annuity contract which is made—

(A) pursuant to any amendment made by this title, or pursuant to any regulation issued by the Secretary of the Treasury or the Secretary of Labor under this title, and

(B) on or before the last day of the first plan year beginning on or after January 1, 2007, or such later date as the Secretary of the Treasury may prescribe.

In the case of a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986), subparagraph (B) shall be applied by substituting the date which is 2 years after the date otherwise applied under subparagraph (B).

(2) CONDITIONS.—This section shall not apply to any amendment unless—

(A) during the period—

(i) beginning on the date the legislative or regulatory amendment described in paragraph (1)(A) takes effect (or in the case of a plan or contract amendment not required by such legislative or regulatory amendment, the effective date specified by the plan), and

(ii) ending on the date described in paragraph (1)(B) (or, if earlier, the date the plan or contract amendment is adopted),

the plan or contract is operated as if such plan or contract amendment were in effect; and

(B) such plan or contract amendment applies retroactively for such period.

TITLE II—EMPLOYMENT RELIEF

SEC. 201. WORK OPPORTUNITY TAX CREDIT FOR HURRICANE KATRINA EMPLOYEES.

(a) IN GENERAL.—For purposes of section 51 of the Internal Revenue Code of 1986, a Hurricane Katrina employee shall be treated as a member of a targeted group.

(b) HURRICANE KATRINA EMPLOYEE.—For purposes of this section, the term ''Hurricane Katrina employee'' means—

(1) any individual who on August 28, 2005, had a principal place of abode in the core disaster area and who is hired during the 2-year period beginning on such date for a position the principal place of employment of which is located in the core disaster area, and

(2) any individual who on such date had a principal place of abode in the core disaster area, who is displaced from such abode by reason of Hurricane Katrina, and who is hired during the period beginning on such date and ending on December 31, 2005.

(c) REASONABLE IDENTIFICATION ACCEPTABLE.—In lieu of the certification requirement under subparagraph (A) of section 51(d)(12) of such Code, an individual may provide to the employer reasonable evidence that the individual is a Hurricane Katrina employee, and subparagraph (B) of such section shall be applied as if such evidence were a certification described in such subparagraph.

(d) SPECIAL RULES FOR DETERMINING CREDIT.—For purposes of applying subpart F of part IV of subchapter A of chapter 1 of such Code to wages paid or incurred to any Hurricane Katrina employee—

(1) section 51(c)(4) of such Code shall not apply, and

(2) section 51(i)(2) of such Code shall not apply with respect to the first hire of such employee as a Hurricane Katrina employee, unless such employee was an employee of the employer on August 28, 2005.

SEC. 202. EMPLOYEE RETENTION CREDIT FOR EMPLOYERS AFFECTED BY HURRICANE KATRINA.

(a) IN GENERAL.—In the case of an eligible employer, there shall be allowed as a credit against the tax imposed by chapter 1 of the Internal Revenue Code of 1986 for the taxable year an amount equal to 40 percent of the qualified wages with respect to each eligible employee of such employer for such taxable year. For purposes of the preceding sentence, the amount of qualified wages which may be taken into account with respect to any individual shall not exceed $6,000.

(b) DEFINITIONS.—For purposes of this section—

(1) ELIGIBLE EMPLOYER.—The term ''eligible employer'' means any employer—

(A) which conducted an active trade or business on August 28, 2005, in a core disaster area, and

(B) with respect to whom the trade or business described in subparagraph (A) is inoperable on any day after August 28, 2005, and before January 1, 2006, as a result of damage sustained by reason of Hurricane Katrina.

(2) ELIGIBLE EMPLOYEE.—The term ''eligible employee'' means with respect to an eligible employer an employee whose principal place of employment on August 28, 2005, with such eligible employer was in a core disaster area.

(3) QUALIFIED WAGES.—The term ''qualified wages'' means wages (as defined in section 51(c)(1) of such Code, but without regard to section 3306(b)(2)(B) of such Code) paid or incurred by an eligible employer with respect to an eligible employee on any day after August 28, 2005, and before January 1, 2006, which occurs during the period—

(A) beginning on the date on which the trade or business described in paragraph (1) first became inoperable at the principal place of employment of the employee immediately before Hurricane Katrina, and

(B) ending on the date on which such trade or business has resumed significant operations at such principal place of employment.

Such term shall include wages paid without regard to whether the employee performs no services, performs services at a different place of employment than such principal place of employment, or performs services at such principal place of employment before significant operations have resumed.

(c) CREDIT NOT ALLOWED FOR LARGE BUSINESSES.—The term ''eligible employer'' shall not include any trade or business for any taxable year if such trade or business employed an average of more than 200 employees on business days during the taxable year.

(d) CERTAIN RULES TO APPLY.—For purposes of this section, rules similar to the rules of sections 51(i)(1), 52, and 280C(a) of such Code shall apply.

(e) EMPLOYEE NOT TAKEN INTO ACCOUNT MORE THAN ONCE.—An employee shall not be treated as an eligible employee for purposes of this section for any period with respect to any employer if such employer is allowed a credit under section 51 of such Code with respect to such employee for such period.

(f) CREDIT TO BE PART OF GENERAL BUSINESS CREDIT.—The credit allowed under this section shall be added to the current year business credit under section 38(b) of such Code and shall be treated as a credit allowed under subpart D of part IV of subchapter A of chapter 1 of such Code.

TITLE III—CHARITABLE GIVING INCENTIVES

SEC. 301. TEMPORARY SUSPENSION OF LIMITATIONS ON CHARITABLE CONTRIBUTIONS.

(a) IN GENERAL.—Except as otherwise provided in subsection (b), section 170(b) of the Internal Revenue Code of 1986 shall not apply to qualified contributions and such contributions shall not be taken into account for purposes of applying subsections (b) and (d) of section 170 of such Code to other contributions.

(b) TREATMENT OF EXCESS CONTRIBUTIONS.—For purposes of section 170 of such Code—

(1) INDIVIDUALS.—In the case of an individual—

(A) LIMITATION.—Any qualified contribution shall be allowed only to the extent that the aggregate of such contributions does not exceed the excess of the taxpayer's contribution base (as defined in subparagraph (F) of section 170(b)(1) of such Code) over the amount of all other charitable contributions allowed under such section 170(b)(1).

(B) CARRYOVER.—If the aggregate amount of qualified contributions made in the contribution year (within the meaning of section 170(d)(1) of such Code) exceeds the limitation of subparagraph (A), such excess shall be added to the excess described in the portion of subparagraph (A) of such section which precedes clause (i) thereof for purposes of applying such section.

(2) CORPORATIONS.—In the case of a corporation—

(A) LIMITATION.—Any qualified contribution shall be allowed only to the extent that the aggregate of such contributions does not exceed the excess of the taxpayer's taxable income (as determined under paragraph (2) of section 170(b) of such Code) over the amount of all other charitable contributions allowed under such paragraph.

(B) CARRYOVER.—Rules similar to the rules of paragraph (1)(B) shall apply for purposes of this paragraph.

(c) EXCEPTION TO OVERALL LIMITATION ON ITEMIZED DEDUCTIONS.—So much of any deduction allowed under section 170 of such Code as does not exceed the qualified contributions paid during the taxable year shall not be treated as an itemized deduction for purposes of section 68 of such Code.

(d) QUALIFIED CONTRIBUTIONS.—

(1) IN GENERAL.—For purposes of this section, the term ''qualified contribution'' means any charitable contribution (as defined in section 170(c) of such Code)—

(A) paid during the period beginning on August 28, 2005, and ending on December 31, 2005, in cash to an organization described in section 170(b)(1)(A) of such Code (other than an organization described in section 509(a)(3) of such Code),

(B) in the case of a contribution paid by a corporation, such contribution is for relief efforts related to Hurricane Katrina, and

(C) with respect to which the taxpayer has elected the application of this section.

(2) EXCEPTION.—Such term shall not include a contribution if the contribution is for establishment of a new, or maintenance in an existing, segregated fund or account with respect to which the donor (or any person appointed or designated by such donor) has, or reasonably expects to have, advisory privileges with respect to distributions or investments by reason of the donor's status as a donor.

(3) APPLICATION OF ELECTION TO PARTNERSHIPS AND S CORPORATIONS.—In the case of a partnership or S corporation, the election under paragraph (1)(C) shall be made separately by each partner or shareholder.

SEC. 302. ADDITIONAL EXEMPTION FOR HOUSING HURRICANE KATRINA DISPLACED INDIVIDUALS.

(a) IN GENERAL.—In the case of taxable years of a natural person beginning in 2005 or 2006, for purposes of the Internal Revenue Code of 1986, taxable income shall be reduced by $500 for each Hurricane Katrina displaced individual of the taxpayer for the taxable year.

(b) LIMITATIONS.—

(1) DOLLAR LIMITATION.—The reduction under subsection (a) shall not exceed $2,000, reduced by the amount of the reduction under this section for all prior taxable years.

(2) INDIVIDUALS TAKEN INTO ACCOUNT ONLY ONCE.—An individual shall not be taken into account under subsection (a) if such individual was taken into account under such subsection by the taxpayer for any prior taxable year.

(3) IDENTIFYING INFORMATION REQUIRED.—An individual shall not be taken into account under subsection (a) for a taxable year unless the taxpayer identification number of such individual is included on the return of the taxpayer for such taxable year.

(c) HURRICANE KATRINA DISPLACED INDIVIDUAL.—For purposes of this section, the term ''Hurricane Katrina displaced individual'' means, with respect to any taxpayer for any taxable year, any natural person if—

(1) such person's principal place of abode on August 28, 2005, was in the Hurricane Katrina disaster area,

(2)(A) in the case of such an abode located in the core disaster area, such person is displaced from such abode, or

(B) in the case of such an abode located outside of the core disaster area, such person is displaced from such abode, and

(i) such abode was damaged by Hurricane Katrina, or

(ii) such person was evacuated from such abode by reason of Hurricane Katrina, and

(3) such person is provided housing free of charge by the taxpayer in the principal residence of the taxpayer for a period of 60 consecutive days which ends in such taxable year.

Such term shall not include the spouse or any dependent of the taxpayer.

(d) COMPENSATION FOR HOUSING.—No deduction shall be allowed under this section if the taxpayer receives any rent or other amount (from any source) in connection with the providing of such housing.

SEC. 303. INCREASE IN STANDARD MILEAGE RATE FOR CHARITABLE USE OF VEHICLES.

Notwithstanding section 170(i) of the Internal Revenue Code of 1986, for purposes of computing the deduction under section 170 of such Code for use of a vehicle described in subsection (f)(12)(E)(i) of such section for provision of relief related to Hurricane Katrina during the period beginning on August 25, 2005, and ending on December 31, 2006, the standard mileage rate shall be 70 percent of the standard mileage rate in effect under section 162(a) of such Code at the time of such use. Any increase under this section shall be rounded to the next highest cent.

SEC. 304. MILEAGE REIMBURSEMENTS TO CHARITABLE VOLUNTEERS EXCLUDED FROM GROSS INCOME.

(a) IN GENERAL.—For purposes of the Internal Revenue Code of 1986, gross income of an individual for taxable years ending on or after August 25, 2005, does not include amounts received, from an organization described in section 170(c) of such Code, as reimbursement of operating expenses with respect to use of a passenger automobile for the benefit of such organization in connection with providing relief relating to Hurricane Katrina during the period beginning on August 25, 2005, and ending on December 31, 2006. The preceding sentence shall apply only to the extent that the expenses which are reimbursed would be deductible under chapter 1 of such Code if section 274(d) of such Code were applied—

(1) by using the standard business mileage rate in effect under section 162(a) at the time of such use, and

(2) as if the individual were an employee of an organization not described in section 170(c) of such Code.

(b) APPLICATION TO VOLUNTEER SERVICES ONLY.—Subsection (a) shall not apply with respect to any expenses relating to the performance of services for compensation.

(c) NO DOUBLE BENEFIT.—No deduction or credit shall be allowed under any other provision of such Code with respect to the expenses excludable from gross income under subsection (a).

SEC. 305. CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) IN GENERAL.—Paragraph (3) of section 170(e) of the Internal Revenue Code of 1986 (relating to special rule for certain contributions of inventory and other property) is amended by redesignating subparagraph (C) as subparagraph (D) and by inserting after subparagraph (B) the following new subparagraph:

''(C) SPECIAL RULE FOR CONTRIBUTIONS OF FOOD INVENTORY.—

''(i) GENERAL RULE.—In the case of a charitable contribution of food from any trade or business of the taxpayer, this paragraph shall be applied—

''(I) without regard to whether the contribution is made by a C corporation, and

''(II) only to food that is apparently wholesome food.

''(ii) LIMITATION.—In the case of a taxpayer other than a C corporation, the aggregate amount of such contributions for any taxable year which may be taken into account under this section shall not exceed 10 percent of the taxpayer's aggregate net income for such taxable year from all trades or businesses from which such contributions were made for such year, computed without regard to this section.

''(iii) APPARENTLY WHOLESOME FOOD.—For purposes of this subparagraph, the term 'apparently wholesome food' has the meaning given to such term by section 22(b)(2) of the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. 1791(b)(2)), as in effect on the date of the enactment of this subparagraph.

''(iv) TERMINATION.—This subparagraph shall not apply to contributions made after December 31, 2005.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made on or after August 28, 2005, in taxable years ending after such date.

SEC. 306. CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF BOOK INVENTORIES TO PUBLIC SCHOOLS.

(a) IN GENERAL.—Paragraph (3) of section 170(e) of the Internal Revenue Code of 1986 (relating to certain contributions of ordinary income and capital gain property), as amended by section 305, is amended by redesignating subparagraph (D) as subparagraph (E) and by inserting after subparagraph (C) the following new subparagraph:

''(D) SPECIAL RULE FOR CONTRIBUTIONS OF BOOK INVENTORY TO PUBLIC SCHOOLS.—

''(i) CONTRIBUTIONS OF BOOK INVENTORY.—In determining whether a qualified book contribution is a qualified contribution, subparagraph (A) shall be applied without regard to whether the donee is an organization described in the matter preceding clause (i) of subparagraph (A).

''(ii) QUALIFIED BOOK CONTRIBUTION.—For purposes of this paragraph, the term 'qualified book contribution' means a charitable contribution of books to a public school which is an educational organization described in subsection (b)(1)(A)(ii) and which provides elementary education or secondary education (kindergarten through grade 12).

''(iii) CERTIFICATION BY DONEE.—Subparagraph (A) shall not apply to any contribution unless (in addition to the certifications required by subparagraph (A) (as modified by this subparagraph)), the donee certifies in writing that—

''(I) the books are suitable, in terms of currency, content, and quantity, for use in the donee's educational programs, and

''(II) the donee will use the books in its educational programs.

''(iv) TERMINATION.—This subparagraph shall not apply to contributions made after December 31, 2005.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made on or after August 28, 2005, in taxable years ending after such date.

TITLE IV—ADDITIONAL TAX RELIEF PROVISIONS

SEC. 401. EXCLUSIONS OF CERTAIN CANCELLATIONS OF INDEBTEDNESS BY REASON OF HURRICANE KATRINA.

(a) IN GENERAL.—For purposes of the Internal Revenue Code of 1986, gross income shall not include any amount which (but for this section) would be includible in gross income by reason of the discharge (in whole or in part) of indebtedness of a natural person described in subsection (b) by an applicable entity (as defined in section 6050P(c)(1) of such Code).

(b) PERSONS DESCRIBED.—A natural person is described in this subsection if the principal place of abode of such person on August 25, 2005, was located—

(1) in the core disaster area, or

(2) in the Hurricane Katrina disaster area (but outside the core disaster area) and such person suffered economic loss by reason of Hurricane Katrina.

(c) EXCEPTIONS.—

(1) BUSINESS INDEBTEDNESS.—Subsection (a) shall not apply to any indebtedness incurred in connection with a trade or business.

(2) REAL PROPERTY OUTSIDE CORE DISASTER AREA.—Subsection (a) shall not apply to any discharge of indebtedness to the extent that real property constituting security for such indebtedness is located outside of the Hurricane Katrina disaster area.

(d) DENIAL OF DOUBLE BENEFIT.—For purposes of the Internal Revenue Code of 1986, the amount excluded from gross income under subsection (a) shall be treated in the same manner as an amount excluded under section 108(a) of such Code.

(e) EFFECTIVE DATE.—This section shall apply to discharges made on or after August 25, 2005, and before January 1, 2007.

SEC. 402. SUSPENSION OF CERTAIN LIMITATIONS ON PERSONAL CASUALTY LOSSES.

Paragraphs (1) and (2)(A) of section 165(h) of the Internal Revenue Code of 1986 shall not apply to losses described in section 165(c)(3) of such Code which arise in the Hurricane Katrina disaster area on or after August 25, 2005, and which are attributable to Hurricane Katrina. In the case of any other losses, section 165(h)(2)(A) of such Code shall be applied without regard to the losses referred to in the preceding sentence.

SEC. 403. REQUIRED EXERCISE OF AUTHORITY UNDER SECTION 7508A FOR TAX RELIEF RELATING TO HURRICANE KATRINA.

(a) AUTHORITY INCLUDES SUSPENSION OF PAYMENT OF EMPLOYMENT AND EXCISE TAXES.—Subparagraphs (A) and (B) of section 7508(a)(1) of the Internal Revenue Code of 1986 are amended to read as follows:

''(A) Filing any return of income, estate, gift, employment, or excise tax;

''(B) Payment of any income, estate, gift, employment, or excise tax or any installment thereof or of any other liability to the United States in respect thereof;''.

(b) APPLICATION WITH RESPECT TO HURRICANE KATRINA.—In the case of any taxpayer determined by the Secretary of the Treasury to be affected by the Presidentially declared disaster relating to Hurricane Katrina, any relief provided by the Secretary of the Treasury under section 7508A of the Internal Revenue Code of 1986 shall be for a period ending not earlier than February 28, 2006, and shall be treated as applying to the filing of returns relating to, and the payment of, employment and excise taxes.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply for any period for performing an act which has not expired before August 25, 2005.

SEC. 404. SPECIAL RULES FOR MORTGAGE REVENUE BONDS.

(a) IN GENERAL.—In the case of financing provided with respect to a qualified Hurricane Katrina recovery residence, subsection (d) of section 143 of the Internal Revenue Code of 1986 shall be applied as if such residence were a targeted area residence.

(b) QUALIFIED HURRICANE KATRINA RECOVERY RESIDENCE.—For purposes of this section, the term ''qualified Hurricane Katrina recovery residence'' means—

(1) any residence in the core disaster area, and

(2) any other residence if—

(A) such other residence is located in the same State as the principal residence referred to in subparagraph (B), and

(B) the mortgagor with respect to such other residence owned a principal residence on August 28, 2005, which—

(i) was located in the Hurricane Katrina disaster area, and

(ii) was rendered uninhabitable by reason of Hurricane Katrina.

(c) SPECIAL RULE FOR HOME IMPROVEMENT LOANS.—In the case of any loan with respect to a residence in the Hurricane Katrina disaster area, section 143(k)(4) of such Code shall be applied by substituting $150,000 for the dollar amount contained therein to the extent such loan is for the repair of damage by reason of Hurricane Katrina.

(d) APPLICATION.—Subsection (a) shall not apply to financing provided after December 31, 2007.

SEC. 405. EXTENSION OF REPLACEMENT PERIOD FOR NONRECOGNITION OF GAIN FOR PROPERTY LOCATED IN HURRICANE KATRINA DISASTER AREA.

Clause (i) of section 1033(a)(2)(B) of the Internal Revenue Code of 1986 shall be applied by substituting ''5 years'' for ''2 years'' with respect to property in the Hurricane Katrina disaster area which is compulsorily or involuntarily converted on or after August 25, 2005, by reason of Hurricane Katrina, but only if substantially all of the use of the replacement property is in such area.

SEC. 406. SPECIAL RULE FOR DETERMINING EARNED INCOME.

(a) IN GENERAL.—In the case of a qualified individual, if the earned income of the taxpayer for the taxable year which includes August 25, 2005, is less than the earned income of the taxpayer for the preceding taxable year, the credits allowed under sections 24(d) and 32 of the Internal Revenue Code of 1986 may, at the election of the taxpayer, be determined by substituting—

(1) such earned income for the preceding taxable year, for

(2) such earned income for the taxable year which includes August 25, 2005.

(b) QUALIFIED INDIVIDUAL.—For purposes of this section, the term ''qualified individual'' means any individual whose principal place of abode on August 25, 2005, was located—

(1) in the core disaster area, or

(2) in the Hurricane Katrina disaster area (but outside the core disaster area) and such individual was displaced from such principal place of abode by reason of Hurricane Katrina.

(c) EARNED INCOME.—For purposes of this section, the term ''earned income'' has the meaning given such term under section 32(c) of such Code.

(d) SPECIAL RULES.—

(1) APPLICATION TO JOINT RETURNS.—For purpose of subsection (a), in the case of a joint return for a taxable year which includes August 25, 2005—

(A) such subsection shall apply if either spouse is a qualified individual, and

(B) the earned income of the taxpayer for the preceding taxable year shall be the sum of the earned income of each spouse for such preceding taxable year.

(2) UNIFORM APPLICATION OF ELECTION.—Any election made under subsection (a) shall apply with respect to both section 24(d) and section 32 of such Code.

(3) ERRORS TREATED AS MATHEMATICAL ERROR.—For purposes of section 6213 of such Code, an incorrect use on a return of earned income pursuant to subsection (a) shall be treated as a mathematical or clerical error.

(4) NO EFFECT ON DETERMINATION OF GROSS INCOME, ETC.—Except as otherwise provided in this section, the Internal Revenue Code of 1986 shall be applied without regard to any substitution under subsection (a).

SEC. 407. SECRETARIAL AUTHORITY TO MAKE ADJUSTMENTS REGARDING TAXPAYER AND DEPENDENCY STATUS.

With respect to taxable years beginning in 2005 or 2006, the Secretary of the Treasury or the Secretary's delegate may make such adjustments in the application of the internal revenue laws as may be necessary to ensure that taxpayers do not lose any deduction or credit or experience a change of filing status by reason of temporary relocations by reason of Hurricane Katrina. Any adjustments made under the preceding sentence shall ensure that an individual is not taken into account by more than one taxpayer with respect to the same tax benefit.

TITLE V—EMERGENCY REQUIREMENT

SEC. 501. EMERGENCY REQUIREMENT.

Any provision of this Act causing an effect on receipts, budget authority, or outlays is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

Mr. GRASSLEY. Mr. President, so far, the Finance Committee has put forth two Hurricane Katrina relief bills. One is the emergency tax relief bill passed today.

The second is the health and welfare bill introduced last Thursday.

And we're working on a third bill to help rebuild and rejuvenate the Gulf region.

Today I met with Mississippi Governor Haley Barbour to hear about the needs of people in the Katrina area, both now and in the future.

In addition to Senator BAUCUS, I've been working with my colleagues from Mississippi, Louisiana, and Alabama, including the cosponsors of this tax bill—Senators LOTT, LANDRIEU, VITTER, COCHRAN and SHELBY.

For the next package, we're taking ideas from these senators.

I've talked with Senator VITTER, Senator LOTT and Senator LANDRIEU about tax incentives and expect to talk with the rest of the group in the coming days.

We've had the biggest natural disaster in history. People are hurting, and we're getting them help.

We know that tax incentives helped to revitalize New York after 9/11. They can do the same for New Orleans, Gulfport and the other hurricane-hit areas.

The immediate relief package will help get short-term aid to hurricane victims by encouraging food donations and the employment of displaced individuals, for example.

For those who've suffered casualty losses, we've liberalized the tax rules to permit affected taxpayers to deduct losses from damaged property.

We also want to help protect Katrina victims from undeserved IRS harassment.

It's good that the House and Senate quickly worked out minor differences in our respective versions of the bill.

We need to get these tax incentives on the books and help Katrina victims make a fresh start.

The President is working to restore a high quality of life to the people of the gulf region, and today we're contributing a solid piece of legislation to his effort.

After this package is completed, our focus will be on longer-term tax incentives to help rebuild homes and businesses.

We're looking at depreciation changes, tax-exempt bond authority, tax-exempt bond refunding, and enterprise-zone initiatives.

In the coming days and weeks, the Finance Committee will be examining these ideas with an eye toward the most effective and efficient use of the taxpayer's dollar.

The more thoughtful we are, and the more expeditiously we act, the sooner the people of the gulf region can return home, earn a living, and rebuild their communities.

Mr. BAUCUS. Mr. President, traveling down to the gulf coast region last week, I saw firsthand the havoc that Hurricane Katrina had wreaked. As colleagues who have been down there know, in many places, it is stunning. It is like a war zone. It is worse than the pictures.

At one stop, we went into what was left of a library. Muck and ruin covered books and other library materials. One shiny object caught my eye and I picked up. It was a DVD of the film, ''The Perfect Storm.''

The victims of Katrina have many immediate needs. The legislation that we pass today will address four of them.

One, they need cash. And they need it fast. Two, they need jobs. Three, they need housing. And four, charities need help from Congress so they can help the victims of the hurricane.

I am pleased that Congress could come together and act quickly on this emergency tax relief to address those needs.

First, victims of Katrina need immediate access to cash. The working poor should not lose government benefits that they currently receive. These benefits are an important supplement to low-income working families. A prolonged change in their living situation could affect their eligibility for these benefits, such as the earned income credit and the child tax credit. This bill will allow displaced individuals to use their 2004 income to calculate benefits on their 2005 tax return. It will further ensure that these working families do not lose deductions, credits or filing status because the family is displaced from their home.

We also allow victims of Katrina access to retirement accounts for immediate cash assistance. Under current law, there is a 10 percent penalty for early distributions of money in these accounts. We waive that penalty and allow displaced persons to recontribute to the retirement account over a 3-year period.

Victims also need tax relief if a commercial lender forgives their debt. When a commercial lender discharges debt—such as a cancellation of a mortgage—this amount is included as income for tax purposes. This legislation ensures that individuals affected by the hurricane are not taxed on this personal debt relief.

Second, victims of Katrina want to get back in the workforce. We provide businesses with the tools that they need to hire displaced workers. The Work Opportunity Tax Credit allows employers to claim a credit against wages paid to new workers that face barriers to employment. It applies to veterans, low-income families, and other targeted groups. We expand the Work Opportunity Tax Credit to cover all survivors of Hurricane Katrina who lived in the disaster zone no matter where they seek a job.

We also allow employers located in the disaster zone to take a $2,400 tax credit on wages paid to employees during the period the business was shut down. These employees have tapped into their savings to help out their employees.

Third, we address the housing needs of people dislocated by the hurricane. Many folks across the country have opened up their hearts and opened up their homes. These generous individuals now face increased living expenses—higher water, electric, and grocery bills. This is a considerable burden. We help defray these costs.

We create a special tax deduction for individuals who provide rent-free housing to dislocated persons for at least 60 days. The deduction is $500 for each dislocated person up to a maximum of $2,000.

Finally, the victims need the generosity of individuals and businesses across this country. There has been a surge in giving to charitable organizations. We should encourage this activity. Our bill provides incentives for corporations to increase gifts of cash, food, books, and other items sorely needed in the affected areas and communities.

We didn't get everything we wanted in this bill. I regret that my House colleagues did not accept our provision supporting ''pay protection'' for military reservists and guards and I will continue to work with my colleagues, Senators LANDRIEU and KERRY, to get this enacted. As passed by the Senate, employers in the disaster zone who continued to pay employees that were activated by the reserves or the National Guard would also be entitled to the employee retention credit. Over a third of the Guard members in Mississippi and Louisiana are currently serving in Iraq, and in Alabama, all major Guard units who have been activated for the disaster have already served in Iraq or are there currently. Around 500 of the 3,700 Louisiana National Guard members serving in Iraq lost their homes or their families were displaced due to Hurricane Katrina. If their loyal employers, who despite being hit by Hurricane Katrina, were continuing to help out these military families, why shouldn't Congress at a minimum extend this $2,400 employee retention credit? I am disappointed, but resolved to keep fighting on this matter.

In the coming weeks, I plan to work with my colleagues to draft a long-term tax relief package. We will draft legislation that will help rebuild homes and businesses, pump money into local economies, and help distressed working families.

I thank all Senators for allowing this emergency legislation to move forward today. Today, we have taken real steps, concrete steps, that will make a difference in the lives of people who can use the help. This is what we came here to government service to do. And I am glad that we have been able to do it.

Mr. KERRY. Mr. President, today, we are passing legislation which will provide immediate tax relief to those directly affected by this incredible disaster. This tax relief will help put cash in the hands of victims and encourage charitable giving. This legislation is needed, but I am deeply disappointed that this legislation is missing an extremely important component—relief for military reservists.

We have rightfully focused on rescuing, reuniting and rebuilding, but we must also make sure to take care of our strained military families. The first and best definition of patriotism is keeping faith with those who wear our uniform. That means giving our troops the resources they need to keep safe while they are keeping us safe. And it means supporting our troops at home as well as abroad.

The Senate passed Hurricane Katrina tax relief legislation which looked out for our military reservists. More than 40 percent of military reservists and National Guard members suffer a pay cut when they are called to defend our nation, including those serving in the gulf coast today. These citizens serve nobly. They are much more than weekend warriors. Currently, there are over 140,000 reservists called up for active duty in the war against terrorism and over ten thousand of these reservists and guardsman are from Louisiana, Alabama, and Mississippi. Over 50,000 National Guard members have been called up to assist with Hurricane Katrina.

Many of these reservists are being hit with a double-whammy. After recent service in Iraq or Afghanistan, they are coming home to an area that has been devastated. The all-volunteer army depends on these reservists. They have been serving our country with distinction and pride for many years, and should not be penalized financially for their honorable service.

The Senate passed bill included an employee retention credit which provides a 40 percent tax credit for wages paid up to $6,000 after August 28, 2005 and before December 31, 2005. This credit would help employers in the gulf coast who pay employees that are not able to work because the business was either damaged or destroyed and pay reservists and guardsmen that worked for them right up to the time before they were deployed.

Giving employers' incentives to pay reservist employees is the right thing to do. We have read about the Louisiana reservists who have come home from Iraq and found that they have lost everything. According to the Washington Post, nearly 550 of the Louisiana brigade's troops lost homes or loved ones or were otherwise affected by Katrina. The brigade is coming to the end of its rotation in Baghdad. This is exactly why we must provide a tax incentive that helps employers pay wages to these reservists. Businesses on the gulf coast want to do the right thing for their employees. But in the wake of this disaster, most just cannot afford it.

During negotiations between the House and the Senate on a final Hurricane Katrina tax package, the employee retention credit was scaled back. Wages paid to reservists are no longer eligible for the credit. This is the wrong message to be sending to our reservists who put their lives on the line defending our country.

Due to Operations Iraqi Freedom and Enduring Freedom in Afghanistan, the military has placed greater training and participation demands on reservists, taking them away from their families and jobs. We should be doing all we can to help these reservists, and this includes providing tax incentives to their employers who provide extended pay coverage.

Providing tax incentives to help employers in the gulf coast impacted by Hurricane Katrina was a step in the right direction in helping reservists. For the last couple of years, Senator LANDRIEU and I have worked on legislation to provide assistance to businesses that employ reservists who have been called up to active duty. That legislation would provide tax credits to employers who pay reservists wages that are above their military pay and to help with the costs of hiring replacement workers. This provision passed the Senate twice last year, unfortunately, it was not enacted into law.

This past Monday, I chaired a field hearing of the Committee on Small Business and Entrepreneurship entitled ''Military Reservists and Small Business: Supporting our Military Families and their Patriotic Small Business Employers.'' The hearing focused on the financial difficulties reservists who work for small businesses and their families face when they are called up to active duty.

Lieutenant Colonel Sam Poulten told his compelling story. He was a partner in a real estate firm and he received a three-day notice that he was being called-up to serve as a medical Army reservist in Iraq. Lieutenant Colonel Poulten spent 13 months away from his business, which saw a loss in sales due to his absence. His wife had to resort to using credit cards to pay for basic necessities. Lieutenant Colonel Poulten is one of the many examples of a reservist whose family and business faced financial struggles due to long mobilization.

Captain Marshall Hanson, USNR (Ret), Legislative Director of the Reserve Officers Association, discussed the consequences of mobilization and demobilization on military families and employers. He stated:

Families and employers play a large role in a citizen-warrior's decision on whether or not to enlist and to remain in the military. Employer pressure is cited as one of the top reasons why reservists quit military service.

We left military reservists who were personally impacted by Katrina out of this tax bill and this is wrong. After Monday's field hearing, I am convinced more than ever that we need to provide tax credits to small employers who pay reservists above their military wages and to help with the cost of a temporary replacement employee.

I thank Chairman GRASSLEY and Ranking Member BAUCUS for working with me to include wages paid to eligible reservists and guardsman as part of the employee retention tax credit. Unfortunately, we were not able to have this provision included in the final package.

I will continue to work on providing tax incentives for small business employers who have military reservists as employees. We must pass these tax incentives. If we do not make it easier for small businesses to employ military reservists, we will see a substantial decline in our reserve forces. According to published reports, the Army National Guard has missed its recruiting targets every month this year and appears certain to miss its third straight annual recruiting goal. Our military depends on these civilian-warriors. We need to recognize that the needs of our reserve forces are different than the needs of the career military. Our reservists did not sign-up for active duty, and they have been faced with long-term call ups and multiple call ups.

I do not understand why we cannot pass legislation which provides tax incentive to help employer's of civilian-warriors when we continue to pass tax cuts that just benefit the wealthy.

We need to do all that we can to help our reservists and the businesses that employ them to ensure that our great tradition of citizen soldiers does not fade or end because of the effect service can have on work and family in this time of crisis.

Mr. BENNETT. I ask unanimous consent the Senate concur in the House amendment to the Senate amendment and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNITED STATES COAST GUARD RESPONSE TO HURRICANE KATRINA

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 246, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 246) to express the sense of the Senate regarding the missions and performance of the United States Coast Guard in responding to Hurricane Katrina.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BENNETT. 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. 246) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 246

Whereas the United States Coast Guard has been charged by Congress with missions central to protecting the lives and well-being

of individuals and communities in the United States, including protecting homeland security, conducting search and rescue of lives in danger, protecting marine environments from pollution, maintaining maritime safety and aids to navigation, enforcing Federal fishing laws, and intercepting illegal drugs and migrants before they reach our shores;

Whereas the Coast Guard anticipated the potential for significant loss of life and property as Hurricane Katrina approached Louisiana, Mississippi, and Alabama and made landfall on August 29, 2005 and, in advance of the storm, relocated its personnel, vessels, and aircraft out of harm's way;

Whereas Hurricane Katrina made landfall as a Category 4 hurricane with winds reaching 175 miles per hour and massive storm surges, the combination of which left a trail of devastation unprecedented on United States soil, as it leveled countless homes, businesses, and other structures, displaced millions of people from their communities, and otherwise made coastal urban and rural areas unliveable;

Whereas the Coast Guard immediately deployed nearly 1,000 personnel, including captains, crew, pilots, rescue swimmers, pollution response teams, and other specialists and reservists, from stations all over the country, to coastal areas affected by the hurricane, for a total regional force size of approximately 3,619 personnel;

Whereas Coast Guard personnel who had never personally worked together before began to work as teams to conduct and coordinate search and rescue operations while Hurricane Katrina continued to bear down on the central Gulf of Mexico shoreline;

Whereas the Coast Guard rescued or evacuated 33,544 individuals as of September 21, 2005, a number that represents eight times the number of lives saved by the Coast Guard in an average year;

Whereas three Coast Guard pollution response Strike Teams responded to 1,129 pollution incidents as of September 20, 2005, which include total discharges of more than 7 million gallons of oil, unknown amounts of sewage, and unknown quantities of other toxic chemicals, and the Coast Guard has contained or otherwise closed 426 of these cases;

Whereas Coast Guard buoy tenders have responded to 964 discrepancies in buoys and other aids to navigation and have restored 39 of 48 critical aids to navigation as of September 21, 2005;

Whereas the costs of responding to Hurricane Katrina have depleted the Coast Guard's operations and maintenance budget for fiscal year 2005 and are rapidly depleting its budget for fiscal year 2006, and the Coast Guard's costs associated with this hurricane are anticipated to exceed $500 million;

Whereas the Coast Guard performed its hurricane response missions largely with outdated legacy assets, increasing the wear and tear on these assets while foregoing regularly scheduled maintenance activities in the interest of sustaining its surge in life-saving operations;

Whereas the Coast Guard already conducts its missions with the 40th oldest fleet of the 42 nations with Coast Guard or naval fleets;

Whereas the Coast Guard's program, known as Deepwater, for modernizing its fleet of vessels and aircraft, is vital for increasing the capabilities in performing its missions in the face of ever-increasing natural and human threats;

Whereas the Deepwater program requires sustained Federal funding commitments in order for the citizens of the United States to realize the benefits of the Coast Guard having state-of-the-art vessels, aircraft, technologies, and interoperable communication equipment;

Whereas in addition to covering operation and maintenance costs of a rapidly aging fleet, the Coast Guard needs to rebuild several Coast Guard facilities in Louisiana, Mississippi, and Alabama, including Station Gulfport which was completely destroyed and where personnel are now working in trailers amidst the ruins of that station;

Whereas the Coast Guard needs a strong Federal funding commitment to ensure that all of its unexpected expenditures during its response to Katrina are reimbursed;

Whereas more than 700 Coast Guard personnel stationed in the Gulf region lost their homes and all personal property and are now living on overcrowded Coast Guard vessels and in makeshift shelters;

Whereas before, during, and after the landfall of Hurricane Katrina, Coast Guard personnel exhibited determination and a full commitment to their missions, and the Coast Guard has proven to be one of the most resourceful and capable services in the United States government;

Whereas before, during, and after the landfall of Hurricane Katrina, Coast Guard personnel performed their missions with the highest level of bravery and self-sacrifice, and their effectiveness in performing their missions is unparalleled in the United States government;

Whereas the Coast Guard has an operational and command structure that allowed it to quickly take a leadership role in saving lives, without waiting for instruction or permission to act;

Whereas the Coast Guard's operational and command structure continues to serve as a model for other agencies that need to respond quickly to large-scale natural and man-made disasters;

Whereas the Coast Guard's effective leadership in responding to the aftermath of Hurricane Katrina, and the appointment of Vice Admiral Thad Allen as the primary Federal officer in charge of this response, is helping to restore the public's confidence in the Federal response effort: Now, therefore, be it

Resolved, by the Senate That it is the sense of the Senate that—

(1) the United States Coast Guard should receive Congress's highest commendation for its tremendous and highly effective response to the events surrounding Hurricane Katrina;

(2) the United States Congress should commit to providing the Coast Guard with the resources it needs to modernize and maintain its fleet of vessels and aircraft; and

(3) the Administration should ensure that the Coast Guard receives sufficient funding to cover its unexpected operational and capital costs associated with Hurricane Katrina.

MEASURES READ THE FIRST TIME—S. 1745 AND S. 1748

Mr. BENNETT. Mr. President, I understand there are two bills at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will read the titles of the bills.

The legislative clerk read as follows:

A bill (S. 1745) to expand the availability of resources under the Community Services Block Grant Act for individuals affected by Hurricane Katrina.

A bill (S. 1748) to establish a congressional commission to examine the Federal, State, and local response to the devastation wrought by Hurricane Katrina in the Gulf Region of the United States especially in the States of Louisiana, Mississippi, Alabama, and other areas impacted in the aftermath and make immediate corrective measures to improve such responses in the future.

Mr. BENNETT. Mr. President, I now ask for their second reading and, in order to place the bills on the calendar under the provisions of rule XIV, I object to my own request, all en bloc.

The PRESIDING OFFICER. Objection is heard.

ORDERS FOR THURSDAY, SEPTEMBER 22, 2005

Mr. BENNETT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Thursday, September 22. I further ask consent 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 H.R. 2744, the Agriculture appropriations bill; provided further that the Senate proceed to a vote in relation to the Dayton amendment No. 1844, to be followed by a vote in relation to the Jeffords amendment No. 1796, with no amendments in order to the amendments prior to the vote. I further ask consent that following those votes, the bill be read a third time and the Senate proceed to a vote on passage of the bill, with no intervening action or debate. I also ask consent that following the vote, the Senate insist on its amendment, request a conference with the House, and the Chair then be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BENNETT. Mr. President, tomorrow, the Senate will return to the consideration of the Agriculture appropriations bill. Under a previous order, we will start voting shortly after 9:30, with the final vote on passage. There could be as many as three votes in the morning. Following those votes, the majority leader has indicated that we will proceed to the Military Construction bill. Additional votes will occur on Thursday as we try to finish that appropriations bill as well. Again, Senators are to be reminded that a series of rollcall votes will begin tomorrow morning shortly after 9:30 a.m.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BENNETT. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:36 p.m., adjourned until Thursday, September 22, 2005, at 9:30 a.m.

EXTENSIONS OF REMARKS

PASSAVANT RETIREMENT COMMUNITY'S 100TH ANNIVERSARY

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Ms. HART. Mr. Speaker, I would like to take this opportunity to congratulate Passavant Retirement Community on the 100th year anniversary of its founding.

Over the past 100 years, the Passavant Retirement Community has been successful at encouraging their residents to maintain their independence, while also staying involved in community activities. Situated on 42 acres in the historic Lawrence County town of Zelienople, the retirement community has a true sense of caring and community among residents and staff. I recognize Passavant Retirement Community for all of their hard work and dedication to serving the citizens of western Pennsylvania.

I ask my colleagues in the United States House of Representatives to join me in honoring the 100th anniversary of the Passavant Retirement Community. It is an honor to represent the Fourth Congressional District of Pennsylvania and a pleasure to salute such principled organizations as the Passavant Retirement Community.

A PROCLAMATION CONGRATULATING SENIOR AIRMAN MATTHEW D. DAWLEY FOR RECEIVING THE AIR FORCE ACHIEVEMENT MEDAL FOR MERITORIOUS SERVICE

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Mr. NEY. Mr. Speaker:

Whereas, Senior Airman Matthew Dawley has served his country with honor and courage in the United States Air Force; and

Whereas, Senior Airman Matthew Dawley is to be commended for his actions with the 45th Civil Engineer Squadron at Patrick Air Force Base, Florida; and

Whereas, Senior Airman Matthew Dawley is the recipient of the Air Force Achievement Medal for meritorious service.

Therefore, I join with family and friends and the entire 18th Congressional District of Ohio in thanking Senior Airman Matthew Dawley of the United States Air Force for his service to our country and celebrate with him in receiving the Air Force Achievement Medal. Your service has made us proud.

A TRIBUTE TO THE UNITED NATIONS ASSOCIATION

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Mr. SCHIFF. Mr. Speaker, I rise today to honor the United Nations Association of the United States of America, Pasadena/Foothills Chapter, on the occasion of the 60th anniversary of the United Nations.

The United Nations Association of the United States of America Pasadena/Foothills Chapter was formed in 1947 and is one of the largest UNA–USA chapters in the Nation, encompassing most of the San Gabriel Valley, Burbank, Glendale, and Northeast Los Angeles. In 1972, it was one of the first chapters to be incorporated and then began an extensive program to educate the general public about the United Nations.

The Pasadena/Foothills Chapter of the UNA–USA has been most active in the field of education. They sponsor the UNA–USA National High School Essay Contest annually and also host current-event lectures on a regular basis. A quarterly newsletter, Our World, is also published to increase public awareness of advocacy issues and current foreign affairs. The Chapter has also most recently sponsored a Great Decisions course at Pasadena City College, taught by a current board member.

The current focus of the Pasadena/Foothills Chapter is to incorporate the Model United Nations curriculum into elementary and high schools in the Pasadena Area. The Model U.N. program encourages leadership and cooperation, while giving students opportunities to take part in competitions in the arenas of International Affairs, Human Rights, and Conflict Resolution.

The Pasadena/Foothills Chapter is also involved in many philanthropic efforts and sponsors an event known as the Night of a Thousand Dinners, raising over $12,000 in the last 2 years for land mine clearance. Trips to U.N. Conferences in countries such as Turkey, China, Italy, Cuba, and South Africa have also been organized by the Chapter.

This year, the Pasadena/Foothills Chapter is celebrating the 60th Anniversary of the United Nations. The Chapter is organizing an event at the Pacific Asia Museum that showcases the artwork of local and international artists centering on the themes of peace and equality to commemorate the founding of the U.N.

I ask all Members to join me in recognizing the United Nations Association of the United States of America, Pasadena/Foothills chapter, for its nearly 60 years of incredible work and service to the greater Pasadena Area.

PROVIDING FOR CONSIDERATION OF H. RES. 437, ESTABLISHING THE SELECT BIPARTISAN COMMITTEE TO INVESTIGATE THE PREPARATION FOR AND RESPONSE TO HURRICANE KATRINA

SPEECH OF

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mrs. McCARTHY. Mr. Speaker, Hurricane Katrina took an enormous personal toll on thousands of families across Louisiana, Mississippi and Alabama, many of whom are now relocated in neighboring states and need to begin rebuilding their lives. Congress' first priority must be to ensure the evacuees have the necessary resources.

We must also determine why the Federal response, led by FEMA and the Department of Homeland Security failed to recognize the urgency of the situation. Americans may have died because of the Federal Government's slow response. This is unacceptable.

Last Thursday, the House passed legislation in support of a bipartisan committee to investigate the Federal Government's response to Hurricane Katrina. Unfortunately the committee will not truly be bipartisan because it will be selected and led by the Republican leadership, which may be inclined to place blame on local officials while overlooking mistakes made by the Bush Administration. This will not give us the objectivity that we need. We must have an independent panel modeled after the 9/11 Commission.

It is not a question of Members being capable of serving on a committee, but I fear their political affiliations will cause many Americans to doubt the validity of their conclusions and findings. Americans no longer trust their elected officials to set aside politics and develop objective conclusions identifying personnel and policy that failed us during Katrina and what can be done to remedy our emergency infrastructure failures.

The 9/11 commission put politics aside and delivered concise and direct conclusions about failings in our intelligence infrastructure. We need to again appoint a similar non-partisan commission to ensure what happened in New Orleans never happens again and this begins with the response and actions of FEMA and the Department of Homeland Security.

I was pleased that Congress acted quickly to appropriate funds for the states and victims of the disaster. Congress has the responsibility to ensure that FEMA and the Department of Homeland Security use this aid appropriately to help those harmed by Katrina.

Since the creation of the Department of Homeland Security there have been detailed instances of contracting fraud and waste. In an effort to prevent this practice in the future, I have cosponsored legislation that calls for the creation of an Inspector General for Natural Disaster Response and Reconstruction

within the Department of Homeland Security. The Inspector General will have one responsibility, to conduct, supervise, and coordinate audits and investigations of the treatment and handling of Federal funds by any organization providing relief to Katrina. This will ensure the funds are reaching those most in need and ensure tax dollars are not wasted.

On a positive note, I congratulate my Long Island colleague, Congressman PETER KING, for being named Chairman of the Homeland Security Committee. With his experience working with Federal and local in the aftermath of the 9/11 terrorist attacks and serving on the Committee since its inception, PETER is more than qualified to lead. I am confident he will show the same dedication for rebuilding the Gulf Coast that he has demonstrated for rebuilding his hometown and trust he will work bipartisanly when deciding how to use Federal resources in response to Katrina as he has in the fight with the war on terror.

TRIBUTE TO MR. HYMAN KING OF BENTON, KENTUCKY

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Mr. WHITFIELD. Mr. Speaker, I rise today to recognize a constituent and friend in my District, Mr. Hyman King of Benton, Kentucky. Mr. King was born on June 9, 1924, in Biggers, Arkansas and after traveling much of his youth, he settled in McKenzie, Tennessee to work in the family's wholesale grocery business. He served his country in the United States Navy during World War II and was stationed in North Africa, Europe, and aboard a troop transport ship.

After World War II ended, Mr. King returned home to Tennessee to continue working for his uncle at their wholesale grocery business. In February of 1950, Mr. King and his brother Derril King opened their own grocery in Benton and later opened another store in Draffenville, Kentucky. The store was known as King Brother's Supermarket and is still in operation 55 years later. Mr. King's nephews, Ronnie and Ted King, operate the stores now and still maintain the work ethic that was taught to them by their father and uncle. The stores have prospered because they are an integral part of the community they served over the past half century. Mr. King's service to his country and his economic contributions through the establishment of his successful business, make him a person of integrity and a respected citizen in his community.

NATIONAL RECOVERY MONTH

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Ms. BALDWIN. Mr. Speaker, I rise today to recognize the 16th annual celebration of National Recovery Month, and to salute those who have shown us the promise and possibility of recovering from addiction. I am proud to be a member of the Congressional Caucus on Addiction, Treatment, and Recovery, and I join my colleagues in highlighting the need for increased access to treatment.

Despite the fact that virtually everyone has a relative, coworker, friend, or neighbor who has had problems with alcohol, drugs, or other addictive behaviors, the difficulties in getting into and completing a treatment program are not often publicly discussed. Public stigma further compounds the problems of a system that is alarmingly overburdened. Health insurance policies often do not cover treatment of alcohol or drug dependency; and, when they do, coverage is not always adequate.

In Wisconsin, more than 120,000 people are currently unable to gain access to treatment for alcohol or drug dependence. To family and friends trying to help a loved one, the many obstacles standing in their way can seem insurmountable. With appointment wait times often approaching three weeks or longer and costs of care becoming prohibitively expensive, only one in four people with alcohol or drug addiction is able to get treatment.

In Congress, I'm working to address the problem in several ways. I have re-introduced the Health Security for All Americans Act. This legislation would provide health care for all Americans by encouraging the States to expand coverage through various methods of their own choosing and providing them with the funds to do so. Equally important, the legislation sets standards for the level of coverage and includes parity for mental health and substance abuse treatment benefits. This means that no limitations or financial requirements could be imposed on the treatment of mental illness or substance abuse that are not also imposed on other medical and surgical benefits.

I'm pleased to report that exciting work is being done on this issue in my home State of Wisconsin. Last year, the University of Wisconsin—Madison, along with The Robert Wood Johnson Foundation and the Federal Substance Abuse and Mental Health Services Administration, launched a national program to help treatment providers find innovative ways to meet their many challenges. The Network for the Improvement of Addiction Treatment, or NIATx, works with providers who are trying to treat more people with fewer resources. The 29 participating organizations are applying business and quality improvement principles to reduce wait times to get into treatment and the number of no-shows for treatment while increasing admissions to treatment and the number of those continuing in treatment.

NIATx agencies experienced dramatic improvements in access to treatment and retention, proving that significant change may be a lot simpler, less time consuming, and less costly than is often presumed. They're also developing new ideas and tools to share with the rest of the treatment field.

As we celebrate National Recovery Month throughout September, it's important to recognize and salute the dedicated and determined addiction treatment providers, as well as and the brave and committed individuals who are recovering. I look forward to continuing my work with my colleagues, especially.those who are members of the Addiction Treatment and Recovery Caucus, in ensuring that all Americans have access to timely and affordable addiction treatment.

FLEXIBILITY FOR DISPLACED WORKERS ACT

SPEECH OF

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2005

Mr. GENE GREEN of Texas. Madam Speaker and members, I rise today in support of the Flexibility for Displaced Workers Act because it is the right thing to do.

This bill provides greater flexibility to the National Emergency Grants Program at the Department of Labor.

This will enable communities that are assisting evacuees to increase employment opportunities for evacuees.

For example, this legislation will allow temporary employment of evacuees in positions that are not directly related to the disaster.

While thousands of jobs will be created in rebuilding New Orleans, the Houston area has an estimated 200,000 evacuees in the area. If we pass this bill today, we will be able to offer these people more job opportunities for a longer period of time.

We hope those who want to return and help rebuild New Orleans will do so.

However, we also expect many evacuees will find it easier to settle in Houston now that there are opportunities to find housing and employment.

The State of Texas has already processed over 49,000 calls from evacuees seeking unemployment benefits since the evacuation started.

Texas, and especially Houston, need this bill to pass in order to help these people find employment.

I urge all my colleagues to support this measure.

Those of us with large numbers of evacuees in our districts need this change to help those displaced by Hurricane Katrina rebuild their lives rebuild their lives.

J.J. KENNEDY, INC.'S 100TH ANNIVERSARY

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Ms. HART. Mr. Speaker, I would like to take this opportunity to congratulate J.J. Kennedy, Inc. on the 100th year anniversary of its founding.

Over the past one hundred years J.J. Kennedy, Inc., a family owned business, has grown from a feed and flour mill to a top ready-mix concrete and building supplies distributor. Incorporated in 1970, the business has expanded considerably now consisting of four locations and 75 employees strong. I recognize the J.J. Kennedy, Inc. for all of their hard work and dedication to serving the citizens of Western Pennsylvania. In order to mark the special occasion, a celebration is planned for Sunday, September 18th at Moraine State Park.

I ask my colleagues in the United States House of Representatives to join me in honoring the 100th anniversary of the J.J. Kennedy, Inc. It is an honor to represent the

Fourth Congressional District of Pennsylvania and a pleasure to salute such principled businesses as the J.J. Kennedy, Inc.

A PROCLAMATION CELEBRATING THE CHILLICOTHE PAINTS' FRONTIER LEAGUE CHAMPIONSHIP APPEARANCE

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Mr. NEY. Mr. Speaker:

Whereas, the Chillicothe Paints were the first Frontier League team and are the preeminent Single-A Independent team in Ohio; and

Whereas, the Chillicothe Paints are celebrating 12 years of excellence in baseball; and

Whereas, the Chillicothe Paints 2005 season demonstrated the character and determination of the fine young men playing for the pride of Chillicothe.

Therefore, I join with the residents of Chillicothe and the whole 18th Congressional District of Ohio in celebration for the outstanding 2005 season of the Chillicothe Paints.

CELEBRATING THE BIRTH OF MISS GRACE ANNE DENTON

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Mr. WILSON of South Carolina. Mr. Speaker, today, I am happy to congratulate Kari and Wesley Denton of Burke, Virginia, formerly of Beaufort, South Carolina, on the birth of their beautiful baby girl. Grace Anne Denton was born on September 20, 2005 at 6:58 p.m., weighing 8 pounds, 14 ounces and measuring 21 inches long. Grace has been born into a loving home, where she will be raised by parents who are devoted to her well-being and bright future. Her birth is a blessing.

HONORING SEPTEMBER AS SUICIDE PREVENTION MONTH

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Mrs. CAPPS. Mr. Speaker, today I rise to recognize suicide as a public health problem, and suicide prevention as a community responsibility. The State of California has recognized September as ''Suicide Prevention Month.'' This is in support and recognition of the National and International Suicide Prevention Week.

It remains essential to remember that suicide is the 11th leading cause of all deaths in the United States and the 3rd leading cause of death among people from the ages of 15 to 24. It is also the 10th leading cause of all deaths and the number one cause of all injury deaths in the State of California. Moreover, suicide remains the 9th leading cause of all deaths and the 2nd leading cause of all injury deaths in Santa Barbara County. Within the United States, one person completes suicide every 17 minutes; and it is estimated that 4.47 million people in the United States are survivors of suicide (those who have lost a loved one to suicide).

In addition, guns stored in the house are used for suicide 40 times more often than for self-protection and 54 percent of people who die by suicide use a firearm. Regarding mental illness, the stigma associated with mental illness works against suicide prevention by discouraging persons at risk for suicide from seeking life-saving help and further traumatizes survivors of suicide. Finally, we must remember that a great many suicides are preventable, and can be reduced through awareness, education and treatment.

I therefore commend The Glendon Association, a nonprofit 501(c)(3) organization based in Santa Barbara, California whose mission is to save lives and help people create more meaningful lives by addressing the social problems of suicide, violence, child abuse and troubled interpersonal relationships. The Glendon Association accomplishes this through community outreach, research, education and training within the local community, the State of California, nationally and internationally. I recognize the important work they do through their Annual Suicide Prevention Forums which in this, their 11th year, include three free community programs, open to the public, held in Santa Barbara, Santa Maria and San Luis Obispo, California.

HONORING DONALD LADA

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Mr. KILDEE. Mr. Speaker, I am happy to rise before you today to recognize the accomplishments of a man who, for many years, has been a tireless advocate for our community, including our youth. On Thursday, September 22, in my hometown of Flint, Michigan, civic leaders, family and friends will join Youth Projects to honor Donald Lada for his dedicated service to the community.

After graduating from Traverse City High School, Don Lada attended Northwestern Michigan College, and later continued his education at Worsham Mortuary College. Don has been a licensed funeral director for 42 years, and spent 33 of those years at Brown Funeral Home, which he also owned, and remained active with after it was sold. The Memorial Tree and Plant-A-Tree programs at Brown are highlights of Don's tenure, as is a Veterans' Memorial and the designation of the Home as an official Korean War Commemorative Community.

Don's community involvement is tremendous; over the years, he has been a part of, or helped lead, nearly 30 different civic organizations, including the Eastside Business Association, which he also founded, Genesee County Emergency Management Team, Mott Children's Health Center, Avalon Hospice, Flint Chamber of Commerce, Masons, Elks, and the Flint Rotary Club, among many others. He has been recognized on numerous occasions by groups such as the Salvation Army and the Consortium on Child Abuse and Neglect, and has received keys to the cities of Burton and Flint. In 2004, Don became the first recipient of the Flint Journal's Community Advocacy Award.

Among Don's many blessings is his wonderful family: Dee, his wife of 45 years, their children Douglas and Debra, and their eight grandchildren.

Mr. Speaker, I have known Don Lada for many years, and have witnessed first-hand his selfless determination toward making the Flint area a safer place for our children to enjoy, and a better place in which to live. I am honored to call him my friend as well as my constituent. I ask my colleagues to please join me in congratulating Don on being acknowledged by his peers, and wishing him the very best in all his endeavors. Our community is clearly a better place because of his dedication.

ON THE 40TH ANNIVERSARY OF HAWAII COUNTY ECONOMIC OPPORTUNITY COUNCIL

HON. ED CASE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Mr. CASE. Mr. Speaker, I rise proudly to join many others in offering my heartiest congratulations to the Hawaii County Economic Opportunity Council (HCEOC) on the occasion of its 40th anniversary on November 18, 2005.

Over these last four decades, HCEOC has epitomized the letter and spirit of economic opportunity envisioned by President John F. Kennedy and others. It has lifted two whole generations now of Big Islanders up and into lives of productive contributions and economic self-sufficiency, in the process advancing and enriching all of our Hawaii.

HCEOC has done so by providing good employment opportunities to those in need and by delivering to our Hawaii Island community with loyal and continued patronage for goods and services. Countless families, friends and neighbors have benefited directly from its programs, which include child development, education, housing, energy assistance, transportation services, and economic development projects.

Additionally, HCEOC has taken a leadership role in mentoring our Big Island youth and keeping them out of trouble and away from the scourge of drugs that has ravaged too many. HCEOC's after-school program, for example, has helped more than 4,000 students while unbelievably seeing only eight drop out. Not a single enrolled student has ever been arrested for drugs during or after his or her participation in the program.

Much of HCEOC's success is owed to its wonderful and dedicated staff, particularly its longtime executive director, George Yokoyama. George, indomitably optimistic and colorfully individual, has dedicated himself tirelessly and loyally over a long and illustrious career to help those too often forgotten or marginalized. George's deep commitment to his community is an inspiration to us all, and I know that I speak for all of us in thanking him for all he has done for our Hawaii.

Mahalo nui loa to HCEOC for making the Big Island, my home island, a better and more livable community. I wish each and all of you continued success over the next 40 years and beyond.

PERSONAL EXPLANATION

HON. JIM GIBBONS

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Mr. GIBBONS. Mr. Speaker, I rise today to explain how I would have voted on September 20, 2005 during Rollcall vote No. 476, and No. 477 during the first session of the 109th Congress. The first vote was on H.R. 3761—the Flexibility for Displaced workers Act, and the second was H. Res. 441—to congratulate the National Aeronautics and Space Administration and the Discovery Crew.

I respectfully request that it be entered into the CONGRESSIONAL RECORD that if present, I would have voted ''yes'' on these rollcall votes.

60TH ANNIVERSARY OF BOY SCOUT TROOP 329

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Ms. HART. Mr. Speaker, I would like to take this opportunity to congratulate the Boy Scout Troop 329 of McCandless Township, on the 60th anniversary of the troop's founding. For more than half of a century the troop has demonstrated steadfast commitment to its motto of, ''Setting the Standard, Keeping with Traditions and Advancing to Higher Levels.''

Over the past 60 years Troop 329 has helped young men achieve their greatest potential and prepare for a future of service and a life centered on giving. As a testament to the troop's motto, they have produced 44 Eagle Scouts over the past 10 years alone. In addition, the Scouts of Troop 329 have accomplished many Life Rank and Eagle Rank Service Projects, completed countless hours of community service, and attended various summer camps, including the Heritage Reservation and the National Jamboree.

I ask my colleagues in the United States House of Representatives to join me in honoring the 60th anniversary of the Boy Scout Troop 329. It is an honor to represent the Fourth Congressional District of Pennsylvania and a pleasure to salute such a principled organization as Boy Scout Troop 329.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Mrs. MYRICK. Mr. Speaker, I was unable to participate in the following votes. If I had been present, I would have voted as follows:

Rollcall vote 476, on motion to suspend the rules and pass, as amended H.R. 3761—the Flexibility for Displaced Workers Act, I would have voted ''yes.''

Rollcall vote 477, on motion to suspend the rules and agree to H. Res. 441—congratulating the National Aeronautics and Space Administration and the Discovery Crew, I would have voted ''yes.''

AUDIE MURPHY, TEXAS WARRIOR

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Mr. POE. Mr. Speaker, I rise today to recognize a native Texan and the most decorated United States soldier of World War II. Audie Leon Murphy was born into humble beginnings in northeast Texas near Kingston, Texas. He grew up in nearby Celeste, Texas. A sharecropper's son, he was the 6th of 12 children, only 9 of whom survived to see their 18th birthday. Murphy grew up in extreme poverty. By his ninth birthday, he had already become an impressive rifle shot due to the fact that he spent a good portion of his childhood hunting rabbits and squirrels for food for his family's table. He had no idea that his shooting skills would be needed later.

When he wasn't hunting, he took odd jobs around the community—on farms, gas stations and local grocery stores. When Audie was 12, his father left his mother and the children to fend for themselves. He never returned and Audie became the breadwinner for the family. At age 16, he was working at a radio repair shop and tragedy struck his life yet again. His mother died and he and his siblings were left orphans.

In desperate need of money to help support his siblings, he tried to join the military. After the bombing of Pearl Harbor, Audie tried to enlist but was rejected because he was too young. Eventually he was accepted into the U.S. Army after being turned down by the Navy, Marines and Army Paratroopers because he was too short at only 5 feet, 5 inches tall and 110 pounds. He signed the papers a few days after his 18th birthday and was sent to training at Fort Wolters, Texas. During one of his first training sessions, he fell flat on his face and was knocked out cold. The company commanders took this opportunity to encourage him to pursue other opportunities such as cook or bakers school but he would have nothing of it. He persisted and was resolute about becoming a fierce, fighting soldier.

After 13 weeks of Basic Training, he was sent to Fort Meade, MD for advanced infantry training. Upon finishing training, he was sent to Morocco and eventually he was appointed to a Second Lieutenant in 1944 where he served in North Africa and in all European theaters.

In World War II, Murphy made a name for himself and on one fated day he earned the Congressional Medal of Honor and went down in history. On January 26, 1945, Murphy is credited with holding off two reinforced rifle companies singlehandedly for hours. On that day, Murphy's platoon was attacked by 6 enemy tanks and waves of infantry. To keep his men safe, Murphy ordered his men to withdraw, while he remained forward at his command post and continued to give fire directions to the artillery by telephone. Behind him, a U.S. tank destroyer received a direct hit. With the enemy tanks abreast of his precarious position, Second Lt. Murphy climbed on the burning tank destroyer, which was in danger of blowing up at any moment, and engaged his .50 caliber machinegun against the enemy. He was alone and exposed to German fire from 3 sides, but his determination and deadly fire killed dozens of Germans and caused their infantry to waver. The enemy tanks, losing infantry support, began to fall back. For an additional hour the Germans tried any and all of their weapons to eliminate Murphy, but he continued to hold his position and wiped out a squad that was attempting to sneak up unnoticed. Germans reached as close as 10 yards, only to be mowed down by his fierce fire. Wounded in one leg, Murphy continued the single-handed fight until his ammunition was exhausted. His directing of artillery fire killed or wounded about 50 enemy combatants.

Second Lt. Murphy's unconquerable courage and his refusal to give up saved his company from destruction, and enabled it to protect and hold the woods which had been the enemy's objective. He was a legendary and heroic American. In the end, he was credited with killing more than 240 German soldiers. Because of his valor in combat and action above and beyond the call of duty, he received the Congressional Medal of Honor and every other medal that the Army awards. He earned the Silver Star twice in three days, three Purple Hearts, and the Distinguished Service Cross. He even received 5 decorations that were presented to him by Belgium and France. When he was discharged, his face was on the front page of Life magazine and when he finally made it home, he was still not even 21 years old yet.

He finished WWII as a liaison officer, and returned to Texas after the war.

Upon return, Audie became famous not only for his heroic war actions but he also hit the big screen and made the move to Hollywood. He starred in more than 40 Western films and even played the part of himself when his autobiography, ''To Hell and Back Again'' was made into a movie. He also wrote more than 17 country and western songs.

Sixty years ago today, Audie was released from the Army as an active member and reassigned to inactive status. His final rank was Major in the Texas National Guard.

After all that he went through, Audie still maintained that his medals belonged to his entire company and that he was just, ''another man.'' He never really cared about the medals or glory, just the men of his unit and those he left buried and missing across Europe. His son Terry even said that he was always embarrassed to be called a hero. He always said that the real heroes where those ''who didn't come back.'' He once said, ''I believe in all the men who stood up against the enemy, taking their beatings without whimper and their triumphs without boasting. The men who went and would go again to hell and back to preserve what our country thinks right and decent. My Country, America!''

Audie was killed in a plane crash, on May 30, 1971. He left behind his wife of 20 years, 2 sons, a wealth of family and friends and a legacy that will live on forever.

IN HONOR OF BARBARA GRAVES

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Mr. FARR. Mr. Speaker, I rise today in honor of a constituent and an activist who has worked tirelessly for her community and the

Democratic Party. The condition of our local communities stands at the heart of our Nation's well being, and we should all commend and find ourselves humbled by those individuals who dedicate themselves to their specific improvement and prosperity. Barbara Graves is one such individual and, for her great work, is being honored by the Santa Cruz County Democratic Central Committee, SCCDCC, as the 2005 Democrat of the Year.

Barbara has worked tirelessly to improve and protect her community, having served as Capitola's alternate on the Regional Transportation Commission, Capitola's representative to the Advisory Committee of the Monterey Bay Unified Air Pollution Control District, Chair of Capitola Walks Club, the Ventana Chapter's Delegate Alternate to the Sierra Club's National Council, Chair of the local Sierra Club Political Committee, and Treasurer of the Environmental Council of Santa Cruz County. Ms. Graves serves currently as the Region 9 Director and Environmental Caucus Secretary of the California Democratic Party, and contributes in no small way to the betterment of her community by coordinating both the nonprofit ''Traffic Busters in Schools'' and WAVE. As part of her dedication to the Democratic Party and with the hopes of fostering political innovation she also coordinates the Santa Cruz County Precinct Captains Program providing, among other things, free training on the use of campaign data tools.

Mr. Speaker, I stand today to honor Ms. Barbara Graves as an exceptional citizen and community leader. Barbara's ongoing service to the Democratic Party and undaunted commitment to her community show her as an example to all those who wonder how it is that one person might affect real, substantial change, and I commend the Santa Cruz County D.C.C. on their recognition of Barbara's work and achievement. Thank you, Mr. Speaker, for the opportunity to honor this exemplary individual.

CELEBRATING THE BIRTHDAY OF RENEE ROSE, A GREAT CALIFORNIAN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Mr. RADANOVICH. Mr. Speaker, I rise today to celebrate the 65th birthday of a great Californian, a great American and a great friend. Renee Rose—a beloved wife, mother, grandmother, daughter, colleague, one-time potential mayoral candidate, world traveler, restaurant and theatre connoisseur.

While not a native of California, Renee is as much a part of the San Francisco landscape as is the Golden Gate Bridge (but a few years younger). To all who have been befriended, or mothered by Renee—which is more than I could possibly get in this statement—she is a loyal, thoughtful, funny and incredibly giving friend that everyone treasures and feel blessed that Renee is part of their life. If we only go around once in life—everyone needs a Renee in it. May I also mention that she makes one heck-of-a chocolate fudge brownie. I salute you Renee and wish you a very happy birthday!

Mr. Speaker, I rise today to celebrate the birthday of Renee Rose. I urge my colleagues to join me in honoring this remarkable woman and the contributions she has made to California.

CONGRATULATING DOROTHY H. FINLEY ON RECEIVING THE ARIZONA THEATRE COMPANY'S GEORGY AWARD

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Mr. PASTOR. Mr. Speaker, I rise before you today to draw attention to the accomplishments of a personal friend and longtime community leader, Dorothy H. Finley of Tucson, Arizona. On September 24, 2005, Dorothy will receive the Arizona Theatre Company's (ATC) ''Georgy Award'' at its Gala 2005 for her outstanding contributions to theater in the Tucson community.

As a longtime donor to ATC, Dorothy has served on ATC's Board of Trustees for many years and has sponsored partnerships between the theatre and Tucson schools. Her public service commitments include a wide range of organizations including non-profit groups and community associations including the Greater Tucson Economic Council, Arizona Aerospace Foundation, and the University of Arizona Alumni Association. Additionally, she serves on a number of governor-appointed positions including the Arizona State Liquor Board and the Governor's Council on Workforce Policy.

A native Arizonan, Dorothy has been a part of the Miller Brewing Company since 1948 when she and her late husband, Harold Finley, began the distributorship in Cochise county. Today, under her leadership, the company serves retailers throughout Pima, Pinal, and Santa Cruz counties.

A strong proponent of quality education, Dorothy has also been active in the academic arena. She has served as both a teacher and principal in the Tucson Unified School District for over 30 years. In addition, she was elected as Chairman of the TUSD Elementary School Principals, has served as President of the Arizona Elementary School Administrators, served on the Pima Community College Foundation Board of Directors, and founded the Women's Studies Advisory Council at the University of Arizona. In December 1994, she was nominated by the University of Arizona College of Education to receive the Alumni Association Sidney S. Woods Service Award for her outstanding service to the College and to the University.

In 1989, Dorothy received the Woman of the Year Award, and in 1994 she was named one of Tucson's Most Influential People. Dorothy was also honored at the Pentagon with the 2003 Honorary Zachary and Elizabeth National Distinguished Civilian Humanitarian Award.

Mr. Speaker and distinguished colleagues, I am honored to recognize Ms. Finley for receiving this prestigious award, and to express my gratitude for her service and leadership. Her deep commitment to the advancement of community culture and education has had a tremendous impact in the Tucson community. It is with great pleasure that I congratulate my friend Dorothy H. Finley today for this award, which duly recognizes her important work.

A TRIBUTE TO SANDRA HOLMAN-BACOTE

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor Sandra Holman-Bacote, upon her retirement as a Regional Director of the Pennsylvania Human Relations Commission which is mandated to enforce the Commonwealth's laws against discrimination.

During her 29-year tenure, Ms. Bacote has served five governors. She was the highest ranking woman in the State civil service system and she has provided exemplary service to the residents of the Commonwealth of Pennsylvania. Under her direction, the Philadelphia regional office, which has the responsibility to direct the Commission's investigative, enforcement and adjudication responsibilities in Philadelphia, Bucks, Chester, Delaware and Montgomery Counties, has been widely recognized because of its commitment and continuity of diligence, effectiveness and accessibility.

Fiercely committed to human and civil rights her appointment to the PHRC in 1976 was a natural fit. A distinguished alumnus of Temple University and the University of Pennsylvania, she was a part of the academic vanguard to integrate public administration and professional social work theory. Applying these disciplines she further expanded her portfolio to include international racism and discrimination as an official observer to the United Nation's Convention on the Elimination of Racism and Discrimination, in Geneva, Switzerland in 1983 and as a member of a non-Governmental Organization delegation to the United Nations Convention on the Status of Women in Nairobi, Kenya in 1985.

Throughout her career she has involved herself with hands-on community building efforts by serving on scores of community and civil rights organizations.

And as we look at her nearly three decades of leadership in the PHRC we see that she has successfully and valiantly combined government service, a sensitive and informed global perspective and a profound commitment to community and family.

WEST DEER VOLUNTEER FIRE DEPARTMENT'S 60TH ANNIVERSARY

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Ms. HART. Mr. Speaker, I would like to take this opportunity to congratulate the West Deer Volunteer Fire Department, WDVFD, on their 60th anniversary of service.

Over the past 60 years the WDVFD has maintained its mission of protecting the residents of Deer Township. Serving nearly 12,000 people and almost 29,000 square miles, the WDVFD has established a tremendous amount of respect among the community for their public service. Since 1945, the WDVFD has developed, maintained, and strengthened a strong mutual trust and open communication between the fire department and the community in which it protects.

I ask my colleagues in the United States House of Representatives to join me in honoring the 60th anniversary of the WDVFD. It is an honor to represent the Fourth Congressional District of Pennsylvania and a pleasure to salute such principled public servants as the West Deer Volunteer Fire Department.

REMEMBERING BASSIST KETER BETTS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Mr. RANGEL. Mr. Speaker, I rise today in remembrance of the legendary bassist William Thomas Betts, better known as ''Keter'', who died at age 77 on August 6, 2005.

Mr. Betts was born on July 25, 1928 in Port Chester, New York, raised by his mother, who was a hard working domestic worker. He received his nickname from a family friend who said he was as cute as a mosquito. From there, mosquito became Skeeter and evolved into Keter. Betts began his musical love affair while on a milk and bread errand for his mother. On his journey he came across a drummer in an Italian parade band. Enchanted by the music, he followed the band across town. After he braved the wrath of his mother for not coming right home, he expressed his fascination with the drums. His mother arranged for him to take drum lessons.

In 1946, Betts made the switch from the drums to the bass after the experience of having to lug the drums up and down four flights of stairs, and after an influential encounter with a bassist in Cab Calloway's band, Milt Hinton. At the age of nineteen, Betts landed his first professional gig, playing for Carmen Leggio for 13 weeks in the D.C. area. After touring the country from 1949 to 1951, Betts met jazz singer Dinah Washington and toured with her from 1951 until 1956. The next 5 years found Betts working in the hottest clubs in the country and touring Europe and South America with Charlie Byrd and Woody Herman. In 1964, Betts joined up with Ella Fitzgerald for a short tour. He would rejoin her several more times, and their career together would span 24 years.

Since the early sixties, Betts has instructed countless young people on musical appreciation through various programs, including Washington's Performing Arts Society's Concerts in Schools and Prince George County's Arts Alive. Although he has appeared on countless albums and performances, Betts did not release his first solo album until 1998 called Bass, Buddies & Blues. One year later he released a second album, Bass, Buddies & Blues Beauty Too. Betts was also a member of the Smithsonian Jazz Masterworks Big Band and was inducted into the Washington Area Music Association Hall of Fame. Betts performed annually at the All-Star Christmas Jazz Jam on the Millennium Stage from 2000 to 2004.

William Thomas Betts, one of jazz's musical geniuses, was truly ''on the top plateau of all the bass players.'' His contributions to both American musical history specifically and American history in general, cannot be denied. Although Betts will be greatly missed, his legacy lives through his music.

I submit the obituary of William Thomas Betts found in the August 6th edition of the Washington Post.

JAZZ BASSIST KETER BETTS DIES AT 77

(By Adam Bernstein)

Keter Betts, 77, a jazz bassist heard on more than 200 recordings, notably with guitarist Charlie Byrd and singers Dinah Washington and Ella Fitzgerald, was found dead Aug. 6 at his home in Silver Spring.

The cause of death has not been determined, according to the McGuire funeral home in the District.

Trumpeter Clark Terry, formerly with the Duke Ellington and ''Tonight Show'' orchestras, said Mr. Betts was ''on the top plateau of all the bass players.''

Mr. Betts played in hands with Oscar Peterson, Tommy Flanagan, Woody Herman, Nat Adderley, Joe Pass, Clifford Brown and Vince Guaraldi.

After he made the Washington area his home in the mid-1950s, Mr. Betts teamed with Byrd, the lyrical guitarist who made his name with sensual, samba-inspired bossa nova music. They were regulars at the Showboat Lounge in the District and made several State Department-sponsored trips abroad.

During one trip to Brazil, Mr. Betts became enthralled with samba records and, he said, spent months persuading Byrd to play the music around Washington.

Although Mr. Betts was on the million-selling ''Jazz Samba'' (1962) album—recorded at Washington's All Souls Unitarian Church—stars Byrd and saxophonist Stan Getz were credited with launching the bossa nova craze in the United States.

One of the most memorable songs from the album, ''Desafinado,'' featured Mr. Betts doing the supple bass-line introduction. But his contribution to finding the music went unheralded until recent years, after he spoke to JazzTimes magazine about his role.

Ken Kimery, a producer and drummer with the Smithsonian Jazz Masterworks Orchestra, told The Washington Post in 2003: ''My experience with him is that he feels the story will come out, and he does not feel he'll have to be the one who takes the effort to do that. . . . Here's a gentleman who's done so much and does not feel the need to self-promote.''

William Thomas Betts was born in Port Chester, N.Y., July 22, 1928, and was raised by his single mother, a domestic worker. He got his nickname when a family friend said the baby was as cute as a mosquito. Mosquito became Skeeter, then Keter.

One day, his mother sent the youngster for milk and bread at the market. Thrilled by the sound of a passing Italian parade, he followed the drummer across town. He was gone four hours with the milk and bread.

''My mother almost killed me when I got home,'' he told an interviewer. ''I got a whippin'. After that, I told my mother I wanted to play drums.''

She figured that if her fury did not dissuade him, he must be serious. She arranged for drum lessons.

His switch to the bass came one day in 1946, his senior year in high school. He went to New York to see Cab Calloway's big band and meet the drummer. When bassist Milt Hinton appeared at the stage door, he told the teenager that the drummer was gone but that he would spring for a 35-cent lunch. He also talked up the bass.

Ultimately, Hinton's words were not as persuasive to Mr. Betts as the fact that carrying a drum set up four flights of stairs to his mother's apartment was excruciating.

Almost from the start, Mr. Betts's professional career brought him to Washington. New York area saxophonist Carmen Leggio invited Mr. Betts to play with his band at a club near the Howard Theatre in 1947.

In 1949, while Mr. Betts was playing at Washington's Club Bali, R&B bandleader Earl Bostic heard and hired him. He made his recording debut that year on Bostic's rendition of ''Wrap Your Troubles in Dreams.''

''I didn't want to play R&B,'' Mr. Betts said. ''But it was a good chance to go on the road and see the country.''

He met Dinah Washington in 1951, when she and pianist Wynton Kelly were doing a one-nighter with Bostic's band. The singer offered Mr. Betts a job, and he spent five years with the notorious Queen of the Blues and cut several classic records, including ''Dinah Jams'' (1954) and ''Dinah!'' (1956).

Her gruff exterior was ''for the people,'' Mr. Betts said. ''She was a different person inside.'' She paid for Mr. Betts's wedding reception in 1953 at Birdland in New York; Tito Puente provided the music.

Washington taught Mr. Betts a secret to good musicianship: Learn the lyrics. She said the best musicians know the entire song, not just the chord changes.

''There's an art to playing behind the singer,'' he said later. ''When the singer comes onstage, they're buck naked. And it's the job of the group backing her up to dress that person for the audience.''

He met Fitzgerald through his golfing partner, bassist Ray Brown, the singer's ex-husband and business manager. Mr. Betts played with Fitzgerald in the mid-1960s and again from 1971 to 1993, often doing weeks of one-nighters around the world.

Meanwhile, he played at the Kennedy Center and on jazz cruises. He also stayed active in musical education through Head Start, among other programs. At the Wolf Trap Institute for Early Learning Through the Arts, he often amazed the kindergarten set by taking ''Happy Birthday'' and covering it in different styles: classical, Brazilian, country and western, rock and jazz.

In 1994, he was inducted into the Washington Area Music Association's Hall of Fame.

He emerged as a bandleader with a flurry of recent CDs and composed a handful of songs, notably the sweet and tender ''Pinky's Waltz,'' in memory of his wife, Mildred Grady Betts, who died in 2000.

Survivors include five children, William Betts Jr. of Washington, Jon Betts of Olney, Derek Betts of Los Angeles and Jacquelyn Betts and Jennifer Betts, both of Silver Spring; and four grandchildren.

INTRODUCTION OF THE DISASTER AREA HEALTH AND ENVIRONMENTAL MONITORING ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Mrs. MALONEY. Mr. Speaker, today I am introducing the Disaster Area Health and Environmental Monitoring Act with my colleagues Representatives CHRIS SHAYS and TIM BISHOP.

During a disaster our first responders heroically rush to the disaster area with little regard for their personal safety in hopes of saving others. We owe it to them to at least monitor their health when it has been put at risk. Unfortunately, no such program exists. There is no better example of this than what has happened in the aftermath of 9/11.

Today, more than 4 years after 9/11, there are literally thousands of individuals who are still sick as a direct result of their work in and

around Ground Zero. Included in the sick are police officers, firefighters, volunteers, residents, and area workers. Despite a clear need, there is still no one in the Federal Government in charge of caring for these individuals, there is no coordination among programs established to screen these illnesses and there is no Federal program that provides anyone with any treatment. Now as we consider options to monitor the medical impacts of Hurricane Katrina, there is no Federal program in place to set up a medical monitoring program. This is why we are introducing the Disaster Area Health and Environmental Monitoring Act—H.R. 5329 in the 108th Congress. This is the companion to legislation introduced in the Senate by Senators VOINOVICH and CLINTON—S. 1279—and has passed the Senate by unanimous consent last Congress.

The Disaster Area Health and Environmental Monitoring Act would create a standard for a monitoring program following a disaster when the President determines a monitoring program is needed. This monitoring program would be set up to screen the health of affected individuals. By creating a coordinated monitoring program, we can provide valuable information to affected individuals and we can assure our first responders that we will continue to care about the health affects after the disaster. I urge my colleagues to support this legislation.

SIMON WIESENTHAL

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Mr. SHERMAN. Mr. Speaker, Simon Wiesenthal refused to forget the horror he endured and witnessed in five Nazi death camps during the Holocaust. He would not let the world forget what the Jewish people and so many others suffered at the hands of Hitler's Third Reich. He dedicated his life to bringing Nazis to justice, educating the world about the Holocaust, and fighting to help ensure that the intolerance that brought it about would not be repeated. The spirit Wiesenthal brought to these lifelong pursuits will not end with his death.

Along with millions of other Jews, Wiesenthal was imprisoned by the Nazis during the Holocaust. Unwilling to accept this fate, Wiesenthal daringly escaped in 1943, only to be recaptured in 1944. Wiesenthal was sent back to a concentration camp, and as the German Eastern front collapsed Wiesenthal was marched with other prisoners across Europe. The trek left him near death when finally liberated by the advancing American army.

The moment his health returned, Wiesenthal sprang into action. He began to build a legal case against the Nazis, first for the American military's war crimes trials and then through an independent effort based in Vienna.

Wiesenthal relentlessly searched for Adolf Eichmann, the infamous Nazi who headed Hitler's Gestapo, and other Nazis who had evaded trial by the allies. Wiesenthal's work led to the capture of Eichmann and other infamous Nazis years after the world had given up on bringing them to justice. Although the Holocaust was fading into the world's memory, Wiesenthal continued to fight its battles every day with his time, determination, and spirit.

In Los Angeles, Simon Wiesenthal's memory lives on at the Simon Wiesenthal Center. The international organization works to preserve the memory of the Holocaust and to fight anti-Semitism and intolerance.

I had the honor of working with the Wiesenthal Center earlier this year in asking the British Government to keep a known terrorist supporter, Yussuf Al-Qaradawi, out of Great Britain. Al-Qaradawi has given religious justification and encouragement for terrorist attacks against Americans and Israelis. These efforts against intolerant religious extremism in the 21st century are a clear extension of Wiesenthal's lifelong mission.

Simon Wiesenthal's spirit, unbridled in life, will carry on in his memory through the Wiesenthal Center, its work, and the efforts of so many others fighting intolerance and preserving the memory of the Holocaust.

IN HONOR OF OTTAWA LAKE QUARRY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Mr. DINGELL. Mr. Speaker, I rise today to honor the Ottawa Lake Quarry, in Monroe, Michigan. The Ottawa Lake Quarry, which is owned and operated by Stoneco, Inc., is being honored this year with the oldest occupational safety award in the nation, the National Mining Association's Sentinels of Safety trophy. Since its creation by then-Commerce Secretary and future President Herbert Hoover in 1925, this award has served to both recognize excellence in safety in mining and stimulate greater interest in developing safer mines. The Ottawa Lake Quarry is certainly deserving of this honor, as it has established a long record of safe mining.

The Ottawa Lake Quarry is receiving the award for the Small Metal and Nonmetal mills category. This trophy is an award of great distinction; I am proud that Ottawa Lake Quarry has attained this honor. The Ottawa Lake Quarry has earned this recognition for its tremendous commitment to safety and serves as an example for all of our industries.

REGARDING THE ARCTIC NATIONAL WILDLIFE REFUGE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Mr. KUCINICH. Mr. Speaker, ladies and gentleman, there's an old saying that says "If the only tool you have is a hammer, you tend to see every problem as a nail."

I cannot think of a more appropriate metaphor for what we're seeing now.

The hammer being used by some in Congress is drilling in our pristine Arctic National Wildlife Refuge. And to them, there are simply not enough nails.

The latest nail, of course, is spiking gas prices. The knee-jerk drillers will tell you that the logical solution to expensive gas is to drill in the Arctic. But in a best case scenario, we would only see a reduction in gas price of 1.5 cents per gallon. And production wouldn't even start until at least 10 years from now. That doesn't help you and me. That helps the oil companies.

What they don't tell you is that, in the words of one oil industry expert, the difference between price gouging and taking advantage of market distortions is a political question. I strongly believe that price gouging may be occurring.

I am not alone. In May of 2005, 33 of my colleagues joined me in introducing the Gas Price Spike Act. It would tax windfall profits tax on gas, create tax credits for ultra-efficient vehicles, and lower fares for mass transit. Now that's a part of a real solution.

But our opponents are still convinced that gas prices are a nail. They are also convinced that our dangerous foreign dependence on oil is a nail. But even in a best case scenario, our dependency would still increase from 59 percent to 64 percent by 2025.

Our hammer happy friends think a job shortage is nail easily solved with the hammer of the Arctic. But improving energy efficiency and motor vehicle efficiency would generate more than 1.3 million jobs in 15 years—185 percent more jobs than domestic oil production.

The nail of investment in our economy can be covered by investing in Arctic oil extraction, they say. But one dollar spent on petroleum production creates only a buck-fifty in economic value to our economy. That same dollar, when invested in energy efficiency programs and incentives, gives us two dollars and 23 cents in economic value.

It should be clear that drilling the Arctic will not solve any of these problems. And there is no way drilling in the Arctic can solve the mother of all these problems: climate change. I don't care how creatively they spin it. We can only expect more extreme weather in the coming years and we absolutely must address it with meaningful efforts to reduce greenhouse gases. Drilling can only make it worse.

There are so many more realistic, more effective, more sustainable ways to proceed. In fact, some of my colleagues here today have joined me in efforts to address not only prices, but national security, our health, the integrity of our environment, and a lopsided economic recovery. We should raise the minimum fuel efficiency of cars and trucks, invest in the transition to wind and solar energy, emphasize biofuels like biodiesel, and encourage conservation.

The solutions are there for the taking. The time is now.

Please join me in driving the nail in the coffin on this backdoor effort to drill in the Arctic.

IN RECOGNITION OF THE 100TH ANNIVERSARY OF THE VILLAGE OF WEBSTER, NEW YORK

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Mr. WALSH. Mr. Speaker, I rise today in recognition of the village of Webster's Centennial Anniversary. Incorporated in 1905, the village of Webster is named in honor of the famous United States Senator from Massachusetts, Daniel Webster. The village has been celebrating this milestone with various events throughout the year.

Before splitting away from the town of Penfield, it was suggested that a center of town be established with four corners about 5 miles north of the center of Penfield. This gave rise to the Five Mile Line Road and the Four Corners.

Throughout the mid–1800's, the newly created Four Corners served as not only an important avenue for produce and goods moving north and south, but also as a vital thoroughfare for stage coaches and freight lines moving east and west. Multiple taverns and inns were built at this time and other various businesses saw their start at this busy intersection of commerce.

Along with the growth of industry in this area, came the problem of fires. To solve this dilemma, shortly after its incorporation, a much-needed volunteer fire department was organized for the people of Webster.

For many years after World War I, Webster kept its place as the primary shipping point for apple farmers across the Rochester area. At this time it boasted the world's largest basket factory and also stood as the center for the canning industry in Monroe County.

The village experienced added progress after the Great Depression and throughout the World War II era despite a steady decline in its rural agricultural lifestyle. The late 1950's saw the annexation of 182 acres to the village as well as the rise of Webster's largest corporate neighbor, the Xerox Corporation.

Today 5,500 residents call the village of Webster home. In providing an array of community services and fostering a neighborly atmosphere, the village continues various local traditions that began with its first settlers in 1812.

On behalf of the people of New York's 25th Congressional District, it is my honor to recognize and congratulate the residents of Webster on the village's 100th Anniversary.

RECOGNIZING 50TH ANNIVERSARY OF ROSA LOUISE PARKS'S REFUSAL TO GIVE UP HER SEAT ON THE BUS AND THE SUBSEQUENT DESEGREGATION OF AMERICAN SOCIETY

SPEECH OF

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. MEEHAN. Mr. Speaker, I rise in support of H. Con. Res. 208 and commend the gentlemen from Wisconsin and Michigan for bringing this concurrent resolution to the floor today.

Fifty years ago this coming December, Rosa Louise Parks inspired a town, a movement, and a Nation to hold true to the ideals and principles upon which our Nation was founded. By refusing to give up her seat after a long day of work because she felt she was being treated unfairly, Rosa Parks demonstrated the quiet strength that typified her life.

Her arrest led to the 381–day Montgomery bus boycott and to the eventual repeal of the segregation laws of the South. Her individual act of defiance is considered by many to be the beginning of the civil rights movement.

Ten years later, on August 6, 1965, President Lyndon Johnson signed into law the Voting Rights Act, which in later years was strengthened with amendments to affirm the rights of non-Whites to vote and to be represented fairly in government. This fall, parts of the Voting Rights Act will come before Congress to be reauthorized. We must not only renew our commitment to the voting rights protected under that legislation, but look to strengthen voter rights and to improve our electoral systems. And we must forever link our current state of freedom with the sacrifice of exceptional individuals like Rosa Parks who stood up to oppression and changed history.

Let us celebrate the lifetime achievements of a truly remarkable woman. I urge my colleagues to join me in supporting H. Con. Res. 208.

PERSONAL EXPLANATION

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Mr. KOLBE. Mr. Speaker, on September 20, my vote on H. Res. 441, a motion to suspend the rules and agree to Congratulate the National Aeronautics and Space Administration and the Discovery Crew (No. 477), did not register. I voted ''aye.''

URGING DEPARTMENT OF ENERGY TO EXPEDITE ULTRA–DEEP PROGRAM

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Mr. HALL. Mr. Speaker, the Congress has passed and the President has signed the Energy Policy Act of 2005, a historic bill that will put America on course for more energy independence. We now need to move as quickly as possible to increase production and distribution of energy supplies in the United States. The disruption of supplies and spiraling gasoline costs as a result of Hurricane Katrina—combined with the threat of disruption from other natural disasters or terrorist attacks—underscore the need to increase our energy supplies and reduce our dependence on foreign sources.

One provision in the Energy Act that will increase supplies is my provision for Ultra-deepwater and Unconventional Natural Gas and Other Petroleum Resources. I want to share with my colleagues the letter and attachments that I sent to Secretary of Energy Samuel Bodman last week. These provide further analysis and clarification of this program to develop the technologies needed to drill in ultra-deep and unconventional areas. This program will improve our energy and national security, increase natural gas and oil production, increase royalty revenues, and help lower energy costs for consumers. I urge the Department of Energy to take steps to implement the program as soon as possible.

Washington, DC, September 14, 2005.

Hon. SAMUEL W. BODMAN,

Secretary of Energy, Department of Energy, Independence Ave., SW., Washington, DC.

DEAR MR. SECRETARY: I want to congratulate you and your colleagues at the Department of Energy for your fine work in helping with the enactment of H.R. 6, the Energy Policy Act of 2005. There are many important provisions in the new law, and in this letter I want to draw your attention to ''Subtitle J—Ultra-deepwater and Unconventional Natural Gas and Other Petroleum Resources.''

As you may know, I first introduced this legislation in 2001 when it was included in H.R 4, the comprehensive energy bill that passed the House that year. Since that time I have shepherded this legislation through three separate Congresses. The provision has been the subject of Congressional hearings and much legislative debate. On the way to enactment in August, the provision was passed by either the House or Senate eight times in the last four years. The final version contained in the Energy Policy Act of 2005 embodies many improvements that were made throughout this long process and the important compromises that were reached during the Conference Committee meetings this past July. Since there was no detailed Conference Committee Report to accompany the bill, I am sending this letter to provide some additional context and clarification of legislative intent for this new program.

My purpose for introducing this legislation was to enhance the ability of the Department to conduct well-funded, multi-year, resource based natural gas and oil R&D activities to accelerate the development of new technologies and increase domestic natural gas and oil production in the near and mid-term. This new program is intended to complement the work of the Department and allow the current Oil and Natural Gas Program to focus its ongoing efforts on solving the more basic production and environmental issues that challenge our collective ability to increase production and to transition to a hydrogen based energy system in the longer term. For example, the vast methane hydrate and oil shale resources in the U.S. could make a substantial fossil fuel contribution to the ultimate evolution of a hydrogen based energy system for the country. The Oil and Natural Gas Program should also continue its important work analyzing the consequences of past and potential actions by other federal agencies on domestic natural gas and oil production, conducting public interest analysis and fostering the education of the next generation of American oil and gas technologists.

This new program will receive an assured, multi-year funding source from the Ultra-deepwater and Unconventional Natural Gas and Other Petroleum Research Fund to pay for research, development, demonstration and commercial applications to create and deploy the technologies needed to bring these vital natural gas resources to the consumers of this country. This Fund and the authorities established in the law provide the tools to ''the Department of Energy to work through its National Energy Technology Laboratory to accomplish these objectives and to work to develop the technologies for lowering the cost of drilling to formations in the Outer Continental Shelf to depths greater than 15,000 feet and to address the technology challenges of small producers.

It is the intention of Congress that the Department will take steps immediately to implement this new program in accordance with the schedule established in the statute. We expect that the Department will use existing program direction management funds to conduct the solicitation and select the program consortium. It is critical that this new program be implemented as quickly as possible. Most recently, the Energy Information Administration forecast that natural

gas prices in the Midwest will be 71 percent higher this winter than last. That means that gas prices during the coming heating season will top $12. Work needs to begin immediately to accelerate the development of the new technology needed to increase domestic natural gas production to avoid such high prices in the future.

The Ultra-deepwater and Unconventional Natural Gas and Other Petroleum Resources Program has been designed to foster the development of additional natural gas from the vast resources of technically recoverable natural gas in the United States. The 2003 National Petroleum Council study on natural gas estimated that there are 1969 Tcf of technically recoverable natural gas reserves in North America—equivalent to 90 years of gas supply at current rates of consumption. The lower-48 contains 1240 Tcf, about 56 years of supply, of which only about 210 are unavailable to be developed due to moratoria or other restriction. The balance is in Alaska and Canada. Some of the Alaskan resource is technically challenged, but the predominant problem there is with price due to the high cost of pipelines to transport the gas to market. Much of the Canadian technically challenged resource would become productive with the application of the new technologies developed by this program.

It is the intention of this legislation that the Department will carry out this program through two entities:

1. A single program consortium selected by the Secretary through a competitive solicitation will administer the programmatic activities as prescribed in the law and make awards to research performers to carry out research, development, demonstration, and commercial application activities under the program; this program consortium, which will operate with significant oversight of the Department, should provide much needed industry and academic expertise to the program as well as ensure that the cross-cutting technologies for both the ultra-deepwater and unconventional onshore research are coordinated, developed and deployed. Selecting a single consortium for this program will render the greatest benefit for consumers by ensuring that R&D activities that are applicable to multiple gas provinces are well coordinated and the results of the work are effectively disseminated. Of the funds made available for this program, 75% shall be administered by the program consortium. Up to 10% of that amount should be adequate for the program consortium to administer the program. Significant authority has been provided for the National Energy Technology Laboratory on behalf of the Secretary: to issue a competitive solicitation for the program consortium; evaluate, select, and award a contract or other agreement to a qualified program consortium; and, have primary review and oversight responsibility for the program consortium. Up to 5% of program funds to be administered by the program consortium are allocated in the law for NETL to perform these activities. The review and oversight responsibility includes review and approval of research awards proposed to be made by the program consortium. NETL may use the allocated funds for program direction and to establish a site office if it is necessary to carry out the program, which I encourage; and

2. The Secretary has been provided 25% of the total funds for the National Energy Technology Laboratory to carry out a program of research and other activities, including program direction, overall program oversight, contract management, and the establishment and operation of a technical committee to ensure that in-house research activities funded are technically complementary to, and not duplicative of, research conducted under this new program. While it is contemplated that the NETL may contract out some of this work, the intent of the legislation is to encourage NETL to build internal research and development capabilities with this portion of the program funds.

To ensure that this program is implemented as soon as possible, the legislation requires the Secretary to select the program consortium not later than 270 days after the date of enactment. That time line should provide sufficient time for a final contract with the selected program consortium to be completed and for work to commence when funds for the program consortium become available on October 1, 2006. In the preparation of the solicitation of proposals for the program consortium that will administer the program, I encourage the National Energy Technology Laboratory to seek broad public comment prior to the issuance of a final request for proposals.

I look forward to working with you to see that this program is successful. If it is effectively administered in accordance with the direction and timelines provided in the statute, I feel confident that it will improve energy and national security and achieve the additional natural gas and oil production, increased royalty revenues and lower energy costs for consumers as described in 2004 analysis by the Energy Information Administration.

I am attaching further analysis of the policy basis and thrust of the new program and plan to submit this letter and attachment for inclusion in the Congressional Record. Should you need additional information, please let me know. Again, I look forward to working with you on this important initiative.

With best personal regards, I am

Sincerely,

RALPH M. HALL,
Member of Congress.

Attachment.

THE ULTRA-DEEPWATER AND UNCONVENTIONAL ONSHORE NATURAL GAS RESEARCH AND DEVELOPMENT PROGRAM

THE RESOURCE BASE AND THE POLICY

The Ultra-deepwater and Unconventional Onshore Natural Gas Research and Development Program constitutes the fourth element of a solid policy plan for increasing natural gas and other petroleum production and supply in the United States. The policy foundation for the program is found in analysis and recommendations of the National Petroleum Council (NPC), the Department of Energy (DOE), the Energy Information Administration (EIA) and the Bureau of Economic Geology (BEG) at the University of Texas. R&D experience indicates that the opportunity for dramatically increasing gas production from these resources is great. North America has substantial additional technically recoverable natural gas.

The 2003 NPC study estimated that there are 1,969 Tcf of technically recoverable natural gas reserves in North America—equivalent to 90 years of gas supply at current consumption rates.

1240 Tcf is in the lower-48—(56 years of gas supply at current consumption rates).

Only 210 Tcf is in moratoria areas or areas otherwise unavailable for development. (See Attachment A)

The balance is in Alaska and Canada.

Much of the Canadian technically challenged resource would become productive with application of the new technologies developed by this program.

While some of the Alaskan resource is technically challenged, the predominant problem there is with price due to the high cost of pipelines to transport the gas to market.

Development of additional technically recoverable natural gas requires a suite of policy actions.

Increased access to natural gas on federal lands affects about 210 Tcf.

Financial incentives can affect high cost gas resources such as Alaska, deep wells, marginal producing properties and gas pipeline infrastructure.

Regulatory streamlining can benefit new infrastructure such as pipelines and LNG terminals.

Technology development creates the means to access unconventional and ultra-deepwater resources—1240 Tcf in the lower-48.

POLICY BASIS FOR INDUSTRY. ACADEMIC AND GOVERNMENT COLLABORATION ON SUSTAINED, RESOURCE-BASED R&D

In 1999, in the report ''Meeting the Challenges of the Nation's Growing Natural Gas Demand,'' the National Petroleum Council (NPC) made several observations and recommendations for actions in order to meet growing natural gas demand in the United States:

Two regions—deepwater Gulf of Mexico and the Rockies will contribute most significantly to new supply. (page 10)

Deeper wells, deeper water, and nonconventional sources will be the key to future supply. (page 10)

Technology improvements are particularly important given the difficult conditions accompanying new resources. (page 15) .

This study assumes that technology improvements will continue at an aggressive pace. (page 16)

. . . an unprecedented and cooperative effort among industry, government, and other stakeholders will be required to develop production from new and existing fields. (page 10)

The government should continue investing in research and development through collaborations with industry, state organizations, national laboratories and universities. (page 28)

In response to the 1999 NPC study, the Department of Energy conducted a roadmapping exercise through a series of work shops with 159 participants that included representatives from the production and service industry, research institutions, academia, the investment business, non-governmental organizations, and government. In November 2000, the DOE published the ''Offshore Technology Roadmap for the Ultra Deepwater Gulf of Mexico'' which contains conclusions and workshop highlights including:

Scientific research and development (R&D) of new technologies that will lower the cost of bringing these new energy supplies to the consumer, while protecting the environment, are needed. (page 4)

The cost to design and implement an ultra-deepwater technology demonstration program is on the order of hundreds of millions of dollars. (page 4)

R&D spending by the industry is very low as a percentage of revenues compared to other industries. This is basically possible because in the global economy, industry can ''coast'' on older technology in other areas of the world. In newer reservoirs and easier drilling environments around the world (compared to the remaining opportunities in the United States), new technology is less in demand. The industry will develop the technology to produce in deepwater and ultra-deepwater in the United States, but absent some outside stimulus, these developments will come at a very incremental pace. (page A–1)

If there is a national interest in increasing U.S. domestic production in the near term,

then stimulus could be applied to achieve this goal. (page A–1)

. . . assuring timely development of the nation's ultra-deepwater resources requires a deliberate, coordinated, and well-financed effort on the part of industry, government, and academia to address the key technological gaps that present a barrier to this development. (page 4)

Investment in technology for ultra-deepwater development will require collaboration across all areas of a single company and between companies. This collaboration must be pervasive . . . between oil and gas companies and their service providers; . . . governmental agencies, and nongovernmental organizations; . . . and investors. (page A–2)

Employing new technology is a significant barrier in and of itself. In ultra deepwater, the initial technology deployment represents a multi-million dollar investment. The risks and costs for failure of initial deployment are high. (page A–5)

A ''high-intensity'' approach to design and commercialization is required to reduce the new technology deployment time frame or the cycle time. (page A–6)

Public funds for demonstration and/or testing will accelerate technology commercialization. (page A–7)

During the roadmapping process, stakeholders stated that ''evolutionary elements of technology development must be tied together in a way that brings a revolutionary result.'' A critical point is that no single technology was identified as holding revolutionary potential. It is the integration of individual components of technology into a coherent and well-executed development process that will improve the efficiency of deepwater development to make it competitive with other provinces. It will take major technology advances on multiple fronts in exploration, production, drilling, flow assurance and infrastructure to achieve the revolutionary results . . . (pages 14–15)

In its report ''Economic Analysis for a National Ultra-deepwater and Unconventional Oil and Gas Supply Research Fund'' (June 2003), the Bureau of Economic Geology (BEG) at the University of Texas concluded that a well funded, resource based R&D program could substantially increase natural gas and oil production in the U.S. The results of modeling a program roughly twice the size of the program in the House bill indicate that this R&D work would yield a relatively rapid increase in oil and gas production on Federal lands currently available for leasing, resulting in a cumulative increase in Federal oil and gas royalty receipts of $12.4 billion over the next 10 years (and increasing thereafter). In developing its report, the Bureau of Economic Geology analyzed the experience of several successful R&D efforts. The attached charts illustrate the results of that analysis. (See Attachment B)

There is ample experience with the unconventional gas resources to provide clear examples of the potential for successfully increasing natural gas production through the implementation of a sustained, industry-led, well funded, resource-based, collaborative R&D project. The GRI/industry coalbed methane collaborative R&D program is especially noteworthy for transforming coalbed methane from a nuisance or hazard of coal production into a natural gas resource. Before the mid-1980's, there was no coalbed methane production. Now, coalbed methane constitutes more than 10 percent of domestic natural gas production.

A more detailed profile of the GRI/industry coalbed methane R&D program (see Attachment C) reveals the following: the program cost about $140 million ($70 million GRI/$70 million industry) over 10 years; production began to increase shortly after the start of the program and annual production of coalbed methane continues to increase and currently supplies around 10 percent of U.S. domestic annual production. Among the more important technologies that resulted from the program are the application of hydraulic fracturing to coalbeds, the capability to make accurate resource estimates, gas desorption understanding and cavity completions. Other examples of successful R&D programs in fields where production has steadily increased are the Barnett Shale in Texas and Michigan's Antrim Shale. Coalbed methane research programs now exist in at least 13 countries worldwide.

''Balancing Natural Gas Policy.'' the 2003 report of the National Petroleum Council says, ''Technology is a critical driver for the growth of the gas industry in North America. This is dictated by the nature and complexity of the undiscovered resource base, which is generally characterized by deeper drilling, deepwater, and nonconventional reservoirs. Continued development of improved exploration and development technologies and cost reductions for drilling and platform construction will be critical to improving the economics of future gas supply.'' (Chapter 9, page 303) The attached chart indicates that technology advancements represent two of the top three most effective ways to increase gas supply and lower energy costs to consumers. (See Attachment D)

According to an EIA analysis of the H.R. 6 Conference Agreement in the 109th Congress, the program will yield net natural gas supplies of 3.8 trillion cubic feet over the EIA reference case and 850 million barrels of oil. In addition, EIA notes that ''dedicated funding outside the annual appropriations process implies relatively low funding-related uncertainty for this program'' and ''. . . the new R&D program would increase the technological progress of the affected resources by 50% of its value in the [EIA] reference case.'' Further analysis indicates that federal royalties paid on the incremental supplies resulting from the R&D investment will pay for the program. (See Attachment E)

CONCLUSION

The Ultra-deepwater and Unconventional Onshore Natural Gas Research and Development Program fulfills the recommendations of the National Petroleum Council that ''The government should continue investing in research and development through collaborations with industry, state organizations, national laboratories and universities.'' The program is designed for the purpose of assuring a well-funded and sustainable program of collaborative research to more quickly develop the technologies to develop our ultra-deepwater and unconventional natural gas resources—our largest domestic resources. The program design is based on analysis of R&D programs that have already been completed and have yielded large increases in natural gas production. According to analyses by the Bureau of Economic Geology and the Department of Energy's Energy Information Administration, the program will increase natural gas and oil supplies, lower costs to consumers, increase royalty revenues for the states and return enough additional royalty revenue to the Treasury to more than repay the cost of the program.

INCREASED RESEARCH AND DEVELOPMENT SPENDING FROM SECTIONS 941 TO 949 OF THE CEB

Two types of uncertainty characterize the effects of proposed authorizations of Federal R&D investments. First, the timing and level of the net change in Federal R&D spending is often different from the authorized amount. Second, a statistically reliable relationship between the level of R&D spending for specific technologies and the actual outcome of that R&D has not been developed. Even is both of these uncertainties were resolved, the analysis is complex because the levels of private sector R&B expenditures are usually unknown but often far exceed R&D spending by the Federal Government. Consequently, EIA cannot provide an estimate of the impact on technological change of an increase in Federal R&D spending. However, EIA can provide the results of a sensitivity case using an assumption of the technological impact that increased spending on R&D might have.

Sections 941 to 949 of the CEB calls for the allocation of $150 million annually into a fund (the Ultra-Deepwater and Unconventional Natural Gas and Other Petroleum Research Fund) for Federally sponsored R&D. The money is to come from Federal royalty payments that are allocated in each fiscal year from 2004 through 2013 and would not go through the annual appropriations process. The R&D is to be targeted for the development of ultra-deep (greater than 1,500 meters water depth) offshore, unconventional natural gas, and other petroleum resources. Unconventional natural gas and other petroleum resources are ''natural gas and other petroleum resources located onshore in an economically inaccessible geological formation including resources of small producers.''

Dedicated funding outside of the annual appropriations process implies relatively low funding-related uncertainty for this program. However, the uncertainty in relating increased Federal spending to technological progress remains important. Experts in the Department of Energy's Office of Fossil Energy (FE) believe that the new R&D funding would increase the technological progress for the affected resources (ultra deep offshore oil and gas and unconventional gas production) by 50 percent over its value in the Reference Case. They arrived at his conclusion by verifying that the proposed additional R&D funding would bring total Federal R&D spending back to the levels represented in the Reference Case of AEO1997 which used the same rates. The CEB case with the added FE assumptions regarding accelerated technological change due to the Section 941-to-949 programs, referred to as the FE/CEB case, was run to assess the impact of the assumed accelerated technological change on oil and gas supply and prices.

The pattern of natural gas wellhead prices and production in the FE/CEB case is as expected. Successful R&D increases supply from the ultra-deep and unconventional resources and lowers wellhead prices throughout the forecast. Natural gas wellhead prices are as much as $0.30 per mcf lower than in the Reference Case and as much as $0.20 per mcf lower than in the CEB Case.

Between 2009 and 2025, cumulative crude oil production from the ultra-deep offshore is over 850 million barrels higher than in the References Case and over 800 million barrels higher then the CEB Case. Cumulative natural gas production is 3.8 tcf higher than in the Reference Case and 3.2 tcf higher than the CEB Case. It is important to note that the technological improvements assumed for this case would also have an impact in producing areas outside the United States, which would potentially affect world oil markets.

TRIBUTE TO SARAH MAE FLEMMING BROWN

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Mr. CLYBURN. Mr. Speaker, it is with great pride and honor that I take this opportunity to pay tribute to the late Sarah Mae Flemming Brown for her valiant contributions to the cause of civil and human rights. Her place in history has not been fully recognized, but her determination to seek equity and fair treatment in our society deserves to be illuminated.

Ms. Flemming is an unsung hero whose pioneering quest to end segregation and racial hatred isn't told in our classrooms the way that so many other triumphant sagas are recounted, and in fact she didn't even tell the story to her children. But I want to recount her heroic stand, so it can from this point forward be included in the CONGRESSIONAL RECORD.

On June 22, 1954, the 20–year old maid boarded a bus in much the same manner that Rosa Parks later did. She took the only empty seat, one she believed began the rows in which black riders were allowed to sit. The driver challenged her, and humiliated, she signaled to get off at the next stop. The bus driver blocked her attempt to exit through the front of the bus and punched her in the stomach as he ordered her out the rear door. She wasn't trying to prove a point, and certainly there was no way of knowing how her apparently simple gesture of defiance would lead to monumental changes in our Nation's fundamental values.

Civil rights activists in Columbia, SC, heard of Ms. Flemming's ordeal and through Ms. Mojeska Simpkins enlisted Attorney Phillip Wittenberg, a white attorney in Columbia to represent her. Flemming v. South Carolina Electric and Gas was filed on July 21, 1954 in U.S. District Court. The allegation was that Ms. Flemming's 14th amendment right to equal protection had been violated.

On February 16, 1955, Federal District Judge George Bell Timmerman, Sr. dismissed the case. Ms. Flemming appealed to the Fourth Circuit Court of Appeals and her case was argued on June 21, 1955. The Fourth Circuit reversed Judge Timmerman on July 14,1955 and ''remanded the case for further proceedings.'' SCE&G appealed the decision of the Appeals Court. On April 23, 1956, the United States Supreme Court dismissed SCE&G's appeal, and on June 13, 1956, Judge Timmerman dismissed the case once again.

Throughout this entire ordeal Ms. Flemming and Attorney Wittenberg endured intimidation and cross-burnings from the KKK. Things took their toll on Mr. Wittenberg and he decided not to handle a second appeal. Attorneys Matthew Perry and Lincoln Jenkins became the new lawyers of record for Ms. Flemming, and with their help and the help of NAACP lawyers the Fourth Circuit once again remanded the case to the trial court.

While Ms. Flemming was fighting her battle in Columbia, SC, things began fermenting in other parts of the South. On December 1, 1955, a now famous seamstress, Rosa Parks, boarded a city bus in Montgomery, AL, in much the same fashion as Sarah Flemming did on June 22, 1954, some 18 months before. Few people are aware of Ms. Flemming's story. Timing and significant forces combined to keep her story from common knowledge.

Judge George Bell Timmerman, Sr.'s son, George Bell Timmerman, Jr.—an avowed segregationist—was elected Governor of South Carolina in November 1954, and conspired with the local newspaper, the State, to black out, or it might be more appropriate to say, white out civil rights activities taking place in South Carolina. Consequently, history records that the United States Supreme Court case involving Rosa Parks decided on November 13, 1956 desegregated public transportation, although the Court had made clear in its remand of Ms. Flemming's case five months earlier, what the law of the land was.

Ms. Flemming went on to marry John Brown of Gaston County, N.C., and they had three children. She poured her heart and soul into Goodwill Baptist Church in Eastover, SC, and occasionally continued to work as a housekeeper. A heart attack brought on by diabetes took Mrs. Sarah Mae Flemming Brown just before her 60th birthday in 1993, a few months after I became the first African-American elected to this august body. Her death ended a seemingly simple life that had an extraordinary impact on this country.

The story of Ms. Flemming reminds us of the social progress that has been made in one generation and the progress that continues to be made as a testament to the vision and courage of such an advocate of American freedom and equality. Her legal team, that fought with her all the way to the U.S. Supreme Court, should also be commended for their insight and vision that would help lead to so many future legal triumphs toward ending government-imposed segregation. Ms. Flemming Brown's heroic actions should remind them and us that ''if a tree were to fall in a wood and nobody's there to hear it, does not mean it does not make a sound.''

I invite my colleagues to join me today in thanking Sarah Flemming Brown for providing the precedent that led to the desegregation of public transportation in these United States. We should also appreciate the great loyalty she and her family and friends have kept to South Carolina. I am humbled to share her story today for all to appreciate.

PERSONAL EXPLANATION

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Mr. MENENDEZ. Mr. Speaker, I was absent from votes in the House on Tuesday, September 20th, due to a previous and unavoidable commitment. Therefore, I was unable to vote on H.R. 3761, the Flexibility for Displaced Workers Act (rollcall No. 476), and H. Res. 441, a resolution to congratulate the National Aeronautics and Space Administration and the Discovery crew (rollcall No. 477). Had I been present, I would have voted ''aye'' on both of these measures considered by the House.

TRIBUTE TO HIS HOLINESS ARAM I

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Mr. SHERMAN. Mr. Speaker, it gives me great pleasure to join my Armenian American constituents of California's 27th Congressional District in welcoming His Holiness Aram I, Catholicos of the Great House of Cilicia to the State of California.

His Holiness Aram I was elected Catholicos on June 28, 1995. Four years earlier, His Holiness had been selected to serve as the Moderator for the World Council of Churches (WCC). This prominent ecumenical organization is composed of more than 340 churches from around the world and represents over 400 million Christians. His Holiness is the first Orthodox Christian and the youngest person to be elevated to the post of Moderator of the WCC.

Aram I was ordained a priest in 1968 and obtained the title of Vartabed (Doctor of the Armenian Church) in 1970. In 1979 he was elected Primate of the Armenian Orthodox community in Lebanon. The next year he received his Episcopal ordination. His tenure as Primate of the Armenian community in Lebanon coincided with the Lebanese Civil War. During this time and after, His Holiness reorganized parishes and schools, restructured and reactivated church-related institutions, and renewed community leadership.

As a strong supporter of inter-religious relations, dialogue and cooperation, Aram I has played a significant part in promoting common values, mutual understanding and peaceful coexistence among religions. He has worked tirelessly as Primate to foster tolerance and build mutual confidence between Christian and Muslim communities.

His Holiness is also active as a scholar and has written several books in which he frequently admonishes the vital importance of dialogue and collaboration among the living faiths of the world.

We can expect a message of peace and unity when His Holiness addresses the Los Angeles World Affairs Council on October 14th, 2005. His Holiness will also present the main address at a symposium to be held at the University of Southern California that will focus on how Christians respond to violence. I am honored that the Catholicos will be visiting the 27th District on October 7th to preside over church services to be held at Holy Martyrs Armenian Apostolic Church in Encino, California.

Mr. Speaker, please join me in recognizing the His Holiness Aram I, a man who has been a strong voice for mutual understanding among religions, cultures and civilizations; a true spiritual leader committed to peace, justice, and human rights.

CELEBRATING THE LIFE OF SIMON WIESENTHAL

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Mr. DINGELL. Mr. Speaker, I rise today to pay respects to and celebrate the life of Simon

Wiesenthal, a hero to everyone who believes in truth and justice.

Simon Wiesenthal's dedication to the capture of the vicious Nazi murderers touched millions who wanted justice for their pain, suffering and loss. He was a survivor who spent years in Nazi death camps, until 1945 when he was liberated by American soldiers. Rather than live in fear or permit the perpetrators behind those terrible atrocities live free, he hunted down Nazis that murdered innocent Jewish men, women, and children during the Holocaust so that they could be prosecuted. According to some accounts, his hard work led to over 1100 criminals being brought to justice.

Simon Wiesenthal's fight to ensure justice brought to light many of the grave problems that remained after World War II that many did not want to acknowledge. At a time when some may have wished to sweep the past under the rug, Simon Wiesenthal would not allow it. He changed history, by forcing all of us to confront history. For that we owe him a debt of gratitude.

Mr. Speaker, today, I ask my colleagues to rise and pay tribute to this great man and his efforts for justice and truth. We will never forget the 6 million Jews who died and we will never forget Simon Wiesenthal.

IN HONOR AND RECOGNITION OF THOMAS L. ORTOSKY FOR HIS HEROIC ACTIONS AND SELFLESS DEEDS AS A LETTER CARRIER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Thomas L. Ortosky, as he receives the National Association of Letter Carriers' Regional Hero Award. His sincere, heroic and selfless act saved the lives of two young girls from his beloved community.

Mr. Ortosky was working from his delivery vehicle when he noticed two young girls on their bikes and a pack of dogs chasing after them. With no hesitation, Mr. Ortosky ran from his vehicle and fearlessly began to distract the dogs even though he was risking his own safety and perhaps his life. His good-hearted action worked. The girls rode off to safety while Mr. Ortosky bravely held off the dogs. The pack of dogs began nipping at him but Mr. Ortosky never hesitated. It was not until the dogs were captured by the animal warden that Mr. Ortosky was out of harm's way. And ever so dutifully and good-natured, Mr. Ortosky continued on his delivery route without ever notifying anyone about the incident and his heroic deed.

However, Mr. Ortosky's valiant and honorable deed did not go unnoticed. His grateful patrons reported the incident. With thanks from his community and the National Association of Letter Carriers' it is with great pride that as his representative I can recognize this great American.

Mr. Speaker and Colleagues, please join me in honor and recognition of Thomas L. Ortosky. Mr. Ortosky is truly a hero. He is a selfless and genuine human being and a role model for the people of his community as well as the country.

PERSONAL EXPLANATION

HON. G. K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Mr. BUTTERFIELD. Mr. Speaker, on Tuesday September 6 through Thursday September 8, I was unable to attend for vote Nos. 456 through 464 due to a death in my family. Had I been present on rollcall vote No. 456, I would have voted, ''aye''; on rollcall vote No. 457, I would have voted ''aye''; on rollcall vote No. 458, I would have voted ''nay''; on rollcall vote No. 459, I would have voted ''nay''; on rollcall vote No. 460, I would have voted ''aye''; on rollcall vote No. 461, I would have voted ''aye''; on rollcall vote No. 462, I would have voted ''aye''; on rollcall vote No. 463, I would have voted ''aye''; on rollcall vote No. 464, I would have voted ''aye.''

I ask that the appropriate mentions be made in the RECORD.

RECOGNIZING THE CONTRIBUTIONS OF JENNY BLAU

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Ms. SOLIS. Mr. Speaker, today I rise to recognize Jenny Blau, a dedicated, intelligent and compassionate woman whom I have been fortunate to have as part of my staff for the past two and a half years.

Since Jenny's first day in the office, she has approached each and every task I have given her with dedication. Jenny joined my office in February 2003 as an unpaid fellow and quickly assumed a role as a Legislative Assistant. As a Legislative Assistant, Jenny has been the point person for the Congressional Caucus for Women's Issues and has overseen legislation dealing with domestic violence, senior issues, and the murders of women in Ciudad Juarez, Mexico. Her extensive knowledge of women's issues and health care has proved invaluable. Jenny has played a pivotal role in raising awareness about women in the military, violence against women, and other issues that affect women.

Jenny's understanding of the challenges facing the Latino community has been particularly important to me. Jenny has organized numerous briefings and events to heighten awareness about the murder of women in Ciudad Juarez, Mexico, and domestic violence. She has also overseen successful events sponsored by Lifetime Television, the Oxygen Network and the Democratic Women's Working Group. These projects have left a lasting impact on the lives of women in the 32nd Congressional District of California and nationwide.

Jenny's kindness, work ethic, and professionalism have earned her the trust and respect of her colleagues and women's groups. I am very proud that she will follow her passion of medicine at the Georgetown University Medical School. I wish Jenny the best of luck in life and in all of her endeavors. Le deseo la mejor de las suertes a Jenny. Un dicho popular dice: ''El que persevera, alcanza.'' Estoy segura que Jenny logrará todas sus metas.

THE MICROBICIDE DEVELOPMENT ACT: AN OPPORTUNITY TO SAVE MILLIONS OF LIVES

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Ms. SCHAKOWSKY. Mr. Speaker, I am pleased to join today with my colleagues Representative CHRIS SHAYS and DANNY K. DAVIS in introducing the Microbicide Development Act, along with twenty seven of our colleagues. This bipartisan legislation recognizes the need to coordinate and accelerate federal microbicide research and development programs in order to provide a new and effective tool in fighting the HIV/AIDS pandemic here and around the world. At the 15th International AIDS Conference in Bangkok last year, microbicide development was listed at one of the ''10 most promising biotechnologies for improving global health.'' It is time that we turn that promise into reality.

Microbicide products that can be applied topically—like gels or foams—are being developed today to help prevent the spread of HIV and other sexually-transmitted diseases in women. Microbicides would block infection by creating a barrier between the pathogen and its target cells. A computer modeling study by the London School of Hygiene and Tropical Medicine found that if an effective microbicide were used by 20 percent of women in just 73 low-income countries, it would prevent 2.5 million HIV infections over three years.

The Microbicide Development Act would help us realize the life-saving potential of microbicides. It would require development and implementation of a federal strategic plan to coordinate ongoing activities among the National Institutes of Health, Centers for Disease Control and Prevention, and the United States Agency of International Development (USAID). Through this increased emphasis and annual reports to Congress, we can ensure that the United States moves forward effectively and quickly as part of the global effort to stop AIDS.

The need to act to cut HIV infections and AIDS deaths is overwhelming and immediate. Most of us are aware of the stark figures. In the last 25 years, 40 million people around the world have been infected with the disease. Nearly 3 million lives are lost each year. In Africa alone, it is projected that 80 million people will die by 2025 unless we act decisively to stop the spread of AIDS.

Not as many are aware of the changing face of HIV/AIDS—the growth of infection rates among women. Over 14,000 people are infected with HIV each and every day—about 7,000 of them are women. Many of these women live in monogamous relationships but, because they are unable or too afraid to ask their husbands or partners to use condoms, they have no prevention tools at their disposal.

In fact, as Dr. Zeda Rosenberg, director of the non-profit International Partnership for Microbicides, points out, ''For women, in many parts of the world, being poor, young and married are the most significant risk factors for acquiring HIV infection.'' Microbicides—products like gels or foams that can be applied topically—would provide an effective prevention tool that women can use to protect themselves, without having to rely on their partners.

Microbicides hold particular promise in Africa, where, as UN Secretary General Kofi Annan said in 2003, women must be placed at the center of the HIV/AIDS strategy. ''If you want to save Africa, you must save the African woman first,'' he said. ''It is they who nurture the social networks that help societies share burdens.'' Yet, as Lesotho's Minister of Health and Social Welfare Deborah K. Raditapole describes, many African women have little ability to protect themselves or their children: Having sex with her husband is considered a wife's duty, even when she knows that her husband has had other partners and wishes to protect herself. If she insists that he uses a condom or refuses to have sex with him, she may be beaten or abandoned. Even if a woman suspects that her spouse may have been exposed to HIV, she has nowhere to turn for support, and there are no laws to protect her.

That is why Ilene Wong, a Stanford Hospital physician, calls microbicide development a ''lifesaving safety net.'' In The Washington Post last summer, she wrote: In my nightmares, I see the women we have failed to protect from AIDS. . . . I despair for my sisters in Africa, who know that abstinence is rarely an option for the powerless and poor. Rather, it's a luxury for those confident that they will eat tomorrow. A truly comprehensive and farsighted global AIDS program would recognize that women need their own weapons against HIV. They need microbicides.

In the Gleneagles statement issued last July, the G8 recognized the need for a greater commitment to global health and joined the chorus of respected health organizations calling for expedited microbicide development. Other organizations that have recognized the potential of microbicides include the Global Coalition on Women and AIDS, the President's Emergency Plan for AIDS Relief (PEPFAR), the National Institutes of Health, the National Women's Health Network and the Alan Guttmacher Institute.

Microbicide development is not just a life-and-death matter for women in other countries, it is equally crucial for women in the United States. In Illinois, over 30,000 AIDS cases have been reported and we have suffered 16,400 deaths since 1981. As in other parts of the world, women and especially women of color represent a growing proportion of new infections in Illinois. The AIDS Foundation of Chicago has been a leader in calling for expanded microbicide R&D as part of their comprehensive efforts to address the AIDS epidemic. David Munar, Jim Pickett and others at the AIDS Foundation of Chicago have been instrumental in helping to design this bill and in bringing attention to the need to put prevention tools against HIV and other sexually transmitted diseases directly into women's and men's hands.

I also want to thank the many women who, infected themselves, have come forward to push for microbicide development in order to protect other women. Women like Chicagoan Debra Fleming, an African American woman who has lived with HIV for 20 years and says, ''I know plenty of women who really don't have a choice when it comes to using protection with their partners. Condoms are just an option for them because a lot of these women are battered. With a microbicide, a woman can protect herself from both HIV and a black eye.''

And I want to thank my constituent, Patrice Dean, who has been HIV+ for 15 years, who is also part of the fight for prevention. ''If microbicides would have been available to me, I may never have become infected,'' she says. ''They are important for all women, especially women of childbearing age who want to have a child but not risk infection. They are also important for married couples, where it may be difficult for a woman to negotiate condoms. Men don't like condoms, never have, never will. That is always an issue.''

Women will soon comprise over half of the world's HIV/AIDS-infected people. They need HIV-prevention tools that they can use themselves, without having to rely on reluctant and sometimes even abusive partners. The Microbicide Development Act will spur development of those tools. I hope that my colleagues will join us in cosponsoring this bill and in pushing for its enactment.

IN HONOR AND MEMORY OF SIMON WIESENTHAL

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Mr. HIGGINS. Mr. Speaker, today I join my colleagues in mourning the loss and honoring the life of Simon Wiesenthal.

Simon Wiesenthal died this week in Vienna at the age of 96. He was a survivor of the resistance movement and lived through internment in Nazi concentration camps. He became the most famous Nazi hunter when he returned to Vienna after World War II. Mr. Wiesenthal devoted his career to exposing and documenting Nazi atrocities and bringing perpetrators to justice.

After World War II and the Holocaust, Mr. Wiesenthal became the permanent representative of Holocaust victims, determined to bring the perpetrators of one of history's greatest crimes to justice and punishment. He took the job no one else wanted, and he charged himself with the task that few sought.

He was a voice of conscience for all humanity and he inspired world leaders and individuals to fight anti-Semitism and intolerance. Mr. Wiesenthal is best known for his instrumental investigative research that contributed to the capture and conviction of more than 1,100 Nazi war criminals, including Adolf Eichmann, the architect of the ''Final Solution.'' Through the Simon Wiesenthal Center, he also promoted Holocaust remembrance, the fight against racism and anti-Semitism, and the monitoring of neo-Nazi and other extremist groups worldwide.

Simon Wiesenthal's message, mission and courage will not die with him. He has shown us all what it means to fight the fight, whether unpopular or difficult, whether lonely or tedious. Because of Mr. Wiesenthal's courageous, gutsy and earnest work, we have learned as a country what it means to stand up for what is right. As a Member of Congress, I will always follow Mr. Wiesenthal's precedent, and will continue to lead my colleagues in Congress to fight anti-Semitism and intolerance wherever it may be.

CONGRATULATING THE O'LEARY COMPANY ON ITS 50TH ANNIVERSARY

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Mr. NEAL of Massachusetts. Mr. Speaker, I rise today to pay tribute to the O'Leary Company, an engineering, planning and construction company from western Massachusetts that is celebrating its 50th Anniversary of building excellence this month. Simply put, the company is the one of the most experienced design-build commercial contractors in the northeast region.

From humble beginnings, Edward J. O'Leary started his own construction business in Holyoke, Massachusetts in 1955. With an emphasis on quality workmanship and customer service, the company quickly began to grow. A relationship with the Kansas City based Butler Manufacturing Company was a defining point for the company. Working with Butler, a leader in the marketing, design and production of systems for commercial and industrial buildings, enabled Ed O'Leary to take on larger construction projects. That partnership has created hundreds of jobs, successfully completed 1,200 projects and sold more than $40 million dollars in Butler steel.

But the O'Leary Company's history is more that just sales and completed projects. Strong corporate values have long been the key to their success. They have a reputation in the community for integrity, reliability and quality. And their contribution to the local economy cannot be minimized.

Whether it is aircraft hangers at Westover Air Reserve Base, the Quill Corporation Building in Agawam, MA, the Ludlow Technical Products property, or the state-of-the-art WWLP TV–22 studio in Chicopee, MA, the O'Leary Company has helped make our region a better place to work and do business. They truly have made a difference in the quality of life in western Massachusetts.

Mr. Speaker, I ask my colleagues in the 109th Congress to please join with me in wishing Randy Conklin, Brian Hill and the employees of the O'Leary Company another 50 years of success. I am confident that they will remain an invaluable builder, employer and corporate partner in western Massachusetts for many years to come.

HONORING THE UNITED STATES JUNIOR GIRLS SOCCER TEAM

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Mr. ANDREWS. Mr. Speaker, I rise today to commend and honor the United States Junior Girls' Soccer Team, winners of the Gold Medal at the World Maccabi Games held in Israel this summer. The World Maccabi games are an Olympic-style competition that is among the top sporting events in the world. Participants in the games are Jewish athletes from countries all over the world. The National team was chosen from a group of 65 girls nationwide who were selected to try out

last December. The ladies created a bond of true camaraderie and won several intense games. They out hustled, outmaneuvered and outplayed their toughest competition. The only thing that outshined their play was their sportsmanship and respect for the game. They are a true inspiration to soccer players nationwide.

Mr. Speaker, I would like to commend Jason Neidell, Wendi Whitman, and Mara Schanfield for their work in coaching the team to the Gold Medal. They provided leadership and guidance and an invaluable service to these ladies and the youth soccer movement. I would also like to honor Jamie Hacker, Allyson Gordon, and Genna Brand, who were selected as Captains of the team. May all of the ladies success in this program help them fully realize their potential for productive, successful lives, and I wish these girls all the best in their future endeavors.

The following are the members of the United States Junior Girls' Gold Medal winners at the 2005 Maccabi World Games:

Sarah Berger, Genna Brand, Allyson Gordon, Amanda Gurin, Jamie Hacker, Lizzie Haldane, Kasey Hirsty, Kayli Hirsty, Lindsay Jaffe, Carly Knue, Allison Kurtz, Samantha Kurtz, Rebecca Rostowsky, Zoe Sarnak, Alexandra Schwach, Dena Shleifer, Morani Stelmach, Rachael Sushner, Julie Kaufman, Sofia Vallone.

Head Coach—Jason Neidell, Assistant Coaches—Wendi Whitman and Mara Schanfield.

RECOGNIZING SPACE SHUTTLE COMMANDER EILEEN COLLINS, MISSION SPECIALIST WENDY LAWRENCE, AND THE CONTRIBUTIONS OF ALL OTHER WOMEN WHO HAVE WORKED WITH NASA

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2005

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today as a proud cosponsor of H. Res. 450 which recognizes Space Shuttle Commander Eileen Collins, Mission Specialist Wendy Lawrence, and the contributions of all other women who have worked with NASA following the successful mission of Space Shuttle *Discovery* on STS–114. Let me offer my own personal congratulations to these women who have not only advanced the cause of aeronautics through their work, but also they have advanced the cause of women through their determination.

Let me take a moment to recognize Commander Eileen Collins who successfully returned NASA to flight. LTC Eileen Marie Collins was born in Elmira, New York on November 19, 1956. As a child, Eileen dreamed about space and of becoming a pilot. Her parents often took her to the airport to watch the planes take off and land. The Collins family wanted Eileen to attend college, but did not have the money to send her. After high school, she attended Corning Community College. While there, she studied hard to earn a two-year scholarship to Syracuse University. In 1978 Eileen Collins graduated with a bachelor of arts degree in mathematics and economics from Syracuse University. Later, she went on to earn a master of science degree in operations research from Stanford University and a master of arts degree in space systems management from Webster University.

In 1979, LTC Collins graduated from Air Force Undergraduate Pilot Training at Vance Air Force Base. In 1990, while attending the Air Force Test Pilot School, she was selected for the astronaut program. Eileen Collins became an astronaut in July 1991 and the first woman to pilot the Space Shuttle on February 2, 1995. She made history once again in 1999. On July 23 LTC Collins became the first woman to command a Space Shuttle mission. Eileen Collins is also a wife and mother, but on top of all these titles and distinctions, she is an inspiration for many women throughout the world.

I also want to take a moment to recognize CAPT Wendy B. Lawrence who served as a mission specialist on the Space Shuttle *Discovery*. CAPT Lawrence is a native of Jacksonville and has flown on four missions to space. Lawrence graduated from the U.S. Naval Academy in 1981 with a degree in Ocean Engineering. She went on to earn a master of science degree in Ocean Engineering from M.I.T. in 1988. Her mission aboard *Discovery* was to transfer payloads back and forth from the International Space Station using the robotic arm. She's made history, too. She was one of the first two female helicopter pilots to make a long deployment to the Indian Ocean as part of a carrier battle group while stationed at Helicopter Combat Support Squadron Six. Clearly, she made history again when the Shuttle *Discovery* returned NASA to flight.

Both these women deserve great recognition for their work aboard the Shuttle *Discovery* and their lifetime of service to our Nation. Truly, many women from Sally Ride to Mae Jemison have made great strides to get to this day when a woman can command a space shuttle. To paraphrase a historic statement once made from the moon: 'This is one small step for women and one giant leap for womenkind.'

HONORING WILLIAM F. RICHARDSON

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Mr. GERLACH. Mr. Speaker, I rise today to honor William F. Richardson on the occasion of his retirement after many years of distinguished service as the Executive Director of the Berks County Action Program in Pennsylvania.

As Executive Director of the Economic Opportunity Council and the Berks County Action Program (BCAP), Mr. Richardson has actively fought to mobilize the human and financial resources to combat poverty in the City of Reading and the County of Berks. Under Mr. Richardson's leadership, BCAP has initiated, coordinated, and implemented numerous social programs to fight against poverty. This organization is well known for its ability to stimulate activities within their local communities and for the services it continually provides for the low-income, financially distressed, and disadvantaged citizens in the area. These invaluable services include job training, counseling, vocational rehabilitation, housing, parenting classes, home management, child care classes, and substance abuse prevention.

In attempt to make a difference in the lives of the poor in his community, Mr. Richardson entered into community service as the assistant to former Mayor Victor Yarnell from 1968 to 1969. He then made the decision to leave City Hall and take a position as the assistant director for community liaison for the Reading Redevelopment Authority in 1969. In 1979, Mr. Richardson resigned from the Authority and came to his current position as the Executive Director of the Economic Opportunity Council.

Throughout the past 35 years, Mr. Richardson further proved his commitment to helping the less fortunate by participating as an active member of his community, serving on numerous boards, including those of the Reading Parking Authority and the Reading-Berks Human Relations Council. Mr. Richardson is also the president of the Greater Berks Food Bank.

Mr. Speaker, I ask that my colleagues join me in honoring this extraordinary gentleman and his selfless mission to help those in need and for the invaluable service he has so diligently provided. I wish him the very best of luck in his retirement.

HONORING BARBARA JEAN BROWN

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Ms. PELOSI. Mr. Speaker, I rise today to recognize and honor an extraordinary woman who dedicated her life to the service of San Francisco's most needy individuals. Barbara Jean Brown, known to those who loved her as ''Mother Brown,'' passed away on August 9 after a year-long struggle with leukemia.

Mother Brown distinguished herself through her generous and untiring efforts feeding the poor and homeless of our city through Mother Brown's Dining Room. By offering a haven to countless individuals for more than 20 years, her spirit and kindness touched all those to whom she tended. I offer my deepest sympathy to her sons, Frederick and Jaamel; her brother, Arthur; and her sisters, Alice, Fanny, and Dennie Marie.

Mother Brown served San Francisco with dignity and love. The beginning of her public ministry consisted of parking an old, oversized Cadillac and serving hot meals out of her trunk that she had cooked in her own kitchen. Sharon Williams, the operations manager of Mother Brown's Dining Hall, said of her colleague, ''She knew there was a need. She believed no one should ever go to bed hungry.'' Mother Brown never turned anyone away.

Her work did not go unnoticed. Government agencies, community organizations, and private corporations donated funds to allow Mother Brown to set up the Bayview Hope Homeless Resource Center and Mother Brown's Dining Room in a converted warehouse. With this new facility, Mother Brown was able to serve more people with additional resources and services. Beyond her work with the Center and Dining Room, she threw an annual Christmas party at the Bayview Opera

House for those without a home during the holidays and donated 1,200 toys to children last year alone.

Barbara Jean Brown was born in Shreveport, LA, and moved to the bay area at the age of 5. After marrying, she had three children and lived in San Francisco's Bayview district, where she headquartered her community efforts. In addition to her life of public service, she supported herself through clerical and administrative work, including a term working in advertising for San Francisco's major newspapers, the Chronicle and the Examiner.

She began her charity work partnering with her eldest son, J.J. When he died at age 34, she invested the little money he left her into what would become the Bayview Hope Homeless Resource Center. Every dollar she later received from sponsorships and gifts went directly to her projects. Mother Brown demonstrated extraordinary generosity and selflessness.

San Francisco was fortunate to have this remarkable woman in our midst. Those whom she helped, served, cared for, and inspired will sorely miss her. However, her legacy continues as she leaves behind the Bayview Hope Homeless Resource Center and Mother Brown's Dining Room to carry on the mission she started so long ago.

CHEMISTRY WEEK RESOLUTION

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Mr. HOLT. Mr. Speaker, as we face the concern about the United States' ability to sustain its scientific and technological superiority throughout this decade and beyond, when we are losing jobs to more technologically literate nations, and when our science, technology, engineering, and mathematics education is in need of serious attention and renovation, it is important that we consider this resolution recognizing the importance of chemistry in our everyday lives, and in particular with the toys that we, or our children, grandchildren, or family members play with today. That is why today I am introducing along with Representative VERNON EHLERS a resolution recognizing the importance and positive contributions of chemistry to our everyday lives and supporting the goals and ideals of National Chemistry Week.

We have all seen the joy and wonder of children at play, and we can certainly all recall our favorite childhood toys, such as Silly Putty, the Slinky, and the Etch-a-Sketch. In fact, the astronauts on the Apollo 8 mission carried Silly Putty with them to alleviate boredom and to help fasten down tools during periods of weightlessness. Silly Putty came to us as a product of chemistry; Silly Putty is a polymer of isoprene.

BusinessWeek Online ran an article with the subtitle ''Toymakers are pushing the boundaries in artificial intelligence, wireless communications, and virtual realities. And the benefits are flowing to other industries as well.'' The military, the medical field, gamers, chemists, and material scientists all connect to the toy industry. Chemists and material scientists have created such materials as self-healing plastics, giving toys and many other consumer goods a longer lifetime.

The curiosity that toys ignite through the ''why did it do that?'' and ''how did that happen?'' invigorate the exploration and discovery of the world around us. Many scientists and engineers turn to toys for moments of respite and of inspiration. Innovations in technology, at times can be traced back to moments with toys. That is why this year's's theme of National Chemistry Week, ''The Joy of Toys'', is relevant. What better ways to inspire and educate the potential chemists and engineers of tomorrow but through the loved experiences of playing with toys and learning what has made all the fun possible?

Toys spark imagination, imagination fuels innovation. The celebration of chemistry, a science which is the backbone to the health of many industries including pharmaceuticals, electronics, automotive, and aerospace, through the chemistry of toys is worthy of our wholehearted support. It is in the best interest of our Nation to create both a curiosity and a desire to understand our world to fuel a technological and scientifically literate, critical thinking population to carry us forward in the 21st century.

RECOGNITION OF HON. ROBERT J. STAKER

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Mr. RAHALL. Mr. Speaker, it is with great honor that I pay tribute to a devoted public servant, the Honorable Robert J. Staker. Judge Staker is retiring as Judge of the United States District Court of the Southern District of West Virginia after 26 years of service.

A long and distinguished history of accomplishment and public service marks Judge Staker's career. He served his country in the United States Navy in the 1940's. Judge Staker attended both Marshall University and West Virginia University, and received his law degree from West Virginia University College of Law in 1952. Judge Staker has committed himself to serving the people of West Virginia as a member of the legal profession.

He practiced law in Williamson, West Virginia from 1952 until 1968. He served as Judge of the Circuit Court of Mingo County from January 1969 to September 1979, when he assumed his current office as Judge of the United States District Court of the Southern District of West Virginia in Huntington. Judge Staker continued his career by becoming a Senior United States District Judge on January 1, 1965.

Judge Staker's tenure on the federal bench was one marked by common sense and common justice for all. It has been said that those who clearly recognize the voice of their own conscience, usually recognize also the voice of justice. Judge Staker's legacy on the federal court will echo the voice of justice for generations to come.

Mr. Speaker, I ask that my colleagues join me today in congratulating Judge Staker on his admirable career. It is with tremendous gratitude and appreciation for his extensive service to the community and deep love of the law that we honor his distinguished service. Together with his wife Sue Blankenship Poore, and his two sons J. Timothy Poore and Donald Seth Staker, I offer to him my sincerest wishes for great success in all his future endeavors as he begins the next chapter of his life.

INTERNATIONAL DAY OF PEACE

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Ms. BALDWIN. Mr. Speaker, I rise today to recognize the International Day of Peace, a world-wide observance of 24 hours of nonviolence and global cease-fire.

The International Day of Peace was first established by the United Nations in 1981 to coincide with the opening session of the UN every September, and, in 2001, was unanimously adopted by Member States to formally recognize the day on September 21 of each year. Today, citizens across the globe will mark this occasion. I know that there are many of my constituents observing the International Day of Peace, affirming a vision of our world at peace, and fostering cooperation between individuals, organizations and nations.

I hope that individuals will take the opportunity today to consider what they can do to promote unity and cultural understanding, and help make the idea of peace not just a utopian dream, but something that humankind can achieve. I applaud the efforts of Member States, organizations of the United Nations, governmental and nongovernmental agencies, as well as civil societies and religious groups for their promotion of the International Day of Peace and the principles of peace and nonviolence through education and public awareness efforts.

As Secretary General Kofi Annan stated, ''24 hours is not a lot of time.'' Please join me in taking a few moments today to reflect on our aspirations for peace and the measures we will take to achieve them on this International Day of Peace 2005.

RECOGNIZING THE CENTRAL OREGON CROP WALK

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Mr. WALDEN of Oregon. Mr. Speaker, I rise today to recognize a very special event that is taking place in the heart of the 2nd Congressional District on Sunday, September 25, 2005—the Central Oregon Crop Walk. This weekend, over 125 walkers will gather in Bend, Oregon to raise awareness and funds to fight hunger at home in Central Oregon and in nearly 80 countries around the world.

Since 1998, this gathering has become an annual event in Bend and is now in its 8th year. This Fall, walkers participating in the Central Oregon Crop Walk join Oregonians in four other communities—Baker City, Hood River, Corvallis and Grants Pass—and 1,800 Walks nationwide, to make a real difference toward ending hunger one step at a time. Money raised by walkers in Oregon and around the nation supports Church World

Service, an organization of 36 religious denominations united together to relieve poverty and aid in social and economic development. I applaud Oregonians participating in local Crop Walks and am very pleased to see so many faith groups coming together to support food programs that provide relief to families in our community and around the world.

Events like Crop Walks are a vital link in the chain of services—public and private—that provide for the most needy in our Nation and the working poor that struggle to make ends meet each month. There are also several pieces of important Congressional legislation that would move our Nation closer to resolving the challenge of food insecurity and hunger. The Hunger Free Communities Act (H.R. 2717) sets a goal of ending hunger by the year 2015 along with establishing grant programs that would support local food programs and improve the coordination of Federal, State and local nutrition services. The Stop Senior Hunger Act (H.R. 1792), which renews the federal commitment to locally-administered programs like Meals on Wheels and congregate meal programs at local senior centers, is another important component in tackling hunger by targeting the vulnerable senior population. Finally, common sense measures like the Relief Trucking Tax Credit Act (H.R. 1954), which would give transportation and trucking companies a 25-cent/mile tax credit for volunteering trucks and drivers to transfer charitably donated food for hunger relief efforts, will help more food reach those in need. Because hunger is a problem that can take a variety of faces and forms in communities around the country, resolving it requires a variety of approaches. For this reason, I am proud to be a cosponsor of each of these measures and am hopeful that when they are combined with efforts like the Crop Walk that hunger and food insecurity will be a challenge that we overcome once and for all.

I urge my colleagues to support these sound legislative endeavors, and join me in highlighting the outstanding work of participants of Crop Walks occurring throughout Oregon.

HONORING ALVINA KENNEDY ON THE OCCASION OF HER 75TH BIRTHDAY

HON. MARK R. KENNEDY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Mr. KENNEDY of Minnesota. Mr. Speaker, as my mother approaches her 75th birthday, I would like to share with my colleagues what a wonderful encouragement and inspiration she has been to me, my family and so many others.

Alvina Dorothy Weber was born to Raymond and Helen Weber and graduated from high school in Benson, Minnesota. Her family had earlier lived for a time on a farm near Harold, South Dakota. Growing up on the frontier gave her a thankful heart for the many blessings we enjoy as Americans and a determination to make the most of those blessings. Her father Ray was of German Heritage and ran the local Sinclair service station in Benson. Her mother Helen was a Page whose English ancestors arrived in Hingham, Massachusetts in the mid-1600s.

I remember getting together with the Weber family gathering during the Christmas holidays and Ray and Helen giving each of their children—Phyllis, Kenneth, Donald, Robert and my mother—a nativity set that has formed the centerpiece of our family's Christmas decorations for the decades that followed.

My mother worked at the hospital in Benson where I was born and married my father Eugene Thomas Kennedy, a graduate of the high school in nearby Murdock. After a short period living in Hunter, North Dakota, when my oldest sister Monica was born, they returned to Murdock where my father worked at the Murdock State Bank. We lived in a home built by my grandparents, Charles and Rose Kennedy, right across the street from the Sacred Heart Church. It was in that house that my siblings Nancy, Steven, Peggy and I began our lives and in that church that my parents had us baptized. It was a grand old house with a fine porch, where we would often gather on summer days. I fondly remember peeking through the railings of the stairs and watching my parents visit with company when we were supposed to be in bed, riding my tricycle on the sidewalk and playing in our sandbox. My last memory of living in Murdock was when my mother gathered all of us children around the yellow-topped kitchen table to tell us that we were moving for the opportunity of a better job for my father. My father could have earned more money in the Cities, but my parents wanted to raise their children in the country, where neighbors really knew each other and cared about each other.

While living at our new home in the country just outside of Pequot Lakes, Minnesota where my parents still reside, she brought the final of her seven children—David and Neil—into the world. My mother took her parenting responsibilities very seriously. She would regularly sit all of us children down in the living room and read us newspaper clippings so we knew how the things she and my dad taught us applied to the world around us. She still sends me clippings regularly I and calls to make sure that I am reading them.

She taught us to care. We would all line up by the front door on the first day of school to take a picture with our new ''back to school'' clothes. Every year, she told each of us to be on the look out for children that were new to the school. She encouraged us to reach out to them and make them feel welcome.

She taught us how to share. If there was only one brownie left and two children, she let one child cut it in half and the other get the first pick as to which half to choose. She and my father encouraged us as children to contribute to charities of our choice, particularly during the holiday season.

She taught us responsibility and to hold ourselves to high standards, in part through our 4–H projects whether it be weeding the garden or caring for livestock—Hereford cattle in my case, chickens in the case of my sister. She would get very frustrated when other children misbehaved and their parents responded, ''My Johnnie wouldn't do that.'' She made it clear to us that in our case, she would consider us guilty until proven innocent if anyone called her about our behavior. If we tried to get permission to do some activity based on some other child being allowed to do so, she would reply, ''Is his last name Kennedy?''

The feeding, caring and guiding of seven children was more than a full time job. She dedicated her life to that task. My mother has many positive qualities. Among those qualities is the ability to put on a great meal. A positive side effect of my sister raising chickens was that we had chicken dinner nearly every Sunday. My mother makes the best chicken gravy and the best brownies. Our normal meal when we had company was Swedish meat balls, which always baffled me since no one in our family had a drop of Swedish blood. In any case, they were always tasty.

She taught us to persevere. I started out with Little League when I was young and found that I really wasn't as good as the town boys that played a lot more growing up than I did. I was having difficulty fitting in with the group of boys that were largely strangers to me and certainly better ball players. She said that it was OK for me not to go out for baseball the next year, but that Kennedys were not quitters. She would not let me quit, a lesson that has stuck with me throughout my life.

She and my father have always been strong in their faith and have taken every opportunity to engender the light of faith in their children and grandchildren. We never missed mass, often prayed together and are still regularly reminded of our overriding mission to serve God's Will, not our own. My mother is a very active volunteer at St. Alice Catholic Church and encouraged my father to help lead the effort to build a larger church building. To encourage our good behavior during services, we were rewarded by being able to buy two cents worth of candy at the penny candy case at Pfeiffer's drug store if we behaved. We could have anything we wanted as long as it totaled two cents.

My parents spent time together in their early years in Rural Youth and were big fans of 4–H. To give their children the same opportunities, my mother spearheaded forming a 4–H club, which to me was critical since I met my wife Debbie in 4–H. As the prime leader of the Pelican Lakes 4–H Club, it grew to the largest and most active in the county. My mother would regularly be on the lookout for young people that needed positive influences in their lives and pulled them into the 4–H club to provide those influences.

My parents valued education highly. My mother encouraged my father's participation as a school board member for 27 years at Pequot Lakes Public High School, where my father helped lead the effort to build a new school complex. We would regularly hear my mother pass on her advice to our father on issues before the school board.

As an insurance agent in the local bank and homemaker, my mother and father got all seven of us children through college, our family's first generation of college grads. All seven of us earned degrees at St. John's University or the College of St. Benedict. They gave us $500 a year for four years, not five—four, and taught us how to work so we could earn the rest.

Even though my parents had never been to Europe, my mother really encouraged us to participate in the international exchange programs at college, and contributed an extra $500 to defray part of the costs if we did. Debbie and I were blessed to be able to welcome my mother and father to Europe for the first time and tour them around for three weeks when I was participating in an exchange program in graduate school in the Netherlands. My mother really wanted us to

understand other cultures, but remained convinced that America is the greatest nation the world has ever known.

Seeing how much government impacted our lives, my mother served as the treasurer for a friend from church who ran for the Minnesota House of Representatives and won. She worked endlessly for his campaign and regularly marshaled the family for lit drops. As her children left the nest, she spent an increasing amount of time volunteering for the Republican Party and its candidates. We attended our first party conventions for the 1978 election, a watershed year for Minnesota Republicans. She was selected as a delegate to the Republican National Convention in New York City in 2004. I will always cherish the time I was able to spend with my mother and father during that convention.

There is so much more that I could share about how big of an impact my mother has had on my life and countless others. She has worked selflessly throughout her life for others, volunteering for church, 4–H, Party or community activities, driving others to the hospital or clinic, never asking anything in return. She is devoted to her seven children and twenty-seven grandchildren and regularly visits their school events.

I suppose every child has a special moment with their parent that they will always remember. Mine is talking with my mother when I was having trouble fitting in at school during my youth. She sat down beside me and shared the story of her own life and how at a young age she came to the conclusion that she was no better than anyone else, but that no one else was better than her. That understanding of the inherent equality of worth of all individuals served to help her confidence and mine.

Although I fervently believe in the equality of all people, any honest appraisal would have to agree that the impact my mother has had on this earth during her first 75 years has truly been exceptional. May her positive influence extend for decades to come.

HONORING THE VISIT OF TAIWANESE PRESIDENT CHEN SHUI-BIAN TO THE UNITED STATES OF AMERICA

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Mr. MICA. Mr. Speaker, I rise today to honor the citizens of Taiwan and to welcome their democratically elected President, Chen Shui-bian, to the United States of America.

As you know, Taiwan has been a friend and stalwart ally of the United States for over 50 years. Together we have opposed communism and supported the principles of freedom and democracy. Our nations have worked together to fight terror in Iraq and Afghanistan, poverty in Africa and adversity worldwide.

Through this relationship, our countries have seen strengthened political and economic ties leading to mutual prosperity. Today, Taiwan is our nation's eighth largest trading partner and a valuable advocate for free trade and democracy in the Asian Pacific region and beyond. Strengthening the relationship and expanding cooperation between the United States and the Republic of China in Taiwan should remain a national priority.

Mr. Speaker, because of President Chen Shui-bian's continued dedication to the American-Taiwanese alliance, I ask all Members of the House of Representatives to join me in recognizing his visit to the United States.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, September 22, 2005 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 27

10 a.m.
Energy and Natural Resources
To hold hearings to examine S. 1701, to amend the Surface Mining Control and Reclamation Act of 1977 to improve the reclamation of abandoned mines, and S. 961, to amend the Surface Mining Control and Reclamation Act of 1977 to reauthorize and reform the Abandoned Mine Reclamation Program.
SD–366

Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold hearings to examine assessing progress in the Federal government regarding alternative personnel systems, focusing on systems to learn where personnel systems have been successfully employed and what steps have been taken in their development to ensure effective implementation and operation.
SD–342

2:30 p.m.
Homeland Security and Governmental Affairs
Federal Financial Management, Government Information, and International Security Subcommittee
To hold hearings to examine housing-related programs for the poor, focusing on existing challenges in measuring improper rent subsidy payments in housing assistance programs at HUD, as well as Federal oversight of the Low-Income Home Energy Assistance Program.
SD–342

SEPTEMBER 28

9:30 a.m.
Environment and Public Works
To hold hearings to examine the role of science in environmental policy making.
SD–406

Homeland Security and Governmental Affairs
To resume hearings to examine issues relating to recovering from Hurricane Katrina, focusing on the needs of those displaced, today and tomorrow.
SD–342

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine S. 1334, to provide for integrity and accountability in professional sports, and S. 1114, to establish minimum drug testing standards for major professional sports leagues.
SH–216

11:30 a.m.
Energy and Natural Resources
Business meeting to consider pending calendar business.
SD–366

2 p.m.
Judiciary
Antitrust, Competition Policy and Consumer Rights Subcommittee
To hold hearings to examine whether there is more consolidation or new choices for consumers regarding video competition in 2005.
SD–226

Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold hearings to examine the grazing programs of the Bureau of Land Management and the Forest Service, including proposed changes to grazing regulations, and the status of grazing permit renewals, monitoring programs and allotment restocking plans.
SD–366

2:30 p.m.
Indian Affairs
To hold an oversight hearing to examine Indian housing.
SR–485

SEPTEMBER 29

9:30 a.m.
Homeland Security and Governmental Affairs
Investigations Subcommittee
To hold hearings to examine the effectiveness and cost of the Defense Travel System of the Department of Defense.
SD–342

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine communications for first responders in disaster.
SD–562

Indian Affairs
To hold hearings to examine proposed Duck Valley Reservation, Shoshone Paiute Tribes, Water Rights Settlement.
SR–485

3:30 p.m.
Foreign Relations
To receive a closed briefing regarding the evolving NATO role in Afghanistan.
S–407, Capitol

OCTOBER 6

9:30 a.m.
Armed Services
To hold hearings to examine U.S. military strategy and operations in Iraq.
SD–106

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S10247–S10326

Measures Introduced: Twelve bills and two resolutions were introduced, as follows: S. 1738–1749, and S. Res. 245–246. **Pages S10294–95**

Measures Reported:

S. 1234, to increase, effective as of December 1, 2005, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans. (S. Rept. No. 109–138)

S. 1235, to amend chapters 19 and 37 of title 38, United States Code, to extend the availability of $400,000 in coverage under the servicemembers' life insurance and veterans' group life insurance programs, with an amendment in the nature of a substitute. (S. Rept. No. 109–139) **Page S10294**

Measures Passed:

Recognizing Simon Wiesenthal: Senate agreed to S. Res. 245, recognizing the life and accomplishments of Simon Wiesenthal. **Pages 10254–57**

Iran Nonproliferation Amendments Act: Committee on Foreign Relations was discharged from further consideration of S. 1713, to make amendments to the Iran Nonproliferation Act of 2000 related to International Space Station payments, and the bill was then passed. **Pages 10257–58**

Statue of Po'Pay in Statuary Hall: Senate agreed to H. Con. Res. 242, providing for acceptance of a statue of Po'Pay, presented by the State of New Mexico, for placement in National Statuary Hall. **Pages 10319–20**

Flexibility for Displaced Workers Act: Senate passed H.R. 3761, to provide special rules for disaster relief employment under the Workforce Investment Act of 1998 for individuals displaced by Hurricane Katrina, clearing the measure for the President. **Page 10320**

Coast Guard Hurricane Response: Senate agreed to S. Res. 246, to express the sense of the Senate regarding the missions and performance of the United States Coast Guard in responding to Hurricane Katrina. **Pages 10325–26**

Agriculture Appropriations: Senate continued consideration of H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, taking action on the following amendments proposed thereto: **Pages 10264–87**

Adopted:

Bennett Amendment No. 1783, to permit the National Dairy Promotion and Research Board to obligate and expend funds for any activity to improve the environment and public health. **Pages 10264–69**

Bennett Amendment No. 1803, to amend the Immigration and Nationality Act relative to nonprofit religious organizations in the United States. **Page 10270**

Bennett Amendment No. 1804, to prohibit funds from being used unless certain certifications are made relative to manufacturers of contact lens. **Page 10270**

Bennett Amendment No. 1805, to provide that the federal facility located at the South Mississippi Branch Experiment Station in Poplarville, Mississippi shall be designated as the Thad Cochran Southern Horticultural Laboratory. **Page 10270**

Bennett (for Kyl) Amendment No. 1806, to convey title in certain real property. **Page 10270**

Bennett (for Leahy) Amendment No. 1807, to direct the Secretary of Agriculture to submit to Congress a report on whether to restore the National Organic Program. **Page 10270**

Bennett (for Feingold) Amendment No. 1808, to direct the Administrator of the Animal and Plant Health Inspection Service to publish and uniform methods and rules for addressing chronic wasting disease. **Page 10270**

Bennett (for McConnell) Amendment No. 1809, to provide for livestock assistance. **Pages 10270–71**

Bennett (for Smith/Wyden) Amendment No. 1786, to allow the Secretary to authorize the use of

certain funds that would otherwise be recaptured under the rural business enterprise grant program. **Page 10271**

Bennett (for McCain) Amendment No. 1785, to express the sense of the Senate regarding funding directives contained in H.R. 2744 or its accompanying report. **Page 10272**

Bennett (for Baucus) Amendment No. 1800, to express the sense of the Senate regarding public sector funding of agricultural research and development. **Page 10271**

Bennett (for DeWine) Amendment No. 1741, to pledge continued support for international hunger relief efforts and express the sense of the Senate that the United States Government should use resources and diplomatic leverage to secure food aid for countries that are in need of further assistance to prevent acute and chronic hunger. **Pages 10272–73**

Bennett (for Reid) Amendment No. 1812, to provide that funds made available for the Plant Materials Center in Fallon, Nevada, shall remain available until expended. **Page 10273**

Bennett (for Salazar) Amendment No. 1754, to provide for a report on the impact of increased prices of gas, natural gas, and diesel on agricultural producers, ranchers, and rural communities. **Pages 10275–76**

Bennett (for Salazar) Amendment No. 1755, to require the Secretary of Agriculture to prepare a report on the conduct of activities to address bark beetle infestations. **Page 10276**

By 55 yeas to 39 nays (Vote No. 238), Coburn Amendment No. 1775, to require that any limitation, directive, or earmarking contained in either the House of Representatives or Senate report accompanying this bill be included in the conference report or joint statement accompanying the bill in order to be considered as having been approved by both Houses of Congress. **Page 10283**

By 66 yeas to 29 nays (Vote No. 239), Bingaman/Lugar Amendment No. 1797, to increase funds to implement and administer Team Nutrition programs, with an offset. **Pages 10281–83, S10283–84**

Harkin Amendment 1835, to limit the use of certain funds. **Pages 10284–86**

Kohl (for Dodd) Amendment No. 1818, to require the Food and Drug Administration to issue a monograph with respect to over-the-counter sunscreen. **Page 10286**

Kohl (for Dodd) Amendment No. 1849 (to Amendment No. 1818), in the nature of a substitute. **Pages 10286–87**

Rejected:

Coburn Amendment No. 1773, to reduce spending levels, to promote more efficient use of resources, and to encourage more appropriate budget estimates. **Pages 10278–80, S10280–81**

Pending:

Dayton Modified Amendment No. 1844, to condition the use of funds for carrying out a provision relating to prevented planting payments, with an offset. **Pages 10277–78**

Bingaman (for Jeffords) Amendment No. 1796, to provide funds to carry out the historic barn preservation program, with an offset. **Page 10280**

During consideration of this measure today, Senate also took the following action:

Bennett Amendment No. 1752, to establish a demonstration intermediate relending program for the construction and rehabilitation of housing for the Mississippi Band of Choctaw Nation, previously agreed to on Tuesday, September 20, 2005, was modified by unanimous consent. **Page 10270**

A unanimous-consent agreement was reached providing for further consideration of the bill at 9:30 a.m. on Thursday, September 22, 2005; with a vote to occur on or in relation to Dayton Amendment No. 1844 (listed above), followed by a vote on or in relation to Bingaman (for Jeffords) Amendment No. 1796 (listed above), with no amendments in order to these amendments prior to the vote; followed by a vote on passage of the bill; provided further, the Senate insist on its amendment, request a conference with the House thereon, and the Chair then be authorized to appoint conferees on the part of the Senate. **Page 10326**

Hurricane Katrina Tax Relief Act: Senate concurred in the amendment of the House to the amendment of the Senate to H.R. 3768, to provide emergency tax relief for persons affected by Hurricane Katrina, clearing the measure for the President. **Pages 10320–25**

Appointments:

United States Commission on Civil Rights: The Chair, on behalf of the President pro tempore and upon the recommendation of the Democratic Leader, pursuant to Public Law 98–183, as amended by Public Law 103–419, appointed Arlan D. Melendez, of Nevada, to the United States Commission on Civil Rights. **Page 10319**

Messages from the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, a report on the continuation of the national emergency with respect to persons who commit, threaten to commit, or support terrorism that was declared by Executive Order

13224; which was referred to the Committee on Banking, Housing, and Urban Affairs. (PM–23)
Page 10292

Messages From the House: Pages10292–93
Measures Referred: Page 10293
Measures Placed on Calendar: Page 10293
Measures Read First Time: Page 10293
Executive Communications: Pages 10293–94
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Additional Statements: Pages 10291–92
Amendments Submitted: Pages 10307–19
Notices of Hearings/Meetings: Page 10319
Authority for Committees to Meet: Page 10319
Privilege of the Floor: Page 10319

Record Votes: Two record votes were taken today. (Total—239) Pages S10283, S10284

Adjournment: Senate convened at 9:30 a.m., and adjourned at 8:36 p.m., until 9:30 a.m., on Thursday, September 22, 2005. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S10326.)

Committee Meetings

(Committees not listed did not meet)

WTO AGRICULTURE NEGOTIATIONS

Committee on Agriculture, Nutrition, and Forestry: Committee concluded a hearing to examine the status of the World Trade Organization negotiations on agriculture, focusing on the Doha Round Development Agenda, and the links between agricultural policy and trade policy, after receiving testimony from Mike Johanns, Secretary of Agriculture; Robert Portman, United States Trade Representative; Audrae Erickson, Corn Refiners Association, on behalf of AgTrade, Leondard W. Condon, Altria Corporate Services, Inc., on behalf of the Grocery Manufacturers Association, and Mark Viso, World Vision United States, all of Washington, D.C.; and Allen Helms, National Cotton Council, Clarkedale, Arkansas.

ENERGY PRICING

Committee on Commerce, Science, and Transportation: Committee concluded hearings to examine the rise of domestic energy prices, focusing on what actions can be taken to profitably lower U.S. oil consumption, after receiving testimony from John Seesel, Associate General Counsel for Energy, Federal Trade Commission; Jim Wells, Director, Energy, Resources, and Science Issues, Government Accountability Office; Guy Caruso, Administrator, Energy Information Administration, Department of Energy; Robin West, PFC Energy Team, Odd-Even Bustnes, Rocky Mountain Institute, Robert Slaughter, National Petrochemical and Refiners Association, and Tyson Slocum, Public Citizen, all of Washington, D.C.; and Ronald W. Kosh, American Automobile Association-Mid Atlantic, Wilmington, Delaware.

ENDANGERED SPECIES ACT

Committee on Environment and Public Works: Subcommittee on Fisheries, Wildlife, and Water concluded a hearing to examine the Endangered Species Act and the role of States, Tribes and local governments, focusing on areas where the law may be strengthened or new programs created to encourage species recovery at all levels of government, after receiving testimony from Colorado State Representative Cory Gardner, Denver; Billy Frank, Jr., Northwest Indian Fisheries Commission, Olympia, Washington; Michael A. Pasteris, Forest Preserve District of Will County, Joliet, Illinois, on behalf of the National Association of Counties; John Baughman, International Association of Fish and Wildlife Agencies, Washington, D.C.; Bill Burnham, The Peregrine Fund, Boise, Idaho; Robert P. Davison, Wildlife Management Institute, Corvallis, Oregon; and Dwayne Shaw, Downeast Salmon Federation/Downeast Rivers Land Trust, Columbia Falls, Maine.

NOMINATIONS

Committee on Foreign Relations: Committee concluded a hearing to examine the nominations of Thomas A. Shannon, Jr., of Virginia, to be an Assistant Secretary of State for Western Hemisphere Affairs, Charles A. Ford, of Virginia, to be Ambassador to the Republic of Honduras, Mark Langdale, of Texas, to be Ambassador to the Republic of Costa Rica, and Brenda LaGrange Johnson, of New York, to be Ambassador to Jamaica, who was introduced by Senators McCain and Collins, after the nominees testified and answered questions in their own behalf.

TRANSIT SYSTEM SAFETY

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine the lessons that have been learned to secure United States transit systems relating to the London terrorist attacks, focusing on the Washington Metropolitan Area Transit Authority (WMATA) operating the Washington areas subway system, increasing public awareness and security, and training the transit workforce and first-responders, after receiving testimony from Edmund S. Hawley, Assistant Secretary

of Homeland Security, Transportation Security Administration; Polly L. Hanson, Chief, Metro Transit Police Department, Washington Metropolitan Area Transit Authority; Michael Brown, London Underground, London, England; and Rafi Ron, New Age Security Solutions, McLean, Virginia.

REGULATION OF CLASS III GAMING

Committee on Indian Affairs: Committee held an oversight hearing to examine Indian gaming, focusing on a decision issued by the Washington, D.C. District Court relative to the National Indian Gaming Commission's Minimum Internal Control Standards regulations as applied to Class III gaming, and tribal government efforts to regulate gaming, receiving testimony from Philip N. Hogen, Chairman, National Indian Gaming Commission; Mark Van Norman, National Indian Gaming Association, Washington, D.C.; and Kevin K. Washburn, University of Minnesota Law School, Minneapolis.

Hearing recessed subject to the call.

INTELLIGENCE INFORMATION SHARING

Committee on the Judiciary: Committee held a hearing to examine the operations of Able Danger, a small highly-classified United States Army intelligence unit that searched for al Qaeda terrorists, and the status of intelligence information sharing between the Federal Bureau of Investigation and the Department of Defense, receiving testimony from Representative Curt Weldon; William R. Dugan, Jr., Acting Assistant to the Secretary of Defense for Intelligence Oversight; Gary M. Bald, Executive Assistant Director, National Security Branch, Federal Bureau of Investigation, Department of Justice; Mark S. Zaid, Krieger and Zaid, PLLC, Washington, D.C.; and Erik Kleinsmith, Lockheed Martin, Newington, Virginia, former Major, USA, Chief of Intelligence, Land Information Warfare Activity.

Hearing recessed subject to the call.

INTELLIGENCE

Select Committee on Intelligence: Committee met in closed session to receive a briefing on certain intelligence matters from officials of the intelligence community.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 15 public bills, H.R. 3841–3855; 1 private bill, H.R. 3856; and 5 resolutions, H.J. Res. 66–67; and H. Res. 454, 456–457 were introduced. **Pages H8247–48**

Additional Cosponsors: **Pages H8248–49**

Reports Filed: Reports were filed today as follows:

H. Res. 418, to request the President to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the possession of the President relating to the disclosure of the identity and employment of Ms. Valerie Plame, adversely (Rept. 109–228); and H. Res. 455. to provide for consideration of the bill (H.R. 2123) to reauthorize the Head Start Act to improve the school readiness of disadvantaged children (Rept. 109–229). **Page H8247**

Speaker: Read a letter from the Speaker wherein he appointed Representative Miller of Michigan to act as speaker pro tempore for today. **Page H8165**

Chaplain: The prayer was offered today by Monsignor Kenneth Velo, Office of Catholic Collaboration, Depaul University, Chicago, Illinois. **Page H8165**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Providing for acceptance of a statue of Po'Pay, presented by the State of New Mexico, for placement in National Statuary Hall: H. Con. Res. 242, to provide for acceptance of a statue of Po'Pay, presented by the State of New Mexico, for placement in National Statuary Hall; **Pages H8169–71**

United States Parole Commission Extension and Sentencing Commission Authority Act of 2005: S. 1368, to extend the existence of the Parole Commission—clearing the measure for the President; **Pages H8171–72**

Immigration Relief for Hurricane Katrina Victims Act of 2005: H.R. 3827, to preserve certain immigration benefits for victims of Hurricane Katrina; **Pages H8172–76**

Karl Malden Station Post Office Designation Act: H.R. 3667, to designate the facility of the

United States Postal Service located at 200 South Barrington Street in Los Angeles, California, as the "Karl Malden Station"; **Pages H8176–77**

Jacob L. Frazier Post Office Designation Act: H.R. 3767, to designate the facility of the United States Postal Service located at 2600 Oak Street in St. Charles, Illinois, as the "Jacob L. Frazier Post Office Building"; **Pages H8177–78**

Congratulating the West Oahu Little League Baseball team for winning the 2005 Little League Baseball World Series: H. Res. 429, to congratulate the West Oahu Little League Baseball team for winning the 2005 Little League Baseball World Series; **Pages H8178–80**

Supporting the goals and ideals of Gold Star Mothers Day: H.J. Res. 61, to support the goals and ideals of Gold Star Mothers Day, by a yea-and-nay vote of 419 yeas with none voting "nay", Roll No. 479; and **Pages H8180–82, H8196–97**

Providing for the concurrence by the House with an amendment of the Senate to H.R. 3768: H. Res. 454, to provide for the concurrence by the House with an amendment of the Senate to H.R. 3768, by a yea-and-nay vote of 422 yeas with none voting "nay", Roll No. 480. **Pages H8189–95, H8197–98**

Katrina Emergency Tax Relief Act of 2005: Pursuant to the provisions of H. Res. 454, the House agreed to the Senate amendment to H.R. 3768 with a further amendment. **Pages H8189–92**

Recess: The House recessed at 1:03 p.m. and reconvened at 1:30 p.m. **Page H8195**

Manufacturing Technology Competitiveness Act of 2005: The House passed H.R. 250, to establish an interagency committee to coordinate Federal manufacturing research and development efforts in manufacturing, strengthen existing programs to assist manufacturing innovation and education, and expand outreach programs for small and medium-sized manufacturers, by a yea-and-nay vote of 394 yeas to 24 nays, Roll No. 485. **Pages H8182–89, H8198–H8216**

Rejected the Honda motion to recommit the bill to the Committee on Science with instructions to report the same back to the House forthwith with an amendment, by a recorded vote of 196 ayes to 226 noes, Roll No. 484. **Pages H8214–16**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Science now printed in the bill is considered as an original bill for the purpose of amendment and shall be considered as read. **Page H8214**

Agreed to:

Boehlert Manager's amendment (no. 1 printed in H. Rept 109–227) that requires the Manufacturing Extension Partnership program to assist businesses affected by Hurricane Katrina, and requires the National Institute of Standards and Technology to study the effects of Katrina on buildings to determine whether to recommend any changes in the building codes; **Pages H8206–07**

Gordon amendment (no. 2 printed in H. Rept 109–227) that requires the Director of the National Institute of Standards and Technology (NIST) to provide to the House Science Committee and the Senate Committee on Commerce, Science, and Transportation a 3-year programmatic and operational plan for the MEP. It requires the plan to include comments of the MEP National Advisory Board and of the State partners; and **Page H8207**

Jackson-Lee of Texas amendment (no. 3 printed in H. Rept. 109–227) which make funds under the section entitled "Scientific and Technical Research and Services" available to the maximum extent practicable, to diverse institutions, including Historically Black Colleges and Universities and other minority serving institutions for Technical Workforce Education and Development, by a recorded vote 416 ayes to 8 noes, Roll No. 481. **Pages H8207–08, H8212**

Rejected:

Larson of Connecticut amendment (no. 4 printed in H. Rept. 109–227) which sought to re-orient the current Technology Administration (TA), the Undersecretary of Technology, and Office of Technology Policy (OTP) towards manufacturing and competitiveness issues. Also requires the Manufacturing Administration to conduct broad-based manufacturing and technology policy analysis; and to coordinate with States, local governments, and universities on manufacturing and technology activities, by a recorded vote of 210 ayes to 213 noes, Roll No. 482; and **Pages H8208–10, H8212–13**

Udall of Colorado amendment (no. 5 printed in H. Rept. 109–227) that increases the authorization levels of NSF's Advanced Technological Education Program for FY06, FY07, and for FY08, by a recorded vote of 210 ayes to 212 noes, Roll No. 483. **Pages H8210–12, H8213–14**

Pursuant to the rule, the amendment in the nature of a substitute printed in H. Rept. 109–227, was adopted. **Page H8214**

H. Res. 451, the rule providing for consideration of the bill was agreed to by a yea-and-nay vote of 222 yeas to 198 nays, Roll No. 478, after agreeing to order the previous question by voice vote. **Page H8196**

Presidential Message: Read a message from the President wherein he notified Congress of the continuation of the national emergency with respect to the terrorist attacks on the United States of September 11, 2001—referred to the Committee on

International Relations and ordered printed (H. Doc. 109–57). Pages H8216–17

Quorum Calls—Votes: 4 yea-and-nay votes and 4 recorded votes developed during the proceedings of today and appear on pages H8196, H8196–97, H8197–98, H8212, H8213, H8213–14, H8215–16, H8216. There were no quorum calls.

Adjournment: The house met at 10 a.m. and adjourned at 9:26 p.m.

Committee Meetings

THREATS IN LATIN AMERICA

Committee on Armed Services: Threat Panel held a hearing on threats in Latin America. Testimony was heard from public witnesses.

VETERANS AFFAIRS/LABOR DEPARTMENTS' COST ACCOUNTING

Committee on Government Reform: Subcommittee on Government Management, Finance, and Accountability held a hearing entitled ''Implementing Cost Accounting at the Department of Veterans Affairs and the Department of Labor.'' Testimony was heard from Samuel Mok, Chief Financial Officer, Department of Labor; Tim S. McClain, General Counsel and Acting Chief Management Officer, Department of Veterans Affairs; and Robert Martin, Director, Financial Management and Assurance, GAO.

U.S.-SOUTHEAST ASIA POLICY

Committee on International Relations: Subcommittee on Asia and the Pacific held a hearing entitled ''The United States and Southeast Asia: Developments, Trends, and Policy Choices.'' Testimony was heard from Eric John, Deputy Assistant Secretary, Bureau of East Asian and Pacific Affairs, Department of State.

MIDDLE EAST PEACE PROCESS

Committee on International Relations: Subcommittee on Middle East and Central Asia held a hearing entitled ''The Middle East Peace Process and U.S. Strategic Priorities Post-Disengagement.'' Testimony was heard from C. David Welch, Assistant Secretary, Bureau of Near Eastern Affairs, Department of State; LTG William E. Ward, USA, Deputy Commander, U.S. Army Europe, U.S. Coordinator for Security to the Palestinians.

THREATENED AND ENDANGERED SPECIES RECOVERY ACT OF 2005

Committee on Resources: Held a hearing on H.R. 3824, Threatened and Endangered Species Recovery Act of 2005. Testimony was heard from Craig Manson, Assistant Secretary, Fish, Wildlife and Parks, Department of the Interior; and public witnesses.

SCHOOL READINESS ACT OF 2005

Committee on Rules: Granted, by voice vote, a structured rule providing 1 hour of general debate on H.R. 2123, School Readiness Act of 2005, equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. The rule waives all points of order against consideration of the bill. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule makes in order only those amendments printed in the Rules Committee report accompanying the resolution. The rule provides that the amendments printed in the report may be considered 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 a division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in the report. Finally, the rule provides one motion to recommit with or without instructions.

TAX CODE REFORM—TO ASSIST SMALL BUSINESSES

Committee on Small Business: Held a hearing entitled ''Reforming the Tax Code to Assist Small Businesses.'' Testimony was heard from Representative Fortenberry; Thomas Sullivan, Chief Counsel, Office of Advocacy, SBA; and public witnesses.

OVERSIGHT—AMTRAK REFORM PROPOSALS

Committee on Transportation and Infrastructure: Subcommittee on Railroads held an oversight hearing on Amtrak Reform Proposals. Testimony was heard from the following officials of the Department of Transportation: Jeffrey Rosen, General Counsel; and Kenneth M. Mead, Inspector General; David M. Laney, Chairman, Board of Directors, AMTRAK; and public witnesses.

GLOBAL MISSILE THREATS

Permanent Select Committee on Intelligence: Subcommittee on Technical and Tactical Intelligence, and the Subcommittee on Terrorism, Human Intelligence, Analysis and Counterintelligence met in executive session to hold a joint hearing on Global Missile Threats. Testimony was heard from departmental witnesses.

COMMITTEE MEETINGS FOR THURSDAY, SEPTEMBER 22, 2005

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine the financial services industry's responsibilities and role in preventing identity theft and protecting sensitive financial information, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: to hold hearings to examine the protection of critical communications infrastructure in disaster, 10 a.m., SD–562.

Committee on Energy and Natural Resources: Subcommittee on National Parks, to hold hearings to examine S. 435, to amend the Wild and Scenic Rivers Act to designate a segment of the Farmington River and Salmon Brook in the State of Connecticut for study for potential addition to the National Wild and Scenic Rivers System, S. 1096, to amend the Wild and Scenic Rivers Act to designate portions of the Musconetcong River in the State of New Jersey as a component of the National Wild and Scenic Rivers System, S. 1310, to authorize the Secretary of the Interior to allow the Columbia Gas Transmission Corporation to increase the diameter of a natural gas pipeline located in the Delaware Water Gap National Recreation Area, S. 1378, to amend the National Historic Preservation Act to provide appropriation authorization and improve the operations of the Advisory Council on Historic Preservation, and S. 1627, to authorize the Secretary of the Interior to conduct a special resources study to evaluate resources along the coastal region of the State of Delaware and to determine the suitability and feasibility of establishing a unit of the National Park System in Delaware, 2:30 p.m., SD–366.

Committee on Environment and Public Works: to hold hearings to examine the nominations of George M. Gray, of Massachusetts, to be an Assistant Administrator, and Lyons Gray, of North Carolina, to be Chief Financial Officer, both of the Environmental Protection Agency, Edward McGaffigan, Jr., of Virginia, to be a Member of the Nuclear Regulatory Commission, H. Dale Hall, of New Mexico, to be Director of the United States Fish and Wildlife Service, Department of the Interior, and Santanu K. Baruah, of Oregon, to be Assistant Secretary of Commerce for Economic Development, 2:30 p.m., SD–406.

Committee on Foreign Relations: to hold hearings to examine the nominations of Alexander R. Vershbow, of the District of Columbia, to be Ambassador to the Republic of Korea, Patricia Louise Herbold, of Washington, to be Ambassador to the Republic of Singapore, and William Paul McCormick, of Oregon, to be Ambassador to New Zealand, and serve concurrently as Ambassador to Samoa, 9 a.m., SD–419.

Committee on Health, Education, Labor, and Pensions: Subcommittee on Education and Early Childhood Development, to hold hearings to examine Hurricane Katrina's displaced school children, 3 p.m., SD–430.

Committee on Homeland Security and Governmental Affairs: business meeting to consider S. 1725, to strengthen Federal leadership, provide grants, enhance outreach and guidance, and provide other support to State and local officials to enhance emergency communications capabilities, to achieve communications interoperability, to foster improved regional collaboration and coordination, to promote more efficient utilization of funding devoted to public safety communications, to promote research and development by both the public and private sectors for first responder communications, an original bill to provide relief for the victims of Hurricane Katrina, a proposed bill to expand the responsibilities of the Special Inspector General for Iraq Reconstruction to provide independent and objective audits and investigations relating to the Federal programs for Hurricane Katrina, S. 939, to expedite payments of certain Federal emergency assistance authorized pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and to direct the Secretary of Homeland Security to exercise certain authority provided under that Act, S. 1700, to establish an Office of the Hurricane Katrina Recovery Chief Financial Officer, a proposed bill to amend title 5, United States Code, to allow employees of the judicial branch to establish an emergency leave transfer program in the event of a major disaster or emergency, S. 572, to amend the Homeland Security Act of 2002 to give additional biosecurity responsibilities to the Department of Homeland Security, and the nominations of Stewart A. Baker, of Virginia, to be an Assistant Secretary of Homeland Security, John R. Fisher, to be an Associate Judge of the District of Columbia Court of Appeals, Colleen Duffy Kiko, of Virginia, to be General Counsel of the Federal Labor Relations Authority, and Juliet JoAnn McKenna, to be an Associate Judge of the Superior Court of the District of Columbia, 9:30 a.m., SD–342.

Subcommittee on Federal Financial Management, Government Information, and International Security, to hold hearings to examine cost and payment plans for the Medicare Modernization Act and if the new legislation will meet the needs of seniors, 2:30 p.m., SD–342.

Committee on the Judiciary: business meeting to consider the nominations of John G. Roberts, Jr., of Maryland, to be Chief Justice of the United States, Timothy Elliott Flanigan, of Virginia, to be Deputy Attorney General, S. 1088, to establish streamlined procedures for collateral review of mixed petitions, amendments, and defaulted claims, proposed Personal Data Privacy and Security Act of 2005, S. 751, to require Federal agencies, and persons engaged in interstate commerce, in possession of data containing personal information, to disclose any unauthorized acquisition of such information, S. 1326, to require agencies and persons in possession of computerized data containing sensitive personal information, to disclose security breaches where such breach poses a significant risk of identity theft, S. 155, to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to reform and facilitate

prosecution of juvenile gang members who commit violent crimes, to expand and improve gang prevention programs, S. 1086, to improve the national program to register and monitor individuals who commit crimes against children or sex offenses, and S. 956, to amend title 18, United States Code, to provide assured punishment for violent crimes against children, 9:30 a.m., SD–226.

Committee on Small Business and Entrepreneurship: to hold hearings to examine the impact of Hurricane Katrina on small businesses, 10 a.m., SR–428A.

Committee on Veterans' Affairs: to hold hearings to examine whether Capital offenders should be buried in America's national cemeteries, 10 a.m., SR–418.

Select Committee on Intelligence: closed business meeting to mark up proposed legislation authorizing funds for fiscal year 2006 for the intelligence community, 2:30 p.m., SH–219.

House

Committee on Armed Services, Threat Panel, hearing on threats in Eurasia, 10 a.m., 2118 Rayburn.

Committee on Energy and Commerce, Subcommittee on Commerce, Trade, and Consumer Protection, hearing entitled ''The Commerce and Consumer Protection Implications of Hurricane Katrina,'' 11 a.m., 2123 Rayburn.

Subcommittee on Health and the Subcommittee on Oversight and Investigations, joint hearing entitled ''Assessing Public Health and the Delivery of Care in the Wake of Katrina,'' 9:30 a.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Financial Institutions and Consumer Credit, hearing on H.R. 3505, Financial Services Regulatory Relief Act of 2005, 10 a.m., 2128 Rayburn.

Committee on Homeland Security, Subcommittee on Prevention of Nuclear and Biological Attack, hearing entitled ''Trends in Illicit Movement of Nuclear Materials,'' 2 p.m., 210 Cannon.

Committee on House Administration, hearing entitled ''Political Speech on the Internet: Should it be Regulated?'' 9 a.m., 1310 Longworth.

Committee on International Relations, hearing entitled ''United States Policy in Afghanistan: Establishing Democratic Governance and Security in the Wake of Parliamentary Elections,'' 10:30 a.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on the Constitution, oversight hearing entitled ''The Supreme Court's *Kelo* Decision and Potential Congressional Responses,'' 11 a.m., 2141 Rayburn.

Subcommittee on Courts, the Internet, and Intellectual Property, oversight hearing entitled ''Reducing Peer-To-Peer Piracy (P2P) on University Campuses: A Progress Update,'' 9 a.m., 2141 Rayburn.

Committee on Resources, to mark up the following bills: H.R. 3824, Threatened and Endangered Species Recovery Act of 2005; H.R. 1129, Pitkin County Land Exchange Act of 2005; H.R. 2383, To redesignate the facility of the Bureau of Reclamation located at 19550 Kelso Road in Byron, California, as the ''C. W. 'Bill' Jones Pumping Plant;'' H.R. 2875, Public Lands Corps Healthy Forests Restoration Act of 2005; H.R. 3351, Native American Technical Corrections Act of 2005; and S. 1339, Junior Duck Stamp Reauthorization Act of 2005, 10 a.m., 1324 Longworth.

Permanent Select Committee on Intelligence, executive, Briefing on Global Updates, 9 a.m., H–405 Capitol.

Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina, to meet for organizational purposes; followed by a hearing entitled ''Predicting Hurricanes: What We Knew About Katrina and When,'' 10 a.m., 2154 Rayburn.

Next Meeting of the **SENATE**

9:30 a.m., Thursday, September 22

Senate Chamber

Program for Thursday: Senate will continue consideration of H.R. 2744, Agriculture Appropriations, with a vote to occur on or in relation to Dayton Amendment No. 1844, followed by a vote on or in relation to Bingaman (for Jeffords) Amendment No. 1796, with no amendments in order to these amendments prior to the vote; followed by a vote on passage of the bill. Also, Senate expects to begin consideration of H.R. 2528, Military Quality of Life and Veterans Affairs Appropriations Act.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

10 a.m., Thursday, September 22

House Chamber

Program for Thursday: Consideration of H.R. 2123, to reauthorize the Head Start Act to improve the school readiness of disadvantaged children; and H. Res. 455, the rule providing for consideration of the bill.

Extensions of Remarks, as inserted in this issue

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